NOMINATIONS

Executive nominations received by the Senate February 4 (legislative day of January 26), 1971:

U.S. PATENT OFFICE

John Finley Witherspoon, of Maryland, to be an Examiner-in-Chief, U.S. Patent Office, vice James E. Keely, resigned.

SECURITIES AND EXCHANGE COMMISSION

William J. Casey, of New York, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1974, vice Hamer H. Budge, resigned.

NATIONAL CREDIT UNION BOARD

Richard H. Grant, of New Hampshire, to be Chairman of the National Credit Union Board; new position.

The following-named persons to be Members of the National Credit Union Board for the terms indicated; new positions.

John J. Hutchinson, of Connecticut, for a term expiring December 31, 1971.

Lorena Causey Matthews, of Tennessee, for a term expiring December 31, 1972.

DuBois McGee, of California, for a term expiring December 31, 1973.

Joseph F. Hinchey, of Pennsylvania, for a term expiring December 31, 1974.

James W. Dodd, of Texas, for a term expiring December 31, 1975.

Marion F. Gregory, of Wisconsin, for a term expiring December 31, 1976.

U.S. MARINE CORPS

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of major general: William J. Weinstein.

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of brigadier general: Harold Chase.

HOUSE OF REPRESENTATIVES—*Thursday, February 4, 1971*

The House met at 12 o'clock noon.

Rev. John S. Nichols, administrator of Fair Acres Farm, Lima, Pa., offered the following prayer:

Almighty God and our Father, we approach Thee through Jesus Christ, Thy Son, to pray. Speaking to Thee, we ask that Thou wouldst bless this House of Representatives of the 92d Congress of these United States; give them health, to live and work daily; reason, that their minds shall ever be clear and aware; strength, to be statesmen; power, that comes from Thee.

Bless, O Lord, the Senate, our President, the Supreme Court, and all others in the service of our people in Government.

Bless, our Father, too, those of us who follow. Give us grace to be good followers, to uphold our elected and appointed officials who act for us in this Republic.

And, merciful Lord, in these days let our differences be our collective wisdom and strength so that together we may better serve Thee. In the name of our Savior. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

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

ON HOUSE ADMINISTRATION

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

FEBRUARY 2, 1971.

Hon. CARL ALBERT,
Speaker of the House,
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation from the Committee on House Administration.

I will appreciate your taking the action necessary to remove me from the aforementioned committee.

Best regards,

JOHN W. DAVIS.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of 20 U.S.C. 42 and 43, the Chair appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House: Mr. MAHON, of Texas; Mr. ROONEY, of New York; and Mr. BOW, of Ohio.

REVITALIZE OUR MERCHANT MARINE

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

Mr. ANDERSON of California. Mr. Speaker, last year the Congress passed the Merchant Marine Act of 1970. The purpose of the act is to revitalize our merchant marine by providing a ship building program of 30 ships a year for the next 10 years. I supported this measure and applauded the administration for their action.

To implement the ship construction program, money must be made available. Last year, Congress appropriated $187.5 million to begin construction of 19 ships. For fiscal year 1972, the administration is requesting $229.7 million in order to begin the construction of 22 ships.

Thus, Mr. Speaker, over a 2-year period, the administration envisions the construction of 41 ships. This is a great improvement over our commitment of earlier years, but I feel we must attempt to reach our goal of 30 ships a year.

As a result, Mr. Speaker, I call upon the Appropriations Committee to closely examine the budget proposal and to place additional funds to the shipbuilding program so as to attain our goal of 30 ships a year.

ANNOUNCEMENT OF INTENTION TO CHALLENGE TRADITION

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

Mr. WALDIE. Mr. Speaker, at the appropriate time in today's proceedings a resolution that encompasses the decisions of the majority caucus with relationship to chairmen of standing committees and the members thereof will be presented to the House for approval. It is my understanding that customarily the decision of the majority caucus in these matters has been traditionally accepted without any objection from any Member of the House of Representatives. It will be my intention at this particular moment, however, to subject that tradition to a test today, and I will ask the House to vote down the previous question when the previous question is sought in order to permit that resolution to be open to amendment.

If the previous question is voted down, and the resolution is thereupon open for amendment, it would be my intention to offer an amendment to the resolution appointing standing committee chairmen to delete the standing committee chairman of the House District of Columbia Committee. It would be my hope, if that vote is acceded to, that a majority of the House of Representatives would determine that it is not in the best interests of this institution that that committee chairman remain in his position, and that the resolution with that name deleted would then be acted upon by the House. It would then require the committee on committees of the majority to come back to the majority caucus to ask the caucus for approval of a substitute chairman of that committee to be offered to the House of Representatives.

SHALL SAIGON EXERCISE THE RIGHT TO CENSOR NEWS OF AMERICAN INVOLVEMENT IN VIETNAM?

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

Mr. VANIK. Mr. Speaker, the news censorship on American military activities in Southeast Asia—which was just lifted—constitutes a most shocking assault on democracy and the right of the

American people to know what is going on.

Embargo of news is censorship by another name. Now we are told that the censorship was ordered by the Saigon government. No other government at any time can exercise the authority to shield the truth of American involvement from the American people.

Does the President's definition of Vietnamization mean that Saigon shall exercise the right to censor news of American involvement?

FULL CIVIL SERVICE ANNUITY UPON TERMINATION OF MARRIAGE

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

Mr. DULSKI. Mr. Speaker, in the 91st Congress I introduced legislation which had a dual purpose: First, to restore a civil service retiree's full single-life rate of annuity upon the death of his designated spouse; and, second, to extend the survivor protection he accorded his designated spouse to the spouse of a subsequent marriage.

While the latter objective was accomplished by the enactment of Public Law 91–658, the authority for recomputation of the retiree's annuity upon termination of his marriage was not included in that legislation.

Today, I am reintroducing the proposal authorizing restoration of the full annuity upon the death or divorce of a retiree's spouse. Some of the obstacles which precluded the adoption of such a restoration provision were removed by last year's enactment.

My new bill proposes that the percentage reduction a retiree accepts to protect a spouse will be restored to him during any period or periods of nonmarriage.

The unreduced single-life rate of annuity would be paid him from the date of termination—by death or divorce—of a marriage until his subsequent remarriage or his death. Upon subsequently remarrying, his annuity would again be reduced, but restitution to the retirement fund of the amounts restored during nonmarriage periods would not be required.

CHANGING THE NUMBER OF MEMBERS TO BE ELECTED TO CERTAIN STANDING COMMITTEES DURING THE 92D CONGRESS

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 192) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Resolved, That during the Ninety-second Congress the Committee on Agriculture shall be composed of thirty-six members;

The Committee on Appropriations shall be composed of fifty-five members;

The Committee on Armed Services shall be composed of forty-one members;

The Committee on Banking and Currency shall be composed of thirty-seven members;

The Committee on Education and Labor shall be composed of thirty-eight members;

The Committee on Foreign Affairs shall be composed of thirty-eight members;

The Committee on Government Operations shall be composed of thirty-nine members;

The Committee on Interior and Insular Affairs shall be composed of thirty-eight members;

The Committee on Interstate and Foreign Commerce shall be composed of forty-three members;

The Committee on the Judiciary shall be composed of thirty-eight members;

The Committee on Merchant Marine and Fisheries shall be composed of thirty-seven members;

The Committee on Post Office and Civil Service shall be composed of twenty-six members;

The Committee on Public Works shall be composed of thirty-seven members;

The Committee on Science and Astronautics shall be composed of thirty members; and

The Committee on Veterans' Affairs shall be composed of twenty-six Members.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. 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. 12]

Abbitt	Frey	Nedzi
Abourezk	Fulton, Tenn.	Nix
Alexander	Gallagher	O'Neill
Anderson, Tenn.	Garmatz	Passman
Arends	Gaydos	Pirnie
Ashley	Giaimo	Podell
Aspin	Gibbons	Price, Ill.
Baker	Goldwater	Pryor, Ark.
Baring	Green, Pa.	Purcell
Barrett	Griffin	Quie
Betts	Grover	Quillen
Buchanan	Gubser	Reid, N.Y.
Byrne, Pa.	Hall	Roberts
Cabell	Halpern	Robison
Caffery	Hansen, Idaho	Roe
Carter	Harsha	Rooney, N.Y.
Casey	Hastings	Rooney, Pa.
Celler	Hawkins	Roush
Chisholm	Helstoski	Runnels
Clancy	Hicks, Wash.	St Germain
Clark	Howard	Scheuer
Clausen, Don H.	Ichord	Schneebeli
Clay	Jarman	Shipley
Collier	Johnson, Pa.	Sisk
Conyers	Karth	Snyder
Corbett	Keith	Stanton, James V.
Daniel, Va.	Kluczynski	Stokes
de la Garza	Kuykendall	Stubblefield
Delaney	Kyros	Sullivan
Dent	Lent	Taylor
Dickinson	McCulloch	Teague, Calif.
Diggs	McDade	Terry
Dingell	McDonald, Mich.	Thompson, N.J.
Donohue	Macdonald, Mass.	Tiernan
Dowdy	Mahon	Wampler
Duncan	Martin	Whalen
Edwards, La.	Mathias, Calif.	Whalley
Eilberg	Metcalfe	Wiggins
Esch	Montgomery	Wright
Eshleman	Morse	Wydler
Foley	Murphy, Ill.	Wylie
Frelinghuysen	Murphy, N.Y.	Yatron

The SPEAKER. On this rollcall 306 Members have answered to their names, a quorum.

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

RESIGNATION FROM COMMITTEE ON HOUSE ADMINISTRATION

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

FEBRUARY 4, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on House Administration.

Respectfully yours,

JOHN KYL,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON HOUSE ADMINISTRATION

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

FEBRUARY 4, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I herewith submit my resignation from the Committee on House Administration effective today.

Sincerely,

ROBERT C. MCEWEN.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON HOUSE ADMINISTRATION

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

FEBRUARY 4, 1971.

The Honorable The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation from the Committee on House Administration effective immediately.

Sincerely,

JOHN G. SCHMITZ,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 193) and ask for its immediate consideration.

The Clerk proceeded to read the resolution.

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the resolution and that the names of the Members assigned to various committees be printed at this point in the RECORD.

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

Mr. WALDIE. Mr. Speaker, reserving the right to object, and I shall not object to the unanimous-consent request to read the resolution, I do so in order to obtain time to explain to the House the

procedure that I hope to follow in the consideration of this resolution.

That procedure involves a request for a no vote on the previous question, which would then permit the resolution appointing the committee chairmen and members of committees to be open for amendment. At that particular time I would submit an amendment striking from that committee list the name of the chairman of the Committee on the District of Columbia.

I do so for several reasons, one of which was not discussed at all during the debate in the Democratic majority caucus yesterday when this issue was before them for consideration.

There was great discussion as to whether or not a majority of the caucus should approve the chairman of the Committee on the District of Columbia to continue in that position. The debate involved the shortcomings of his administration of that committee, and in my view those shortcomings were considerable and were sufficient to invoke a majority vote against his continuing in that position. However, the majority of the caucus did not see the issue in that light.

I thought another issue which happens, in my view, to be more important, was studiously avoided. This involved determining whether the committee chairman should proceed in office. That was the ideology and the philosophical views of the chairman of that committee. It seems to me it is impossible to suggest the philosophical views of the committee chairman having control over any sensitive area of national importance should not be considered, given the awesome powers of the committee chairman. In this instance, although I do not suggest those philosophical views in any way represent shortcomings on the part of the individual involved, I find them inconsistent with the responsibility that is his as committee chairman to govern the District of Columbia.

I find also that the District of Columbia Committee has assumed the proportions in the public mind—and I think rightfully so—of a national scandal, not because of what they do but because of what they do not do. The condition of the Capital City of this Nation is as deplorable as that of any city in the United States. The responsibility for the deplorable condition of this city is in great measure due to the inaction of the Committee on the District of Columbia. It does seem to me that a great deal of that responsibility must fall on the shoulders of the chairman of that committee.

Then it would be my intention to request the entire House to consider this proposal. I recognize that is a departure not from the rules of the House, which are explicit that the entire House of Representatives participate in this decision, but from the custom of the House, which is that the majority party in the enclaves of their caucus make the determinations and the minority party accepts those decisions. It is my own personal conviction that this issue is of national importance and all of the legislative representatives of the Nation, of the minority and of the majority party, should participate.

I offer my colleagues on the other side, in the minority party, the opportunity, by following the rules of this House, to participate in that decision. And I suggest to them that their great concern and proper concern for the inviolability of the seniority system, which is a concern I share, can now be evidenced by this action.

It has been usually the case that the minority party has been outspoken in their concern and condemnation of the seniority system because their opportunity of implementing any change in that system would not be existent. Today, that opportunity will be afforded you and I hope you will join with those who believe that the decision to continue this committee as it has been in the past was a wrong decision which was made in the majority caucus.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

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

Mr. FULTON of Pennsylvania. There has been the history in the House of Representatives of comity of each party to the other and, second, the courtesy of each party toward the other, the majority toward the minority and the minority toward the majority.

Under these circumstances it has been so insofar as I know since about 1868. It has been the custom that each party shall select its own people and set the seniority and that they shall select the membership of the various committees and their own officers and that the other party would do the same.

The gentleman is saying that by some sort of combination with the minority party that the minority party by a certain weight should determine whom the majority party has as chairman of one of its major committees.

I would disagree with that. Why should not the majority elect who shall be the ranking Members over on the minority side of any committee? Unless this comity is kept, unless this courtesy continues to exist between the parties; that is, that each party shall choose its own leadership and then have the responsibility of carrying out that leadership, I believe it would do a great disservice and damage to the two-party system.

Would the gentleman care to comment upon that?

Mr. WALDIE. To the extent that comity and courtesy or the lack thereof as a result of the decision which has been made, results in disadvantage to the national interest, it should be disregarded. There is a large segment of the American public which feels that this courtesy and tradition of the House of Representatives works to the disadvantage of a large segment of the American public. There is a large section of the American public which in my opinion feels that we should not be hidebound by a determination made in the 1880's that courtesy and comity requires that a major segment of the Representatives of the American people does not participate in the decisions which are made and which are vital to them.

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

Mr. WALDIE. I yield to the distinguished majority leader.

Mr. BOGGS. Would the gentleman not agree that we would be establishing a precedent here that could be carried to any length and in truth and in fact, if the majority party voted unanimously, we could displace any committee member or every committee member nominated by the minority.

Mr. WALDIE. The gentleman would agree that in any instance that the rules of the House are followed that might be true but that is precisely what I am suggesting, that by following custom or precedents of the House that are contrary to those rules might not be acceptable to a great portion of the House and such a situation might very well ensue.

Mr. BOGGS. The gentleman has not answered my question.

Mr. WALDIE. I sought to answer your question. Perhaps I presupposed the answer and that is correct. I would say that in those instances where the national interest is not being properly cared for, that comity, custom, and courtesy of the House should be reconsidered and the rules of the House followed in those instances where comity, courtesy, and custom are contrary to the rules and to the interest of the American people.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, may I direct another question to the gentleman and I will then let the distinguished chairman of the committee on committees discuss the merits of the proposition, but is it not accurate that if a minority on the Democratic side and a majority on the minority side get together they could take over control of the entire committee system in the House? Is that not correct?

Mr. WALDIE. That is true, but if by so doing the national interest were advanced I would not find that objectionable.

Mr. BOGGS. As to the question of whether or not the national interests are involved, again I defer to the distinguished chairman, but the gentleman was here on yesterday when this matter was debated and the gentleman knows that this matter was debated fully, without any effort to limit debate, and that a vote was taken, and that a majority decision was made to adopt the committee chairman as recommended by the committee on committees.

Mr. WALDIE. I recognize, I will say to the majority leader, that the debate was fair and proper, and that the decision represented the vote of the majority, but the national interests, however, are not represented per se by the majority of the Democratic caucus, the national interests in my view are represented by the House of Representatives, and I would like to again accord under our rule the opportunity of the minority to participate in the determination as to whether the national interests have been served.

Mr. BOGGS. Mr. Speaker, I thank the gentleman for yielding, and I will take more time later.

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

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

Mr. GROSS. Mr. Speaker, I would ask the gentleman from California if the previous question is voted down will the gentleman from California then offer a motion to displace other senior Members of the House who are also chairmen of committees, or would the motion be limited to one individual?

Mr. WALDIE. The gentleman from California will introduce one amendment which is to replace and to eliminate from the list of committee chairmen the name of the gentleman who is the chairman of the Committee on the District of Columbia.

Mr. GROSS. I thank the gentleman.

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

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

Mr. REES. Mr. Speaker, I support the gentleman from California in his statement.

The rule of this House is that the Members of the House of Representatives will choose their committee chairmen. That is the rule of our House which we adopted last week. I see no great tragedy if the House asserts its will, and I see no great problem. My legislative tradition is from California, and in California we have Republican chairmen and Democratic chairmen regardless of which party controls the assembly. If the Democrats are in power, for example, most of the chairmen, of course, would be Democrats, but comparable Republicans are chairmen of some committees. We have no seniority system. We try to seek out the best talent available to do the job.

In the papers this morning, that you will read, the National Conference on State Legislatures has ranked California first. I think the legislature has done a very good job. And when it comes to our own situation here and other experiences throughout the country, I believe that we do not have to go back to traditions started in 1860 because we are here now in 1971. I believe that it is our duty to vote the way that we should to work our will under the rules of the House. Therefore, I would urge a "no" vote when the motion for the previous question is before us.

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

Mr. WALDIE. I yield to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Speaker, I want to say that when the 92d Congress commenced, I think that the statement that rang through these Halls and impressed all of us was the need to restore the faith of the people of the United States in their Government, and particularly to restore the House of Representatives to its preeminent place as the chief representative in Government of the people of the United States.

One of the problems of reestablishing the faith of the people in the Congress of the United States is that we have not always chosen to follow our own rules, because custom has gotten in the way of following those rules. There is nothing written into our rules to say that the most senior member shall be the chairman, although custom has been that the chairmen are those with the most seniority. But this year the caucuses of the Democratic Party and the Republican Party have abandoned the custom of seniority. If we have truly abandoned the custom of seniority, then, I suggest that we should also comply with rule X of the House which calls for the election of our committee chairmen by the House of Representatives, rather than to abandon that rule by following a procedure which does not permit an election.

It seems to me that we should vote "no" on the previous question, in order that we can follow our own rules.

Rule X, which we followed for many years, says:

> At the commencement of each Congress the House shall elect as chairman of each standing committee one of the members thereof . . .

How can we fail to have an election? How can we say to the people of the United States, who have elected us, how can we say that this is the greatest democratic legislature on earth when we go back on our own rules and refuse to let the Congress determine through an election who shall be the chairmen of the standing committees, and to elect those people responsible for the caliber of the work we produce during the next 2 years?

It seems to me that, regardless of the ideology involved, regardless of the men involved, that this House should proceed to an election of the chairmen of the committees of the House, in view of the challenge that has apparently been made.

What the result of that action will be, I would not care to predict. I understand that it may be in favor of the chairman himself.

It does seem to me, however, that we cannot refrain from allowing this matter to proceed to a vote under our rules. If we do not do so, we demean the words of our Speaker when he opened this Congress with the view and the desire and the expressed goal to return this legislative body to a position of preeminence in the Halls of Government.

Mr. WALDIE. Mr. Speaker, at this time I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise with great respect for the sincerity with which I know the gentleman is taking this action.

I am one of those who spoke in favor of making a change in the chairmanship of that committee. However, at this point it seems to me we should not chew our cabbage twice or take two bites of a cherry, when we have had that bite. It seems to me the caucus has spoken and that is its decision. With deference to the gentleman's views, what the national interest is always troubles me. I think we might have 435 different views on that.

As I said, I am one of those who thought that a change should be made—and not because of any difference in philosophy, because I cannot help what your philosophy is. Because we say we have absolute seniority and people throughout the Nation criticize that, but I think I can live with that seniority if we really followed that instead of the musical chairs we often play.

The majority has made its decision and I urge the democratic side and our friends on the Republican side to support that decision.

Mr. WALDIE. Mr. Speaker, I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, I respect the concern expressed by my distinguished colleague, the gentleman from California. I suspect that this is one example of how thoughtful legislators are sometimes driven to exercise options that they otherwise might prefer not to have to seek.

Mr. Speaker, I am opposed to the gentleman's proposal and I am opposed for a number of reasons. It is a most dangerous precedent, I would think, without regard to the political point of view that any of us might hold, to in effect give the minority caucus veto power over the majority caucus deliberations as to whom they select to lead the various committees of the Congress. It would establish a precedent that I think at best would be troublesome and at the worst could very, very seriously and adversely affect the way the business of the House of Representatives is run.

Now progress does not come to the degree that we all would like to see it, as we perceive progress. We all believe, I suspect, that the winds of change are discernible throughout the land. I, for one, think the winds that have changed have also affected to a significant degree the way at least the majority party and its caucus manage their affairs. I did not support the gentleman from South Carolina. We had our chance and he had his chance to lay his case before the majority caucus. A majority of our colleagues believe that those who felt he should no longer serve had not made a sufficient case. As for me, I am willing to accept that judgment.

I would hope that those on this side of the aisle who truly believe in the need for increased reform in this House do not go down this road that many of us may well find in the not too far distant future may be a mistake of rather tragic proportions.

Mr. WALDIE. Mr. Speaker, in conclusion I want to express my appreciation to the distinguished chairman of the Committee on Ways and Means, to the Speaker, and to the majority leader for their cooperation in permitting me to devise this format through which my views might be presented to the House.

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

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, further reserving the right to object, I should like to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Is it correct that the resolution presently before the

House is a resolution offered on behalf of the Democratic caucus? The resolution is the recommendations for committee assignment on the Democratic side.

The SPEAKER. The gentleman is correct.

Mr. GERALD R. FORD. Is it the procedure to be followed that subsequently a comparable resolution will be offered representing the views of the Republican conference?

The SPEAKER. The gentleman is correct.

Mr. GERALD R. FORD. Mr. Speaker, I think this factual situation clearly sets forth the issue that is before us. The Democratic caucus made a decision on committee chairman. Whether we on our side agree with it or not, by precedent that is a matter within the ranks and prerogatives of the majority party. The Democratic Party was chosen to be the majority party in the 92d Congress by the American people. I do not happen to think that that was necessarily the right decision, but that was the judgment of the American people last November, and if they are to carry out as they see fit the mandate given them, the Democratic Party in the House of Representatives ought to have the right in a democratic process to choose the indivdual on each of the standing committees who should serve as the chairmen of those committees. By precedent and otherwise, we on our side should not get into the procedures and prerogatives of the majority party.

I cannot help but make this observation. The gentleman from California was unable to persuade a majority of the Democrats to his point of view. I do not think that we on the Republican side ought to succumb to his arguments of this occasion. Therefore, Mr. Speaker, I would certainly hope and trust that the Republicans on this issue, on a Democratic resolution expressing the views of the Democratic Party, should not under any circumstances vote "nay" on the motion to order the previous question. As Republicans we should exercise our option to vote "yea" or "present" on the previous question, because the matter is one for the Democrats to decide and not for us.

Let me make another observation, Mr. Speaker. In 1970, the Republican Party took the initiative to make some changes in the election of our ranking Republican member, or the chairman, if we were in the majority. Under the Conable task force, a great deal of time and study resulted in a procedure which we followed yesterday. Each of our ranking Members was voted on separately and secretly. The net result was that we chose responsible members for each committee to be the ranking minority member. We have made that decision on our side, and we do not think you should come over and upset those decisions on our side. And I do not think—and I think a vast majority of our Members do not think—that we should make any decision as far as your party caucus is concerned.

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

Mr. GERALD R. FORD. I am glad to yield to the majority leader.

Mr. BOGGS. First, I wish to commend the minority leader for the statement he has made. The position he takes is sensible. It is completely in accord with the two-party system. Any other decision would greatly weaken one of the real blocks of granite that support this republic; namely, the two-party system.

Second, I want the record to show that the Democratic caucus this year first met for 3 solid days. It was the most open, the most democratic caucus that I have attended in 30 years as a Member of this body.

I would also point out that we, too, had a task force, known as the Hansen committee. That committee worked hard and diligently. It was made up of 15 Members on our side, who represented every possible philosophical point of view in the Democratic Party. They came to a unanimous resolution on their recommendations, and those recommendations in turn were adopted by the caucus.

Just as the gentleman from Michigan said that they had the right to vote on each of their ranking Members separately, so we had the same right and did so on yesterday.

I thank the gentleman.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman of Michigan (Mr. BROWN).

Mr. BROWN of Michigan. I thank the gentleman for yielding.

I will restrain myself from commenting on the merits of the proposal before us, but the quiet that has settled over this Chamber manifests, I believe, the serious hangup the House of Representatives has found itself in—a hangup which results from the application of a system with such exactitude that the House finds itself in the position it presently does.

Mr. GERALD R. FORD. Mr. Speaker, I have one further observation. I take exception to the comments of the gentleman from California when he indirectly or directly says that the Congress has not responded to the needs legislatively for the District of Columbia.

Very quickly, as he was condemning the efforts of this committee and the Congress in this regard, I thought of some rather landmark legislation which came out of the committee in the past several years.

In 1970, the House passed the District of Columbia crime bill, which is sound legislation. It should be enacted in other jurisdictions in the United States. It will help to correct the crime problem in the District of Columbia.

The Committee on the District of Columbia over the years has taken the initiative for a subway system, a multimillion-dollar subway system which, when completed, will be the best in the whole world.

This House committee has responded to the needs of education in the District of Columbia. The Congress set up the Federal City College. The problems they are having are not the fault of the Congress. The problems of the college are internal, I gather from reading the newspapers.

We can go down the list. This committee and this Congress over the past several years have responded to the legitimate needs of the District of Columbia, and I do not believe we ought to apologize when you consider the constructive structural changes in the government of the District of Columbia. We now have a more responsive school board. The old commissioner form of government has been abolished and we have a mayor and an elected Commission. Shortly we will have a nonvoting Delegate from the District.

The Congress has continued to increase the annual contribution by the Federal Government. Despite the critics, Congress has responded and will continue to do so.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Speaker, while I do not share the minority leader's admiration for the work of the Committee on the District of Columbia—and, indeed, I was on the losing side yesterday—I want to put myself squarely with him and with the gentleman from Michigan (Mr. BROWN) in observing that the caucus should not follow any rigid system. Indeed, we did not follow a rigid system. Each of us had an opportunity to vote on the chairman. I happened to be on the losing side, and am unhappy with the result, but that does not make any difference with respect to the basic premise stated by the majority leader and the minority leader; that is, that each party should be free to make its own decisions without hindrance from the other. I hope we do not yield on that principle today.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I should like to add one point to my colleagues on this side of the aisle.

The gentleman from California, as the minority leader pointed out, was unable to convince the Democrat caucus yesterday of the validity of his position. He is now appealing to Republicans. The only basis for this appeal, it seems to me, is one of vindictiveness on the part of Republicans in an attempt to embarrass or to upset a democratic decision.

We all know Republicans are noted for their charity, wisdom, good sense, and lack of vindictiveness, so I hope they will stay with us on this.

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

Mr. GERALD R. FORD. I yield to the gentleman from Michigan.

Mr. RIEGLE. I thank the gentleman for yielding.

I have the greatest respect for the minority leader and do not wish to disagree with him on the point he has tried to make. I do, however, want to congratulate the gentleman from California (Mr. WALDIE) for his courage in bringing this issue to the House, because this is where I believe it belongs.

The part of the issue not yet discussed in the House as a whole, or publicly, is the question of whether the job done by the District of Columbia Committee in the House over the years has been sufficient or not.

We all have different vantage points on this, and we might all reach different judgments. However, for the last 4 years I have served on the Subcommittee on the District of Columbia of the Committee on Appropriations. From that vantage point I would express my opinion that the work of the Committee on the District of Columbia has not been outstanding. Rather, it has been slow and I do not think it has been responsive. I believe the people of the District of Columbia, who are not self-governing and ought to be, would express the same judgment if they had the opportunity. We should express our collective judgment, but we are not doing so today. To suggest that we ought not to consider it, I believe, is wrong. We can and should consider the record of the District of Columbia Committee.

Mr. Speaker, I would conclude by saying that from the experiences I have had in private industry and other organizations outside the Federal Government, if the committees there performed with the slowness and the unresponsiveness that this Committee on the District of Columbia has over a period of time—not in all cases, but in many—where they have not responded as well as other committees of Congress have, the chairmen of those committees would have been removed in private industry or in academic institutions or other professional organizations.

This is a question that should be considered. If we are going to decide this, then let us look beyond the traditional courtesies of the House over a period of time, but look at the record of performance of the committee, and its chairman. That is the question that is before us and that is what the people of the District of Columbia care about, and their concern ought to be heard and considered here today.

Mr. GERALD R. FORD. Mr. Speaker, one of the cornerstones of the American political system should be party responsibility. We believe on our side that we have taken the initiative through a proper precedure to put individuals at the head of each committee from our side who will do a responsible job, and we will stand by those decisions. We hope and trust that those on the Democratic side will not interfere with our process. I hope and trust that we on our side do not interfere with your decisions made in your caucus. Let the Amercan people make the decision in the next election as to which political party managed its business and the public business most effectively.

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

Mr. MILLS. Mr. Speaker, if this is to be prolonged, I am tempted to withdraw my request. I only made my request to dispense with the reading of the names of the Members appointed to the committees in order to attempt to expedite the matter.

Mr. Speaker, I will not withdraw the request now, I say, although I am tempted to.

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

Mr. JACOBS. Mr. Speaker, further reserving the right to object, I listened to the minority leader and his description of the cornucopia poured out to this community from the committee on which I serve, the Committee on the District of Columbia, and I can only say I regret that Mr. Dickens is no longer with us.

The gentleman cited as the cornerstone of this cornucopia a crime bill and a subway system. I wonder why the gentleman did not choose to speak of hungry children of the District of Columbia who are without education. I remember the President of the United States once went to Moscow and said:

> You may have better missilery than we have, but we have better color television.

I will tell you, the basic human needs of this country have to be met. If this country will be a safe society for our little ones to grow up in, we will have to think of something more than an effective crime bill and an effective subway system. We had better start thinking about those human needs that have been neglected. Well I know they have been neglected in this community, including Junior Village and including a lack of adequate education. I will tell you why they have not done anything about it. It is because the committee has not had enough interest to go out and become acquainted with this community. As my father used to say, they are for the people as long as they do not have to get acquainted with them. I wish that the minority leader would address himself to this problem.

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

Mr. CONYERS. Mr. Speaker, reserving the right to object, and I shall not object, I would like to raise a question that has come to my mind after listening to the distinguished minority leader.

The question is, do the minority Members intend to simply ratify the decisions from the majority caucus or are they entitled and obligated to make an evaluatory determination as to what they think is correct regarding who should be the chairmen of the various committees in this 92d Congress?

In other words, is this an automatic ratification process in which the minority party merely accepts the decision of the majority party or are minority Members prepared at this point to inquire into this question?

I yield to the distinguished minority leader for a response to that question.

Mr. GERALD R. FORD. I am glad the gentleman from Michigan has yielded to me for that purpose.

We do not have a unit rule on our side of the aisle. The Republican conference does not bind its Members to vote as a majority of the conference decides. As Republicans, we do not dictate to our Members.

Mr. CONYERS. Then who were you speaking for when you said that your party or your membership was going to ratify the Democratic decisions if you do not have the unit rule?

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, our Members will have voted for our nominees for ranking Members on each of the committees and we did it in our caucus or conference by a secret ballot with a separate vote in each case. We do not think under our political system in America that you, the Democrats, should make decisions for us. We do not think we should become involved in making decisions for your party.

The American people decided last November that the Democrats shall be the majority. Democrats are in the majority and the American voters in 1972 will pass judgment on the record that is written in the Congress, including the selection of committee chairmen and the operations of those committee chairmen in the next election.

I happen to believe that party responsibility is a strong cornerstone of our system.

We should not vote against the previous question. That is your decision. We will take care of ourselves when the next resolution is offered.

Mr. CONYERS. In other words, the distinguished minority leader leaves to the discretion of every Member on the other side of the aisle the right to review in his own mind the validity of these Democratic caucus recommendations; is that correct?

Mr. GERALD R. FORD. That is correct. Each Member on our side will make up his own mind. As I said a moment ago, we have no unit rule in the Republican Party.

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

Mrs. GREEN of Oregon. Mr. Speaker, further reserving the right to object, and I shall not object, but very briefly I would like to make two comments.

First, mention has been made of education in the District of Columbia. Any examination of the amount that is spent per capita in the District of Columbia would show that it is more than in almost any city that the rest of us represent in the United States.

Second, in terms of the tax effort, the effort index, you will find that in most of our cities in the United States that our people and our constituents are paying more in property taxes to support schools than residents in the District of Columbia are paying. So congressional effort is one matter. Local effort also needs to be talked about.

Mr. JACOBS. Mr. Speaker, will be distinguished gentlewoman yield for a response to that point?

Mrs. GREEN of Oregon. If the gentleman will let me continue, then I shall be glad to yield to the gentleman.

As to the suggestion that has been made by the gentleman from California, it seems to me it has the most potential for mischief of any suggestion I have heard since I have been a Member of Congress, and let me tell you why. The Oregon Legislature has been meeting for the last 12 or 14 days and the majority of the members in the Oregon Senate are Democrats. They have had a total of 54 ballots to decide who was going to be the president of the Oregon Senate in spite of the fact that the Democratic caucus chose their candidate for senate

president. It has been suggested that the rules say that the House shall select the chairman of the committees and elect the Speaker. If we are going to follow the suggestion made by the gentleman from California, we certainly have the potential for a coalition here in any single year and a minority can really determine who the Speaker of the House shall be regardless of the fact that the American people have placed the responsibility for leadership upon the party that is the majority party. That is exactly what has happened in the Oregon Legislature.

Finally, after 54 ballots, the candidate of the majority caucus was not elected and a coalition of the minority of the majority party and part of the minority party itself elected the president. This is exactly what the gentleman from California is asking us to do today in a committee chairmanship.

I repeat that this kind of suggestion has the greatest potential for michief of anything in terms of two-party procedure that we can develop. Its long-term significance transcends the specific selection of any single chairman. The procedural policies in organizing the House must be maintained or there is going to be absolute chaos. Party responsibility will be destroyed and no one will know who to hold responsible as far as the two parties are concerned for successes or failures. Let us look at the long-range implications of such a departure as is proposed.

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

Mr. JACOBS. Mr. Speaker, I reserve the right to object, and I do so because I want to reply to the statements made by the gentlewoman from Oregon.

Mr. MILLS. Regular order, Mr. Speaker.

The SPEAKER. Regular order has been demanded, and the regular order is, Is there objection to dispensing with the reading of the resolution?

Mr. JACOBS. Mr. Speaker, reserving the right to object——

The SPEAKER. The regular order has been demanded. The gentleman can either object or permit the request to be granted.

Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The resolution is as follows:

H. RES. 193

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: W. R. Poage (chairman), Texas; John L. McMillan, South Carolina; Thomas G. Abernethy, Mississippi; Watkins M. Abbitt, Virginia; Frank A. Stubblefield, Kentucky; Graham Purcell, Texas; Thomas S. Foley, Washington; Eligio de la Garza, Texas; Joseph P. Vigorito, Pennsylvania; Walter B. Jones, North Carolina; B. F. Sisk, California; Bill Alexander, Arkansas; Bill D. Burlison, Missouri; John R. Rarick, Louisiana; Ed Jones, Tennessee; John Melcher, Montana; John G. Dow, New York; Dawson Mathis, Georgia; Bob Bergland, Minnesota; Arthur A. Link, North Dakota; Frank E. Denholm, South Dakota.

Committee on Appropriations: George H. Mahon (chairman), Texas; Jamie L. Whitten, Mississippi; George W. Andrews, Alabama; John J. Rooney, New York; Robert L. F. Sikes, Florida; Otto E. Passman, Louisiana; Joe L. Evins, Tennessee; Edward P. Boland, Massachusetts; William H. Natcher, Kentucky; Daniel J. Flood, Pennsylvania; Tom Steed, Oklahoma; George E. Shipley, Illinois; John M. Slack, West Virginia; John J. Flynt, Jr., Georgia; Neal Smith, Iowa; Robert N. Giaimo, Connecticut; Julia Butler Hansen, Washington; Joseph P. Addabbo, New York; John J. McFall, California; W. R. Hull, Jr., Missouri; Edward J. Patten, New Jersey; Clarence D. Long, Maryland; Sidney R. Yates, Illinois; Bob Casey, Texas; David Pryor, Arkansas; Frank E. Evans, Colorado; David R. Obey, Wisconsin; Edward R. Roybal, California; William D. Hathaway, Maine; Nick Galifianakis, North Carolina; Louis Stokes, Ohio; J. Edward Roush, Indiana; K. Gunn McKay, Utah.

Committee on Armed Services: F. Edward Hébert (chairman), Louisiana; Melvin Price, Illinois; O. C. Fisher, Texas; Charles E. Bennett, Florida; James A. Byrne, Pennsylvania; Samuel S. Stratton, New York; Otis G. Pike, New York; Richard H. Ichord, Missouri; Lucien N. Nedzi, Michigan; Alton Lennon, North Carolina; Wm. J. Randall, Missouri; G. Elliott Hagan, Georgia; Charles H. Wilson, California; Robert L. Leggett, California; Floyd V. Hicks, Washington; Speedy O. Long, Louisiana; Richard C. White, Texas; Bill Nichols, Alabama; Jack Brinkley, Georgia; Robert H. (Bob) Mollohan, West Virginia; W. C. (Dan) Daniel, Virginia; G. V. (Sonny) Montgomery, Mississippi; Michael J. Harrington, Massachusetts; Harold Runnels, New Mexico; Les Aspin, Wisconsin.

Committee on Banking and Currency: Wright Patman (chairman), Texas; William A. Barrett, Pennsylvania; Leonor K. (Mrs. John B.) Sullivan, Missouri; Henry S. Reuss, Wisconsin; Thomas L. Ashley, Ohio; William S. Moorhead, Pennsylvania; Robert G. Stephens, Jr., Georgia; Fernand J. St Germain, Rhode Island; Henry B. Gonzalez, Texas; Joseph G. Minish, New Jersey; Richard T. Hanna, California; Tom S. Gettys, South Carolina; Frank Annunzio, Illinois; Thomas M. Rees, California; Tom Bevill, Alabama; Charles H. Griffin, Mississippi; James M. Hanley, New York; Frank J. Brasco, New York; Bill Chappell, Jr., Florida; Edward I. Koch, New York; William R. Cotter, Connecticut; Parren J. Mitchell, Maryland.

Committee on the District of Columbia: John L. McMillan (chairman), South Carolina; Thomas G. Abernethy, Mississippi; John Dowdy, Texas; Charles C. Diggs, Jr., Michigan; G. Elliott Hagan, Georgia; Donald M. Fraser, Minnesota; Andrew Jacobs, Jr., Indiana; William L. Hungate, Missouri; Earle Cabell, Texas; Ray Blanton, Tennessee; W. S. (Bill) Stuckey, Georgia; Abner J. Mikva, Illinois; Arthur A. Link, North Dakota; Ronald V. Dellums, California.

Committee on Education and Labor: Carl D. Perkins (chairman), Kentucky; Edith Green, Oregon; Frank Thompson, Jr., New Jersey; John H. Dent, Pennsylvania; Roman C. Pucinski, Illinois; Dominick V. Daniels, New Jersey; John Brademas, Indiana; James G. O'Hara, Michigan; Augustus F. Hawkins, California; William D. Ford, Michigan; Patsy T. Mink, Hawaii; James H. Scheuer, New York; Lloyd Meeds, Washington; Phillip Burton, California; Joseph M. Gaydos, Pennsylvania; William (Bill) Clay, Missouri; Shirley Chisholm, New York; Mario Biaggi, New York; Ella T. Grasso, Connecticut; Louise Day Hicks, Massachusetts; Romano L. Mazzoli, Kentucky; Herman Badillo, New York.

Committee on Foreign Affairs: Thomas E. Morgan (chairman), Pennsylvania; Clement J. Zablocki, Wisconsin; Wayne L. Hays, Ohio; L. H. Fountain, North Carolina; Dante B. Fascell, Florida; Charles C. Diggs, Jr., Michigan; Cornelius E. Gallagher, New Jersey; Robert N. C. Nix, Pennsylvania; John S. Monagan, Connecticut; Donald M. Fraser, Minnesota; Benjamin S. Rosenthal, New York; John C. Culver, Iowa; Lee H. Hamilton, Indiana; Abraham Kazen, Jr., Texas; Lester L. Wolff, New York; Jonathan B. Bingham, New York; Gus Yatron, Pennsylvania; Roy A. Taylor, North Carolina; John W. Davis, Georgia; Morgan F. Murphy, Illinois; Ronald V. Dellums, California.

Committee on Government Operations: Chet Holifield (chairman), California; Jack Brooks, Texas; L. H. Fountain, North Carolina; Robert E. Jones, Alabama; Edward A. Garmatz, Maryland; John E. Moss, California; Dante B. Fascell, Florida; Henry S. Reuss, Wisconsin; John S. Monagan, Connecticut; Torbert H. Macdonald, Massachusetts; William S. Moorhead, Pennsylvania; Cornelius E. Gallagher, New Jersey; Wm. J. Randall, Missouri; Benjamin S. Rosenthal, New York; Jim Wright, Texas; Fernand J. St Germain, Rhode Island; John C. Culver, Iowa; Floyd V. Hicks, Washington; George W. Collins, Illinois; Don Fuqua, Florida; John Conyers, Jr., Michigan; Bill Alexander, Arkansas; Bella S. Abzug, New York.

Committee on House Administration: Frank Annunzio, Illinois; Joseph M. Gaydos, Pennsylvania; Ed Jones, Tennessee.

Committee on Interior and Insular Affairs: Wayne N. Aspinall (chairman), Colorado; James A. Haley, Florida; Ed Edmondson, Oklahoma; Walter S. Baring, Nevada; Roy A. Taylor, North Carolina; Harold T. Johnson, California; Morris K. Udall, Arizona; Phillip Burton, California; Thomas S. Foley, Washington; Robert W. Kastenmeier, Wisconsin; James G. O'Hara, Michigan; William F. Ryan, New York; Patsy T. Mink, Hawaii; James Kee, West Virginia; Lloyd Meeds, Washington; Abraham Kazen, Jr., Texas; Bill D. Burlison, Missouri; Robert G. Stephens, Jr., Georgia; Joseph P. Vigorito, Pennsylvania; John Melcher, Montana; Teno Roncalio, Wyoming; N. J. (Nick) Begich, Alaska; James Abourezk, South Dakota.

Committee on Internal Security: Richard H. Ichord (chairman), Missouri; Claude Pepper, Florida; Edwin W. Edwards, Louisiana; Richardson Preyer, North Carolina; Robert F. Drinan, Massachusetts.

Committee on Interstate and Foreign Commerce: Harley O. Staggers (chairman), West Virginia; Torbert H. Macdonald, Massachusetts; John Jarman, Oklahoma; John E. Moss, California; John D. Dingell, Michigan; Paul G. Rogers, Florida; Lionel Van Deerlin, California; J. J. Pickle, Texas; Fred B. Rooney, Pennsylvania; John M. Murphy, New York; David E. Satterfield III, Virginia; Brock Adams, Washington; Ray Blanton, Tennessee; W. S. (Bill) Stuckey, Georgia; Peter N. Kyros, Maine; Bob Eckhardt, Texas; Robert O. Tiernan, Rhode Island; Richardson Preyer, North Carolina; Bertram L. Podell, New York; Henry Helstoski, New Jersey; James W. Symington, Missouri; Charles J. Carney, Ohio; Ralph H. Metcalfe, Illinois; Goodloe E. Byron, Maryland; William R. Roy, Kansas.

Committee on the Judiciary: Emanuel Celler (chairman), New York; Peter W. Rodino, Jr., New Jersey; Harold D. Donohue, Massachusetts; Jack Brooks, Texas; John Dowdy, Texas; Robert W. Kastenmeier, Wisconsin; Don Edwards, California; William L. Hungate, Missouri; John Conyers, Jr., Michigan; Andrew Jacobs, Jr., Indiana; Joshua Eilberg, Pennsylvania; William F. Ryan, New York; Jerome R. Waldie, California; Edwin W. Edwards, Louisiana; Walter Flowers, Alabama; James R. Mann, South Carolina; Abner J. Mikva, Illinois; Paul S. Sarbanes, Maryland; John F. Seiberling, Jr., Ohio; James Abourezk, South Dakota; George E. Danielson, California; Robert F. Drinan, Massachusetts.

Committee on Merchant Marine and Fisheries: Edward A. Garmatz (chairman), Maryland; Leonor K. (Mrs. John B.) Sullivan, Missouri; Frank M. Clark, Pennsylvania; Thomas L. Ashley, Ohio; John D. Dingell, Michigan; Alton Lennon, North Carolina; Thomas N. Downing, Virginia; James A. Byrne, Penn-

sylvania; Paul G. Rogers, Florida; Frank A. Stubblefield, Kentucky; John M. Murphy, New York; Joseph E. Karth, Minnesota; Walter B. Jones, North Carolina; Robert L. Leggett, California; Speedy O. Long, Louisiana; Mario Biaggi, New York; Charles H. Griffin, Mississippi; Glenn M. Anderson, California; Eligio de la Garza, Texas; Peter N. Kyros, Maine; Robert O. Tiernan, Rhode Island; James V. Stanton, Ohio.

Committee on Post Office and Civil Service: Thaddeus J. Dulski (chairman), New York; David N. Henderson, North Carolina; Morris K. Udall, Arizona; Dominick V. Daniels, New Jersey; Robert N. C. Nix, Pennsylvania; James M. Hanley, New York; Charles H. Wilson, California; Jerome R. Waldie, California; Richard C. White, Texas; William D. Ford, Michigan; Lee H. Hamilton, Indiana; Frank J. Brasco, New York; Graham Purcell, Texas; Tom Bevill, Alabama; Bill Chappell, Jr., Florida.

Committee on Public Works: John A. Blatnik (chairman), Minnesota; Robert E. Jones, Alabama; John C. Kluczynski, Illinois; Jim Wright, Texas; Kenneth J. Gray, Illinois; Frank M. Clark, Pennsylvania; Ed Edmondson, Oklahoma; Harold T. Johnson, California; Wm. Jennings Bryan Dorn, South Carolina; David N. Henderson, North Carolina; Ray Roberts, Texas; James Kee, West Virginia; James J. Howard, New Jersey; Glenn M. Anderson, California; Patrick T. Caffery, Louisiana; Robert A. Roe, New Jersey; George W. Collins, Illinois; Teno Roncalio, Wyoming; N.J. (Nick) Begich, Alaska; Mike McCormack, Washington; Charles B. Rangel, New York; James V. Stanton, Ohio; Bella S. Abzug, New York.

Committee on Rules: William M. Colmer (chairman), Mississippi; Ray J. Madden, Indiana; James J. Delaney, New York; Richard Bolling, Missouri; Thomas P. O'Neill, Jr., Massachusetts; B. F. Sisk, California; John Young, Texas; Claude Pepper, Florida; Spark M. Matsunaga, Hawaii; William R. Anderson, Tennessee.

Committee on Science and Astronautics: George P. Miller (chairman), California; Olin E. Teague, Texas; Joseph E. Karth, Minnesota; Ken Hechler, West Virginia; John W. Davis, Georgia; Thomas N. Downing, Virginia; Don Fuqua, Florida; Earle Cabell, Texas; James W. Symington, Missouri; Richard T. Hanna, California; Walter Flowers, Alabama; Robert A. Roe, New Jersey; John F. Seiberling, Jr., Ohio; William R. Cotter, Connecticut; Charles B. Rangel, New York; Morgan F. Murphy, Illinois; Mike McCormack, Washington.

Committee on Standards of Official Conduct: Melvin Price (chairman), Illinois; Olin E. Teague, Texas; Watkins M. Abbitt, Virginia; Wayne N. Aspinall, Colorado; F. Edward Hébert, Louisiana; Chet Holifield, California.

Committee on Veterans' Affairs: Olin E. Teague (chairman), Texas; Wm. Jennings Bryan Dorn, South Carolina; James A. Haley, Florida; Walter S. Baring, Nevada; Thaddeus J. Dulski, New York; Ray Roberts, Texas; David E. Satterfield III, Virginia; Henry Helstoski, New Jersey; Roman C. Pucinski, Illinois; Don Edwards, California; G. V. (Sonny) Montgomery, Mississippi; Shirley Chisholm, New York; Charles J. Carney, Ohio; Louise Day Hicks, Massachusetts; George E. Danielson, California; Ella T. Grasso, Connecticut.

Committee on Ways and Means: Joe D. Waggonner, Jr., Louisiana.

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

The SPEAKER. The question is on ordering the previous question.

Mr. WALDIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

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

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

The SPEAKER. The Speaker has already counted, and a quorum is not present.

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

The question was taken; and there were—yeas 259, nays 32, answered "present" 42, not voting 99, as follows:

[Roll No. 13]

YEAS—259

Abernethy	Galifianakis	Myers
Abourezk	Gettys	Natcher
Addabbo	Giaimo	Nelsen
Anderson, Calif.	Gibbons	Nichols
Andrews, Ala.	Gonzalez	Nix
Andrews, N. Dak.	Goodling	Obey
Annunzio	Grasso	O'Hara
Ashbrook	Gray	O'Konski
Aspin	Green, Oreg.	Patman
Aspinall	Griffiths	Patten
Begich	Gross	Pepper
Belcher	Hagan	Perkins
Bennett	Haley	Pettis
Bergland	Hamilton	Pickle
Bevill	Hammer-schmidt	Pike
Biaggi	Hanley	Poage
Bingham	Hansen, Wash.	Poff
Blackburn	Harvey	Preyer, N.C.
Blanton	Hays	Price, Tex.
Blatnik	Hébert	Pucinski
Boggs	Henderson	Purcell
Boland	Hicks, Mass.	Quie
Bolling	Hillis	Quillen
Bow	Hogan	Randall
Brademas	Holifield	Rarick
Brasco	Hull	Reid, Ill.
Bray	Hungate	Reuss
Brinkley	Hunt	Rhodes
Brooks	Jacobs	Rodino
Brotzman	Johnson, Calif.	Rogers
Brown, Ohio	Jonas	Roncalio
Broyhill, N.C.	Jones, Ala.	Rosenthal
Broyhill, Va.	Jones, N.C.	Rostenkowski
Burke, Fla.	Jones, Tenn.	Rousselot
Burke, Mass.	Karth	Roy
Burleson, Tex.	Kastenmeier	Roybal
Burlison, Mo.	Kazen	Ruth
Burton	Kee	Sandman
Byron	Keith	Sarbanes
Camp	King	Satterfield
Carey	Kuykendall	Saylor
Carney	Kyl	Scherle
Chappell	Landgrebe	Schmitz
Clark	Landrum	Schwengel
Clawson, Del	Latta	Scott
Collins, Ill.	Leggett	Sebelius
Collins, Tex.	Lennon	Seiberling
Colmer	Lent	Shipley
Corman	Link	Shoup
Cotter	Lloyd	Shriver
Crane	Long, La.	Sikes
Culver	Long, Md.	Sisk
Daniels, N.J.	McClory	Skubitz
Danielson	McClure	Slack
Davis, Ga.	McCormack	Smith, Calif.
Davis, Wis.	McEwen	Smith, Iowa
de la Garza	McFall	Spence
Dennis	McKay	Springer
Derwinski	McKevitt	Staggers
Devine	McMillan	Stanton, J. William
Diggs	Macdonald, Mass.	Stanton, James V.
Dorn	Madden	Steed
Downing	Mann	Steiger, Ariz.
Dulski	Mathis, Ga.	Stephens
Duncan	Matsunaga	Stokes
Eckhardt	Mayne	Stratton
Edmondson	Mazzoli	Stuckey
Edwards, Ala.	Meeds	Symington
Evans, Colo.	Michel	Talcott
Evins, Tenn.	Mikva	Taylor
Fascell	Miller, Calif.	Teague, Calif.
Findley	Miller, Ohio	Teague, Tex.
Fisher	Mills	Thompson, Ga.
Flood	Minish	Thompson, N.J.
Flowers	Mink	Thomson, Wis.
Flynt	Mizell	Tiernan
Ford, William D.	Mollohan	Udall
Fountain	Monagan	Ullman
Fraser	Moorhead	Veysey
Fuqua	Morgan	Vigorito
	Moss	Waggonner
Wampler	Widnall	Wyman
Ware	Williams	Yates
Watts	Wilson, Charles H.	Young, Fla.
White	Winn	Young, Tex.
Whitehurst	Wolff	Zablocki
Whitten		Zion

NAYS—32

Abzug	Gude	Morse
Badillo	Halpern	Mosher
Bell	Harrington	Rangel
Conyers	Hathaway	Rees
Coughlin	Hechler, W. Va.	Riegle
Dellenback	Horton	Ryan
Dellums	Koch	Steele
Dow	Lujan	Van Deerlin
duPont	McCloskey	Vanik
Edwards, Calif.	McKinney	Waldie
Frenzel	Mitchell	

ANSWERED "PRESENT"—42

Anderson, Ill.	Erlenborn	Pelly
Archer	Esch	Peyser
Baker	Fish	Powell
Biester	Ford, Gerald R.	Railsback
Broomfield	Forsythe	Robinson, Va.
Brown, Mich.	Fulton, Pa.	Ruppe
Buchanan	Heckler, Mass.	Smith, N.Y.
Byrnes, Wis.	Hosmer	Stafford
Cederberg	Hutchinson	Steiger, Wis.
Chamberlain	Keating	Thone
Cleveland	Kemp	Vander Jagt
Conte	McCollister	Wilson, Bob
Denholm	Mailliard	Wyatt
Dwyer	Minshall	Zwach

NOT VOTING—99

Abbitt	Foley	Montgomery
Adams	Frelinghuysen	Murphy, Ill.
Alexander	Frey	Murphy, N.Y.
Anderson, Tenn.	Fulton, Tenn.	Nedzi
Arends	Gallagher	O'Neill
Ashley	Garmatz	Passman
Baring	Gaydos	Pirnie
Barrett	Goldwater	Podell
Betts	Green, Pa.	Price, Ill.
Byrne, Pa.	Griffin	Pryor, Ark.
Cabell	Grover	Reid, N.Y.
Caffery	Gubser	Roberts
Carter	Hall	Robison, N.Y.
Casey	Hanna	Roe
Celler	Hansen, Idaho	Rooney, N.Y.
Chisholm	Harsha	Rooney, Pa.
Clancy	Hastings	Roush
Clausen, Don H.	Hawkins	Runnels
Clay	Helstoski	St Germain
Collier	Hicks, Wash.	Scheuer
Conable	Howard	Schneebeli
Corbett	Ichord	Snyder
Daniel, Va.	Jarman	Stubblefield
Delaney	Johnson, Pa.	Sullivan
Dent	Kluczynski	Terry
Dickinson	Kyros	Whalen
Dingell	McCulloch	Whalley
Donohue	McDade	Wiggins
Dowdy	McDonald, Mich.	Wright
Drinan	Mahon	Wydler
Edwards, La.	Martin	Wylie
Eilberg	Mathias, Calif.	Yatron
Eshleman	Melcher	
	Metcalfe	

So the previous question was ordered.

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

Mr. McKEVITT changed his vote from "present" to "yea."

Mr. VANDER JAGT changed his vote from "nay" to "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 194) and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 194

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Agriculture: Page Belcher, Oklahoma; Charles M. Teague, California; William C. Wampler, Virginia; George A. Goodling, Pennsylvania; Clarence E. Miller, Ohio; Robert B. Mathias, California; Wiley Mayne, Iowa; John M. Zwach, Minnesota; Robert Price, Texas; Keith G. Sebelius, Kansas; Wilmer Mizell, North Carolina; Paul Findley, Illinois; John Kyl, Iowa; J. Kenneth Robinson, Virginia.

Committee on Appropriations: Frank T. Bow, Ohio; Charles Raper Jonas, North Carolina; Elford A. Cederberg, Michigan; John J. Rhodes, Arizona; William E. Minshall, Ohio; Robert H. Michel, Illinois; Silvio O. Conte, Massachusetts; Glenn R. Davis, Wisconsin; Howard W. Robison, New York; Garner E. Shriver, Kansas; Joseph M. McDade, Pennsylvania; Mark Andrews, North Dakota; Louis C. Wyman, New Hampshire; Burt L. Talcott, California; Charlotte T. Reid, Illinois; Donald W. Riegle, Jr., Michigan; Wendall Wyatt, Oregon; Jack Edwards, Alabama; Del Clawson, California; William J. Scherle, Iowa; Robert C. McEwen, New York; John T. Myers, Indiana.

Committee on Armed Services: Leslie C. Arends, Illinois; Alvin E. O'Konski, Wisconsin; William G. Bray, Indiana; Bob Wilson, California; Charles S. Gubser, California; Alexander Pirnie, New York; Durward G. Hall, Missouri; Donald D. Clancy, Ohio; Robert T. Stafford, Vermont; Carleton J. King, New York; William L. Dickinson, Alabama; Charles W. Whalen, Jr., Ohio; John E. Hunt, New Jersey; G. William Whitehurst, Virginia; C. W. Bill Young, Florida; Floyd D. Spence, South Carolina.

Committee on Banking and Currency: William B. Widnall, New Jersey; Florence P. Dwyer, New Jersey; Albert W. Johnson, Pennsylvania; J. William Stanton, Ohio; Benjamin B. Blackburn, Georgia; Garry Brown, Michigan; Lawrence G. Williams, Pennsylvania; Chalmers P. Wylie, Ohio; Margaret M. Heckler, Massachusetts; Philip M. Crane, Illinois; John H. Rousselot, California; Stewart B. McKinney, Connecticut; Norman F. Lent, New York; Bill Archer, Texas; Bill Frenzel; Minnesota.

Committee on District of Columbia: Ancher Nelsen, Minnesota, William L. Springer, Illinois; Alvin E. O'Konski, Wisconsin; William H. Harsha, Ohio; Joel T. Broyhill, Virginia; Gilbert Gude, Maryland; Vernon W. Thomson, Wisconsin; Henry P. Smith III, New York; Earl P. Landgrebe, Indiana; Stewart B. McKinney, Connecticut.

Committee on Education and Labor: Albert H. Quie, Minnesota; John M. Ashbrook, Ohio; Alphonzo Bell, California; Ogden R. Reid, New York; John N. Erlenborn, Illinois; John Dellenback, Oregon; Marvin L. Esch, Michigan; Edwin D. Eshleman, Pennsylvania; William A. Steiger, Wisconsin; Earl F. Landgrebe, Indiana; Orval Hansen, Idaho; Earl B. Ruth, North Carolina; Edwin B. Forsythe, New Jersey; Victor V. Veysey, California; Jack F. Kemp, New York; Peter A. Peyser, New York.

Committee on Foreign Affairs: William S. Mailliard, California; Peter H. B. Frelinghuysen, New Jersey; William S. Broomfield, Michigan; J. Irving Whalley, Pennsylvania; H. R. Gross, Iowa; Edward J. Derwinski, Illinois; F. Bradford Morse, Massachusetts; Vernon W. Thomson, Wisconsin; James G. Fulton, Pennsylvania; Paul Findley, Illinois; John Buchanan, Alabama; Sherman P. Lloyd, Utah; J. Herbert Burke, Florida; Seymour Halpern, New York; Guy Vander Jagt, Michigan; Robert H. Steele, Connecticut; Pierre S. duPont IV, Delaware.

Committee on Government Operations: Florence P. Dwyer, New Jersey; Ogden R. Reid, New York; Frank Horton, New York; John N. Erlenborn, Illinois; John W. Wydler, New York; Clarence J. Brown, Ohio; Guy Vander Jagt, Michigan; Gilbert Gude, Maryland; Paul N. McCloskey, Jr., California; John Buchanan, Alabama; Sam Steiger, Arizona; Garry Brown, Michigan; Barry M. Goldwater, Jr., California; J. Kenneth Robinson, Virginia; Walter E. Powell, Ohio; Charles Thone, Nebraska.

Committee on House Administration: John H. Ware, Pennsylvania; Victor V. Veysey, California; Bill Frenzel, Minnesota.

Committee on Interior and Insular Affairs: John P. Saylor, Pennsylvania; Craig Hosmer, California; Joe Skubitz, Kansas; John Kyl, Iowa; Sam Steiger, Arizona; James A. McClure, Idaho; Don H. Clausen, California; Philip E. Ruppe, Michigan; John N. Happy Camp, Oklahoma; Manuel Lujan, Jr., New Mexico; Sherman P. Lloyd, Utah; John Dellenback, Oregon; Keith G. Sebelius, Kansas; James D. (Mike) McKevitt, Colorado; John H. Terry, New York; Jorge L. Córdova, Resident Commissioner of Puerto Rico.

Committee on Internal Security: John M. Ashbrook, Ohio; Roger H. Zion, Indiana; Fletcher Thompson, Georgia; John G. Schmitz, California.

Committee on Interstate and Foreign Commerce: William L. Springer, Illinois; Samuel L. Devine, Ohio; Ancher Nelsen, Minnesota; Hastings Keith, Massachusetts; James T. Broyhill, North Carolina; James Harvey, Michigan; Tim Lee Carter, Kentucky; Clarence J. Brown, Ohio; Dan Kuykendall, Tennessee; Joe Skubitz, Kansas; Fletcher Thompson, Georgia; James F. Hastings, New York; John G. Schmitz, California; James M. Collins, Texas; Louis Frey, Jr., Florida; John H. Ware, Pennsylvania; John Y. McCollister, Nebraska; Richard G. Shoup, Montana.

Committee on Judiciary: William M. McCulloch, Ohio; Richard H. Poff, Virginia; Edward Hutchinson, Michigan; Robert McClory, Illinois; Henry P. Smith III, New York; Charles W. Sandman, Jr., New Jersey; Tom Railsback, Illinois; Edward G. Biester, Jr., Pennsylvania; Charles E. Wiggins, California; David W. Dennis, Indiana; Hamilton Fish, Jr., New York; R. Lawrence Coughlin, Pennsylvania; Wiley Mayne, Iowa; Lawrence J. Hogan, Maryland; William J. Keating, Ohio; James D. McKevitt, Colorado.

Committee on Merchant Marine and Fisheries: Thomas M. Pelly, Washington; William S. Mailliard, California; Charles A. Mosher, Ohio; James R. Grover, Jr., New York; Hastings Keith, Massachusetts; Philip E. Ruppe, Michigan; George A. Goodling, Pennsylvania; William G. Bray, Indiana; Paul N. McCloskey, Jr., California; Jack H. McDonald, Michigan; M. G. (Gene) Snyder, Kentucky; Robert H. Steele, Connecticut; Edwin B. Forsythe, New Jersey; Pierre S. duPont IV, Delaware.

Committee on Post Office and Civil Service: Robert J. Corbett, Pennsylvania; H. R. Gross, Iowa; Edward J. Derwinski, Illinois; Albert W. Johnson, Pennsylvania; William Lloyd Scott, Virginia; James A. McClure, Idaho; Lawrence J. Hogan, Maryland; John H. Rousselot, California; Elwood H. Hillis, Indiana; Walter E. Powell, Ohio.

Committee on Public Works: William H. Harsha, Ohio, James R. Grover, Jr., New York; James C. Cleveland, New Hampshire; Don H. Clausen, California; Fred Schwengel, Iowa; M. G. (Gene) Snyder, Kentucky; Roger H. Zion, Indiana; Jack H. McDonald, Michigan; John Paul Hammerschmidt, Arkansas; Clarence E. Miller, Ohio; Wilmer Mizell, North Carolina; John H. Terry, New York; Charles Thone, Nebraska; LaMar Baker, Tennessee.

Committee on Rules: H. Allen Smith, California; John B. Anderson, Illinois; Dave Martin, Nebraska; James H. Quillen, Tennessee; Delbert Latta, Ohio.

Committee on Science and Astronautics: James G. Fulton, Pennsylvania; Charles A. Mosher, Ohio; Alphonzo Bell, California; Thomas M. Pelly, Washington; John W. Wydler, New York; Larry Winn, Jr., Kansas; Robert Price, Texas; Louis Frey, Jr., Florida; Barry M. Goldwater, Jr., California; Marvin L. Esch, Michigan; R. Lawrence Coughlin, Pennsylvania; John N. Happy Camp, Oklahoma.

Committee on Standards of Official Conduct: Jackson E. Betts, Ohio; Robert T. Stafford, Vermont; James H. Quillen, Tennessee; Lawrence G. Williams, Pennsylvania; Edward Hutchinson, Michigan; Charlotte T. Reid, Illinois.

Committee on Veterans' Affairs: Charles M. Teague, California; John P. Saylor, Pennsylvania; John Paul Hammerschmidt, Arkansas; William Lloyd Scott, Virginia; Margaret M. Heckler, Massachusetts; John M. Zwach, Minnesota; Chalmers P. Wylie, Ohio; Larry Winn, Jr., Kansas; Earl B. Ruth, North Carolina; Elwood Hillis, Indiana.

Committee on Ways and Means: John W. Byrnes, Wisconsin; Jackson E. Betts, Ohio; Herman T. Schneebeli, Pennsylvania; Harold R. Collier, Illinois; Joel T. Broyhill, Virginia; Barber B. Conable, Jr., New York; Charles E. Chamberlain, Michigan; Jerry L. Pettis, California; John J. Duncan, Tennessee; Donald G. Brotzman, Colorado.

Mr. GERALD R. FORD (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REVENUE SHARING—A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 92–44)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

One of the best things about the American Constitution, George Washington suggested shortly after it was written, was that it left so much room for change. For this meant that future generations would have a chance to continue the work which began in Philadelphia.

Future generations took full advantage of that opportunity. For nearly two turbulent centuries, they continually reshaped their government to meet changing public needs. As a result, our political institutions have grown and developed with a changing, growing nation.

Today, the winds of change are blowing more vigorously than ever across our country and the responsiveness of government is being tested once again. Whether our institutions will rise again to this challenge now depends on the readiness of *our* generation to "think anew and act anew," on *our* ability to find better ways of governing.

BETTER WAYS OF GOVERNING

Across America today, growing numbers of men and women are fed up with government as usual. For government as usual too often means government which has failed to keep pace with the times.

Government talks more and taxes more, but too often it fails to deliver. It

grows bigger and costlier, but our problems only seem to get worse. A gap has opened in this country between the worlds of promise and performance—and the gap is becoming a gulf that separates hope from accomplishment. The result has been a rising frustration in America, and a mounting fear that our institutions will never again be equal to our needs.

We must fight that fear by attacking its causes. We must restore the confidence of the people in the capacities of their government. I believe the way to begin this work is by taking bold measures to strengthen State and local governments—by providing them with new sources of revenue and a new sense of responsibility.

THE POTENTIAL OF STATE AND LOCAL GOVERNMENT

Part of the genius of our American system is that we have not just one unit of government but many, not just one Chief Executive and Congress in Washington, but many chief executives and legislators in statehouses and courthouses and city halls across our land. I know these men and women well. I know that they enter office with high hopes and with sweeping aspirations. I know they have the potential to be full and effective partners in our quest for public progress.

But once they have taken office, leaders at the State and local level often encounter bitter disappointment. For then they discover that while the need for leadership is pressing, and their potential for leadership is great, the power to provide *effective* leadership is often inadequate to their responsibilities. Their dollars are not sufficient to fulfill either their dreams or their most immediate and pressing needs.

And the situation is getting worse.

A GROWING FISCAL CRISIS

Consider how State and local expenditures have been growing. In the last quarter century, State and local expenses have increased twelvefold, from a mere $11 billion in 1946 to an estimated $132 billion in 1970. In that same time, our Gross National Product, our personal spending, and even spending by the Federal government have not climbed at even one third that rate.

How have the States and localities met these growing demands? They have not met them. State and local revenues have not kept pace with rising expenditures, and today they are falling even further behind. Some authorities estimate that normal revenue growth will fall $10 billion short of outlays in the next year alone.

THE HEAVY BURDEN OF STATE AND LOCAL TAXES

The failure of State and local revenues to keep pace with demands is the inherent result of the way in which our tax system has developed. Ever since the 16th Amendment in 1913 made it possible for the Federal government to tax personal income, this source of revenue has been largely pre-empted and monopolized by Washington. Nine out of every ten personal income tax dollars are collected at the Federal level.

Income tax revenues are quick to reflect economic growth. Often, in fact, they grow much faster than the economy. As a result, budget increases at the Federal level can more readily be financed out of the "natural growth" in revenues, without raising tax rates and without levying new taxes.

State and local governments are not so fortunate. Nearly three-fourths of their tax revenues come from property and sales taxes, which are slow to reflect economic expansion. It is estimated, in fact, that the natural growth in revenues from these sources lags some 40 to 50 percent behind the growth rate for State and local expenditures. This means that budget expansion at these levels must be financed primarily through new taxes and through frequent increases in existing tax rates.

As a result, the weight of State and local taxes has constantly been getting heavier. On a per capita basis, they have climbed almost 50 percent in the last fourteen years. Property tax receipts are six times as great as they were a quarter century ago. In the past dozen years alone, States have been forced to institute new taxes or raise old ones on 450 separate occasions. Consumer and service taxes have sprung up in bewildering variety in many cities.

These rising State and local levies are becoming an almost intolerable burden to many of our taxpayers. Moreover, they often fall hardest on those least able to pay. Poor and middle income consumers, for example, must pay the same sales taxes as the wealthy. The elderly—who often own their own homes—must pay the same property taxes as younger people who are earning a regular income. As further pressures are placed on State and local taxes, the impact is felt in every part of our society. The hard-pressed taxpayer—quite understandably—is calling for relief.

The result is a bitter dilemma for State and local leaders. On the one hand, they must cut services or raise taxes to avoid bankruptcy. On the other hand, the problems they face and the public they serve demand expanded programs and lower costs. Competition between taxing jurisdictions for industry and for residents adds further pressure to keep services up and taxes down.

While political pressures push State and local leaders in one direction, financial pressures drive them in another. The result has been a rapid and demoralizing turnover in State and local officeholders. The voters keep searching for men and women who will make more effective leaders. What the State and localities really need are the resources to make leaders more effective.

THE BEST OF BOTH WORLDS

The growing fiscal crisis in our States and communities is the result in large measure of a fiscal mismatch; needs grow fastest at one level while revenues grow fastest at another. This fiscal mismatch is accompanied, in turn, by an "efficiency mismatch"; taxes are collected most efficiently by the highly centralized Federal tax system while public funds are often spent most efficiently when decisions are made by State and local authorities.

What is needed, then, is a program under which we can enjoy the best of both worlds, a program which will apply fast growing Federal revenues to fast growing State and local requirements, a program that will combine the efficiencies of a centralized tax system with the efficiencies of decentralized expenditure. What is needed, in short, is a program for sharing Federal tax revenues with State and local governments.

A WORD ABOUT PRESENT GRANTS-IN-AID

There is a sense in which the Federal Government already shares its revenues with governments at the lower levels. In fact, Federal aid to the States and localities has grown from less than one billion dollars in 1946 to over 30 billion dollars this year. Unfortunately, most of this assistance comes in the form of highly restricted programs of categorical grants-in-aid. These programs have not provided an effective answer to State and local problems; to the contrary, they provide strong additional evidence that a new program of unrestricted aid is badly needed.

The major difficulty is that States and localities are not free to spend these funds on their own needs as they see them. The money is spent instead for the things Washington wants and in the way Washington orders. Because the categories for which the money is given are often extremely narrow it is difficult to adjust spending to local requirements. And because these categories are extremely resistant to change, large sums are often spent on outdated projects. Pressing needs often go unmet, therefore, while countless dollars are wasted on low priority expenditures.

This system of categorical grants has grown up over the years in a piecemeal fashion, with little concern for how each new program would fit in with existing old ones. The result has been a great deal of overlap and very little coordination. A dozen or more manpower programs, for example, may exist side by side in the same urban neighborhood—each one separately funded and separately managed.

All of these problems are compounded by the frequent requirement that Federal dollars must be matched by State and local money. This requirement often has a major distorting effect on State and local budgets. It guarantees that many Federal errors will be reproduced at the State and local level. And it leaves hard pressed governments at the lower levels with even less money to finance their *own* priorities.

The administrative burdens associated with Federal grants can also be prohibitive. The application process alone can involve volumes of paperwork and delays of many months. There are so many of these programs that they have to be listed in large catalogs and there are so many catalogs that a special catalog of catalogs had to be published. The guidelines which are attached to these grants are so complicated that the government has had to issue special guidelines on how the guidelines should be interpreted. The result of all this has been described by the Advisory Commission on Inter-

governmental Relations as "managerial apoplexy" on the State and local level.

Meanwhile, the individual human being, that single person who ultimately is what government is all about, has gotten lost in the shuffle.

State and local governments need Federal help, but what they need most is not more help of the sort they have often been receiving. They need more money to spend, but they also need greater freedom in spending it.

A NEW APPROACH

In the dark days just after the Battle of Britain, Winston Churchill said to the American people: "Give us the tools and we will finish the job."

I now propose that we give our States and our cities, our towns and our counties the tools—so that they can get on with the job.

I propose that the Federal Government make a $16 billion investment in State and local government through two far-reaching revenue sharing programs: a $5 billion program of General Revenue Sharing which I am describing in detail in this message to the Congress, and an $11 billion program of Special Revenue Sharing grants which will be spelled out in a series of subsequent messages.

GENERAL REVENUE SHARING: HOW IT WORKS

The General Revenue Sharing program I offer is similar in many respects to the program I sent to the Congress almost eighteen months ago. But there are also some major differences.

For one thing, this year's program is much bigger. Expenditures during the first full year of operation would be ten times larger than under the old plan. Secondly, a greater proportion—roughly half—of the shared funds would go to local governments under the new proposal. In addition, the 1971 legislation contains a new feature designed to encourage States and localities to work out their own tailor-made formulas for distributing revenues at the State and local level.

The specific details of this program have been worked out in close consultation with city, county and State officials from all parts of the country and in discussions with members of the Congress. Its major provisions are as follows:

1. Determining the Size of the Overall Program.

The Congress would provide a permanent appropriation for General Revenue Sharing. The size of this appropriation each year would be a designated percentage of the Nation's taxable personal income—the base on which individual Federal income taxes are levied. This arrangement would relieve the States and localities of the uncertainty which comes when a new level of support must be debated every year.

Since the fund would grow in a steady and predictable manner with our growing tax base, this arrangement would make it easier for State and local governments to plan intelligently for the future.

The specific appropriation level I am recommending is 1.3 percent of taxable personal income; this would mean a General Revenue Sharing program of approximately $5 billion during the first full year of operation, a sum which would rise automatically to almost $10 billion by 1980. All of this would be "new" money—taken from the increases in our revenues which result from a growing economy. It would not require new taxes nor would it be transferred from existing programs.

2. Dividing Total Revenues Among the States.

Two factors would be used in determining how much money should go to each State: the size of its population and the degree to which it has already mobilized its own tax resources. By using a distribution formula which takes their tax effort into account, this program would encourage the States to bear a fair share of responsibility. A State which makes a stronger effort to meet its own needs would receive more help from the Federal Government.

One other incentive has also been built into the new legislation: those States which negotiate with their local governments a mutually acceptable formula for passing money on to the local level, would receive more money than those States that rely on the Federal formula. This provision would encourage a State and its localities to work out a distribution plan which fits their particular requirements. States which develop such plans would receive a full 100 percent of the money allocated to them under the formula described above. Other States would receive only 90 percent of their allocation, with the remaining ten percent being carried over and added to the following year's overall allocation.

3. Distributing Revenues Within the States.

Those States which do *not* adopt their own plan for subdividing shared revenues would follow a formula prescribed in the Federal legislation. This formula would assign to the State government and to all units of local government combined a share of the new money equal to that portion of State and local revenues currently raised at each level. On the average, this "pass through" requirement would mean that about one-half of the revenue sharing funds would go to the States and half would go to the localities. Governmental units of all sizes would be eligible for aid—but only if they were set up for general purposes. This would exclude *special* purpose units such as sewer districts, school districts, and transit authorities. Each general purpose unit would then receive its proportionate share of revenues based on how much money it raises locally.

4. Other Procedures and Requirements.

General Revenue Sharing monies would come without program or project restrictions. The funds would be paid out at least quarterly through the Treasury Department; no massive new Federal agencies would be established. Each State would be required to pass on to local units their proper share of the Federal funds and to observe appropriate reporting and accounting procedures.

In my State of the Union message I emphasized that these revenue sharing proposals would "include the safeguards against discrimination that accompany all other Federal funds allocated to the States." The legislation I am recommending provides these safeguards. It stipulates that: "No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds."

The Secretary of the Treasury would be empowered to enforce this provision. If he found a violation and was unable to gain voluntary compliance, he could then call on the Attorney General to seek appropriate relief in the Federal Courts, *or* he could institute administrative proceedings under Title VI of the Civil Rights Act of 1964—leading to a cut off of Federal funds. The Federal Government has a well defined moral and constitutional obligation to ensure fairness for every citizen whenever Federal tax dollars are spent. Under this legislation, the Federal Government would continue to meet that responsibility.

ENHANCING ACCOUNTABILITY

Ironically, the central advantage of revenue sharing—the fact that it combines the advantages of Federal taxation with the advantages of State and local decision-making—is the very point at which the plan is frequently criticized. When one level of government spends money that is raised at another level, it has been argued, it will spend that money less responsibly; when those who appropriate tax revenues are no longer the same people who levy the taxes, they will no longer be as sensitive to taxpayer pressures. The best way to hold government accountable to the people, some suggest, is to be certain that taxing authority and spending authority coincide.

If we look at the practice of government in modern America, however, we find that this is simply not the case. In fact, giving States and localities the power to spend certain Federal tax monies will *increase* the influence of each citizen on how those monies are used. It will make government *more* responsive to taxpayer pressures. It will *enhance* accountability.

In the first place, there is no reason to think that the local taxpayer will be less *motivated* to exert pressure concerning the way shared revenues are spent. For one thing, the local taxpayer is usually a Federal taxpayer as well; he would know that it was his tax money that was being spent.

Even if local taxpayers were only concerned about local taxes, however, they would still have a direct stake in the spending of Federal revenues. For the way Federal money is used determines how much local money is needed. Each wise expenditure of Federal dollars would mean an equivalent release of local money for other purposes—including relief from the need to raise high local taxes even higher. And every wasted Federal dollar would represent a wasted opportunity for easing the pressure on local revenues.

Most voters seldom trace precisely which programs are supported by which

levies. What they do ask is that each level of government use *all* its money—wherever it comes from—as wisely as possible.

The average taxpayer, then, will be no less *disposed* to hold public officials to account under revenue sharing. What is more, he will be *able* to hold them to account far more effectively.

The reason for this is that "accountability" really depends, in the end, on accessibility—on *how easily* a given official can be held responsible for his spending decisions. The crucial question is not where the money comes from but whether the official who spends it can be made to answer to those who are affected by the choices he makes. Can they get their views through to him? Is the prospect of their future support a significant incentive for him? Can they remove him from office if they are unhappy with his performance?

These questions are far more likely to receive an affirmative answer in a smaller jurisdiction than in a larger one.

For one thing, as the number of issues is limited, each issue becomes more important. Transportation policy, for example, is a crucial matter for millions of Americans—yet a national election is unlikely to turn on that issue when the great questions of war and peace are at stake.

In addition, each constituent has a greater influence on policy as the number of constituents declines. An angry group of commuters, for example, will have far less impact in a Senatorial or Congressional election than in an election for alderman or county executive. And it is also true that the alderman or county executive will often be able to change the local policy in question far more easily than a single Congressman or Senator can change policy at the Federal level.

Consider what happens with most Federal programs today. The Congress levies taxes and authorizes expenditures, but the crucial operating decisions are often made by anonymous bureaucrats who are directly accountable neither to elected officials nor to the public at large. When programs prove unresponsive to public needs, the fact that the same level of government both raises and spends the revenues is little comfort.

At the local level, however, the situation is often reversed. City councils, school boards and other local authorities are constantly spending revenues which are raised by State governments—in this sense, revenue sharing has been with us for some time. But the separation of taxing and spending authority does not diminish the ability of local voters to hold local officials responsible for their stewardship of *all* public funds.

In short, revenue sharing will not shield State and local officials from taxpayer pressures. It will work in just the opposite direction. Under revenue sharing, it will be harder for State and local officials to excuse their errors by pointing to empty treasuries or to pass the buck by blaming Federal bureaucrats for misdirected spending. Only leaders who have the responsibility to decide and the means to implement their decisions can *really* be held accountable when they fail.

OTHER ADVANTAGES

The nation will realize a number of additional advantages if revenue sharing is put into effect. The need for heavier property and sales taxes will be reduced. New job opportunities will be created at the State and local level. Competition between domestic programs and defense needs will be reduced as the State and local share of domestic spending increases. As the States and localities are renewed and revitalized, we can expect that even more energy and talent will be attracted into government at this level. The best way to develop greater responsibility at the State and local level is to give greater responsibility to State and local government.

In the final analysis, the purpose of General Revenue Sharing is to set our States and localities free—free to set new priorities, free to meet unmet needs, free to make their own mistakes, yes, but also free to score splendid successes which otherwise would never be realized.

For State and local officials bring many unique strengths to the challenges of public leadership. Because they live day in and day out with the results of their decisions, they can often measure costs and benefits with greater sensitivity and weigh them against one another with greater precision. Because they are closer to the people they serve, State and local officials will often have a fuller sense of appreciation of local perspectives and values. Moreover, officials at these lower levels are often more likely to remember what Washington too often forgets: that the purpose of government is not budgets and programs and guidelines, but people.

This reform will also help produce better government at the Federal level.

There is too much to be done in America today for the Federal Government to try to do it all. When we divide up decision-making, then each decision can be made at the place where it has the best chance of being decided in the best way. When we give more people the power to decide, then each decision will receive greater time and attention. This also means that Federal officials will have a greater opportunity to focus on those matters which ought to be handled at the Federal level.

LABORATORIES FOR MODERN GOVERNMENT

Strengthening the States and localities will make our system more diversified and more flexible. Once again these units will be able to serve—as they so often did in the 19th century and during the Progressive Era—as laboratories for modern government. Here ideas can be tested more easily than they can on a national scale. Here the results can be assessed, the failures repaired, the successes proven and publicized. Revitalized State and local governments will be able to tap a variety of energies and express a variety of values. Learning from one another and even competing with one another, they will help us develop better ways of governing.

The ability of every individual to feel a sense of participation in government will also increase as State and local power increases. As more decisions are made at the scene of the action, more of our citizens can have a piece of the action. As we multiply the centers of effective power in this country, we will also multiply the opportunity for every individual to make his own mark on the events of his time.

Finally, let us remember this central point: the purpose of revenue sharing is not to *prevent* action but rather to *promote* action. It is not a means of *fighting* power but a means of *focusing* power. *Our* ultimate goal must always be to locate power at that place—public or private—Federal or local—where it can be used most responsibly and most responsively, with the greatest efficiency and with the greatest effectiveness.

"THE CARDINAL QUESTION"

Throughout our history, at one critical turning point after another, the question on which the nation's future turned was the relationship between the States and the central government. Woodrow Wilson properly described it as "the cardinal question of our constitutional system."

In most cases—in the 1780's and in the 1860's and in the 1930's, for example—that question was resolved in favor of a stronger government at the Federal level. But as President Wilson went on to say, this question is one which "cannot . . . be settled by the opinion of any one generation, because it is a question of growth, and every successive stage of our political and economic development gives it a new aspect, makes it a new question."

Because America has now reached another new stage of development, we are asking that "cardinal question" again in the 1970's. As in the past, this is a matter beyond party and beyond faction. It is a matter that summons all of us to join together in a common quest, considering not our separate interests but our shared concerns and values.

To a remarkable degree, Americans are answering Wilson's cardinal question in our time by calling on the Federal Government to invest a portion of its tax revenues in stronger State and local governments. A true national consensus is emerging in support of revenue sharing. Most other nations with Federal systems already have it. Most Mayors and Governors have endorsed it. So have the campaign platforms of both major political parties. This is a truly bi-partisan effort.

Revenue sharing is an idea whose time has clearly come. It provides this Congress with an opportunity to be recorded as one that met its moment, and answered the call of history. So let us join together, and, by putting this idea into action, help revitalize our Federal system and renew our nation.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1971.*

THE PRESIDENT'S PROPOSED REVENUE SHARING WITH STATES AND CITIES

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

Mr. GERALD R. FORD. Mr. Speaker, the President has laid before the Congress a compelling case for general revenue sharing with the States and cities. His arguments are most cogent.

What the President is proposing is a new approach to government. In a sense, it is not new. He is asking that we return to the time when the bulk of government decisions in America were made in town meetings across the land. He is, in effect, urging that we return to government by the people.

I realize these are strange words when addressed to the representatives of the people, which is what all Members of the U.S. House of Representatives are. I am fond of calling this the people's House. But the fact remains that because the Federal Government is the all-powerful tax collector in this land we have strayed grievously away from the principle that government should be as close as possible to the people.

General revenue sharing affords the Congress an opportunity to come closer to the people—to put the money and the responsibility where the problems are.

I believe that in endorsing general revenue sharing a Member of Congress will be reaffirming his faith in the local political process—and that process is the foundation of free government, government by free men.

The alternative to general revenue sharing is the grafting of new growth onto old Federal programs.

I urge that we take to new paths—that we cut through the tangled undergrowth of the Federal bureaucracy with an approach that will usher in a new era of self-government for the American people.

LEGISLATIVE PROGRAM FOR WEEK OF FEBRUARY 8

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguishd majority leader the program for the remainder of this week, if any, and the schedule for next.

Mr. BOGGS. Will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I appreciate the distinguished minority leader yielding to me.

As all of us know, we have just completed work on the appointment of the standing committees of the House for the 92d Congress. I would hope the committees would begin meeting now so we would have a program available by the end of the recess which begins next Wednesday.

There is no program for next week.

Mr. GERALD R. FORD. Would the majority leader indicate whether there will be a session tomorrow or not? And for his information, I understand that there is no message from the President coming up.

Mr. BOGGS. It is my intention to ask that we go over.

ADJOURNMENT TO MONDAY, FEBRUARY 8

Mr. Speaker, I ask unanimous consent that when the House adourns today it adjourn to meet on Monday next.

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

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO SIT DURING SESSIONS OF HOUSE IN 92D CONGRESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be authorized to sit during sessions of the House in the 92d Congress.

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

There was no objection.

THE SPIRIT AND THE ACTIVITIES OF THE CITIZENS OF CORTLAND, N.Y.

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

Mr. HANLEY, Mr. Speaker, I want to bring to the attention of my colleagues a recent article which appeared in the New York Times dealing with spirit and the activities of the citizens of Cortland, N.Y.

The article details the great sense of community pride which Cortland citizens share and outlines a number of the activities which this pride has generated.

A sense of belonging together and willingness to make joint efforts and common sacrifices are characteristics which breathe life into the genuine communities in this country. They are characteristics which point the way toward creating the kind of atmosphere which communities must have if they expect to deal effectively with common problems.

I am pleased to be able to represent the citizens of Cortland here in Congress and I look forward to the opportunity to work with them and their civic pride and community awareness toward the solution of the many problems we commonly share.

The Times article follows:

CORTLAND IS A PORTRAIT OF SELF-RELIANCE

(By Murray Schumach)

CORTLAND, N.Y.—There is a saying in this city that goes: "All you have to do is find a problem and an organization will be formed to deal with it."

Less than two weeks before Christmas, Mrs. Florence Fitzgerald, chairman of the Cortland County Board of Supervisors, posed a problem that seemed insuperable. Raise money to bring the 16 servicemen from this area home for Christmas.

THE TALK OF CORTLAND

More than 200 organizations went to work in this section of central New York—at luncheons, in schools and churches, canvassing door-to-door and by telephone, they spoke to union leaders, factory executives, grange officials. They coalesced under Mrs. Fitzgerald, raised more than $10,000 and the G.I.'s were home during Christmas.

The accomplishment reinforced the ingrained local pride that is as much a part of this middle-class city at its towering elm trees, clean streets, circle of hills and balanced economy.

ETERNAL FLAME AT MONUMENT

This was not the first time the people here have supported their servicemen in Vietnam. In 1965 they contributed $7,500 and donated labor to raise a black granite memorial to their war dead in Vietnam. The stone now has 17 names. The cost of maintaining the gas-fed eternal flame on the memorial, about $250 a year, is paid by the parishioners of St. Anthony's Roman Catholic Church.

Though an employee of the local division of the New York Gas and Electric Corporation installed the gas lines on his own time, without charge, the utility was unable to donate the gas. "I wish we could," said an official. "But we are forbidden to donate the gas by Public Service Commission regulations."

The spirited self-reliance of the people is evident almost everywhere in this city of slightly more than 20,000, mainly of Irish and Italian extraction. The Irish came in the last century to dig the Erie Canal and build railroads. The Italians arrived during the first two decades of this century to work in steel mills and as mechanics and builders.

FEDERAL MONEY REJECTED

When shopping plazas were built outside the city and business began to slump along Main Street, the local merchants of this city some 235 miles from New York did not vanish as they have in many other upstate cities. Cortland even spurned Federal urban-renewal money.

Under the leadership of Mayor Morris A. Noss, they yanked out the parking meters along Main Street and instituted free diagonal parking. Land was acquired near the street for additional free parking for up to three hours. Stores were renovated. Business has more than recovered its earlier losses.

"When there's a need to do something here," the Mayor said recently, "these people will do it."

About 12 years ago the city, like a number of other upstate cities, was losing industry. It founded the Cortland Development Corporation and sold stock to the public at $50 share, raising $250,000 to buy land and attract industry.

Christ-Craft, Wilson Sporting Goods, and Paul Trinity Micro Corporation, joined such resident companies Smith-Corona, Championt Sheet Metal, Monarch Machine and Tool, Chescent Corset, Brockway trucks, Wickwire Brothers (makers of wire) and companies that make about 80 per cent of the nation's fishline.

About 10 years ago the city realized that its hospital facilities were inadequate. People in this area pitched in and raised a million dollars and built Cortland Memorial Hospital.

"People live a long time here," said Dr. Kenneth I. E. MacLeod, County Commissioner of Public Health. "I would rate the hygiene of this city among the top 15 per cent of cities in the nation."

And James V. Feuss, his senior public health engineer, who spent an anguished year in New York City in the Public Health Service, added:

"The people here are not beset with the daily frustrations, the insults to the senses of big cities. You go into a store here and you don't get a 10-second shuffle. If you ask a question they answer."

TAX RATE DECLINES

Taxes in this city have gone down for the last four years, from $16 a thousand to $9.60 a thousand. Employment during the national recession has fallen off only slightly here, mainly because of a three-year layoff at Smith-Corona, which ends today.

One of the most notable examples of the cooperative atmosphere that has produced so many organizations here is the relationship between the city and Cortland College,

with its student body of 4,500, most of them from Nassau and Suffolk Counties and other suburbs of New York City.

The college, part of the state university system, is one of the city's major industries. It has an annual budget of $11-million, most of it salaries spent in this area. It has a substantial construction program and 900 employes.

"We don't have the sort of town-and-gown frictions here that you find in so many places," says Richard Margison, director of business affairs for the college.

Many from the faculty and student body help in community affairs.

George H. Wiltsie Jr., whose father established the family department store on Main Street in 1902, says: "Cortland is not usual, period."

GROWING SOVIET SEAGOING STRENGTH

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

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to recommend the following address to the attention of all Members of this House—not just those from coastal States such as mine, but from every State in the Nation. The problem it deals with is the threat posed to the whole Nation, not just the coastal States, by growing Soviet seagoing strength, and by this is meant not only naval power, but the capabilities of the merchant marine of either nation. Trade is vital to a nation and without a merchant marine, this country is at the mercy of the fleets of other nations. Today, the world is confronted with an overall shortage of shipping tonnage. No nation and its economic interests have been as affected as ours, which is 95 percent dependent on the availability of foreign carriers.

THE RED FLAG ON THE HIGH SEAS

(An address delivered at the AFL–CIO Maritime Trades Department by Andrew A. Pettis, president of the Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO)

Back early in this century, the world was rocked by the Russian Revolution—a social upheaval whose echoes still reverberate around the globe.

The Russian Revolution did not end with the deposing of the Czarist system, nor with the adoption of the Communist system of government in a nation which stretches across the vast land mass which makes up so much of the European and Asian continents.

The Russian Revolution was designed, not only for domestic consumption, but for export, as well—and the Communist philosophy has been exported, over the years, both to many of the ancient states of Europe and Asia, but also to the emerging nations of Africa—and even to our own doorstep, here in the Western Hemisphere.

If the Russian Revolution were only philosophical, its continuing dissemination throughout the world would still be a serious threat to our way of life—to our philosophy which is based on the worth of the *man*, not the worth of the *state;* to our philosophy which concerns itself with the primacy of the individual, limited only by the needs for the individual to be a responsible, and responsive, member of society.

As I say, if the Russian Revolution that is being exported worldwide were only a philosophical one, it would be dangerous. But because it goes beyond the pholosophical—because it is a political revolution—a military revolution, a technological revolution, an economic revolution, as well—because of this, it poses a constant menace to the United States, its people, its government, it institutions.

It is to our credit that we have not sat idly by. We have been on guard against the Communist attempts to infiltrate the Middle East . . . against the Communist efforts to use Cuba as a springboard either for potential attack on the United States or as a base for subversion of our neighbors in Central and South America . . . against the Communist efforts to enlarge its sphere of influence in Southeast Asia, thus upsetting the delicate balance of power—a balance of power which is one of our best hopes for averting a worldwide military confrontation.

Yet, even after the last American troops have left that beleaguered country, there is another continuing Soviet threat which the United States must be prepared to face: The threat which the Soviets are mounting on the sea-lanes of the world.

The Soviet Navy today is second only to that of the United States—a feat undreamed of two decades ago, when you consider the fact that the Soviets have few outlets to the sea. And the modern Soviet merchant marine soon will be larger than the present American maritime fleet, which is predominantly over-age and which is declining rapidly both in numbers and tonnage.

There is a lesson of history which we must heed—that the nation which builds the ships, which carries the cargoes and which keeps the sea-lanes churning with commerce, has, to say the least, a big voice in the world.

The Russians recognize this—and so we have been witnessing a Russian revolution at sea.

The past decade has seen the Soviet Union surge to preeminence as a world maritime power. That same period has seen the United States drift toward oblivion on the high seas.

The Soviet effort to develop a Navy of first rank must be considered in the light of its potential threat to our national security. The creation of a viable Soviet merchant marine should be viewed in the same light—because a merchant marine is, by any reasonable standard of measurement, any nation's fourth arm of defense, providing the logistical support which is vital to any military effort, even in these days of modern airlift capability.

The creation of a viable Soviet merchant marine must also be viewed as an economic challenge—because the nation which controls the sea-lanes of the world has its hand on the jugular vein of trade, which is vital to any nation's economic survival, particularly ours.

And the stark fact of the matter is that a modern Soviet merchant fleet now confronts us on every sea-lane of the world. Soviet ships are now begining to call at West Coast ports, adding a menacing new dimension to our historic trade with the Orient.

The development of the Soviet merchant fleet is an astonishing one—because, until the end of World War II, the Soviet Union was essentially a land-oriented nation. In the past two decades—and particularly since 1960—the Soviets have changed all that, with a program that surpasses even our own great shipbuilding program of World War II.

Eighty percent of the Russian fleet is now less than 10 years old. It incorporates the latest technological developments in world shipbuilding, as they relate to the maritime needs of that nation.

And that's only for openers. The Russians say they intend to double their present fleet by 1980. In view of their past performance—in view of the fact that one-fourth of the ships under construction in the world today are for Communist registry—I see no reason to doubt that statement. If anything, we must consider it an understatement of Soviet intentions—and Soviet capabilities.

It would be a mistake for us to think of the Soviet Union, then, as a landlocked nation. In 1958, for example, water transportation accounted for less than 7 percent of that nation's domestic cargo movement. Ten years later, that figure had soared to 20 percent. As for its foreign commerce, the figures are even more alarming: For the past several years, the Soviet merchant fleet has carried more than half of Russia's foreign oceanborne commerce. Well over half of the goods that move to and from the Soviet Union by water, move in the holds of vessels flying the "hammer and sickle"—a flag which is now seen in virtually every major port around the world, including the Free World ports of our allies.

What has happened to the U.S. merchant fleet—and to our oceanborne trade?

At the close of World War II, the U.S. merchant fleet of nearly 3,700 ships was the largest in the world and the pride of this nation. It carried nearly half of our import and export trade.

In the years since that time, however, the U.S.-flag fleet has steadily and relentlessly declined. Today, U.S. imports and exports are of truly staggering proportions. They account for one-third of the total world trade. They are valued at about $70 billion a year. And yet American-flag vessels carry less than 5 percent of our total waterborne foreign commerce. That means that 95 percent of this trade moves in ships of other nations—and the Soviets see this as a plum ripe for the picking.

Remember, now, that the Soviet system is different from ours. Theirs is a government-controlled economy; ours is a free economy. Our system of private enterprise depends on producing profits which workers and employers share; the Soviet system demands no such condition from its efforts. Since the Soviet merchant marine is state-built, state-owned, state-operated, it can be run at a deficit any time it suits the political fancy of its masters in the Kremlin, and any time that it serves the long-range Soviet goals of world political domination.

In head-to-head competition with the citizen-built, citizen-owned and citizen-manned American merchant marine, then, the Russians could bury us at sea, taking a temporary loss in freight rates in order to drive us out of the market—and then raising freight rates to exorbitant levels, or simply denying us access to any sort of shipping, once they had accomplished their purpose of sweeping us from the oceans of the world.

This is no idle threat. The American economy depends, for its survival, on foreign trade. The United States used to be able to take care of itself in terms of basic raw materials. The United States can no longer rely exclusively on domestic sources—our demands for raw material to feed our industrial furnace far outstrip our domestic supply. Our ability to sustain our economy will become more and more dependent upon the availability of foreign raw materials.

To insure that we have these materials at hand, we must have a merchant marine in being. Otherwise, the ships of other nations—the Soviet Union or even friendly nations—will have us at their mercy.

This is not a new concept. A dozen years ago—in 1958, to be precise—when President Eisenhower spoke of an economic war facing the United States in world trade circles, the first contracts were executed under an ambitious program that would have replaced the entire subsidized liner fleet.

During the decade that followed, our planned ship-replacement program never got out of first gear. The highest perform-

ance point was reached in 1963, when contracts for 27 ships were executed. From that point forward, the program decelerated to an average level of 10 to 11 ships per year, where we have since remained.

During this period, the meager expansion of our privately-owned merchant marine was offset by a substantial decrease in the Reserve Fleet. This resulted in a net decrease of 7.5 million tons. And during this same time span, the average age of the entire U.S. merchant fleet lengthened from 14 to 27 years. Think of it: A fleet whose age averaged 27 years, when the average effective life of a vessel is only 20 years!

During the critical decade of the Sixties, the nation's maritime program drifted aimlessly in a sea of governmental neglect and confusion. The shipbuilding program was scrapped and the American merchant fleet was virtually scuttled—over the vigorous and repeated protestations of the Congress.

To correct this deficit on our maritime capabilities, President Nixon proposed the comprehensive long-range merchant shipbuilding program which was passed by Congress and signed into law.

There is an overriding need for this program. That is the only reason why—in a period when the Administration is actively engaged in cutting federal spending wherever possible—Congress approved a program calling for an investment of nearly $2.7 billion over the next ten years. In a period when we are paring other government expenditures to the bone, there has to be enormous justification for that kind of an outlay. And there is.

The purpose of the program is, first of all, to preserve our merchant fleet. Beyond that, the purpose is to modernize it, so that our ships, can, once again, compete in the world market—so that our ships can carry a substantial share of our waterborne commerce in general, and in particular the strategic raw materials upon which our industrial complex relies—so that we can meet this Soviet menace, and all of the economic and political potentials that this menace contains.

The new shipbuilding program will triple the current output of 10 ships a year, giving this industry a long-overdue assurance of continuity in our maritime commitment.

The new program will materially increase the amount of goods moving in commerce to and from our shores in the holds of American-flag vessels.

These, basically, are the goals of the program—and they form the rationale for embarking on a maritime program now, in the midst of what is otherwise a move toward greater economy in government.

I mentioned at the outset the Russian Revolution—and particularly the Russian revolution at sea. Let me remind you, however, of our own American history. For our country was born out of revolution, too—and now we, too, are embarked on a maritime revolution that will provide the foundation for a viable American-flag fleet for the next two decades.

The Russian menace is very real. It will be with us for a long time to come, for there is a relentless quality to every effort of the Soviets to gain world domination. But we are a stubborn people, too, with our feet planted in a proud history.

Our merchant marine is part of that long proud history. It has made a continuing contribution to our growth, to our defense, to our freedom.

I am confident that we can meet, and surpass, the Soviet challenge on the high seas, for I am firmly convinced that a free nation can, over the long haul, achieve more than a slave nation.

We can prove this during the 70's as we move ahead with this new program of shipping and shipbuilding.

NEGOTIATIONS WITH CANADA TO LOWER TARIFF BARRIERS

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

Mr. CORMAN. Mr. Speaker, the recently adjourned 91st Congress agonized interminably, and unsuccessfully, over foreign trade legislation. Now it appears that the struggle begins all over again with the introduction of H.R. 20.

I have, on yesterday, introduced a bill of my own, H.R. 3263, which amends the Trade Expansion Act of 1962, as does the foregoing bill, but in a different way, and for a different purpose.

My bill seeks to give the President of the United States a limited authority needed to negotiate with Canada for the reduction, or elimination of some of the American and Canadian import duties which cause irritations or disruptions in the otherwise smooth flow of trade between these two countries. The bill's objectives are relatively modest. They contemplate no major Kennedy round of negotiations, no sweeping away of import levies on a broad classification basis. On the contrary, the bill contemplates that negotiations be conducted on an individual product basis, for the purpose of equalizing, or eliminating the import duties in cases where different tariffs in the two countries have created, or now threaten to create, the needless irritants to which I have referred.

The authority does not require U.S. negotiators to trade concessions on the same product, although this may be very desirable in many cases. There are some products which Canada does not produce, or produces in minor quantities, and there are similar products in the case of the United States. These could be traded for each other. Moreover, there are some products which are free in one country and dutiable in the other, which could obviously not be traded against each other since there would be no reciprocity.

It should be finally added that the United States cannot, of course, dictate to Canada the products on which the latter will negotiate, but in the type of negotiation envisaged it would seem logical that Canada would want to apply criteria similar to those herein specified. Moreover, it goes without saying that no concession would be granted by us unless all conditions prescribed by our own law were satisfied.

This, then, is strictly a United States-Canadian tariff negotiation bill, and authorized negotiations with no one else. The bill provides that products subject to negotiating authority must be those which are imported into the United States primarily—which, in this case, means approximately 75 percent—from Canada. This provision specifically excludes therefore the possibility of any non-Canadian product's receiving substantial benefit, on the basis of the most-favored-nation doctrine, of any concession negotiated with Canada under the authority of the bill.

Moreover, if any products primarily supplied by Canada should subsequently cease to be so supplied, there would be at least two means available by which third parties would be prevented from taking undue advantage on any concession which might have been granted to Canada. The first would be the withdrawal by the United States of the concession itself, which privilege is specifically reserved to us under the bill, upon the giving of 3 months' notice. The second would be the use of "ex-out" procedure, under which the articles to which the concession is applicable are defined by the negotiators with such precision as to exclude all other articles but those Canadian articles specifically intended to be covered under the agreement.

Moreover, the use of these two devices would be perfectly acceptable and nondisruptive to our good relations with our other trading partners, for the simple reason that no such partner could reasonably object to our refusing to gratuitously transfer to it, without consideration, a concession for which the original beneficiary of that concession had paid a full measure of consideration.

Speaking in plain, nontechnical language, Mr. Speaker, what is this bill all about? It is about a manufacturer of poultry cages in Michigan, to give one example, who has built up a market for his product in Canada, or who desires to do so, just as his competitor-counterpart in Canada has done in the United States. Our American producer could normally be expected to meet the Canadian competition, through quality craftsmanship and volume production, but he finds that the rate of import duty collected by Canada on his poultry cages is 17½ percent, whereas the corresponding duty collected by the United States on competing poultry cages is zero. This 17½-percent differential constitutes, for our U.S. manufacturer, the difference between a healthy and a feeble Canadian market.

These rate relationships have developed, not because of inattention by our present negotiators, but because of new industries and plants and new technological processes and specializations and new demands, which have been characteristic of the postwar period.

What was said about poultry cages could be said about a great number of other products such as pipe organs, aluminum oval sleeves, cookies, plastic garden hoses, propane liquefied gas, lignin pitch, metal grain bins, diamond blades, logging equipment, store fixtures, packaging machinery, concrete products machinery, dock levelers, and so forth. I have itemized these products by name because it so happens that in each case one or more of their manufacturers has taken the initiative to complain to executive agencies about the existing tariff rate structure which adversely affects their particular product. I have reason to believe that further research will show that the total list of American industries whose exports are restricted by the aforesaid adverse effects, if compiled in its totality, would be surprisingly long.

Canada has similar complaints against our tariff, and there is a very significant area for negotiation.

Who, then, would benefit from the enactment of H.R. 3263? First of all, it would be any American manufacturer with a present or potential Canadian

market, but who is confronted by Canadian import duties, and particularly those that are higher than their corresponding U.S. import duties. But the benefits to Americans are by no means limited to an increase in U.S. exports to Canada. An impressive category of benefits consists in savings to U.S. companies who have established themselves in Canada, for good and sufficient reasons, and who, upon exporting goods into the United States, are confronted by U.S. import duties which in many instances serve no salutary purpose at all. I have taken a broad approach to this problem because it affects all of our States.

I want to make it plain that in my previous references to negotiating for tariff equalization, I was not talking about tariff rates on primary products, such as steel, lead, or zinc. The bill does not contemplate that these products constitute the subject of concessions on either side, nor that concessions be granted on products subject to severe import competition, such as textiles and shoes, nor on products where there may be strong opposition to tariff concessions from U.S. producers, such as for aluminum or competitive agricultural products. The negotiating authority will not be used for products where nontariff barriers prohibit or limit access to the Canadian market, such as exists in the case of alcoholic beverages.

To those who fear that a particular tariff rate might be lowered without first giving all interested parties a hearing, let me say that my bill, being in the nature of an amendment to the Trade Expansion Act of 1962, incorporates all of the safeguards therein provided. Accordingly, all rate-reduction proposals must be first submitted to the Tariff Commission and other interested Federal agencies for investigation and recommendation, to be accompanied by full public hearings.

Moreover, it is definitely not contemplated that the negotiating authority be used for any major tariff negotiations. The authority will be used, as before indicated, to negotiate solutions to trade problems which hamper U.S. exports and are irritants in our broader relations with Canada. Concessions will be reciprocal in every case. The result of an agreement reached will be an increased flow of trade between the two countries, an expansion of foreign markets, an intensification of competition, a diversification of available products, and a general improvement in the economic health of all parties concerned, on both sides of the border.

Although the coverage of this bill is somewhat limited, I do not want to understate its basic importance. On the contrary, by any standard of measurement it is a significant bill, for, if enacted, it will constitute the only legislation moving us in the direction of a liberalization of our trade barriers since the Trade Expansion Act of 1962.

In recent years, a number of forces have been at work tending to move us in the direction of economic protectionism, and away from the freer trade advocated by every President since Franklin D. Roosevelt. The justification for the departure from the freer trade philosophy has usually been that it was temporary, and called for by special circumstances.

This is not the occasion to explore that argument. I refer to it only to better call attention to the fact that this country, ever since the historic Trade Agreements Act of 1934, has been committed to a policy of gradual reduction of tariff barriers by negotiation.

Over the past 37 years we have carried out this policy, at times with boldness and at other times with timidity; but never have its premises been seriously questioned. For example, on May 11, 1970, Ambassador Carl J. Gilbert, the President's special trade representative, in testifying before the House Committee on Ways and Means, in favor of the trade bill, quoted from President Nixon as follows:

> I reject this argument (i.e. that we should set arbitrary limits on the forces of free world competition) not only because I believe in the principle of freer trade, but also for a very simple and pragmatic reason: any reduction in our imports produced by U.S. restrictions not accepted by our trading partners would invite foreign reaction against our own exports—all quite legally. Reduced imports would thus be offset by reduced exports, and both sides would lose.

In January of 1969, the Office of Special Representative for Trade Negotiations submitted its report on trade and tariffs to the President. I quote a single pertinent sentence therefrom appearing on page 5 of the introduction.

> For the past 34 years the trading nations of the world, under U.S. leadership, have pursued a policy of trade liberalization on a reciprocal basis. That policy has, on the whole, served our country well—and it has served the world well.

In April 1969, the Department of Commerce submitted to the President a 5-year outlook on world trade, with recommendations for action. Again I quote a few sentences, including one of its recommendations.

> To prepare for the longer run, the Government should initiate studies to determine the most advantageous techniques for future major negotiations, including: . . . (b) the matching of rates on specific products where meaningful in trade terms. (Page 86.)
>
> The measures recommended in this study focus on improving U.S. export performance. They involve both actions that the United States Government can take unilaterally and those that require cooperation by other countries. . . . Inasmuch as actions that the United States can take unilaterally are likely to be insufficient, the proposed international actions should also be pursued, with vigor, patience and persistence. Measures to strengthen the negotiating ability of the United States to achieve its international trade objectives are included among the proposals (Page 73–74.)

The objectives of H.R. 3263, are, in my opinion, completely harmonious with the recommendations of the aforesaid Office of the Special Representative for Trade Negotiations, and the Department of Commerce.

If what I say is correct, then my bill, H.R. 3263, can only be viewed as a solid step toward moving progressively and rationally in the direction of a relaxation of our trade barriers.

Let me put it this way: If this Congress should be disposed to make even a small gesture in the direction of a relaxation of our trade barriers in the spirit of the Trade Expansion Act of 1962, then Canada is the logical trading partner in whose favor that gesture should be made.

I recall to your minds that despite the tariffs on both sides of the border, there is already a high degree of integration between the Canadian and United States economies. Some 20 to 25 percent of Canadian economic activity involves international trade, and almost two-thirds of this is with the United States. In 1969 our export to Canada amounted to $9.1 billion, which was considerably above our exports of $7 billion to the European community as a whole. Our imports from Canada totaled $10.4 billion, which was slightly larger than our imports of $10.3 billion from all of Europe. Canada was the recipient of 24 percent of our exports, and was the source of 29 percent of our imports. The Canadian-American Committee, sponsored by the National Planning Association of the United States and the Private Planning Association of Canada, as a result of extensive research, made the categorical statement in 1967 that the United States-Canadian trade is not only the largest bilateral trade flow in the world, but that it represents, by several times, the trade volume that has occurred between any other two nations, at present or at any time in history.

Some 70 percent of our imports from Canada entered this country duty free, and some 64 percent of our exports to Canada were similarly free of duty. No one can argue for a moment that the resulting magnitude of the interchange of commodities has not been to the mutual benefit of both parties. But there are still impediments, irritations, blockages. These can, to some extent, be removed, and my bill, I believe, will help to do so.

Let me make it clear that what H.R. 3263 calls for is not a free trade area such as exists among the seven members of the European Free Trade Area, nor a customs union like that of the six members of the European Economic Community, otherwise referred to as the European Common Market. What I am calling for is simply the creation of the machinery necessary for us to move a few steps forward toward accomplishing the task of removing United States-Canadian trade barriers. My proposal is completely harmonious with our GATT, and other treaty obligations affecting trade and commerce.

Mr. Speaker, I hope that in due time this bill may be given honest and fair consideration by my distinguished colleagues, and that it may become the means whereby individual Members may avoid the stigma of having failed to make one single gesture toward reaching the goal to which we are committed: the gradual elimination of those barriers which unreasonably restrict the free flow of trade among the friendly nations of the earth. The moment when we cast our vote on this bill, which deals with our trade with the closest foreign friend we have and our next door neighbor, will be an important one, indeed, and I hope that none of us will miss our chance to move the economy a giant step forward.

JUDGE EDWARD R. FINNEGAN

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

Mr. YATES. Mr. Speaker, it is with much sorrow that I announce to the House the death of Judge Edward R. Finnegan a few days ago. Edward Finnegan, who served in the House during the 87th and 88th Congresses, will be remembered by many Members of the House by his warm, friendly, likable personal qualities. They will recall, too, his great spirit of cooperation and ability in his committee work and activities on the floor.

Judge Finnegan was 65 years old at the time of his death. He attended Loyola University and Northwestern University Law School and received his law degree in 1930 from De Paul University.

It was his lifelong ambition to be a judge and he achieved that ambition in 1964. His service on the bench was marked by conscientiousness and dedication to the law.

Mrs. Yates joins me in extending our heartfelt sympathy to his widow, Marie, and his three daughters.

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

Mr. YATES. I am delighted to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, it is with deep sadness that I have learned of the passing of our former colleague, Edward R. Finnegan. A longtime friend of Ed Finnegan, I choose to recall today the man as he was in life with a broad smile and a kind word. These were characteristic of the man.

I became acquainted with our former colleague and later circuit court judge, Edward R. Finnegan, many years ago when we were both engaged in the practice of law in Chicago. Later we served together here in the House of Representatives where he had a great following from both sides of the aisle, largely because of his winning personality which attracted people naturally to him.

Mr. Speaker, although I did not practice law before him when he served later as a judge of the Circuit Court of Cook County, I have received convincing evidence that his judicial demeanor and his proclivity for administering justice with mercy gained for him the respect of both the bench and the bar.

Mr. Speaker, the loss to the State and Nation as well as the loss felt by his many close friends will not penetrate as deeply and intimately as the loss sustained by his immediate family. Accordingly, I wish on this occasion to express deepest sympathy on behalf of my wife, Doris, and myself to Ed Finnegan's widow, Marie, and to his children and other members of the family.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and service of the late Honorable Edward R. Finnegan.

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

There was no objection.

THE FARM CRISIS: WE NEED A NEW FARM BLOC

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

Mr. MELCHER. Mr. Speaker, a declining agricultural economy has been of increasing concern to those of us who represent the breadbasket areas of this country. Receipts received by farmers and ranchers from sales of their products have not kept up with the climbing costs that they have to pay to produce the raw food materials.

Almost 60 years ago, Congress told the Department of Agriculture to keep track of the relationship between the cost of production and the prices received for agricultural products. The Department has done this, and they call it the parity ratio. Farm and ranch producers are basically optimistic or they would not be in the business because it has only been an unusual set of circumstances and only for temporary periods that parity has ever reflected 100 percent or anywhere near. The low point in parity came in 1933 during the depths of the great depression when making a living in any part of the economy of this Nation was a rarity rather than the rule. The low point in mid-1933 was 64 percent of parity, but by December of that year the parity ratio had inched upward to 67 percent.

Economists label the current economic difficulties with which the Nation struggles as a recession but in agriculture, it is in fact a depression, with the parity ratio at 67 in December of last year and 68 in January of this year, the last available figure.

There was a great deal more congressional concern shown in 1933 and the immediate months following than is shown in the 1970's for the plight of the farmer. The changes that have come about in the last 40 years in this country as it moved from a mixture of rural and urban life to the present dominance of urban life has been reflected in the makeup of representation in Congress. The House is predominantly urban, and what was known as the farm bloc that was once so powerful in these Halls of Congress has been diminished, decimated, and almost dissolved in the sea of urban interests that have taken the agricultural economy for granted. I fear that the large majority of Members have grown to know little, and to care little, about parity and what it means to those whose families and fortunes are involved in decline of agricultural values, probably chiefly as a result of inattention.

The times are desperate on the land where the crops are sown, the meat, the milk, and the produce are provided, and in those rural communities that service and supply the needs of those producers.

I call to each of you in the House to recognize the need for concern to improve the lot of this most basic industry, still the largest single industry of this country, to help improve its future, to strengthen its economy, and to permit its survival in the form we know it now as basically family farm and ranch operations.

I call to each of you to help revitalize and reinvigorate rural America, a very large part of the basic strength of this Nation. I call upon those of you who, like myself, have constituencies with a vital stake in agriculture to renew your efforts and to renew your faith in working toward those goals. We will put strength and stability in prices in the agricultural markets in this country.

We do not need to downgrade the parity concept as a measurement of fair prices for agricultural products. It is questionable that the Department of Agriculture's recent action that substitutes 1967 for 1910–14 as a base year to measure costs and prices for farmers is a step in the right direction. What is to be accomplished by highlighting a comparison of 1971 prices as being 91 percent of 1967 prices in Department reports? What is to be accomplished for farmers by heralding this figure as being more significant than the parity price index with a past history of some 60 years of recordkeeping during both good and bad times for agriculture?

It may not be the perfect yardstick, but is a familiar one which has far more meaning than a new metric measurement.

There is a great need to focus our attention on the agricultural economy in general and to pinpoint the very basic needs of this sick industry. For all those of the House that are interested in a discussion on a bipartisan basis of those woes of agriculture as reflected in the recent 37-year low of the parity price index, I believe there is need for a forum to give our collective thoughts and ideas an airing. Persons known to be interested in such a meeting will be contacted between now and the last week of February about participating in such a discussion. If you are not contacted, call my office immediately after the recess.

We need to reverse the trend as reflected by the declining parity ratio for agriculture prices. We need to move on a broad basis here in the House: Our rural people are counting on us.

INHUMANE TREATMENT OF AMERICAN POW'S BY NORTH VIETNAMESE

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

Mr. BLANTON. Mr. Speaker, I introduced a concurrent resolution Wednesday on behalf of 210 colleagues, condemning the inhumane treatment of American prisoners of war by the North Vietnamese and their allies in Southeast Asia.

I am pleased to introduce the same legislation again today on behalf of an additional 11 Members. Mr. Speaker, this means that 221 Members have sponsored

this concurrent resolution—over half the membership of the House of Representatives.

I am hopeful, with this dramatic display of concern by my colleagues, that the 92d Congress will go on record, just as the 91st Congress did, in formally protesting the barbaric attitude of the North Vietnamese and their allies in their treatment of more than 1,400 young Americans held captive in Indochina.

Mr. Speaker, the additional sponsors of the resolution include: Mr. BYRNES of Wisconsin, Mr. BRASCO, Mr. EVINS of Tennessee, Mr. HALEY, Mr. MATSUNAGA, Mr. MURPHY of Illinois, Mr. PICKLE, Mr. SATTERFIELD, Mr. VANDER JAGT, Mr. SNYDER, and Mr. WYMAN.

DANGER FROM POPULATION GROWTH IS A MYTH

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

Mr. SCHMITZ. Mr. Speaker, the rising antilife and antifamily campaign in America, characterized by the call for abortion on demand and by a persistent downgrading of parenthood, would not have made nearly so much headway without the massive scare propaganda in our schools, colleges, and communications media about an alleged population explosion. The success of this propaganda has created an urgent need for a clear statement of the truth about the population question.

We now have the proof that there is no population explosion threatening the world with disaster in the near future. The February issue of Triumph, a magazine published here in Washington, is almost entirely devoted to a comprehensive, well-documented, and convincing presentation of the facts about the so-called population explosion. It provides a point-by-point refutation of Paul Ehrlich's fantastic "The Population Bomb," showing that his statistics err by more than 1,000 percent. Articles by Dr. Colin Clark, of Oxford University, England, one of the world's foremost authorities on food resources and by R. J. Ederer, professor of economics at the University of Buffalo, establish unmistakably that the widely publicized prospect of imminent starvation for millions because of population growth alone has no foundation in fact.

Dr. Clark's position is fully set forth in his recently published book "Starvation or Plenty?" which I strongly recommend to my colleagues and to anyone who thinks that our world is or soon will become incapable of feeding the people who live on it. Dr. Clark shows that using only present technology, we can feed 35 billion people at American dietary standards, and many more at the lower but still adequate nutritional standards now prevailing in many other nations.

Triumph's statistical review of the actual population situation in the world and in the United States today, illustrated by four charts together with the refutation of Ehrlich's "The Population Bomb" and an editorial summarizing the contents of this special issue, appears in the Extensions of Remarks section of today's RECORD.

SUPERPROTECTION IS THE WORD

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

Mr. SCOTT. Mr. Speaker, one of our leading citizens in Virginia sent me a copy of an editorial from the January 18 issue of Advertising Age, a national newspaper of marketing, entitled "Superprotection Is the Word."

This editorial illustrates the need for us, as Representatives, to follow the rule of reason in everything we do. My Virginia friend mentioned that he was also listening to a newscast as he was reading the editorial and heard an irate citizen urging that we stop using any automobiles whatsoever.

Consumer protection and protection of our national environment are both worthwhile undertakings, but I would again suggest that the rule of reason govern all that we do.

The editorial is set forth in full below:

SUPERPROTECTION IS THE WORD

There can be no question but that America is on a super-protection binge. Our society is currently demanding, and rapidly achieving, a degree of protection which goes far beyond the "clear and present danger" of which the United States Supreme Court once spoke.

The recognized function and purpose of legislative and regulatory agencies used to be to protect the public against fraud and deception, and products which were or could be seriously harmful. But only recently nave these functions of government been changed, so that we no longer stop at preventing fraud and deception, but we apparently expect the government to throw a total blanket of protectiveness over each citizen, protecting him against almost any possibility of damage of any kind.

Hence we have drugs proscribed from the marketplace not because they may be dangerous or harmful, but because they may not be helpful—a totally different approach. Hence we have a total ban on cyclamates, despite rather clear evidence that their use can only be harmful if unrealistically large quantities are consumed. Hence we have an upcoming investigation of saccharine—and then possibly one of sugar—until we begin to run out of things to eat, drink or otherwise consume. At the moment, mercury seems to be emerging as the real devil, contaminating all the things that come out of the sea.

Some of these precautions make sense, of course. But as is so often the case, many of them feed on each other, with every step forward inducing still another step, until an endless chain reaction drags the whole movement along almost to the point of silliness.

One example, of course, is the ecology kick, in which all of us somehow are being led to expect a highly industrialized society, involving ferocious use of energy, which is somehow at the same time as free and clean and clear and unpolluted as the forest primeval—or even a little more so.

Obviously, there is going to have to be compromise on both sides. We can and should have cleaner, purer air and water. But it should also be clear that we aren't going to be completely happy if we have to stop all industrial and commercial processes to get them.

Ah, well. So it goes. You may be interested to know that all of the above was brought about by a brief paragraph in a newsletter from Don Gussow of Magazines for Industry.

"No telling," Mr. Gussow said, "to what lengths government agencies will move to please consumers . . . Example: Battle of how much peanuts should be included in peanut butter . . . FDA insists on 90% . . . Industry ready to prove 87% more than enough . . . Irony is that consumer who loves peanut butter would find 90% (or more peanuts) unpalatable minus dextrose, hydrogenated peanut oil, other essential, additional ingredients."

Peanut butter lovers of the world, arise! The palate you are preparing to sacrifice may be your own!

PATHET LAO HOLDS AMERICAN POW'S

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

Mr. KEMP. Mr. Speaker, the other day I visited with a group of POW wives who had just come from a press conference held by Dr. J. A. O. Preus, president of the Missouri Synod of the Lutheran Church. He is endeavoring to organize a group of church leaders from all over the world to inspect POW camps. I commend and support Dr. Preus and wish him well in his efforts.

In my discussion with the POW wives, it was apparent that the Congress had not done enough to satisfy a number of POW wives whose husbands are believed to be captive by the Pathet Lao.

Therefore, Mr. Speaker, I am today introducing a House concurrent resolution which strongly protests the treatment of POW's being held by North Vietnam, the Vietcong, and the Pathet Lao.

Also, I insert at this point, the news release issued by Dr. Preus at his press conference:

NEWS RELEASE BY DR. J. A. O. PREUS

The Reverend Dr. J. A. O. Preus, international president of the 3-million-member Lutheran Church—Missouri Synod, today issued an appeal for other religious leaders around the world to join him in a modern "crusade"—a visit to Hanoi and to other Communist leaders to intercede on behalf of American prisoners of war being held by North Vietnam, the Viet Cong, and the Pathet Lao.

This appeal was a part of a five-point program announced by Dr. Preus at a press conference held at the ROA building, 1 Constitution Ave., N.E., in Washington, D.C., aimed at procuring humane treatment of U.S. prisoners of war. Dr. Preus was flanked at the press conference by Colonel Norris M. Overly, one of the first POW's released by North Vietnam, Major James N. Rowe, who escaped from the Viet Cong after almost six years of captivity, Mrs. Bobby G. Vinson, whose husband is missing in action, and Mrs. Kevin J. McManus, whose husband is a POW in North Vietnam.

In a prepared statement Dr. Preus acknowledged that he, like most other church leaders, had been so busy with parochial concerns that he had neglected to speak out on vital moral issues facing our nation and "humanitarian concerns all over the world." "It is for this reason that I have chosen to become involved in an effort to do what I can to help obtain humanitarian treatment for American prisoners of war in southeast Asia and ultimately to hasten their release," the Lutheran president stated.

Dr. Preus pointed out in his statement that the "Vietnamese are an old and proud people who for 2,500 years have placed great

importance on the family structure and have followed religious principles which recognize human compassion and humanitarian principles." The church leader also pointed to the Declaration of Independence of the Democratic Republic of Vietnam, written in 1945 by Ho Chi Minh, which borrows the opening words of our own Declaration of Independence and states that every human being has basic rights from birth. "By any failure to grant full humane treatment to POWs the Vietnamese Communists are denying their own heritage," Dr. Preus stated.

The Lutheran church president insisted that the Geneva Convention of 1949 concerning humanitarian treatment of prisoners of war should be followed to the letter "not only because it is a recognized legal agreement between nations but because it contains the most basic provisions of humanitarian behavior that must be respected by civilized nations."

"Listing prisoners promptly," he continued, "releasing the sick and the wounded, humanitarian treatment of the prisoners (such as allowing them to correspond with loved ones at home on a regular basis) are very uncomplicated principles that could easily be followed by civilized nations."

The churchman pointed out that his concern, like his training, was pastoral rather than legal or philosophical. "I feel a compassion for any of our men who are suffering cruel and unreasonable treatment in POW camps," Dr. Preus said. "I know something of the anxiety and the heartaches experienced by the wives, the sons and the daughters, and the parents of the men who are missing in action, because they don't even know if their husband, father, or son is dead or alive."

Dr. Preus stated further that the realization that some of our men have been POWs for over six years, that evidence pointing to the conclusion that many of them have been in solitary confinement during their entire captivity, and that some men have been listed as missing in action for as long as six and one-half years are facts that are "very difficult for a compassionate nation" such as ours to accept.

Dr. Preus outlined a five-point program he intends to follow:

1. He is declaring a Day of Prayer for American POWs and MIAs on Sunday, March 14, in the 6,000 congregations under his presidency.

2. He is directing a sustaining program of education and prayer in all of the congregations of The Lutheran Church—Missouri Synod in behalf of the American POWs and MIAs for a one-year period.

3. He is inviting the heads of all major Christian denominations to undertake a similar program in their congregations and urging religious radio and TV programs to include special prayers for the POWs and MIAs.

4. He is urging all Lutheran leaders in all the countries of the world who accept the Geneva Convention of 1949 to use their influence to bring public opinion in their countries and in their governments to bear on the Communists in Indo-China in order that they may be moved to follow the humanitarian treatment of prisoners of war as stated in the Geneva Convention of 1949.

5. He is endeavoring to organize a group of church leaders from all over the world to ask the president of North Vietnam and other Communist leaders to allow them to inspect the POW camps in order to give an unbiased account to the American people and the people of the world of the conditions that exist in these camps.

Dr. Preus said that he felt that "these Communist leaders would be hard pressed to deny permission for a visit from a group of religious leaders with completely altruistic motives."

THE CASE AGAINST MAJ. GEN. SAMUEL W. KOSTER

The SPEAKER. Under a previous order of the House the gentleman from New York (Mr. STRATTON) is recognized for 1 hour.

(Mr. STRATTON asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the Army made a very grave error last Friday when it dropped all the charges in connection with the Mylai massacre against Maj. Gen. Samuel W. Koster, the commanding general of the Americal Division in Vietnam at the time its subordinate units participated in the assault on Mylai 4 on March 16, 1968.

Dropping charges against the highest ranking officer involved, without any public trial or even discussion of the case against him, and doing so at a time when very grave charges involving the same incident against a junior officer in his command are still in the process of trial, can only result in serious damage to the reputation of the U.S. Army, to the United States, and to the effectiveness of the processes and procedures of military justice in dealing with matters which involve profound national and international concerns.

Mr. Speaker, I am afraid that this is a case where the ground rules of the mythical WPPA, the West Point Protective Association, have taken precedence over the welfare of the Nation and the fundamental right of the American people to know the facts: Never mind what happens to the Army or to the country, just make sure we keep our paid-up members out of embarrassment and hot water.

The dismissal of these charges is not only bad, but it has been carried out in a manner that purports to absolve the top military and civilian leadership of the Pentagon of all responsibility for this action by resting the decision on a single, obscure lieutenant general just a few hours away from retirement.

Mr. Speaker, if this decision to drop the Koster charges is not rescinded—by the Army, by the Department of Defense, or by the President—then I predict it will rise up to haunt the entire Military Establishment in months to come, and may very likely end up doing even more serious damage to America's military posture and prestige than did the Army's original handling of the Mylai affair.

I concern myself with this case because for some 7 months last year I served as a member of a four-man congressional subcommittee which made an in depth survey of the whole Mylai incident. Our subcommittee report was issued unanimously on July 15, 1970, was widely hailed for its decisive tone at the time, and is still the most detailed public account in existence of what happened at Mylai, and how that incident was covered up within the Army and the State Department.

The basic point, which our subcommittee was well aware of—and which the Army's action in suddenly dropping all the charges against General Koster still completely fails to understand—is that the Mylai case is not just a strictly internal Army matter. It is a case that has caught the critical eye not only of the Nation but the whole world. And the handling and disposal of the Mylai case will directly affect not only the U.S. Army and the promotional status of its West Point trained generals, but the prestige of the Nation, and the confidence and respect—or rather the lack thereof—in which the American people hold the Army and their other military services. This is not just a question of who spends how many days in the brig for going AWOL. This is a case where the American people rightly insist on knowing the truth about Mylai—what went on there, why it happened, who was responsible for it, and what is going to be done about it.

This fact seemed to have been understood by the Army hierarchy in November 1969, when Secretary Resor and General Westmoreland, the Chief of Staff, took the most unusual step of appointing the peers committee "to explore the nature and the scope of the original Army investigation of the so-called Mylai incident." They were charged with finding out how it took the top Army brass more than a year to find out what happened at Mylai, and then only as a result of a letter from a former GI long mustered out of the service. The peers group worked hard and long and came up with a detailed report which was critical of the Army's conduct in this case.

Even more critical, and far more detailed in its published sections, was the report issued by the Hébert subcommittee of the Congress, sections of which I intend to quote as they relate to the strange case of General Koster.

General Koster was the commanding general of the U.S. Americal division in Vietnam in early 1968. As a result of the peers investigation he was charged on seven counts of covering up the Mylai incident, or more specifically, of a "failure to obey lawful regulations and dereliction of duty" in failing to follow rules that require commanders to report any possible atrocities all the way up the chain of command. Following the lodging of these charges General Koster was relieved as Superintendent of West Point, and since 1969 has been serving on temporary duty at 1st Army Headquarters at Fort Meade in Maryland awaiting the disposition of his case. He testified before the peers group on several occasions and twice before our Hébert subcommittee.

The statement regarding the dropping of the charges against General Koster was released on January 29. The statement said the decision to drop the charges had been made by Lt. Gen. Jonathan O. Seaman, 1st Army commander, "in the interest of justice," and because "they were not supported by the available evidence." In the case of two of the seven charges involved, however, General Seaman did find evidence to support the charge that General Koster "did not report civilian casualties at Mylai—4," and "did not insure a proper and thorough initial investigation of the reported civilian casualties." But considering the "long and honorable career of

General Koster," the statement said, and because "the evidence did not show any intentional abrogation of responsibilities on the part of General Koster," the charges were dismissed.

Shortly after the public announcement of this decision, I issued the following statement:

The decision of the Army to drop the charges against Major General Koster in the My Lai case is in my opinion a grave miscarriage of military justice.

To drop the charges against the top officer responsible in this situation raises once again the whole question of a military whitewash.

The decision to drop charges against a number of the enlisted men involved makes some sense in the light of the court martial verdicts in the Mitchell and the Hutto cases, but the crime of covering up the My Lai incident is an entirely different, and in my judgment much graver, charge. Our committee found plenty of evidence of what had taken place in this connection.

If the Army system is either unwilling or unable to produce the facts and to punish the guilty in this case then I am inclined to feel that we do need some independent tribunal which will be higher and separate from the ordinary military-controlled court martial proceeding to make a final determination in this case.

The next day in the New York Times Mr. Robert MacCrate, a Wall Street lawyer who had served as special consultant to the peers group, was quoted as calling the dropping of the charges "a serious disservice to the Army," because, he said, "charges are still pending against men who were within his command" at the time of the massacre.

Then a curious thing happened. That same day, January 30, an unidentified "Army spokesman" announced—in reply to a question—that at the time General Seaman informed General Koster of the dismissal of charges against him, he had also given him a "letter of censure—for his failure to report civilian casualties and to insure that the circumstances of these casualties were investigated promptly and thoroughly." The spokesman also indicated that further "adverse administrative action" might be taken against General Koster by the Secretary of the Army "if warranted."

One cannot help wondering why this censure action was not made public at the time the original announcement was made that charges were being dropped. Why was the impression given that General Koster was being let off completely free and clear? Was the Army perhaps waiting to test the public reaction to their decision to sweep the Koster case under the rug? It is perhaps possible that if there had been no adverse reaction—from Mr. MacCrate of the peers group or from some member of the congressional investigating subcommittee—then the letter of censure, if indeed it ever existed, would have been torn up?

Actually, there is some question whether all this talk about dark administrative action lurking ahead has any meaning at all, once the really serious business, the formal court-martial charges, have been dropped. If General Koster is adjudged, through the curious processes of military justice on the opinion of one man, to be innocent of any "intentional abrogation of his responsibilities," then how can this process be meaningfully reversed by some unfavorable "administrative action" taken outside the scope of military justice?

Indeed the whole episode reveals one of the grave failings of the military judicial process. One man, in this case General Seaman, makes the crucial "grand jury" decision as to whether the evidence in a pending case in his command is or is not substantial enough to proceed to trial. Yet the man who has the power to make this decision just happens to be the commanding officer in the area in which the individual charged just happens to be currently stationed—the northeastern United States, the First Army area. He has no special expertise in military justice. And he has no special knowledge of the alleged incident—which took place in Vietnam, not in Maryland. Yet he—and he alone—is empowered to make a decision, as in this case, on which the reputation and future of the whole Defense Establishment and even the country may depend. He, and he alone, is empowered to decide whether the issues involved are to be publicly aired, so that the people can judge the evidence themselves and weigh the fairness of the ultimate verdict; or whether the matter is to be swept under the rug, the record locked, and nothing more than a meaningless slap on the wrist administered to the highest ranking officer involved.

Such powers of decision might be appropriate in the case of a soldier who gets drunk off duty and goes AWOL. They are out of place in a case that has aroused the profound national and international concern that Mylai has aroused. We ought to change this procedure and change it swiftly.

Actually, I think we have to recognize that there is some question whether General Seaman is really the culprit in this Koster dismissal action or is somebody else's fall guy. It hardly makes sense to suppose that the Army hierarchy, the Secretary and the Chief of Staff, would have been so deeply concerned about Mylai and a possible Mylai coverup in November 1969, that they would go to the unusual step of creating a special peers group to make a thorough investigation of the incident; and then, a year later allow one obscure officer—whose only claim to authority is that he happens to be in the right place at the right time—to blow the whole case on his own say so.

I just cannot honestly believe that General Seaman made the decision to drop the charges against General Koster on his own and without any reference to the Pentagon. The precise reverse is probably true. The Pentagon must have decided to let General Koster off the hook, even while subordinates were still being tried on far more serious charges, probably because they feared that a full, public airing of the charges against Koster and of his incredible mismanagement of his command would make the Army look very, very bad. They probably figured that the furor over Mylai had died down, that people were getting bored with the grisly details, and that nobody would really care very much what happened to General Koster anyway. Things would stand or fall, I suppose they reasoned, on the outcome of the Calley case. He was already building up a lot of sympathy. And as long as they went through the motions of prosecuting the coverup aspects of the case with Colonel Henderson—and rubbing off as much of the blame as possible on Lieutenant Colonel Barker, who is dead—that should take care of the matter and none of the tarnish would have to rub off on any of the general officers.

So General Seaman was instructed to let Koster go, I am inclined to believe, and sweep the Koster case under the rug. After all, General Seaman was on the verge of retiring, so he had nothing to lose himself. In fact his retirement was originally scheduled for February 1, but on January 26 orders were issued extending him to March 1 and possibly later. The action with regard to the dropping of the Koster charges was announced 3 days after the order delaying General Seaman's retirement was issued. Perhaps all this is purely coincidental. The Army claims the delay was solely because General Seaman's relief is ill and is now in Walter Reed hospital. Maybe so; but the whole situation smells, and the usual procedure, when a relief is ill, is to go ahead and designate another relief. Was the Pentagon perhaps forced to twist General Seaman's arm a little bit, before letting him go off to a comfortable retirement, to get him to perform the ultimate coverup action in an already tragic coverup case? The circumstances make such a conclusion almost inescapable.

After all, let us not forget that it is the coverup aspects of the Mylai case that have been the most damaging to the reputation of the American military high command. What happened at Mylai on March 16 could have been an aberration of men already bent under all the pressures and tensions of combat. But the failure of the facts about Mylai to surface to the Army high command for more than a whole year, either in Vietnam or in Washington, raises grave questions about the reliability, honor, and integrity of top command officers.

Otherwise, why create a peers panel in the first place? Yet having created it, and having allowed it to operate in great depth for over 7 months, the Army now suddenly throws all of its work down the drain by blocking a public trial of the commanding general of the division involved. And all on the personal opinion of one man. No report, no summary, no reasoning.

If General Koster were so blameless in the Mylai case, then why not hold the trial and let him exonerate himself publicly? The letter of censure makes it clear that he is not lily white. But what the letter of censure has accomplished—and that apparently is what was most important to the Army's top leadership—is that the general's case will at least stay out of the papers. The public and the public interest be damned.

This is, of course, exactly what the Department of Transportation did with Coast Guard Vice Admiral Ellis in the Lithuanian defector case. Do not have a

public trial. Just slap the admiral on the wrist, let him retire 6 months early, but do not air any dirty linen in public. It is hardly a happy precedent.

Mr. Speaker, I do not know what witnesses General Seaman is supposed to have consulted in his "Article 32" investigation of the charges against General Koster or what documentary evidence he reviewed. But he concludes that General Koster "did not report civilian casualties at Mylai—4," and "did not insure a proper and thorough investigation of the reported civilian casualties." Well, what more does General Seaman think he needs to proceed to trial? These two counts together go to the heart of the whole coverup charge at Mylai—the failure to report, and the incredible failure even to investigate. The Hébert subcommittee concluded that the coverup was by far the most damaging aspect of the Mylai situation, since it had the practical effect of blowing up the importance of the incident and prolonging its unfavorable impact on the reputation of the Armed Forces and the country. We said this:

Those men who stand accused for their actions at My Lai have, in the minds of many, already been "convicted" without trial. By the same token, the U.S. also stands convicted in the eyes of many around the world. These two tragic consequences might have been avoided had the My Lai incident been promptly and adequately investigated and reported by the Army. (P. 53.)

Yet General Seaman, in his published statement, having found evidence to support both charges, concludes that General Koster had a "long and honorable career," and there was no evidence of "any intentional abrogation of responsibilities on the part of General Koster." But the point at issue here is whether General Koster's career at Mylai was "honorable." And whether his actions were or were not "intentional" is something, considering the grave importance of the case, that ought to be determined by a public court martial and not on the basis of the personal opinion of one man.

What about the failures of omission, by the way, the failure to be alert, the failure to be sensitive to the requirements of his job? Are not these failures, in a case as sweeping as Mylai and especially in a combat division commander, culpable enough to warrant public examination, whether "intentional" or not?

On this score I believe it will be instructive to review the extent of General Koster's involvement in the Mylai case, especially in the coverup portion of that case, as disclosed in our subcommittee's published report:

1. *General Koster was in the air over My Lai on the day the tragedy occurred:*

"Maj. Gen. Samuel Koster, Commanding General of Americal Division at that time, testified that he probably flew over the assault area at about 0930 hours." (P. 14.)

2. *General Koster was informed at that time about noncombatant casualties at My Lai:*

"Col. Henderson stated that he had seen two different groups of bodies, in total about eight, which appeared to be noncombatants in the locality of My Lai 4. He said that he had reported his observation to Gen. Koster at about 0930 hours." (p. 14)

And again:

"Col. Henderson's oral report to Maj. Gen. Koster, Commanding General of the Americal Division, at about 0930 hours on March 16th, appears to have been the first official notification that some noncombatants had been killed in the operation. At that time Col. Henderson reported having seen six or eight civilian dead." (p. 24)

3. *General Koster specifically countermanded an order at My Lai on that same day to make a more thorough check of the number of civilians killed:*

"At about 1600 hours on March 16th, Capt. Medina received a call from the Task Force Operations officer asking for a report on the number of civilians killed in My Lai 4. He said he reported approximately 20 to 28. He was then ordered to return to the village to make a thorough check on the number of civilians killed. Medina objected to the order because of the lateness of the hour and the need to establish a night defensive position. His objections were overruled by the Operations Officer who repeated the order. At that point "Sabre-6", the radio code of Gen. Koster, who was airborne, in a helicopter, cut into the radio transmission and asked how many killed the company was reporting. When told 28, Sabre-6 said that sounded about right and countermanded the order for a return of "C" Company to the hamlet." (p. 24)

4. *General Koster specifically admitted issuing this countermanding order:*

"Gen. Koster recalled countermanding the order but could not specifically fix the event as having occurred on March 16th. Because of the number of witnesses who either overheard the transmission or had participated in it, it appears conclusively established that the transmission did, in fact, occur on March 16th rather than some later date." (p. 25)

5. *General Koster was further informed of civilian casualties at My Lai after the operation and demanded further information:*

"Col. Henderson stated that, at some time during the evening of the 16th, he received the report of 20 civilian casualties from Task Force Barker. He said he then ordered Lt. Col. Barker to determine how those people had been killed. Immediately after receiving the report from Task Force Barker, Col. Henderson said he called Gen. Koster and gave him the revised figure. Col. Henderson stated that Gen. Koster demanded a report on the manner in which those people had been killed." (p. 25)

6. *General Koster was also informed about Lt. Thompson, the helicopter pilot's report on excessive civilian casualties at My Lai and the reported "confrontation" between Lt. Thompson and a ground commander:*

"The General (Gen. Young) according to Lt. Col. Holladay, was more concerned with the confrontation between American forces than about the killing of civilians. According to Lt. Col. Holladay, later that same day, or possibly on the following day, Gen. Young told him that he had told Gen. Koster about "that business"." (p. 26)

7. *General Koster ordered an investigation of both the "confrontation" involving Lieutenant Thompson and the civilian casualties at My Lai:*

"Gen Koster testified that, about noon on March 17th, Gen. Young reported to him that a helicopter pilot had reported "indiscriminate firing". He said the pilot had landed in order to evacute some civilians who he believed were in danger because they were in the field of fire of U.S. troops who were doing some unnecessary firing. As a result of his evacuation effort, there had been a confrontation between the pilot and an individual on the ground.

Gen. Koster stated "there was absolutely nothing to the best of my recollection, about indiscriminate killing". He said there were two features to the allegations, the confrontation, and the unnecessary firing which endangered civilians. He denied that there was any mention of civilian casualties. Gen. Koster said that, as a result of the allegation, he directed Gen. Young to have the matter investigated.

Gen. Koster further testified that about that same time he received a report from Col. Henderson of approximately 20 civilian casualties during the My Lai 4 operation. He said he requested a breakdown of those casualties and a determination of what had caused them". (p. 26)

8. *General Koster subsequently received a report on the civilian casualties, which he termed "unacceptable," and then directed the reduction of that report to writing:*

"Col. Henderson stated that on March 19th, he orally reported to Gen. Young the results of his inquiries, and his belief that they failed to support the allegation of wild or indiscriminate firing. He said Gen. Young then directed him to make his report to Gen. Koster. Gen. Young testified that it was not until about March 28th that he learned the results of Col. Henderson's inquiry.

On March 20th, Col. Henderson reported the results of his inquiry to Gen. Koster. He stated that at that time, he furnished the General with a 3 x 5 card, prepared by Lt. Col. Barker, which reported how each of the 20 civilians had been killed. That report reflected that about 12 were killed by artillery and the balance by gunship fire. He recalled that Gen. Koster said the number of civilian casualties was "unacceptable". Col. Henderson said he told the General be believed that some of the civilians had been killed by small arms fire when caught in a crossfire. He told Gen. Koster that the only allegation which could be substantiated was Medina shooting the woman, but he believed that in the circumstances no further action was warranted in that case. He reported that he believed no formal investigation of the allegation was required. He said that the General told him he wished to discuss the matter further with Gen. Young.

REPORT OF INVESTIGATION

"Col Henderson stated that about two weeks later he was advised by Gen. Young that Gen. Koster wanted him to reduce his report to writing. He said that, as a result of that instruction, he prepared a four or five-page written report and submitted it to Col. Parson, the Division Chief of Staff." (P. 29)

9. *General Koster also received reports from the District Chief and the District Advisor with regard to excessive civilian casualties at My Lai and ordered an investigation made of them:*

"It appears that American Division Headquarters had also received copies of the April 11th report of the Son Tinh District Chief and of the April 14th statement of Capt. Rogriguez, the Assistant District Advisor. The 11th Brigade Intelligence Sergeant testified that he was given a letter addressed to Col. Henderson from Gen. Koster which enclosed copies of those documents. The letter directed Col. Henderson to conduct an investigation of the allegation contained therein. The sergeant further testified that he was given a longhand draft reply prepared by Col. Henderson, and instructed to have the reply typed. He identified the two-page report dated April 24th, as the reply which was typed by one of his clerks." (P. 33)

10. *The resultant report, ordered by General Koster, was deliberately concealed from the normal channels of military communications, thereby leading to the "cover-up":*

"After the report was typed, it was placed in a double envelope and addressed "For Eyes of Commanding General Only". The Sergeant was instructed to treat the report as sensitive correspondence. There is some question whether he was told to conceal

the Brigade copy or whether he did so voluntarily. In any event, he kept the copy in a folder in his desk drawer rather than in the classified files of the Brigade since "I wanted to keep it out of the files where anybody could see it"

In 1969 a search of Division and Brigade files failed to disclose any copy of Col. Henderson's report. Subsequently, the only copy known to exist was found in the desk of the Brigade Intelligence Sergeant who had received it from his predecessor, under whose direction it had been typed." (P. 33)

11. *At least one prominent officer, Lt. Col. Holladay, who was close to the My Lai case, expressed the view publicly that the report prepared at the request of General Koster "did not address the allegations":*

"Gen. Koster testified that he discussed the report with Gen. Young, Col. Parson and Col. Henderson. Lt. Col. Holladay testified that the report had been shown to him by Col. Parson, Division Chief of Staff. Lt. Col. Holladay testified that, after reading it, he muttered an obscenity as an indication of his belief that the report did not address the allegations." (P. 34)

12. *General Koster, disturbed with the gnawing doubts and allegations about civilian casualties at My Lai, says he ordered still another report on this whole matter:*

"Col. Henderson stated that, about two weeks after he submitted the April 24th report, Gen. Young told him that Gen. Koster desired a formal investigation of the allegation. Henderson said that he nominated Lt. Col. Frank Barker, who at the time was Executive Officer, 11th Brigade, to conduct the investigation. He further testified that he saw a completed report of the investigation, about three or four pages in length with about 15 or 20 statements of witnesses attached.

"Gen. Koster corroborated Col. Henderson concerning the order for a formal investigation and the report of Lt. Col. Barker. His account of the size of the report and its enclosures is strikingly similar to the description furnished by Col. Henderson." (p. 34)

13. *This third report, claimed to have been ordered by General Koster, appears to be a figment of the imagination:*

"Except for the statements of Gen. Koster and Col. Henderson, there is not a shred of evidence to support the claim that an investigation was conducted by Lt. Col. Barker. Each of the witnesses identified by Koster and Henderson as having furnished signed statements, which they claimed were attached to the report, has denied that he was ever interviewed by Lt. Col. Barker or that he supplied a signed or sworn statement to any person. None of the persons who was interviewed by the Subcommittee staff, or who testified at the Subcommittee's formal hearings, ever suspected that Lt. Col. Barker had conducted an investigation. No trace of such a report could be found in the Brigade or Division files. According to Col. Henderson, an order appointing Lt. Col. Barker as investigating officer should have been issued by Division Headquarters. No such order has ever been located. On the basis of the evidence, the Barker investigation and his report appear to be a figment of the imagination of those officers. Inadequate though it might have been, the only written report of investigation, which has ever been located, was the April 24th report of Col. Henderson. Even Col. Henderson admitted that the April 24th report could not be considered as an adequate report of investigation.

"There is not even a suggestion that any further attention was given the matter after April 1968. It appears that no further action was taken until after the Department of the Army's investigation began in April 1969." (p. 34)

14. *General Koster did not report the matter of civilian casualties at My Lai to his immediate commander, General Cushman of the Third Marine Amphibious Forces or to General Westmoreland in Saigon as required:*

"Maj. Gen. Koster, the Commanding General of Americal Division, should have reported the allegation to Third Marine Amphibious Force Headquarters and to Headquarters, U.S. Army Vietnam. There is no evidence to indicate that he formally reported to either of these Headquarters. He testified, however, that he had informed Gen. Cushman, the Commanding General at III MAF, or his Deputy, or members of his staff that he had an allegation under investigation. Gen. Cushman testified that the matter had never come to his attention. When interrogated about his failure to report the incident, Gen. Koster said that he believed that, since the investigation demonstrated his troops were not at fault, he had no obligation to report the allegation to higher headquarters." (p. 35–36)

15. *The failure to report these facts to senior headquarters presents a concerted action among military and State Department officers to suppress all evidence of the allegation and its investigation."*

"While Gen. Westmoreland might find it impossible to explain the failure of his chain of command to surface the report of the alleged atrocity, the Subcommittee believes that the explanation lies in a concerted action among military and State Department officers to suppress all evidence of the allegation and its investigation. During staff interviews of witnesses and, subsequently, during the Subcommittee hearings, several items were developed which support that theory.

"It appears that the allegation was advanced through Americal Division channels properly, albeit slowly and informally. Its informal character is reflected by the fact that no written memorandum of the allegation was ever made, and also by the apparent disinterest of officerss in obtaining a firsthand account of the incident from WO Thompson. The investigation was also characterized by the 'closehold' attitude of all persons involved. According to a witness before the Subcommittee, when Gen. Young convened the March 18th meeting, he prefaced his remarks by saying, 'Nobody knows about this except the five people in this room'. And when Lt. Col. Blackledge assigned the Henderson report for typing, he instructed that the contents were not to be discussed. The report was transmitted to Division in an envelope addressed 'For Eyes of Commanding General Only'. The Brigade copy of the report was then filed in a desk drawer of the Intelligence Sergeant so that it would not be seen by other individuals who had access to the regular files. Troops of the units involved were cautioned not to discuss the matter, since it was being investigated.

"No documentary evidence could be located which would indicate that the report ever advanced beyond Americal Division Headquarters. Maj. Gen. Koster's testimony that he had informally advised Lt. Gen. Cushman, or some member of his Third Marine Amphibious Headquarters, that Division had the matter under inquiry was the only suggestion that the matter had ever been reported to a higher headquarters." (p. 37–38).

16. All the top Americal Division officers which included General Koster, testified "with extreme reluctance on their part to discuss the allegation and its investigation with any real specificity." (p. 38)

Could this same reluctance be the real reason why the charges against General Koster are now being dropped instead of being examined in detail in public in a court martial?

17. The subcommittee report speaks of a "conscious effort to suppress evidence" within General Koster's division.

"The most damning evidence that there was a conscious effort to suppress evidence was the disappearance of documents from the files of U.S. organizations between early 1968 and mid-1969. Army investigators were unable to find any correspondence or reports of investigations at Americal Division Headquarters. They also were unable to locate any such documents in the files of the 11th Brigade. Subsequently, however, a copy of the April 24th report of Col. Henderson was found in a drawer in the desk where it had been retained ever since the time the report had been prepared. As previously stated, testimony disclosed that the Intelligence Sergeant had been instructed to treat the report as sensitive correspondence, and keep it from files so other people wouldn't see it.

That copy of the Henderson report was the only document, relating to the allegation or its investigation, found in the files of any U.S. unit. Had it not been for the unusual place of retention of that copy, a question arises whether it would have survived. Testimony from several witnesses established that, in 1968, there were at least five other typewritten documents relating to the investigation. Those documents were: (1) a letter from Maj. Gen. Koster in which he directed Col. Henderson to investigate atrocity allegations contained in its enclosures—a report of the Son Tinh District Chief and a statement of Capt. Rodriguez; (2) a report of investigation of an alleged atrocity typed for Maj. McKnight at the Brigade Operations Office in April 1969; (3) a letter from the Province Advisory Team to the District Advisor requesting an inquiry into the allegation of the Son Tinh District Chief; (4) a reply from the District Advisor to Province Advisor transmitting Capt. Rodriguez's April 14th "Statement"; (5) copies of the Son Tinh District Chief's April 11th report which had been directed to the Province Advisor and the District Advisor. Diligent examination of the files of all U.S. units involved failed to turn up originals or copies of any of those documents. The unexplained disappearance of so many documents from the files of so many different U.S. units can hardly be attributed to coincidence." (p. 39)

18. *Finally, 8 of the 25 formal findings and conclusions of the subcommittee go directly to the culpability of General Koster.* Surely these deserve to be examined in a public court martial, not dismissed by one man with a brush of the hand and hardly a word of explanation:

"5. There is no evidence that the My Lai allegations were reported to MACV, although directives in effect at that time made such reporting mandatory on the part of all military and staff personnel having knowledge of, or receiving a report of, such an incident. Commanders and MACV staff sections had a special obligation in this respect.

"6. It could reasonably be concluded that responsible officers of the American Division and the 11th Brigade failed to make adequate, timely investigation and report of the My Lai allegations." (p. 4)

* * * * *

"10. It can reasonably be concluded that the My Lai matter was 'covered up' within the American Division and by the District and Province Advisory Teams.

"11. To keep the My Lai matter bottled up within the Americal Division and the District and Province Advisory teams required the concerted action or inaction on the part of so many individuals that it would be unreasonable to conclude that this dereliction of duty was without plan or direction.

"12. A number of witnesses testified under oath with respect to the existence of investigative reports, statements, affidavits, correspondence and other documents relative to the My Lai incident. If they ever existed, virtually all such records have now disappeared. Only one copy of the so-called 'Henderson Report' has been found. It had not been kept in the files, but was hidden in the desk drawer of the Brigade Intelligence Sergeant on instructions of his immediate superior.

"13. There is evidence that officers and en-

listed men of the Americal Division and 11th Brigade were informed, directly or indirectly, that the My Lai operation was being investigated, and, therefore, were instructed that they should not speculate on, or discuss the matter, pending completion of that investigation. While normally this might be considered proper procedure, this warning, coupled with the failure of the Division or Brigade to conduct any meaningful investigation, tends to substantiate the charge of 'cover up.'" (p. 5)

* * * * *

"16. There was a surprising and almost unbelievable lack of recollection on the part of many of the Subcommittee witnesses whose responsibility to investigate the original My Lai allegations should have caused a more lasting impression on their minds as to the incidents and events involved." (p. 6)

* * * * *

"19. The units involved in the My Lai operation had minimal training with respect to the handling of civilians under the Rules of Engagement and the Geneva Conventions." (p. 6)

I think I have cited enough here, Mr. Speaker, to demonstrate that one would have to be truly blind to conclude that there was not enough evidence to warrant bringing General Koster to trial on charges of neglect and nonfeasance, if not of deliberate coverup.

It is now quite obvious, however that with the steady progression of dropped charges, the American public will never get the full answer to what went on at Mylai through military court-martial procedures. So what can we do, and what should we do, in these circumstances to bring out the full truth and to identify and punish those guilty? I have five specific suggestions to make:

First. The Department of Defense or the President should reinstate the charges against General Koster and bring him to court-martial on them, under the same rules and with the same degree of persistence that the Army has shown in prosecuting enlisted men and junior officers.

Second. Once the Mylai court-martials have been concluded, the full records of the Hébert subcommittee investigation and of the Peers investigation should be made public.

Third. If General Koster is not brought to trial then the House Armed Services Investigating Subcommittee ought to examine him in open session, and without the restraints previously imposed because he was then a possible subject of a court-martial.

Fourth. A change should be made in the Uniform Code of Military Justice to provide that in cases with a more than purely local interest charges may not be dismissed by an area commander without the written approval of the Secretary of the service concerned.

Fifth. A further amendment should also be adopted to provide, in cases where the implications of a particular event go beyond the specific guilt or innocence of particular individuals, for the convening of a broader tribunal, composed of civilian judges and operating under the rules of Federal Court procedure, which can combine the cases of several individual defendants into a larger inquiry in which the facts developed and the conclusions reached can bear on the several pending cases jointly, rather than, as with the Mylai case, individuals be tried separately in different parts of the country, before different judges and different panels, and with virtually no relationship between one action and another.

I realize, Mr. Speaker, that no set of rules or recommendations can encompass, in advance, every possible situation that might develop at some future time. But one thing is clear: These cases have been mishandled. And Congress cannot and must not allow this compounding of error on top of error to continue in the future. I hope any remarks here today may make a contribution toward that objective.

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

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

Mr. SCHWENGEL. Mr. Speaker, I have been listening here with avid interest and I am glad this is being explored.

But I have a special interest in this because I know General Koster and his whole family. He was appointed to West Point by a distinguished Member of this House many years ago by the name of Tom Martin. The general comes from a fine community, family, and background. He, I am sure, is basically a good man.

As a result of my having visited Vietnam, I placed in the CONGRESSIONAL RECORD a report of the first visit by the Volunteers for Vietnam, that is, a group who went to Vietnam without expense to the taxpayers and who did a lot of investigating on the scene.

In that report you will find reference to many instances of the death of innocent soldiers and innocent civilians—innocent civilians in particular. Many of those were the result of nervousness. We felt that many of them were the result of a policy called search and destroy.

In that report we recommended to the President at that time, President Johnson, that we scuttle that policy. Somehow I feel that the policy is at fault here. In this case, as in so many other cases, where innocent civilians have been killed, some deliberately.

Does the gentleman agree that maybe while we are investigating this and calling attention to this problem and this situation that we ought to investigate this whole matter of the search and destroy policy and who formulated the policy, and whether there are other innocent people we ought to be concerned about and other people who ought to be tried in the courts as well as some of those who are now getting the headlines?

Mr. STRATTON. I am glad the gentleman from Iowa has raised that question because I think it represents a certain confusion on the part of many people with respect to what this Mylai situation is all about.

This particular case is, I think, almost unique as far as our subcommittee could find. This is not a case of innocent civilians being killed in the process of a military operation, as the gentleman from Iowa suggests, pursuant to a so-called search-and-destroy policy where you walk into a village that is being used as a strong point by the Vietcong and you attack that village and conceivably there may be innocent civilians there who are killed in the attack. This is unfortunate—but it is the kind of thing that I think is perhaps almost impossible to avoid, given the kind of war that we are fighting in Vietnam.

But the Mylai situation represented a case where a unit had gone into a village and had searched the village and had not encountered any enemy resistance at all. Men, women, children, and old people were herded up and searched. I do not think they had any arms, but if they did they were disarmed. They were then herded into groups. Under normal conditions, even if they were hard core Vietcong or North Vietnam soldiers in uniform, the rule and policy of any civilized army is to take them off to the stockade or the refuge center. But instead of that, while they were standing there herded together, somebody came in with machineguns and simply shot them down—or "wasted" them—as Lieutenant Calley was quoted as saying.

Now that is an entirely different thing. I do not think any army that is any good could possibly tolerate a situation where its officers could not restrain soldiers from shooting people who were in that particular position—and that is why this Mylai case had to come to trial.

But let me say to the gentleman from Iowa, second, that not only is that point different in the case of Mylai, but the basic allegation against General Koster is not the shooting but his participation in the subsequent coverup. I do not think anybody thinks that what happened in Mylai is good, but if the facts had come out, as they should have in the normal course, in 2, 3, or 4 weeks, there probably would have been court-martials on the spot. The guilty would have been punished, and that would have been the end of the incident.

Instead of that, we have had headlines for 2 years about the massacre at Mylai. It was a massacre. But while it has been in the headlines, nobody pays any attention to the fact that the North Vietnamese massacred 3,000 Vietnamese at Hue, and I do not think there have been any streamer headlines in any newspapers about that massacre.

I do not happen to know General Koster personally, except that he appeared before our subcommittee. Let me say I was profoundly unimpressed with him as a witness. All I am doing is speaking about the public record that our subcommittee compiled, because apparently the Army has never bothered to read our report, and the lieutenant general, who happens to be over in Fort Meade trying to get out on retirement—and apparently they will not let him go yet—he too apparently never bothered to read it.

Mr. SCHWENGEL. If the gentleman will yield further, I am not defending what happened there or anyone involved. My whole point is this, and I believe I am on sound ground, that this is not the first time this kind of thing has happened in the same kind of setting. So I would like to suggest that while we are investigating, we investigate this across the board. I think you will find on examination and study that there are other examples, almost as bad as this, in similar situations. My whole point is I think this whole

matter ought to be investigated and, indeed, I think the matter of who instituted the policy of search and destroy that ended up in such a disaster so many times should be investigated. That is the whole point of my remarks.

Mr. STRATTON. I certainly appreciate the gentleman's contribution. If the gentleman has any information about other incidents, I am sure our committee would be glad to get them. But, as I have said, our investigation certainly indicated that this is not a general occurrence, that Mylai was a relatively unique situation, and the type of happening that the gentleman refers to is, as I hope I have been able to explain, quite a bit different from Mylai.

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

Mr. STRATTON. I am glad to yield to my friend and colleague from New York.

Mr. DOW. I should like to commend my colleague from New York, a member of the Armed Services Committee, for the splendid analysis he has given of this sad case. He typifies very well the obligation of Congress to exert more extensive oversight on the Armed Forces. If there were more Congressmen disposed as he is I am sure this tragic, dismal, and shameful episode would never have occurred.

Mr. STRATTON. I appreciate my colleague's very generous comments.

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

Mr. STRATTON. I am glad to yield to my friend from Texas.

Mr. ECKHARDT. I, too, compliment the distinguished gentleman from New York. As usual, he has engaged in incisive and comprehensive studies of the question and has raised serious questions here on this floor.

I know that this requires real digging and real work, and I certainly compliment the gentleman for his services to this body and to the Nation.

Mr. STRATTON. I appreciate the gentleman's remarks.

Let me point out that while I naturally appreciate the gentleman's very generous comments, the bulk of my remarks were taken from the report of the Hébert subcommittee. I think it would be doing a disservice not to recognize that the digging here was the result of the leadership of the gentleman from Louisiana who is now the new chairman of the Committee on Armed Services and of the other members who served on that committee and of our very fine staff, headed by Mr. Reddan.

Incidentally, this report, in order to be printed, also had to have the approval and the endorsement of the former chairman of the committee, the late gentleman from South Carolina, Mr. Rivers.

I think this does demonstrate that we on the Committee on Armed Services do recognize our responsibility, not only to provide for the defense of the country but also that where an error is committed—and this was a big booboo—to ride herd on it and to do this very strongly.

I really feel that any kudos should certainly be shared much more substantially with the chairman of that subcommittee and with the other members and the staff than myself.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. STRATTON. Yes. I yield to the gentleman.

Mr. ECKHARDT. I certainly recognize what the gentleman has said but also recognize he was a member of the subcommittee and is also doing a great service in bringing to bear those investigations on the specific issue here.

Mr. STRATTON. I thank the gentleman.

I yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. If the gentleman will yield, I should like to commend the gentleman for his presentation this afternoon, for his analysis of the Mylai situation and the way it was handled by the military. I concur in the recommendations which he has made for specific action with respect to General Koster.

If I may, let me ask the gentleman a question or two.

In addition to the charges against General Koster, have charges been dismissed against other high-ranking officers who were allegedly involved in the chain of command in connection with Mylai and, if so, how many have been dismissed?

Mr. STRATTON. I am not, I will say to the gentleman, sure at the moment. I do not have the figures on my fingertips as to how many have been dismissed, but I do say that the only other charges that are pending, I believe, are those against Colonel Henderson and a Captain Jackson with regard to the cover-up aspects of the case. I believe there are just two others, Captain Medina and Captain Kotouc who have charges pending against them insofar as the massacre is concerned. Including Lieutenant Calley that would be a total of five. I believe that there were some 20 charged initially. I know that several have been dropped: General Young, the assistant division commander, for instance, Colonel Parsons, the chief of staff, and it seems to me there was one against Major Watke, a helicopter commander, whom I thought should never have been charged in the first place. I think there have been some others that have been dropped, too, but I do not have all of those figures immediately at hand.

Mr. RYAN. I thank the gentleman. It is true that the charges against most of the high-ranking officers have been dismissed. Thirteen officers and enlisted men originally were accused of crimes at Mylai. Charges have been dismissed against all but three. In addition, General Koster and 13 other officers were accused of a coverup. Now there have been dismissals of the charges against 12 of them.

Let me ask this further question. How can the Department of Defense sanction the trial of a platoon lieutenant, when the charges are dismissed against the commanding general of the division while the charges that have been lodged against the platoon lieutenant are still pending?

Mr. STRATTON. Well, I am not a lawyer, as the gentleman knows. But this is the same point that Mr. McCrate, who was the counsel of the peers committee, raised. In other words, should we not complete the charges with reference to the incident and the trials connected with the incident before deciding whether to dismiss the charges of coverup. Well, that procedure would seem to me to make very good sense. In addition to that, as I have pointed out, it opens the Army up to this whitewash charge that they should go after lieutenants and privates with vigor but when it comes to the major generals they somehow find they cannot prosecute.

Mr. RYAN. I think that is the important point. I again want to compliment the gentleman for his efforts in this case.

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

Mr. STRATTON. I shall be glad to yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Speaker, I also want to join in commending the gentleman from New York for his comments and for having brought to the attention of the House not only his own comments but the Hébert Committee report in some specificity. I agree with my colleague that it was, in fact, a first-rate report. The subcommittee that held hearings on these matters gave full measure to their task of reviewing the events.

Mr. Speaker, I share the same troubles that my colleague, the gentleman from New York (Mr. STRATTON), indicated in his remarks about the assessment of responsibility both for the coverup and for the acts themselves.

My remarks are tempered only by my concern that nothing we in Congress do should in any way either influence or suggest to be an influence upon the manner in which the courts-martials that are still pending are to be conducted or resolved. I know that the gentleman in the well particularly shares my concern that his remarks not be construed as a suggestion that those courts-martials are defective or are not defective. Whatever happens in those cases should turn on what those courts-martials do and should be covered by the Code of Military Justice.

I hope that whenever the action of the Army has been completed in all respects, that at that time the gentleman from New York will take the same kind of leadership in seeing to it that we have the kind of determination and separate investigation by Congress as to what happened and who covered up for who. I also hope we can find out what is wrong with the structure of our military law which has made it so difficult for the Army to get at the facts of Mylai, and has even put us into the position of seemingly colliding with the Army.

Mr. Speaker, I want to say that I share the sentiments which have been expressed by the gentleman from New York and I hope that when these trials are all over that the gentleman will continue with his usual and admirable zeal in the pursuit of this matter.

Mr. STRATTON. I appreciate the gentleman's remarks and this is certainly my intention.

I think the gentleman makes a good point with respect to the possible impact

upon courts-martial that are now underway or that are yet to be begun. Certainly the Army would have been well advised not to have dropped the charges, as Mr. McCrate has pointed out, while these other trials were in process, because in so doing, they invite the very kind of comments being made here today or else we simply stand by mute and say nothing, which would be clearly intolerable.

The SPEAKER pro tempore (Mr. McFALL). The time of the gentleman from New York has expired.

AN EXPRESSION OF VIEWS ON VIETNAM AND THE ISSUE OF OUR INVOLVEMENT IN SOUTHEAST ASIA

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from New York (Mr. Dow) is recognized for 60 minutes.

Mr. DOW. Mr. Speaker, the time that I have assigned to me here is an opportunity for all views to be expressed on Vietnam and the issue of our involvement in Southeast Asia. However, this particular time has been reserved for such debate by those of us who are opposed to the U.S. involvement in Vietnam and Southeast Asia, but we would welcome criticism or debate of any sort as we proceed.

I shall not take much time, but just a little to start off the discussion in which I hope other colleagues will join.

Now, for us who oppose the involvement in Southeast Asia, the question constantly arises: How can we convince our Nation to end this war? How can we persuade our leaders to end this serious situation that is gnawing at the vitals of our country? It is a very frustrating question because there seems to be no answer on how to make our case succeed. Nobody knows the way. And I am constantly baffled in speaking to my constituents who ask me that question, because I do not know the answer.

Nevertheless, the war is still with us, and it is so shameful, so cruel, so profitless, that we must continue even though we do not see daylight at the end of the tunnel. We must continue our efforts to end it, and we must continue these efforts in every way we possibly can, by speaking, by writing, by dissenting, by watching, by studying and by demonstrating peaceably, and perhaps we will find a key in our search at some time when we least expect it.

Our presentation today is to do just that: to try again to state the case against this terrible situation in which our Nation finds itself. This presentation today is one more link in the chain of protests that must continue until our military involvement in Southeast Asia has ended. We must not lie still nor allow ourselves to be quieted by the fact that the casualties have fallen slightly, or that the war is not in the headlines. We must continue still because the matter is so monstrous.

We want to share the time equitably among all those who are interested, and give adequate time to all who would care to speak and to say what is in their hearts. So I am not going to speak at great length, but will shortly allow time to others to speak.

At the outset, I want to say this—and I know my colleagues agree—that in any criticism of American actions in Southeast Asia we want to express nothing but honor for the boys who have died there, the boys who have been wounded, and the boys who have served their country faithfully on the battlefield.

We are not speaking in criticism of them, but we are speaking in criticism of that woeful leadership in our diplomatic services and in our military services who made the choice to go to Vietnam and still continue to press on there, adding to the mistake that was made initially.

My remarks relate to the overriding political strategy, the "grand design" in this Southeast Asia situation, if I might use the words of Winston Churchill.

It is very important, I would say, to understand the background of Vietnam and to realize that after World War II there was a decline of colonialism all over the world. Western nations largely gave up their colonies at that time and set in motion a current of history leading toward the freedom of the former colonies.

The French and the British gave up colonies in Africa.

England yielded India and also Pakistan.

The Dutch gave up their hold on Indonesia.

The United States accorded independence to the Philippines.

It is very unique and rather strange that only two colonies of any considerable consequence in the world did not after World War II, secure their freedom from Western domination. They are the Portuguese colonies, and Vietnam.

Is it not peculiar—is it not significant—that in those two colonies which did not secure their freedom, the wars continue? I submit that the reason why wars continue there is that, in this age of freedom for colonies, a great desire wells up among the colonial people to realize their own identity. They do not want to see foreign flags flying on the flagpoles in their countries. They want to see their own flag flying there and when the bands march down the street, they want to see their own bands marching down the street—not foreign bands. They want their own leaders to lead the parade, not foreign leaders.

Besides national identity, these nations also are seeking a little more to eat, a few more tiles with which they can build their homes. They do not want much. This is a universal yearning throughout all of the underdeveloped portions of the world.

The basic root of the trouble of the United States in Vietnam is our failure to perceive this strong desire throughout the world, amongst most of mankind—amongst 2 billion less fortunate souls.

Instead of that, the United States—and a great deal of American opinion, and certainly our misguided leaders, have thought that the problem was communism. In this country we have a paranoia about communism that has led us into this disgraceful situation.

Now, admittedly, communism is a problem for us. Admittedly, communism is a dread. Admittedly, communism has faults and in most all respects is a very evil doctrine, indeed.

We failed to recognize that, in addition to the problem of communism, that there was this revolution of rising expectations abroad in many lands across the seas.

It was our trouble that we centered all of our attention on communism while failing to see the other problem of human need and desire for independence. We have had a policy based upon blindness. A policy based on blindness will never succeed.

So I hope we learn the lesson which has cost us 44,000 dead. It is tragic that the price is so high for the essential understanding of the world that we face. Because this same problem that exists in Vietnam exists in many other parts of the world—in Bolivia, in Chile, in Mauritania, in Pakistan. It is all over the world and it is the same problem of the revolution of rising expectations.

While we should recognize communism, we must not focus so much attention on communism that we persistently fail to perceive this other problem, this urge of the people of the world to have their own identity, to have a little more to eat and a little more to live with in the coming years. The Vietnamese have that problem, yet we have not helped them one bit with it.

That concludes my remarks. I would be glad at this time to yield to others who wish to speak on this issue.

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

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

Mr. RYAN. I should like to commend the gentleman from New York for taking this time to discuss the most pressing issue before our Nation and the world. I have reserved an hour's special order which I will use later in the afternoon. But I simply want to take this time to point out that there has been introduced in the House, with some 27 cosponsors, a House concurrent resolution which calls for the immediate halt to United States offensive actions in Southeast Asia and for the withdrawal of all American forces by June 30 of this year. I feel it essential that the Congress exercise its responsibility. The administration has failed to end the war. We must continue this debate and carry it to the country.

I think the Congress must respond to the majority sentiment in the United States. The latest Gallup poll showed that 73 percent of the American people believe that we should withdraw from Southeast Asia this year. This is an objective which I hope will have the support eventually of all Members of this House who understand what this tragic war has done both at home and abroad to the United States.

Mr. DOW. I want to commend the gentleman from New York, who has been in the forefront of those who have warned our country against the evils of the Vietnam involvement. He has been in the forefront for many years, from the very beginning. He is a man of great foresight.

Mr. RYAN. Mr. Speaker, will the gentleman yield further?

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

Mr. RYAN. Let me simply say in response, if I may, that I have always been proud to be associated with the gentleman in the well in this effort to make the Congress understand the folly of Vietnam and the tragic consequences which it has brought to our country. The gentleman from New York (Mr. Dow), has demonstrated great courage in the position he has taken over the years on this issue.

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

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

Mr. SEIBERLING. I would like also to commend the gentleman from New York for a very courageous and a very able statement. I would like to commend the other gentleman from New York (Mr. RYAN) for the resolution which he referred to. As a freshman Member of the House, this is the first occasion I have had to address the House, and, while I am not really addressing it in a true sense, I would like to add a couple of remarks to what the gentleman has said. This issue, in my opinion, is the highest priority facing the Congress and the country today. I so stated during my political campaign, and I intend to make it my highest priority as a Member of the House.

So many efforts have been made in the House to tackle the problem of ending the war in Vietnam that I could only approach the question with a sense of profound humility, realizing my own and our collective inadequacy.

Yet despite the failure of past efforts to place a terminal date on American involvement in the war, I believe we all have a profound obligation to continue such efforts.

I commend the gentleman in the well and the other gentlemen for continuing these efforts.

Not only is the war the foremost issue facing the country, we cannot talk about eliminating poverty and hunger, saving our environment, providing quality education for our children, or any of the other problems that need to be solved, until we end our involvement in this war.

And I should like to add one other things, if I may. As American troop strength in Vietnam continues to diminish, so does the strength of the American negotiating position and the ability of the U.S. Government to bargain effectively either with the Government of North Vietnam or the Government of South Vietnam. At the present time, however, we still have a sufficiently large military force in Vietnam to make it possible to reach a cease-fire agreement with the North Vietnamese and Vietcong if we will make a commitment to withdraw our forces at a specified early date. For that reason I support the resolution of the gentleman from New York, and I urge other Members of this House to do likewise.

I thank the gentleman.

Mr. DOW. I thank the gentleman from Ohio. I will say that he is living up to his advance reputation.

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

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

Mr. ROSENTHAL. I want to commend the gentleman in the well for taking this time and directing his attention to probably the most urgent problem the United States and the world faces.

Mr. Speaker, the situation in Southeast Asia, as we begin another Congress, is edged with tragedy. It it also a matter of increasing urgency, as new military moves—unknown in their extent and unauthorized by Congress—take place behind a screen of secrecy.

The folly of Vietnamization is shown by this obscure military campaign we conduct today with South Vietnamese troops, with our weapons and our planes and with an outdated and increasingly dangerous commitment.

Vietnamization was originally a device to protect our troops during withdrawal. It was a program to protect our national ego from the realization of failure. Today Vietnamization, and its assumptions, are an increasingly ominous threat to world peace.

The danger of Vietnamization is that eventually we will reach a point where our reduced combat forces attract enemy attacks which we cannot counter. A military assessment on our part may lead someone—probably a field commander—to recommend nuclear weapons to protect our forces. The President, and the country, will then face a crisis so grave that one fears to contemplate it.

Today we see that Vietnamization meant, or came to mean, something quite different from a sequenced withdrawal. Instead of winding down a war, we are involved in spreading the fighting into two other countries. We avoid committing ground troops ourselves, but that does not diminish our role.

When judging responsibility, I see little difference between waging a war and underwriting one. We are surely as responsible as the South Vietnamese for expanding the war into Laos and Cambodia.

Having recognized that our role in the tragic war in Vietnam was an error, we are faced with the responsibility of assessing how that error began and how it is related to our foreign policy in other parts of the world. My conclusion, which I want to discuss today, is that unless we are prepared to dissect our Vietnam policy with a dispassionate regard for its origins in our attitudes toward the rest of the world, we stand in even greater danger today of recommitting that same error in other countries, in other continents and under different, but parallel, circumstances to those which propelled us into Vietnam.

Our role in Vietnam, when we seek its origins, is traceable back to the end of World War II. At that time, we were allied with the French, who, having been defeated in Europe, were determined nonetheless to retain their colonial empire. Our first failure was to ignore the renewal of nationalism, which we should have known well from our own Western history, and which was sweeping through other parts of the world.

We saw, instead, an ally, France, battered from its humiliating losses in Europe, attempting to regain its prestige by resuming its position of hegemony in its prewar colonial areas. The tragedy of Vietnam began, then, with the same urge which later brought France to tragedy in Algeria. It was a fate which the same France was able to escape, through a more enlightened policy, in black Africa.

This renewed determination to retain colonial control over distant and alien areas did not affect France alone. Britain, Portugal, and Belgium each believed its prewar world would start again routinely after World War II. Each was eventually disabused of this notion. This educational process works slowly. Britain learned first, then France, and Belgium. Now Portugal remains alone in its resistance. Or rather, almost alone, for the United States still falters in Southeast Asia.

The irony of history is that the United States, which for so long abjured colonial ambitions should have become a force against popular revolutions seeking to replace colonial governments.

This pardoxical role is not limited to Vietnam. We still accept Portugal as a NATO ally which, in its African policy, resists the forces of self-determination. Our Government's role in Rhodesia, captured by a neocolonial regime, is more responsive to the subjugation of the black majority but still lacking in the fervor I would like to see in my country which, until World War II, showed such admirable impatience so often with the excuses to the colonial rulers. We seem, in Rhodesia, to be willing to make excuses for the neocolonialists or at least to listen too carefully to them.

In Latin America, where the danger of missing the Vietnam lesson is most acute, we face circumstances for which we are much more responsible. There we still have, if only in a derivative sense, a colonial mode. We are, more than any other power, the quasi-colonial power in Latin America. We still dominate much of that continent in every way except by direct control of the governmental mechanism.

We have, consequently, earned a responsibility for the present tensions in Latin America much greater than any European power. We show, in my view, no greater understanding today of those tensions than did the English in East Africa in the late 1940's and the early 1950's or the French in either Algeria or Vietnam.

We seem prepared today to prize stability in inherently unstable situations in Latin America. We also seem most likely, if we persist, in precipitating exactly those dangerous political crises and temptations which our policies are supposed to prevent.

A recent well-received book by a good friend, Jerome Levinson, titled "The Alliance That Failed," notes that Castro's Cuba, whose presence prompted the Alliance for Progress, has come closer than any of the alliance partners in reaching the goals of distributing the wealth of the country more fairly and of insuring the minimal fundaments of housing, ed-

ucation, and medical care from which enlightened and healthy societies grow.

Cuba, Levinson notes, is no paradise; but neither is Brazil or Paraguay where much less evident progress toward the alliance goals is found.

When we view Latin America today, I hope we look with the perspective of my country which has lost over 50,000 of its own men in a futile attempt to intercede on the wrong side in civil war in Vietnam. I hope that we never face the decision of intervening in similar wars in Latin America where our economic interests are much more direct and where our resistance to change might be expected to be even more entrenched. But unless we abandon the folly of Vietnamization we shall never begin to understand the problems of Latin America.

Today we should be reexamining the lures which took us into Southeast Asia a quarter century ago.

We should assess those aspects of our national character and temperament which convinced us we had vital interests to protect in South Vietnam in the mid-1950's.

We should ask where and how we agreed to fight this incredibly wrong war in the 1960's.

Instead of this national reexamination, we compound the folly. Instead of seeking ways of avoiding other Vietnams elsewhere in the world, we persevere in seeking victory where none is possible in Southeast Asia.

The peoples of Latin America, the Middle East, and Africa look to us for inspiration, for assistance, for reassurance. We offer, in return, a dogged concentration on a corner of the world without great meaning to our country or our national fortune.

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentlewoman from New York.

Mrs. ABZUG. I want to commend the gentleman from New York (Mr. Dow) for this effort to discuss the issue of Vietnam, because I do not believe there is anything more critical than our withdrawal. I should like to make some remarks in connection with this matter today.

Mr. Speaker, I am pleased to rise in support of the statements of my colleagues, Mr. Dow, Mr. MIKVA, and Mr. RYAN.

Americans have been fighting an unjust war in Indochina now for nearly two decades. That war is destroying our youth, sapping our energies and weakening our national purpose. Yet, at the same time it has brought forth a group of courageous young men and women—men and women who have said no to the killing, no to the draft and no to the annual expenditure of billions of dollars in support of an uncontrollable U.S. military machine.

In fact, it is the youth of our Nation who have had the greatest firsthand experience on this war. It was young boys of 18 and 19 who, acting on orders from older men, killed women and babies at Mylai, of which Congressman STRATTON spoke in his special order, scoring the dismissal of the charges against General Koster. Nor was Mylai an isolated incident. Young returning veterans have organized a series of hearings across this country to take testimony from Vietnam veterans about war crimes which they personally witnessed. The eyewitness accounts of atrocities against the people of Vietnam are piling up at a sickening rate—stories of babies murdered, of men and women tortured by having telephone wire attached to their breasts and genitals, of civilians wantonly shot down.

The testimony comes not from quote "the enemy," but from hundreds of young Americans sick in heart and in conscience at the kind of war they were drafted into—a war that is still going on.

These young men who were in Vietnam are challenging that war, and this is perhaps an even more significant development than the massive student protests that swept the college campuses in the past few years. We have been told that President Nixon has successfully defused the antiwar protest movement. We are told that he is winding down the war, and getting the ground troops out. He is, in fact, trying to anesthetize the American people against the continuing horror of the war by limiting the U.S. ground role even as he escalates our air involvement in North Vietnam, Laos, and Cambodia, and in secrecy which we in Congress cannot tolerate. The incursions into the congressional war power and now a muzzling on our free press indicate the depth to which this attempt at anesthetizing will go, and indicate at the same time the extent of the problem with which this Congress must deal. It is a perverse morality that would have us think that dropping bombs on women and children whom you do not see is somehow superior to killing them face to face. It is true that a bombardier, from his position high in the sky, is protected from seeing the burning flesh, the blood and the twisted bodies, whereas the foot soldier is not, but for the victims death is death.

On January 18 the New York Times ran a letter from a soldier in Qui Nhon, Vietnam, which I would like to read to you. It said:

To the Editor:

When I was at home I was told of the great battles of Tet 1968, Hue, Hamburger Hill and Cambodia. Now that I am here in Vietnam I am told of the glorious attempts to rescue prisoners, the fantastic success of the Vietnamization program, that troop morale is better than last year, and that we will all go home eventually.

But today an old Vietnamese man was run over and killed by an American jeep. Yesterday a boy killed his friend by throwing a "disarmed" grenade at him in fun. On Christmas Eve a squad ambushed part of its own platoon by mistake. And last month heroin addiction was the second highest reportable disease here.

We are no longer gloriously fighting an enemy. We are tragically destroying ourselves. The deaths of today, although fewer in number, are more tragic than before because they are inflicted by fifteen-year-old girls selling heroin at the PX, and mines set by some other GI, and "unloaded" weapons.

While you are talking of "a just peace," of reduced casualty rates, and of all the magnificent plans to end this conflict, your sons are being physically and morally corrupted by your war.

It saddens me to think that when I go home in August, someone else will have to take my place.

It is signed, "Capt. B. C. Ewing."

It is an outcry such as this which makes us remember that the greatest casualty of this war is our own youth.

I note that my colleague, Mr. MONTGOMERY, spoke to the House on February 1, and stated his evaluation of the Vietnam situation. That speech, and the recent speeches of many other public figures, have emphasized the importance of the plight of U.S. POW's in North Vietnam. Mr. MONTGOMERY said then, and I quote:

The plight of American POW's . . . continues to be the thorniest problem of the entire South East Asia situation facing the American people.

We, of course, are concerned with this plight, but it must be seen in much broader terms. The POW's are a central issue—but who constitutes the bulk of U.S. POW's? Is it merely the 378 men held in camps in North Vietnam?

No, it is all 300,000 of our Armed Forces there—all of our young men fighting this war—are prisoners of war—prisoners of misguided U.S. war policy. They have been killed, they have been mutilated, both physically and psychologically, over the long years of this war. One aspect of this tragedy which cannot be underestimated is the shocking prevalence of drug use by soldiers in the field. This to me is a sad commentary on troop morale, and further evidence of the damaging effects of the war on our young men. Estimates vary on exact percentages of drug usage, but when at least 50 percent of our soldiers have used drugs and at least 30 percent have used them to the extent that they are having a personal problem with the situation then something is seriously wrong. It is in this Government's power to end this devastating situation, and to free every one of these POW's by simply ordering them home now. If this were done, most of our other most pressing problems in Southeast Asia would be alleviated, including the problem of the 378 POW's identified by Mr. MONTGOMERY.

We in the Congress have the power to end this war. The inordinate power of the President and the executive branch—power that can shroud escalation and troop concentrations in secrecy, silence our free press, and today begin to produce military rationale as justification for its extraordinary abuse of power—that power sometimes makes one forget that the makers of the Constitution set up a system of checks and balances which gave Congress the right to declare war. Congress never declared this war, it abdicated its responsibility to the White House, but it can undeclare the war and this is what must be done in this session of Congress.

Many attempts to do that have already been introduced at this early stage in the 92d Congress. My own resolution calling on the President to withdraw all troops from Indochina by July 4 of this year, the resolution to pull out by June 30 of this year sponsored by Congressman RYAN and others, Congressman BINGHAM'S bill on Cambodia, the Hatfield-Church bill in the Senate—all have

many cosponsors and all are attempts to undeclare this war which has been so widely repudiated at all levels of American society. I urge this body "to get it together" and to join in support of these efforts to end the war now.

Mr. DOW. I thank the gentlewoman from New York for her for very discerning remarks.

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

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

Mr. SCHWENGEL. Mr. Speaker, I want to join my colleagues in commending the gentleman from New York for taking this time and leading this discussion that is so needed. I have known his feelings about Vietnam especially when he was speaking out a long time ago and when it took a lot of nerve, more nerve than it does today. So, I know how deeply he feels when he is talking to us about it. We have shared the concern and interest here and I am glad to add a word of encouragement to the gentleman's objective in the hope of getting a better understanding of this total problem, not only as it relates to the people in South and North Vietnam, but as it relates to the people of Indochina and as it relates to my own country.

This morning I had the chance again to meet a distinguished lady from Vietnam Senator Pauline Van Tho who serves in the Senate of South Vietnam. She is visiting here and she was in this building. I had the opportunity to visit with her and she shares some of the concerns that we have. She is bothered because so much has been spent in so many ways by her own people and by us and there is still so much misunderstanding or lack of appreciation of the problem. One problem she put her finger on and I think all of us ought to know about it, and that is the importance of the cultures in those areas that we have been ignoring. She called again, as Colonel Bey did when we were over there with the volunteers for a program to help them reestablish, strengthen, encourage and broaden their culture and, then, as Colonel Bey said, we would be more willing to accept you and the things you stand for and then you could help us arrange for a marriage of American technology to Asian culture. This Asian culture is really their church or religion and just as our Judeo-Christian religion is important to us it is important to them. So this is reflected time and time again as we seek to do this sort of thing which you are doing here.

I am glad you have taken this leadership and I am glad you are continuing to pursue this question—I hope it will be pursued in an intelligent and fair manner.

Based upon my continuing study and growing interest, my committee the volunteers for Vietnam has made recommendations to the President. We made recommendations on the first trip which was in November 1967 and reported to President Johnson and stated then the one great need was to change the program called "search and destroy" to "clear and hold." That change is coming and I am glad. It is going to make us look better and make our job easier.

But, as I look at this total picture and as I read about the world travels and as I note our own capability and capacity to lead, I think what a shame it is that we think we can solve these kinds of problems with guns alone.

The problem in Vietnam, like so many other problems, indeed the problems of this Nation in 1776 was a political problem and a social condition, because we held certain convictions about certain basic freedoms and rights and obligations and we believed in them and were willing to fight for them. True, sometimes we made many mistakes and we are still making mistakes as we wrestle with this evolvement of these basic freedoms and the extension of those freedoms in my own country. This has led me to recall that President Johnson in the first 100 days of the Presidency when he held a press conference and said that this was a great and continuing tragedy.

In answer to a question on foreign policy he said:

> There are 120 nations in the world with which we do business, so we have 120 different foreign policies.

He spoke the truth, but it is also a tragedy. What America needs is one foreign policy. I think that Vietnam demonstrates this need of a foreign policy that is designed to established the basic freedoms—I think there are five of them—and then evolve programs for their extension. We know from history that as these freedoms are cultivated and used and extended, well-being and prosperity comes to a people. That has been our history. And if we just look at this we could see a program and a plan that could be applied in Vietnam.

Let me tell you something that is working over there, a plus, something to build on: When we went there we got involved militarily under President Kennedy, and 20 percent of the boys and girls in the grade ranges between the first and fifth grades of school were in school. Today over 80 percent of them are in school. They are learning to read and they are learning about things around them. They are growing mentally, and this policy can help solve that problem, the individual problem just as we have it in our Nation, because we are helping make people more intelligent and we should be proud of this. We have also extended and helped the high school level of the people, and we have done so with higher education, but not enough.

Here is an area where we have the ability to help and believe in.

Let us also take agriculture. Seventy percent of the 17 million people in South Vietnam are farmers. This is the great rice basin of Asia, tremendous productive land, and there we have the capacity to help them improve their ability to produce. We have been told by scientists that in many of these areas the rice production could be increased four- to 10-fold, and this would help alleviate hunger where hunger is most prevalent.

Well, we are doing something here also. We have a bunch of farmers over there, extension service people, 130 of them, and they are helping the people, and they are having a great influence.

We went into Can Tho Province there, 3 years ago, and at that time they had one tractor in the whole province, an area about the size of three counties in the State of Iowa. This time we went there they had 197 tractors, and they were using new varieties of rice. They had in many areas doubled and quadrupled their production of rice.

You see, these are programs that many can appreciate.

Let me cite you an example of one little community. They suggested that we go there because they wanted us to see how these little communities could protect themselves against Communist terrorists that were troubling things there. It was very interesting to see this, and the thing that stood out to me was a little compound which was apparently new, and I asked the elderly gentleman who was our guide, I said, "What is in there?" He said: "I must show you what is in there." And there was a Westinghouse generator furnishing electricity for the very first time in the history of that community to furnish lights, and they had 137 homes benefiting from this plant, and they were paying for this just as REA is paid for in Iowa.

Well, that community is sold on us. I asked the gentleman that was taking us around what the attitude of his people was toward America. He said "Better now." I said, "Will you explain that?" He said, "Before, you had a policy called 'search and destroy'." Now, he was talking in his own language, and we were carrying on our conversation through an interpreter, and he said, "Now, you have clear and hold. Now we believe we know which side is right."

So you see here is evidence of the power when we do the right thing.

Mr. Speaker, I am glad the gentleman in the well has taken the lead in a discussion of this problem. I think this will lead to something constructive and help make us look better, make us look like the Americans that we really are, basically good. And if we sell the world on that factor then the world will again know, as Lincoln has said, and so brilliantly in his time, and in a difficult time, too, "We can be the hope of the world."

Again I say to the gentleman that he is doing a fine thing in leading this discussion, and I hope it continues on, because out of this kind of a leading and this kind of intelligent discussion can come some answers that we must find that are better answers than we have evidenced so far in the solution of that tragedy, that tragic situation in Indochina, and especially in South Vietnam.

Mr. DOW. Mr. Speaker, I would like to say to the gentleman from Iowa that he himself has been a leader in this crucial issue for a long time. I can recall being a cosponsor with him of a film—it must have been 3 or 4 years ago—on this issue and I can say with him that this was presented at a time when it was not so popular to be in the forefront on this issue.

So I admire the gentleman from Iowa as a man of courage and as a man of great conscience and it is heart warming to have you here, sir.

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

Mr. DOW. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I wish to commend the all-too-few Members of the House who are here today on this occasion.

I am one of the first representatives of a movement for a new Congress. People sent me here to stop this war. The essence of the whole movement for a new Congress is to restore the decency and the dignity of this House—to once again assert its constitutional power to declare war, and to finance a war.

With the repeal of the Tonkin resolution, which was adopted by this House, but long since repealed by the other body—it was repealed in this chamber on December 31, 1970—no legal justification of any sort exists for the war that is now being carried on in a clandestine manner.

I recall my last day in Saigon in June 1969. The sights I saw in that tragic land, all caused by American brutality, caused me to change the whole course of my life. I did change my life to come here and to try somehow to force the Congress to face up to its duty. Now, 19 months after I saw Saigon, what is happening? The killing goes on. We hear nothing about this new war in Cambodia or Laos. My mail comes in day after day—"What are you doing, Mr. Congressman, to stop this war?"

I spoke to a constituent just a half hour ago on the telephone and I had to tell him that I, as a Congressman, know nothing new about this war. I know nothing now that I did not know before. We are blacked out—we, the Congress of the United States, are blacked out.

Therefore, I say there is no justification in any legal sense for the continuation of this war.

All of us, I think, have known for a long time that this war violates every moral principle of all those traditions of Christianity and Judaism and ethical humanism—those traditions concerning the norms of a just war.

Mr. Speaker, I urge all these people—all too few—to make a coalition, and an alliance to do three things:

First, to demand a political settlement of this war.

Second, to reassert the inherent constitutional power of this House of Representatives.

Third, to make war on war.

Mr. DOW. Mr. Speaker, I thank the distinguished gentleman from Massachusetts who came to this body with tremendous credentials for the issue to which he has addressed his remarks.

He is living up to those credentials fully, according to our expectations, and we are delighted to have his testimony here.

While I have a little more time, if any other Member would care to offer remarks at this time, I would be glad to yield.

I am troubled that there are not more Members here to participate in this discussion because it deserves much more attention than it is receiving.

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

VIETNAM

The SPEAKER pro tempore (Mr. McFALL). Under previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 60 minutes.

Mr. MIKVA. Mr. Speaker, it is with a deep sense of frustration and anguish that I join my colleagues today in another attempt to get this Congress and this administration to openly deal with the problems of Southeast Asia and the war we are waging there. We continue to pretend that good things are happening which will provide a happy ending to this tragedy. It is not true.

For the past 5 years the only constant elements in our foreign policy toward Southeast Asia have been continued pursuit of a military solution, and a continued effort to keep the war out of the public's eye to the greatest extent possible. The latest manifestation of the latter is "Vietnamization," which is so commonly credited with successfully "defusing" the war issue. By definition, the administration's entire policy of Vietnamization and alleged disengagement is a cynical sham. As we withdraw a portion of our massive forces from Vietnam, we increase the firepower per man, and the level of violence inflicted on the people of Southeast Asia continues unabated. We continue to kill, but do it by proxy, using yellow men instead of white and black men to carry the instruments of death we provide them, while we "withdraw" to a politically safe distance. The administration's position may be politically safe, but it is far from being morally secure.

Over the past 10 years, our massive presence in an alien country has totally disrupted the entire economy and social fabric of the nation we say we seek to save. Indiscriminate bombing and napalm attacks have killed thousands upon thousands of civilians, tearing families apart and leaving millions of widows, orphans, and refugees. Innumerable acres of productive land have been laid waste, disrupting the ecological balance of a whole region, and upsetting the agricultural capability of South Vietnam. Our contribution to the eventual solution of the problems of Vietnam, many of which we have aggravated, is Vietnamization—which is to say that, for reasons of political expediency, we turn over our weapons of destruction to Vietnamese troops trained and equipped by us to carry on our crusade against the yellow peril from the north.

Vietnamization constitutes a reprehensible shirking of the responsibility we should bear for bringing peace to a terribly torn subcontinent. Withdrawal, as an alternative to negotiations directed toward a fundamental political solution of the underlying political problem, does not advance the prospect for lasting peace in Indochina and is little more than a cruel hoax. We must not permit the administration to "defuse" the war by these means.

The only acceptable path is to begin to deal with the underlying problems we have never faced, for all our bullets and bombs. The war must be ended, not merely our physical presence. A realistic political settlement must be reached, which will assure the people that which they have never enjoyed in all the years we have been waging war in their country: the right to live their lives in peace, governed by men of their own choosing regardless of whether they are acceptable to us. Whatever else we have done in the past 10 years of military effort, we have not advanced that goal one whit. Just as this was the only legitimate justification for our presence in Vietnam initially, it remains the only justification for our withdrawal. Vietnamization does not promote that end, and is therefore an unacceptable basis for disengagement. We cannot sit quietly by while the President, in "defusing" America's participation in the war, compromises America's conscience.

Since Vietnamization has become a part of the administration's lexicon, the war has expanded to Cambodia, and now to Laos. We have witnessed a blackout of news that is bottomed, not on security of our troops, but on efforts to keep the facts from the American people. We have witnessed a "brownout" of dialog about the war from the political leadership of the country. We have not heard any solution to the war in Southeast Asia, secret or otherwise, nor have we heard an end to the American agony that has torn us apart for so many years.

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

Mr. MIKVA. I yield to my colleague from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. I am pleased to join the gentleman from New York (Mr. Dow) and other colleagues in their remarks today, and as one Member I would like to welcome back the gentleman from New York, and I observe with admiration that he has lost none of his zeal and quest in his opposition to this tragic war.

Mr. Speaker, once again we are confronted with the prospect of escalation of America's military involvement in Indochina—again we are told that this is necessary to secure the safety of our ground combat forces in Vietnam. We have been given assurances that this administration is committed to the withdrawal of our troops and it is repeated ad nauseam that such withdrawal is made possible by the continued presence of our troops in Vietnam and our logistic support and air strikes in Cambodia, Laos, and Thailand. We are asked who will protect our troops if we withdraw immediately or by a reasonable date certain.

As Congressmen, we are petitioned to join in demands that Hanoi respond to the plight of wives and families of our prisoners of war, but we who seek an end to America's presence in Indochina are not prolonging the misery of these unfortunate Americans. Our prisoners of war will be released when, and only when, we withdraw all of our forces from Indochina, but, meanwhile, let us understand the policy that makes prisoners of war and that continues to add to the number of Americans held prisoner in North Vietnam. It is the administration policy of bombing the North, continued in a smaller degree from the Johnson administration's similar policy. It is then

our own bombing and aggression against the people of North Vietnam that creates prisoners of war. It is this administration and the last administration that put those men there. They, and they alone, are responsible. Further aggression can but add to the number.

The Nation waited until this morning for official word as to a new military initiative launched into Laos. American newsmen were under a news embargo which prevented them from learning of events already reported by foreign correspondents around the world and by the press in Saigon. Why was the American public and the Congress of the United States kept in the dark? It is reported that General Abrams ordered the embargo and it has been suggested that the President himself was not advised of this new initiative. Has the executive branch also lost control over our military high command? It is no surprise that Congress is not consulted—this body abdicated its constitutional responsibility to authorize the commitment of armed forces to foreign lands long ago. It is high time we asserted our authority again.

The framers of our Constitution specifically and deliberately gave Congress the exclusive power to commit armed forces to foreign lands with the exception of certain emergencies in which the President might act on an interim basis. In the interest of expediency Congress has allowed this power to erode in recent years. The justifications for our involvement in Korea, Lebanon in 1957, Cuba in 1962, the Dominican Republic in 1965 and Vietnam all stress theories which establish circumstances under which a President may send armed forces abroad—but the limits of such power have been ignored.

It has been suggested that the erosion of congressional power to initiate armed conflict is attributable to America's lack of experience in accommodating our constitutional system to expedients in foreign policymaking. In an atmosphere of real or imagined crises and fearful of causing irreparable harm to our security, post World War II Congresses acquiesced in the judgment of executive expertise. Confronted by the awesome complexity of post war security, Congress rubber stamped all proposals generated by the Departments of State and Defense and appropriated the funds requested. One President after another sent our forces into foreign lands giving only token recognition to the authority vested by the Constitution in the Congress.

I reject the claims that Presidential power to send troops into combat is derived from collective security treaties which were ratified by only one house of Congress. But even the terms of these treaties provide that in the event of armed attack on any member the common defense provisions shall be carried out by the parties in accordance with their respective constitutional processes.

I also reject the concept of implied authorization through subsequent appropriations and congressional inaction. The fact that Congress has been coerced into appropriating funds to protect troops already committed does not constitute ratification of executive initiatives. The Supreme Court held that explicit ratification by the Congress is necessary—ratification by appropriation is constitutionally impermissible. This principle applies with even greater force to the argument that ratification is implied from congressional acquiescence.

Given the recent history of congressional inaction relative to the war power it is no wonder that we are today treated as schoolboys incapable of understanding the complexity of the problem. The recent news embargo highlights the contempt held by the executive office for the congressional prerogative to participate in decisions to send armed forces to combat and to specifically authorize deployment to new frontiers. Having legislated a prohibition against the President sending ground troops into Cambodia or Laos we are now confronted by new military initiatives in both Cambodia and Laos using every instrumentality of violence at our disposal—including, what amounts to, mercenary South Vietnam troops.

However, it is not my purpose here to attack the merits of this recent action. My understanding of that is what I have been told: We are there because we are there and consequently must do everything within our power to protect our presence, at least until our puppet government can protect our political presence and troop withdrawal.

We should not now be asking what is going on in Laos and Cambodia—and why? We must demand that the executive ask Congress whether it will authorize such new initiatives. We will be told that secrecy must be maintained to protect our troops—that it would not be militarily expedient to divulge these plans prior to execution. And I say to the devil with expediency—the foundation of our country is being destroyed by expediency. We the elected representatives of the people must demand a voice in the formulation of our military objectives in Indochina. This Congress may approve of the present initiatives once it has been informed—but it must explicitly authorize their continued execution.

Since World War II international crisis has been chronic. In this context we have not deliberately rejected our constitutional processes but we have neglected them. The urgency of our times seemed to require a national potential for quick retaliatory action which could most logically be exercised by the executive. We allowed the concept of instant defensive retaliation by the executive to extend executive control over the use of military force in the conduct of foreign affairs.

Mr. Speaker, the role of Congress with respect to the deployment of armed forces throughout the world deserves our most thoughtful consideration at this time in our history. Must we amend the Constitution or must we merely assert the authority already conferred on us by that document? Let us direct our attention to this inquiry without delay. Let the administration be confronted with the question of why it must persist in the conduct of mass military operations in Southeast Asia. Why has it not given up the long-since discredited notion that we can, or ought to, win a military victory in Southeast Asia.

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

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

Mr. EDWARDS of California. I was very interested in what the gentleman from Illinois and the gentleman from Wisconsin had to say. I know and appreciate how long these two Members have presented these views, together with the other speakers who have preceded them.

I am sure we are all pleased that there is to a great extent a majority of the people in the country who now agree.

Mr. Speaker, the Greeks have given us a word, "hubris," which is defined in Webster's dictionary as "wanton insolence or arrogance resulting from excessive pride." In the Greek tragedies the hero is usually the victim of his own hubris. I would like to draw a parallel here between the Greek hubris and the attitude which has dominated U.S. foreign policy in China and the Indochina Peninsula since the end of World War II, because for most of that time we have acted on the premise that we have the right and the might to shape the destiny of Asia. It is only in recent years that the American people and their political leaders have come to question that premise, and then only in the face of bitter defeats of our Asian policy and severe domestic turmoil resulting from that policy. There are few people today who would question that our military involvement in Southeast Asia has been a major cause of domestic unrest and the major barrier to solving our domestic problems.

I was interested in what the gentleman from Illinois had to say about Vietnamization. I believe that the President was misguided in his Vietnamization policy. In committing the Nation to that policy I believe he has succeeded primarily in spreading the conflict and further undermining the stability of the entire Indochina peninsula. Vietnamization is not a new concept. It was tried by the Johnson administration, under a different code name, perhaps, and it failed, and there is no reason why we should believe it will succeed under the Nixon administration. There is very good reason to believe that it will fail again.

We cannot control, by ourselves, the fate of Asia with Vietnamization or any other measure short of genocide.

There is a consensus in America today that the war was a mistake and that we must get out as soon as possible. The question is how and when.

The gentleman from New York (Mr. RYAN) told us today of the resolution he has introduced, and I believe that it should receive wide support.

The gentlewoman from New York (Mrs. ABZUG) spoke to a special aspect of the problem which has to do with what is happening to our young men in Vietnam. This was discussed in the January 11 issue of Newsweek magazine under the title "The Troubled Army in Vietnam." It describes the tragic demoralization of our fighting men. To quote:

The U.S. Army in Vietnam is being asked to do something that no citizen army is equipped to do: conduct a prolonged strategic retreat from a war the nation now detests.

The article goes on to state that the degree of demoralization "it not immediately dangerous," but it concludes, and I quote in full:

The prospect that the U.S. Army will be asked to undertake another major offensive is not great. The graver danger is that the bitter seeds sown in Vietnam may well sprout elsewhere in the Army. For nearly 30 years, the American fighting man has carried war to other countries, always with the parade-ground maxim that the best defense is a good offense. Now even the rawest draftee can see that, in Vietnam, the approach has not panned out. He is assigned to an army that does not fight except in self-defense and that is led by officers and NCO's who no longer give even lip service to the reasons offered for their being in a country that largely wishes them gone.

The draftee does not really care, as long as he has a reasonable hope of survival, but the career men who form the heart and soul of the Army are embittered and frustrated, and some thoughtful professionals wonder aloud whether their colleagues might not set out some day on the fateful path of political activism taken by French officers after the defeat in Algeria. Given America's traditions, that seems highly improbable. But it is perhaps a cause for concern that any U.S. military men can even give thought to such possibilities. For as Gen. William Westmoreland, the Army's Chief of Staff, remarked: "An army without discipline, morale and pride is a menace to the country that it is sworn to defend." The U.S. Army is still far from being such a menace. But for the first time in modern American history, the danger that it could become so is no longer unthinkable.

That ends the quotation.

I submit that prolongation of the war would be the best way to promote such a menace and that concealing the facts of what is going on in Indochina from the American people with this outrageous news blackout is the second best way to promote such a menace. For the past 6 days we have to get our information from foreign newspapers and Communist radio broadcasts. I do not like official secrecy in matters unless it is absolutely necessary. It seems to me this kind of secrecy we have been experiencing in the last few days is one of the easiest ways to lead our Nation further down the road to disaster.

I thank the gentleman from Illinois for taking this time today.

Now that we are at the beginning of a new Congress, let us rededicate ourselves to continuing this battle—so that perhaps before too many months have passed we will really see the end of this terrible conflict. This is something that has to come about if our country is to continue to be a world leader. It is so necessary if we are to have a peaceful and decent society here at home.

Mr. MIKVA. I thank the gentleman from California not only for his remarks but for his long dedication to the goal of seeking to change our policies in Southeast Asia and turning us around in this ugly war.

I now yield to my colleague from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I thank my colleague from Illinois for yielding and wish to recognize his services in this cause and also to thank him for taking this time.

Mr. Speaker, this Nation which proudly proclaims it is a free and open society has discovered in the past few days that people behind the Iron Curtain know more about our military operations than we do.

While the American people were told nothing of a military buildup in the northern sections of South Vietnam, the Communist press around the world and the press in other free nations told of the buildup. The Polish delegation in Saigon knew of the operation.

It appears only in this free and open society were the citizens kept from knowing the facts. I believe in secrecy when it protects the lives of American troops. But the administration cannot believe that we are so naive that we believe that their secrecy in this case was imposed as protection for the troops. The North Vietnamese had ready access to information about the buildup. All the North Vietnamese had to do was to purchase a daily paper in almost any nation in the world; the one exception was the United States. No official news was available here.

The secrecy, then, appears to have been imposed to protect the administration, not our forces in Southeast Asia.

Now the official word is out and we learn the extent of this operation. Some 20,000 South Vietnamese troops and 9,000 American troops made a sweep through the northern part of South Vietnam. As far as we know at this point, they stopped at the Laotian border. At any moment we may be told that Laos has been invaded.

The administration may keep American ground troops from taking that next step, the one across the border. But can they deny that if South Vietnam forces go into Laos that we have taken part in the invasion?

If South Vietnam does invade Laos, the support of our troops to the border means that we have supported an invasion of another nation. At what point do such invasions become acts of aggression? We constantly denounce aggressive acts by other nations, and rightfully so.

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

Mr. ECKHARDT. I am glad to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker. I want to commend the gentleman from Texas upon his statement, but it was my view that the executive branch was limited by some senatorial resolution on this question; is that not correct?

Mr. ECKHARDT. It is my understanding that they are limited by the Cooper-Church amendment.

Mr. CONYERS. My point is that we are continually found to be in a number of neighboring countries around Vietnam even though the Secretary of Defense keeps saying that we are not there and have not been there.

Mr. ECKHARDT. It seems to me, if my colleague will hear this, that we have stretched the meaning of the protection of our troops in South Vietnam to the point where it can permit almost any action in Southeast Asia.

Mr. CONYERS. Including moving into neutral neighboring nations on the basis that they are harboring our enemies or are building up supplies that will hurt our cause in South Vietnam or North Vietnam.

Mr. ECKHARDT. I think that the gentleman from Michigan is entirely right.

Mr. CONYERS. Well, I pause here to express the highest regard to my colleague from Texas. I think that the greatest tragedy of this war, now that we have gone through the question of its constitutionality, now that we have gone to the question of whether we want it ended and how we are going to end it, now that we have gone through the question of the validity of the so-called Vietnamization process, the greatest tragedy that now goes on is that the American people are not being told the truth about what we are doing in Southeast Asia and what troops are there and what is going on. It is not known by the Senate. We have tried to limit it through congressional action. Surely, the American people are even more confused than we are in the legislative branch.

I think that this is doing irreparable damage to the whole concept of democratic government.

Mr. ECKHARDT. I am inclined to agree with my colleague, the gentleman from Michigan, who I know is on the Committee on the Judiciary, and is an excellent lawyer and constitutionalist. I believe that the attempt to stretch the authority of the Chief Executive, and thus to make so flexible the question of protection of forces in South Vietnam as to give no meaning whatsoever to the constitutional limitations on the Chief Executive with respect to the war, is probably the most lasting damage that has been done to our country. It has always been recognized, although perhaps at times not respected, that the Constitution gives to Congress the sole right to declare war. The executive department has the control and direction of the military forces, but only after policy is made by Congress. This is what has been so well debated in the Senate, and so well defined by action in the Senate, that has a primary responsibility with respect to these lines of authority. It seems to me that by the stretching of the definitions of protection of troops in South Vietnam we have attempted to stretch the Constitution to the point where we have done almost irreparable damage to our constitutional concepts of division of powers between the Congress and the Presidency with respect to the protection of the Nation.

For that reason I agree wholeheartedly with the distinguished gentleman from Michigan (Mr. CONYERS) in pointing out that this is one of the major evils of the situation that exists today.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for his observations.

Mr. ECKHARDT. I thank the gentleman for bringing these matters up, because this question of creating doubt in the minds of the people as to the honesty and truthfulness of their leaders is, I

think, an extremely dangerous byproduct of this war. That is why we must denounce acts of aggression by this Nation, for aggression is what is going on no matter what label the administration wants to put on an operation that sends or supports troops going into another country.

The Congress of the United States and the American people have clearly indicated they are strongly opposed to a widening of the war in Southeast Asia. But the Pentagon and the administration have clearly flaunted the will of the people and the intention of Congress.

We speak here today in support of our troops, in support of our American principles for we believe that keeping facts from the people, disguising intentions and disregarding the people and the legislative branch is against all that this country stands for.

The administration and the generals are like an inept surgeon cutting further and further into the body of Indochina in a bumbling attempt to get to the infected organ and spreading the gangrene of war as he goes.

Mr. Speaker, I thank my colleague for yielding.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from Texas (Mr. ECKHARDT) for his contribution. I have pondered, as the gentleman spoke of what has taken place in this country, and realize that we will someday find out what this war has really cost us, not only in material wealth, not only in the lives of our youth who have bled and died in Vietnam. We will have to add in the tears in the fabric of government about which the gentleman has spoken, the tears in the trust between the people and their Government, the tears between generations, the tears in the relationship between the branches of Government, the tears in the prestige and professionalism of our Armed Forces, the tears in the doctrines of international law and order and justice. Whenever that day of reckoning comes we will see that whatever ephemeral goal was sought when we made that terrible first step in Southeast Asia, it could never have been worth the awful cost that we have paid in all the ways the gentleman from Texas and the gentleman from California described before.

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

Mr. MIKVA. I yield to my distinguished colleague, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to ask the Members of this body who are present, if we are waging a war that is unpopular with the American people—why are we in it? I think that is the question that goes to the very heart of the difference between the way this Government operates and the way the American people want it to operate. I think it should be becoming clear that we are in a war that is not sanctioned by the American people even after avalanches of propaganda to condition us to accept the inhumane consequences of this war. The American people reject this war not only because of the devastation to the poor peoples of Asia and not only because of what it does to our own American men who are sent there—but really because of what it is doing to the very fiber of this country.

So I raise this question very seriously with my colleague, the gentleman from Illinois—Why is it that we are in a war that the American people refuse to sanction?

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield at this point?

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

Mr. SCHWENGEL. Mr. Speaker, since this question has been raised as to why we are there, I would like to raise one question in addition to that—as to how we got there?

I call attention to the fact that the Senate Foreign Relations Committee in 1967 wrote a report which was applauded and accepted by the so-called doves and the hawks as one of the most accurate accounts of the step-by-step procedure by which we became involved, and how we justify it, and raised for the first time the question of validity of the Tonkin resolution.

I mention this because I think everyone who really wants to get to the roots of this and make an intelligent contribution—which is being done here today—needs to understand the historical development of this war so that we never again will make these same mistakes.

Now while we are doing this, I think we ought to benefit from others who are wise observers and people with experience—people like former Ambassador Reischauer a very able representative who was our Ambassador to Japan. He has written a book which I think in summary is the best single book on that subject; it deals with our involvement and our present situation and what we ought to look forward to and some of the things we have to do. The book is called "Beyond Vietnam." I commend it to your reading because I think it is one of the most intelligent dissertations on the subject that we are wrestling with here.

I again want to commend you people who are participating in this and who are trying to bring about a better understanding of this problem so that we may find a way out. I think it is a very worthwhile exercise that you are participating in here.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from Iowa.

Mr. Speaker, I agree that the Reischauer book is an excellent book and, indeed, it is a hopeful book because it suggests that there will be a time beyond Vietnam.

I think the gentleman from Michigan and the gentleman from Iowa have asked questions that are very pertinent. These questions disturb me as they do the gentleman from Michigan, about this war which nobody now defends. Indeed, the number of people who defended the war 5 years ago or 4 years ago or even 2 years ago who today say—"I agree that it was a mistake to go in," are legion.

When you ask them: Why do we stay? the answers are like ships passing in the night. The answer has nothing to do with the question. The answer is—"We cannot accept the resolution offered by the gentleman from New York (Mr. RYAN) because if we suggest that on a date certain we will get out of Vietnam, then the Paris negotiations will break down"—as if the Paris negotiations for the last 2 years have been anything but broken down. Or we are told—"Well, if you just want to cut and run, what about our prisoners of war who are being held by the North Vietnamese—have you no mercy for our own troops—for our own boys?" As if the continued fighting has freed one prisoner of war during that entire period; as if the continued fighting has not cost us more prisoners, and more missing in action, and more casualties. The only "effort" to free our prisoners was a ridiculous, almost "Keystone Comedy" kind of raid on an empty prison camp; it cannot be described as comedy, because we are dealing with the lives of our prisoners. In fact, there have been more than suggestions made that if we would ever, at Paris or elsewhere, agree to a date certain when we would remove our troops, that such an agreement could lead to a meaningful discussion about the repatriation of our prisoners of war.

I can only say to the question of the gentleman from Michigan that I do not know the answer. I wish somebody from the administration or somebody anywhere, from past administrations or future administrations would answer this question which is disturbing the American people so much: Why do we stay in a war which everyone agrees we should not have gone into, which everyone says we ought to terminate? Why do we stay?

Mr. CONYERS. May I suggest to my friend from Illinois that part of the reason we are unable to extricate ourselves from a war that nobody claims to have wanted is that we do not have on either side of the aisle leadership that has convinced me that they really want to take the steps to end the war. This body does not operate by magic. It does not operate in some mysterious way. We can see how many Members here are concerned with the subject matter of the gentleman's special order on the subject. We are encouraged that there is now a bipartisan discussion going on, even though it is constituted with only one Member from the other side of the aisle. The fact still remains that we do not have people in the legislative branch of this operation who are sufficiently concerned.

They are against the war. Everybody is against the war. I have not met one person in the last 6 months who is for the war. Yet we have a military budget whose expenditures are sought to be increased for the upcoming fiscal year.

So I am beginning, after a few years of service in this great body, to ask the hard questions that the American people are asking: If we are all against the war, why aren't we getting out? If we are all against the war, where are our leaders to develop programs that will extricate us from the horrors of Vietnam? It is not going to satisfy the American people to have a few Congressmen out of 535 articulate their objections to the war; I think something is going on in this country

that is far more profound than most of our Members are ready to recognize, much less acknowledge; and that is that the war in Vietnam is having a devastating psychological effect upon the American public. They are losing faith in this entire system of Government, and if some of us do not begin to say that to our leaders, we are going to be faced with people who want to govern that do not have anyboody to govern. We are faced with young people, and now increasingly old people, of all races, of all classes in or society who are beginning to seriously question for the first time the whole validity of this system of Government. And I think that the finger can be pointed to this horror of Vietnam as being that one single factor that has contributed more to undermine the confidence of the people in this Government than any one other thing.

For those reasons I sincerely applaud those Members who would follow the leadership of our most esteemed Member from Illinois.

Mr. MIKVA. I thank the gentleman from Michigan. He has eloquently stated why we are here. I can only suggest that we all have the obligation to keep asking the question he has been asking, and asking it in important places, in uncomfortable places. We must continue to see to it that slogans and words like "Vietnamization" are not successful in "back burnering" this ugly war which, as he has pointed out so profoundly and so powerfully, threatens to destroy our country even as or even more than it is destroying Southeast Asia.

So I thank the gentleman for his comments.

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

Mr. MIKVA. I yield to my colleague from New York.

Mr. DOW. Pursuing the thought offered by the gentleman from Michigan and the gentleman in the well relating to the damage the war is doing to our Nation, does the gentleman not agree that one of the reasons alleged for our involvement in Vietnam was to combat and rebuff communism? Has that not been offered as a reason?

Mr. MIKVA. That was indeed offered as one of the reasons, as one of the many rationales that have been paraded across the American scene over the years.

Mr. DOW. Would not the gentleman agree that as we look at the scene today, the Communist nations, such as Russia and China, have come out of this scot-free; and yet we who were attempting to deal in some kind of a rebuff to communism find ourselves being broken down? The damage is not just in Vietnam; it is a breakdown throughout our country, in many areas and many levels of our society.

Mr. MIKVA. I certainly agree with the gentleman from New York. I cannot imagine a better result so far as the Chinese Communists are concerned than one which sees us extended in every which way in Southeast Asia, locked in a land war everyone agrees we cannot win, and with the kinds of costs and damage to our country that have been pointed out here today. It seems to me it is a masterful foreign policy for the Chinese. The problem is, what kind of a foreign policy is it for this country? As the gentleman from New York pointed out in his earlier remarks, it is one leading us to disaster.

I thank all my colleagues for their contributions. One of the newspapermen asked me earlier in the day if anything new was going to be said by me or any of my colleagues today. I have thought about that question. I am sure there has been nothing novel that has been said today. Perhaps the words have been put together in a different syntax or in different combinations, but there has been no novel thought. Indeed, some of those who are in the Chamber have been laboring in this vineyard for long before I came to the Congress, and I admire and respect your commitment.

I believe that what is new is what the gentleman from Michigan stated before; namely, that the urgency is even greater than it was last year, even greater than it was 2 years ago, even greater than it was 3 years ago; because at this point, it is not only that victory in Vietnam is unavailable and inaccessible, it is not only that we are not going to negotiate a victory in Paris, it is not only that we are not going to fight to free our prisoners of war being kept by the North Vietnamese, it is that the entire democracy we cherish is in peril.

I remember, during the debate on one of the appropriation bills in the last session of Congress, someone described the testimony of one of the generals before the Appropriations Committee, in which he stated that his wife was safer on the streets of Saigon than she was on the streets of Washington. I have never forgotten that remark, because I cannot think of a better declaration of what is wrong with our country than for people who brag about the fact that we can make our generals' wives safer on the streets of Saigon than we can on the streets of Washington. Until we turn that "topsy-turvy" around by getting out of Southeast Asia, the democracy we love will continue to be periled.

Mr. CONYERS. The question that the gentleman repeats as to whether anything new is going to be said here today is really not the point. The question is whether anything will be communicated to the American people. Will anything be understood? Will anything become more clear in this Nation, in this Congress, and indeed in the world as a result of the hours that we have spent here? I do not think it turns on whether we can come up with something novel or interesting or unsaid. We have to repeat this thousands of times more before the American people begin to connect the significance with why they cannot have a termination to this war and why we in Government continue it against the wishes of the majority of the citizens of the Nation. We will have to indulge in the gentleman's special orders from now until that time has arrived.

Mr. MIKVA. I thank the gentleman from Michigan and all of my colleagues for their contribution.

I yield back the balance of my time.

THE WAR IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. RYAN. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I am pleased this afternoon to be able to join with my colleagues on both sides of the aisle who are vitally concerned about the continuing and expanding war in Southeast Asia.

The President said last fall that the war was not an issue in the November elections. It is very much, in my judgment, the supreme issue before the American people. It is up to us in the Congress of the United States to make clear our determination to bring this tragic war to an end.

I commend my colleagues, Mr. Dow of New York and Mr. MIKVA, of Illinois, who joined me in taking special orders to discuss this situation. I also commend those who have spoken this afternoon during the course of the 3 hours which we have set aside to restate, and restate as often as is necessary, the proposition that the war in Vietnam is a tragic experience with tragic consequences for America and that it must be brought to a prompt conclusion. That conclusion will only come about through a political resolution; not through a continued implicit determination to pursue what has always been an elusive military victory.

Mr. Speaker, for a decade this Nation has sent her young men to die in Asia. The price for this tragic venture has been incalculably high—53,500 American lives since January 1, 1961; more than 750,000 Vietnamese. South Vietnam is now ravaged—its villages destroyed, its croplands poisoned by herbicides, its social fabric torn by the wrench of a 20th century war fought on the fields of a pastoral country.

In this, the seventh year of our agony since the Americanization of the war, peace is still a chimera. The administration speaks for peace out of one side of its mouth, and opts for military adventurism out of the other. Now, Cambodia and Laos are the pawns of the moment, and the United States is the chess master playing the game of life and death. Except, in this game, as in all of the exercises of the past 10 years, no one wins, and everyone loses.

And while the death and destruction goes on, we are at the mercy of an administration which not only changes its tune to fit its latest desire, but has imposed a news blackout concerning the U.S. forces on the Laotian border which, for all we know, may become involved in an invasion of Laos.

WHY ARE WE FIGHTING?

We have been told that we were fighting to contain China. Today, Chinese influence is certainly no less in Southeast

Asia. In fact, the North Vietnamese, historically the antagonists of China, now look to that nation as a source of materiel.

We have been told about the domino theory: if South Vietnam went Communist, the rest of Southeast Asia would topple. This theory declined in political currency for a while, but now it has been resurrected. As the President told us last July 2 in a televised interview:

Now I know there are those that say, well, the domino theory is obsolete. They haven't talked to the dominoes. They should talk to the Thais, Malaysians, to Singapore, to Indonesia, to the Philippines, to the Japanese and the rest. And if the United States leaves Vietnam in a way that we are humiliated or defeated, not simply in what are jingoistic terms but in very practical terms, this will be immensely discouraging to the 300 million people from Japan, clear around to Thailand in free Asia. And even more important, it will be ominously encouraging to the leaders of Communist China and the Soviet Union who are supporting the North Vietnamese. It will encourage them in their expansionist policies in other areas. The world will be much safer in which to live.

Strangely, in the light of this resurrected rationalization for U.S. involvement in Southeast Asia, the "dominoes," to use the President's felicitous terminology, do not seem to hear the same bells tolling. No Malaysian troops fight in South Vietnam. Nor do Japanese soldiers or troops from Singapore. The few troops obtained from the Philippines and South Korea are paid for with American money. If the "dominoes" are running scared, their tread is a very soft one, and it is greased with American dollars, not our view of their national self-interest.

We have been told that the U.S. presence is necessary to insure freedom and self-determination for the South Vietnamese. Yet the regimes we have supported in that country have evidenced the same repressions we see in the very totalitarian states we condemn. Between 40,000 and 200,000 South Vietnamese are held as prisoners for their political beliefs. As I said last July 13 when the disclosures regarding Con Son Island prison were very much in the public eye:

Were Con Son Island Prison an isolated aspect of South Vietnam's governmental apparatus, some might be able to dismiss it after the ritualized rhetoric of condemnation. However, the prison is, in fact, not unique. The Thieu-Ky regime is an oppressive government, countenancing no dissent. It represses those South Vietnamese who seek a negotiated settlement to the conflict which has beset their land.

We have been told that our continued presence is necessary to prevent a bloodbath. The President himself said on May 14, 1969, in an address to the Nation:

When we assumed the burden of helping defend South Vietnam, millions of South Vietnamese men, women and children placed their trust in us. To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life.

How have we saved the helpless people of Southeast Asia from a bloodbath?

Let us look at Laos. Seven hundred thousand refugees have been produced as a result of war-related activities—one-fourth of the population. Of an estimated Meo population of 400,000 in 1960, at least 40 to 50 percent of the men and 25 percent of the women and children have fallen as war casualties. Between 1966 and 1969 Laos suffered the highest per capita casualty rate in the world, and it experienced the heaviest per square mile bombing in history. The bombing last year alone on the Plaine des Jarres has, in the words of one U.S. AID official, left "most villages and fields now almost completely ruined."

Let us look at Cambodia. It, too, has been dragged into the war. Since May 1970, the U.S. invasion has produced approximately 1 million refugees. Famine threatens because agricultural production has fallen so severely.

And let us look at South Vietnam. Over one-third of her people have become refugees since 1964. Civilian war casualties since 1965 are estimated to exceed 1 million. Dissenters are imprisoned. Inflation is rampant—30 to 50 percent per year. The culture of the Vietnamese is being destroyed in a glut of American goods and money.

In brief, the bloodbath of Southeast Asia has been going on for years. U.S. withdrawal would not be its creator, but rather the occasion for its surcease, with asylum being offered to those who might be endangered.

We have been told that we are protecting South Vietnam from aggression from the north. There is no question that the North Vietnamese have entered South Vietnam. But "aggression" is an ambiguous term at times. In fact, there is one Vietnam. The two Vietnams are the creation of international diplomacy, not a reflection of the aspirations of the Vietnamese people themselves. Ho Chi Minh, whatever our perceptions of his leadership and the methods he employed domestically and externally, was the national leader of virtually all the Vietnamese people. Thus, President Eisenhower wrote in his memoirs, "Mandate for Change, 1953–56," at page 372:

I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had elections been held as of the time of the fighting (between the French and the Vietnamese in the 1950's), possibly 80 percent of the population would have voted for the communist Ho Chi Minh as their leader rather than Chief of State Bao Di.

Thus, the "aggression" by the North Vietnamese was premised on the nationalistic Vietnamese movement which had been in existence for years, and which was spurred by the despotism of the Diem regime in South Vietnam.

We have been told that we are defending American honor. Yet this version of defending honor has cost us more than 53,000 American lives. It has cost the South Vietnamese and the indigenous Montagnards untold lives. The President told us on May 14, 1969, that what he termed "abandoning the South Vietnamese people" could not be because "a great nation cannot renege on its pledges. A great nation must be worthy of trust." Certainly, we have exacted a mighty price to maintain this concept of greatness.

We have been told, last May 18 by the President that the United States is "the peacekeeper of the Asian world." Yet, we stand caught in the morass of Southeast Asia while our legitimate world interests—disarmament under international control, rapprochement with the Soviet Union—lag, caught in the interstices of complex global interactions.

Thus, all justifications fail. Our military involvement in South Vietnam was a mistake—a conviction now shared by 60 percent of the American public, according to the latest Gallup poll. No interests of the United States are served by this war. Nor are the interests of the peoples of Southeast Asia—and I stress "peoples" in contradistinction to governments—in the continuation of this war.

THE BLIGHT UPON AMERICA

Apart from the death and destruction suffered by the peoples of Southeast Asia, and apart from 53,500 American dead in Asia, what of our domestic state? The President has contended that the war was not an issue in the election last fall. I do not stop to question his political acumen. That is totally besides the point. The fact is that the war is the supreme issue for all Americans. Its taint has sullied our Nation's spirit. It has penetrated the soul of our national life.

The war has diverted more than $105 billion from our urgent domestic needs—leaving our cities to decay, our schools to deteriorate, our environment to decline. On less tangible levels—but perhaps levels with even more pernicious consequences—this war has split our Nation. It has shown us the tragedy of myopic fear of indigenous nationalist movements; and it has demonstrated that our military complex is largely a force unto itself, caught up in a momentum almost impossible to halt.

Surely, this tragic war has been a supreme blot upon our history. And it is equally sure that unless the course of our Nation is changed, that blot will remain and grow.

Moreover, the morale of our troops is declining with frightening rapidity. No soldier wants to be the last to die, or to lose a limb in a war from which even the administration claims we are withdrawing. And in conjunction with this malaise among the troops, there has been an enormous increase in drug usage—a development common among the dispirited and discouraged.

TODAY'S PLACEBO—VIETNAMIZATION

Where, now, does this Nation stand? The administration claims to have a policy, termed Vietnamization. The President has told us, in his "state of the world" statement of February 18, 1970, that Vietnamization "has two principal components"—the strengthening of the South Vietnamese forces and extension of the pacification program in South Vietnam. And he went on to say:

In strengthening the capability of the government and people of South Vietnam to defend themselves, we provide Hanoi with authentic incentive to negotiate seriously now.

Obviously, that incentive has been minimal. Negotiations are no more productive today than they were a year ago. Nor will they be, so long as we sustain

a despotic regime in Saigon. As a bartering factor, Vietnamization has failed. What I said last April 16 applies equally today:

If 500,000 American troops did not provide such an incentive to North Vietnam, I do not see how a reduction in American forces by token withdrawals and a purported turning over of the war to the South Vietnamese is now going to be particularly persuasive to the North Vietnamese and the NFL.

What Vietnamization really constitutes is a cosmeticizing of the war. It is a vehicle to substitute Asian blood for American—that is the simple fact of it. American casualties will decline, as in fact they have. Thereby, the war becomes more palatable to a portion of the American public. But death is not going to end. Destruction is not going to halt. The misery of the South Vietnamese and the Laotians and the Cambodians will persist. The vaunted policy of Vietnamization is the outfitting of a group of client armies, injected into the field of battle as a consequence of U.S. interests, and sustained by American air and logistical support.

Let me cite the recent words of Adm. U. S. Grant Sharp, retired former commander of the Pacific theater from 1964–68. In an article, entitled "Vietnamization Plus American Forces," which appeared in the January 18, 1971, edition of the New York Times. Admiral Sharp assessed the future thusly:

There will be a sizeable U.S. Army presence in Vietnam for some time . . . The longer range interdiction of the supply lines in Laos and Cambodia will be a task for American aircraft for the foreseeable future in my opinion. Aircraft based in South Vietnam and in Thailand as well as carrier-based planes must be available for this mission. Thai-based planes will include the B–52's and tactical fighter bombers . . .

Reconnaissance flights over North Vietnam must be continued in order to detect any major buildup of forces and supplies. These flights must be flown at low level to discover material that might be under camouflage. Aircraft must be ready to attack if reconnaissance planes are fired upon. The air power should be capable of renewing the air strikes on North Vietnam if that should be required, for the mere presence of this capability has a deterrent effect on Hanoi.

All of these tasks add up to a considerable amount of air power, ground and carrier based, that cannot be phased out soon . . .

In sum, Vietnamization is not a resolution of the war. It is, at best, the reduction of American casualty statistics to publicly acceptable levels. So far as the fate of the Vietnamese, and their Asian brethren goes, Vietnamization only promises more death, financed with American money, mechanized with American armament, and expedited by American air and logistical support.

CAMBODIA

It has been Cambodia's fate to be the first nation to experience the full impact of the rationales which buttress the Vietnamization policy. And it appears that a similar fate for Laos is imminent—although the news blackout imposed by the administration has limited our knowledge. In Cambodia's case, and that of Laos, the policy has been carried one step further by the South Vietnamese who, realizing that if it makes sense to substitute Asian lives for Americans, then it makes equal sense to substitute Cambodian and Laotian lives for Vietnamese. Ergo, move the battle to Cambodia, and Laos.

At the time of the invasion of Cambodia, a neutral nation, last April 30 by a combined United States-South Vietnamese force, the claim was made that the invasion was intended "to protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs." With that bold claim of legitimacy by the President, the United States thrust into war a nation which hitherto had managed to walk a tenuous tightrope of neutrality.

On June 3, the President delivered an interim report on the Cambodian incursion. At that time he told the American public:

The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

Somehow, the interests of the Cambodians became irrelevant. No matter we bombed their fields, destroyed their villages. The security of our men was the only issue, and all else subordinate.

On June 30, the President again addressed the Nation concerning Cambodia. He then told us that there would "be no United States ground personnel in Cambodia except for the regular staff of our Embassy in Cambodia." There would "be no United States advisers with Cambodian units." And:

We (would) . . . conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We (would) do this to protect our forces in Vietnam.

While South Vietnamese forces would remain ready to respond to appeals from the Cambodian Government, the President said:

There will be no United States air or logistics support. There will not be United States advisers on these operations.

The theory had come around to reality. Now all the actors were to be Asian—Cambodians and Vietnamese against Cambodians and Vietnamese. We would provide the armaments and weaponry. Let the Asians shed the blood.

Events of recent days make particularly relevant the President's words of June 30, as do they make particularly pointed the barrenness of the so-called policy of Vietnamization. Asian blood is flowing. That much has been assured. But U.S. assistance is necessary in the most comprehensive forms to keep the blood flowing.

The administration now acknowledges that broadened American air support is being provided for South Vietnamese and Cambodian troops. The Secretary of Defense tells us that the President's words of June 30 had an unstated time limit, applying to withholding direct air support from the South Vietnamese as they finished their operations in Cambodian sanctuaries "prior to the rainy season." Now, the times are different, and, in the words of Secretary Laird, "We will use air power"—the term "interdiction" has been conveniently abandoned as the Secretary of Defense rejects "semantics"—"and I will recommend that we use air power to supplement the South Vietnamese forces as far as the air campaign in South Vietnam, Laos, and Cambodia" is concerned. The deployment of giant B–52 bombers and helicopter gunships, the basing of two helicopter carriers off the Cambodian coast, the ferrying of South Vietnamese forces into combat are now legitimate exercises so far as the administration is concerned.

And the January 26, 1971, issue of the New York Times reports, in a page 1 story, that American officials "have developed a program for a 'military equipment delivery team' that would send U.S. military representatives through the Cambodian countryside to check on deployment of American military equipment." A Pentagon spokesman said that these "representatives" might from time to time show the Cambodians how the equipment works.

By January 27, the Secretary of Defense had a new line. To quote him:

Under the Nixon Doctrine, we have, we will maintain, and we will use as necessary sea and air resources to supplement the efforts and the armed forces of our friends and allies who are determined to resist aggression, as the Cambodians are valiantly trying to do.

This is an echo from the past. Let me quote Dean Rusk's words as Secretary of State, on March 1, 1962:

United States military and economic assistance and technical advice are being extended to the Republic of Vietnam at its request to assist the Vietnamese people to maintain their independence against this aggression . . .

And on February 17, 1965, President Johnson said:

Our purpose in Vietnam is to join in the defense and protection of a brave people who are under attack that is controlled and that is directed from outside their country.

We are hearing the same litany of disaster. The latest administration line does not even offer the spurious rationale that U.S. involvement in Cambodia is necessary to protect American lives in Vietnam and the Vietnamization program. Now, pure and simple, we have another ally—brought to its knees by a war we cast upon it—and unable to survive, according to the administration, unless we sustain it. And we are about to serve Laos the same recipe of disaster.

The claim of the Secretary of Defense that the administration is living within the guidelines enacted by Congress last year, because the Congress did not bar air support, is truly a posture out of Alice in Wonderland. It is as if the Constitution were turned upside down—rather than Congress declaring war, Congress' silence sanctions it. This despite the restrictive language enacted into law last year—language which provides, in the Supplemental Foreign Assistance Authorization Act, Public Law 91–652:

SEC. 6 (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground combat troops into Cambodian military forces in Cambodia.

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

In sum, the June 30 statements by the President were the emptiest of rhetoric. If a credibility gap existed in the past, it has now widened to gullibility gulch, and the American public is down at the bottom of it.

Where does this war end? When will the death cease? Certainly not so long as this administration pursues its course. Its exercises are aimed at making the war politically palatable, not at ending it. As Admiral Sharp says:

Thus, we see that as Vietnamization proceeds, our forces do phase down, but the American presence in the Southeast Asia area is going to be large for some time to come.

LAOS

The fate of Cambodia apparently lies in store for Laos, now. Except in Laos' case, even the claimed right of invasion by invitation that existed for Cambodia is lacking. A full-scale invasion of that nation by United States-supported South Vietnamese forces appears imminent, although the news blackout imposed by the administration bars even the Congress from knowing what really is happening in the areas bordering Laos. Once again, military might is the knee-jerk response.

Yet, has not the unremitting war in South Vietnam itself been sufficient to demonstrate that the only solution is a political solution? The war continues, after years of fighting, after years of bombing North Vietnam. Can anyone really believe that it will end if Cambodia and Laos are added to the list of battlefields?

WHY WE ARE FIGHTING

Having described the offered rationales, having described the so-called policy of Vietnamization—actually a rerun of the first years of U.S. involvement in South Vietnam, when our role was to be that of adviser and supplier—we still leave undisclosed the underlying assumptions of American foreign policy which have led us into the quagmire of Southeast Asia.

The war is not just the product of bad judgment. Its roots lie deeper than the character of any one man, or one administration—although undeniably this administration and its predecessor have set their indelible stamp on the course of our affairs in a tragically mistaken way. I think the key to beginning to understand—and to learn—lies in the words of the President last May 8. He said then:

I do know this: Now that America is there, if we do what many of our very sincere critics think we should do, if we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, let me say that . . . America is finished insofar as the peacekeeper in the Asian world is concerned.

Mark those words "peacekeeper in the Asian world." In them is the core of the mistaken assumptions which guide our foreign policy, I believe. They reflect a long standing national attitude that America is the receptacle, the protector, and the disseminator of liberty and freedom.

In 1821, on the 45th anniversary of the signing of the Declaration of Independence, John Quincy Adms told the Nation:

Wherever the standard of freedom and independence has been or shall be unfurled, there will be America's heart, her benedictions, and her prayers.

Of course, in 1821 ours was a weak nation, and Mr. Adams continued:

But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.

Today, we have the strength to destroy monsters—and where they do not exist, we create them. We intervene in a civil conflict in Vietnam so that the South Vietnamese may have the benefit of self determination, no matter what price they pay for what we want them to have.

Under the guise of our role as protector of freedom, much of our foreign policy is justified. The difficulty is the way in which we define that freedom and the compromises we condone in the name of stability for the sake of that some time future when the democratic process will replace the dictatorships we support today.

So whatever coloration the administration chooses to cast upon its actions, it is not peacekeeping which is afflicting the peoples of Southeast Asia. It is war, pure and simple.

WHAT MUST BE DONE

In the last year, finally, significant congressional debate on the war and on the foreign policy premises and implications inherent in our involvement in Southeast Asia finally began to build up. This was debate which I am a few others first opened years ago, when the deaths were still few and optimism for a quick resolution still feasible for some. At that time, when I voted against the first supplemental appropriation bill for the war, I said, on May 5, 1965:

The situation in South Vietnam is not simply a case of aggression from North Vietnam. There is no doubt that North Vietnam is aiding the guerillas in the South. This fight, however, is also an internal struggle which has been created in part because of the social and political conditions within South Vietnam. In short, it is a political as well as a military effort. The response to the threat in Vietnam has been overwhelmingly military, as was the response of the French in Indochina and Algeria. The population in the countryside does not support the Government of South Vietnam; and it is not a stable government. We cannot bomb people into democracy, nor can we bomb people into negotiations.

At unofficial congressional hearings on Vietnam, which I held on August 12–13, 1965, in New York City, I said:

We are told that we are in the war. If it continues it is likely to be a long war, a frustrating war, and an increasingly cruel war. Gas and napalm have already been used and atrocities increased. Villages whose support is sought by both sides have become casualties.

There is no satisfaction for me that my prophecies then have come to reality since. But there is real hope in that the debate of a few of us has grown to become the debate of the majority of Americans.

So, first, this debate must be continued, and it must be conducted at every opportunity. This debate must occupy the Congress, and it must occupy the country. The voices of the public must be heard—and I would point out that the latest Gallup poll reveals that 73 percent of the American public now favors withdrawal at the latest by December 31, 1971. We have turned the rhetoric around from the early days, when the proponents of the war spoke of victory. Now even the administration disavows a military victory—at least in terms of its rhetoric. By increased public pressure, it can be made to forswear as well the actions which reveal that it continues to seek a military solution—its public statements notwithstanding.

Second, the Congress, buttressed by public pressure, must finally exercise its powers. One way to do so is to act upon House Concurrent Resolution 50, which 27 of us have cosponsored. These 27 are: Mrs. ABZUG, Mr. BADILLO, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS.

Mr. DIGGS, Mr. DOW, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. KOCH.

Mr. MIKVA, Mr. MITCHELL, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. SEIBERLING, and Mr. STOKES.

House Concurrent Resolution 50, the full text of which appears at the end of my remarks, calls for an immediate halt to all offensive actions in Southeast Asia by U.S. forces, and for their complete withdrawal by no later than June 30, 1971. We will press for passage of this resolution, as we will press for passage of legislation to curtail and end this war.

Third, we must use the procedures of the Congress to offer, whenever possible, amendments to pending legislation which will have the effect of curtailing and ending the war.

And, fourth, we must work to defeat every appropriation bill which provides money for the war.

In all these efforts, the voice of the public must be heard by those who have not yet opted for an end to the war.

Finally, the Paris negotiations must be revived. At present, they are moribund, as they have been virtually since they began. But they need not be, if the administration demonstrates flexibility. Two key issues now block progress. One is our unqualified support of the Thieu-Ky regime. So long as we adamantly maintain that regime in power, the North Vietnamese will adamantly refuse to

move in Paris, because Thieu and Ky are determined to exclude all elements from the South Vietnamese Government which do not side with them. Two, a deadline for the complete withdrawal of our troops should be set. If this is done, then it may be possible to begin discussions leading to the release of American prisoners of war. The administration refuses to set a deadline. That is why House Concurrent Resolution 50, or similar legislation, must be enacted.

We must have peace. Southeast Asia must have peace. It is for the Congress and the administration to act, so that peace can become a reality.

The full text of the concurrent resolution to end the war by June 30, 1971, follows:

H. CON. RES. 50

Whereas the war in Southeast Asia has resulted in the loss of more than 50,000 American lives, and in more than 250,000 American casualties, and in more than 450 American prisoners of war, and in more than 1000 American servicemen missing in action; and in the loss of more than 130,000 South Vietnamese lives in combat, and in more than 1 million South Vietnamese military and civilian casualties;

Whereas the war in Southeast Asia has resulted in the destruction of thousands of villages and in the creation of more than 8 million refugees since 1964 in Southeast Asia;

Whereas the war in Southeast Asia has diverted more than 100 billion of American funds from urgent domestic needs and fostered deep divisions in American society;

Whereas so long as the prosecution of the war in Southeast Asia continues with any American troops, reduced in numbers as they may be, the safe return of American prisoners of war is at stake;

Whereas the loss of American lives can be halted only by establishing a clear timetable for terminating American combat operations in Southeast Asia and disengaging all American troops;

Whereas the responsibility for ending the American involvement in Southeast Asia is not the President's alone, but must be shared by the Congress under its Constitutional authority to "raise and support armies" and to "declare war;"

Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress: That all offensive actions by the United States in Southeast Asia be immediately halted; that all United States ground, air, and sea forces be withdrawn from Southeast Asia, the pace of withdrawal to be limited only by steps to ensure the safety of American forces, and to assure the asylum in friendly countries for Southeast Asian citizens who might be endangered by the United States' withdrawal; and that this withdrawal of all United States forces be completed by June 30, 1971.

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

Mr. RYAN. I am happy to yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from New York for yielding.

For all of the pessimism and despair and concern that so many of the speakers previous to the gentleman in the well have given about the war, I think all of us still feel that there will be a period beyond Vietnam, or else we would not be here. I want to say to the gentleman from New York (Mr. RYAN) that when that happy day comes, and we are finally out of Southeast Asia, a good deal of the credit for keeping America's feet to the fire on the issue on this ugly war will go to the gentleman from New York (Mr. RYAN), not only for his leadership today, or for his leadership on the resolution, of which he is the chief sponsor, concerning fixing a time for getting out of the war, and not only for the measures that the gentleman has suggested that all of us must take and do, and to which I certainly pledge my support to the gentleman during this coming session, but for our previous sessions when the gentleman in the well has frequently been a very lonely voice telling the American people and his colleagues that we must get out of Vietnam. For that I am proud to associate myself with the gentleman from New York.

Mr. RYAN. I thank my friend and colleague, the gentleman from Illinois. I agree that a better day is coming and the sooner the better. Its arrival will be in no small part due to the faith that the gentleman from Illinois and our other colleagues, who have spoken today, have in our capacity as a Nation to turn around and admit our mistakes and get on with the business of rebuilding our society at home.

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

Mr. RYAN. I am happy to yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I have listened to the gentleman with great interest and I am particularly interested in what the gentleman said about Vietnamization.

I recall that in both our reports on our original trip of the volunteers in 1967 and last June that we suggested a change of name and a change of program. We suggested that the name "Vietnamization" be changed to a program for "De-Americanization" and then govern the program accordingly. We saw several reasons for this when we were visiting there.

One reason is that the Vietnamese do not like to think that they need to be Vietnamized. They think they have been Americanized. We saw much evidence in what we call the rice roots of a desire to change this to a type of program that we would describe as de-Americanization.

Now as to pacification—we find again and we think that is an unfortunate name. The Vietnamese people normally—the average Vietnamese people, do not feel like they have to be pacified. and this is not a program that they need anyway.

So we suggested to the President and to the Congress that that be changed to a program for security for progress and growth that can bring stability to that community.

I want to cite that to note that there have been others who have been thinking in the same vein that you are thinking and by bringing this in at this point we can give this kind of approach serious consideration.

Mr. RYAN. Mr. Speaker, I thank the gentleman from Iowa. The gentleman has always been deeply concerned with the involvement of the United States in Southeast Asia, and he has always demonstrated his great humanitarian feeling toward the people of South Vietnam who are really the victims of the Americanization of this war.

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

Mr. RYAN. I yield to the gentleman.

Mr. ECKHARDT. Mr. Speaker, I wish likewise to thank the gentleman in the well (Mr. RYAN), the able Member from New York, for his statement here.

But much more than that—his persistence and his courage over a great number of years, during which time, as the gentleman from Illinois has said, the gentleman from New York (Mr. RYAN) frequently was almost a lone voice in this body, although with growing support in the Nation at large.

Also I wish to recognize the gentleman's prescience with respect to the issue here and his understanding of the question and his efforts in bringing this understanding to the attention of the American people. His constituency should recognize the great service that the gentleman from New York (Mr. RYAN) has done both to his own district and to the Nation in his efforts in this regard.

Mr. RYAN. Mr. Speaker, I thank my colleague, the gentleman from Texas who has made such a valuable contribution to the House since his entrance into this body, and I particularly appreciate his willingness to stand fast for principle with respect to the war in Vietnam as well as other issues.

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

Mr. RYAN. I am happy to yield to the gentleman from New York, Mr. Dow.

Mr. DOW. I would like to take note of one characteristic of the comments that have been made this afternoon by the many colleagues that have spoken to this subject, and that is that almost with no exception they have called for an end to the war in Vietnam. As I travel in my district, I am constantly asked the question, "How do you get out? How do you do it?"

I respect my colleagues here this afternoon because they did not undertake to worry about how you get out and how you do it. They did not spend this time allotted to us in figuring out techniques and devices. But they all have emphasized the one point that we must get out, and once we have resolved that way and the leadership of this country is resolved to get out, the techniques of getting out, the way of doing it, will fall into place, because that is secondary. We must have a resolve of our whole country, led properly by our leaders, to get out and stay out.

I thank the gentleman for his splendid presentation.

Mr. RYAN. I thank the gentleman from New York for his great contribution to our debate today.

Mr. BINGHAM. Mr. Speaker, once again we must come to the floor of the House to decry the policies of the Nixon administration which, instead of getting us out, are getting us deeper and deeper into the Indochina quagmire. The expansion of the war in Southeast Asia in recent weeks, with increased bombing

raids and air support activity over Cambodia and Laos, indicates the bankruptcy of our present policies. The theory seems to be that we get out by getting further involved.

Other speakers in this series of special orders have eloquently stressed the extent of the tragedy of our involvement in Vietnam and the horrible cost of this unwanted war, not only in terms of lives, in terms of mangled bodies, but in terms of failures to solve our desperate problems here at home for want of resources. I wish to associate myself with their remarks. It would serve no good purpose to repeat them.

The Cambodia and now Laos are an affront to the Congress and to the American people. The expanding air war over Cambodia not only violates the intent of the Congress in adopting last December the Cooper-Church amendment prohibiting the use of American ground troops and advisers in Cambodia, but it is also contrary to the President's own statement made last June that no air or logistical support for South Vietnamese troops in Cambodia would be provided.

Young people growing up in America today learn that they can have no faith in the statements of the highest officials of the land. A solemn commitment one day can be brushed off as "semantics" another day.

In response to the Cambodia outrage, I circulated on the opening day of the Congress a resolution extending the Cooper-Church prohibition to air and sea support. Within 2 hours, 63 of my Democratic colleagues had agreed to cosponsor this resolution with me.

One of the aspects of the Nixon administration record with regard to Vietnam which I find most offensive is the blatant effort to assert the administration's concern for the American prisoners in North Vietnam. I have no quarrel with the efforts that have been made, publicly and privately, to persuade the North Vietnamese to treat these prisoners in accordance with the Geneva Convention. But the administration's hypocrisy lies in the fact that its policy of continuing the war through Vietnamization makes it impossible for effectively to obtain the release of the prisoners. The only way that can be done is for us to end the war on terms which will secure the release of the prisoners, and that could, I am convinced, readily be done if we will name a date for the total withdrawal of American troops.

Several resolutions looking toward that objective have been introduced in the House. I believe the resolution which will command the widest support is the 1971 version of the Hatfield–McGovern amendment which was introduced in the Senate on January 27 by Senators McGOVERN, HATFIELD, CRANSTON, HUGHES, BAYH, EAGLETON, GRAVEL, HART, HARTKE, INOUYE, JAVITS, KENNEDY, MONDALE, MOSS, NELSON, PROXMIRE, RIBICOFF, TUNNEY, and WILLIAMS—CONGRESSIONAL RECORD, January 27, 1971, page 735.

TEXT OF SENATE BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Vietnam Disengagement Act of 1971.

SEC. 2. Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for and concluding foreign military commitments; that the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States armed forces from Vietnam.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620. (a) In accordance with public statements of policy by the President, no funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty-four thousand armed forces of the United States in Vietnam after May 1, 1971.

"(b) After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended in connection with activities of American armed forces in and over Vietnam only to accomplish the following objectives:

"(1) To bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American armed forces by December 31, 1971;

"(2) To insure the release of prisoners of war;

"(3) To arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and

"(4) To provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

Mr. Speaker, together with colleagues from both sides of the aisle, I shall be soliciting cosponsorship for an identical bill to be introduced in the House next Wednesday.

Although Senator MUSKIE, of Maine, is not listed as a consponsor of the bill I refer to, he has expressed similar views on various occasions. Specifically on the prisoner-of-war issue, he made the following cogent remarks in response to a question in Hartford, Conn., on January 30, 1971:

Q. Do you agree with Rev. Duffey that the prisoner of war issue is being used by the Administration to prevent meaningful negotiations in Paris at the present time?

A. The best way and the only way to get our prisoners back is to end the war. I can't recall a war in which the prisoners have been returned to either side until the war has been ended and that question has been negotiated by both parties. So I would not expect that anything different would happen this time. There are two questions involved in the prisoner of war issue. First, their treatment while they are prisoners. I think it's only appropriate that pressure be brought upon Hanoi and to the extent that they are amenable to international pressure, the Vietcong, and to insure that the requirements of the Geneva Convention are met with respect to the treatment of prisoners. That's our first concern. But with respect to bringing them back—the way to bring them back is to end the war. That's the way we've always recovered our prisoners in the past and that's the way we're going to recover them this time. I don't believe we are going to see much of an exchange while the war is still going on.

There is no doubt that the President's program of withdrawal of combat troops from Southeast Asia has been a popular one, and that the war has receded somewhat as an issue in the forefront of the public consciousness with the reduction in weekly casualties. In recent weeks, however, I believe that the American people are coming to realize that the Nixon policies will not lead to an end to the war, but only to its prolongation, with continued American involvement. It is highly significant in this regard that the Gallup poll has now found 73 percent of the American people in favor of a withdrawal of all American forces by December 31. I insert herewith a copy of the Washington Post article of January 31 on this poll:

THE GALLUP POLL: 73 PERCENT SUPPORT PROPOSAL TO WITHDRAW ALL TROOPS THIS YEAR

(By George Gallup)

PRINCETON, N.J.—Public support for the Hatfield (D-S.D.) and Sen. George McGovern. involvement in Vietnam by the end of this year has grown dramatically—from 55 per cent last September to 73 per cent in the latest survey, conducted in mid-January.

The proposal was introduced last year in a Senate bill, sponsored by Sen. Mark Hatfield (R-Ore.) and Sen. George McGovern (D-S.D.).

Personal interviews were conducted on an 9–10 with a total of 1,502 adults in more than 300 scientifically selected localities across the nation. This question was asked:

"A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your congressman vote for or against this proposal?"

The following table compares the latest percentages saying their congressmen should vote in favor with those from September:

[In percent]

	January 1971	September 1970	Point change
National	73	55	+18
Men	67	46	+21
Women	78	64	+14
Republicans	64	48	+14
Democrats	78	61	+17
Independents	71	53	+18
College	60	47	+13
High school	75	57	+18
Grade school	80	61	+19

Mr. Speaker, I hope that all of us who believe that the Indochina war represents a tragic and costly mistake to be liquidated as quickly as possible, will keep up the pressure on the administration for setting a date for total U.S. withdrawal. Accordingly, I commend those who have arranged for these special orders, and express my appreciation to them.

Mrs. MINK. Mr. Speaker, President Nixon's consent and participation in the invasion of Laos is a clear violation of the spirit and intent of the Congress as expressed in various provisions of the law as enacted in the 91st Congress.

The policy of the Nixon administration

was to reduce our military commitment in Indochina not to extend it. Yet, by this recent series of events of accelerated bombings and covert direction of invasions into Cambodia and now Laos, we have found ourselves again party to efforts to further engage our country in extensive military involvements.

The invasion of Laos constitutes a further deterioration of our efforts to negotiate a settlement and likely dooms all possibility of achieving a peaceful solution. What it represents is verification of our policy that a military victory in this area of the world is our real goal, albeit under Vietnamization using in the main Vietnamese soldiers with our materiel and our expertise.

Whatever relief was shared by the people of this country with the withdrawal of over 100,000 of our troops that is now thoroughly dissipated. It must be made clear to all that we have again embarked upon a course of escalation, under the guise that these new intrusions into Cambodia and Laos are needed to "protect" the lives of our remaining American forces.

The only real "protection" of our American men's lives is by withdrawal, reduction of the fighting, and a return home to our own land where we belong.

Mr. KOCH. Mr. Speaker, the people of the United States and their representatives in Congress are entitled to know the full story about U.S. activities in Indochina. For the past 6 days American military maneuvers have been an object of mystery and speculation for the American public, while reports of U.S. operations have flowed freely from the Russian, South Vietnamese, French, and Japanese press. A noted Saigon newspaper reports that an assault on Laos is being made by 4,000 airborne troops, and the Soviet press is charging that United States and South Vietnamese troops are launching an "invasion" into Laos.

Other reports indicate that 10,000 South Vietnamese troops already have invaded Cambodia, with the United States providing "full air support." If these reports are true, they raise serious questions about U.S. adherence to the spirit as well as the letter of the law as embodied in the Cooper-Church amendment.

Throughout this blackout the recurring justification has been "protection of U.S. lives," on the assumption that the news embargo would prevent military operations from becoming known to the North Vietnamese. On the contrary, it appears that the North Vietnamese can learn from a wide range of news dispatches about military operations in Laos and Cambodia, while the U.S. public and their elected representatives must remain in the dark.

One does thus not have to be overly cynical to impute dark motives to the news embargo. Last spring's invasion into Cambodia prompted a public outcry and congressional inquiry. It is not unreasonable to suspect that the administration wanted to avoid this type of highly visible criticism by presenting a fait accompli in Cambodia and Laos.

Since the news embargo has been lifted, I have heard columnists report that White House insiders are saying that this is the last big push—the last offensive invasion by the United States before we leave Vietnam.

This kind of explanation in defense of the military action reminds me of a book and a movie called "All Quiet on the Western Front." Those of our citizens old enough to recall this great antiwar movie will remember the final shot and the young man portrayed by Lew Ayres peering over the trenches to grasp a butterfly and falling dead as the result of the final volley of that war. If this is the "final volley," it is folly indeed, and heartbreaking to the mothers, the fathers, the sisters and brothers, and the sweethearts of the young men who have fallen in battle in the last week and who are dying today and will die tomorrow.

Mr. Speaker, our continued involvement in the civil war in Vietnam is not only killing our young men, it is destroying the Vietnamese people. I should like at this point to append to my statement an article that appeared in the New Yorker on January 23, 1971, which describes a program of mass deportation of Vietnamese civilians being undertaken by allied forces, including our own.

As was said by Senator EDMUND MUSKIE:

The way out of Vietnam does not lead through Cambodia.

Mr. Speaker, it surely does not lead through Laos.

The article follows:

THE TALK OF THE TOWN—NOTES AND COMMENT

It has come to light that the United States government and its South Vietnamese allies are planning a mass deportation within South Vietnam that appears virtually certain to open an entirely new and bloody chapter in the Indo-China war. A recent story in the *Times* reveals that a project to deport hundreds of thousands of people—and, in the end, perhaps millions—from the five northernmost provinces of South Vietnam to southern provinces is "now in its final planning stages." So far, the American and South Vietnamese government officials concerned have been covering up the enormity of this measure with the customary euphemisms.

In the *Times* article, a Vietnamese official says that several "village representatives" from northern provinces will be brought down to the south to look at the land where their villages are to be relocated, as though to suggest that this forced mass deportation would be nothing more than a kind of real-estate deal. In reality, if this brutal project is carried out, it will be nothing less than the first openly totalitarian act in the history of this nation's relations with other nations, and one of the few such acts in any nation's history. The closest precedent may be the Soviet Union's infamous deportation in the nineteen-thirties of Ukrainians, White Russians, Armenians, Jews, and Georgians to Siberia.

It is true, of course, that through bombing and through thousands of small-scale projects of forced deportation the American military have already uprooted something like six million Vietnamese from their homes. The obliteration of their villages was also covered up with euphemisms—words and phrases such as "pacification," "resettlement," "rural development," and "Operation County Fair." At the "county fairs," along with free buffet lunches from portable Army kitchens, piped-in music, showings of cartoons and propaganda movies, and handouts of candy to the children, there were offered such novel attractions as the torture of the customers and the machine-gunning from helicopters of anyone who didn't want to attend.

In cases where there was resistance from a village slated for "resettlement" (and who can doubt that the current project of mass "resettlement" will be met with heavy resistance?), the military very often simply bombed the village out of existence. These are the true precedents for the new plan, and they afford the best indications of what its execution will bring. Yet, terrible as the effect of these policies has been, the policies have been different in several crucial aspects from what is now being proposed. The forced emigrations and the killings of civilians that have so far taken place have occurred in a twilight zone of public confusion and half-knowledge and with official approval that has been only tacit. The new project, on the other hand, cannot take place without the full and energetic support of the entire military command and civilian administration, and without being fully and frankly announced to the American public and to the world as a major new policy of the United States government.

Ordinarily, this is the kind of plan that it is better not even to mention, since by merely discussing it one runs the risk of making it seem acceptable, of helping to raise it from the level of a wild, unthinkable scheme to the level of one of those myriad "options" that the government is "keeping open." And one wants at all costs to avoid adding one's voice to the voices of the official analysts who, for a price, will discuss, in their own weird, ambiguous, pseudo-scientific language, the "pluses" and "minuses" of any option, scenario, or game plan that is put before them, whether for building an orphanage or for carrying out mass murder. However, since the current project of mass deportation has moved beyond the option stage and got into the planning stage, one is compelled to discuss it. In fact, it is a striking demonstration of how deeply the nation is sunk in anesthesia when it comes to events in Vietnam that the press and television have failed to comment on this project since it was reported in the *Times*—a project that, if we imagined its being undertaken in the United States, by, say, the Chinese, would consist of deporting the entire population of New England to the Southwest, destroying all the cities and towns, defoliating the landscape, and shooting all the people who refused to leave or who hid in the woods.

One must remind oneself that five and a half years ago, when the Marines landed in the provinces of South Vietnam now scheduled for depopulation, the officials of the American government imagined that the job of the American military forces was to help a friendly population repel a foreign enemy. But in actuality, as the Marines soon came to realize, most of the population supported the supposed foreign invaders and regarded the Marines themselves as the real invaders. The people of these provinces had supported every insurgent force in South Vietnam since the late nineteenth century, and if in 1965 they had any doubts about the justice of the National Liberation Front's cause, these doubts were dispelled when the Marines landed.

The Marines, and the Army units that joined them in the spring of 1967, adjusted quickly to this unexpected situation and altered their strategy accordingly. And if they did not announce to the world that they were fighting a war against nearly the entire population of the provinces they were in, they did announce it to the South Vietnam-

ese people. In leaflets titled, among other things, "Marine Ultimatum to Vietnamese People," they announced a policy or reprisal bombings against villages in South Vietnam that supported the National Liberation Front in any way. After this policy had been in effect for about two years, most of the villages in these provinces had been bombed, and about half of the population of these provinces was living in camps.

Every soldier, whatever he had been told before he arrived in South Vietnam, learned from bitter personal experience that he was engaged in a war against the South Vietnamese people. The bomber pilots who bombed villages day after day knew it; the Psychological Warfare officers who dropped leaflets knew it; the G.I.'s—who were indeed often attacked by small children and old women, as they have claimed—knew it. The highest levels of the military acknowledged this situation in many of their statements, although in other statements they denied it.

Some officers began to read the works of Mao Tse-Tung, in which it is said that guerrillas live among the people the way fish live in the sea, so a new strategy was developed in the hope of catching the fish by drying up the sea—which is to say, by tearing the entire Vietnamese society to pieces and then putting it together again according to some plan that was being worked out in the think tanks in Washington.

At that time, officials proudly announced that millions of Vietnamese had been pulled out of their homes in order to "deprive" the enemy of their support, and the official analysts spoke of "war-induced urbanization." But in adopting this strategy based on the insights of Mao Tse-tung the Americans obliterated the very purpose for which they had been sent to Vietnam. The aim had been to save the society, and counter-insurgency had been the means to that end. Now this policy was reversed; destroying the guerrillas became the aim, and destroying the society became the means. However, if the men in the field had some knowledge of what was really happening, Washington did not know, or pretended not to know, or refused to know. What all this meant was not that the military were doing things the wrong way, or that the "mix" of bombing and camp construction was unbalanced, or even that a sound policy had been corrupted by bungling or by berserk execution.

What it meant was something much harder for the officials and experts in Washington to accept; namely, that the South Vietnam they had sent the troops to protect had been a hallucination, which had little resemblance to the actual country in which the men were fighting. In the last analysis, what the men were fighting to protect, and are still fighting to protect, was not a country but this hallucination. The truth is that the job that the politicans had assigned the military, the job of protecting the people of South Vietnam from a foreign enemy, was simply not there to be done. There was no such job. If you send someone to protect a friend from a common enemy, how does that someone proceed when he discovers that the friend isn't a friend after all and doesn't want his help?

The answer is that he leaves. But this alternative was not open to our military. Having been sent to do a job that turned out not to exist, our military men, who were forced, after all, to live and work in the real Vietnam, and not in the imaginary one in the politicians' heads, began to do something else. They began to make war against the people whom they were supposed to be saving but who didn't want to be saved. To be sure, this was not a job that anyone had explicitly ordered them to do, nor was it a job that served to advance any objective ever stated by our government, but it did have the reassuring advantage of being, in a sense, real.

Now this war against the South Vietnamese people, based on willful official ignorance, and working at cross purposes with official policy, has got completely out of control. None of the scenarios are turning out as they were supposed to, particularly in the northern provinces, and all the game plans have gone haywire. Instead of producing a peaceful, prosperous, democratic society, they have produced massacres, a desolated landscape, and squalid detention camps. For six years, the "social engineers," both in and out of uniform, have been at work with their hot dogs and their napalm, their fertilizers and their crop poisons, trying to build public-relations utopias on the burned villages and the corpses of villagers, and the result has been a swamp of red tape and blood. And now, perhaps themselves dismayed and revolted by the monstrous results of their experiments, the social engineers have come up with their "final solution" to the problem of the northern provinces—the deportation project.

Like scientists whose experiments has failed, they have decided to get rid of the whole mess, so that they won't have to think about it anymore. However, the new "solution" is not really new at all. It is only the old solution writ large. The social engineers are trying to escape from the present debacle by recommitting the very errors that led to it, but on an even huger scale, by doing to whole provinces what they used to do to one village at a time—as though they thought that through the sheer grandiosity of their new plan they could escape responsibility for the chaos and suffering they had already caused. If the plan goes into effect, it will signal the full official acceptance of a way of looking at the people of South Vietnam that has dominated our policy unofficially since the beginning of the war.

In this view, the problem in South Vietnam is not the traditional village system, or flaws in the pacification program, or even the Vietcong or the North Vietnamese. The problem is the South Vietnamese themselves. Ordinarily, we regard people as *having* problems, but in Vietnam we regard them as *being* problems. Get rid of them—and you solve your problems. There will be no more starving, begging refugees, no more children throwing hand grenades, no more massacres of villagers. Get rid of the whole civilian mess, with its crying children and their crying mothers, its old people and its babies, its pigs and its chicken, and its sly but intractable spirit of resistance and defiance, and at least the Army and the Air Force will have a clear field of fire for hundreds of miles, and will be able to start fighting the war the way a war should be fought.

But fighting for what?

Mr. BADILLO. Mr. Speaker, I hope that the concern expressed by my colleagues here today is reflected throughout our Nation and noted well in the White House, the Department of State, and in the Pentagon. It is clear that the war in Indochina is about to enter a new phase—not one that will hasten the day of peace or the end of our tragic and costly involvement in that war—but rather another sorry chapter in the tale of deception and subterfuge which has characterized the administration's Vietnamization formula.

For several years now, the United States has been conducting a secret war in Laos, under cover of the Central Intelligence Agency on the ground and more overtly, through the massive use of airpower which has literally devastated this tiny nation and created a country of refugees. Even that thin veil is now stripped away and it would appear that a major ground operation into Laos, conducted by South Vietnamese troops with U.S. air and logistical support is in the offing.

This is not a move toward peace; it is a clear widening of the war. It is not a means of extricating the United States from the quagmire of Vietnam; it is irrevocably, perhaps, a step deeper into the morass. It is not a demonstration of our Government's commitment to end the war in response to the overwhelming demand of Congress and the American people; it is a flagrant violation of the outcry and spirit which resulted in passage of the Cooper-Church resolution last year.

Can the Nixon administration close its eyes to the facts?

The fact that 15,000 Americans have died and a hundred thousand more have been wounded since Mr. Nixon took office;

The fact that $40 billion more of this Nation's funds have been poured down the rathole of Indochina in the past 2 years;

The fact that American prisoners remain in North Vietnamese prison camps;

The fact that our involvement in Vietnam stands as continued support of a repressive dictatorial regime;

The fact that the continuation of the war distorts our national priorities and dislocates our economy;

The fact that the young, the poor, the blacks, the Puerto Ricans—all the forgotten minority groups of our Nation—continue to pay the most terrible price for our failures and deceptions.

The Nixon administration came into office 2 years ago with two major pledges—to end the war and to square with the American people about the nature and extent of our involvement. It has kept neither promise. It has expanded the war into Laos and Cambodia. And it has kept the essential facts of our involvement from the people, the press, and the Congress.

I say to my colleagues and to the President, it is time to revive and update the McGovern-Hatfield amendment and to pass it. It is time to broaden the prohibitions of the Church-Cooper amendment so that any American military involvement in countries such as Laos and Cambodia may be barred now. It is time to end this war.

Mr. BOLAND. Mr. Speaker, I want to again join with my colleagues in expressing my concern over the seriousness of the American position in the Southeast Asian situation.

As a Member of this House who opposed U.S. involvement in Cambodia last May, I am distressed by recent developments in Cambodia and Laos which appear to foreshadow an ever increasing widening of the Indochina war, rather than a cessation of the conflict long sought by the American people.

The events of the last few days have been disheartening. After 2 years of American troop withdrawals; after 2 years of the administration's Vietnamization policy, American ground combat forces seem to be more deeply involved

than ever before in the spreading Indochina war.

For too long we have seen temporary operations turn into permanent ones.

For too long we have seen bold new escalations of the war yield nothing even remotely comparable to the military results promised.

For too long we have seen American blood spilled and American resources squandered in this never ending Southeast Asian war.

The results of over a decade of warfare can be summed up as follows: more than 44,000 American troops died as a result of hostile combat action, nearly 300,000 more were wounded and maimed, billions of dollars have been expended, and the long-sought-after peace is still only a very dim light at the end of a very long tunnel.

It seems plain, indeed conspicuous, that the only way to achieve a meaningful peace in Southeast Asia is through a negotiated political settlement.

The U.S. actions in Cambodia, and now possibly Laos, signify two more compelling reasons for removing American forces from Southeast Asia as quickly as possible.

The events of the last week have made it more clear than ever before that there is only one practical way to achieve an end to our costly Indochina involvement: namely, a congressionally mandated date for the withdrawal of American troops.

To this end, I introduced H.R. 3438 on Tuesday, February 2, a bill to amend the Foreign Assistance Act of 1961. This legislation provides for funding of a troop level in South Vietnam of 248,000 men through May 1, 1971. After that date, funds may be expended only for the safe and systematic withdrawal of the remaining American forces by December 31, 1971; for the safety of prisoners of war; for asylum for South Vietnamese who require such protection, and for further assistance to the South Vietnamese consistent with these objectives.

Mr. Speaker, my bill provides for exactly what the American people have been promised: a swift, orderly withdrawal of American involvement in the Vietnam morass. The time to begin is now.

I include with my remarks editorials from the Springfield, Mass., Daily News of January 28, 1971, and the Springfield Union of February 3, 1971, relating to the current American involvement in the Southeast Asian war:

[From the Springfield (Mass.) Daily News, Jan. 28, 1971]

COOPER-CHURCH CONTROVERSY

When the Cooper-Church amendment was approved last year, it was generally regarded as a binding restriction imposed by Congress on the use of American combat troops in Cambodia.

Pressure for passage of the amendment coincided with the public furor over the invasion of Cambodia last spring. Even though President Nixon withdrew all combat forces from Cambodia long before the amendment passed the Senate and House, the Cooper-Church bill sounded a clear warning against any new combat involvement in Southeast Asia.

Now, the accelerated use of U.S. air power in Cambodia, in support of both South Vietnamese and Cambodian troops, has produced charges that the administration and the Pentagon are circumventing the provisions of the Cooper-Church amendment. These provisions forbid introduction by the President of ground combat troops or military advisers into Cambodia.

As originally passed by the Senate, the amendment also barred use of American air power in support of the Cambodian government. But this restriction was eliminated in the closing days of the 91st Congress.

Defense Secretary Melvin R. Laird contends the administration is observing the letter as well as the spirit of the amendment. But several congressional leaders, including Senate Majority Leader Mike Mansfield, claim that Secretary Laird's statements are contrary to fact.

What is needed now is a forthright and unequivocal statement by President Nixon on the scope of this new U.S. activity in Cambodia. This explanation should be given in Mr. Nixon's foreign policy message to Congress next month.

[From the Springfield (Mass.) Union, Feb. 3, 1971]

FACTS OVERDUE

In rapid succession have come reports of new U.S. involvements in Indochina, first in massive air support of South Vietnamese troops in Cambodia, then in the airlifting of thousands of South Vietnamese troops into Laos. Reassurances that no U.S. ground troops as such have crossed into either Cambodia or Laos are no longer enough to quiet the misgivings of many Americans.

Last week, on top of confirmed reports that as many as 500 U.S. aircraft daily were conducting raids in Cambodia, Sen. John D. Stennis, D-Miss., chairman of the Senate Armed Services Committee, said "ground controllers" might be sent into that country to guide the air attacks. It all seemed like a replay of U.S. activity in South Vietnam in early 1965.

Now U.S. helicopters have landed in Laos to deliver more than 4000 South Vietnamese paratroops, according to a Japanese news agency. A Pentagon-Saigon news embargo obscured the facts on this and other reports, one of them indicating a buildup of allied troops including 9000 Americans, apparently for a Laotian ground offensive.

The report added, however, that the U.S. troops were to be limited to operations inside South Vietnam, with the 25,000 South Vietnamese troops expected to move into southern Laos. President Nixon, it was said, approved the plan last Wednesday.

All of this points up the urgent need for some kind of explanation to the American people from the White House as to what is going on in Indochina. For each day this nation is kept in the dark, worry and distrust of administration aims grows.

At this stage in the protracted "Vietnam war," the White House should set limits on its goals, militarily and in economic assistance, in Indochina. Suspicion is running stronger than ever that military victory, not just withdrawal through Vietnamization of the war, is the real goal of the administration. If that is not so, it is high time the administration made it clear.

SPECULATION, FRAUD AND BANKS—IV

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas, Mr. GONZALEZ, is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, this morning the Committee on Banking and Currency agreed to investigate certain banking activities in Texas—activities which have not been sound, and which have seriously harmed innocent people.

The committee also has expressed an interest in studying the growing practice of banks using stock loans in order to gain control of other banks—so-called hypothecation of bank stock.

I have introduced a bill which would prohibit this practice of hypothecation of bank stock, and the committee has agreed to seek early consideration of the bill. In that connection the committee is making the appropriate investigations, and requesting reports from the concerned executive agencies, and I expect that early hearings will take place.

The committee considered legislation against this practice some time ago, but the bill did not carry in a meeting of the full committee. I believe that the bill has a better chance of passage now.

In connection with the stock raid on the Groos National Bank of San Antonio, which I have previously reported, I have received a letter from the Comptroller of the Currency describing the situation as he understands it, and outlining the applicable laws in this case. The Comptroller assures me that the Groos Bank will continue to be soundly managed, regardless of its ownership. I make that letter a part of the RECORD, following my remarks.

This assurance of the Comptroller, comforting as it is, does not of course address itself to the question of hypothecation of bank shares. It is this that I am primarily interested in, insofar as the case of the Groos National Bank and others similarly affected by loan-financed stock raids.

As regards the case of the Sharpstown State Bank of Texas, now in liquidation, I know that the committee will look carefully at that case, and see what further Federal action might be needed to protect the public against such situations.

THE ADMINISTRATOR
OF NATIONAL BANKS,
Washington, D.C., February 2, 1971.

HON. HENRY B. GONZALEZ,
House of Representatives,
Washington, D.C.

DEAR MR. GONZALEZ: This is in reply to your letter of January 27, 1971, concerning the apparent attempt of a group headed by Clinton Manges to buy a controlling stock interest in the Groos National Bank of San Antonio, Texas. You express concern as to the fitness of the Manges group as expressed in a letter to you dated January 22, 1971, from Ralph Langley, attorney for the present management of the Groos National Bank. Mr. Langley alleges that Mr. Manges, on a plea of guilty, has been convicted of making a false statement to the Small Business Administration.

Your letter also expresses concern about the general practice of banks financing takeovers of other banks and point out the role of Bank of the Southwest, Houston, in the Manges bid.

Under the provisions of Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829), no person may serve as a director, officer or employee of an insured bank who has been convicted of any criminal offense involving dishonesty or a breach of trust, except with the written consent of the Federal Deposit Insurance Corporation.

Also, under the provisions of the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b)), the Comptroller may initiate

action to stop a person from participating in the conduct of the affairs of a national bank if he has grounds for believing that such person has through personal dishonesty caused substantial financial loss to a business institution.

However, neither the above provisions, nor any other statute confer authority on this office to prevent the mere purchase of stock by any person.

Our Regional Administrator in Dallas is aware of the activities of the Manges group and has been in touch with Mr. Manges and with the top officers of the Bank of the Southwest. They have been told that Mr. Manges cannot serve as an officer, director or employee of the Groos National Bank without the consent of the FDIC and that in the event their group is successful, no deviating from sound banking practices will be permitted by this office.

At this time, we have no reason to believe that the Manges group, which is not without banking experience, would not operate the bank in a sound manner.

We hope the above will be of assistance in replying to Mr. Langley.

Sincerely,

WILLIAM B. CAMP,
Comptroller of the Currency.

NATIONAL CYSTIC FIBROSIS WEEK

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from New Jersey (Mrs. DWYER), is recognized for 5 minutes.

Mrs. DWYER. Mr. Speaker, cystic fibrosis is now recognized as one of the most common chronic diseases of childhood, and certainly the most serious lung problem of children. Unfortunately, it is gradually being evidenced as a chronic disease of adolescents as well, and we may soon see it plague our adult population too.

Over 25,000 people—most of them children—are afflicted with cystic fibrosis, and an additional 4,000 babies are born each year with this disease. Particularly tragic is the fact that no one has yet succeeded in identifying the cause responsible for cystic fibrosis. Only 50 percent of cystic fibrosis patients live past the age of 10, and only 20 percent past the age of 20.

One of the most serious complications of this disease occurs when certain glands in a newborn baby do not function properly, and an abnormal amount of mucus is secreted. The presence of such mucus obstructs the organ passages and causes disorders ranging from bronchial infections to a breakdown of the pancreas and liver. Cystic fibrosis patients also have trouble with respiratory infections, and their sweat contains a high level of salt.

Treatments used to combat this disease include physical therapy, mist tents, and antibiotics. They are often extremely expensive, and place a heavy financial burden upon the cystic fibrosis patient and/or his family—as if the emotional strain is not severe enough.

Fortunately, we now have more accurate diagnostic tools which have in turn led to earlier recognition and treatment of such patients. With intensive therapy, many individuals with cystic fibrosis are able to live a relatively normal life.

However, I am convinced that much more needs to be done on behalf of cystic fibrosis patients. A parent of a child struck by this dread disease wrote:

Taking the necessary steps to have a National Cystic Fibrosis Week proclaimed by the President would be a truly significant contribution at this time.

The White House assured me that should such legislative action be taken, a proclamation would be forthcoming. The proposal I plan to introduce today also has the support of the National Cystic Fibrosis Research Foundation. Its Director, Mr. Welch H. Boyer, recommended that the third week of September would be an appropriate time for the proclamation. Such timing would coincide with their National Campaign Month.

Mr. Speaker, I do hope that the appropriate committee will give this resolution early consideration.

HOSPITALS UNDER LEGAL ASSAULT BY THE POVERTY LAWYERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, evidence continues to mount further confirming that the so-called war on poverty being waged by the Office of Economic Opportunity has become a war against the poor and but a ruse to use the poor.

The original thrust of the antipoverty program was to have been an intensive drive to provide employment for those indigents able to work and to give relief to those unable to help themselves.

A growing number of Americans are awakening to the realization that the gigantic hoax called the war on poverty is a facade behind which to milk funds through sympathy for distribution to the revolutionaries violently trying to tear down this Nation and overthrow the Government.

Today the Economic Opportunity Act has already become the basis for organizing in the slums and ghetto communities and it offers the point of departure for helping to rally the rank and file millions to a mass movement.

Since the above statement was issued over 2 years ago by Communist Party official Henry Winston shortly after his return from a Kremlin briefing, numerous instances of the use of poverty funds to promote anarchy have been uncovered.

Currently, an active battle in the poverty war is raging on the legal front where the militant OEO-funded warriors of the legal services program, supported by allied troops of the always vigilant ACLU, are deploying their legal talents to destroy rather than to defend and build this great Nation.

Last year, I pointed out that a New Orleans lawyer, identified as a salaried attorney with the New Orleans Legal Aid Corporation, an OEO federally funded agency, was promoting a project whereby the National Committee to Combat Fascism—NCCF—a Black Panther spawned organization, sought to extort from welfare recipients a minimum of 10 percent of their monthly welfare checks, CONGRESSIONAL RECORD, October 5, 1970, page 34971. The money so obtained was to be used by the Black Panthers to enhance their aim to bring down the Government of the United States.

Another case, which has recently come to light in New Orleans, involves lawyers, paid with tax dollars through OEO funds, who have filed suit on behalf of eight women, whose two disabled husbands, and 54 children are not identified; and an unknown number of others "similarly situated" who depend upon the charity of the taxpayers for their every need and pleasure. Defendants in the suit are 10 hospitals in the New Orleans area, their chief administrators, and Mr. Ashton J. Mouton, director of Louisiana State Department of Hospitals.

If successful, this suit could destroy the Hill-Burton hospital program in Louisiana and thereafter be used as a precedent across our Nation. The suit alleges that the State plan prepared by the State Department of Hospitals and approved by the U.S. Department of Health, Education, and Welfare, is defective. It is ironic that a State plan, prepared and approved by HEW is likewise being attacked by lawyers funded by OEO, an agency of the executive branch. The right hand apparently does not know what the left hand is doing. But, while OEO is helping in the attack on Hill-Burton, HEW has failed to participate in the defense of the program which it has funded and approved.

The attorneys for the plaintiffs, under the emotional name of the New Orleans Legal Assistance Corporation, derive support from the Office of Economic Opportunity. One of the lawyers, Jeffrey B. Schwartz is a self-professed OEO lawyer and presently assigned in Washington, D.C., with the National Tenants Organization. Another lawyer for the plaintiffs is Marilyn G. Rose of Los Angeles, Calif. It must be considered a national attack on hospitals when an OEO-paid lawyer from a Western State and one from Washington, D.C., paid with U.S. taxpayers dollars are involved in a legal suit with the hospital system of a Southern State. Apparently the new legal theory is that it is better that no one have hospital service, than that the client does not get his way—and free.

Since Members as well as hospital administrators in their districts may find the thrust of this suit of interest, I insert it as well as the Dan Smoot report entitled "Poverty War Lawyers," following my remarks.

SUMMONS IN A CIVIL ACTION

[In the U.S. District Court for the Eastern District of Louisiana, New Orleans Division—Civil Action File No. 70–1969]

Resezella Cook, et al, Plaintiff *v.* Ochsner Foundation Hospital, Etc., et al, Defendants.

To the defendant: Ashton J. Mouton, Director, La. St. Dept. of Hospitals, P.O. Box 44215, Baton Rouge, La. 70804

You are hereby summoned and required to serve upon Jeffrey B. Schwartz, Esq., plaintiff's attorney, whose address is 605 Carondelet Building, N.O., La. 70130 an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of

service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

BENJAMIN W. REISCH,
Clerk of Court.

Date: 7–27–70.

Note: This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

[In the U.S. District Court, Eastern District of Louisiana, New Orleans Division, Civil Action No. 70–1969]

COMPLAINT

Rosezella Cook, Sallie Lee, Monica Hunter, Ora Price, Merita Moore, Mary Jones, Shirley Lampton, Wilhemenia Brown, on their own behalf, on the behalf of their minor children and on behalf of all other similarly situated, Plaintiffs *v.* Ochsner Foundation Hospital, and its Director H. E. Hamilton, Flint Goodridge Hospital and its Administrator C. C. Weil, Hotel Dieu Sisters Hospital, and its Administrator Sister Mary James, Methodist Hospital, and its Administrator Paul A. Bjork, Sara Mayo Hospital, and its Administrator Phyllis D. Eagan, Touro Infirmary, and its Executive Director Murray A. Diamond, West Jefferson General Hospital, and its Administrator David M. Smith, Mercy Hospital, and its Administrator Sister Mary Dorothy, East Jefferson General Hospital, and its Administrator Mose Ellis, Charity Hospital of Louisiana at New Orleans, and its Director Charles C. Mary, Jr. and Ashton J. Mouton, Director of the Louisiana State Department of Hospitals, Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. JURISDICTION

1. Plaintiffs invoke the jurisidiction of this Court under 28 U.S.C. 1331, 1343(3) and 1343(4); and 28 U.S.C. 2201 and 2202. The value of the rights asserted by each Plaintiff individually exceeds $10,000.

2. This is an action for declaratory and injunctive relief

(a) to enforce the provision of the Hospital Survey and Construction Act of 1946 as amended (42 U.S.C. 291 et seq.) (hereinafter sometimes referred to as the "Hill-Burton Act") and the Regulation promulgated thereunder (42 CFR, Part 53), requiring that the States participating in that program provide adequate hospitals to furnish needed services for persons unable to pay therefor and that there be made available in facilities which are recipients of Hill-Burton moneys a reasonable volume of services for persons unable to pay therefor;

(b) to enforce the contractual commitments of Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital, Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson General Hospital, East Jefferson General Hospital, Mercy Hospital, and Charity Hospital of Louisiana at New Orleans, which have been recipients of Hill-Burton moneys, to the Louisiana State Department of Hospitals (hereinafter sometimes referred to as the "State agency" or the "Department") and to the United States to provide in their facilities constructed modernized or expanded under the Hill-Burton Act and Regulation a reasonable volume of free patient care and/or a reasonable volume of service for persons unable to pay therefor;

(c) To declare that a hospital which has received Hill-Burton money under a commitment to afford a reasonable volume of free patient care and/or a reasonable volume of service for persons unable to pay is violating that commitment and the Act and Regulation under which the commitment was promulgated by charging all persons for the full cost of all services; by requiring a deposit as a condition to admission, examination, treatment and services; by refusing to treat persons on welfare and persons on medicaid, and by charging indigent recipients of medicare $52 as a condition of admission, examination, treatment, and service;

(d) to declare the practices described in sub-paragraph (c) to be action under color of law violative of 42 U.S.C. § 1983 as a deprivation of rights under a Federal statute;

(e) to declare the practices described in sub-paragraph (c) to be action under color of law violative of the due process clauses of the 5th and 14th Amendments and the equal protection clause of the 14th Amendment of the U.S. Constitution;

(f) to declare policies, practices and customs of public hospitals and private hospitals which have been recipients of Hill-Burton moneys and which are currently recipients of Federal financial assistance by which white persons are admitted into certain hospitals and black persons are admitted into other hospitals to be action violative of the equal protection clause of the 14th Amendment Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Regulations (45 CFR, Part 80) and guidelines promulgated thereunder, and the Civil Rights Act (42 U.S.C. § 1983); and

(g) to declare the policies, practices and customs described in subparagraph (f) to be violative of contractual commitments by Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital. Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson General Hospital, East Jefferson General Hospital, Mercy Hospital, and Charity Hospital of Louisiana at New Orleans to the United States not to discriminate against persons because of race and to abide by Title VI of the Civil Rights Act of 1964 and the Regulations and guidelines promulgated thereunder.

3. Monetary damages are inadequate and no adequate remedy at law is available to Plaintiffs and others similarly situated who have suffered and will continue to suffer irreparable harm and the threat of irreparable harm from the policies, practices, and customs of defendants complained of herein.

II. PARTIES

1. Plaintiff Rosezella Cook is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her six children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is severely ill suffering from a heart condition, critically high blood pressure, and extreme nervousness.

2. Plaintiff Sallie Lee is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her six children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is suffering from a chronic arthritic condition and very high blood pressure.

3. Plaintiff Monica Hunter is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. Her four children are receiving social security survivor's benefits by reason of the death of their father. She is suffering from severe pains in her lower abdomen and severe headaches.

4. Plaintiff Ora Price is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her disabled husband and their thirteen children are welfare recipients under Louisiana's Aid to Dependent Children Program. Her children and her disabled husband receive social security benefits. She is suffering from a severe stomach ailment which has caused painful nausea, high blood pressure, and obesity.

5. Plaintiff Merita Moore is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her three children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is severely ill suffering from a chronic heart ailment and intense stomach pains.

6. Plaintiff Mary Jones is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her disabled husband and fourteen children are welfare recipients under Louisiana's Aid to Dependent Children Program. Her children and her disabled husband receive social security benefits. She is suffering from an acute kidney condition, high blood pressure, obesity, excess fluids and extreme nervousness.

7. Plaintiff Shirley Lampton is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her seven children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is suffering from severe stomach pains.

8. Plantiff Wilhemenia Brown is a citizen of the United States and of the State of Louisiana, and a resident of New Orleans, Orleans Parish, Louisiana. She and her two children are welfare recipients under Louisiana's Aid to Dependent Children Program. She is suffering from pains in her side—possibly a kidney infection.

9. Each Plaintiff sues on her own behalf and on behalf of all other persons similarly situated as alleged hereinafter. This is a proper class action under Rule 23(b)(2) and (3), Fed R. Civ. Procedure. The class is so numerous that joinder of all members of the class is impracticable; the claims of the named Plaintiffs are typical of the claims of the class; and the named Plaintiffs will fairly and adequately protect the interests of the class. The Defendants have acted and have refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief with respect to the class as a whole.

10. Defendant Ochsner Foundation Hospital is a private non-profit general hospital in New Orleans. Defendant H. E. Hamilton is the Director of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

11. Defendant Flint Goodridge Hospital is a private non-profit general hospital in New Orleans. Defendant C. C. Weil is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

12. Defendant Hotel Dieu Sisters Hospital is a private non-profit general hospital in New Orleans. Defendant Sister Mary James is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

13. Defendant Methodist Hospital is a private non-profit general hospital in New Orleans. Defendant Paul A. Bjork is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

14. Defendant Sara Mayo Hospital is a private non-profit general hospital in New Orleans. Defendant Phyllis D. Eagan is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

15. Defendant Touro Infirmary is a private

non-profit general hospital in New Orleans. Defendant Murray A. Diamond is the Executive Director of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

16. Defendant West Jefferson General Hospital is a publicly-owned (District) general hospital in Marrero. Defendant David N. Smith is the Administrator of said hospital and is authorized to, and carries out, and direct all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

17. Defendant Mercy Hospital is a private non-profit general hospital in New Orleans. Defendant Sister Mary Dorothy is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

18. Defendant East Jefferson Hospital is a new publicly-owned (District) general hospital in Metairie scheduled to be opened in November 1970. Defendant Mose Ellis is the Administrator of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital which, on information and belief, will be similar ot those of the other hospitals described below in Part III.

19. Defendant Charity Hospital is a publicly-owned (State) hospital for the indigent of New Orleans and the surrounding area in New Orleans. Defendant Charles C. Mary is the Director of said hospital and is authorized to, and carries out, and directs all employees of said hospital in carrying out the policies, practices, and customs of the hospital described below in Part III.

20. Defendant Ashton J. Mouton is the Director of the Louisiana State Department of Hospitals (hereinafter sometimes referred to as the Department or the State Agency), and the chief executive officer of the State Hospital Board. The Department is charged with the management, administration and operation of the Department, LSA–R.S. 40:2005.

III. STATEMENT OF FACTS

1. Plaintiff Cook is a 33 year old black female, who suffers from a serious heart condition, high blood pressure and extrreme nervousness. On or about June 28, 1970, Plaintiff Cook's condition became very serious and she went to Defendant Methodist Hospital in an attempt to be admitted. She was denied admission at Defendant Methodist Hospital because she was unable to pay a deposit of $35 required of all emergency room patients by Defendants Paul B. Bjork and Methodist Hospital.

2. Plaintiff Sallie Lee, is a 48 year old black female who suffers from a severe case of arthritis and from high blood pressure. Being in desperate need of treatment, Plaintiff Lee on or about June 29, 1970 attempted to be examined and admitted at Defendant, Alton Ochsner Foundation Hospital. However, she was neither examined nor admitted into Defendant Alton Ochsner Foundation Hospital because she could not afford to pay $35 advance deposit.

3. Plaintiff Hunter, a black resident of New Orleans, is suffering from severe abdominal pains and serious headaches. On or about June 26, 1970, Plaintiff Hunter, being in extreme pain, went to Defendant Methodist Hospital in an attempt to receive medical treatment and possibly be admitted into that hospital. She was neither examined nor admitted into Defendant Methodist Hospital because she did not have a private physician, or a $25 deposit in order to see a staff physician, or a Bankamericard or a Master Charge card as required by Defendant Methodist Hospital. Plaintiff Hunter then went to Defendant Hotel Dieu Sisters Hospital in an attempt to receive medical treatment. She was told by a receptionist at that hospital that she could not be seen by a doctor because she did not have a private physician, and because she could not afford to pay for any medical treatment given at Defendant Hotel Dieu Sisters Hospital. She was further told that Defendants Sister Mary James and Hotel Dieu Sisters Hospital would not accept her Medicaid Program. Consequently, she left that hospital without being seen or examined.

4. Plaintiff Price is a 46 year old black female who suffers from a grave stomach ailment which has caused severe nausea, high blood pressure and obesity. On or about June 29, 1970, Plaintiff Price attempted to be treated at Defendant Touro Infirmary. She was denied treatment by Defendant Touro Infirmary because she was unable to pay the $35 needed in order for a physician to examine her, and because she was unable to pay for the necessary tests to be performed; payment for these tests being required in advance.

5. Plaintiff Moore is a 29 year old black female, who suffers from a chronic heart ailment and severe stomach pains. On or about June 29, 1970, she decided to go to Defendant Flint Goodridge Hospital to see if she could be treated. Her stomach pains had become unbearable, and she was in need of medical treatment. Plaintiff Moore was neither examined nor admitted into Defendant Flint Goodridge Hospital because she could not afford to pay the $250 deposit required of all medical patients without hospitalization insurance prior to being examined or admitted into that hospital.

6. Plaintiff Jones, is a 44 year old black female who suffers from an acute kidney condition, high blood pressure, excess fluids, obesity, and extreme nervousness. On or about June 29, 1970, Plaintiff Jones attempted to be examined and hoepfully admitted into Defendant Sara Mayo Hospital because her condition had become considerably worse. She was neither examined nor admitted into Defendant Sara Mayo Hospital because she was unable to pay for a physician to examine her, and because she was unable to pay a deposit required of all patients.

7. Plaintiff Lampton is a 29 year old black female, who suffers from severe and at times unbearable stomach pains. Plaintiff Lampton decided to go to Defendant Mercy Hospital on or about July 9, 1970 to see if she could undergo a thorough examination in order to help cure her stomach disorder. She was neither examined nor admitted into Defendant Mercy Hospital because she could not afford the payment needed to see a staff physician.

8. Plaintiff Brown is a 28 year old black female, who is suffering from severe pains on the left side of her body. On or about July 8, 1970, Plaintiff Brown went to Defendant West Jefferson General Hospital in an attempt to see a physician in order to receive medical treatment for her pains. The receptionist asked her if she had hospitalization insurance and a private physician. Plaintiff Brown told the receptionist that she qualified for the Medicaid Program but that she did not have her own physician. She was told that she could not be treated because she had neither a private physician, nor the necessary hospitalization insurance or the money to pay the initial $400 deposit as required by the hospital.

9. The Louisiana State Department of Hospitals, pursuant to the Hill-Burton Act (42 U.S.C. 921(a)(1) and the Revised Statutes of Louisiana (40 Louisiana Rev. Stat. 2017.2)) is designated as the sole agency for carrying out the purposes of the Hill-Burton Act in the State of Louisiana. Pursuant to said statutory authority the Department has annually adopted a State Plan for construction of medical facilities and fostered the development and administration of a hospital planning and construction program with the stated objective to afford, in conjunction with existing facilities, hospitals to serve the needs of all the people of the State of Louisiana.

10. The State Plan of the Department has been annually submitted to the Surgeon General, United States Department of Health, Education, and Welfare, for approval pursuant to the directive of the Hill-Burton Act and State law, cited in the previous paragraph. The Department is charged with the responsibility under said Federal Statute and Regulation with providing adequate hospitals to furnish needed services for persons unable to pay therefor and with obtaining an assurance from each applicant for a grant that a reasonable volume of service will be made available for persons unable to pay therefor or an acceptable explanation why such an assurance is not financially feasible (42 U.S.C. 291c(3); 42 CFR 53.111). The Department is also charged under said Federal Statute with providing minimum standards for the operation and maintenance of facilities providing in-patient care (42 U.S.C. 291d(a)(7)).

11. The Department is charged under State law with the function of providing for the care and treatment, in privately owned hospitals and other institutions, of indigent or destitute sick persons (40 Louisiana Rev. Stat. 2017), and to afford hospitals to serve the needs of all the people of the State (40 Louisiana Rev. Stat. 2017.2).

12. The Department is charged under State law with licensing the establishment, conduct and maintenance of hospitals in Louisiana (40 Louisiana Rev. Stat. 2103), and with promulgating rules, regulations, and minimum standards "as will insure proper case and treatment of patients as may be deemed necessary for an effective administration" of said licensing statute (40 Louisiana Rev. Stat. 2109 (5)).

13. The ten Defendant Hospitals herein have received under the Hill-Burton Act a total of approximately $18 million for the projects described immediately below.

14. Oschner Foundation Hospital is a private non-profit general hospital, with approximately 300 acute service beds. In February 1952 it was awarded a Hill-Burton grant for new construction to supply 250 beds; in November 1958 it was awarded two Hill-Burton grants, one for an addition and the other to supply 48 long term care beds; in July 1965 it was awarded a Hill-Burton grant for an addition and for remodeling a diagnostic and treatment center. For each of these grants it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

15. Touro Infirmary is a private non-profit general hospital, with approximately 550 acute service beds. In March 1949 it was awarded a Hill-Burton grant for an addition to supply 106 beds and in March 1961 it was awarded a Hill-Burton grant for an addition and remodeling to supply 128 beds. For each of these grants it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

16. Sara Mayo Hospital is a private non-profit general hospital, with approximately 112 acute service beds. In September 1958 it was awarded a Hill-Burton grant for an addition to supply 52 beds and in April 1967 it was awarded a Hill-Burton grant for remodeling and replacement to supply 73 beds. For the 1958 grant it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care; for the 1967 grant it gave the assurance that it would furnish a reasonable volume of service for persons unable to pay.

17. Hotel Dieu is a private non-profit general hospital, with approximately 270 acute

service beds. In May 1967 it was awarded a Hill-Burton grant for replacement to supply 269 beds. For this grant it gave assurance to the State Agency and to the United States that it would furnish a reasonable volume of service to persons unable to pay.

18. Flint Goodridge Hospital is a private, non-profit general hospital, with approximately 136 acute service beds. In October 1958 it was awarded a Hill-Burton grant for an addition and remodeling to supply 136 beds. For this grant it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

19. Methodist Hospital is a private non-profit general hospital, with approximately 164 acute service beds. In February 1966 it was awarded a Hill-Burton grant for a new facility to supply 164 beds. For this grant it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of service for persons unable to pay.

20. West Jefferson General Hospital is a publicly-owned district hospital, with approximately 252 acute service beds. In October 1957 it was awarded a Hill-Burton grant for a new facility to provide 150 beds and in May 1965 it was awarded a Hill-Burton grant for an addition and remodeling. For these grants it gave assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

21. East Jefferson General Hospital is a new publicly-owned district hospital, scheduled to be opened in November 1970, with approximately 250 acute service beds. In March 1967 it was awarded a Hill-Burton grant for new construction to supply 250 beds. For this grant it gave assurance to the State Agency and to the United States that it would furnish a reasonable volume of service to persons unable to pay.

22. Mercy Hospital is a private, non-profit general hospital, with approximately 194 acute service beds. In December 1969 it was awarded a Hill-Burton grant for modernization. For this grant it gave assurance to the State Agency and to the United States that it would furnish a reasonable volume of service to persons unable to pay.

23. Charity Hospital of Louisiana at New Orleans is a State-owned general hospital, with approximately 2100 acute service beds in use as of May 1, 1970, and 1650 acute service beds in use from May 1970 through July 16, 1970. On July 16, 1970 it announced that it would reopen 300 beds, leaving a net of some 150 beds closed. It was established by State law as a public charitable institution to serve the medical needs of impoverished persons who, under present law, reside in the parishes of Orleans, Plaquemines, Jefferson, St. John the Baptist, and St. James (Louisiana Revised Stat. 46:751–774). Its present structure was built in 1940 with a 3500 bed capacity. In December 1949 it was awarded a Hill-Burton grant for an addition and in April 1950 it was awarded a Hill-Burton grant for another addition and remodeling to supply 153 beds. For each of these grants it gave the assurance to the State Agency and to the United States that it would furnish a reasonable volume of free patient care.

24. Notwithstanding the assurances to afford a reasonable volume of free patient care and/or a reasonable volume of service to persons unable to pay, as described in paragraphs 14 through 23 of this Part, Defendants, Ochsner Foundation Hospital, Touro, West Jefferson, Hotel Dieu, Methodist, Sara Mayo, Flint Goodridge, and Mercy, their chief administrative officers, and all other officials, admissions personnel, staff and agents have followed a policy, practice and custom of charging all persons the full cost of all hospital services, not admitting any person not covered by private health insurance as a patient for out-patient or in-patient services and not examining any person to determine medical needs unless and until said person pays a deposit, refusing to provide service under Medicaid (42 U.S.C. 1396), refusing service to persons on welfare, and denying indigent Medicare recipients admission by requiring a $52 deposit. On information and belief Defendant East Jefferson will engage in similar policies, practices, and customs when opened in November 1970.

25. With reference to the allegation in paragraph 24 that said Defendants will not admit any person as a patient for out-patient or in-patient services or examine any person to determine medical needs unless and until said person pays a deposit, said Defendants specifically charge as follows:

Ochsner, in-patient, $200.00; out-patient, 19.50 minimum.

Flint Goodridge, in-patient, 250.00 medical; 375.00 surgical, 125.00 obstetrics, out-patient 6.00 (including medicaid and medicare recipients).

Sara Mayo, all 200.00, 52.00 medicare.

West Jefferson, all 400.00.

Hotel Dieu, all 200.00–350.00, 52.00 medicare.

Methodist, all 225.00–300.00 medical, 250.00–350.00 surgical, 150.00–200.00 obstetrics.

Mercy, all $200.00.

Touro, all 35.00–150.00.

26. Notwithstanding the assurances to afford a reasonable volume of free patient care, Defendant Charity Hospital of Louisiana at New Orleans and Defendant Charles E. Mary shut down 450 beds in May 1970 heretofore available under State law and under the assurances given to the State Agency and to the United States to afford needed services to indigent persons, and have announced the reopening of only 300 of the 450 beds.

27. On five occasions between October 1969 and March 23, 1970, Catherine Booker, a welfare recipient and black resident of New Orleans, suffering from congestive heart failure, obesity and its effects, and shortness of breath, attempted to be admitted to Charity Hospital but was denied admission because of inadequate beds and available services. On March 23, 1970, Mrs. Booker attempted to be admitted to lint Goodridge but was denied admission because she did not have $250.00 required by that hospital for admission. On the evening of March 23, 1970, Mrs. Booker was finally admitted to Charity Hospital where she died within the hour.

28. On five occasions between May 5, 1970 and June 8, 1970 Clifford Breaux, an indigent black resident of New Orleans suffering from congestive heart failure and obesity and its effects, attempted to be admitted to Charity Hospital but was denied admission because of inadequate beds and available services. On June 10 and 11 he attempted to be admitted to Flint Goodridge, Touro, and Ochsner but was denied admission because he lacked the money required by each of these hospitals, respectively, as a condition for admission. On June 11, 1970 his brother borrowed $200.00 and got him admitted to Ochsner where he died on June 24, 1970.

29. Defendant Ashton Mouton, as Director of the Louisiana State Department of Hospitals, has failed to provide adequate hospitals to furnish needed services for Plaintiffs and others similarly situated who cannot pay therefor, and has failed to enforce the assurances given to the Department and to the United States, which were entered into for the benefit of the named Plaintiffs and the class of poor persons they represent.

30. Defendants Hotel Dieu, Ochsner, Mercy, West Jefferson, Touro, Methodist, Sara Mayo, and Flint Goodridge, their administrators, admissions personnel, staff physicians, and other agents follow a policy, practice and custom of admitting and/or sending white patients to Hotel Dieu, Ochsner, Mercy, West Jefferson, Touro, Methodist and Sara Mayo, and black patients to Flint Goodridge and Charity and otherwise following practices which have the effect of discriminating against persons because of race. On information and belief Defendant East Jefferson will engage in a similar policy, practice and custom when opened.

31. Defendants Hotel Dieu, Ochsner, Mercy, West Jefferson, Touro, Methodist, Sara Mayo, Flint Goodridge, and East Jefferson are recipients of Federal financial assistance, to-wit: medical care for the aged (42 U.S.C. 1395) and Hill-Burton (42 U.S.C. 291), and under each program have signed assurances not to discriminate against persons because of race and to comply with Title VI of the Civil Rights Act of 1964 and the Regulations and guidelines promulgated thereunder.

IV. CAUSES OF ACTION

1. By the actions of Defendants Ashton Mouton, as Director of the Louisiana State Department of Hospitals, Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Diesu Sisters Hospital, Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson Hospital, Mercy Hospital, East Jefferson Hospital, and Charity Hospital of Louisiana at New Orleans, and their respective administrators named herein as Defendants, in not providing adequate hospitals and hospital beds and needed services for Plaintiffs, their minor children, and all other persons similarly situated who are unable to pay therefor in said facilities, the Defendants have violated and are violating the Hill-Burton Act and the Regulation promulgated thereunder, which respectively require that:

. . . the State plan shall provide for . . . adequate hospitals (and such other facilities) to furnish needed services for persons unable to pay therefor. Such regulations may also require that . . . assurance shall be received by the State from the applicant that . . . there will be made available in the facility or portion thereof to be constructed or modernized a reasonable volume of services to persons unable to pay therefor. . . . 42 U.S.C. 291c(e).

. . . The facility will furnish below cost or without charge a reasonable volume of services to persons unable to pay therefor. . . . 42 CFR 53.111

and their contractual commitments to the State Agency and to the United States to provide a reasonable volume of free patient care and/or a reasonable volume of services to persons unable to pay therefor.

2. By the action of Defendants Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital, Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson Hospital, Mercy Hospital, and East Jefferson Hospital, and their respective Administrators named herein as Defendants, in charging Plaintiffs, their minor children, and all other persons similarly situated for medical services even though they are unable to pay, in denying admission to said persons unless a deposit is paid in advance, in refusing to provide service to persons on welfare and under the Medicaid program, and by requiring a deposit from indigent recipients of Medicare, the Defendants are violating the Hill-Burton Act, the Regulation promulgated thereunder, and their contractual commitments to the State Agency and to the United States to provide a reasonable volume of free patient care and/or to provide a reasonable volume of service to persons unable to pay therefor.

3. By the aforesaid acts the Defendants have deprived and are depriving under color of law Plaintiffs, their minor children, and other persons similarly situated of rights

under a Federal statute in violation of 42 U.S.C. 1983.

4. By aforesaid acts the Defendants have deprived and are depriving Plaintiffs, their minor children, and other persons similarly situated of life without due process of law, and have denied and are denying to said persons the equal protection of the laws, within the meaning of the Fifth and Fourteenth Amendments of the United States Constitution.

5. Defendants Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital, Methodist Hospital, Sara Mayo Hospital, Touro Infirmary, West Jefferson Hospital and Mercy Hospital have engaged in policies, practices and customs of admission which deny, and have the effect of denying to Plaintiffs, their minor children, and all other persons similarly situated admission and treatment, and otherwise discriminating against them, because of race in violation of the equal protection clause of the Fourteenth Amendment of the United States Constitution, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 d), and the Regulation (45 CFR Part 80) and guidelines promulgated thereunder, contractual commitments entered into as a condition of receiving Federal financial assistance under the Medicare Program (42 U.S.C. 1395) and the Hill-Burton Program (42 U.S.C. 291 *et seq.*), and the Civil Rights Act (42 U.S.C. 1983).

V. RELIEF REQUESTED

Wherefore, Plaintiffs on behalf of themselves, their minor children, and others similarly situated respectfully pray that:

1. The Court order that this action be maintained as a class action pursuant to Rule 23(b)(2) and (3), Fed. Rules of Civ. Procedure, the class for Causes of Action 1 through 4 being composed of all persons who are residents of metropolitan New Orleans who are unable to pay for medical services, and the class for Cause of Action 5 being composed of all black residents of metropolitan New Orleans.

2. The Court issue preliminary relief as follows:

(a) a mandatory injunction ordering Defendant Ashton Mouton, as Director of the Louisiana State Department of Hospitals, his agents, successors, and assigns, to develop a plan to provide adequate hospitals and hospital services to furnish needed services for persons unable to pay therefor as required by the Hospital Survey and Construction Act and the Regulation of the United States Department of Health, Education, and Welfare implementing that Act;

(b) a mandatory injunction ordering Defendant Ashton Mouton, a Director of the Louisiana State Department of Hospitals, his agents, successors, and assigns, to enforce the contractual commitments given by Defendant Ochsner Foundation Hospital, Flint Goodridge, Hotel Dieu Sisters Hospital, West Jefferson General Hospital, Sara Mayo Hospital, Methodist Hospital, Touro Infirmary, Mercy Hospital, East Jefferson Hospital, and Charity Hospital of Louisiana at New Orleans to the Louisiana State Department of Hospitals and to the United States to furnish a reasonable volume of free patient care and/or a reasonable volume of service to persons unable to pay therefor;

(c) a mandatory injunction ordering Defendant Ochsner Foundation Hospital, Flint Goodridge Hospital, Hotel Dieu Sisters Hospital, West Jefferson General Hospital, Sara Mayo Hospital, Methodist Hospital, Touro Infirmary, Mercy Hospital, East Jefferson Hospital, and Charity Hospital of Louisiana at New Orleans, their chief administrative officials named herein as Defendants, and their agents, successors, and assigns to admit to said hospitals and furnish examinations, treatment, and services where medically needed to Plaintiffs, their minor children, and to all other persons similarly situated without regard to their inability to pay for such services, without requiring a deposit as a condition for such services, without regard to their participation in the public assistance programs or other indicia of poverty, and without thereafter billing them for the cost of such care;

(d) a mandatory injunction ordering Defendants Charity Hospital of Louisiana at New Orleans and Charles C. Mary, his agents, successors, and assigns not to curtail inpatient services at said Charity Hospital, not to shut down any beds or close any other services without the permission of this Court, and to reopen all beds and services available to indigent persons which were open and available on May 1, 1970;

(e) a mandatory injunction ordering Defendants not to engage in practices, policies, and customs which have the effect of denying admission to and otherwise discriminating against persons because of race, and to engage in affirmative action necessary to correct any policies, practices and customs of their agents, staff physicians, admissions personnel and officials which have such discriminatory effect;

(f) a mandatory injunction ordering Defendant Ashton Mouton, as the Director of the Louisiana State Department of Hospitals, not to award any more grants or pay or approve the payment of funds or grants already awarded until and unless Defendants comply with the Hospital Survey and Construction Act of 1946, as amended (42 U.S.C. 291), its implementing regulation, and contractual commitments entered into thereunder, and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), its implementing regulation, and contractual commitments entered into thereunder, and the due process clauses of the 5th and 14th Amendments and the equal protection clause of the 14th Amendment of the U.S. Constitution; and

(g) a mandatory injunction ordering the Defendants to report to this Court within 30 days as to how they have effectuated the orders described in subparagraphs (a) through (f).

3. The Court issue a permanent injunction granting the relief set forth in paragraph 2(a) through 2(g) of this Part.

4. The Court issue:

(a) a declaratory judgment that Defendant Ashton Mouton, as Director of the Louisiana State Department of Hospitals, his agents, successors, and assigns, is required to develop a plan to provide adequate hospitals and hospital service to furnish needed services to persons unable to pay therefor by the Hospital Survey and Construction Act of 1946, as amended, and the Regulation of the United States Department of Health, Education, and Welfare implementing that Act (42 U.S.C. 291 *et seq.*; 42 C.F.R. Part 53);

(b) a declaratory judgment that the Defendant Hospitals, their chief administrative officials named herein as Defendants, respectively, and their agents, successors, and assigns, are obligated under the Hospital Survey and Construction Act of 1946, as amended, the Regulation promulgated thereunder, and the contractual commitments given by each Defendant hospital to the Louisiana State Department of Hospitals and the United States, to furnish to Plaintiffs, their minor children, and to all others similarly situated adequate hospital services without regard to their inability to pay, without requiring a deposit as a condition for admission, examination, treatment and services, without regard to their status on welfare or other indicia of poverty, and without thereafter billing them for the cost of such care;

(c) a declaratory judgment that Defendants Ochsner Foundation Hospital, Flint Goodridge Hospital, West Jefferson General Hospital, Hotel Dieu Sisters Hospital, Sara Mayo Hospital, Methodist Hospital, Mercy Hospital, Touro Infirmary, East Jefferson General Hospital and Charity Hospital of Louisiana at New Orleans, their chief administrative officials named herein as Defendants, respectively, and their agents, successors, and assigns, are obligated under 42 U.S.C. 1983 and the equal protection clause of the 14th Amendment and the due process clauses of the 5th and 14th Amendments to the United States Constitution to admit and serve Plaintiffs, their minor children, and all other persons similarly situated without regard to their inability to pay, without requiring a deposit as a condition for admission, examination, treatment, and services, without regard to their status on welfare and other indicia of poverty, and without thereafter billing them for the cost of such care; and

(d) a declaratory judgment that the Defendants Ochsner Foundation Hospital, Flint Goodridge Hospital, West Jefferson Hospital, Hotel Dieu Sisters Hospital, Sara Mayo Hospital, Methodist Hospital, Mercy Hospital, Touro Infirmary, and East Jefferson General Hospital are obligated under the 14th Amendment of the United States Constitution, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the commitments entered into thereunder in exchange for which said Defendants have been and are recipients of Federal financial assistance, and the Civil Rights Act (42 U.S.C. 1983) not to engage in practices, policies, and customs which have the effect of denying admission to and otherwise discriminating against persons because of race, and to engage in affirmative action to correct any policies, practices and customs of their agents, staff physicians, admissions personnel and officials which have such discriminatory effect.

5. That the Court award Plaintiffs their costs and attorney fees and such other relief as this Court deems just and proper.

July 24, 1970.

Respectfully submitted,

JEFFREY B. SCHWARTZ,
New Orleans Legal Assistance Corp.
MARK RUDY,
People's Action Center.
CHARLES H. WHITE,
People's Action Center.
MARILYN G. ROSE,
National Legal Program on Health Problems of the Poor.

THE DAN SMOOT REPORT

POVERTY WAR LAWYERS

Throughout our history, legal services paid for out of public funds, or contributed voluntarily by attorneys, have been available in criminal cases to accused persons without means to hire a lawyer. Some communities have a public defender system to provide legal counsel for the poor. Elsewhere, lawyers take turns accepting court appointments to represent indigents accused of crimes. The Legal Aid Society (privately financed) provides legal services for the poor in noncriminal cases.

Such legal-aid services are good and proper, conforming with the letter of our laws and the spirit of our legal system.

But something new, unneeded, illegal, and evil was added in 1965 when Sargent Shriver (then the Poverty War czar) initiated the Legal Services Program (LSP) of the Office of Economic Opportunity (OEO—the Poverty War agency).

The entire Poverty War is illegal in the sense that it is unconstitutional, there being nothing in the Constitution empowering the federal government to engage in any of the activities financial by OEO. The Legal Services Program was illegal in another sense during the first 18 months of its existence: it was not even authorized by statute.

The Legal Services Program was not mentioned in the original Poverty War bill (Economic Opportunity Act of 1964), nor in any of the congressional committee hearings, con-

ferences, or floor debates concerning the legislation.[1]

In January, 1965, however, Sargent Shriver announced that he had allocated $3.1 million to establish Neighborhood Legal Service centers "to provide free legal counsel on civil matters in the nation's slums."[2]

In October, 1966, Congress gave Legal Services statutory authority.[3] By then, the program had already been operating 18 months and had spent about $32 million of taxpayers' money.

The first congressional allocation of funds to the Poverty War's Legal Services was $22 million for the 1967 fiscal year.[3] President Nixon budgeted $63.2 million for LSP in fiscal 1971.[4]

At present, the Poverty War's Legal Services Program has 1800 full-time staff attorneys, operating through 850 offices in 265 communities in all states (except North Dakota), in the District of Columbia, and in Puerto Rico. The agency says that more than two million clients and thousands of tenant associations and other groups have received Legal Services counsel and representation since 1965.[5]

LSP is supposed to give legal aid only to the *poor* in *non-criminal* cases; but it has given counsel to people with ample means to hire their own lawyers; and it has represented many clients in a great number of criminal cases.

The Poverty War lawyers are not people eager to help the poor. They are militant leftists hungry for social disruption.

Consider, for example, the case of a poverty war lawyer and the Navajo Indians.

A Legal Services unit in Arizona spends more than $1 million a year providing "legal aid" for the 120,500 Indians on the Navajo Reservation, which is in the northwestern corner of New Mexico, along the Arizona-New Mexico border. Most of the tax money goes to 84 Legal Services employees, who get $12,000 a year each, on an average, in salary and directly allocated expenses.[6]

What do the Navajos get from these Poverty War lawyers on the federal payrolls? Coaching in how and why they should hate the United States?

Enrollment at Church Rock Elementary School in Church Rock, New Mexico, is 99% Indian children from the Navajo Reservation. On Veterans' Day in 1969, the school had a patriotic program for students. The *Independent* of Gallup, New Mexico, reported the event.

Stephen B. Elrick, a Legal Services attorney assigned to the Navajo Reservation, read the news story, and was outraged. He wrote Claude Hinman, principal of the school, "to express . . . in the strongest possible terms" his "opposition . . . to the patriotism program underway at Church Rock."[6]

The *Independent* had quoted the principal as saying:

"These kids don't know the *Star Spangled Banner*. They ought to have an awareness of the greatness of their country."[6]

Concerning this remark, Poverty War lawyer Elrick said:

"This is true, but they ought to have an awareness of the faults and errors of their country as well, of which there have been, and are, many. It is especially appalling to realize that these are Indian children who are being forced to participate in this program."[6]

The *Independent* had quoted Mrs. Stafford (Negro teacher in Church Rock Elementary School) as saying:

"We should indoctrinate every child with the idea of being loyal to his country."[6]

Concerning this remark, Poverty War lawyer Elrick said:

"I think that this is a sorry philosophy for a public school."[6]

In its story on the Veterans' Day patriotic program at Church Rock Elementary School, the Gallup *Independent* had run several pictures. The sentence "God Bless America" was prominently displayed on several drawings.

Concerning the pictures, Poverty War lawyer Elrick said, in his letter to the principal:

"It is, indeed, unfortunate that you are encouraging these children to glorify war and all its attendant inhumanity. Likewise, it is deplorable for you to stimulate the expression of what is, in effect, a prayer, in violation of the Supreme Court's ruling that public schools are to refrain from any such activities."[6]

Elrick concluded his letter to the school principal with a threat, saying:

"If you are not willing to demonstrate that your program is a balanced presentation, and to remove any hint of religious exercises from the curriculum, I shall take whatever steps I can to investigate the matter myself, and if necessary, institute legal proceedings."[6]

Hearing about this, U.S. Senator Paul Fannin (Arizona Republican) expressed dismay that such characters as Elrick are on federal payrolls, and promised to do all in his power to correct the situation. Senator Fannin tried. He may have forestalled a Legal Services lawsuit against Church Rock Elementary School officials for teaching patriotism to Indian children; but new-leftists like Stephen B. Elrick are still on the federal payrolls running the Poverty War. They completely control the Legal Service division.

Poverty War employees, especially lawyers in Legal Services, have been involved in all major revolutionary violence that has occurred in the U.S. since the Poverty War began.

In July, 1967, a 3-day Negro riot in Newark, New Jersey, left 24 people killed, more than 650 injured, more than 1000 arrested, and more than 30 million dollars' worth of property destroyed. The riot was organized, incited, and led by individuals on federal Poverty War payrolls.[7] Oliver Lofton was foremost among the Poverty Warriors who incited and led the Newark riot. Lofton (a Negro attorney who had served in the Department of Justice under Nicholas Katzenbach in 1961 and 1962) was director of the Newark Legal Services Project in 1967.

Lofton mobilized the resources of the Newark Legal Services Project to defend persons arrested for criminal conduct in connection with the riot. His Poverty War lawyers joined American Civil Liberties Union (ACLU) activists to distribute leaflets in Newark, urging all "witnesses of police brutality" to get in touch with the LSP or the ACLU.[8]

Later, the Newark Legal Services Project and the ACLU jointly filed a suit asking a federal court to seize the Newark police department and turn it over to a federal receiver.[8]

OEO in Washington gave the Newark Legal Services Project a special award for outstanding performance of duty because of its work in connection with the Newark riot.[8]

On December 9, 1967, Philadelphia police quelled a howling mob of some 3500 Negroes rioting at the Board of Education building. The Philadelphia Legal Services not only gave free legal representation to arrested rioters, but also joined the new-left law firm of Kunstler, Kunstler, and Kinoy in filing a suit demanding a federal-court take-over of the Philadelphia police department.[8]

In Chicago, Poverty War lawyers have trained students to "assert their constitutional rights" by striking against their high schools.[9]

In Indianapolis, Poverty War lawyers have distributed thousands of cards to "the poor," instructing them in "the art of non-cooperation" with police.[9]

In California, the Poverty War's Legal Services (known as California Rural Legal Assistance) has aided the dangerous, revolutionary activities of United Farm Workers, which was organized, with communist help, by Cesar Chavez.[8]

On September 15, 1970, New Orleans police raided the headquarters of the National Committee to Combat Fascism (NCCF), a pro-communist, Black Panther front specializing in advocating the murder of police officers. Robert Glass, a Legal Services lawyer, was in the headquarters when it was raided. He invoked his "client-lawyer" relationship with the NCCF, and refused to answer police questions. Later, the New Orleans Legal Services represented 12 of the NCCF militants, who were charged with attempted murder, assault, and other felonies—despite the fact, mentioned before, that Poverty War lawyers are supposed to give legal aid only to the *poor* in *non-criminal* cases.[10]

In 1970, a New Orleans Legal Services lawyer was attorney of record defending SDS demonstrators charged with crimes.[10] SDS (Students for a Democratic Society) is a communist-controlled organization which is trying to foment guerrilla warfare and violent revolution in the United States. It is composed largely of whites from prosperous families.

The New Orleans Legal Services tried to force Louisiana State University to permit circulation on campus of a pornographic underground newspaper (a recent copy of which contains, among other indecencies, a nude cartoon of President Nixon).[10]

In the fall of 1970, Richard Buckley, director of the New Orleans Legal Services, resigned. Shortly thereafter, he made a public statement that "Legal Services exist for the redistribution of wealth and power."[10]

In Tulare, California, LSP published a booklet entitled *Know Your Welfare Rights*. From the booklet:

"If you don't want to work, there is no good reason why welfare can force you to work, no matter what your [social welfare] worker says."[11]

In late 1970, it became public knowledge that Poverty War lawyers in Los Angeles had been representing state employees whose salaries ranged up to $15,000 a year.[10]

In Atlantic City, LSP filed a federal suit, on behalf of Negro militants, challenging a New Jersey narcotics law which requires narcotics addicts or users to register with the police.[8]

In Dallas, a Poverty War lawyer, Ed Polk—hired, ostensibly, to counsel the poor in Dallas—traveled 100 miles to sue a school board in Tyler, Texas, because a Negro girl had not been selected as valedictorian in a high school where most of the students were white. Polk based his suit (which was financed by federal taxpayers) on the ridiculous allegation that the school board had deliberately lowered the girl's grades to keep her from being at the head of her class.[9]

Ed Polk also represented Brent Stein, son of a prosperous Dallas merchant. Stein had been arrested and charged for publishing and distributing the vilely obscene *Underground Notes*. Frank Jones (then deputy director of the Office of Legal Services in Washington) specifically defended this use of tax money in the Poverty War, saying:

"It seems to me that's the kind of activity necessary to insure this kind of publication for the poor."[10]

Taxpayers' money should be used to insure the distribution of semi-literate, pornographic trash to poor people? What a sick mind!

People with sick minds are bent on destroying everything decent in our society; and they are doing it with our tax money, under the guise of fighting poverty. We ought to force Congress to abolish the Legal Services

Footnotes at end of article.

Program and the so-called Poverty War that spawned it.

FOOTNOTES

[1] *1964 Congressional Quarterly Almanac*, pp. 208–29

[2] *1965 Congressional Quarterly Almanac*, pp. 410–311

[3] *1966 Congressional Quarterly Almanac*, pp. 259, 264

[4] *Congressional Quarterly Weekly Report*, Feb. 6, 1970, p. 325

[5] *Congressional Quarterly Weekly Report*, Aug. 28, 1970, p. 2155

[6] Remarks of Senator Paul Fannin, *Congressional Record*, vol. 115, pt. 28, pp. 37329–37330.

[7] *1967 Dan Smoot Report* Bound Volume, pp. 125–128, 189–192

[8] Article by Shirley Scheibla, *Barron's*, March 4, 1968

[9] *Dallas Times Herald*, Jan. 29, 1970, pp. A1, A19

[10] Column by Rowland Evans and Robert Novak, Nov. 30, 1970

[11] Congressman H. R. Gross's report to constituents, Oct. 7, 1970

THE CONQUEST OF CANCER ACT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, in conjunction with my distinguished colleagues HARLEY STAGGERS and CLAUDE PEPPER, and with the support of more than a hundred Members, I am today introducing the Conquest of Cancer Act.

Cancer is not only the second greatest cause of death among Americans, but is also a frightening and grim disease. It strikes people in all walks of life; children, as well as men and women in their prime. Anyone who has seen the decimating effects of this disease knows its tragic proportions. Nonetheless, although there were 615,000 new cancer cases last year as compared with 540,000 5 years ago, funds for cancer research have not appreciably increased.

Moreover, of the 204 million Americans presently living, over 51 million will develop some form of cancer. Thus, last year's funds of $200 million for cancer research amounts to roughly $4 per cancer victim. It is obvious that more support is necessary to control and cure this disease.

The Conquest of Cancer Act introduced today authorizes $400 million to begin research in this area now, and would increase the amount up to $1 billion annually as soon as possible. The rate of cure, which is now one out of every three cases, must be improved until it is three out of three.

The Conquest of Cancer Act was first recommended by a distinguished national panel of consultants. Mr. Benno C. Schmidt of New York was chairman and Dr. Sidney Farber, past president of the American Cancer Society, was cochairman. The other members of the committee were:

Mr. I. W. Abel, Mr. William McC. Blair, Jr., Mr. Elmer Bobst, Dr. Joseph Burchenal, Dr. R. Lee Clark, Dr. Paul B. Cornely.

Mr. Emerson Foote, Mr. G. Keith Funston, Dr. Solomon Garb, Mrs. Anna Rosenberg Hoffman, Dr. James F. Holland, Dr. William B. Hutchinson.

Dr. Henry S. Kaplan, Dr. Mathilde Krim, Mrs. Mary Wells Lawrence, Dr. Joshua Lederberg, Mr. Emil Mazey, Mr. Michael J. O'Neill.

Mr. Jubal R. Parten, Mr. Laurence S. Rockefeller, Dr. Jonathan E. Rhoads, Dr. Harold P. Rusch, Dr. Wendell G. Scott, Mr. Lew Wasserman.

In addition to increased funds, the bill would also establish an independent agency, the National Cancer Authority. All of the functions of the National Cancer Institute would be transferred to this authority, which would be charged with conducting research to seek a cure for cancer. The authority would also coordinate and give support to scientific projects conducted by recognized experts in the field of cancer research and would establish new cancer research centers. It would be responsible for collecting, analyzing and disseminating all current information concerning cancer treatment. The measure would also establish a National Cancer Advisory Board of 18 members, which would be responsible for submitting to the President and the Congress an annual report on the progress of the National Cancer Authority.

As one of the original House sponsors of this measure in the last Congress, I was impressed by the widespread support this measure has gained. I am hopeful that it will now receive swift and favorable action by the Congress.

THE REFUSE ACT PERMIT PROGRAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin, (Mr. REUSS), is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, I reported to the Members of this House on August 14, 1970 the "progressive step taken by the Corps" of Engineers in announcing a policy of full enforcement of the 1899 River and Harbor Act (30 Stat. 1151) and the "total abdication by the Department of Justice of its statutory duty 'to vigorously' enforce the act"—CONGRESSIONAL RECORD, volume 116, part 21, page 28935.

Today, I want to report the progress made by the executive branch in getting this program underway.

Following the corps' announcement of July 30, 1970, there began a series of discussions between the Council on Environmental Quality, the Environmental Protection Agency, the Justice Department, and the corps over the program and the implementing regulations. These discussions culminated in the issuance of Executive Order 11574 by the President on December 23, 1970 (35 F.R. 19627) and proposed regulations by the corps on December 31, 1970 (35 F.R. 20005) and January 21, 1970 (36 F.R. 983).

I commend the President for his personal interest in directing that the corps and EPA get the program underway promptly. The program is based on the recommendations in the report issued on March 18, 1970, by the Committee on Government Operations (H. Rept. 91–917) and prepared by the Subcommittee on Conservation and Natural Resources, entitled "Our Waters and Wetlands: How the Corps of Engineers Can Help Prevent Their Destruction and Pollution." Congress, in Public Law 91–665 of January 8, 1971, appropriated $2 million to the crops for this program.

When fully and properly implemented, this new program will significantly aid in reducing the pollution from industrial wastes discharged without adequate treatment into our Nation's waterways. I am concerned, however, about the adequacy of the regulations and accompanying material. I am most eager to see an effective program instituted. Our subcommittee has repeatedly urged this. We have been disappointed over its slow progress to date. We hope that in the next few weeks the corps and these other agencies will make appropriate changes in the proposed regulations and other documents consistent with existing law, that will eliminate the fears we have expressed to the Corps, EPA, and CEQ in the last few weeks.

I particularly hope that the revised Justice Department Guidelines on litigation under the 1899 Refuse Act will be revised even further to eliminate the requirement that, before a U.S. attorney files "civil complaints, criminal information and the return of indictments in Refuse Act cases," he must first call Washington. If the U.S. attorney believes that a civil or criminal action, or both, should be instituted against a polluter, what possible reason is there for him to call Washington before he initiates it, unless it is to give Washington an opportunity to stop the U.S. attorney from filing the action on political or similar grounds?

I append the text of Executive Order 11574; the corps' regulations of December 31, 1970, and January 21, 1971; a corps-EPA memorandum of understanding of January 12, 1971; and an updated draft revision of the Justice Department guidelines.

I also append my letter of December 23, 1970, to Mr. Robert E. Jordan III, General Counsel of the Army, concerning the corps' regulations:

PROPOSED RULE MAKING

(Department of Defense)

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

[33 CFR Part 209]

Permits for discharges or deposits into navigable waters—proposed policy, practice, and procedure

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Corps of Engineers). The proposed regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407).

Prior to the adoption of the proposed regulation consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW–ON, within a period of 45 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 23, 1970.

F. P. KOISCH,
Major General, U.S. Army,
Director of Civil Works.

§ 209.131 Permits for discharges or deposits into navigable waters.

(a) *Purpose and scope.* This regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water.

(b) *Law and executive order authorizing permits.* (1) Section 13 of the Act approved March 3, 1899 (33 U.S.C. 407), hereafter referred to as the "Refuse Act," provides in part that it is unlawful "to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water * * * *And provided further,* That the Secretary of the Army, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful."

(2) Executive Order No. 11574 (dated December 23, 1970) directs the implementation of a permit program under the authority of the Refuse Act and provides for the cooperation of affected Federal agencies in the administration of the program.

(c) *Related legislation.* (1) Section 21(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.) (see particularly the Water Quality Improvement Act of 1970 (Public Law 91-224, 84 Stat. 108)), reflects the concern of the Congress with maintenance of applicable water quality standards and, subject to certain exceptions, requires any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities which may result in a discharge into the navigable waters of the United States to provide with his application an appropriate certification that there is reasonable assurance that such activity will be conducted in a manner which will not violate applicable water quality standards. Hereafter, section 21(b) will be referred to as a section of the Water Quality Improvement Act of 1970.

(2) The concern of the Congress with the need to encourage the productive and enjoyable harmony between man and his environment and the need to promote efforts which will prevent or eliminate damage to the environment was manifested in the enactment of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). Section 102 of that Act directs that:

"to the fullest extent possible: (1) The policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

* * * * *

"(B) Identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations * * *."

(3) The concern of the Congress with the conservation and improvement of fish and wildlife resources is indicated in the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c), wherein consultation with the Department of the Interior is required regarding activities affecting the course, depth, or modification of a navigable waterway.

(d) *General policy.* (1) Except as otherwise provided in the Refuse Act (33 U.S.C. 407), all discharges or deposits into navigable waters of the United States or tributaries thereof are, in the absence of an appropriate Department of the Army permit, unlawful. The fact that official objection may not have yet been raised with respect to past or continuing discharges or deposits should not be interpreted as authority to discharge or deposit in the absence of an appropriate permit, and will not preclude the institution of legal proceedings in appropriate cases for violation of the provisions of the Refuse Act. Similarly, the mere filing of an application requesting permission to discharge or deposit into navigable waters or tributaries thereof will not preclude legal action in appropriate cases for Refuse Act violations.

(2) The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on (i) anchorage and navigation, (ii) water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health or welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses," and (iii) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modified the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources which are not directly related to water quality standards.

(3) Although the Refuse Act vests in the Secretary of the Army authority to determine whether or not a permit should or should not issue, it is recognized that responsibility for water quality improvement lies primarily with the States and, at the Federal level, with the Environmental Protection Agency (EPA). Accordingly, EPA shall advise the Corps with respect to the meaning, content, and application of water quality standards applicable to a proposed discharge or deposit and as to the impact which the proposed discharge or deposit may or is likely to have on applicable water quality standards and related water quality considerations. Specifically, Regional Representatives of EPA will determine and advise District Engineers with respect to the following:

(i) The meaning and content of water quality standards which, under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health or welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.";

(ii) The application of water quality standards to the proposed discharge or deposit, including the impact of the proposed discharge or deposit on such water quality standards and related water quality considerations;

(iii) The permit conditions required to comply with water quality standards;

(iv) The permit conditions required to carry out the purposes of the Federal Water Pollution Control Act where no water quality standards are applicable;

(v) The interstate water quality effect of the proposed discharge or deposit.

(4) In any case where a District Engineer of the Corps has received notice that a State or other certifying agency has denied a certification prescribed by section 21(b) of the Federal Water Pollution Control Act or, except as provided in subparagraph (6) of this paragraph, where a Regional Representative has recommended that a permit be denied because its issuance would be inconsistent with his determination or interpretation with respect to applicable water quality standards and related water quality considerations, the District Engineer, within 30 days of receipt of such notice, shall deny the permit and provide notice of such denial to the Regional Representative of EPA.

(5) In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying a permit only if:

(i) Anchorage and navigation will be impaired; or

(ii) Where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have a significant adverse impact on fish or wildlife resources.

(6) In any case where the District Engineer believes that following the advice of the Regional Representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuse Act permit program, he shall, within 10 days of receiving such advice, forward the matter through channels to the Secretary of the Army to provide the Secretary with the opportunity to consult with the Administrator. Such consultation shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

(7) No permit will be issued in cases where the applicant, pursuant to 21(b)(1) of the Water Quality Improvement Act of 1970, is required to obtain a State or other appropriate certification that the discharge or deposit would not violate applicable water quality standards and such certification was denied. No permit will be issued for discharges or deposits of harmful quantities of oil, as defined in section 11 of the Federal Water Pollution Control Act since primary permit and enforcement authority for all oil discharges is contained in that Act.

(e) *Authority to issue permits.* The Refuse Act provides that, "the Secretary of the Army, whenever in the judgment of the Chief of Engineers that anchorage and navigation will not be injured thereby, may permit the deposit of any material * * * in navigable waters, within the limits to be defined and under conditions to be prescribed by him * * *." The Chief of Engineers, in the exercise of his judgment under the Act, has made the general determination that anchorage and navigation will not be injured when the discharge or deposit permitted will cause no significant displacement of water or reduction in the navigable capacity of a waterway. Except as otherwise provided in this regulation, the Secretary of the Army has authorized the Chief of Engineers and his authorized representatives to issue per-

mits allowing discharges or deposits into navigable waters or tributaries thereof, if evaluation leads to the conclusion that (1), as determined by the Chief of Engineers, anchorage and navigation will not be injured thereby, and (2) issuance of a permit will not be inconsistent with the policy guidance prescribed in paragraph (d) of this section. Accordingly, within these limitations, District Engineers are authorized, except in cases which are to be referred to higher authority for decision (see paragraphs (d)(6) and (i)(7) of this section), to issue permits or to deny permit applications for discharges or deposits covered by the Refuse Act.

(f) *Relationship to other corps permits.* (1) Operators of facilities constructed in navigable waters under a valid construction permit issued pursuant to section 10 of the Rivers and Harbors Act approved March 3, 1899 (33 U.S.C. 403) must apply for and receive a new permit under the Refuse Act (33 U.S.C. 407) in order to lawfully discharge into or place deposits in navigable waters or tributaries thereof.

(2) Any person wishing to undertake work in navigable waters which may also result in a discharge or deposit into such navigable waters or tributaries thereof must apply for a permit under section 403 for such work and for a permit under section 407 to cover any proposed discharge or deposit. However, if the work proposed to be undertaken in navigable waters is limited to the construction of a minor outfall structure from which the proposed discharge or deposit will flow, District Engineers may, in their discretion and within the guidance provided in ER 1145–2–303, require a single permit application under this regulation (ER 1145–2–321). If a single permit is issued authorizing both work in navigable waters and a discharge or deposit, the permit should cite both sections 403 and 407 as authority for its issuance.

(g) *Information required with an application.* (1) An applicant for a permit involving a discharge or deposit in navigable waters or tributaries thereof must file the required form with the District Engineer. Until the required form is printed and made available to District Offices, applicants should provide a letter requesting that the permit be issued. The letter must bear the address of the applicant and the date, identify the waterway involved and the precise location of the proposed discharge or deposit and contain a statement as to whether the facility from which the proposed discharge or deposit will originate is within the corporate limits of a municipality. The applicant must also furnish information which will fully identify the character of the discharge or deposit and monitoring devices and procedures which will be used. Such information shall include, but need not be limited to, data pertaining to chemical content, water temperature differentials, toxins, sewage, amount and frequency of discharge or deposit and the type and quantity of solids involved, if any. If the discharge or deposit will include solids of any type, applicants must (i) identify the proposed method of instrumentation to determine the effect of the disposition of solids on the waterway, and (ii) either assume responsibility for the periodic removal of such solids by dredging or agree to reimburse the United tSates for costs associated with such dredging.

(2) An application submitted by a corporation must be signed by the principal executive officer of that corporation or by an official of the rank of corporate vice president or above who reports directly to such principal executive officer and who has been designated by the principal executive officer to make such applications on behalf of the corporation. In the case of a partnership or a sole proprietorship, the application must be signed by a general partner or the proprietor. Each application must contain a certification by the person signing the application that he is familiar with the information provided and that to the best of his knowledge and belief such information is complete and accurate.

(h) *State certification.* (1) Section 21(b)(1) of the Water Quality Improvement Act of 1970 provides that "Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards * * *. No license or permit shall be granted until the certification required by this section has been obtained or has been waived" (as provided in a portion of section 21(b)(1) not quoted here). In cases where certification is required and no express notice of waiver has been received from the certifying agency, District Engineers should, as a general rule, provide the certifying agency with a full year within which to take action before determining that a waiver has occurred. If, however, special circumstances (as identified by either the District Engineer or the Regional Representative) require that action on a permit application under the Refuse Act be taken within a more limited period of time, the District Engineer shall determine a reasonable lesser period of time, advise the certifying agency of the need for action by a particular date, and that if certification is not received by the date established that it will be considered that the requirement for certification has been waived. Sections 21(b)(7) and (b)(8) of the Act identify circumstances in which permits of limited duration may issue without the certification required by section 21(b)(1). See paragraph (n) of this section.

(2) In cases involving discharges or deposits from facilities the construction of which was not lawfully commenced prior to April 3, 1970, certification pursuant to 21(b)(1) is required. District Engineers may accept, but not fully process, any permit application until the applicant has provided the required certification. When persons who will eventually require a Department of the Army permit seek State or other certification they shall (i) provide the appropriate certifying agency with the information on the discharge or deposit required by paragraph (g)(1) of this section, and (ii) file a copy of the certification application with the District Engineer. These steps will facilitate the processing of any formal application which may later be filed with the District Engineer and will enable the District Engineer to determine if the certification required is being waived by inaction on the part of the certifying authority.

(3) In cases involving a discharge or deposit from a facility, the actual construction of which was lawfully commenced prior to April 3, 1970, it will be the policy of the Corps of Engineers to accept but not to fully process any permit application until the applicant or the State has provided a letter from the State describing the impact of the proposed discharge or deposit and indicating the view of the State on the desirability of granting a permit. If such a letter is not provided within 1 year or within such lesser reasonable period of time as the District Engineer may have determined this requirement shall be waived.

(i) *Processing of permit applications.* (1) When an application for a permit is received, care should be taken to assure that the applicant has provided all of the information required by this regulation. Copies of applications received and all other information received relating thereto will be promptly forwarded by the District Engineer to the Regional Representative of EPA.

(2) If all of the required information has been provided but the applicant has failed to provide, as appropriate, the required certification or other letter discussed in paragraph (h) of the section, the applicant should be advised that no action will be taken on his application until the required certification or letter is provided or until a year or such lesser reasonable period of time as the District Engineer may have determined shall have expired and that his application will be processed only to the extent of sending a copy of the application to the Regional Representative of EPA.

(3) When all of the required information has been provided and the applicant has also provided, as appropriate, the required certification or letter discussed in paragraph (h) of this section, together with assurances that the character of the discharge or deposit was fully described to the State agency prior to the issuance of the certification or letter, the applicant shall be advised that his application is in order and that it will be processed as expeditiously as possible.

(4) When the application is found to be in order the District Engineer shall promptly forward a complete copy of the application or such additional information as has not already been furnished to the Regional Representative of EPA. The Regional Representative of EPA will be asked to review the application and to (i) advise the District Engineer within 30 days whether the proposed discharge or deposit may affect the quality of waters of another State (as required by section 21(b)(2) of the Water Quality Improvement Act of 1970), and (ii) provide the other information identified in paragraph (d)(3) of this section within 45 days. If, however, additional time beyond said 45 days (or any extension thereof) is required to respond, the Regional Representative shall notify the District Engineer and shall advise him as to the additional period of time which will be required to provide such information. In cases where a Regional Representative does not provide such information and advice to a District Engineer within the time period specified herein (including any extensions of time required by the Regional Representative) the advice furnished by a State or other certifying authority shall be considered by the District Engineer to be the advice of the Regional Representative. In the event that the Regional Representative determines that the proposed discharge or deposit may affect the quality of the waters of any other State and so notifies the District Engineer, the matter should be reported to the Chief of Engineers, Attention: ENGGC–K. In such cases, special procedures are provided for in section 21(b)(2) of the Water Quality Improvement Act of 1970.

(5) At approximately the same time a completed copy of the permit application is furnished to the Regional Representative of EPA, a public notice, as described in paragraph (j) of this section, will be issued. Notice will also be sent to all parties known or believed to be interested in the application, including the appropriate Regional Director of the Department of the Interior, the National Oceanic and Atmospheric Administration of the Department of Commerce, navigation interests, State, county, or municipal authorities, adjacent property owners, the heads of State agencies having responsibility for water quality improvement and wildlife resources, and conservation organizations. Copies of the notice will be posted in post offices and other public places in the vicinity of the site of the proposed discharge or deposit. A copy of every notice issued will be

sent to the Chief of Engineers, Attention: ENGCW–ON.

(6) If notice of the permit application evokes substantial public interest a public hearing may be held. Policy with respect to the holding and conduct of public hearings is discussed in paragraph (k) of this section.

(7) In the absence of objection by the Regional Representative of EPA or, in the cases involving the Fish and Wildlife Coordination Act, by the Regional Director of the Department of the Interior or the National Oceanic and Atmospheric Administration of the Department of Commerce, District Engineers may, consistent with the policy guidance contained in paragraph (d) of this section and, after considering all of the information developed with respect to the permit application, including written or oral information presented in response to a public notice or at a public hearing, issue a permit, with or without conditions. In the event that the District Engineer determines that issuance of the permit with or without conditions, is appropriate but there is objection to the issuance of the proposed permit by the Regional Representative of EPA or, in cases involving the Fish and Wildlife Coordination Act, by the Regional Director of the Department of the Interior or the National Oceanic and Atmospheric Administration of the Department of Commerce, the matter must be forwarded to higher authority for decision. Every effort should be made to restore differences at the District Engineer level before referring the matter to higher authority. In the event that differences cannot be resolved, District and Division Engineers will forward the application, copies of the public notice and addressees to whom sent, the comments of State and Federal agencies, a copy of the transcript of any public hearing held, a narrative report and recommendations to the Chief of Engineers, Attention: ENGCW–ON. In any case referred to the Secretary of the Army pursuant to paragraph (d)(6) of this section, consultation with the Administrator shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

(j) *Public notice.* (1) As required by paragraph (1) (5) of this section a public notice will be issued after a permit application is determined to be in proper order. In cases where the permit applied for pertains to a discharge or deposit and does not involve construction or other work in navigable waters, the notice shall (i) state the name and address of the applicant, (ii) identify the waterway involved and provide a sketch showing the location of the proposed discharge or deposit, (iii) fully identify the character of the discharge, (iv) include any other information which may assist interested parties in evaluating the likely impact of the proposed discharge or deposit, if any, (v) provide 30 days within which interested parties may express their views concerning the permit application. All public notices involving a proposed discharge or deposit shall contain the following statement:

"The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on (1) anchorage and navigation, (2) water quality standards and related water quality considerations as determined by State authorities and the Environmental Protection Agency, and (3) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources."

(2) Comments received from interested parties within the period provided for in the public notice will be retained and will be considered in determining whether the permit applied for should be issued.

(3) When a response to a public notice has been received from a Member of Congress, either in behalf of a constituent or himself, the Division or District Engineer will inform the Member of Congress of the final action taken on the application.

(4) When objections to the issuance of a permit are received in response to a public notice, the Division or District Engineer will furnish the applicant with copies of the objections and afford him the opportunity to rebut or resolve the objections.

(k) *Public hearings.* (1) It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, a public hearing may be helpful and will be held in connection with an application for a permit involving a discharge or deposit in navigable waters or tributaries thereof whenever, in the opinion of the District Engineer such a hearing is advisable. In considering whether or not a public hearing is advisable, consideration will be given to the degree of interest by the public in the permit application, requests by responsible Federal, State, or local authorities, including Members of the Congress, that a hearing be held, and the likelihood that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued. In this connection, a public hearing will not generally be held if there has been a prior hearing (local, State, or Federal) addressing the proposed discharge unless it clearly appears likely that the holding of a new hearing may result in the presentation of significant new information concerning the impact of the proposed discharge or deposit. The need for a hearing will be reported to the Division Engineer and his concurrence obtained. In certain circumstances a public hearing may be mandatory (see subparagraph (4) of this paragraph).

(2) The success of a public hearing depends upon the degree to which all interests are aware of the hearing and understand the issues involved. The following steps will be taken for each hearing:

(i) A public notice will be prepared and issued in clear, concise, objective style, stating the purpose of the hearing; details of time and place; description of the application involved; and identification of the proposed discharge or deposit. Care will be exercised to avoid creating any impression that the Corps is an advocate or adversary in the matter.

(ii) The Public Notice will be issued sufficiently in advance of the hearing, generally not less than 30 days, to allow time for interested persons to prepare for the hearing. It will be distributed to addressees on compiled lists and will include all known parties directly affected, all governmental entities concerned, all general public news media within the geographical area, appropriate specialized news media for reaching interested groups and organizations, and directly to the principal officers of such groups and organizations, including national offices of nationwide organizations.

(iii) As appropriate, supplementary informational matter, fact sheets, or more detailed news releases, will be distributed to the general or specialized news media, or other groups and interests involved.

(iv) Notification will be given to interested members of the Congress and Governors of the States involved.

(3) The hearing will be conducted in a manner that permits open and full advocacy on all sides of any issues involved. A transcript of the hearing, together with copies of relevant documents, will become a part of the permit application assembly.

(4) In addition to the hearings which may be required by the policy specified in the preceding paragraphs, hearings are required under sections 21(b)(2) and 21(b)(4) of the Water Quality Improvement Act of 1970 when (i) a State, other than the State of origin, objects to the issuance of a permit and requests a hearing on its objections or (ii) the Secretary of the Army proposes to suspend a Department of the Army permit upon notification by the certifying authority that applicable water quality standards will be violated. When a hearing is required pursuant to the Water Quality Improvement Act of 1970 the matter should be reported to the Chief of Engineers, Attention: ENGGC–K. The Chief of Engineers will provide additional guidance with respect to holding of such hearings.

(5) In any case, when a District Engineer intends to schedule a public hearing he shall notify the Regional Representative of EPA not less than 10 days in advance of the deadline for filing of comments by the Regional Representative upon the permit application so that the Regional Representative will be able to defer such comments until after the public hearing has been held.

(l) *Environmental impact statement.* (1) Section 102(2)(c) of the National Environmental Policy Act of 1969 requires all Federal agencies, with respect to major Federal actions significantly affecting the quality of the human environment, to submit to the Council on Environmental Quality a detailed statement on

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(2) Section 102(2)(c) statements will not be required in permit cases where it is likely that the proposed discharge will not have any significant environmental impact. Moreover, the Council on Environmental Quality has advised that such statements will not be required where the only impact of proposed discharge or deposit will be on water quality and related considerations. However, such statements may be required in connection with proposed discharges or deposits which may have a substantial environmental impact unrelated to water quality. In cases in which a section 102(2)(c) statement may be required, the report of the District Engineer accompanying any case referred to higher authority (see paragraphs (d)(3) and (i)(7) of this section) will contain a separate section addressing the environmental impact of the proposed discharge or deposit, if any, and, if issuance of a permit is recommended, a draft section 102(2)(c) statement should be attached.

(m) *Publicity.* District Engineers will, in consultation with Regional Representatives, establish and maintain a program to assure that potential applicants for permits are informed of the requirements of this regulation and of the steps required to obtain permits for discharges into navigable waters. Whenever the District Engineer becomes aware of plans being developed by either private or public entities who will require permits in order to implement the plans a letter will be sent to the potential permittee ad-

vising him of statutory requirements and the need to apply for a permit under this regulation.

(n) *Duration of permits issued.* (1) In cases where appropriate certification has been received indicating that there is reasonable assurance that the proposed discharge or deposit will not violate applicable water quality standards and issuance is otherwise proper, no permit may be issued which authorizes a discharge or deposit for more than 5 years without providing for revalidation of such permit.

(2) In cases involving a facility, the construction of which was lawfully undertaken prior to April 3, 1970, and it appears after evaluation that issuance of a permit would be appropriate although certification has not been provided, a permit may be issued provided (i) that the permit will expire on April 2, 1973, and (ii) that it is conditioned so as to require annual demonstration by the permittee that the discharge or deposit is in compliance with State water quality implementation schedules.

(i) Require compliance with applicable water quality standards, including implementing schedules adopted in connection with such standards;

(ii) include provisions incorporating into the permit changes in water quality standards subsequent to the date of the permit, and requiring compliance with such changed standards;

(iii) Provide for possible suspension or revocation in the event that the permittee breaches any condition of the permit;

(iv) Provide for possible suspension, modification or revocation if subsequent to the issuance of a permit it is discovered that the discharge or deposit contains hazardous materials which may pose a danger to health or safety.

(2) Permits shall also be subject to conditions as determined by EPA to be necessary for purposes of insuring compliance with water quality standards or the purposes of the Federal Water Polluiton Control Act. Such conditions may include but are not necessarily limited to:

(i) Requirements for periodic demonstrations of compliance with water quality criteria, established implementation schedules or prescribed levels of treatment;

(ii) Site and sampling accessibility,

(iii) Requirements for perodic reports as to the nature and quantity of discharges or deposits.

[F.R. Doc. 70-17584; Filed, Dec. 30, 1970; 8:48 a.m.]

PROPOSED RULE MAKING

(Department of Defense)

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

[33 CFR Part 209]

Permits for discharges or deposits into navigable waters—proposed policy, practice and procedure

Proposed regulations prescribing the policy, practice and procedure to be followed by all Corps of Engineers' installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407) were published in the FEDERALB REGISTER of December 31, 1970 (35 F.R. 20005). Public comment on the proposed regulations was invited within a period of 45 days from December 31, 1970.

The proposed Memorandum of Understanding set forth below relates to the proposed regulations and to Executive Order 11574 which deals with the administration of the Refuse Act Permit Program (35 F.R. 19627). If executed, the proposed Memorandum of Understanding will be an additional paragraph to the proposed regulations 33 CFR 209.131(p).

Comments, suggestions, or objections to the proposed Memorandum of Understanding should be submitted in writing to the Office of Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW-ON, within 30 days of publication of this notice in the FEDERAL REGISTER.

Dated: January 18, 1971.

F. P. KOISCH,
Major General, U.S. Army,
Director of Civil Works.

§ 209.131 Permits for discharges or deposits into navigable waters.

* * * * *

(p) *Memorandum of understanding between the Administrator of the Environmental Protection Agency and the Secretary of the Army.*

"PERMIT PROGRAM

"MEMORANDUM OF UNDERSTANDING BETWEEN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY

"In recognition of the responsibilities of the Secretary of the Army under section 13 of the Act of March 3, 1899, "the Refuse Act," (33 U.S.C. 407) relating to the control of discharges and deposits in navigable waters of the United States and tributaries thereof, and the interrelationship of those responsibilities with the responsibilities of the Administrator of the Environmental Protection Agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.) in recognition of our joint responsibilities under Executive Order No. 11574 (dated December 23, 1970) we hereby adopt the following policies and procedures:

"POLICIES

"1. It is our policy that there shall be full coordination and cooperation between our respective organizations on the above responsibilities at all organizational levels, and it is our view that maximum efforts in the discharge of those responsibilities, including the resolution of differing views, must be undertaken at the earliest practicable time and at the field organizational unit most directly concerned. Accordingly, District Engineers of the U.S. Army Corps of Engineers (hereinafter "the Corps") shall coordinate the review of applications for permits under the Refuse Act for discharges or deposits into navigable waters of the United States or tributaries thereof with Regional Representatives designated by the Environmental Protection Agency (hereinafter "EPA").

"2. EPA shall advise the Corps with respect to the meaning, content and application of water quality standards applicable to a proposed discharge or deposit and as to the impact which the proposed discharge or deposit may or is likely to have on water quality standards and related water quality considerations. The Corps shall accept such advice on matters pertaining to water quality standards and related water quality considerations as conclusive and no permit shall be issue which is inconsistent with any finding, determination or interpretation of a Regional Representative with respect to such standards or considerations.

"3. In acting upon applications for permits, the Corps shall be responsible for considering the impact which the proposed discharge or deposit may have on navigation and anchorage and, in cases where the Fish and Wildlife Coordination Act is applicable, on fish and wildlife resources.

"PROCEDURES

"1. Applicants for permits pursuant to section 13 of the Rivers and Harbors Act of 1899 shall be required by District Engineers to supply data identified by EPA and the Department of the Army. A uniform format for supplying such data will be developed by the Corps and EPA.

"2. District Engineers shall provide Regional Representatives of EPA at the earliest practicable time with copies of an applicant's request for a permit request for certification from a State pursuant to section 21(b) of the Federal Water Pollution Control Act, other requests for State approval and State or interstate agency certifications or other actions relating to such permit applications.

"3. In reaching determinations as to compliance with water quality standards, including determinations and interpretations arising from its review of State or interstate agency water quality certifications under section 21(b) of the Federal Water Pollution Control Act, Regional Representatives of EPA will determine and advise District Engineers with respect to the following:

"(i) The meaning and content of water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established 'to protect the public health and welfare, enhance the quality of water and serve the purposes' of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.'

"(ii) The application of water quality standards to the proposed discharge or deposit, including the impact of the proposed discharge or deposit on such water quality standards and related water quality considerations;

"(iii) The permit conditions required to comply with water quality standards;

"(iv) The permit conditions required to carry out the purposes of the Federal Water Pollution Control Act where no water quality standards are applicable;

"(v) The interstate water quality effect of the proposed discharge or deposit.

"4. Regional Representatives of EPA shall provide advice as to the effect, if any, of the proposed discharge or deposit on the quality of the waters of any other State not later than 30 days after receipt of copies of both the completed permit application and the State certification or other State action from the District Engineer. The other information and advice identified above shall be provided not later than 45 days after such receipt. If, however, additional time is required to respond, the Regional Representative shall so notify the District Engineer and shall advise him as to the additional period of time which will be required to provide a report. In cases where a Regional Representative does not provide such information and advice to a District Engineer within the time periods specified herein (including any extensions of time requested by the Regional Representative), the advice furnished by a State or other certifying authority shall be considered by the District Engineer to be the advice of the Regional Representative.

"5. In any case, where a District Engineer of the Corps has received notice that a State or other certifying agency has denied a certification prescribed by section 21(b) of the Federal Water Pollution Control Act, or, except as provided in a subsection G below, where a Regional Representative has recommended that a permit be denied because its issuance would be inconsistent with his determination or interpretation with respect to applicable water quality standards and related water quality considerations the District Engineer, within 30 days of receipt of such notice, shall deny the permit and provide notice of such denial to the Regional Representative of EPA.

"6. In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying a permit only if:

"(i) anchorage and navigation will be impaired; or

"(ii) the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and, after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have significant adverse impact on fish or wildlife resources.

"7. In any case where the District Engineer believes that following the advice of the Regional Representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuge Act permit program, he shall, within 10 days of receiving such advice, forward the matter through channels to the Secretary of the Army to provide the Secretary with the opportunity to consult with the Administrator. Such consultation shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

"8. No permit will be issued in cases where the applicant, pursuant to 21(b)(1) of the Water Quality Improvement Act of 1970, is required to obtain a State or other appropriate certification that the discharge or deposit would not violate applicable water quality standards and such certification was denied.

"REGULATIONS

"The Department of the Army shall consult with EPA before promulgating regulations pursuant to the Refuse Act which relate to the subject of this memorandum of understanding. In no case will such regulations be issued unless at least 30 days prior to issuance, they shall have been forwarded to EPA for comment or unless prior to that time the Department of the Army and EPA have reached agreement. EPA shall consult with the Department of the Army prior to the issuance of guidelines, policies or procedures relating to the subject of this memorandum of understanding. In no event shall such guidelines, policies or procedures be issued prior to 30 days from the date they were forwarded to the Department of the Army for comment unless prior to that time the Department of the Army and EPA have reached agreement. In no event shall regulations, guidelines, policies or procedures which are inconsistent with the provisions of this memorandum of understanding be published or issued.

"PERMIT CONDITIONS

"1. Every permit issued shall:

"(i) Require compliance with applicable water quality standards, including implementing schedule adopted in connection with such standards;

"(ii) Include provisions incorporating into the permit changes in water quality standards subsequent to the date of the permit, and requiring compliance with such changed standards;

"(iii) Provide for possible suspension or revocation in the event that the permittee breaches any condition of the permit;

"(iv) Provide for possible suspension, modification or revocation if, subsequent to the issuance of a permit, it is discovered that the discharge or deposit contains hazardous materials which may pose a danger to health or safety.

"2. Permits shall also be subject to conditions, as determined by EPA, to be necessary for purposes of insuring compliance with water quality standards or the purposes of the Federal Water Pollution Control Act. Such conditions may include, but are not necessarily limited to:

"(i) Requirements for periodic demonstrations of compliance with water quality criteria, established implementation schedules, or prescribed levels of treatment;

"(ii) Site and sampling accessibility.

"(iii) Requirements for periodic reports as to the nature and quantity of discharge or deposits.

"3. Regional Representatives of EPA may also provide District Engineers with advice as to the duration for which permits should be issued. Relevant considerations shall include the nature of the discharge, basin plans, and changing treatment technology.

"TECHNICAL DATA

"EPA, in consultation with the Department of the Army, shall develop and make available analytical procedures, methods and criteria to be employed in identifying the meaning and application of water quality standards and pursuant to which EPA's determinations and interpretations respecting water quality standards will be made.

"AMENDMENT

"If, in the course of operations within this memorandum of understanding, either party finds its terms in need of modification, he may notify the other of the nature of the desired changes. In that event, the parties shall within 90 days negotiate such amendments as are considered mutually desirable.

"(Secretary of the Army)

"Administrator of the Environmental Protection Agency)"

[FR Doc. 71-884 Filed 1-20-71; 8:49 am]

[From the FEDERAL REGISTER, Dec. 23, 1970]

PRESIDENTIAL DOCUMENTS: TITLE 3—THE PRESIDENT

(Executive Order 11574)

ADMINISTRATION OF REFUSE ACT PERMIT PROGRAM

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of section 13 of the Act of March 3, 1899, c. 425, 30 Stat. 1152 (33 U.S.C. 407), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et. seq.), the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-666c), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), it is hereby ordered as follows:

SECTION 1. *Refuse Act permit program.* The executive branch of the Federal Government shall implement a permit program under the aforesaid section 13 of the Act of March 3, 1899 (hereinafter referred to as "the Act") to regulate the discharge of pollutants and other refuse matter into the navigable waters of the United States or their tributaries and the placing of such matter upon their banks.

SEC. 2. *Responsibilities of Federal agencies.* (a)(1) The Secretary shall, after consultation with the Administrator respecting water quality matters, issue and amend, as appropriate, regulations, procedures, and instructions for receiving, processing, and evaluating applications for permits pursuant to the authority of the Act.

(2) The Secretary shall be responsible for granting, denying, conditioning, revoking, or suspending Refuse Act permits. In so doing:

(A) He shall accept findings, determinations, and interpretations which the Administrator shall make respecting applicable water quality standards and compliance with those standards in particular cirmumstances, including findings, determinations, and interpretations arising from the Administrator's review of State or interstate agency water quality certifications under section 21(b) of the Federal Water Pollution Control Act (84 Stat. 108). A permit shall be denied where the certification prescribed by section 21(b) of the Federal Water Pollution Control Act has been denied, or where issuance would be inconsistent with any finding, determination, or interpretation of the Administrator pertaining to applicable water quality standards and considerations.

(B) In addition, he shall consider factors, other than water quality, which are prescribed by or may be lawfully considered under the Act or other pertinent laws.

(3) The Secretary shall consult with the Secretary of the Interior, with the Secretary of Commerce, with the Administrator, and with the head of the agency exercising administration over the wildlife resources of any affected State, regarding effects on fish and wildlife which are not reflected in water quality considerations, where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made.

(4) Where appropriate for a particular permit application, the Secretary shall perform such consultations respecting environmental amenities and values, other than those specifically referred to in paragraphs (2) and (3) above, as may be required by the National Environmental Policy Act of 1969.

(b) The Attorney General shall conduct the legal proceedings necessary to enforce the Act and permits issued pursuant to it.

SEC. 3. *Coordination by Council on Environmental Quality.* (a) The Council on Environmental Quality shall coordinate the regulations, policies, and procedures of Federal agencies with respect to the Refuse Act permit program.

(b) The Council on Environmental Quality, after consultation with the Secretary, the Administrator, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Attorney General, shall from time to time or as directed by the President advise the President respecting the implementation of the Refuse Act permit program, including recommendations regarding any measures which should be taken to improve its administration.

SEC. 4. *Definitions.* As used in this order, the word "Secretary" means the Secretary of the Army, and the word "Administrator" means the Administrator of the Environmental Protection Agency.

RICHARD NIXON.

THE WHITE HOUSE, *December 23, 1970.*

MEMORANDUM OF UNDERSTANDING BETWEEN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY

The Administrator of the Environmental Protection Agency and the Secretary of the Army, recognizing the interrelationship between section 13, of the Act of March 3, 1899 (33 U.S.C. 407) (the "Refuse Act") administered by the Department of the Army and the statutory responsibilities of the Environmental Protection Agency under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 *et seq.*), and further recognizing their responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), and their responsibilities under Executive Order 11574 dated December 23, 1970, which directs the Federal Government to implement a permit program under the Refuse Act to control the discharge of pollutants into navigable waters and their tributaries, have entered into this memorandum of understanding to delineate more fully the respective responsibilities of said Agency and Department for water pollution abatement and control, and to establish policies and procedures for interagency cooperation in the enforcement of the Refuse Act.

I. RESPONSIBILITIES FOR WATER POLLUTION ABATEMENT AND CONTROL

A. At the Federal level, the Environmental Protection Agency has primary responsibility, pursuant to the Federal Water Pollution Control Act, for the abatement and control of pollution of interstate and navigable waters of the United States.

B. The Department of the Army has primary responsibility for the enforcement of the Refuse Act.

C. Under Executive Order 11574, the Secretary is directed to develop regulations and procedures in consultation with the Administrator governing the issuance of discharge permits under the Refuse Act, and, in connection with the grant, denial, conditioning, revocation and suspension of such permits, to adopt determination and interpretations of the Administrator respecting water quality standards and compliance therewtih.

D. The Department of the Army and the Environmental Protection Agency have in cooperation undertaken to implement the permit authority of the Refuse Act pursuant to a Memorandum of Understanding dated January , the terms of which are incorporated herein and made a part hereof.

II. THE REFUSE ACT

A. The Refuse Act, 33 U.S.C. 407, provides that:

It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of the navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the same bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officer supervising such improvement or public work: *And provided further*, That the Secretary of the Army whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such materal; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful, Mar. 3, 1899, c. 425.

B. Criminal sanctions may be imposed against persons or corporations found guilty of violating provisions of the Refuse Act. As prescribed in 33 U.S.C. 411, the penalty upon conviction is "a fine not exceeding $2,500 nor less than $500, or . . . imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction."

C. Civil proceedings may also be instituted to enjoin conduct which would violate provisions of the Refuse Act. *United States* v. *Republic Steel Corp.*, 362 U.S. 482 (1960) and *Wyandotte Transportation Co.* v. *United States*, 389 U.S. 191 (1967).

III. POLICY WITH RESPECT TO ENFORCEMENT OF REFUSE ACT

The policy of the Environmental Protection Agency and the Department of the Army is to utilize the Refuse Act and the authorities contained therein to the fullest extent possible and in a manner consistent with the provisions of the Federal Water Pollution Control Act to ensure compliance with applicable water quality standards and otherwise to carry out the purposes of the Federal Water Pollution Control Act. Persons wishing to discharge into or place deposits in navigable waters or tributaries thereof will be required to apply for and obtain a permit from the Department of the Army. Persons without an appropriate permit who discharge into navigable waters or tributaries thereof or who discharge into such waters in violation of the terms of a valid permit may be subjected to legal proceedings under the Refuse Act.

IV. INTER-AGENCY COOPERATION

A. In recognition of the expertise of the Department of the Army and the Corps of Engineers in matters pertaining to the navigability of a waterway, it is agreed that the Department of the Army, acting through the Corps of Engineers, has primary Federal responsibility for identifying and investigating violations of the Refuse Act which have an adverse impact on the navigable capacity of a waterway. Whenever a District Engineer has reason to believe that a discharge has or may have occurred having an adverse impact on water quality, he shall so notify the appropriate Regional Representative of the Environmental Protection Agency and shall provide him with all information, including, if the discharger is the holder of a Refuse Act permit, a copy of said permit and all of the conditions attached thereto. The said Regional Representative shall make such investigation as he deems appropriate and shall advise the District Engineer in a timely manner whether in his opinion a violation of the Refuse Act having an adverse impact on water quality has or may have occurred. If the Regional Representative is of such opinion, he shall make a report to the District Engineer as to the following:

1. The nature and seriousness of the apparent violation (including, if the discharger is the holder of a Refuse Act permit, information as to the conditions of such permit which appear to have been violated).

2. The nature and seriousness of the impact on water quality.

3. The measures, if any, taken or being taken by the discharger to comply with applicable water quality standards or the conditions of a Refuse Act permit, if any.

4. The existence and adequacy of State or local pollution abatement proceedings.

5. The applicability of the Federal Water Pollution Control Act, whether any administrative or judicial proceedings are being taken or contemplated thereunder, and the status of any such proceedings.

6. His recommendations as to the action, if any, which should be taken under the Refuse Act and his reasons therefore. If the discharger is the holder of a Refuse Act permit, such recommended action may include in addition to or more of the remedies available thereunder, the suspension or revocation of the permit. A recommendation to suspend shall include a recommendation as to the period and conditions of the suspension.

B. In recognition of the expertise of the Environmental Protection Agency in matters pertaining to water quality, it is agreed that said Agency has primary Federal responsibility for identifying and investigating cases involving discharges into interstate or navigable waters which have an adverse impact on water quality. District Engineers shall assist Regional Representatives of the Environmental Protection Agency by providing them with such information as may become available concerning known or suspected discharges which may adversely affect water quality (including, if the discharger is the holder of a Refuse Act permit, a copy of said permit and all of the conditions attached thereto), and, to the extent of available resources, shall assist in the conduct of investigations concerning such discharges. Regional Representatives shall be responsible for notifying District Engineers of known or suspected violations of the Refuse Act and for providing District Engineers with timely reports of investigations conducted. Whenever in the opinion of the Regional Representative a violation of the Refuse Act having an adverse impact on water quality has or may have occurred, such report shall include all of the same information and recommendations called for a in sub-paragraphs 1 through 6 of Paragraph A with respect to reports submitted under that paragraph.

C. In connection with any remedial action recommended or taken pursuant to this memorandum of understanding, due regard shall be given to the provisions of section 21(b) of the Federal Water Pollution Control Act, and in particular the provisions of sections 21(b)(4), 21(b)(5) and 21(b)(9)(B) relating to the revocation on suspension of permits.

D. In any case in which a Refuse Act permit is suspended, if the District Engineer has reason to believe that the permittee has or may have violated the terms of the suspension, he shall notify the appropriate Regional Representative of the Environmental Protection Agency and provide him with all available information. The Regional Representative shall make such investigation as he deems appropriate and shall make a report to the District Engineer, such report to include, to the extent relevant, the information and recommendations called for in subparagraphs 1 through 6 of paragraph A with respect to reports submitted under that paragraph.

E. If upon review of all reports and information prepared pursuant to this memorandum of understanding and any other available evidence, it is determined by the District Engineer of the Corps or the Regional Representative of EPA to request legal proceedings under the Refuse Act, such District Engineer or Regional Representative shall, in consultation with each other, forward all available evidence and information, including recommendations, if any, of both the Regional Representative and the District Engineer, to the appropriate United States Attorney. A copy of any covering letter forwarding information and evidence to the appropriate United States Attorney should be mailed, together with a brief summary of the factual background of the case, to the Assistant Attorney General for Lands and Natural Resources, Department of Justice, Washington, D.C. 20530.

DRAFT GUIDELINES FOR LITIGATION UNDER THE REFUSE ACT PERMIT PROGRAM

In view of (a) the signing by the President of the attached Executive Order 11574 which establishes a permit program under the Refuse Act to regulate the discharges of pollutants and other refuse matter into the navigable waters of the United States or their tributaries, (b) the signing of the attached Memorandum of Understanding between the Corps of Engineers and the Environmental Protection Agency with respect to the enforcement of the Refuse Act, and (c) the consolidation within the Land and Natural Resources Division pursuant to the attached order of criminal as well as civil responsibility for the administration of the Refuse Act, the Guidelines for Litigation Under the Refuse Act transmitted to the United States

Attorneys on June 13, 1970 are hereby withdrawn and the following procedures are to be adhered to by all United States Attorneys:

1. United States Attorneys are authorized to initiate any action, either civil or criminal, referred to them for litigation by the District Engineer of the Corps of Engineers or the Regional Representative of the Environmental Protection Agency, pursuant to their Memorandum of Understanding.

2. All allegations of violations of the Refuse Act submitted to the United States Attorneys from sources other than the District Engineer of the Corps of Engineers or the Regional Representative of the Environmental Protection Agency shall be referred to the District Engineer of the Corps of Engineers and the Regional Representative of the Environmental Protection Agency for investigation and recommendations, in accordance with the procedures set forth in the Memorandum of Understanding between the Corps of Engineers and the Environmental Protection Agency, as to whether or not legal action should be initiated.

3. The provisions of paragraphs 1 and 2 above shall not apply to actions under the Refuse Act against vessels, which actions shall continue to be handled in the manner set forth in Departmental Memorandums 374 and 376, dated June 3, 1964.

4. All requests for instructions and guidance relating to the enforcement of the Refuse Act, whether of a civil or criminal nature, or whether involving vessels or shore-based sources of pollution, shall be referred to the Pollution Control Section of the Land and Natural Resources Division, Washington, D.C. 20530 (202–739–2707).

5. No criminal or civil action under the Refuse Act shall be dismissed or settled without the prior authorization of the Assistant Attorney General for the Land and Natural Resources Division.

6. Prior to the filing of civil complaints, criminal informations and the return of indictments in Refuse Act cases, the United States Attorney shall telephonically contact the Land and Natural Resources Division (202–739–2800).

7. The United States Attorneys shall supply the Pollution Control Section, Land and Natural Resources Division, copies of all pleadings, motions, memorandums, etc., filed in Refuse Act cases.

8. United States Attorneys shall, no later than the fifth day of each month, submit to the Pollution Control Section a report of Refuse Act activities for the previous month on a form to be provided by the Land and Natural Resources Division.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C. December 23, 1970.

Mr. ROBERT E. JORDAN III,
General Counsel, Department of the Army, The Pentagon, Washington, D.C.

DEAR MR. JORDAN: Thank you for sending to us, on Monday afternoon, December 21, a copy of the proposed Corps of Engineers' regulation (ER 1145–2–321) entitled "Permits for Discharges or Deposits into Navigable Waters," to enforce section 13 of the River and Harbor Act of 1899 (33 U.S. Code 407) (the Refuse Act).

We have not yet received, and would appreciate receiving promptly, your reply to our letter of December 4, 1970, to you concerning this program.

We believe that the draft regulation is inadequate and, in some respects, inconsistent with existing law. Many of the provisions are ambiguous and appear to have been hastily written, despite the fact that the Corps has been considering this program for more than six months. We urge that this draft regulation be revised before it is published.

Our comments on some of the more significant deficiencies of the draft regulation are set forth below.

I

Section 1 of the draft states that the proposed regulation "prescribes the policy, practice, and procedure to be followed" by the Corps in carrying out the regulation. However, it does not indicate that the primary purpose of the regulation is to enforce the 1899 Refuse Act and to establish a procedure under which all refuse dischargers must apply for and obtain Corps' permits. As a matter of fact, there is no statement in the draft telling all dischargers that they must apply for a Corps permit.

II

Our Subcommittee staff had understood, from discussions with your staff, that the Corps would (1) make the regulation effective upon final publication as to those who begin to discharge refuse thereafter, and (2) require existing dischargers to file applications by July 1, 1970. The draft does not cover either of these points.

We are most eager to see this program instituted. We have repeatedly urged the Corps to initiate it. We are disappointed over the slow progress in implemetning the Corps' announcement that it would establish the program pursuant to our recommendations. We know that the Council on Environmental Quality has been attempting to "reconcile" the negative policy of the Justice Department with the more progressive policy of the Corps, both of which were announced in July of this year. Obviously, unless a date certain is established by the regulation as the deadline for violators of the 1899 Act to file permit applications with the Corps, the violators will have little incentive to comply with the law.

III

Section 3(a) of the draft restates the provisions of section 21(b) of the Federal Water Pollution Control Act concerning certification by State water pollution control agencies that the proposed discharge under the 1899 law "will be conducted in a manner which will not violate applicable water quality standards." This section of the draft also states that the applicant for a Corps permit must "provide with this application" the required certification.

This statement is not consistent with several provisions of section 8 of the draft which allow the District Engineer to process an application, at least in part, without the certification required by section 21(b) of the Federal Water Pollution Control Act.

On April 30, 1970, the Corps issued Circular 1145–2–18 which sets forth the procedures to be followed for obtaining certifications under section 21(b) in connection with permits under section 10 of the 1899 law. That circular appears to be adequate. Since the certificate provisions of section 21(b) are applicable to all permit requirements of the 1899 law, not just section 13 of that law, we know of no reason for making the procedural requirements for such certifications for section 13 permits different from those established for section 10 permits.

1. Please explain to us:

(a) Whether or not the Corps now construes Circular 1145–2–18 of April 30, 1970, as applying to applications for *all* permits under the 1899 Act.

(b) If the Corps does construe the circular as applying to all such permit applications, why wouldn't it automatically apply to applications under section 13 of that law?

(c) The circular will, by its terms, expire on June 30, 1971. If you deem it inadequate in any way, why is it being, in effect, revised just for section 13 permits?

IV

Section 3(b) of the draft states that section 102 of Public Law 90–190 requires that "all agencies of the Federal Government shall—* * * (b) *identify and develop methods and procedures in consultation with the Council on Environmental Quality established by Title II of this Act, which will* ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical consideration. * * * (Italics supplied.)

We believe that the italic portion of the above quote should be deleted. The Corps has already identified and developed the "methods and procedures in consultation with" CEQ. This draft regulation, we understand, is the product of that "consultation." The importance of the quote to the regulation is contained in that portion which is not underlined. That is the statutory directive which is meaningful and which should apply to the consideration of each permit after the "methods and procedures" are developed.

V

Section 3(c) of the draft regulation states:

c. The concern of the Congress with the conservation and improvement of fish and wildlife resources is indicated in the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c), wherein consultation with the Department of the Interior is required regarding activities affecting the course, depth, or modification of a navigable waterway.

Section 4(b) of the draft also states as follows:

"b. The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on . . . (3) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources which are not directly related to water quality standards."

These statements are inaccurate paraphrases of section 2 of the Fish and Wildlife Coordination Act (16 U.S.C. Code 662) which states, in part, as follows:

"Whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed . . ."

The letter act applies "whenever the waters . . . are to be . . . modified for any purpose whatever . . ." It is not restricted, as implied in your regulation, to cases where the activity affects only "the course depth, or modification of a navigable waterway" or where the modifying effected by the discharge is "similar" to impounding, diverting or deepening of the channel.

As in the case of the other statutes quoted in the draft, we believe that this statute should also be quoted and not paraphrased, especially when the paraphrase is inaccurate.

Furthermore, the draft regulation changes existing law by, in effect, limiting comment by the U.S. Fish and Wildlife Service (and also the National Oceanic and Atmospheric Administration) and the State fish and game agencies to "the impact of the proposed discharge or deposit on fish and wildlife resources *which are not directly related to water quality standards.*" (Italics supplied) The F & W Coordination Act contains no such limitation. Nothing in the Federal Water Pollution Control Act could be con-

structed to compel or authorizes such a limitation. Certainly, neither the Corps nor the CEQ is lawfully empowered to so limit those agenices' responsibilities and authority under the statute.

We requested that the above underlined quote be deleted from the draft regulation since it is contrary to law.

VI

Section 4(a) of the draft puts violators of the 1899 Refuse Act on notice that the Corps and the Justice Department may institute legal proceedings to enforce the law even though the violators may have filed an application for a permit. The section contains the following sentence:

The fact that official objection may not have yet been raised with respect to past or continuing discharges or deposits should not be interpreted as authority to discharge or deposit in the absence of an appropriate permit, and will not preclude the institution of legal proceedings in appropriate cases for violation of the provisions of the Refuse Act.

We believe the sentence should be deleted. It is unnecessary. The Justice Department has on several occasions filed actions against discharges who violate section 13 of the 1899 law even though no "official objection" had been previously raised to such discharges or deposits. The Justice Department, rightfully so, has not inserted in any complaint filed under section 13 a disclaimer that the lack of such an objection "should not be interpreted as authority" to violate the law. Such a statement in the Corps regulation merely enables the raising of questions by those who object to the Corps requiring these violators to apply for permits.

Assistant Attorney General Shiro Kashiwa, in his prepared testimony of December 21, 1970, before Chairman Dingell's subcommittee on Fisheries & Wildlife Conservation, stated the following policy of the Justice Department:

We believe that this important policy statement should be included in the draft regulation, as it goes beyond the statement in the draft which merely provides that "the mere filing" of a permit application "will not preclude legal action in appropriate cases for Refuse Act violations." Mr. Kashiwa, with the approval of the Attorney General, states flatly that he will bring such "legal action" where toxic substances are present in an industrial discharge. The draft should put the applicant on notice of this positive statement.

VII

Section 4(c) recognizes that the Refuse Act vests in the Secretary of the Army discretion to determine whether a permit should or should not issue. However, sections 4(c) and 4(e) then proceed to drastically limit the Corps' authority to deny a permit, in the "absence of any objection by the Regional Representative" of the Environmental Protective Agency to only two grounds:

(i) That anchorage and navigation will be impaired, or (ii) that fish and wildlife resources are adversely affected.

This is an unwarranted limitation on the Corps authority that is not founded in the law.

The responsibility for administering the Refuse Act, and determining whether to issue a permit under the 1899 law is vested in the Secretary of the Army. In *Zabel* v. *Tabb 430 F 2nd 199* (1970), the Court of Appeals for the 5th Circuit said:

When the House Report (H.R. Report 91–917 of March 18, 1970) and the National Environmental Policy Act of 1969 are considered together with the Fish and Wildlife Coordination Act and its interpretations, there is no doubt that the Secretary can refuse on *conservation grounds* to grant a permit under the Rivers and Harbors Act.

The term "conservation grounds" certainly is much broader than just water quality and fish and wildlife. It encompasses aesthetics, recreation, flood damage prevention, water supply, and other matters.

Furthermore, the Corps' own existing regulations (ER 1145–2–303) provide that "no permit [under section 1, 10, and 14 of the 1899 law which are remarkably similar to section 13 of the 1899 law in regard to the scope of the Corps discretionary authority] shall be issued unless, in the judgment of the person authorized to make the decision (namely Corps personnel), issuance will be in the public interest." The term "public interest" is far more encompassing than water quality or fish and wildlife. It covers any matter which affects the needs and welfare of the people. It includes, for example, the need of the military to acquire a particular site for defense purposes.

Where a permit is applied for to discharge refuse from a proposed private facility to be constructed on that site, the Act clearly authorized the Corps to deny the permit if it determines the public interest requires giving priority to the defense need.

We request that section 4 of the draft be revised to recognize the Corps duty to administer the permit system on the basis of the "public interest" rather than to be limited to a purely ministerial role except in relation to anchorage, navigation and fish and wildlife considerations. Indeed, this could be done by merely amending section 2 of the Corps' present regulation (No. 1145–2–303) to provide that it shall also apply to applications for permits under section 13 of the Refuse Act as well as to those under sections 1, 10 and 14.

VIII

Section 4(g) of the draft states:

"No permit will be issued for discharges or deposits of harmful quantities of oil, as defined in section II of the Federal Water Pollution Control Act *since primary permit and enforcement authority for all oil discharges is contained in that Act."*

The term "harmful quantities" is defined not in section II of the FWPC Act, but in regulations issued by the Interior Department on September 11, 1970 (35 F.R. 14306).

Furthermore the above underlined quote erroneously implies that oil discharges are subject only to the FWQA Act and ignores the fact that the 1899 law also prohibits such discharges, whether in harmful quantities or not. We believe the underlined language should be deleted.

IX

Section 4(f) provides:

In any case where the District Engineer believes that following the advice of the Regional representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuse Act permit program, he shall . . . forward the matter . . . to the Secretary . . . (for consultation with EPA) the Secretary shall accept the findings, determinations, and conclusions of the Administrator (of EPA) as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

There is no basis in any statute for this statement. The Corps should not be so bound by another agency's findings in a regulation where the law does not require it.

We agree that the Corps should not grant a permit where EPA objects on water quality grounds. But, at the same time, the Corps should also not be bound to issue such a permit if, on water quality grounds, the Fish and Wildlife Service, a State water pollution control agency or a fish and game agency, or even private citizens, demonstrate that EPA's evaluation of the water quality impact is inadequate. We note that the Corps' regulations do not thus limit it in the case of permits issued under Section 10 of the 1899 law.

We request that the above underlined quoted provision (i) be deleted, or (ii) be amended to provide that no permit shall be granted under any provision of the 1899 law if EPA objects on water quality grounds.

Furthermore, we think that the term "and related water quality considerations" is unduly vague and ambiguous. It should be deleted, or clarified.

X

Section 6(b) of the draft uses the term "minor outfall structure" and authorizes the District Engineer to abstain from requiring a section 13 permit in the case of such structures.

Please explain to us:

(a) What is a "minor outfall structure;" and

(b) Why discharges from such structures should be exempted.

XI

In our letter of December 4, 1970, to you, we asked:

Please state whether or not applicants for permits under this program will be required to demonstrate affirmatively that it is not feasible and prudent to dispose of their wastes into a municipal treatment system or by some method other than directly into a waterway.

Section 7 of the draft does not require the applicant to so demonstrate. We believe it should. We consider that this section is deficient unless such a requirement is added.

Furthermore, neither section 7 nor any other provision of the regulations tells the applicant how many copies of the application he must file. It says that he need file only "a form" or "a letter." Yet section 9 directs the District Engineer to send "copies of applications received" to EPA. This will mean that the Corps will have to make copies of each application with all its attachments for EPA (and others) at considerable cost in personnel time and funds, if your estimate of 40,000 dischargers is reasonably accurate. This cost should not be borne by the Government. The draft should be amended to require the applicant and attachments needed for review of his application by *all* interested agencies.

XII

Section 21(b) of the FWPC Act waives for three years a certification for a facility whose construction was "lawfully commenced" before April 3, 1970. The regulation does not define whether a facility constructed before April 3, 1970, on land (i.e., without an outfall requiring a section 10 permit) which deposits or discharges refuse material into a waterway in violation of section 13, or a facility with an outfall constructed in violation of section 10, would be a facility constructed without lawful authority and therefore subject to the certification requirements of section 21(b)(1) of the FWPC Act.

XIII

Section 9 of the draft requires the Corps to forward copies of applications to EPA promptly after receipt of them. No other agency is mentioned to receive such copies immediately. The regulation thus disregards the statutory mandate of the Fish and Wildlife Coordination Act that the Corps "first shall consult" with the Fish and Wildlife Service and the State fish and game agency when a Federal permit or license is applied for that would affect navigable waters. We believe that those agencies, particularly in view of the statutory directive which EPA lacks, should get copies of the application as soon as EPA, and the regulation should so provide.

XIV

The public notice and hearing provisions of the proposed regulation (sections 10 and 11) differ substantially from the public notice and hearing provisions of existing Corps regulations (ER 1145–2–303). We believe they should not so differ.

First, section 10 of the proposed regulation states that the notice shall contain a

statement limiting the Corps' authority to grant or deny permits. We have already objected above to such limitations set forth in the regulation, and our comments apply here too.

Second, the regulation provides that, in the case of section 13 permit applications, if objections are raised the applicant will be given an "opportunity to rebut or resolve" them. * * *

a. It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, a public hearing *may be helpful* and will be held in connection with an application for a permit involving a discharge or deposit in navigable waters or tributaries thereof *whenever, in the opinion of the District Engineer such a hearing is advisable.* In considering whether or not a public hearing is advisable, consideration will be given to the degree of interest by the public in the permit application, requests by responsible Federal, State or local authorities, including Members of the Congress, that a hearing be held, and the likelihood that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued. *In this connection, a public hearing will not generally be held if there has been a prior hearing (local, State or Federal) addressing the proposed discharge unless it clearly appears likely that the holding of a new hearing may result in the presentation of significant new information concerning the impact of the proposed discharge or deposit.* (Italic supplied.)

The present Corps' regulations provide:

b. It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, public hearings *are helpful and will be held in connection with applications for permits involving navigable waters of the United States whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State or local authorities, including Members of the Congress, request that a hearing be held and it is likely that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued.*

Clearly there are significant differences between the two provisions underlined above. The present regulation which was adopted pursuant to recommendation of this committee in our report (H. Report 91–917, March 18, 1970), is far better than that in the proposed regulation. We believe the proposed provisions is not in the public interest and therefore inadequate.

We believe that section 2 of the present Corps regulation (No. 1145–2–303) be amended to make it also applicable to the issuance of permits under section 13 of the 1899 law.

xv

Section 15 governing permit conditions is inadequate. It provides that permits shall "be subject to conditions as determined by EPA to be necessary for purposes of insuring compliance with water quality standards" or the purposes of the FWPC Act. In short this provides that any water quality condition imposed by a State agency or any other Federal agency cannot be included in the permit unless included as one of those "determined by EPA to be necessary." This provision, in effect, transfers to EPA a function of the Corps under the Refuse Act, without authorization by Congress either through legislation or a Reorganization Plan, and is therefore an unlawful restriction upon the Corps' authority. We note that the 1967, Interior-Army Memorandum of Understanding, authorizing consultation with the Fish and Wildlife Service, left the final decision with the Corps. See our Committee's report entitled "The Persuit for Landfill in Hunting Creek: A Debacle in Conservation", pp. 40 et seq (H. Report 91–113, March 24, 1969). We know of no legislation since then authorizing EPA to exercise this function of the Corps. We request that it be deleted.

The proposed regulation does not require the following special condition now required by the Corps regulation 1145–2–303:

For use in connection with permits for cooling water intake and outfall structures, outfall sewers from industrial and other plants and similar work.

A. That in approving this permit reliance has been placed on information and data provided by the permittee concerning the nature of the effluent and the frequency of discharges. (Here identify the nature of the effluent or discharge approved, including, if applicable, limitations with respect to chemical content, water temperature differentials, toxin, sewage, type and quantity of solids, amount and frequency of discharge.)

Permittee may not discharge any liquids or solids other than or at levels in excess of those approved herein unless a modification of this permit is approved by the Secretary of the Army or his authorized representative.

B. The permittee shall maintain adequate records of the nature and frequency of discharges and shall from time to time furnish such additional data concerning discharges as the District Engineer may require.

We see no reason for omitting these requirements with respect to section 13 permits as well as for permits under sections 1, 10, and 14 of the 1899 law.

xvi

Section 7 of the proposed regulation does not provide that all of the information required to be filed thereunder shall be fully available to governmental agencies and the public, without limitation. Similarly, no such provision is contained in the proposed regulation in connection with records of the nature and frequency of discharges which the permittee will, as we recommend, be required to maintain and provide to the Corps. We believe that a notice, similar to the one used by EPA in its industrial wastes inventory (See our Committee report H. Rept. 91–1717, Dec. 10, 1970, pp. 24–33, copy enclosed), should be included in the regulation to make it clear to everyone that such information and records will be made available to other Federal agencies, to State, interstate, and local water pollution control agencies and to the public.

xvii

Section 12 of the proposed regulation states that CEQ "has advised that section 102(C) statements will not be required where the only impact of proposed discharge or discharges will be on water quality and related considerations." We know of no basis in Public Law 91–190 or the CEQ interim guidelines for this statement.

(a) Please explain to us (i) who will make this judgment, and (ii) will it be made before or after all comments are received and a public hearing (if any) held on the application.

(b) What is included in the term "related considerations?"

xviii

The proposed regulation contains a heading "Memorandum of Understanding," but no such memorandum is found in the draft provided to us. Please provide to us a copy of that memorandum.

We have tried to set forth some of the more glaring deficiencies and inadequacies of the proposed regulation. There are others, which we have not had time to identify them.

We request that the proposed regulation be revised to meet these objections. Our staff will be pleased to work with yours in this matter.

We would appreciate your views on each of the foregoing objections.

Sincerely,

HENRY S. REUSS,
Chairman, Conservation and Natural Resource.

ADMINISTRATION PROPOSAL ON FISHERY PRODUCTS

The SPEAKER. Under previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, I am introducing today, for myself and the gentleman from Illinois (Mr. SPRINGER), the bill requested by the administration in executive communication 82, having the short title "Wholesome Fish and Fishery Products Act of 1971."

I am enclosing as part of my remarks an analysis of this bill as submitted by the administration:

SECTION-BY-SECTION ANALYSIS OF "WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971"

(NOTE.—Except for the above-mentioned short title of the bill, § 2 (Congressional findings), and §105 (saving provisions), this bill consists entirely of amendments to the Federal Food, Drug, and Cosmetic Act and is to be read within the framework of that Act. (That Act is referred to below as the Food and Drug Act or, simply, as "the Act").)

Section 2. Congressional Finding. This section contains a Congressional finding that all fish and fishery products regulated under this bill are either in, or substantially affect, interstate commerce and that Federal regulation and cooperation by the States and other jurisdictions as contemplated by the bill (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens on interstate commerce in fish and fishery products and to protect the health and welfare of the consumer.

Section 101. Definitions. This section would insert a number of new definitions in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). The term "fish" is defined as any aquatic animal (including amphibians) or part thereof capable of use as human food, and a "fishery product" is defined as any product capable of use as human food[1] which is made wholly or in part from any "fish" or portion thereof, except products which contain fish only in small proportions or (in the Secretary's judgment) have historically not been considered by consumers as products of the commercial fishing industry and are excepted from the definition by the Secretary under appropriate safeguards. The term "shellfish" as used in the provisions of the bill specifically referring to shellfish, is defined as oysters, clams, or mussels, either shucked or in the shell, and either fresh or frozen or otherwise processed; this would thus include such bivalves when canned. The terms "process", "processed", and "processing" are defined as meaning harvesting, handling, storing, preparing, producing, manufacturing, preserving, packing, transporting, or holding of fish or fishery products. Also defined would be "official

[1] The term "capable of use as human food" is defined as applicable to any fish or part or product thereof unless naturally inedible by humans, or unless denatured or otherwise identified (as prescribed by the Secretary) to deter its use as human food.

mark", "official certificate", "official device", "vessel", "establishment" (which includes vehicles), "owner or operator", "continuous inspection", and "inspector".

Section 102. Prohibited Acts. This section would add certain "prohibited acts" to those now enumerated in § 301 of the Food and Drug Act (21 U.S.C. 331). (Under the Food and Drug Act, the commission or causing of a "prohibited act" constitutes a basis for civil actions for injunctions or for criminal penalties.) The following acts and the causing thereof would be prohibited:

1. (As a new paragraph (r) of § 301 of the Act). The unauthorized making or use of an official mark, certificate, or device; forging, counterfeiting, or simulation thereof; unauthorized defacing, detaching, or destruction of an official mark, certificate, or device; the failure, contrary to regulations, to use, detach, deface, or destroy such a mark, certificate, or device; the possession (without prompt reporting) of an official device, or of a forged, counterfeit, simulated, or improperly altered official certificate, or of a device, labeling, or fish or fishery product bearing a forged, counterfeit, simulated, or improperly altered official mark; a false statement in a shipper's or other certificate provided for in regulations; and a false or misleading representation that fish or fishery products have been inspected and passed or exempted from inspection.[2]

2. (As a new paragraph (s) of § 301). The processing (as above defined) of *any* fish or fishery products in an establishment or vessel preparing any such article in violation of the requirements of the new part B added to chapter IV (the food chapter) of the Food and Drug Act by § 104 of the bill (which is summarized below and which contains special regulatory requirements for fish and fishery products). In the case of establishments or vessels processing any fish or fishery products in or for interstate commerce, this paragraph would apply also to those fish or fishery products processed for intrastate commerce.[3]

3. (As a new paragraph (t) of § 301 of the Act). The importation of fish or fishery products in violation of the import provisions in the proposed § 410(1) of the Act inserted by § 104 of the bill.

4. (As an amendment to § 301(e) of the Act). The failure to maintain or to afford official access to records, or to make reports, as required by the proposed § 411(b) of the Act inserted by § 104 of the bill.

5. (As an amendment to § 301(f) of the Act). The refusal to permit entry or inspection as authorized by §§ 410(d) and 422(d) of the Act inserted by § 104 of the bill.

Section 103. Adulteration. This section would add a new paragraph (f), consisting of two subparagraphs, to the definition of adulterated food in section 402 of the Food and Drug Act.

The first subparagraph would deem a food adulterated if it is, bears, or contains any fish or fishery product and has been processed, stored, or handled in violation of the proposed section 410 or 411 or of any regulations issued under those sections. This would, in the case of establishments subject to registration under § 410(b), apply to all fish and fishery products processed therein, including those intended for intrastate commerce.

The second paragraph would deem shellfish (as above defined), or any food derived wholly or in part from shellfish, adulterated if the shellfish (A) was not harvested in a State under an annual State plan (approved by the Secretary of HEW) for classification and control of growing areas and regulation and control of harvesting practices (or, in the case of shellfish from a foreign country, an at least equal shellfish control program, or (B) was not harvested, or was not purified after harvesting, in conformity with such State or foreign program, or (C) was harvested in a growing area declared closed by the Secretary.

Section 104. Surveillance of Fish and Fishery Products, Establishments, and Vessels. The existing provisions (sections 401 through 409, 21 U.S.C. 341–348) of chapter IV (Food) of the Food and Drug Act would be designated "Part A—General" of that chapter and a new "Part B—Fish and Fishery Products", consisting of three subparts, would be added to that chapter by this section of the bill. The new Subpart 1—Surveillance and Regulation of Products, Establishments, and Vessels, of Part B, consisting of sections 410 through 413 of the Food and Drug Act, would provide as follows:

Section 410.(a) Good processing practices. Within one year after funds are first appropriated for carrying out this part of the Act, the Secretary would be required—after consultation with the national advisory council provided for in the bill and with interested Federal agencies, and State and consumer and industry representatives, etc.—to issue regulations prescribing standards of sanitation and quality control for processing (including storage or other handling) of fish and fishery products. The initial regulations would have to be made effective no later than one year after they are issued, unless the Secretary finds it necessary to postpone the effective date of all or any part of such regulations by an additional period not in excess of one year. (The maximum time allowable before all such regulations become fully effective would thus be three years from the time funds are first appropriated.) Such regulations could from time to time be amended.

(b) Certification of establishments and vessels. Beginning 60 days after the effective date of such regulations, no establishment or vessel could process fish or fishery products in or for interstate commerce without a valid annual certificate of registration issued by the Secretary. The application for such a certificate would have to be accompanied by adequate assurance (in accordance with regulations) that the establishment or vessel is and will be maintained in compliance with applicable standards. The Secretary could not issue such a certificate for an establishment unless he had made an intensive inspection after issuance of the regulations required by subsection (a) and had determined, on the basis of the inspection and of the application, that there was satisfactory assurance that the establishment was adequately equipped, staffed, and managed to conform to the standards issued under subsection (a) and that fish and fishery products processed by the establishment, including their labeling and packaging, would in all respects comply with the requirements of the Act. Denial of a certificate would be subject to the provisions of section 412 (see below) as to hearing and judicial review.

(c) Suspension and reinstatement of certificates. Certificates of registration could be suspended for failure to comply with the requirements of subpart 1 of the new part B. Suspension could be imposed only after opportunity for hearing, except that a certificate could be suspended immediately, without a prior opportunity for hearing, for failure to permit access for inspection, or where an inspection discloses violation of any provision of the food chapter of the Act or a regulation thereunder and the Secretary determines that an undue risk of imminent harm to consumers is involved. The authority to impose summary suspension could not be delegated to a nonsupervisory officer or employee of the Department. The reinstatement of a suspended certificate would, upon application, have to be granted immediately if it were found that adequate measures to comply with the requirements of the Act and regulations have been taken. Suspension of a certificate or denial of reinstatement would be subject to the hearing and judicial review provisions of section 412, but a summary suspension would remain in effect during the administrative proceeding under that section.

(d) *Surveillance, including inspection.* For the purpose of preventing introduction or use of adulterated or misbranded fish or fishery products in interstate commerce, the Secretary would be required to establish and maintain continuous and effective surveillance of all segments of the industries involved, in accordance with the most modern public health and food production practices. As a part of such surveillance, the Secretary would be required to have inspectors make such inspections, including continuous inspection whenever deemed necessary by him, as in his judgment will reasonably assure continuing compliance with, and most effectively achieve, the purposes of the provisions of the bill and of the Food and Drug Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied to any establishment or vessel, the Secretary would have to consider, among other things, the results of the intensive inspection required for issuance of a registration certificate and any other relevant experience or information (obtained through inspection or otherwise) relating to the establishment or vessel or to fish or fishery products processed by it. (Such experience could of course result in a determination to apply continuous inspection to an entire segment of the industry or to a particular class of processing operations.) If access to the establishment or vessel is denied to the inspector, this is specifically made a ground for suspension of the certificate or registration.

Any fish or fishery products found by an inspector to be adulterated would have to be immediately condemned and segregated and, if no administrative appeal is taken from the inspector's determination, or if upon completion of an appeal inspection the condemnation is sustained, would have to be destroyed for human food purposes under supervision of an inspector, except that such fish and fishery products are not to be condemned and destroyed if reprocessing under the supervision of an inspector can and does render them *not* adulterated. The cost of the above-mentioned administrative appeal from a determination of condemnation would have to be borne by the appellant if the Secretary determines that the appeal was frivolous.

Costs of inspection, including any continuous inspection, other than administrative appeal costs determined to be payable by the appellant as above mentioned, would be borne by the United States, except that the cost of overtime and holiday pay for inspection services performed in an establishment at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the establishment's control, would be borne by the establishment

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[2] In line with provisions of the present Act (§ 303(c)) the bill (§ 102(d)) allows, under certain safeguards, affirmative defenses in prosecutions with respect to possession of a forged certificate, etc., where the possessor had no reason to believe that there was a forgery, etc., or with respect to false or misleading statements or representations which were made in good faith reliance on like statements or representations of a supplier of fish or fishery products to the defendant.

[3] The bill, also, specifically lists as a "prohibited" act any violation of the bill's special requirements with respect to fish and fishery products not intended for human consumption. Insofar as such violations involve transportation, they are also "prohibited acts" under the first subparagraph of paragraph (s), above, since "processing" includes transportation.

(e) *Use of official mark.* The label of any fish or fishery products processed for interstate commerce in a registered establishment or vessel would be required to bear such identifying official mark as the Secretary might prescribe.

(f) Labeling and packaging. If the Secretary has reason to believe that any labeling or packaging used or proposed for use with respect to fish or fishery products would render such products misbranded, he would be authorized, subject to opportunity for hearing and judicial review in accordance with § 412, to direct that such labeling or packaging be withheld, and any otherwise required official mark not be used, unless such labeling or packaging were modified as prescribed by him to achieve full compliance with the Act. Should the user or proposed user affected by the Secretary's initial determination object and request a hearing, the Secretary could require that such labeling or packaging not be used pending hearing and final determination by the Secretary.

(g) Trade names and established packages. Established trade names or other labeling and packaging which are not false or misleading would be permitted.

(h) Storage and handling regulations. This subsection provides that the regulations prescribed pursuant to subsection (a) shall include standards governing the conditions of storage and handling of fish or fishery products (capable of use as human food) by persons engaged in the business of buying, selling, freezing, storing, or transporting such articles in or for interstate commerce, or importing them. See § 411(d)(3) for exemption of certain retail establishments.

(i) Importation of fish and fishery products. Imported fish or fishery products must comply with all provisions of the Act which are applicable to domestic products in interstate commerce, but the Secretary would be authorized to accept as compliance with the comparable requirements of this Act (for such period and on such terms as he might prescribe) certificates of a foreign country as to compliance with the requirements of its regulatory system if the Secretary determined that the particular foreign system of surveillance of fish and fishery products, including inspections and good processing practice, is at least equal to all the requirements of the system of regulation provided under this Act for domestic fish and fishery products and that such certificates are reliable. Products covered by such certificates would be marked and labeled as required by regulations for such imported articles. Determination of the Secretary with respect to foreign countries under this subsection would have to be based on such investigation (including inspection) and evaluation as he considered necessary or appropriate and would have to be reviewed at least annually.

Articles imported contrary to the provisions of this section and not reexported would have to be destroyed or, if merely misbranded, brought into compliance with the Act under supervision of representatives of the Secretary. With the approval of the Secretary of the Treasury and the Secretary of State, Secretary could designate exclusive ports for importation of fish or fishery products.

Section 411. Administrative and Auxiliary Provisions.

(a) Witholding, withdrawing, and reinstating certificates. The Secretary could refuse to issue, or could suspend or withdraw, a certificate of registration with respect to any establishment, notwithstanding compliance with the provisions of section 410, if the Secretary determined that the applicant for, or holder of, such certificate is unfit to engage in any business requiring such certificate because such person, or "anyone responsibly connected with him", has been convicted in any Federal or State court, within the previous 10 years, of any felony or more than one misdemeanor based on acquiring, handling, or distributing adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or of any felony involving fraud, bribery, extortion, or any other act that indicates a lack of the integrity needed for conduct of operations affecting the public health. A person shall be deemed "responsibly connected" with the business if he was a partner, officer, director, holder or owner of 10% or more of its voting stock, or employee in a managerial or executive capacity. Withholding, withdrawal, and refusal to reinstate a certificate under this section are subject to provisions of section 412 concerning hearing and judicial review.

(b) Maintenance and retention of records. Persons engaged in processing fish or fishery products for human consumption in or for interstate commerce, or holding such products after transportation in interstate commerce, could be required by regulation to maintain (for 2 years after each transaction involved) accurate records of the receipt, delivery, sale, movement, or disposition of fish or fishery products, and records relating to sanitation and quality control or labeling or otherwise bearing on whether fish or fishery products are adulterated or misbranded, and would have to permit the Secretary to have access to and copy such records. The Secretary could also require reports as to such matters, including reports as to labeling practices.

(c) Administrative detention of fish or fishery products. Whenever an authorized representative finds fish or fishery products subject to the Act on any premises and there is reason to believe that such fish or fishery products are adulterated, misbranded, or otherwise in violation of the provisions of the Act or any other Federal or State law, or have been or are intended to be distributed in violation of any such provisions, such articles could be detained by him (in a suitable manner at the owner's expense to prevent decomposition) for a period not to exceed 20 days, pending institution of court seizure proceedings under the Act or notification of other government authorities having jurisdiction thereof. This procedure is authorized for articles not subject to condemnation under section 410(d).

(d) *Inspection exemptions.* Provisions of this subpart do not apply to fish or fishery products harvested, processed, or transported by an individual exclusively for use by himself, his household, and his nonpaying guests and employees, if such individual is not engaged in the fish business. The Secretary also may upon such conditions as to sanitary standards, practices, or procedures as he may by regulation prescribe—exempt from specific provisions of this subpart retail dealers who sell fish or fishery products directly to consumers in individual retail stores, if the only processing operations performed by such dealers are conducted on the premises where such sales are made. Finally, good processing regulations under § 410(a) with respect to storage and other handling of fish or fishery products by persons engaged in buying, selling, freezing, storing, transporting, or importing the same would not apply to storage and handling at a retail store or other establishment that is subject to that section only by virtue of their purchaser in interstate commerce, if such storage and handling at such establishment are adequately regulated under State law, as determined by the Secretary after consulting with State representatives and others interested. The Secretary could suspend or terminate an exemption under this subsection with respect to any person to effectuate the purposes of the Act.

(e) *Processors of industrial fishery products and related industries.* This subsection would make it unlawful to buy, sell or offer for sale, or transport or offer or receive for transportation, in interstate commerce, or import, any fish or fishery products not intended for use as human food unless such articles are neutrally inedible by humans or are first dematured or otherwise identified as prescribed by regulation.

Section 412. Opportunity for Hearing and Judicial Review of Denial, Withholding, Suspension, or Withdrawal of Certificates, and of Withholding of Approval of Labeling or Packaging.

(a) *Opportunity for hearing.* Any person denied a certificate of registration, or with respect to whom a certificate has been suspended, denied reinstatement, or is proposed to be withdrawn, or who has under § 410(f) been refused the official mark for proposed labeling or packaging, may file objections thereto and, if such objections state reasonable grounds, shall be afforded a hearing upon request therefor. The order of the Secretary shall be based on a fair evaluation of the entire record at such hearing. Pending final decision in the case of objections to an order suspending or withdrawing a certificate, the Secretary shall grant such interim relief, if any, as he may find warranted.

(b) *Judicial review.* A final order of the Secretary on objections filed under subsection (a) may be judicially reviewed by petition filed, within 60 days, in the United States court of appeals for the circuit in which such person resides or has his principal place of business. The Secretary's findings of fact shall be sustained if based upon a fair evaluation of the entire record.

Section 413. Evidence for investigations and hearings—Subpoenas. This section would authorize the Secretary—for the purpose of any hearing, investigation, or other proceeding under the new part B which the bill would add to the food chapter (chapter IV) of the Food and Drug Act—to issue subpoenas (enforceable through court order if necessary) for the attendance and testimony of witnesses or productions of documentary or other evidence.

SUBPART 2—FEDERAL AND STATE COOPERATION

Section 421. (a) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering (1) State fish and fishery products surveillance programs—applicable to persons processing such articles solely for intrastate distribution—that are at least equal to the regulatory system established under subpart 1 for establishments processing such articles in or for interstate commerce, and (2) in the development of effective State programs (under State plans approved annually by the Secretary as meeting Federal standards) for the classification and control of shellfish growing areas and harvesting practices, including shellfish intended for introduction into interstate commerce. Such cooperation could include advisory, technical, training, and financial assistance to such State agencies. The Federal grant to any State could not exceed 50% of the estimated total cost of the cooperative program in such State. Such cooperation and payment would be contingent upon State administration being deemed adequate by the Secretary to effectuate the purpose of this section and upon agreement by the State, when requested by the Secretary, to make the services of qualified personnel of the State agency available to conduct inspections or other surveillance activities for the Department when commissioned by the Secretary under § 702 of the Food and Drug Act. Such utilization agreements could provide for Federal reimbursement of all or part of the cost to the State.

(b) The State agency with which the Secretary may cooperate would be an agency, designated by the State, with primary responsibility for coordination of the State programs having objectives similar to those under the Act, except that with respect to

the above-mentioned shellfish control program it could, in the case of States in which different shellfish control program functions are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of the Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, that unit would be deemed a part of the State agency for purposes of this section.

Section 422. (a) If, after regulations promulgated under this Act have been in effect two years less thirty days, the Secretary believed that a State had not established or was not enforcing, for wholly intrastate establishments, inspection and sanitation requirements (for fish or fishery products processed for use as human food) at least equal to thoses established for interstate establishments under subpart 1 and under related provisions of the Food and Drug Act, he would so notify the Governor. If the Secretary, after consultation with the Governor or his representatives, determines that such State has not developed or activated such requirements, the Secretary, promptly after expiration of such two-year period, would be required to designate such State as one in which the provisions of such subpart 1 and related provisions applicable to interstate establishments will apply to operations wholly within such State; the "designation" would then have this effect upon expiration of 30 days after publication in the Federal Register. However, the Secretary would be authorized to give the State a grace period of an additional year to achieve compliance if he determines that there is reason to believe that the State is likely to do so within such additional period.

If, at any time (whether within the 2-year period or the additional grace period for the State as a whole) prior to the designation of a State as being subject to subpart 1 and related provisions relating to interstate establishments, the Secretary determines that any establishment within such State is producing adulterated fish or fishery products which clearly endanger the public health, he shall so notify the Governor. If corrective action is not taken by the State within a reasonable time thereafter, the Secretary would be authorized to designate such establishment forthwith as subject to the above-mentioned provisions relating to interstate establishments until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed by such provisions.

(b) When the Secretary determines that any State previously "designated" under this section has developed and will enforce State requirements at least equal to those under subpart 1, he would be required to terminate such designation but may thereafter redesignate the State upon 30 days' notice to the Governor and publication in the Federal Register. The Secretary also could, upon such 30 days' notice and publication, designate a State that is not effectively enforcing requirements at least equal to those imposed by the above-mentioned interstate commerce provisions of this Act, whether or not the State had theretofore been designated.

(c) The Secretary would, promptly upon enactment of this bill and at least annually thereafter, review the requirements (including enforcement thereof) of State surveillance programs of States not designated under this section.

(d) For the purpose of enabling the Secretary to make determinations required of him under this section his inspection authority under § 704 of the Food and Drug Act and under the provisions of subpart 1 contained in this bill would in all cases extend to establishments in any State processing fish or fishery products solely for distribution in the State.

Section 423. State jurisdiction. This section provides that States may not impose with respect to establishments or vessels subject to registration under subpart 1 of part B of chapter IV of the Act requirements (other than recordkeeping and other requirements within the scope of § 411(b)) that are within the scope of but are additional to or different from requirements imposed by such subpart 1, and that States may not, with respect to articles processed at any such establishment or vessel in accordance with the requirements of such subpart, impose marking, labeling, packaging, or ingredient requirements that are different from or additional to those imposed under the Food and Drug Act. States may, however, exercise (consistently with the requirements of the Act) concurrent jurisdiction with the Secretary over such articles for the purpose of preventing distribution of any such articles that are adulterated or misbranded, including the exercise of such concurrent jurisdiction in any such establishment or vessel as the Secretary (by or pursuant to regulation) determines will not conflict with or unnecessarily duplicate activities of the Secretary therein.

SUBPART 3—GENERAL

Section 431. Interdepartmental cooperation. This section requires the Secretary of Health, Education, and Welfare to consult with the Secretary of Commerce and other interested Federal agencies, and with the advisory committee (see § 434) prior to the issuance of standards under the Act applicable to fish and fishery products. The Secretary may by agreement, with or without reimbursement, utilize personnel and facilities of other Federal agencies, and is encouraged to make similar arrangements with any State, to assist the Department in carrying out its responsibilities. Personnel so utilized could be commissioned as officers of the Department of HEW under existing provisions (§ 702) of the Food and Drug Act.

Section 432. Research. This proposed new section of the Food and Drug Act would authorize the Secretary to conduct, directly or through grants or contracts, research and demonstrations for the improvement of sanitation practices in the processing of fish or fishery products and for the development of improved techniques in surveillance (including inspection) activities under the Food and Drug Act. With respect to direct or contract research, this provision is confirmatory of existing authority implied in the Act.

Section 433. Personnel—Appointment and training. This section provides for the appointment of any necessary additional qualified career personnel for carrying out the new provisions relating to fish and fishery products and directs the Secretary to provide necessary or appropriate training for such personnel. It also directs the Secretary to work with educational institutions in developing programs designed to enable persons to qualify for such positions.

Section 434. National advisory committee. This section, which concludes the bill's amendments to the Food and Drug Act, provides for the appointment, by the Secretary of a national advisory committee for the newly added program. It provides that the chairman (to be designated by the Secretary) and a majority of the committee's members shall be drawn from the public (including persons representative of consumer organizations), from the environmental and other relevant sciences, and from persons especially conversant with State programs, and shall have no economic interest in the commercial fishing industry.

Section 105 of the bill. Existing authority. Subsection (a) of this section preserves all authority under existing law, including specifically the Food and Drug Act, the Fair Packaging and Labeling Act, and the Public Health Service Act. There already exists broad regulatory and inspection authority in this field under the first two cited Acts, including standard setting authority. For example, the bill, in requiring the prescription of standards of sanitation and quality control for processing fish and fishery products, to be issued after appropriations are made for the new part, would not preempt existing authority for regulations under § 701(a) of the Act prescribing good manufacturing (or processing) standards for the food industries, including the fish and fisheries industries.

Subsection (b) provides that compliance with the requirements of the bill shall not relieve any person from any liability under common or State law.

NOT ALL POLLUTION IS BAD SAYS THE POST

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the comic page of the Washington Post which they refer to as the editorial page, carried a story last Sunday that is truly a classic of the kind of double standards for which they are famous. It deals with the monstrous job of polluting the landscape, air, and water the Post engages in while featuring editorial after editorial against such practices when engaged in by others.

The Post, through its 49-percent owned papermill in Nova Scotia, is responsible for polluting the air with a "pungent and unpleasant" sulfur gas, discharging 22 tons of waste per day into Liverpool Bay, along with 180 tons of acid. It is, by their own admission an eyesore they are creating, but the Post then goes on to justify their mammoth contribution to the Nation's defilement by saying that, after all, it just has to be done because producing paper is a dirty business.

The story also tells of their own, undoubtedly impartial, survey of the population of Liverpool, and they report they could not find a single, solitary individual who objected to the pollution. Naively enough, the story admits that 25 percent of the residents work for the plant and the entire town is dependent on the plant for its existence. Perhaps that is the reason no one complains.

The story admits that all this pollution could be reduced or done away with, but pleads that such equipment is "expensive."

It is all quite typical of the Post to have a double standard of this kind, but it is rather unusual for them to admit it quite so openly. I would like to preserve this document here in the RECORD so we can refer to it from time to time as new editorials appear in the Post decrying in others what they themselves are so gigantically guilty of. It is a shame they cannot be as objective with the problems of others.

The document follows:

DOES THE POST'S PAPER MILL POLLUTE THE ENVIRONMENT?

(By Elsie Carper)

LIVERPOOL, NOVA SCOTIA.—The Washington Monthly magazine recently published a story

in the form of an open letter calling The Washington Post to account for polluting the environment—not, mind you, the environment of Washington but of this 200-year-old town on Nova Scotia's south shore. The letter expressed shock that a newspaper that has taken such a forceful editorial stand in defense of the environment should be part owner of a papermill that dirties the air and the water. The papermill, Bowaters Mersey Company, Ltd., located two miles from Liverpool, is owned 49 percent by The Washington Post Co. and the remaining 51 percent by Bowater, Inc., a London based paper products company that operates other mills in Canada and the United States.

Dirk van Loon, the writer of the letter, is a young author of children's books, who moved with his wife to Nova Scotia seeking a quiet and pollution-free environment. Instead he found the fresh-woods scent of spruce and fir tainted with the "sharp and pervasive" odor of sulfur dioxide, a marsh and beach littered with rotting wood chips and fibers and runaway logs, and acid wastes flowing untreated from the papermill into Liverpool Bay and harbor.

Writing in The Washington Monthly, van Loon said of The Washington Post: "A candid, informative analysis of your corporation's problems in trying to cope with the devastating harm the mill inflicts on the environment, would be more of a public service than your current practice of dispensing earnest sermons on the question of ecological will power while glossing over the Bowaters Mersey mess in your own front yard."

Well, the first thing to be said about this, in the interest of "candid, informative analysis," is that producing the paper on which newspapers are printed is a dirty business and Bowaters Mersey is no exception. The basic ingredients of newsprint are trees and chemicals and the byproducts are wood wastes, gases and discarded acids. And the second thing that should be said right at the outset is that Bowaters Mersey is in fact dirtier than anything Washington Post editorials can or do condone. It is also accurate to say that by sheerest chance the pollution from Bowaters Mersey is doing no apparent harm to the environment and that the mill owners are taking steps—albeit slow ones—to reduce pollution by modernizing the 40-year-old plant.

Queen's, the county in which the Bowaters Mersey mill is situated, comprises nearly a thousand square miles of wooded lands and lakes, covered—at the moment—with heavy snow and ice. Once the area drew its livelihood from its fishing and wooden ship building industry. In a more lurid past, during prohibition, it was the center for rum running. Stories persist of crates of liquor still hidden in its Atlantic coast beaches. Today, the economy of the county is dependent upon the mill that produces 182,000 tons of newsprint a year, about half of which goes to The Washington Post.

On a winter day, Bowaters Mersey is shrouded in mist rising from its large smokestacks. This is steam from the paper dryers. A thin trail of vapor from a smaller exhaust stack carries traces of sulfur gas into the air.

Flowing from its sewers into Liverpool Bay every day are 22 tons of solid wastes—bark, wood chips and fibers, grit from grinding stones and dirt, and 180 tons of dissolved sodium lignosulfanate, a reddish-brown acid solution with a sharp but not unpleasant odor.

Despite these staggering statistics, in three days of random questioning of residents of Liverpool and the nearby communities of Brooklyn and Milton, I could find no one with a major complaint about the mill, much less anyone who had been sickened by the sulfur smell or whose lawn had turned brown from the gas as van Loon implies in his letter.

"This is a one-mill town," van Loon explains in The Washington Monthly, "and there has been an understandable lack of public clamor over local pollution." Bowaters Mersey provides jobs for 1,100 workers and has an annual payroll of $8 million. It is by far the largest employer in a county with a population of about 13,000. One reason that there is no clamor is that some people might hesitate to complain about the county's biggest employer but I saw no evidence of this.

There is a second reason for what van Loon sees as complacency. Most of the pollution goes out to sea. Liverpool Bay is wide and its waters are fed by the fast flowing Mersey River. The mill is directly on the bay three miles from the Atlantic and the prevailing wind carries emissions from the smokestacks out over the ocean.

The sulfur can be smelled when the wind turns, when there is a temperature inversion—perhaps as often as six times during a summer—or when the sulfur-burning furnace is improperly fired.

I caught an occasional tinge of sulfur in the air but only when close to the plant. Some residents of Liverpool said, though, that at times the odor can be "pungent and unpleasant." Others described the scent as "spicy and sweet" and said it was "pleasing and refreshing." Because of the chemical process used, the gas does not have the rotten-eggs smell of some papermills.

The location is a fortunate accident. When the mill was built in the late 1920s, little consideration was given to environmental damage. The site was chosen because it provided an ice-free, deep water harbor for ships to unload supplies and pick up cargoes of newsprint for East Coast and overseas markets.

The mill could not operate without doing severe environmental damage if it were located on a river or lake where the volume of solid and dissolved wastes would overload the capacity of the water to recover.

Bowaters Mersey produces two kinds of pulp, mechanical and chemical, to make newsprint. Both processes pollute. The mechanical or groundwood pulp is made by grinding 4-foot lengths of spruce and fir under a flow of water. But first the bark is removed. Most of this is burned but substantial quantities are washed into the bay. Groundwood provides 75 per cent of the pulp and the remaining 25 per cent is produced by cooking wood chips and sawdust in a solution of sodium bisulfite. Ligin, the substance that binds wood cells together is dissolved and in the process nearly half the log is washed into the bay. Sulfur and soda ash are burned to produce the cooking solution.

In a single day from the combined process, 7 tons of bark, 5½ tons of wood rejects, 4 tons of knotted fibers and 5½ tons of other materials are washed into the bay.

Waves carry much of this wood waste to Sandy Cove, a marsh and beach on the outskirts of Liverpool, where it mats with seaweed and lies rotting on the shore in piles as high as four feet.

The cove is reached in winter by walking on a railroad trestle through heavy snow. The beach would not be fit for swimming in the summer even if the debris were not there. Untreated domestic sewage from Liverpool flows from outfalls into the cove. Pulp wastes also collect on a town beach and along the shoreline and must be periodically removed.

Papermills on still bodies of water can produce untold harm by coating the bottom with sludge. Scuba divers say that the bottom of Liverpool Bay is clean and sandy except for areas where logs are stored and these areas are regularly dredged. Wood fiber, though, has been found in material dredged from the channel.

While decaying wood at Sandy Cove is an eyesore it does not upset the ecological balance of the bay. The 180 tons of dissolved solids from the chemical process could be something else. The load creates a demand for oxygen equivalent to raw sewage from a city of three quarters of a million people.

No official survey has been made of water quality in the bay but there has been no apparent effect on fish life, a good barometer of pollution. The best spot for catching pollock, cod and mackeral is the breakwater, a quarter of a mile below the mill, according to Joseph Forbes, protection officer for the Canadian Department of Fisheries and Forestry. Clam beds are undisturbed and lobsters proliferate. Salmon catches are down but this is attributed to other factors including the general decline of salmon in north Atlantic waters.

The effluent does not increase the acidity of the bay nor does it measurably raise the temperature of the water. Heated water discharged from the mill each day amounts to one quarter of one per cent of the Mersey River flow. But the volume of liquid waste going into the bay raises questions of how long industries such as Bowaters Mersey can pollute large bodies of water that empty into oceans *without* upsetting the ecology of the sea. President Nixon has called for an end to ocean dumping to "prevent pollution before it begins to destroy the waters that are so critical to all living things."

Bowaters Mersey is taking deliberate steps to abate pollution. Long ago it converted the plant from soft coal to oil and two years ago installed a new steam plant with devices in the stacks to keep smoke and soot from the atmosphere and it stopped using mercury five years ago.

Machinery has been recently installed to recover the 4 tons of knotted fibers washed daily into the bay. Another 1.5 tons of wood rejects will be kept out of the sewers by converting machinery now in use from a two shift to a three shift a day operation.

M. G. Green, president of Bowaters Mersey, expects that in the next five years the mill will reclaim 80 per cent of the 22 tons of solid wastes now entering the bay. Shortly the mill will reduce the amount of sulfur dioxide entering the atmosphere by bubbling exhaust gases through the sewer effluent. But the mill at present has no plans to treat the large volume of dissolved wastes.

There are available control systems that reduce papermill pollution but they are expensive. All solid wastes would be collected, pressed and burned. The mill could convert from the sodium to a magnesium chemical process and by evaporating the cooking liquor recover chemicals for reuse. A recovery broiler would cost about $3 million.

Green says that he must keep his mill competitive and that the expenditures cannot be justified in the absence of evidence that the mill is contaminating the environment. "We must operate an efficient and viable business," he said, "It is important to us as a business organization and to this community." He is hoping that a new joint government-industry research program will come up with less costly and more efficient techniques for dealing with papermill pollution.

"We know," he said, "that we cannot sit back and wait forever. If dead fish were rolling in on our shores and if we had an emergency situation we would do the best we could with equipment now available and get along with it."

MORE FOOD FOR THE ELDERLY

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD, and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, on January 2, the growing nutritional crisis among the elderly was the subject of the First Annual Joseph A. Despres Conference for Senior Citizens, held at the Hud-

son Guild-Fulton Center in New York City.

Focused on the need for meal programs for the aged, the conference brought together some 250 leaders in the field of the aging and representative senior citizens from the Metropolitan New York area.

The Hudson Guild has been one of two centers in Manhattan where low-cost meals for the elderly have been provided under a 3-year demonstration program funded by the Health, Education, and Welfare Department. Unfortunately, funds for the Hudson Guild program and a similar program at the Henry Street Settlement House, both in the 19th Congressional District, are expiring.

Participants in the conference agreed on the need for congressional enactment of the Pepper bill, which provides a federally supported nutrition program for the elderly. They also pointed up the need for a self-certification method to qualify the elderly for food stamps and urged that food stamps be accepted in lieu of direct payment for low cost meals at senior citizen centers.

Among the other proposals were an extension of medicare to cover dental bills—an essential point for the aged who cannot eat properly if their teeth are not cared for—and an increase in the base pay of social security as well as adjustments to cost of living increases.

I am adding at this point the text of my statement to the nutrition conference as well as the text of a letter I addressed to Secretary of Agriculture Hardin asking him to increase food stamp allotments to the elderly and to provide a self-certification method to qualify for food stamps.

The material follows:

CONGRESSWOMAN BELLA S. ABZUG'S STATEMENT TO NUTRITION CONFERENCE OF HUDSON GUILD-FULTON SENIOR CENTER

One out of four Americans who are age 65 or over—almost five million men and women—have incomes below the so-called poverty level. And furthermore, according to a report just issued by the U.S. Senate's Special Committee on Aging, it is only among this age group that the number of people living in poverty has risen in these past two years.

Of course, these figures do not begin to give the real picture of how elderly Americans are forced to live. The poverty line is set arbitrarily at $3,000, but this is totally unrealistic in light of today's high prices. Perhaps someone who is living in a small town in his own paid-up house and who is lucky enough to be healthy and have no other problems would not be considered poor if he had an income of $3,005 or even $4 or $5,000 a year. For most of the elderly—especially those who live in an expensive city like New York—it is another story.

The fact is that in terms of what it costs to live very, very modestly, most of America's 20 million citizens who are 65 or older are poor, and with continued inflation, with the housing shortage getting worse, with Medicare costs going up, they need help.

The solution for poverty, of course, is money, and I fully agree with those who have spoken of the need for substantial increases in social security benefits, elimination of discriminatory provisions against women, and easing of restrictions on income from work. We also urgently need amendments to Medicare to provide completely free health care and medication for the elderly, for whom long, costly illness is a constant threat and nightmare.

In reading the Senate Committee report on aging, I was particularly impressed by one piece of testimony that came from your own Patricia Carter, director of the Hudson Guild's Consumer Information Project. She told of asking a group of retired people—whose average income is $100 a month—how they manage on so little money. "What do you do?" she asked. And the reply was, "*We don't do.* We don't go out. We don't buy clothes. We don't eat in restaurants. We don't eat a lot."

The question that properly concerns this conference is one of survival, how to insure that our elderly citizens get enough to eat, not "a lot," but enough food for three nutritionally adequate meals a day.

It is shocking that the federally funded meals program, which has provided at least one solid meal a day at low cost for hundreds of elderly at the Fulton Senior Center and Henry Street Settlement, should be allowed to lapse. I will support all efforts to pass legislation, such as the Pepper bill, which would guarantee federal money on a long-range basis to maintain nutrition programs.

On an interim basis, it may be possible to keep the home delivered meal program going on under the new amendments to the Food Stamp Act of 1964. Sec. 10h of the Act provides:

"Subject to such terms and conditions as may be prescribed by the Secretary in the regulations issued pursuant to this act, members of an eligible household who are sixty years of age or over or an elderly person and his spouse may use coupons issued to them to purchase meals prepared for and delivered to them by a political subdivision or by a private non-profit organization . . . provided, that household members or elderly persons to whom meals are delivered are housebound, feeble, physically handicapped, or otherwise disabled to the extent that they are unable to adequately prepare all their meals."

Regulations have not yet been promulgated to implement this section but presumably it will allow the meals-on-wheels part of these programs to continue operation by charging the recipient the actual cost of the delivered meals, payable in food stamps. All agencies which serve hot meals to senior citizens should be actively involved in implementing this part of the program.

The Food Stamp Program legislation passed by the last session of Congress is onerous and repressive in many aspects, particularly in its work requirements, but it does provide a significant source of food for the needy. In New York City, participation by the elderly in the Food Stamp Program is far from what it should be, and I have just been informed by the head of the program that two evening centers for processing of food stamp applications are being shut down on the Lower East Side because of under-utilization.

The city has made a major effort to recruit elderly people into the program, and special recognition should be given to the work of the West Side Food Stamp Task Force, which has joined together many West Side private agencies in an effort to recruit elderly people to the program and make their facilities available for that purpose.

However, large numbers of elderly people who desperately need food will be left out unless and until an easier method of certification is used to get them into the program.

Specifically, I believe we need a self-declaration, at least for the elderly, which can be mailed to the Dept. of Social Services by individuals who are in need. The federal government has constantly turned down the city on its request for a self-declaration—this in spite of the fact that on Sept. 15, 1970 Asst. Sec. of Agriculture Richard Lynder publicly announced that the department would be issuing guidelines for a self-certification method. Those guidelines have not been forthcoming.

I will make every effort in Congress to see to it that an easier method of certification can be allowed, at least for the elderly but preferably for all who want to participate in the program. This could also be accomplished by regulation of the Dept. of Agriculture, and I am writing to Sec. of Agriculture Hardin requesting that he do so.

Secondly, the amount of money that elderly people are entitled to—$28 a month—is inadequate for their needs. Secretary Hardin has been authorized by Congress to increase the $28 a month to reflect rises in the cost of living, and that is the very least he should do.

However, I feel that the figure should be increased so that poor people can purchase at least enough food for the socalled "low cost diet" which provides $134 a month for a family of four, as opposed to the bare survival socalled nutritionally adequate diet, the present basis for the amount of stamps to which each poor family is entitled. I am making that demand on Secretary Hardin, and I urge you all to do the same.

If a major effort is made, the food stamp program—with ease of access for participation, with a sufficient number of banks selling stamps, and with all stores redeeming stamps—can help meet the nutritional needs of the elderly and the poor. I pledge my support to the West Side Food Stamp Task Force in working to get people into the program, and I pledge to work in Congress to improve nutritional programs.

WASHINGTON, D.C., *January 27, 1971.*

HON. CLIFFORD HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Despite the desperate need for better nutrition among low income groups and the elderly, the food stamp program in New York City is seriously underutilized. Of 750,000 eligible persons, only an estimated 150,000 have applied.

According to information I have received, a major reason for this underutilization is the personal registration and complicated forms required to process applications. This creates a special problem for the elderly, not only because they regard the questions asked as an invasion of privacy and demeaning, but because many find it physically difficult to register in person, particularly during inclement weather.

The solution, I believe, is to replace this procedure with a self-declaration that can be mailed to the Dept. of Social Services in New York City, or another appropriate agency, by individuals in need.

Assistant Secretary of Agriculture Richard Lynder publicly announced on September 15, 1970 that guidelines for self-certification would be issued, but none have been forthcoming. I would urge you to avoid any further delay and to take this step which would make more food available to millions of undernourished Americans.

I also believe that the present $28 a month ceiling on food stamps for the elderly is totally inadequate. This figure should be increased so that poor people can purchase at least enough food for the socalled "low cost diet" which provides $134 a month for a family of four.

Sincerely yours,

BELLA S. ABZUG,
Member of Congress.

OUR ENVIRONMENT—OUR FORESTRY PROGRESS—OUR AMERICA IN THE YEARS AHEAD

(Mr. FUQUA asked and was given permission to extend his remarks at this

point in the RECORD, and to include extraneous material.)

Mr. FUQUA. Mr. Speaker, during the week of January 18, 1971, the Forest Service of the U.S. Department of Agriculture held its annual R.F. & D. meeting.

During this week the Chief of the Forest Service, Edward P. Cliff, and his Washington office staff meet with the nine regional foresters, 10 forest and range experiment station directors and two State and private forestry area directors from all parts of the Nation. The meeting focused on "Where Do We Stand Today?" and "Where Do We Go From Here?" Secretary of Agriculture Hardin and Assistant Secretary Cowden addressed the group at its initial session.

On Thursday evening, January 21, the group held its annual stag dinner at the Twin Bridges, Marriott Motel. Secretary Hardin attended the reception prior to the dinner.

The dean of the Florida congressional delegation, the Honorable ROBERT L. F. "BOB" SIKES, was the speaker for this occasion.

Introducing the speaker, Chief Ed Cliff told of BOB'S 30 years of dedicated efforts and accomplishments in the field of conservation and forestry.

Mr. SIKES, in opening his talk, mentioned the interest and cooperation of Secretary Hardin, Under Secretary Phil Campbell, Bill Galbraith, the Deputy Under Secretary, and Assistant Secretary Cowden in forest matters. Bill Galbraith, a past national commander of the American Legion, and Dr. Cowden were on the rostrum along with officials of other bureaus of the USDA.

BOB SIKES' speech to this distinguished audience representing all 50 States and Puerto Rico is worthy of the attention of every American, both for its advice and counsel on environmental and forestry problems and activities, and for its look at our America of the future.

The speech follows:

SPEECH OF CONGRESSMAN BOB SIKES

I am glad to meet with people like Ed Cliff and Milt Bryan and with all of you who have contributed so much to the present sound status of America's very important forestry program. Ed has done outstanding work as Chief of the Forest Service. Milt is, of course, your missionary to Capitol Hill, and I will be first to state there are many areas where missionaries to the Congress are needed. He has done the job so well for so long that the average newcomer thinks Milt is one of the senior Congressmen and finds it hard to understand that he isn't assigned an office and staff on Capitol Hill.

I have been very closely associated with forestry and with the development of legislation to improve forestry in America for some 30 years, and I feel at home with this group. I know enough to believe that the Forest Service should stay where it is and has been since 1905, and that it should not be shifted to another Department of government with the confusion which would attend such a change.

I know enough about forestry to feel that it is time for renewed emphasis on sound new forestry programs such as a forestry incentive program. New forestry legislation has tended to be overlooked and bypassed in the emphasis on other programs and other activities in recent years. I propose that we start now to modernize forestry legislation and in this we shall need your help and your advice. You are the experts. I volunteer my services.

There is another aspect to your work in forestry. There is new focus on environmental problems. Because of this factor alone, your responsibilities in this decade are going to be more serious than ever before and certainly among the most challenging in the country. You have an important part in the task of helping to solve what could very well be the number one task of the nation—that of maintaining and improving the quality of life for all Americans.

The Nation has awakened to the realization of the environmental problem, but not as fully to the importance of forestry generally. The question is: Can we mobilize the necessary talents, and, more important, the necessary will, to meet the material needs of a growing Nation, to solve our environmental problems, and to combine this with a stronger forestry program? A good share of the answers to this question rests with you.

It's going to take more than words and policies to do such a job. It's going to take a lot of hard work, dedication, sacrifice, and skilled leadership. It will take all this to provide Americans with clean air and water, adequate housing, improved standards of living, relief from noise pollution, plenty of open space and outdoor recreation opportunities, an abundant food supply, and all the other elements which go to make up a quality environment.

Fortunately, I don't think there's any other group more aware of the difficulties and conflicts in solving these problems. You know what is involved in trying to meet the needs of a burgeoning population from a fixed land and resource base. You know it can be done only by making the best possible use of all our resources. And that's something in which the Forest Service, the originator of the concept of multiple use management, is expert.

As a matter of fact, the Forest Service has had 65 years worth of experience in solving environmental problems. It administers 187 million acres of land which can be managed as a model for the Nation. Through its cooperative efforts with State forestry agencies and individuals it influences management of almost one-third of the Nation's land; two-thirds of the agency's research effort related directly to the environment. Who could be better qualified to lead the Nation's efforts to regain and maintain a quality environment? You men lead the Forest Service, and that puts you directly where the action is in the Seventies.

I've been particularly pleased to note in the past year the reemphasis the Forest Service has been giving its environmental quality efforts. I'm speaking, for example, of the farsighted and far-reaching objectives and policy statements issued by the Service in "Framework for the Future." These objectives set some important goals. I understand the past year has also seen a lot of thinking, research, and plain hard work go into comprehensive plans for management of the National Forests, for expanding research, and for renewed efforts to achieve better management of the large segment of our forest lands in non-industrial private ownership. All of these are needed to translate these goals into programs of action on the ground.

I've taken note of some of the innovative ideas the Forest Service is trying out to meet the challenges of the Seventies—such things as multi-functional and inter-disciplinary concepts of management planning; integrated land use plans for wide areas; refresher courses in ecosystem planning for top- and middle-level management.

But most of all, I've been pleased to note the way the Forest Service has been willing to take a hard, cold look at itself and its resource management programs—to admit that these programs have not been in proper balance and to determine to do the top quality resource management job that is needed. Chief Cliff has stressed to you his determination that the Forest Service shall achieve balance in its programs and that none of the goods or services provided by the National Forests shall be produced at the expense of future generations. I applaud his position, as I am sure you all do.

I know that Chief Cliff has asked for understanding and support from every Forest Service employee to achieve this balanced program. He has asked you all to recognize that to meet the Forest Service goals for production with better balance and higher quality will require that all of you embrace this singleness of purpose. The Forest Service has always been known for the high quality and dedication of its employees. And with the leadership qualities I see in this room tonight, I have no doubts that Ed Cliff will receive the support he needs and that the Forest Service will achieve its stated goals with a balanced resource management program for the Seventies.

Now, let's look a little further. Let's look at the far horizons. We are passing through serious and sometimes dangerous times. There have been occasions when we were perilously close to having national policy made in the streets by riots, by demonstrations, and by strikes. If this should ever occur, anarchy will have seized the reins in America and the great traditions which we have known as a nation will be gone forever.

It is time for an exercise of responsibility and this is not a job just for the government in Washington. Something essential to national preservation may be slipping away from us. It is time to rally behind the banner of America's traditions, time to stop appealing to men's weaknesses and start appealing to their strengths. Instead of excusing ourselves or blaming the government for every ill or demanding the government correct every problem, we must accept the responsibilities that rightly belong to the individual. It is time to stand up and speak out for America.

Believe me, there are nearly 200 years of history back of us which attest to the fact that America is right and that the critics are wrong; that America will endure when the critics are forgotten; that the loudmouth crowd, most of whom have nothing to offer in place of what they are trying to destroy, will also soon be forgotten. What will be remembered is that America has done more for its people and more for the people of the world than any other Nation under heaven; that America offers opportunities for those who are willing to work for them and that are greater than opportunities anywhere else in the world.

There are some who are builders, some who are wreckers, and some who are neither. It is time to be builders—and here we pride ourselves that we are—builders for tomorrow's America.

I like to feel here tonight that I am looking, not at problems which beset the Nation's Capital, but at a land of promise, a land of opportunity which stretches from coast to coast and which embraces all of the magnificent areas which constitute this land—that I am looking, not at a people who are suppliants of government, but at people who seek opportunity and who see in this land the greatest of all opportunities; a Nation where great goals can be set and achieved; a Nation where people see and appreciate the greatness of America, and a land whose citizenry will not stand idly by and see our greatness despoiled and lost—a land of builders.

WAR POWERS OF CONGRESS AND THE PRESIDENT NEED TO BE SPELLED OUT

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

Mr. DULSKI. Mr. Speaker, I am today introducing legislation aimed at spelling out the war powers of the Congress and the President.

I have been concerned for some time about the progress of events in Indochina. I am particularly disturbed about the current heavily censored activities which appear to skirt the intent of congressional limitations on U.S. combat participation.

Congress already has restricted combat activities in Indochina, but quite apparently we did not go far enough.

To simply restrict use of ground troops in specified areas leaves a loophole and an opportunity for technically different operations which still result in comparable U.S. participation in violation of congressional intent.

Over most of the years of our Nation's history, the responsibility for putting our troops into combat has been under the control and supervision of the Congress. However, in recent years, Chief Executives have been taking the initiative, moving on their own and then belatedly letting Congress know how they have committed U.S. manpower.

CLARIFY PRESIDENTIAL POWER

It is my firm conviction that the Chief Executive should have the power to commit our troops to combat only when our Nation is under attack or in clear danger of attack.

I recognize that there can be extraordinary and emergency circumstances that could arise demanding near-instantaneous reaction on the part of the Chief Executive. However, this is not ordinarily the case because usually there are sufficient warnings and intelligence on potential dangers to our national security.

If, however, such extraordinary and emergency circumstances should arise, then the President should be required to inform the Congress immediately in detail, both as to the circumstances and to the extent of the reaction.

Our forefathers, in writing the U.S. Constitution, made it clear that the power to declare war rests with Congress. I believe that Congress needs to reaffirm this power through legislative action in spelling out in the greatest detail possible exactly the circumstances and procedures under which a Chief Executive can act.

FAILURE TO CONSULT CONGRESS

In the present circumstances in Indochina it is quite evident and greatly disturbing to me that the administration has not consulted with the Congress about the commitments that already have been made.

Indeed, the manner in which the current Far East circumstances have developed raises real doubt in my mind whether the preliminary facts even were made available to our Chief Executive before it was too late for him to reverse U.S. participation.

I am not a member of the Foreign Affairs Committee and therefore would not expect to be kept informed in continuing detail on these matters. But I do feel the integrity of the Members of Congress who properly need and are entitled to be informed is being questioned by the disturbing reluctance of the administration to inform them on essential details.

With regard to Indochina, I feel we have two prime concerns as we withdraw in orderly fashion. First, we must work for the safe return of the prisoners of war, and second, we must work for the safe return of all remaining U.S. forces.

The joint resolution which I have introduced today seeks to spell out in careful detail the war powers of the Congress and the President.

The need for this legislation is more evident today than when I began studying and analyzing the matter several weeks ago.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

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. Born on a farm in 1869, Frank Lloyd Wright gained world fame as the architect of American cities. Wright's design of public and private buildings inspired a new awareness and appreciation of the design and functionality of structure and made the skyscraper a new and permanent symbol of urban America.

THE HOUSING RIGHTS ACT OF 1971

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

Mr. BOB WILSON. Mr. Speaker, I am today introducing the Housing Rights Act of 1971 which is designed to update Federal guidelines for construction of housing backed by the dollars of taxpayers. It would extend a uniform code across the Nation, aimed at preventing antiquated building codes, or restrictive labor agreements, from blocking the use of modern construction techniques.

I am pleased that 27 of my colleagues have joined me in submitting this much-needed legislation to Congress. This is a nonpartisan effort with Members from both sides of the aisle cosponsoring the bill.

This is the same measure that 14 of our colleagues cosponsored with me when it was first introduced last year.

The United States stands today on the threshold of a great breakthrough in housing concepts. We are phasing out of the traditional house and lot concept for mass housing, and phasing into the multiple-dwelling unit, carefully designed to give maximum living space and modern conveniences. New building techniques have been developed, and this new, now-type housing can be within the financial reach of young families just getting started, families moving to new jobs, and the aged, whose finances are limited.

To build these houses we must use modern methods. Modular housing, prefabrication of sections and fixtures, and preassembly at modern plants will be needed. My bill simply provides that no local codes or locally made labor agreements will be used to block the construction of federally financed housing. It provides recourse in the courts by the Attorney General.

The housing of the 1970's will differ in form and concept from that of decades past. We now need to bring our laws up to date to pave the way for the massive housing program our country must have during this decade if we are to meet our national needs. The Federal role in housing has been well established over the past 30 years through the public housing and loan guarantee programs. Now it is up to Uncle Sam to clear away the underbrush of complex local laws that no longer apply to today's homebuilding market.

We are aware that this legislation is far reaching and may be more than Congress may be able to accept at one time; therefore, if this should be the case, I am prepared to accept a half step, but very reluctantly, by insisting that this concept be applied to the Operation Breakthrough program which is aimed at demonstrating the use of new homebuilding technology in major areas around the country. However, I must emphasize that those of us who have sponsored this legislation are hopeful that Congress will move quickly this year to pass this bill so that the way will be cleared for providing the much needed housing in our country.

THE EMERGENCY EMPLOYMENT ACT OF 1971

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DANIELS of New Jersey. Mr. Speaker, we will begin the work of the 92d Congress at a time when nearly 5 million of our fellow Americans are jobless, and the rate of their unemployment keeps steadily climbing. Today, the seasonally adjusted rate of unemployment in this, the most highly industrialized Nation in the history of mankind, stands at 6 percent, the highest such figure in 9 years.

It is imperative that this body focus its attention on the desperate need of Americans—black and white, young and old, blue collar and white collar, professionals and the unskilled—for decent employment. A nation which turns a deaf ear to their plight should take little comfort in the landing of men on the moon.

Over the entire year just concluded, 1970, an average of more than 4 million Americans were unemployed. During 1969, in comparison, an average of 2.8 million Americans were out of work. These figures are indeed alarming—they represent a rise in the unemployment rate from 3.5 percent in 1969 to 4.9 percent for 1970.

Today I am introducing the Emergency Employment Act of 1971, a 5-year program designed to assist the millions of jobless Americans when the unemployment rate reaches a national level of 4.5 percent by providing useful and needed public service jobs.

Under my proposed legislation, after the Secretary of Labor determines the unemployment rate to be 4.5 percent or higher for 3 consecutive months, he would be authorized to enter into contracts with States, local governmental units, public and private nonprofit agencies and institutions to carry out useful public service employment programs.

The bill provides for this purpose $500 million when national unemployment averages 4.5 percent for 3 consecutive months. Additional increments of $100 million are authorized for each increase in unemployment of one-half of 1 percent for 3 consecutive months. However, these funds are not unlimited. During the first year of operation, the total funds to be allocated under the bill would be $750 million, and in any following year, the limit is one billion dollars.

In the 91st Congress, the Select Subcommittee on Labor which I chair held 2 days of hearings on comprehensive manpower bills. The Senate and House subsequently passed a broad manpower and training bill which was then vetoed by the President. Our manpower programs do need to be examined carefully by this Congress, but 5 million jobless people cannot afford to wait any longer for Congress to address their immediate problem. I intend to begin hearings shortly on emergency measures to provide public service jobs and will conduct hearings on comprehensive bills later in this session.

The National Commission on Technology, Automation, and Economic Progress reports that there are 5.3 million potential public service jobs in such fields as education, beautification, welfare and home care, public protection, medical and health services, urban renewal and sanitation.

In its study of public service job possibilities in 130 cities with a population of 100,000 or more, the W. E. Upjohn Institute reports that the mayors said there were 280,000 potential jobs which could be filled by a public service employment program. It should be noted that of this figure, 141,000 could be immediately filled by untrained or unskilled unemployed persons, while the remainder required some sort of skilled or paraprofessional workers.

The unemployment statistics in this regard revealed that it is not solely the unskilled who need jobs, but also the white-collar workers. The unemployment rate for white-collar workers, 3.7 percent, is the highest since 1958 when the Bureau of Labor Statistics began a monthly compilation of the unemployed by categories. Among these white-collar workers, the rate of professional and technical workers who are unemployed rose from 2.4 percent in November to 3 percent in December 1970.

Clearly, all categories of the workforce find unemployment increasing and could benefit from a public service job creation program. For those who say that public service jobs are merely make-work programs reminiscent of the WPA, I would remind them that our Governors and mayors are crying out for Federal assistance to help them meet the need for improving community services in such vital fields as public health and safety, welfare and child care, and conservation and preservation of dwindling natural resources. This Emergency Employment Act, therefore, will be effective in two ways: It will benefit the unemployed by providing useful jobs at decent wages and give them an opportunity to serve their community while simultaneously removing them from unemployment rolls; and it will also provide the mayors and Governors with a pool of manpower to deliver urgently needed community services.

THE DEFAMATION OF MINORITY GROUPS BY MASS MEDIA

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

Mr. ANNUNZIO. Mr. Speaker, on January 22, my distinguished colleague from New Jersey, Hon. PETER W. RODINO, JR., took the lead in reintroducing House Concurrent Resolution 88 which expresses the sense of the Congress against production and distribution of films that degrade racial, religious and ethnic groups. Joining him as sponsors, besides myself, were almost 60 Members of this body who share a mutual and deep-seated concern over this intolerable situation which has been perpetuated by our mass media.

When I appeared at hearings held by the House Interstate and Foreign Commerce Committee last September to speak in favor of this resolution, I pointed out at that time that as an American and the son of Italian immigrants, I was only too well acquainted with the innuendoes, the guilt-by-association techniques, the sick jokes, and the countless other vicious, contemptible and cruel methods employed by our mass media to degrade members of ethnic and minority groups.

It is high time that a halt is called to the scurrilous portraits of ethnic Americans which the media not only allow but seem to encourage. Everyone knows that Polish-Americans are no less lacking in intelligence than other Americans, that Italian Americans are no more hoods and crooks than other Americans, just as Mexican Americans are no lazier or devious than the rest of us.

Such inexcusable slurs upon the dignity and integrity of ethnic minorities are not only an affront to the fundamental American concept of fair play but more importantly, constitute a destructive attack upon many of those very individuals who have contributed in lasting and tangible ways to the building of this Nation—a nation which by its very definition is comprised of immigrants from every corner of the globe.

Indeed, Mr. Speaker, such revered names as Christopher Columbus, the great Italian navigator who discovered America; Dr. Enrico Fermi, the Italo-American who is regarded as one of the greatest physicists of our time and the father of nuclear energy; Gen. Casimir Pulaski, the eminent Polish nobleman who first established our American cavalry and give his life for our freedom in the American Revolutionary War; Thaddeus Kosciusko, the Polish patriot who fought in our Revolutionary War and engineered the fortification of West Point; and so many others too numerous to mention without whose contributions America, the greatest democracy on earth, would perhaps never have flourished.

The most remarkable aspect of America is its diversity. That composite of cultures which has gone into the making of America has produced one of the richest, most exciting, most vital societies in history. It is from this diversity that the greatness of America springs, and it is the triumph of America that, out of such diversity, has come that mingling of traditions, temperament, and cultures which personifies the American Union.

Assimilation does not necessarily require elimination of ethnic attributes, however. Much of the ethnic flavor introduced by thousands of immigrants is of a lasting and enduring nature, and the people from faraway lands change America, even as America changes them.

It is a tragic commentary upon our times that those ethnic groups and minorities who have managed to retain a vestige of their original national identity—while at the same time assimilating the best concepts of democratic society—should be made to suffer most acutely by motion pictures and television programs which demean their identity.

Italian-Americans, Polish-Americans, Greek-Americans, Mexican-Americans, black Americans, and members of every other minority and ethnic group, who by their vigor and pride have contributed so much to America's strength and greatness—have every right to be free from the harm directed at them by thoughtless panderers of hatred and discord. Every minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to the advancement of world civilization. When we destroy this pride in self—we destroy the very quality Americans possess that has made America great.

For too long the intolerable situation of defaming minority groups in mass media has been allowed to exist, and the time is long overdue for the movie and television industries to do much more than the little they have done in the past to eliminate the discord, racial strife, and hatred they are peddling, and to reunite our country and rededicate us to the spirit of brotherhood in which our Founding Fathers established our great democracy.

I want to make it clear that this resolution has not been introduced for the purpose of censuring the motion picture and television industries. We all know that they are fully protected by the Constitution and the Supreme Court of the United States which guarantee the freedoms they enjoy, but at the same time, a serious question has been raised in the minds of millions of Americans about the abuse of their privilege of informing the public and disseminating information and news.

We see today on our college campuses frustration and misunderstanding. We

see racial disorder in all of the large cities of America, and we find ourselves more divided today than at any time in the history of our country. I charge that the reason this is happening is because the press, radio, and television have been derelict in their responsibility to help create a society in which people are proud to make a contribution to their country, and are proud to respect their own heritage and their institutions. In America the lack of respect that exists today for family, for the church, and for our institutions, has undermined our society and has caused a serious decline in the esprit de corps of our people as well as our confidence in the direction our Nation is taking. This situation continues to exist because we have permitted the mass media to ridicule and to stereotype our minority groups by using such repugnant words as "wop," "kike," "nigger," and "polack."

When such derogatory terminology is used, it can only encourage dissension, and as a result, today we have blacks fighting whites, and one ethnic group pitted against another. The day of reckoning is finally upon us. Mass media must evaluate its policies and honestly answer these questions: Are they causing confusion and frustration? Are they abusing their privilege and responsibility of informing the people? Are they encouraging the type of struggle that pits one human being against another simply because of their racial or ethnic origin?

The power of the press, television, and motion pictures over mass behavior and public attitudes is manifested in many ways. This "power" was recognized many decades ago, even before the advent of television and motion pictures, when Napoleon I said:

> Three hostile newspapers are more to be feared than a thousand bayonets.

And even more recently, our Vice President, SPIRO AGNEW, is quoted as saying:

> The powers of the networks (are) equal to that . . . of local, state, and federal governments all combined.

Such statements are good indications of the vast power of today's media to influence public attitudes.

With open conflict and mistrust all over the world, it is imperative that the leaders who help to mold and develop public opinion in the United States assume the responsibility for creating unity here at home so that we can become strong and united as a nation to meet our obligations abroad. We must show the world that our democracy has real meaning, that we are a nation of nations, that we revere and respect our institutions, and that we are ready to defend ourselves and our principles of democracy anywhere in the world.

I want to commend and congratulate Congressman RODINO for his insight in recognizing this serious problem and for taking the lead in offering this resolution as a means by which Congress can speak out forcibly on behalf of our ethnic groups and our minority groups which have contributed so much to the greatness of this country, and which, in return, deserve nothing less than its respect.

There is no doubt that those individuals who control the media are to a great extent abusing the protection of the first amendment, and in so doing, they are undermining the very principle of respect for individual rights which is guaranteed to every American as his birthright.

I, therefore, urge that this bill receive the immediate attention of the House Interstate and Foreign Commerce Committee, where it has been referred for consideration, to the end that House Concurrent Resolution 88 may be favorably reported, and the Congress may then go on record as vigorously opposing all defamatory activity directed against America's dedicated minority groups by the mass media in the United States.

PROTECTING THE ENVIRONMENT

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'HARA. Mr. Speaker, the Congress has taken great strides in enacting legislation to protect the environment. The Clean Air Act, the Water Quality Improvement Act, the Environmental Quality Education Act, the creation of a number of new national parks were among the measures enacted by the 91st Congress in the field of conservation of natural resources and the preservation of our environment.

Today, my distinguished colleague from Michigan (Mr. DINGELL) and I are introducing legislation which we think will be an important addition to the package of environmental protection bills which I am confident will be enacted by the 92d Congress.

This legislation is quite specific in intent. It is aimed at those manufacturers and businesses who pollute the environment while producing products for the Federal Government.

We should recognize that the Federal Government is in the position of subsidizing pollution by Federal contractors. It is time that the Federal Government instead used the full economic weight of its multibillion dollar contracts to require firms to stop polluting the environment.

The Federal Government is, undisputably, the Nation's largest purchaser of goods and services from private enterprise. The General Services Administration informs me that it enters into some 700,000 procurement contracts annually. The Defense Department reports more than 250,000 contract "actions" amounting to $10,000 or more.

I did a spot check in Michigan last year and discovered that of some 50 firms which the State water resources commission says have inadequate water pollution control, 28 were Federal contractors. Of 10 firms charged by the Federal Government with contaminating our lakes and rivers with mercury, two held Federal contracts at the time the charges were filed and three others had held contracts in the past.

There is no data on a nationwide basis, but I believe the Michigan figures are indicative of the extent of the problem.

Mr. Speaker, the legislation we introduce today uses a well established and proven principle as a useful tool in protecting our environment. The principle is the one by which the Walsh-Healey Act, the Davis-Bacon Act, and the Service Contractors Act require Federal contractors to meet certain wage and workplace standards if they wish to do business with the Government.

It seems to me that one logical and effective way of approaching the problems of pollution of the environment, of water and air, and of damage to fisheries and wildlife resources would be to simply require that those who wish to perform Federal contracts must agree, as a part of their contract undertaking, that they will abide by all existing Federal, State, and local environmental protection measures in the performance of that contract. The enforcement would be withholding of payments under the contract awards those who refuse to comply with laws and regulations for the protection of the environment.

I do not suggest that my bill will be a cureall, but it will at least avoid the intolerable situation in which illegal environmental pollution or damage to fisheries and wildlife resources is resulting from the performance of a contract let by the Government itself.

In brief the legislation provides that:

All contractors hired by the Federal Government to perform work in excess of $10,000 must pledge, as part of the contract, that they will comply with all local, State, and Federal regulations against environmental pollution and any additional standards or regulations which the Administrator of the Environmental Protection Agency may deem proper.

Any Federal contractor who breaks his pledge and pollutes must take all corrective measures necessary to clean up the pollution.

No payment will be made to the contractor until the Administrator of the Environmental Protection Agency determines that the antipollution clause has been satisfactorily met.

Contractors who do not abide by their obligations under the terms of the act would be barred from bidding for Federal work for 3 years or until the Administrator of the Environmental Protection Agency certified that the contractor has agreed—to the Administrator's satisfaction—that he will comply in the future with the terms of the contract.

The Administrator would also prepare a list of firms, whether Federal contractors or not, located either in this country or outside it, whose activities have significantly contributed to pollution of U.S. air and water. Firms on the list would be denied Federal contracts until the Administrator certifies that they have provided assurances that they will control pollution by their plants and facilities.

Persons in either of these two categories of ineligible bidders would have the protection provided by the Administrative Procedures Act to assure that they are afforded due process.

Mr. Speaker, this bill would put industrial firms interested in lucrative Fed-

eral contracts on notice that they could not pollute in performance of these contracts. It would encourage those firms who have been Federal contractors in the past to begin immediately to take corrective action against pollution. And finally, any firm who wants Federal business would be forewarned that no pollution would be tolerated.

The chance that this bill would cause any firm to go out of business is extremely remote. Walsh-Healey and Davis-Bacon were supposed to do just that, but they did not. But if it should come to pass that there is a plant somewhere that cannot do business without poisoning a stream or filling the air with pollutants—then we may just have to learn to do without the services of that business.

In conclusion, let me just repeat two main points: My preliminary evidence indicates that a number of industrial firms doing business with the Federal Government are among the Nation's major polluters.

Until our present laws catch up with them, which may be some time, they can continue to pollute while collecting money from the Federal Government.

This legislation would provide a tool for swift action against those firms, while serving notice to all firms who hope to do business with Uncle Sam that they will have to take appropriate antipollution action.

We have enacted general legislation, and we are making progress in the fight against pollution. But we would be remiss, Mr. Chairman, if we did not take every opportunity to control pollution.

At the present time, the Federal Government is in a position of passing laws against pollution while at the same time sanctioning pollution by its contractors. This legislation would put an end to that.

PRESIDENT WINDING DOWN WAR IN VIETNAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the supporters of surrender in Vietnam are once again attempting to stir up the Nation against President Nixon and his policy of ending our involvement in Vietnam in such a way as to insure the South Vietnamese a chance to remain free.

But despite their efforts, the American people continue to get proof that the President is indeed winding down our participation in the war. That proof comes in many ways, but one of the clearest indications aside from troop withdrawals is the weekly casualty list.

True, any casualties are too many, just as any violent deaths from any causes are too many, but the fact is that casualties continue to decline as the President's program succeeds.

Last week—the week ending January 30—we had 29 casualties. This compares to 70 for the comparable week a year ago, to 198 for the comparable week in 1969 and to 416 for the comparable week in 1968.

Who can charge that this is not major progress?

Mr. Speaker, there is going to be criticism again from the unreasoning critics about the new offensive in South Vietnam. But it is obvious to those of us who have watched the President's decisions in this area that the purpose again is to defang the enemy in order to make it possible for the American withdrawal to continue and for Vietnamization to work.

Despite the carping criticisms, I predict that the American and South Vietnamese forces will have another success and that the chances for success of Vietnamization and American withdrawal will be enhanced.

TRIBUTE OF CONGRESSMAN CLAUDE PEPPER FOR ARCHBISHOP COLEMAN F. CARROLL, ARCHBISHOP OF MIAMI, FLA.

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, all too often, in the press of our complex modern problems, we tend to neglect those heroes of our time who have silently contributed so much to helping our fellow citizens. Among the unsung heroes, few have contributed so much to the needy as Archbishop Coleman F. Carroll, the archbishop of Miami, Fla.

Assigned as the first bishop of the Catholic diocese of Miami in 1958, Archbishop Carroll has worked tirelessly for the betterment of those of all faiths and creeds. Since his installation in October 1958, Archbishop Carroll has built homes for the aged, residences for homeless teenaged boys and girls, facilities for unwed mothers, orphanages, day-care centers for the children of working mothers, centers for the rehabilitation of drug and alcohol addicts, homes for retarded children, centers to feed the hungry daily, and has provided all sorts of services to alleviate the trials of migrant workers. When the Cuban refugee exodus began, the archdiocese of Miami singlehandedly provided, for 18 months, the transportation, educational, medical, feeding and clothing, and shelter needs for these victims of Communist oppression. Today, the archdiocese continues to expend time, money, and the service of dedicated personnel to alleviate the sufferings of the oppressed who reach the safe shores of America from Cuba.

There has not been a social need to which Archbishop Carroll has not responded since he became the spiritual leader of south Florida's Catholics. Of the more than 50 social service institutions he has established in his jurisdiction, each and every one of them serves the community without regard to race, creed, or color. On February 9 of this year, Archbishop Carroll observes his 67th birthday. I could not let this occasion pass without giving public commendation to this superb humanitarian, churchman, and American citizen. May God bless and prosper his work, and may all of us continue to be inspired by his leadership and compassion for his fellow man.

CONQUEST OF CANCER ACT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is my great pleasure to introduce today on behalf of Chairman STAGGERS of the Interstate and Foreign Commerce Committee, Mr. MINISH of New Jersey and 109 other Members of the House the "Conquest of Cancer Act" of 1971.

As the three original House sponsors late in the last Congress of what I am convinced will be landmark legislation in the fight against cancer, we are proud to take the lead early in this Congress in mobilizing support for the final assault on this terrible malignancy.

We are heartened by the strong evidence of support for this cause in the large cosponsorship of the resolution of Mr. GALLAGHER of New Jersey, which he has reintroduced from the previous Congress. This concurrent resolution would express generally the sentiment of the Congress that a massive attack be organized against cancer. It has been amended in this Congress to express also the sentiment that the fight be made through a new National Cancer Authority.

The legislation we introduce today would create that National Cancer Authority. It would incorporate in the Authority the National Cancer Institute and would double immediately the level of funding for cancer research to $400 million in fiscal 1972 and raise the authorization in subsequent years to $1 billion a year.

Mr. Speaker, it was my privilege to be one of the original sponsors of the legislation which created the National Cancer Institute in 1937. I was then in the first year of the 14 years I served in the other body. Our first appropriation for cancer research was a mere $400,000 in fiscal 1938. Since that time we have raised the level of Federal funding for cancer research to $200 million.

I am extremely proud that the rate of cures of cancer has been raised from 1 in 5 in the 1930's to 1 in 3 today. This reflects great credit on the work the Cancer Institute has done in the last quarter of a century.

I feel, nevertheless, that the time has come to go beyond the National Institute of Health concept in the battle against cancer. This is a disease which kills 330,000 Americans a year and casts a shadow of dread and fear over every family in America.

Cancer is not the largest killer—this place of dishonor is held by diseases of the heart and vascular system. But cancer is the most terrifying disease in the world. It affects one-quarter of the population directly. It is estimated that of the 204 million people presently living in America, over 51 million will develop some form of cancer. Of this 51 million, more than 34 million will die of cancer unless a cure is soon discovered. These victims include persons of all ages. Among the diseases of children between the ages of 1 and 15 years, cancer is the largest killer.

The American people long for an all-

out, final assault of this dreaded disease. I believe the National Cancer Authority concept developed by a distinguished panel of Americans for former Senator Yarborough's Senate subcommittee meets the needs of the time. It is fitting to propose today $400 million for the next year to fight cancer at the very time when Apollo 14 is circling the moon. It is estimated that this Apollo 14 mission is costing about $400 million.

Thus we are saying to the American people that we should attack cancer the way we attacked the problem of putting a man on the moon. And we will attack it with the same kind of massive financial backing.

We can, and we must, mount an effort to find a cure for cancer in this decade.

We owe the American people a NASA type of attack on cancer and we are proposing today a similar, single-purposed independent agency to do the job. The National Cancer Authority is the agency which can do this job which the American people so desperately want done.

Mr. Speaker, I am not new to this concept. On January 8, 1947, I introduced in the Senate S. 93, which is described in the Digest of General Public Bills as a bill:

> To authorize and request the President to undertake to mobilize at some convenient place or places in the United States an adequate number of the world's outstanding experts and coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer.

My bill—in 1947—would have authorized $100 million a year for this "supreme endeavor to discover means of curing and preventing cancer."

I am very pleased, therefore, that the President of the United States has indicated that he will propose the expenditure of an additional $100 million for cancer research in fiscal 1972. I wish that sum had been spent in fiscal 1948. It would have gone much further in the dollars of that era and we might already have the answer to the mystery of cancer, to its causes and its cures.

The President's budget notes that $181 million was spent in fiscal 1970 of the $201 million provided for cancer research in this year. It estimates that $232 million, the allocated sum, will be spent in the current fiscal year and a like sum, plus the $100 million additional in fiscal 1972. The entry on page 491 of the appendix to the budget for fiscal year 1972 indicates that the President will propose that the additional $100 million be expended under existing legislation and "involve all pertinent institutes and agencies."

As pleased as I am that the President has recognized the need for a larger effort in the fight against cancer, it is clear to me that the size of the additional effort he recommends is inadequate. We should commit $400 million to this effort in the next fiscal year.

It will be said, I am sure, that a $400 million commitment will strain our resources of trained personnel and facilities to undertake cancer research. The advisory group felt, however, that an investment of this size was possible under present circumstances. Moreover, I am confident that we will not develop the necessary researchers until we provide the commitment for a high level of annual financing for cancer research.

Last July 28, the Secretary of Health, Education, and Welfare, Mr. Elliot Richardson, testified before the Senate Appropriations Committee against additional funds approved by the House for training grants and fellowships in biomedical research. He said "it does not make sense to continue to increase the number of researchers" in view of the limited funds being devoted to medical research. "The funds simply do not exist to support their research once they are trained," he said, "and we are creating a vicious cycle if we continue to train researchers but not provide funds to support their research."

There is indeed a "vicious cycle," but it works in the opposite direction. We are urged not to provide significantly more money for cancer research because there is not enough trained biomedical research personnel and then urged not to train enough biomedical researchers because there is not enough cancer research money to keep them busy.

It is time to break this vicious cycle with a national commitment to provide enough money for cancer research to finance all the researchers we can train—and to train the researchers as fast as they may be needed to utilize massive amounts of cancer research funds.

The National Cancer Authority can bring together the funding of both the research and the training and whatever other aspects of the total job may be necessary to seek an answer to cancer in the decade of the 1970's.

I am happy, Mr. Speaker, that the distinguished chairman of the Interstate and Foreign Commerce Committee is a leader in this effort. His contributions to the improvement of the health of the American people are many and varied and I am pleased that he is in this key position to preside over the inauguration of this final assault of cancer. The invitation I extended with Chairman STAGGERS and Mr. MINISH brought 109 other cosponsors. I wish at this point in the RECORD to list their names, and to follow the list with the text of this vital and, I believe, historic legislation:

LIST OF COSPONSORS

Mr. Abourezk, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Aspin, Mr. Badillo, Mr. Baring, Mr. Bennett, Mr. Biaggi, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Buchanan, Mr. Carney, Mr. Casey, Mrs. Chisholm, Mr. Clark, Mr. Collier, Mr. Corman, Mr. Cotter, Mr. Davis of Georgia,

Mr. Dent, Mr. Dingell, Mr. Donohue, Mr. Drinan, Mr. Dulski, Mr. Duncan, Mr. Eckhardt, Mr. Edwards of Louisiana, Mr. Ellberg, Mr. Evins, Mr. Fisher, Mr. William D. Ford, Mr. Fulton of Pennsylvania, Mr. Gaydos, Mr. Gibbons, Mr. Gonzalez, Mrs. Grasso, Mrs. Griffiths, Mr. Gubser, Mr. Halpern, Mr. Hanna, Mr. Harrington,

Mr. Hathaway, Mr. Hechler, Mr. Helstoski, Mr. Henderson, Mr. Hicks, Mrs. Hicks, Mr. Holifield, Mr. Howard, Mr. Ichord, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. Kuykendall, Mr. Kyros, Mr. Link, Mr. McCloskey, Mr. McFall, Mr. Madden, Mr. Mathias, Mr. Mazzoli, Mr. Melcher, Mr. Metcalfe, Mr. Mikva,

Mr. Miller of California, Mr. Mitchell, Mr. Morgan, Mr. Moss, Mr. Murphy of Illinois, Mr. Nedzi, Mr. Nichols, Mr. O'Neill, Mr. Pickle, Mr. Poage, Mr. Podell, Mr. Preyer, Mr. Pryor, Mr. Rees, Mr. Rhodes, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roy, Mr. Roybal, Mr. Runnels,

Mr. Ryan, Mr. St Germain, Mr. Scheuer, Mr. Shoup, Mr. Sikes, Mr. Slack, Mr. James V. Stanton, Mr. Steele, Mr. Stratton, Mr. Tiernan, Mr. Ullman, Mr. Vanik, Mr. Vigorito, Mr. Waggonner, Mr. Waldie, Mr. Ware, Mr. Watts, Mr. Charles H. Wilson, Mr. Wolff, Mr. Wright, Mr. Yates, Mr. Yatron,

Mr. Young of Florida and Mr. Zablocki.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Conquest of Cancer Act".

FINDINGS AND DECLARATIONS OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, and cure of cancer deserve the highest priority; and

(3) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program for the conquest of cancer.

(b) In order to carry out the policy set forth in this Act it is the purpose of this Act to establish, as an independent agency of the United States, the National Cancer Authority.

NATIONAL CANCER AUTHORITY ESTABLISHED

SEC. 3. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue until his successor has been appointed and has qualified.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the Authority not to exceed five Assistant Administrators.

TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 4. (a) All officers, employees, assets, liabilities, contracts, property, and resources as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the National Cancer Institute, and except as otherwise specifically provided in section 10, with any function of the National Cancer Advisory Council, are hereby transferred to the National Cancer Authority.

(b) (1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this Act shall be transferred in accordance with applications and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) The National Cancer Institute and the National Cancer Advisory Council shall lapse.

TRANSFER OF FUNCTIONS

SEC. 5. There are hereby transferred to the Administrator all functions of the Secretary of health, Education, and Welfare—

(1) with respect to and being administered by him through, or in cooperation with, the National Cancer Institute and the National Cancer Advisory Council.

(2) under title IX of the Public Health Service Act relating to education, research, training, and demonstration in the field of cancer.

FUNCTIONS OF THE AUTHORITY

SEC. 6. In order to carry out the purpose of this Act, the Authority shall—

(1) carry out all research activities previously conducted by the National Cancer Institute, together with an expanded, intensified, and coordinated cancer research program;

(2) expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for a cancer cure in areas of special promise;

(3) encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

(4) strengthen existing comprehensive cancer centers, and establish new comprehensive cancer centers as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in cancer cases;

(5) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer for professionals and for the general public;

(6) establish or support the large-scale production of specialized biological materials for research, including viruses, cell cultures, and animals, and set standards of safety and care for persons using such materials; and

(7) support research in the cancer field outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants and the training of American scientists abroad and foreign scientists in the United States.

ADMINISTRATION PROVISIONS

SEC. 7. (a) The Administrator is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Authority in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Administrator deems such action necessary to the discharge of his functions under this Act, he may appoint not more than two hundred of the scientific, professional, and administrative personnel of the Authority without regard to provisions of such title relating to appointments in the competitive service, and may fix the compensation of such personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to pay rates, not in excess of the highest rate paid for GS–18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Administrator deems is necessary to recruit specially qualified scientific and professionally qualified talent he may establish the entrance grade for scientific and professional personnel without previous service in the Federal Government at a level up to two grades higher than a grade provided such personnel under the provisions of title 5 of such Code governing appointments in the Federal service, and fix their compensation accordingly;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Authority and delegate authority to any officer or employee under his direction or his supervision;

(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain comprehensive cancer centers, laboratories, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Administrator deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Authority for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(9) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(10) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary, including funds appropriated for construction, repairs, or capital improvements; and

(11) take such actions as may be required for the accomplishment of the objectives of the Authority.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Authority in the performance of its functions with or without reimbursement.

(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

SAVINGS PROVISIONS

SEC. 8. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or institute, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or institute, or part thereof, functions of which are transferred by this Act; but such proceedings to the extent that they relate to functions so transferred, shall be continued under the Authority. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Administrator, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act hand not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or institute, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or institute, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Authority as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or institute, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or institute, or any part thereof, is transferred to the Administrator, or

(B) any function of such agency, institute, or part thereof, or officer is transferred to the Administrator, then such suits shall be continued by the Administrator (except in the case of a suit not involving functions transferred to the Administrator, in which case the suit shall be continued by the agency, institute, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, institute, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Authority or officer in which such function is vested pursuant to this Act.

(e) In the exercise of the functions transferred under this Act, the Administrator shall have the same authority as that vested in the agency or institute, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or institute, or part thereof.

REPORTS

SEC. 9. (a) The Administrator shall, within one year after the date of his appointment, prepare and submit to the President for

transmittal to the Congress a report containing a comprehensive plan for a national program designed to conquer cancer at the earliest possible time together with appropriate measures to be taken, time schedules for the completion of such measures, and cost estimates for the major portions of such plan.

(b) The Administrator shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Authority during the preceding calendar year.

NATIONAL CANCER ADVISORY BOARD

SEC. 10. (a) There is hereby established in the Authority a National Cancer Advisory Board to be composed of eighteen members appointed by the President, by and with the advice and consent of the Senate. Nine of the members of the Board shall be scientists or physicians and nine shall be representative of the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Authority. The Administrator shall be an ex officio member of the Board.

(b) (1) Members shall be appointed for six-year terms except that of the members first appointed six shall be appointed for a term of two years, six shall be appointed for a term of four years, and six shall be appointed for a term of six years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Member shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

(c) The Board shall biannually elect one of the appointed members to serve as Chairman for a term of two years.

(d) The Board shall meet at the call of the Chairman but not less than four times a year and shall advise and assist the National Cancer Authority in the development and execution of the program.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Board.

(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Authority.

(g) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishment of its objectives.

(h) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this Act shall serve as additional members of the Board for the duration of their present terms, or for such shorter duration as the President may prescribe.

(i) Members of the Board who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

(j) The Administrator shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

COMPENSATION OF THE ADMINISTRATOR, THE DEPUTY ADMINISTRATOR, AND THE ASSISTANT ADMINISTRATORS

SEC. 11. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(20) Administrator, National Cancer Authority.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(56) Deputy Administrator, National Cancer Authority.".

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Assistant Administrators, National Cancer Authority (five).".

DEFINITIONS

SEC. 12. For the purposes of this Act—

(1) "Administrator" means the Administrator of the National Cancer Authority.

(2) "Authority" means the National Cancer Authority;

(3) "Board" means National Cancer Advisory Board;

(4) "comprehensive cancer center" means such cancer research facilities as the Administrator determines are appropriate to carry out the purposes of this Act, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

(5) "construction" includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings;

(6) "function" includes power and duty;

(7) "Federal agency" means any department, agency, or independent establishment of the executive branch of the government including any wholly owned government corporation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. For the purpose of carrying out any of the programs, functions, or activities authorized by this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1972, $400 million and for each fiscal year thereafter such funds as may be necessary [not to exceed $1 billion each fiscal year] until the provisions of the Act are accomplished.

EFFECTIVE DATE

SEC. 14. (a) This Act, other than this section, shall take effect sixty days after its date of enactment or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsections (b) and (c) of section 3 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Authority pursuant to this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HELSTOSKI (at the request of Mr. BOGGS), for today, on account of official business.

Mr. KYROS (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MILLS, for 15 minutes, on Monday next.

Mr. GONZALEZ, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MILLER of Ohio) to revise and extend their remarks and include extraneous matter:

Mr. RIEGLE, for 60 minutes, today.

Mr. PRICE of Texas, for 15 minutes, today.

Mrs. DWYER, for 5 minutes, today.

(The following Members (at the request of Mr. RANGEL) to revise and extend their remarks and include extraneous matter:)

Mr. RARICK, for 10 minutes, today.

Mr. MINISH, for 10 minutes, today.

Mr. REUSS, for 15 minutes, today.

Mr. STAGGERS, for 10 minutes, today.

Mr. GIAIMO, for 60 minutes, February 9.

Mr. FLOOD, for 60 minutes, February 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in three instances and to include a prayer and two addresses.

Mr. ASPINALL, and to include extraneous matter.

Mr. BOB WILSON, and to include extraneous matter.

(The following Members (at the request of Mr. MILLER of Ohio) and to include extraneous matter:)

Mr. MCKINNEY.

Mr. YOUNG of Florida in five instances.

Mr. PEYSER in three instances.

Mr. PRICE of Texas in three instances.

Mr. DERWINSKI.

Mr. SCHWENGEL.

Mr. FRELINGHUYSEN in two instances.

Mr. BOB WILSON.

Mr. BRAY in three instances.

Mr. SCHERLE.

Mr. HUNT in two instances.

Mr. SHRIVER in two instances.

Mr. SCHMITZ in three instances.

Mr. WYMAN in two instances.

Mr. BURKE of Florida.

Mr. BROOMFIELD.

Mr. DUNCAN.

Mr. BAKER in two instances.

Mr. COUGHLIN.

Mr. MIZELL in two instances.

Mr. STEIGER of Wisconsin.

Mr. GERALD R. FORD.

Mr. McCULLOCH and Mr. McCLORY to follow Mr. McCULLOCH.

(The following Members (at the request of Mr. SCHWENGEL) and to include extraneous matter:)

Mr. TEAGUE of California.
Mr. KYL.
Mr. SCHWENGEL.
Mr. FREY.
Mr. PETTIS.
Mr. BURKE of Florida in five instances.
Mr. RUTH in five instances.
Mr. DON H. CLAUSEN.
Mr. MORSE.
Mr. BROYHILL of Virginia in two instances.

(The following Members (at the request of Mr. RANGEL) and to include extraneous matter:)

Mr. FULTON of Tennessee in four instances.
Mr. EDWARDS of California in two instances.
Mr. MONAGAN in two instances.
Mr. McFALL in five instances.
Mr. BOLLING in two instances.
Mr. GONZALEZ in three instances.
Mr. WILLIAM D. FORD in two instances.
Mr. DINGELL in two instances.
Mr. CORMAN in two instances.
Mr. BEGICH.
Mr. JOHNSON of California in two instances.
Mr. MATHIS of Georgia.
Mr. MACDONALD of Massachusetts in two instances.
Mr. SCHEUER in two instances.
Mr. HELSTOSKI in two instances.
Mr. RARICK in two instances.
Mr. PICKLE in two instances.
Mr. BOGGS.
Mr. HÉBERT in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. O'HARA in two instances.
Mr. BINGHAM in two instances.
Mr. PODELL in two instances.
Mr. MIKVA in six instances.
Mr. THOMPSON of New Jersey.
Mr. HUNGATE.
Mr. KOCH in three instances.
Mr. DORN in three instances.
Mr. FRASER.
Mr. BERGLAND in two instances.
Mr. WOLFF in three instances.

ADJOURNMENT

Mr. RANGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, February 8, 1971, 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:

199. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting a report of the proceedings of the 71st National Convention of the Veterans of Forein Wars of the United States, held in Miami Beach, Fla., August 16–21, 1970, pursuant to Public Law 88–224 (H. Doc. No. 92–45); to the Committee on Armed Services and ordered to be printed with illustrations.

200. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Consumer protective, marketing, and regulatory programs," Consumer and Marketing Service, for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

201. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

202. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Minimum Wage Act to extend minimum wage and overtime compensation protection to additional employees, to raise the minimum wage, to improve standards of overtime compensation protection, to provide improved means of enforcement, and for other purposes; to the Committee on the District of Columbia.

203. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to revise and modernize procedures relating to licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes; to the Committee on the District of Columbia.

204. A letter from the vice president and comptroller, Potomac Electric Power Co., transmitting a copy of the balance sheet of Pepco as of December 31, 1970, pursuant to 37 Stat. 979; to the Committee on the District of Columbia.

205. A letter from the Secretary of Health, Education, and Welfare, transmitting the first annual report on the health consequences of marihuana usage, pursuant to title V of Public Law 91–296; to the Committee on Interstate and Foreign Commerce.

206. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

207. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

208. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

209. A letter from the Librarian of Congress, transmitting a report of positions in the Library of Congress in grades GS–16, GS–17, and GS–18 during 1970, pursuant to 5 U.S.C. 5108(b)(2); to the Committee on Post Office and Civic Service.

210. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to ease the tax burdens of small businesses, and for other purposes; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

211. A letter from the Comptroller General of the United States, transmitting the annual report on the activities of the General Accounting Office for fiscal year 1970, pursuant to section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Operations.

212. A letter from the Comptroller General of the United States, transmitting a list of General Accounting Office reports issued or released in January 1971, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

213. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improvement in the program for redistribution of defense materiel in Europe, Department of Defense; to the Committee on Government Operations.

214. A letter from the Comptroller General of the United States, transmitting a report on the economic advantages of using American-made trucks abroad to transport military cargo, Department of Defense, to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 3542. A bill to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia (for himself and Mr. BOB WILSON):

H.R. 3543. A bill to establish a Roll of Honor for American inventors, and for other purpose; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 3544. A bill to amend section 5710(a)(2) of the Internal Revenue Code of 1954 so as to adjust the rates of tax on cigars; to the Committee on Ways and Means.

By Mr. BURTON (for himself and Mr. RYAN):

H.R. 3545. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. CELLER:

H.R. 3546. A bill to amend title 18 of the United States Code, section 702, relating to the unauthorized wearing of uniforms of the Armed Forces and the Public Health Service; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 3547. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to a taxpayer who is a student at a college for certain expenses incurred in obtaining a higher education; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 3548. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H.R. 3549. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. PATMAN:

H.R. 3550. A bill to establish a National Development Bank to provide loans to finance urgently needed public facilities for State and local governments, to help achieve a full employment economy both in urban and rural America by providing loans for the establishment of small and medium-size businesses and industries and the expansion and improvement of such existing businesses

and industries, and for the construction of low and moderate income housing projects, and to provide job training for unskilled and semiskilled unemployed and underemployed workers; to the Committee on Banking and Currency.

By Mr. COTTER:

H.R. 3551. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

By Mr. DICKINSON:

H.R. 3552. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr DICKINSON (for himself, Mr. JOHNSON of California, Mr. EDWARDS of Louisiana, Mr. HALPERN, Mr. LENT, Mr. PIKE, Mr. HOSMER, Mr. SCOTT, Mr. BLACKBURN, Mr. ARCHER, Mr. PICKLE, Mr. HOGAN, Mr. YOUNG of Florida, Mr. MAILLIARD, Mr. DONOHUE, Mr. KEITH, Mrs. HICKS of Massachusetts, Mr. HUNT, Mr. BIAGGI, Mr. HATHAWAY, and Mr. HARRINGTON):

H.R. 3553. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. EDMONDSON:

H.R. 3554. A bill to establish a National Cancer Authority and to authorize international programs and joint ventures in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

H.R. 3555. A bill to amend the public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 3556. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. COLLIER, and Mr. CONABLE):

H.R. 3557. A bill to amend titles X and XVI of the Social Security Act to increase the amount of earned income which must be disregarded by State agencies in determining the need of blind recipients of public assistance; to the Committee on Ways and Means.

H.R. 3558. A bill to amend title XIX of the Social Security Act to provide that a State, in determining a blind or disabled individual's eligibility for medical assistance, and the extent of such assistance, shall not take into account anyone else's financial responsibility for such individual, unless he is the other person's spouse or minor child; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD (for himself, Mr. DULSKI, Mr. BRASCO, Mr. UDALL, Mr. WALDIE, and Mr. HOGAN):

H.R. 3559. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. GALLAGHER:

H.R.3560. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mrs. GRIFFITHS:

H.R. 3561. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GUBSER:

H.R. 3562. A bill to provide for the adoption of the Adjusted Gregorian Calendar; to the Committee on Foreign Affairs.

H.R. 3563. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for certain expenses of repair and maintenance of a home owned by a taxpayer who has attained the age of 65; to the Committee on Ways and Means.

H.R. 3564. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 3565. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period from 1 to 5 years; to the Committee on Ways and Means.

By Mr. GUBSER (for himself, Mr. JOHNSON of California, and Mr. LEGGETT):

H.R. 3566. A bill to amend title 10 of the United States Code to provide for additional nominations by Members of Congress of persons for appointment to the service academies by the Secretaries of the military departments; to the Committee on Armed Services.

By Mr. HALPERN:

H.R. 3567. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. KEITH:

H.R. 3568. A bill to assist in the effective and suitable disposal of passenger cars at the time of the discontinuance of their use on the highways by encouraging the disposal of such cars through persons licensed by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mrs. GREEN of Oregon, Mrs. HICKS of Massachusetts, Mr. COTTER, and Mr. ROSTENKOWSKI):

H.R. 3569. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MEEDS:

H.R. 3570. A bill to extend coverage of the Public Works and Economic Development Act of 1965 to the Trust Territory of the Pacific Islands; to the Committee on Public Works.

By Mrs. MINK:

H.R. 3571. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

H.R. 3572. A bill to amend sections 312, 301(b), 320(a), and 321(a) of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 3573. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 3574. A bill to amend the Internal Revenue Code of 1954 to permit limited retail dealers of alcoholic beverages to sell distilled spirits; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 3575. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

H.R. 3576. A bill to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PURCELL:

H.R. 3577. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RYAN (for himself, Mr. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DIGGS, Mr. DOW, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MIKVA, Mrs. MINK, Mr. ROSENTHAL, Mr. SCHEUER, Mr. STOKES, Mr. TIERNAN, and Mr. WOLFF):

H.R. 3578. A bill to establish a Temporary National Security Commission; to the Committee on Armed Services.

By Mr. RYAN (for himself, Mr. BURTON, Mr. DELLUMS, and Mr. RANGEL):

H.R. 3579. A bill to limit the procurement of California and Arizona lettuce by the Department of Defense; to the Committee on Armed Services.

By Mr. RUPPE:

H.R. 3580. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. SCOTT:

H.R. 3581. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 3582. A bill to provide for the establishment of a national cemetery within the Manassas National Battlefield Park, Va.; to the Committee on Interior and Insular Affairs.

H.R. 3583. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 3584. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 3585. A bill to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3586. A bill to provide career status as rural carriers without examination to certain qualified substitute rural carriers of record in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3587. A bill to amend title 13, United States Code, to provide certain limitations with respect to the types and number of questions which may be asked in connection with the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3588. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 3589. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 3590. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 3591. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 3592. A bill to amend title 5, United States Code, to authorize the immediate retirement without reduction in annuity of employees and Members of Congress upon completion of 30 years of service; to the Committee on Post Office and Civil Service.

H.R. 3593. A bill to exclude from gross income the first $250 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. SCOTT (for himself, Mr. ESCH, and Mr. HALPERN):

H.R. 3594. A bill to provide for the establishment of a national cemetery adjacent to the Manassas Battlefield Park, Va.; to the Committee on Veterans' Affairs.

By Mr. STAGGERS (for himself, Mr. ECKHARDT, and Mr. MACDONALD of Massachusetts):

H.R. 3595. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. SPRINGER) (by request):

H.R. 3596. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 3597. A bill to impose certain safeguards on investigations carried out by Federal agencies; to the Committee on the Judiciary.

H.R. 3598. A bill to amend title 18 of the United States Code to prohibit certain activities in time of war or armed conflict; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 3599. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H.R. 3600. A bill to amend title 38 of the United States Code in order to authorize guaranteed business loans for veterans of service after January 31, 1955; to the Committee on Veterans' Affairs.

By Mr. BENNETT:

H.R. 3601. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. FISHER, Mr. FULTON of Pennsylvania, Mr. DONOHUE, Mr. HAYS, Mr. SAYLOR, Mr. FRELINGHUYSEN, Mr. HALEY, Mr. MAY, Mr. CLARK, Mr. BARING, Mr. COLLIER, Mr. DULSKI, Mr. HALPERN, Mr. ADDABBO, Mr. DAVIS of Georgia, Mr. FULTON of Tennessee, Mr. LEGGETT, Mr. PEPPER, Mr. PICKLE, Mr. DICKINSON, Mr. DUNCAN, Mr. HOWARD, Mr. BLACKBURN, Mr. ESHLEMAN, and Mr. KUYKENDALL):

H.R. 3602. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard core unemployed; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. MCDONALD of Michigan, Mr. TIERNAN, Mr. LUJAN, Mr. DANIEL of Virginia, Mr. WHITEHURST, Mr. MCKINNEY, and Mr. THONE):

H.R. 3603. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard core unemployed; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 3604. A bill to provide for the construction of a Veterans' Administration hospital of 1,400 beds in the county of the Bronx, New York State; to the Committee on Veterans' Affairs.

By Mr. BRADEMAS:

H.R. 3605. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. QUIE, Mr. THOMPSON of New Jersey, Mr. BELL, Mr. DENT, Mr. REID of New York, Mr. DANIELS of New Jersey, Mr. ERLENBORN, Mr. HAWKINS, Mr. DELLENBACK, Mrs. MINK, Mr. STEIGER of Wisconsin, Mr. MEEDS, Mr. HANSEN of Idaho, Mr. CLAY, Mr. ESCH, Mrs. CHISHOLM, Mr. RONCALIO, Mrs. GRASSO, Mr. MAZZOLI, and Mr. BADILLO):

H.R. 3606. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. BRINKLEY (for himself, and Mr. STEPHENS):

H.R. 3607. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. CORMAN (for himself, and Mrs. GRIFFITHS):

H.R. 3608. A bill to amend the Internal Revenue Code of 1954 to extend the child care deduction to men who are not married; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. ADDABBO, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Dakota, Mr. ARCHER, Mr. BARING, Mr. BELL, Mr. BEVILL, Mr. BIAGGI, Mr. BIESTER, Mr. BLACKBURN, Mr. BOW, Mr. BRASCO, Mr. BROWN of Ohio, Mr. BYRNE of Pennsylvania, Mr. CAMP, Mr. CARTER, Mr. CEDERBERG, Mr. CHAPPELL, Mrs. CHISHOLM, Mr. CLARK, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. CONTE, and Mr. CORBETT):

H.R. 3609. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. DAVIS of Georgia, Mr. DENNIS, Mr. DICKINSON, Mr. DONOHUE, Mr. DORN, Mr. DRINAN, Mr. DUNCAN, Mrs. DWYER, Mr. EDWARDS of Louisiana, Mr. EILBERG, Mr. ESHLEMAN, Mr. FASCELL, Mr. FISHER, Mr. FLOOD, Mr. FLOWERS, Mr. FORSYTHE, Mr. FRENZEL, Mr. FULTON of Pennsylvania, Mr. GOODLING, Mrs. GRASSO, Mr. GRAY, Mr. GUDE, Mr. HALPERN, and Mr. HANSEN of Idaho):

H.R. 3610. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. HARRINGTON, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mrs. HICKS of Massachusetts, Mr. HOSMER, Mr. HUNT, Mr. JOHNSON of Pennsylvania, Mr. JONES of Tennessee, Mr. KEATING, Mr. KEMP, Mr. KLUCZYNSKI, Mr. KUYKENDALL, Mr. LENT, Mr. LUJAN, Mr. MCCLORY, Mr. MCKINNEY, Mr. MANN, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MORSE, Mr. PODELL, Mr. POWELL, and Mr. PRICE of Texas):

H.R. 3611. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. PUCINSKI, Mr. RAILSBACK, Mr. RIEGLE, Mr. ROBISON, Mr. RONCALIO, Mr. ROSTENKOWSKI, Mr. ROYBAL, Mr. SCHMITZ, Mr. SCOTT, Mr. J. WILLIAM STANTON, Mr. JAMES V. STANTON, Mr. STEIGER of Arizona, Mr. TERRY, Mr. THONE, Mr. TIERNAN, Mr. WAGGONNER, Mr. WAMPLER, Mr. WHITEHURST, Mr. WILLIAMS, Mr. WRIGHT, Mr. YATRON, and Mr. ZION):

H.R. 3612. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 3613. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. DINGELL:

H.R. 3614. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. ROGERS, Mr. PELLY, Mr. MCCLOSKEY, Mr. KEITH, Mr. MOSS, and Mr. CONTE):

H.R. 3615. A bill to amend the act of August 3, 1968, relating to the protection and restoration of estuarine areas, to provide for the establishment of a national policy and comprehensive national program for the conservation, management, beneficial use, protection, and development of the land and water resources of the Nation's estuarine and coastal zone; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. PELLY, Mr. MCCLOSKEY, Mr. NEDZI, Mr. REUSS, Mr. SAYLOR, Mr. CONTE, and Mr. MOSS):

H.R. 3616. A bill to amend the Endangered Species Conservation Act of 1969 to extend the provisions therein to rare species of fish and wildlife, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 3617. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

By Mr. ECKHARDT:

H.R. 3618. A bill to authorize the establishment of the Big Thicket National Park in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FISH:

H.R. 3619. A bill to establish the Van Buren Lindenwald Historic Site at Kinderhook, N.Y., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FISHER:

H.R. 3620. A bill to amend the Federal Corrupt Practices Act, 1925, and for other

purposes; to the Committee on House Administration.

By Mr. FRASER:

H.R. 3621. A bill to amend the Social Security Act to provide that future increases in social security, railroad retirement, veterans', other Federal benefits shall be disregarded in determining an individual's eligibility or need for aid or assistance under any of the Federal-State public assistance programs; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 3622. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H.R. 3623. A bill to rescind the pay increases for Members of Congress and other Federal officials pursuant to Presidential recommendation to Congress in the budget for the 1970 fiscal year, to abolish the quadrennial Commission on Executive, Legislative, and Judicial Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 3624. A bill to prohibit the use of draftees in undeclared wars without their consent; to the Committee on Armed Services.

H.R. 3625. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

By Mrs. GRIFFITHS:

H.R. 3626. A bill to amend title 5, United States Code, to provide for equality of treatment with respect to married women Federal employees in connection with compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 3627. A bill to provide equality of treatment for married women employees of the Federal Government under the Foreign Service Act of 1946; to the Committee on Foreign Affairs.

H.R. 3628. A bill to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUDE:

H.R. 3629. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement to disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 3630. A bill to amend the Federal Water Pollution Control Act to establish health and welfare standards which must be met by all synthetic detergents and to ban from detergents all phosphates and those synthetics which fail to meet the standards by June 30, 1973; to the Committee on Public Works.

By Mr. HANSEN of Idaho (for himself and Mr. McCLURE):

H.R. 3631. A bill relating to the public lands of the United States; to the Committee on Interior and Insular Affairs.

By Mrs. HANSEN of Washington:

H.R. 3632. A bill to provide for the construction of a new Veterans' Administration hospital at Vancouver, Wash.; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. BADILLO, Mr. BINGHAM, Mr. GUDE, Mr. McCLOSKEY, and Mr. RIEGLE):

H.R. 3633. A bill to amend the Special Foreign Assistance Act of 1971 (Public Law 91-652); to the Committee on Foreign Affairs.

By Mr. LUJAN:

H.R. 3634. A bill to amend the Railroad Retirement Act of 1937 to provide that any employee not yet entitled to an annuity thereunder may obtain a refund (without interest) of the railroad retirement taxes which he has paid; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLOSKEY:

H.R. 3635. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. McFALL (for himself, Mr. BLATNIK, Mr. O'NEILL, Mr. DANIELSON, and Mr. WHITEHURST):

H.R. 3636. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 3637. A bill to amend title 10 of the United States Code so as to defer or exempt members of the Armed Forces from assignment to duty in a combat zone under certain conditions; to the Committee on Armed Services.

H.R. 3638. A bill to amend the Internal Revenue Code of 1954 to increase to $2,500 the aggregate amount of the two regular personal exemptions allowed a taxpayer, or a spouse, who has attained age 65; to the Committee on Ways and Means.

By Mr. MAYNE (for himself, Mr. LLOYD, Mr. DENNIS, Mr. McCLOSKEY, and Mr. STEIGER of Arizona):

H.R. 3639. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MELCHER (for himself, and Mr. RONCALIO):

H.R. 3640. A bill to amend title XVIII of the Social Security Act to permit, in certain instances, the State health agency of a State to waive certain requirements relating to health and safety which must be met by hospitals in such State in order for them to participate in the insurance program established by such title, and to amend title XIX of such act to eliminate the Life Safety Code of the National Fire Protection Association as the official standard for determining whether nursing homes meet health and safety standards; to the Committee on Ways and Means.

By Mr. MIKVA (for himself, Mr. DOW, Mr. BURTON, Mr. CONYERS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. KOCH, Mr. ROSENTHAL, and Mr. RYAN):

H.R. 3641. A bill to create an Office of Defense Review; to the Committee on Armed Services.

By Mr. MIZELL (for himself, Mr. ABERNETHY, Mr. BLACKBURN, Mr. BUCHANAN, Mr. CAMP, Mr. COLLINS of Texas, Mr. CRANE, Mr. DANIEL of Virginia, Mr. DERWINSKI, Mr. DEVINE, Mr. DICKINSON, Mr. FLOWERS, Mr. LANDGREBE, Mr. LENNON, Mr. LENT, Mr. MINSHALL, Mr. MONTGOMERY, Mr. POAGE, Mr. RHODES, Mr. SCOTT, Mr. SPENCE, Mr. WHITEHURST, and Mr. WILLIAMS):

H.R. 3642. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MONAGAN:

H.R. 3643. A bill to amend section 2771 of title 10, United States Code, relating to final settlement of accounts of deceased members of the Armed Forces; to the Committee on Armed Services.

H.R. 3644. A bill to amend the act entitled "An Act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such department and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the municipal government of the District of Columbia; to the Committee on Government Operations.

By Mr. MOSS (for himself and Mr. McCLOSKEY):

H.R. 3645. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York:

H.R. 3646. A bill to incorporate the Junior Sea Knights of America, Inc.; to the Committee on Judiciary.

By Mr. O'HARA (for himself and Mr. DINGELL):

H.R. 3647. A bill to amend the National Environmental Policy Act of 1969 to require Federal contractors, and persons contracting for federally supported activities, to observe practices which will preserve and enhance the environment and fisheries and wildlife resources and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PATMAN:

H.R. 3648. A bill to prohibit loans by the Small Business Administration to businesses deriving 50 percent or more of their revenues from the sale of alcoholic beverages; to the Committee on Banking and Currency.

H.R. 3649. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

H.R. 3650. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

H.R. 3651. A bill to amend title II of the Social Security Act to increase from 22 to 24 the age at which an individual otherwise qualified for child's insurance benefits on the basis of school attendance can no longer be entitled to such benefits; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ASPIN, Mr. BIAGGI, Mr. BRASCO, Mr. BURKE of Massachusetts, Mr. CARNEY, Mr. CARTER, Mrs. CHISHOLM, Mr. CLARK, Mr. CONYERS, Mr. DENT, Mr. DONOHUE, Mr. DRINAN, Mr. DULSKI, Mr. DUNCAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. FULTON of Pennsylvania, Mr. FULTON of Tennessee, Mr. GALLAGHER, and Mrs. GRASSO):

H.R. 3652. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

By Mr. PEPPER (for himself, Mr. GRAY, Mr. HALPERN, Mr. HAWKINS, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HOWARD, Mr. JACOBS, Mr. JOHNSON of California, Mr. KEE, Mr. KLUCZYNSKI, Mr. MADDEN, Mr. MAZZOLI, Mr. MIKVA, Mrs. MINK, Mr. MORGAN, Mr. NIX, Mr. PODELL, Mr. PREYER, Mr.

North Carolina, Mr. PRICE of Illinois, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SIKES, and Mr. WALDIE):

H.R. 3653. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

By Mr. PEPPER (for himself and Mr. CHARLES H. WILSON):

H.R. 3654. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

By Mr. PEPPER (for himself, Mr. STAGGERS, Mr. MINISH, Mr. ABOUREZK, Mrs. ABZUG, Mr. ADAMS, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ASPIN, Mr. BADILLO, Mr. BARING, Mr. BENNETT, Mr. BIAGGI, Mr. BINGHAM, Mr. BRADEMAS, Mr. BRASCO, Mr. BUCHANAN, Mr. CARNEY, Mr. CASEY of Texas, Mrs. CHISHOLM, Mr. CLARK, Mr. COLLIER, Mr. CORMAN, Mr. COTTER, and Mr. DAVIS of Georgia):

H.R. 3655. A bill: Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. STAGGERS, Mr. MINISH, Mr. DENT, Mr. DINGELL, Mr. DONOHUE, Mr. DRINAN, Mr. DULSKI, Mr. DUNCAN, Mr. ECKHARDT, Mr. EDWARDS of Louisiana, Mr. EILBERG, Mr. EVINS of Tennessee, Mr. FISHER, Mr. WILLIAM D. FORD, Mr. FULTON of Pennsylvania, Mr. GAYDOS, Mr. GIBBONS, Mr. GONZALEZ, Mrs. GRASSO, Mrs. GRIFFITHS, Mr. GUBSER, Mr. HALPERN, Mr. HANNA, and Mr. HARRINGTON):

H.R. 3656. A bill: Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. STAGGERS, Mr. MINISH, Mr. HATHAWAY, Mr. HECHLER of West Virgina, Mr. HELSTOSKI, Mr. HENDERSON, Mr. HICKS of Washington, Mrs. HICKS of Massachusetts, Mr. HOLIFIELD, Mr. HOWARD, Mr. ICHORD, Mr. JOHNSON of California, Mr. JONES of North Carolina, Mr. KUYKENDALL, Mr. KYROS, Mr. LINK, Mr. MCCLOSKEY, Mr. MCFALL, Mr. MADDEN, Mr. MATHIAS of California, Mr. MAZZOLI, Mr. MELCHER, Mr. METCALFE, Mr. MIKVA):

H.R. 3657. A bill: Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. STAGGERS, Mr. MINISH, Mr. MILLER of California, Mr. MITCHELL, Mr. MORGAN, Mr. MOSS, Mr. MURPHY of Illinois, Mr. NEDZI, Mr. NICHOLS, Mr. O'NEILL, Mr. PICKLE, Mr. POAGE, Mr. PODELL, Mr. PREYER of North Carolina, Mr. PRYOR of Arkansas, Mr. REES, Mr. RHODES, Mr. ROE, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. ROY, Mr. ROYBAL, Mr. RUNNELS, and Mr. RYAN):

H.R. 3658. A bill Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. STAGGERS, Mr. MINISH, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SHOUP, Mr. SIKES, Mr. SLACK, Mr. JAMES V. STANTON, Mr. STEELE, Mr. STRATTON, Mr. TIERNAN, Mr. ULLMAN, Mr. VANIK, Mr. VIGORITO, Mr. WAGGONNER, Mr. WALDIE, Mr. WARE, Mr. WATTS, Mr. CHARLES H. WILSON, Mr. WOLFF, Mr. WRIGHT, Mr. YATES, and Mr. YATRON):

H.R. 3659. A bill Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. STAGGERS, Mr. MINISH, Mr. YOUNG of Florida, and Mr. ZABLOCKI):

H.R. 3660. A bill Conquest of Cancer Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PIKE:

H.R. 3661. A bill to provide for the establishment of the Sagtikos Manor National Historic Site; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS (for himself, Mr. DINGELL, Mr. PELLY, Mr. MCCLOSKEY, Mr. KEITH, Mr. MOSS, and Mr. CONTE):

H.R. 3662. A bill to amend the Fish and Wildlife Coordination Act in order to protect marine environment by regulating the dumping of wastes in the coastal and ocean waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. RONCALIO:

H.R. 3663. A bill to amend the Internal Revenue Code to encourage an increase in production of coal; to the Committee on Ways and Means.

By Mr. SNYDER:

H.R. 3664. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 3665. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 3666. A bill to regulate interstate commerce by strenthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3667. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3668. A bill to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

H.R. 3669. A bill to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of office of the members of the Foreign Claims Settlement Commission of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. STEED:

H.R. 3670. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. SYMINGTON (for himself, Mr. ADDABBO, Mr. BRASCO, Mrs. CHISHOLM, Mr. CLARK, Mr. DONOHUE, Mr. HALPERN, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. KOCH, Mr. MIKVA, Mr. REES, Mr. ROSENTHAL, and Mr. VANIK):

H.R. 3671. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas:

H.R. 3672. A bill to provide direct aid to States and territories for educational purposes only; to the Committee on Education and Labor.

H.R. 3673. A bill to amend section 138 of the Legislative Reorganization Act of 1946 so as to provide for the reduction of the public debt by at least 10 percent of the estimated overall Federal receipts for each fiscal year; to the Committee on Rules.

H.R. 3674. A bill to provide direct aid to States and territories for educational purposes only; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 3675. A bill to create one additional permanent district judgeship in Oregon; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 3676. A bill to amend title 38 of the United States Code so as to provide that payments of benefits pursuant to the Federal Coal Mine Health and Safety Act of 1969 and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veterans' and widow's pension; to the Committee on Veterans' Affairs.

By Mr. WHITE (for himself, and Mr. RUNNELS):

H.R. 3677. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON (for himself, Mr. RHODES, Mr. WHITEHURST, Mr. MORSE, and Mr. PRICE of Texas):

H.R. 3678. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

By Mr. BOB WILSON (for himself, Mr. SCOTT, Mr. HOSMER, Mr. GOLDWATER, Mr. COLLIER, Mr. MCKINNEY, Mr. ESHLEMAN, Mr. WARE, Mr. FISHER, Mr. DUNCAN, Mr. HASTINGS, Mr. CÓRDOVA, Mr. CORBETT, Mr. ESCH, Mr. MICHEL, Mr. DERWINSKI, Mr. FRELINGHUYSEN, Mr. RUTH, Mr. DON H. CLAUSEN, Mr. HOGAN, Mr. ANDERSON of Illinois, Mr. CLEVELAND, Mr. MCCLORY, Mr. CARTER, and Mr. MAYNE):

H.R. 3679. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

By Mr. WYMAN (for himself and Mr. HORTON):

H.R. 3680. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of limitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. BRINKLEY:

H.R. 3681. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 3682. A bill to amend part B of title XVIII of the Social Security Act to include prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged, and to amend such part and all the public assistance titles of such act to require that drugs provided under the programs involved must be prescribed and furnished on a nonproprietary or generic basis; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 3683. A bill to amend the Atomic Energy Act of 1954 to make it clear that, in its agreement with a State for the control of radiation hazards from nuclear byproduct materials or other nuclear materials, the Atomic Energy Commission shall permit such State to impose standards which are more restrictive than its own standards for the regulation of such materials; to the Joint Committee on Atomic Energy.

By Mr. KASTENMEIER:

H.R. 3684. A bill to amend the Internal Revenue Code of 1954 to provide that cigarette advertising is not a deductible business expense; to the Committee on Ways and Means.

By Mr. KING:

H..R 3685. A bill to establish the Vincent Thomas Lombardi National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 3686. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mr. BURKE of Massachusetts, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. HALPERN, Mr. MIKVA, Mr. O'NEILL, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. RYAN, and Mr. SCHEUER):

H.R. 3687. A bill to amend chapter 3 of title 3, United States Code, to provide for the protection of foreign diplomatic missions; to the Committee on Public Works.

By Mr. KOCH (for himself, Mrs. CHISHOLM, Mr. HARRINGTON, Mr. HALPERN, Mr. PODELL, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 3688. A bill to amend the Internal Revenue Code of 1954 in relation to a credit for local income taxes; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H.R. 3689. A bill to amend the Public Health Service Act to provide for the payment of a rehabilitation pension to certain persons released from Public Health Service hospitals after treatment for leprosy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3690. A bill to designate as the Dr. George S. Long Lock and Dam the lock and dam authorized to be constructed on the Red River between Natchitoches and Colfax, La.; to the Committee on Public Works.

By Mr. DEL CLAWSON:

H.J. Res. 272. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 273. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.J. Res. 274. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. DULSKI:

H.J. Res. 275. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Affairs.

By Mrs. DWYER:

H.J. Res. 276. Joint resolution designating the 3d week in September of each year as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

By Mr. EILBERG:

H.J. Res. 277. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FORSYTHE (for himself, Mr. THONE, Mr. HELSTOSKI, Mr. DUNCAN, Mr. ANDERSON of Illinois, Mrs. HICKS of Massachusetts, Mr. SANDMAN, Mr. WHITEHURST, Mr. HOWARD, Mr. BIESTER, Mr. HALPERN, Mr. EILBERG, Mr. WARE, Mr. WIDNALL, Mr. RANGEL, and Mrs. ABZUG):

H.J. Res. 278. Joint resolution authorizing the President to declare the last Saturday in April of each year as "National Collegiate Press Day"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. ABOUREZK, Mr. ANDERSON of California, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Dakota, Mr. BADILLO, Mr. BARING, Mr. BEGICH, Mr. BELL, Mr. BOLAND, Mr. BRADEMAS, Mr. BROWN of Michigan, Mr. BUCHANAN, Mr. BURKE of Massachusetts, Mr. BYRNES of Wisconsin, Mr. CARNEY, Mr. CLEVELAND, Mr. COLLIER, Mr. CORMAN, Mr. COUGHLIN, Mr. DAVIS of Georgia, Mr. DELLENBACK, Mr. DELLUMS, Mr. DENT, and Mr. DINGELL):

H.J. Res. 279. Joint resolution; designation of 3d week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. DUNCAN, Mrs. DWYER, Mr. ESCH, Mr. FISH, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. FRASER, Mr. FRELINGHUYSEN, Mr. FRENZEL, Mr. HALPERN, Mr. HAMILTON, Mr. HANNA, Mr. HATHAWAY, Mr. HECHLER of West Virginia, Mr. HOGAN, Mr. HOSMER, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. LEGGETT, Mr. MAILLIARD, Mr. MATSUNAGA, Mr. MEEDS, Mr. MIKVA, Mr. MITCHELL, and Mr. MORSE):

H.J. Res. 280. Joint resolution; designation of 3d week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. NICHOLS, Mr. OBEY, Mr. PEPPER, Mr. PEYSER, Mr. PICKLE, Mr. PIKE, Mr. PODELL, Mr. PREYER of North Carolina, Mr. REES, Mr. REID of New York, Mr. REUSS, Mr. RIEGLE, Mr. ROBISON of New York, Mr. ROGERS, Mr. ROSTENKOWSKI, Mr. ROYBAL, Mr. RYAN, Mr. SARBANES, Mr. SCHEUER, Mr. SCHNEEBELI, Mr. SEIBERLING, Mr. SHRIVER, Mr. STEELE, and Mr. STEIGER of Wisconsin):

H.J. Res. 281. Joint resolution; designation of 3d week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. TEAGUE of California, Mr. THOMSON of Wisconsin, Mr. TIERNAN, Mr. WHITEHURST, Mr. WOLFF, Mr. YATES, Mr. YATRON, Mr. ZWACH, Mr. ST GERMAIN, Mr. MANN, Mr. BIESTER, Mr. RONCALIO, Mrs. MINK, Mrs. GRASSO, Mr. EILBERG, Mr. COTTER, Mr. VANDER JAGT, Mr. ASHLEY, Mr. GUDE, Mr. PETTIS, Mr. HARRINGTON, Mrs. ABZUG, Mr. VIGORITO, and Mr. SAYLOR):

H.J. Res. 282. Joint resolution; designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 283. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RYAN:

H.J. Res. 284. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SCOTT:

H.J. Res. 285. Joint resolution proposing an amendment to the Constitution of the United States relating to the participation in nondenominational prayers in any building which is supported in whole or in part through the expenditure of public funds; to the Committee on the Judiciary.

H.J. Res. 286. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mr. SCOTT (for himself and Mr. WARE):

H.J. Res. 287. Joint resolution proposing an amendment to the Constitution of the United States of American providing a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

H.J. Res. 288. Joint resolution proposing an amendment to the Constitution of the United States of America providing a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. SYNDER:

H.J. Res. 289. Joint resolution proposing an amendment to the Constitution of the United States to preserve and protect references to reliance upon God in governmental matters; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.J. Res. 290. Joint resolution proposing an amendment to the Constitution of the United States regarding the election of the President and Vice President and the nomination of candidates for the Presidency; to the Committee on the Judiciary.

H.J. Res. 291. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 292. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.J. Res. 293. Joint resolution proposing an amendment to the Constitution of the United States to require the concurrence of not less than two-thirds of the Supreme Court for the purpose of deciding whether an act of Congress or an act of a State legislature is unconstitutional; to the Committee on the Judiciary.

H.J. Res. 294. Joint resolution proposing an amendment to the Constitution of the United States relating to the qualifications and tenure in office of Federal judges; to the Committee on the Judiciary.

By Mr. WAGGONNER:

H.J. Res. 295. Joint resolution proposing an amendment to the Constitution of the United States permitting Bible readings and the voluntary recitation of the Lord's Prayer and other nonsectarian prayers in public schools or other public places if participation therein is not compulsory; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.J. Res. 296. Joint resolution calling for a full scale congressional inquiry into U.S. war crimes and war crimes responsibility in Southeast Asia; to the Committee on Rules.

By Mr. PATMAN:

H.J. Res. 297. Joint resolution proposing an amendment to the Constitution of the United States to add the words "so help me God" to the Presidential oath of office; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. McCLORY, and Mr. HUTCHINSON):

H.J. Res. 298. Joint resolution to amend title 28 of the United States Code to require the Chief Justice of the Supreme Court to provide Congress with certain information, and for other purposes; to the Committee on the Judiciary.

By Mr. BLANTON (for himself, Mr. BYRNES of Wisconsin, Mr. BRASCO, Mr. EVINS of Tennessee, Mr. HALEY, Mr. MURPHY of Illinois, Mr. MATSUNAGA, Mr. PICKLE, Mr. SATTERFIELD, Mr. VANDER JAGT, Mr. WYMAN, Mr. SNYDER, and Mr. WINN):

H. Con. Res. 122. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. DELANEY:

H. Con. Res. 123. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. EDMONDSON:

H. Con. Res. 124. Concurrent resolution declaring the sense of Congress on the use of a Great White Fleet and a Joint Task Force for Peace in support of American foreign policy; to the Committee on Armed Services.

H. Con. Res. 125. Concurrent resolution declaring the sense of Congress on the closing of Indian hospitals; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho:

H. Con. Res. 126. Concurrent resolution to provide for a project-by-project approval of Corps of Engineers projects; to the Committee on Public Works.

By Mr. KEMP:

H. Con. Res. 127. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam, the National Liberation Front, and the Pathet Lao; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, Mr. HAGAN, Mr. JAMES V. STANTON, Mr. BYRON, Mr. FULTON of Pennsylvania, Mr. PICKLE, and Mr. DANIEL of Virginia):

H. Con. Res. 128. Concurrent resolution expressing the sense of Congress with respect to the continued operation of Public Health Service facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. MAILLIARD (for himself, Mr. MORGAN, Mr. FASCELL, Mr. GALLAGHER, Mr. MONAGAN, Mr. FRELINGHUYSEN, and Mr. BROOMFIELD):

H. Con. Res. 129. Concurrent resolution for the control of international drug traffic; to the Committee on Foreign Affairs.

By Mr. MOSS:

H. Con. Res. 130. Concurrent resolution protesting the treatment of American servicemen held prisoner by the Government of North Vietnam; to the Committee on Foreign Affairs.

By Mr. PRICE of Texas:

H. Con. Res. 131. Concurrent resolution to express the position of Congress on the issue of humane treatment and early release of American POW's and for other purposes; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. BURTON, Mr. CONYERS, Mr. DOW, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. KOCH, Mr. MIKVA, and Mr. ROSENTHAL):

H. Con. Res. 132. Concurrent resolution expressing the sense of the Congress that all offensive actions by the United States in Southeast Asia be immediately halted and that total withdrawal of all U.S. Forces be completed by June 30, 1971; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. BADILLO, Mrs. CHISHOLM, Mr. CLAY, Mr. DELLUMS, Mr. DIGGS, Mr. HECHLER of West Virginia, Mr. MITCHELL, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. SCHEUER, Mr. SEIBERLING, and Mr. STOKES):

H. Con. Res. 133. Concurrent resolution expressing the sense of the Congress that all offensive actions by the United States in Southeast Asia be immediately halted and that total withdrawal of all U.S. forces be completed by June 30, 1971; to the Committee on Foreign Affairs.

By Mr. YATRON (for himself, Mr. MITCHELL, and Mr. PODELL):

H. Con. Res. 134. Concurrent resolution expressing the sense of Congress that our NATO allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mr. BIAGGI:

H. Res. 195. Resolution relative to Irish national self determination; to the Committee on Foreign Affairs.

By Mr. CABELL:

H. Res. 196. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. COLLINS of Illinois:

H. Res. 197. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. COTTER:

H. Res. 198. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. FULTON of Tennessee:

H. Res. 199. Resolution to provide funds for the expenses of the investigation authorized by House Resolution 155; to the Committee on House Administration.

By Mr. HALPERN:

H. Res. 200. Resolution to express the sense of the House of Representatives that the Government of the United States should maintain and protect its sovereign rights and jurisdiction over the Canal Zone and the Panama Canal; to the Committee on Foreign Affairs.

By Mr. HÉBERT:

H. Res. 201. Resolution authorizing the Committee on Armed Services to conduct a full and complete investigation and study of all matters relating to procurement by the Department of Defense, personnel of such Department, laws administered by such Department, use of funds by such Department, and scientific research in support of the armed services; to the Committee on Rules.

H. Res. 202. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services pursuant to House Resolution 201; to the Committee on House Administration.

By Mr. SATTERFIELD:

H. Res. 203. Resolution continued U.S. control of Panama Canal indispensable; to the Committee on Foreign Affairs.

By Mr. SNYDER:

H. Res. 204. Resolution to authorize the Committee on Government Operations to conduct an investigation and study with respect to competition of the Federal Government with private business; to the Committee on Rules.

By Mr. SYMINGTON (for himself, Mr. ABOUREZK, Mr. ANDERSON of California, Mr. BLACKBURN, Mr. CLEVELAND, Mr. COLLIER, Mr. CÓRDOVA, Mr. DANIEL of Virginia, Mr. DERWINSKI, Mr. DINGELL, Mr. EDWARDS of California, Mr. HALPERN, Mrs. HANSEN of Washington, Mr. HORTON, Mr. LUJAN, Mr. MANN, Mr. MATSUNAGA, Mr. MILLER of California, Mr. MOORHEAD, Mr. PRICE of Illinois, Mr. REES, Mr. RIEGLE, and Mr. ROSENTHAL):

H. Res. 205. Resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

By Mr. SYMINGTON (for himself, Mr. J. WILLIAM STANTON, Mr. SHRIVER, Mr. TIERNAN, Mr. VIGORITO, Mr. WOLFF, Mr. WRIGHT, Mr. YATES, Mr. HUNGATE, Mr. MCCLORY, Mr. DAVIS of Georgia, Mr. WHITEHURST, Mr. BINGHAM, Mr. RAILSBACK, Mr. KYROS, and Mr. MAYNE):

H. Res. 206. Resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

By Mr. WAGGONNER:

H. Res. 207. Resolution to continue U.S. control of the Panama Canal; to the Committee on Foreign Affairs.

By Mr. WYMAN (for himself, Mr. SCOTT, Mr. WAGGONNER, Mr. SIKES, Mr. STEIGER of Arizona, Mr. ESHLEMAN, Mr. ARCHER, Mr. DUNCAN, Mr. POWELL, Mr. BEVILL, Mr. WINN, Mr. BOB WILSON, Mr. BAKER, Mr. DON H. CLAUSEN):

H. Res. 208. Resolution creating a special committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the U.S. Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 3691. A bill for the relief of Recto P. Luz; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 3692. A bill for the relief of Vincenzo Acierno; to the Committee on the Judiciary.

H.R. 3693. A bill for the relief of Diega Arnone; to the Committee on the Judiciary.

H.R. 3694. A bill for the relief of Gino Badolati; to the Committee on the Judiciary.

H.R. 3695. A bill for the relief of Guiseppe Birardi; to the Committee on the Judiciary.

H.R. 3696. A bill for the relief of Francesco Davi; to the Committee on the Judiciary.

H.R. 3697. A bill for the relief of Aniello DeSimone; to the Committee on the Judiciary.

H.R. 3698. A bill for the relief of Louisa DiLeonardo; to the Committee on the Judiciary.

H.R. 3699. A bill for the relief of Elizabeth DiPalo; to the Committee on the Judiciary.

H.R. 3700. A bill for the relief of Tse Chi Fong, also known as Chez Chu Fong; to the Committee on the Judiciary.

H.R. 3701. A bill for the relief of Saverio and Letizia Genna and minor child, Pietro Genna; to the Committee on the Judiciary.

H.R. 3702. A bill for the relief of Ruel Longmore; to the Committee on the Judiciary.

H.R. 3703. A bill for the relief of Aniello Napolitano; to the Committee on the Judiciary.

H.R. 3704. A bill for the relief of Antoinetta Pacchiano; to the Committee on the Judiciary.

H.R. 3705. A bill for the relief of Thomas Henry Smith; to the Committee on the Judiciary.

H.R. 3706. A bill for the relief of Marino and Antonia Stanco; to the Committee on the Judiciary.

H.R. 3707. A bill for the relief of Rocco Stanco; to the Committee on the Judiciary.

H.R. 3708. A bill for the relief of Maria Terracciano; to the Committee on the Judiciary.

H.R. 3709. A bill for the relief of Franciose Toussaint; to the Committee on the Judiciary.

H.R. 3710. A bill for the relief of Anthony Albert and Cirilla Zelaya Williams; to the Committee on the Judiciary.

H.R. 3711. A bill for the relief of Myrtle P. Williams; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 3712. A bill for the relief of Catalino Boragay Flores, his wife, Teresita, and children, Leesito and Thelee; to the Committee on the Judiciary.

H.R. 3713. A bill for the relief of Mrs.

Anna Maria Baldini Dela Rosa; to the Committee on the Judiciary.

H.R. 3714. A bill for the relief of Raymunda Ann Miguel; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 3715. A bill for the relief of certain Armed Forces personnel and U.S. civilian employees; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 3716. A bill for the relief of Pietro Ancona; to the Committee on the Judiciary.

H.R. 3717. A bill for the relief of Salvatore Caruso; to the Committee on the Judiciary.

H.R. 3718. A bill for the relief of Filippo Cerrito; to the Committee on the Judiciary.

H.R. 3719. A bill for the relief of Leonardo DiMaria; to the Committee on the Judiciary.

H.R. 3720. A bill for the relief of Francesco Di Stefano; to the Committee on the Judiciary.

H.R. 3721. A bill for the relief of Francesco Fiordilino; to the Committee on the Judiciary.

H.R. 3722. A bill for the relief of Antonio Grillo; to the Committee on the Judiciary.

H.R. 3723. A bill for the relief of Salvatore Lamendola; to the Committee on the Judiciary.

H.R. 3724. A bill for the relief of Giacomo Mangano; to the Committee on the Judiciary.

H.R. 3725. A bill for the relief of Michele Montalbano; to the Committee on the Judiciary.

H.R. 3726. A bill for the relief of Domenico Musso; to the Committee on the Judiciary.

H.R. 3727. A bill for the relief of Pietro Pepe; to the Committee on the Judiciary.

H.R. 3728. A bill for the relief of Joseph Pirrone; to the Committee on the Judiciary.

H.R. 3729. A bill for the relief of Carlo Randazzo; to the Committee on the Judiciary.

H.R. 3730. A bill for the relief of Ignacio Sutera; to the Committee on the Judiciary.

H.R. 3731. A bill for the relief of Giuseppe, Calogera, and Giovanna Turco; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 3732. A bill for the relief of William L. Wilde; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 3733. A bill for the relief of Salvadore Biasi and family; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 3734. A bill to confer jurisdiction on the U.S. Court of Claims to reopen and continue case numbered 66-55; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 3735. A bill for the relief of Antonio Capasso; to the Committee on the Judiciary.

By Mr. DEL CLAWSON:

H.R. 3736. A bill for the relief of Emmett A. And Agnes J. Rathbun; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 3737. A bill for the relief of Mrs. Jeoung Sook Choe; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 3738. A bill for the relief of Querube Arias; to the Committee on the Judiciary.

H.R. 3739. A bill for the relief of Evena Campbell; to the Committee on the Judiciary.

H.R. 3740. A bill for the relief of Clarence Cisin; to the Committee on the Judiciary.

H.R. 3741. A bill for the relief of Alfredo Giuliani; to the Committee on the Judiciary.

H.R. 3742. A bill for the relief of Ruben N. Vitullo; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 3743. A bill for the relief of Filippo Carcione; to the Committee on the Judiciary.

H.R. 3744. A bill for the relief of Timothy Wilson; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 3745. A bill for the relief of Sister Anna Maria (Deanna Tirelli) and Sister Mary Daniella (Guiseppa Fantucci); to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 3746. A bill for the relief of Jose Jesus Villalobos; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 3747. A bill for the relief of Teresa Silver-Cossio; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 3748. A bill for the relief of Sgt. John E. Bourgeois; to the Committee on the Judiciary.

H.R. 3749. A bill for the relief of Richard C. Walker; to the Committee on the Judiciary.

H.R. 3750. A bill for the relief of Jerry L. Weaver; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 3751. A bill for the relief of Albert W. Reiser, Jr.; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 3752. A bill for the relief of Dr. Erdogan Y. Baysal; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 3753. A bill for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps (retired); to the Committee on the Judiciary.

H.R. 3754. A bill for the relief of Fabio Costantino; to the Committee on the Judiciary.

H.R. 3755. A bill for the relief of Angelo Luongo; to the Committee on the Judiciary.

H.R. 3756. A bill for the relief of James Tien-Husiung Tso; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 3757. A bill for the relief of Mrs. Toyo Shota Ikeuchi and Mrs. Katherine Keiko Aoki Kaneshiro; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 3758. A bill for the relief of Jiann Huang and Mrs. Irene Fu-Uen Huang; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 3759. A bill for the relief of Croce Amato; to the Committee on the Judiciary.

H.R. 3760. A bill for the relief of Gaetano Battiniello; to the Committee on the Judiciary.

H.R. 3761. A bill for the relief of Giacomo Di Maio and his wife, Maria Di Maio; to the Committee on the Judiciary.

H.R. 3762. A bill for the relief of Guiseppe Gumina; to the Committee on the Judiciary.

H.R. 3763. A bill for the relief of Konstantinos Manitatakos; to the Committee on the Judiciary.

H.R. 3764. A bill for the relief of Hazeline Editha Maughn; to the Committee on the Judiciary.

H.R. 3765. A bill for the relief of Francesco Micale; to the Committee on the Judiciary.

H.R. 3766. A bill for the relief of Chin Wing Teung; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 3767. A bill for the relief of Miss Zenaida Carreon Alcasid; to the Committee on the Judiciary.

H.R. 3768. A bill for the relief of Giovanni Bizzarro; to the Committee on the Judiciary.

H.R. 3769. A bill for the relief of Rocco Croce; to the Committee on the Judiciary.

H.R. 3770. A bill for the relief of Antonio DiCampli; to the Committee on the Judiciary.

H.R. 3771. A bill for the relief of Francesco Frasca; to the Committee on the Judiciary.

H.R. 3772. A bill for the relief of Angela Ielo Gangemi; to the Committee on the Judiciary.

H.R. 3773. A bill for the relief of Lida Gharajeloo; to the Committee on the Judiciary.

H.R. 3774. A bill for the relief of Florence Amanda Green; to the Committee on the Judiciary.

H.R. 3775. A bill for the relief of Miss Florence Logan; to the Committee on the Judiciary.

H.R. 3776. A bill for the relief of Giuseppe Martinetti; to the Committee on the Judiciary.

H.R. 3777. A bill for the relief of Giovanni Menegazzo; to the Committee on the Judiciary.

H.R. 3778. A bill for the relief of Walter Pedro Narbaiz and his wife, Nelda DiCamelo Narbaiz; to the Committee on the Judiciary.

H.R. 3779. A bill for the relief of Angelo Noto and his wife, Maria Pluchino Noto; to the Committee on the Judiciary.

H.R. 3780. A bill for the relief of Luigi Praino and his wife, Sara Lillian Praino; to the Committee on the Judiciary.

H.R. 3781. A bill for the relief of Giuseppe Praino; to the Committee on the Judiciary.

H.R. 3782. A bill for the relief of Imeon Magdalene Soberanis; to the Committee on the Judiciary.

H.R. 3783. A bill for the relief of Aurora Sulpizi; to the Committee on the Judiciary.

H.R. 3784. A bill for the relief of Waimir Turolla; to the Committee on the Judiciary.

H.R. 3785. A bill for the relief of Enrica Undelac; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 3786. A bill to provide for the free entry of a four-octave carillon for the use of Marquette University, Milwaukee, Wis.; to the Committee on Ways and Means.

By Mr. ROBISON of New York:

H.R. 3787. A bill to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948; to the Committee on the Judiciary.

H.R. 3788. A bill for the relief of Kim Ai Ni; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 3789. A bill for the relief of Miss Maria Didio; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 3790. A bill for the relief of Georgina Infantino, and son, Giovanni Infantino; to the Committee on the Judiciary.

H.R. 3791. A bill for the relief of Giovanni Rampulla; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.R. 3792. A bill for the relief of H. Dixon Smith; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 3793. A bill for the relief of Ruth T. Burkhalter; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 3794. A bill for the relief of Raymond D. James; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.R. 3795. A bill for the relief of Patrick J. Gilligan; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 3796. A bill for the relief of Pasquale Di Meglio; to the Committee on the Judiciary.

H.R. 3797. A bill for the relief of Giuseppe Ferraro; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

19. The SPEAKER presented a petition of Roland L. Morgan, Los Angeles, Calif., et al., relative to U.S. military involvement in the Middle East; to the Committee on Foreign Affairs.