

## HOUSE OF REPRESENTATIVES—Thursday, May 10, 1973

The House met at 12 o'clock noon. Rabbi Saul Israel Wisemon, Congregation Ahavas Achim, Newburyport, Mass., offered the following prayer:

מִתְהַהָּ הַתְּהִהָּ וְאַתָּהָ נְפָלָהָ בְּעֵדָתָךְ  
הַזָּהָיָהָ וְהַזָּהָיָהָ הַזָּהָיָהָ בְּ

*This is the Lord's doing: It is marvelous in our eyes. This is the day which the Lord hath made: We will rejoice and be glad in it.*—Psalm 118, verses 23-24.

Our Father, we pray that Thou will bless these men, chosen by the people of this great Nation.

We call to mind that 25 years have passed in Thy sight since our beloved America, reared in ancient Israel's spiritual heritage, helped nurture the State of Israel into being.

We thank Thee for the miracles of America and Israel which, with Thy everlasting mercies, will endure forever.

We pray Thee, protect all with that right, of that might, from above.

Grant that our spiritual kinship ever continues to grow stronger.

Guide our ways, that out of Zion shall come forth the law of justice for all mankind, Thy word of light, healing, hope, for all Thy children, from Jerusalem.

As we pray for the peace of Jerusalem and mankind, we ever thank Thee for this, our sweet land of liberty and democracy. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

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

H. Con. Res. 109. Concurrent resolution providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson;

H. Con. Res. 126. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Year-Round Schools"; and

H. Con. Res. 156. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections, Federal and State Parole System," parts VII-A and VIII-B, serial 15, 92d Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 394) entitled "An act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes."

The message also announced that the

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

S. 352. An act to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service;

S. 590. An act to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate; and

S. 607. An act to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes.

## HAPPY BIRTHDAY TO THE SPEAKER

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

Mr. McFALL. Mr. Speaker, I should like to call the attention of the Members to the fact that today is the Speaker's birthday. I know that everyone wishes him a happy birthday.

## FILLING VACANCIES IN THE VIRGIN ISLANDS' LEGISLATURE

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

Mr. DE LUGO. Mr. Speaker, I have today introduced a bill to empower the Legislature of the Virgin Islands to determine the procedure for filling vacancies in its membership. Under present law, the Revised Organic Act of the Virgin Islands, the Governor may appoint individuals to serve in the legislature when vacancies occur. There is no provision for a special election.

This authority has recently been exercised by the Governor over a month after the incumbent resigned to accept the Lieutenant Governorship and a full 18 months before the people will have a chance to express their opinion at the polls. I believe that this system of executive designation of a member of the legislative branch is contrary to the democratic process and an abdication of the people's prerogative to select their representatives.

Direct election by the people is the only method by which an individual may attain membership in the House of Representatives. Mr. Speaker, as you pointed out a few weeks ago, it is this factor which makes this body the most important democratic institution in the Nation. If the Legislature of the Virgin Islands is to truly be the people's forum at the territorial level, it must also maintain this qualification.

Therefore, I contend that democratic principles demand that vacancies in the legislature be filled by the people at special elections. When vacancies occur shortly before a general election, the need for a special election, of course, would be obviated.

The people's right to select their legislators should not be abrogated for convenience or cost-saving reasons. My bill

would let the people's territorial representatives determine this procedure. I have refrained from spelling out a procedure in my legislation because of my commitment to self-determination and my belief that this is a decision that should rightfully be made by the Legislature of the Virgin Islands.

## FARM SUBSIDY NO. 2

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

Mr. CONTE. Mr. Speaker, Montana is called the Treasure State. After reading the list of Federal farm subsidy recipients I know why.

Montana received \$865,000 last year from the Department of Agriculture for not growing crops. For a State with an annual budget of \$115 million, that is quite a treasure.

One State-owned "farm"—which covers half a county—received a single payment of \$828,000. Obviously, the \$55,000 payment limitation that applies to individual farmers does not apply to State-owned farms.

With subsidies like that, it is no wonder that Montana's State motto is "Gold and Silver."

Washington is known as the "Evergreen State." A farm subsidy payment of \$117,000 helped keep Washington green last year. With payments like that, Washington should change its State motto "By and By" so it is spelled "B-u-y."

Oklahoma whose State motto is "Labor Conquers All Things," found it easier last year on one State-owned farm to put labor aside and collect a \$42,000 farm subsidy instead of growing crops.

The farm subsidy program was intended to help farmers. It did not warrant these State raids on the Federal Treasury. It is time to overhaul the farm subsidy program.

## CONFERENCE REPORT ON S. 394, RURAL ELECTRIC AND TELEPHONE LOANS

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

The Clerk read the title of the bill. The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 9, 1973.)

Mr. POAGE. Mr. Speaker, I merely want to point out that this conference report has the approval of all the conferees on both sides and as far as I know there is no argument about the report. We believe that it meets the requirements of both the proponents of the legislation and those who at one time felt the legislation was dangerous, and as far as we know it meets the approval of the administration.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I signed the conference report. I have every reason to believe that the bill will be signed into law.

At the outset, I want to pay a special compliment to Chairman POAGE for his statesmanship and skill in developing this bill.

In addition, Mr. Speaker, I want to pay a special tribute to another great legislator whose untiring work contributed so much to the development of this bill—this legislator is not even a member of our committee, but his presence and good will have been invaluable throughout the entire lengthy and often difficult dialog that precedes our action today. I refer, of course, to our distinguished colleague from Minnesota, the former Administrator of REA, and my good friend, the Honorable ANCHER NELSEN.

While there are several provisions in this conference report which I do not fully approve, I would say that in total it represents a bona fide compromise and an improvement over the situation that prevailed only 6 months ago.

Six months ago the entire REA and RTA system was under a 2-percent-subsidized loan program. Under this conference report, the bulk of these borrowers will be under a 5-percent-or-greater interest rate program. Only \$105 million out of a total capital availability approaching \$1 billion will remain on the 2-percent crutch.

Three months ago the other body has approved an REA bill which would have forced the restoration of the old program. Six weeks ago the House passed another mandatory version.

Under this conference report the "forced spending and lending" language has been deleted. Thus, the key defect in both versions has been cured.

Looking toward the future, all concerned know that the Secretary's letter in behalf of the administration is only a 3-year pledge. Therefore, after fiscal year 1976, it clearly will be legally possible as well as entirely probable from a fiscal standpoint to end the 2-percent loan program completely. That is a goal I have sought for many years.

Again looking ahead, there are some other aspects of this legislation that I think merit some further comment.

While this conference report does not change the direct loan authority in the existing act, it would be inconceivable to me, and I assume to the other conferees and the administration, that the old direct loan program be revived and re-

stored. It certainly is not my intent to do so, and I strongly urge that in the days and years ahead the needed rural electric and rural telephone financing be done through the insured and guaranteed loan structure provided by this legislation.

Another point that I feel needs some discussion is the control of future loan levels through the appropriations process. I certainly hope that each year our Appropriations Committee will carefully study and control the fiscal situation at hand. In that way, Congress can make sure that excessive amounts of money in the revolving fund are transferred to the Treasury as well as reviewing the level of loans contemplated by the administration. Certainly no more than a 3-year future cash requirement should be built up.

The bill also contemplates that program levels could be set in future Department of Agriculture budgets. If at any time appropriations for the Department are provided by a continuing resolution, it would seem sensible to me that the program levels would be considered to be governed by the same resolution.

In my opinion REA should also continue to encourage participation by CFC and other lenders in concurrent loans with REA where borrowers are capable of paying such blended interest rate and achieving the Rural Electrification Act objectives.

I would also point out that included in this conference report is Secretary Butz's letter of May 8, 1973, assuring that during each of the next 3 years "not less than \$80 million for the electric program and \$25 million for the telephone loan program will be made available at the 2-percent rate." This commitment appears to assume that the section 305(b) 2-percent interest formula based on density or revenue per mile will result in loans aggregating not less than the amount of the commitment. If it does not, I see no reason the Administrator need use his discretionary power to reach the stipulated amount.

Furthermore in applying the 2-percent criteria of revenue per mile as compared to the average of all borrowers, the most recent compilation should be used, but the same time period should be used for comparing the individual borrower's revenues and the average of all borrowers' revenues.

Also let me venture my view that the fund will have ample assets to begin operations immediately on enactment. The conference report thus expresses the expectation that loans will be made beginning with the effective date of the act, and that for the balance of the current fiscal year, proportionally the same general program level will be followed as that budgeted for fiscal year 1974. That expectation can in my opinion still be realized despite the absence this year of limitations on the program levels which may be provided in future appropriation acts.

Finally, the conference report amends section 407 of the Rural Electrification by increasing the bank's borrowing power from "8" to "20" times paid in capital and retained earnings. I would like to point out that this increase is, of course, merely an authorization to be used if

needed and is not to be taken as a mandate to undertake so great an increase in the scope of the bank's operations.

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

Mr. TEAGUE of California. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I would like to congratulate the conferees on what I consider to be a notable achievement, legislation that will set a fair and proper framework for loans to rural electric cooperatives for many years to come.

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

Mr. TEAGUE of California. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I just want to say that as a member of the Appropriations Subcommittee which has jurisdiction over the agriculture, environmental and consumer protection areas of our Federal budget, I am both pleased and relieved that the agreement reached by the conferees on this REA legislation includes the traditional safeguards of our appropriation process here in the House.

I was quite concerned about the lack of such safeguards in the bill as it passed the House, and I believe we owe a great deal to the good judgment of the conferees in putting together a compromise package which incorporates annual review and examination of this program by the Appropriations Committee.

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

Mr. TEAGUE of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would like to say as one who voted against the previous legislation on this subject that I desire to commend the conferees for their report and will now support the conference report.

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

Mr. TEAGUE of California. I yield to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, I too would like to join in congratulating the conferees for an excellent job, and I urge passage of the legislation.

This is a bill I can support without reservation, because it meets the needs of rural America and passes the test of fiscal responsibility at the same time.

With this legislation, rural citizens are assured of the electrical services they need at the cost they can afford to pay. Two-percent money is still available in these areas where it is needed, and the 5-percent money authorized for other areas reflects the realistic approach that characterizes the entirety of this legislation.

We are living in 1973, not 1936, and just as all other conditions have changed in the intervening 37 years, the Rural Electrification program stood in need of change as well.

I cannot help stating my belief that we could have saved ourselves and our rural constituents a great deal of time and trouble—about 3 months worth—by taking this responsible position at the outset rather than going through this needless delay to consider an unrealistic and clearly unacceptable proposal.

But I hope the kind of legislation we have before us today will be the rule rather than the exception for all legislation we pass in the 93d Congress. This legislation is designed to solve a problem and serve a need, not to provide grounds for fruitless and pointless political confrontation.

If we can continue to work in that spirit, the American people will surely be the beneficiaries, as will the Congress.

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

Mr. TEAGUE of California. I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, as a member of the Committee on Agriculture I would like to commend both the chairman of the committee and the ranking minority member, as well as Mr. NELSON of Minnesota and the other House conferees who worked on this conference report and produced results which I hope will give a lasting solution to the funding of REA and take away most of the inequities of subsidized interest rates which have been objectionable to many of the Members of this House.

I intend to vote for passage of this bill.

Mr. PICKLE. Mr. Speaker, I rise in support of the Conference Report 93-169 accompanying S. 394.

I think that the outstanding job accomplished by the Agriculture Committee under its distinguished chairman, the Honorable BOB FOOTE of Texas, is a great example of the legislative body finding a solution that is fair and reasonable to a controversy between the legislative and executive branches.

I have stated several times on the floor of the House that the REA program is an excellent program—it has brought to our rural areas the tools of productivity. Furthermore, Mr. Speaker, there is still a job to be done for our rural people through REA.

Yes, circumstances have changed, and S. 394 recognizes these changes. I only wish more committees in Congress could use this kind of common sense approach.

In conclusion, I urge the passage of S. 394 as reported by the conference.

Mr. MAYNE. Mr. Speaker, I am pleased to rise in support of the conference report on S. 394, the act to amend the Rural Electrification Act of 1936 as amended, and to urge its adoption by the House.

As reported, S. 394 is an outstanding bill which will meet the needs of the rural electrification and rural telephone program throughout the country. Through the 3-year commitment by the administration, it provides the rural electric and telephone borrowers the opportunity to make long-range plans.

The legislation recognizes the need for continuing financial assistance to these important institutions, while also recognizing the fact that the cost of borrowing of the Federal Government has gone up and that some rural electric and rural telephone borrowers can now afford to pay their own way. The bill provides for low interest loans for those borrowers who cannot afford to borrow in the commercial market, primarily electric cooperatives and telephone borrowers still serving truly rural areas

which require many miles of line to serve a few customers. Other borrowers would be able to qualify for 5 percent interest loans on an insured basis. All in all it will create a capital source approaching \$1 billion annually, and is a good bill that will provide rural America with the financial means to make power and communications available to our farmers and rural residents.

I congratulate the members of the conference for their patient and dedicated efforts in working out this final version satisfactory to all parties involved. I would especially note for praise the efforts of Secretary of Agriculture Butz and his staff for their diligence, flexibility and reasonableness, and for their willing cooperation in helping the conference arrive at this report, a report which the Secretary has strongly endorsed and which I have every reason to believe President Nixon will sign into law. The agreement was made possible when the conferees dropped the mandatory requirements to which the administration objected. In return for this action Secretary Butz assured the conference that during each of the next 3 years, an REA program at levels not less than that budgeted for fiscal year 1974 will be operated through the Rural Electric Administration, and that not less than \$105 million—\$80 million for the electric program and \$25 million for the telephone loan program—will be made available for new loans at the 2-percent rate.

I wish also to note with praise those rural electric and telephone leaders who persisted in continuing to meet with representatives of the administration and of the congressional committees and to negotiate in a spirit of reasonableness and cooperation. Their reasoned efforts on behalf of enacting a bill earning Presidential approval instead of daring certain veto won out in the end.

I especially appreciate the advice and counsel of the leaders of the Iowa Association of Electric Cooperatives that have worked so diligently for the enactment of a constructive bill. Their work has helped make possible the achieving of this legislation, which will help ensure a viable rural electric and telephone system so vitally important to the development of rural America.

Mr. Speaker, I respectfully urge all my colleagues in this House to give their strong support to the adoption of the conference report.

Mr. NELSEN. Mr. Speaker, I enthusiastically urge the adoption of this conference report on S. 394 to amend the Rural Electrification Act of 1936.

For many years, some of us have looked forward with the hope that a plan of this kind might become a reality and likewise with economic conditions as they are, a more realistic rate of interest would be a responsibility that should be met.

Living on a farm as I do and once having been administrator of this program, I am fully aware of the tremendous contribution that has resulted from the electrifying of rural America. In addition, we have stimulated an expanded market for manufactured goods and appliances.

The passage of this measure will be

a bipartisan endorsement by the Congress of the United States of the performance of this program in the past 38 years.

The terms of this bill will provide for a revolving fund in the U.S. Treasury under the administration of the Rural Electrification Administration. Provision is made for some loans at a low rate of interest where economic circumstances justify the rate. Generally, loans are authorized at a 5-percent rate and a guaranteed rate which could be called a cost of money rate. Provisions are also included in this measure which will improve the telephone program which has performed admirably in providing telephone service to rural America.

An important part of the bill is a provision that makes interest payments on loans outstanding as well as principal payments a part of a revolving fund which will grow to sizable proportions, giving assurance that adequate funds will be available in the future. There are those who might be concerned that large amounts of money would be misused, but I would remind them that the Congress will sit in the Appropriations Committee with an overview of the financial operation and dollar level of expenditures. Such a provision gives assurance to the taxpayers of the country of the careful expenditure of these dollars.

Mr. Speaker, I wish to commend our colleague, Mr. POAGE, the chairman of the House Agriculture Committee, for the work he has done on this legislation, both here in the House of Representatives and in the conference committee. Without his diligence and cooperation, the outlook for the REA program as we know it would be quite dim today. I have enjoyed working with him and the other members of the Agriculture Committee on this bill. A lot of work has gone into the formulation of this new program which culminates in this conference report through the cooperative efforts of many in the REA program itself around the country, officials in the administration and many of our colleagues.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 25, not voting 45, as follows:

|                | [Roll No. 134] | YEAS—363 |
|----------------|----------------|----------|
| Abdnor         | Andrews,       | Bafalis  |
| Abzug          | N. Dak.        | Baker    |
| Adams          | Annunzio       | Barrett  |
| Addabbo        | Archer         | Bead     |
| Alexander      | Arends         | Bennett  |
| Anderson,      | Armstrong      | Bergland |
| Calif.         | Ashbrook       | Bevill   |
| Anderson, Ill. | Ashley         | Blester  |
| Andrews, N.C.  | Aspin          | Bingham  |

Boggs  
Boland  
Bolling  
Bowen  
Brademas  
Brasco  
Bray  
Breaux  
Breckinridge  
Brinkley  
Brooks  
Broomfield  
Brotzman  
Brown, Calif.  
Brown, Mich.  
Broihill, N.C.  
Broihill, Va.  
Burgener  
Burke, Calif.  
Burke, Fla.  
Burke, Mass.  
Burleson, Tex.  
Burison, Mo.  
Burton  
Butler  
Byron  
Carey, N.Y.  
Carney, Ohio  
Casey, Tex.  
Cederberg  
Chamberlain  
Chappell  
Chisholm  
Clark  
Clausen,  
Don H.  
Clay  
Cleveland  
Cochran  
Cohen  
Collier  
Conable  
Conlan  
Conyers  
Corman  
Coughlin  
Culver  
Daniel, Dan  
Daniel, Robert  
W., Jr.  
Daniels,  
Dominick V.  
Danielson  
Davis, Ga.  
Davis, S.C.  
Davis, Wis.  
de la Garza  
Delaney  
Dellenback  
Dellums  
Denholm  
Dennis  
Dent  
Derwinski  
Devine  
Dickinson  
Donohue  
Downing  
Drinan  
Dulski  
Duncan  
du Pont  
Eckhardt  
Edwards, Ala.  
Edwards, Calif.  
Eilberg  
Erlenborn  
Eshleman  
Evans, Colo.  
Evins, Tenn.  
Fasceil  
Findley  
Fish  
Fisher  
Flood  
Flowers  
Flynt  
Foley  
Ford, Gerald R.  
Ford,  
William D.  
Forsythe  
Frenzel  
Frey  
Froehlich  
Fulton  
Fuqua  
Gaydos  
Gettys  
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Goodling  
Green, Pa.  
Griffiths  
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Casey, Tex.  
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Chamberlain  
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Clausen,  
Don H.  
Clay  
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Cohen  
Collier  
Conable  
Conlan  
Conyers  
Corman  
Coughlin  
Culver  
Daniel, Dan  
Daniel, Robert  
W., Jr.  
Daniels,  
Dominick V.  
Danielson  
Davis, Ga.  
Davis, S.C.  
Davis, Wis.  
de la Garza  
Delaney  
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Dellums  
Denholm  
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Derwinski  
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Daniel, Robert  
W., Jr.  
Daniels,  
Dominick V.  
Danielson  
Davis, Ga.  
Davis, S.C.  
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de la Garza  
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Denholm  
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Edwards, Ala.  
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Eshleman  
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Evins, Tenn.  
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Fish  
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Flowers  
Flynt  
Foley  
Ford, Gerald R.  
Ford,  
William D.  
Forsythe  
Frenzel  
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Froehlich  
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Gettys  
Gilman  
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Gonzalez  
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Green, Pa.  
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Evans, Colo.  
Evins, Tenn.  
Fasceil  
Findley  
Fish  
Fisher  
Flood  
Flowers  
Flynt  
Foley  
Ford, Gerald R.  
Ford,  
William D.  
Forsythe  
Frenzel  
Frey  
Froehlich  
Fulton  
Fuqua  
Gaydos  
Gettys  
Gilman  
Ginn  
Gonzalez  
Goodling  
Green, Pa.  
Griffiths  
Gross  
Grover  
Gude

White  
Haley  
Hamilton  
Hammer-  
schmidt  
Hanley  
Hanna  
Hansen, Idaho  
Hansen, Wash.  
Breckinridge  
Brooks  
Broomfield  
Brotzman  
Brown, Calif.  
Brown, Mich.  
Broihill, N.C.  
Broihill, Va.  
Burgener  
Burke, Calif.  
Burke, Fla.  
Burke, Mass.  
Burleson, Tex.  
Burison, Mo.  
Burton  
Butler  
Byron  
Carey, N.Y.  
Carney, Ohio  
Casey, Tex.  
Cederberg  
Chamberlain  
Chappell  
Chisholm  
Clark  
Clausen,  
Don H.  
Clay  
Cleveland  
Cochran  
Cohen  
Collier  
Conable  
Conlan  
Conyers  
Corman  
Coughlin  
Culver  
Daniel, Dan  
Daniel, Robert  
W., Jr.  
Daniels,  
Dominick V.  
Danielson  
Davis, Ga.  
Davis, S.C.  
Davis, Wis.  
de la Garza  
Delaney  
Dellenback  
Dellums  
Denholm  
Dennis  
Dent  
Derwinski  
Devine  
Dickinson  
Donohue  
Downing  
Drinan  
Dulski  
Duncan  
du Pont  
Eckhardt  
Edwards, Ala.  
Edwards, Calif.  
Eilberg  
Erlenborn  
Eshleman  
Evans, Colo.  
Evins, Tenn.  
Fasceil  
Findley  
Fish  
Fisher  
Flood  
Flowers  
Flynt  
Foley  
Ford, Gerald R.  
Ford,  
William D.  
Forsythe  
Frenzel  
Frey  
Froehlich  
Fulton  
Fuqua  
Gaydos  
Gettys  
Gilman  
Ginn  
Gonzalez  
Goodling  
Green, Pa.  
Griffiths  
Gross  
Grover  
Gude

Wilson,  
Charles, Tex.  
Young, Ga.  
Young, Ill.  
Young, S.C.  
Young, Tex.  
Zablocki  
Zion  
Zwach

Young, Alaska

## NAYS—25

Bell  
Clancy  
Clawson, Del  
Collins  
Conte  
Cotter  
Cronin  
Giamo  
Goldwater

Grasso  
Gubser  
Hanrahan  
Hinshaw  
Horton  
Hosmer  
Malliard  
Rinaldo  
Roncalio, N.Y.

## NOT VOTING—45

Badillo  
Biaggi  
Blackburn  
Blatnik  
Brown, Ohio  
Buchanan  
Camp  
Carter  
Crane  
Diggs  
Dingell  
Dorn  
Esch  
Fountain  
Fraser

Frelinghuysen  
Gibbons  
Gray  
Green, Oreg.  
Guyer  
Jones, Tenn.  
Ketchum  
King  
McCormack  
McKay  
McSpadden  
Madigan  
Melcher  
Obey  
Price, Tex.

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Blackburn.  
Mr. Rooney of New York with Mr. Ruppe.  
Mr. Fountain with Mr. Carter.  
Mr. Obey with Mr. Buchanan.  
Mr. Stuckey with Mr. Sandman.  
Mr. Stubblefield with Mr. Crane.  
Mrs. Green of Oregon with Mr. Veysey.  
Mr. Gray with Mr. Brown of Ohio.  
Mr. Diggs with Mr. Badillo.  
Mr. Gibbons with Mr. Camp.  
Mr. Teague of Texas with Mr. Vander Jagt.  
Mr. Yatron with Mr. Price of Texas.  
Mr. Biaggi with Mr. Esch.  
Mr. Dingell with Mr. Guyer.  
Mr. Fraser with Mr. King.  
Mr. Jones of Tennessee with Mr. Madigan.  
Mr. Dorn with Mr. Taylor of Missouri.  
Mr. McCormack with Mr. Williams.  
Mr. Melcher with Mr. Frelinghuysen.  
Mr. Reuss with Mr. McKay.  
Mr. Rosenthal with Mr. McSpadden.  
Mr. Wolff with Mr. Tiernan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION  
H.R. 7447, SECOND SUPPLEMENTAL  
APPROPRIATIONS, 1973

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 389 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 389

Resolved, That during the consideration of the bill (H.R. 7447) making supplemental ap-

propriations for the fiscal year ending June 30, 1973, and for other purposes, all points of order against said bill for failure to comply with the provisions of clause 2 and clause 5 of rule XXI are hereby waived.

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

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, the purpose of the House Resolution 389 is to permit the Committee on Appropriations to submit the second supplemental appropriations bill of 1973 for action on the floor by the entire membership of the House of Representatives without being subject to one person killing the entire measure.

House Resolution 389 provides that points of order against the bill for failure to comply with the provisions of clause 2, rule XXI—prohibiting appropriations without authorizations and legislation in appropriations bills—and clause 5, rule XXI—prohibiting reappropriations—are waived. Without this waiver, points of order could be made against the bill in numerous places.

Approximately 86 percent of the \$2,855,542,209 recommended in the bill is for programs that are totally or virtually uncontrollable. Included in this category are:

For pay costs, \$899,891,900;  
For grants to States for public assistance, \$614,066,000;  
For flood and disaster relief programs, \$370,248,000;  
For payment to the Civil Service Retirement fund, \$190,900,000;  
For retired military pay, \$87,000,000;  
For firefighting costs, \$57,638,000;  
For Federal workmen's compensation benefits, \$26,300,000;

For various claims and judgments against the government including Vietnam prisoner of war claims, \$36,568,059;

For military mail privileges and postal costs, \$32,700,000.

Another 8 percent of the funds in the bill, \$226,510,000, is allocated for higher education.

Title I of the bill provides for general supplements. Title II provides for increased pay costs and title III lists general provisions of the bill.

Mr. Speaker, I urge adoption of House Resolution 389 in order that we may discuss and debate H.R. 7447.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I almost had to pinch myself to wonder whether I was in the land of the living when I picked up this rule and found that all points of order to this omnibus deficiency appropriation bill are to be waived. It is my understanding that there are some 100 provisions in this bill that would be subject, in the absence of this rule, to points of order. I simply do not understand what has come over the House of Representatives that they would even think of considering an appropriation bill of this magnitude, an omnibus deficiency appropriation bill calling for the spending of more than

\$2.8 billion, under a waiver of points of order. It is hard for me to conceive that this could happen in the House of Representatives. I can understand a rule making in order an appropriation bill under emergency conditions, with limited points of order. But what has become of the rules of regular and orderly procedure in the House of Representatives when this sort of thing can take place? What is the necessity for the harsh procedure here proposed?

The ranking minority member of the Committee on Appropriations when this bill was reported to the House reserved all points of order which, of course, would have made points of order in order if the bill was considered under ordinary procedures. Why go through that charade if the Committee on Rules is to come forth with a rule waiving all points of order?

Read this bill. It is scarcely a deficiency appropriation bill. It is a transfer bill. Money is transferred all over the lot, and the transfers are made under the cloak and protection of waivers of points of order.

This is a sad performance, and in a way I regret that I am here on this day.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is true, as the gentleman from Iowa (Mr. Gross) has just pointed out, that there are some 109 instances in this bill in which one or two clauses in the House rules: namely, clauses 2 and 5 of rule XXI would be violated if this rule had not specifically waived points of order in each of those instances.

I can give the gentleman from Iowa the explanation that was presented in the Committee on Rules by the distinguished chairman of the Committee on Appropriations as to why this request was made. The gentleman explained that it is not unusual for a supplemental bill, particularly one that reaches the floor shortly before the conclusion of a fiscal year—and we are, of course, less than 2 months from the conclusion of the current fiscal year—to require appropriations either where there is no authorization or to require appropriations in excess of authorized ceilings. So we do have a situation in which we have unexpended balances in one account and deficiencies in another. Therefore, it was the argument of the Committee on Appropriations that it did make very good fiscal sense to permit the transfer of funds from one account to another to make up these deficiencies rather than simply appropriating new moneys. Many of the deficiencies in this bill, as I understand it, are due to unbudgeted pay raises which have since taken effect.

One other example that we were furnished is the general provision section of the Department of Defense supplemental in which there is an excess in the procurement account and deficiencies in personnel and operation and maintenance accounts due to the devaluation of currency, increased food prices, and increased activities in Southeast Asia above the levels that had origi-

nally been programmed. Those are the reasons, in short, why those of us on the Committee on Rules were inclined to go along and grant the request of the chairman of the Committee on Appropriations for the waiver.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman recall in his time in the House a waiver of the rules that covered more items in an appropriation bill than this?

Mr. ANDERSON of Illinois. I am not sure about precedents. I think the gentleman probably is correct. In my memory—and I have been here a dozen years—this is an unusually large number of individual items.

I should be pleased to yield to the chairman of the Committee on Appropriations, if he has actual information as far as the precedents.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas.

Mr. MAHON. As the gentleman from Iowa knows, we raise the pay of civilian and military personnel usually at least once a year, and that calls for additional funds over the original budget. So in prior years, without exception, insofar as I can remember, we have had to provide in the supplemental bill the additional funds for the pay raises which were mandated by law. We try to squeeze the money already available. In other words, we try to get the agencies to absorb as much of the cost of the pay raise from the appropriation previously made, instead of providing additional new funds to pay these increased costs mandated by Congress. In some instances we can transfer available funds between appropriations and thereby hold a tighter rein on the purse strings. We have some 80 instances in this bill where we have made transfers of available funds. This is the way we did it last year, and the year before, and the year before that.

It seems to me to be the most prudent way to do it. It is better than to appropriate new money, increase the budget, increase the deficit, and subject ourselves to criticism for failure to adequately control the purse strings.

I think the gentleman from Iowa will be one of the first to agree that this transference of funds procedure is desirable under the circumstances, and I think the gentleman would agree that it is rather strange that the rules of the House would deny the committee authority to transfer these funds.

I think it might be recited that in prior years, quite a number of years ago, it was in order. It was not held to be in violation of the Rules of the House for the Committee on Appropriations to bring in a bill transferring funds which had previously been approved by Congress. So this is no groundbreaking, world-shattering departure from former procedure. It is a good procedure.

Mr. ANDERSON of Illinois. I thank the gentleman from Texas for that clarifying explanation.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. However, the rule here waiving points of order deals with millions and millions of dollars. The simple question is this: Why did the Appropriations Committee overfund in the first place in these departments, agencies, and even in our own housekeeping in the House of Representatives—why this overfunding to the extent that it is demonstrated in this bill?

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas.

Mr. MAHON. As to the claim that we overfunded in the first place, we have just mandated a slowdown, a delay in certain programs that, if the fiscal situation were not so bad, we would proceed with. So this is an economy move, and yet more funds may be involved here than in some former years. However, by using this transfer technique, I would say to the House that we are saving about \$530 million. This is a good thing.

Mr. ANDERSON of Illinois. I should like to call the attention of the House to the fact that perhaps the most controversial aspect of this bill will revolve around chapter 2, the provision that calls for a transfer of \$430 million additional transfer authority for the Department of Defense and the related question of our current military operations in Cambodia.

It is my understanding that at least two amendments will be offered pertaining to this issue. One would completely strike out the transfer authority and the other would prohibit the use of any funds provided in this act to support bombing or other combat operations in Cambodia by U.S. military forces. That is the language which was provided me which presumably will be offered by the gentleman from Maryland (Mr. Long).

I for one would oppose the first of the two amendments. I think the additional views that are set forth on page 122 of the committee report indicate that the proponents of that amendment are literally throwing the baby out with the bath water. The committee has pointed out that only about \$25 million of those funds could be used or would be used for the bombing of Cambodia. About \$60 million is needed in transfer authority because of the simple rise in food costs and the increase in subsistence, and the addition of \$110 million is needed because of the dollar devaluation. I think we ought to afford the Department of Defense some flexibility in that regard since it involves our base line forces worldwide. As it was explained to me, it could very seriously affect the operations of the 6th Fleet in the eastern Mediterranean when, as we know, a very serious crisis is going on in Lebanon.

I want to make clear I will support the amendment which will be offered by the gentleman from Maryland (Mr. Long). I think it offers a reasonable approach to expressing the conscience of this Congress as being in opposition to air warfare or bombing in Cambodia.

This is not a position to which I have come without a great deal of reflection. I have not only studied the matter but I have also carefully reviewed the statements of the Secretary of State and of our Secretary of Defense and the so-called legal brief that was issued by the Department of State in defense of our Cambodian bombing policy. I can report and it is very painful for me to be obliged to characterize that legal brief as one with a very shoddy and shallow defense of our foreign policy. I cannot accept the legal rationale of that brief.

I looked at the Constitution and I looked at the statutes, and it seemed to me they made it quite clear that this Government has never been authorized to engage in bombing in Cambodia. I refer to the statement that was made by the President after the invasion of Cambodia in 1970, when he said:

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 it is necessary to protect the lives and security of our men in South Vietnam.

That clearly is no longer necessary, given the agreement of last January 27 and the fact that the provisions of that agreement have been implemented with respect to the withdrawal of our troops.

The argument is used that there is a continuing violation of article 20 of that particular agreement and, therefore, we should continue a policy of bombing in Cambodia. Of course that agreement also very clearly specifies a reconvening of the 12-nation congress or conference that met a month after the agreement was signed in any case where the International Control Commission is unable to carry out the terms of the agreement. So it seems to me that is the mechanism we ought to use and we ought to seek to implement in this instance. If we cannot secure adequate enforcement of article 20 and the other provisions of that agreement, we ought to reconvene that congress rather than unilaterally take upon ourselves the responsibility of violating the agreement ourselves by continuing to bomb. It seems to me two wrongs do not make a right even in the field of international law and diplomacy.

The domino theory, of course, is no longer in high fashion and, therefore, it is not being used as a rationale to support the bombing of Cambodia. However, there is still extant the bargaining chip theory, and particularly in view of the projected meeting sometime around the middle of May between Dr. Kissinger and Le Duc Tho we are told we should wait yet a time to see how that particular meeting succeeds. Of course I think that particular theory in this instance, the bargaining chip theory, has been rendered quite inoperative because bombs that are dropped on the peasant villages of Cambodia certainly do not affect the North Vietnamese mentality.

I do not think they are particularly disturbed by any destruction we heap upon Cambodia, nor is it going to deter them in any respect from any other vio-

lations they may contemplate in that agreement.

Third, I have heard this argument used: It is the "bigger picture argument." At least, I would so describe it; that it is only those of us with small minds and narrow vision who fail to perceive that we must in this instance prove our manhood, our determination to support executive agreements which are not the law of the land, which have not been submitted to the Congress for ratification, but that somehow we must do this because we are interested in the larger goal, the bigger picture of producing detente and building a new and emerging structure of peace.

My friends, this is clearly an adaptation of the "means justifies the end" argument. Recently, we have done some very serious national soul searching on that particular doctrine. I would have thought that we would have realized some time ago what a great world leader once told his nation, "The means we use are the ends themselves in the making."

Mr. Speaker, I would submit that we cannot create the conditions for an emerging structure of peace based on falling bombs.

That will come only as we see a world that is willing to turn to the rule of law as a substitute for violence. I do not find the example that we are given very encouraging with respect to the emergence of that basic principle as the foundation of what we ought to do to see an emerging structure of peace in the world.

Therefore, I hope the gentleman from Maryland will offer his amendment. It will have my support for the reasons already mentioned. I think the other amendment is unwise in the restrictions it would place upon the Department of Defense. It is a blunderbuss rather than a scalpel, which we need at this moment to attack the specific issue that confronts the Congress this afternoon.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas (Mr. GONZALEZ).

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

I did not want to interrupt his train of thought, but what I would like to know is, in connection with his reference to the section contained in this bill with respect to devaluation, as the gentleman knows, our committee has not presented the formal devaluation bill as yet.

Would the gentleman be prepared to tell us what the dollar amount reflected in this bill holds because of devaluation?

Mr. ANDERSON of Illinois. Mr. Speaker, we were informed—and I believe these figures were taken from the report of the Committee on Appropriations—that approximately \$110 million of the requested transfer funds are needed because of currency devaluation.

That again is the reason why we should not simply blindly strike out all transfer authority out of the bill.

Mr. GONZALEZ. Mr. Speaker, I agree with the gentleman. I would like to know if part of this \$110 million will be used

to offset the hardship confronting our servicemen and public servants who are working abroad and have made sacrifices.

Mr. ANDERSON of Illinois. Mr. Speaker, there are members of the Committee on Appropriations and possibly the Armed Services Committee who could answer that question in more detail than I.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, the answer to the question is that part of the funds in this bill will, of course, help meet the requirements which the gentleman has pointed out. Without the passage of this legislation, they would be in a very severe position, so this will meet the requirements considerably.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, with regard to devaluation, what we are actually doing here today is appropriating millions upon millions of dollars with absolutely no authority.

I do not believe the gentleman from Illinois presently in the well of the House likes to be taken for granted.

Mr. ANDERSON of Illinois. No, indeed.

Mr. GROSS. What is happening here and what we will be doing by approving this appropriation bill and the millions to make up the shortfall in the devaluation of the dollar is further approving the delegation of power to the executive branch of Government. For the law on the statute books today says that only by virtue of authorization on the part of Congress may an appropriation be made for the shortfall in devaluation.

Yet before this day is over, Members will have yielded to what amounts to one-man power, for devaluation of the dollar is already in effect by action of the President and without sanction of Congress. In the future do not scream about delegation of power to the executive branch of Government, if you vote for this bill here today.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Speaker, I rise in opposition to the rule for the purpose of asking the House to vote down the previous question in order that an amendment to H.R. 7447 can be offered, which will correct a grievous error which was made in the urgent supplemental, which restricted the allocation of funds under impact aid for category B children to the rate of 54 percent.

The rule which we are now considering, which waives in other instances 109 points of order, did not offer us this same opportunity to present this amendment to the House to permit the House to work its will.

The amendment to which I refer will

simply change the 54-percent limitation on category B children to 68 percent, which reflects accurately the amount of money which we appropriated for impact aid in the continuing resolution. My amendment does not seek to add one single dollar to that which this House has already agreed to for impact aid. The \$635 million will remain as a firm figure.

In the urgent supplemental, to which we agreed the day before the Easter recess, we not only increased the funding for category A children to 100 percent in areas that are 25-percent impacted or over, but we also set an arbitrary limitation of 54 percent on category B. If that accurately reflected the amount of money we appropriated for impact aid in the continuing resolution, that would be fine, but inadvertently whoever made the calculations failed to realize if they imposed a 54-percent limitation on category B this would leave \$66 million unexpended, which this House and the other body agreed was necessary for the basic funding of impact aid.

Mr. LEGGETT. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from California.

Mr. LEGGETT. I want to commend the Representative from Hawaii for discovering this discrepancy in our appropriations. I believe the record is unimpeached that we did appropriate by our continuing resolution \$635 million for impact aid; did we not?

Mrs. MINK. Yes.

Mr. LEGGETT. Rather by happenstance we cut this item down by some \$50 or \$60 million almost without debate a few weeks ago. The gentlewoman seeks to offer an amendment to reverse that situation, to allow the OMB and the Office of Education at least to have some flexibility to spend the appropriated money in the event they find it pragmatic to do it; is that correct?

Mrs. MINK. That is absolutely correct. I thank the gentleman for his contribution.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. I should like also to commend the gentlewoman from Hawaii for what she has brought to the attention of the House. I should like to associate myself with her remarks.

I urge my colleagues to vote "no" on the previous question and, if we are successful, so that the amendment can be offered, to vote affirmatively for the amendment.

I thank the gentlewoman.

Mrs. MINK. Mr. Speaker, I thank the gentleman for his contribution.

Mr. MOSS. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, I want to indicate my support for the proposed amendment that the gentlewoman from

Hawaii is urging upon this House. It is necessary that we once again very clearly make these funds available. We have a strong moral commitment, and it should not be shunted aside under any other plea for consideration.

Mr. Speaker, I think we ought to act with our full support of the amendment which will be proposed.

Mrs. MINK. Mr. Speaker, I thank the gentleman for his remarks.

Mr. KAZEN. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I wish to commend the gentlewoman in the well for the remarks she just made, and I wish to associate myself with them and urge the Members of this House to vote down the previous question and vote for the amendment which will be offered by the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, I want to restate and make absolutely clear that the intent is not to ask for one single extra dollar for the impact aid program. This will simply permit the funding of category B in accordance with what the Congress has already said is an appropriate amount. It will simply permit the Department to allocate the necessary funds for category B.

Mr. Speaker, I ask that the Members vote down the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in opposition to the rule. I urge my colleagues to give their full support to the gentlelady from Hawaii's amendment raising the level of funding for B students in impacted areas from 54 to 68 percent. It is important that we note that this level of funding is fully in line with budgetary limits and would not necessitate any additional appropriation.

Mr. Speaker, funding for impacted school districts is a matter of congressional responsibility. We have established military bases in communities throughout our country. In placing these military installations within our communities, I do not believe that Congress intended to unduly burden the taxpayers by requiring them to absorb the financial burdens of educating military affiliated students.

Permit me to call our attention to the problems confronting one of my school districts—the town of Highland Falls which houses our renowned Military Academy at West Point.

The U.S. Military Academy occupies 80 percent of the town land—all tax free. Of the 21,000 acres of land within the school district of Highland Falls, only 1,700 acres are taxable, leaving that township with an extremely narrow tax base. As a matter of fact, this tax base is so limited that the employment of but a single additional teacher causes the local tax rate to jump by \$1 per thousand dollars of assessed valuation.

In light of the severe burdens that school taxes are placing on homeowners throughout the Nation, this additional

burden being placed on local government as a result of a military installation is not only unjust, but is also discriminatory.

Mr. Speaker, we must not shirk our congressional responsibility by tossing the burden right back to the local school districts. Throughout the past few months the clouded Federal regulations of impacted funds has caused severe fiscal distress to all school officials affected by impact aid funds. Our inaction has resulted in an undue burden on these school administrators. We have decided, reconsidered, set funding levels and reset funding levels to the point where we are now, a late appropriation with an inadequate funding level.

Cries of Federal mishandling of programs is epitomized in our decisions on impact aid. With the school year rapidly coming to a close and local school officials desperately trying to balance a budget, we still debate an issue which should be promptly resolved.

I urge my colleagues to join the gentlelady from Hawaii in voting down the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. I thank the gentleman for yielding.

Mr. Speaker, I commend the gentlewoman from Hawaii and the gentleman from New York for their efforts for the children of school age in category B or those military dependents living in the school district but whose parents do not live on military lands.

Mr. Speaker, I think it would be worthwhile to share with the committee a letter which I received from the Belton School District No. 124 which is a district just to the south of Richards-Gebaur Air Force Base. The school board of that district adopted a policy on April 26 of this year that they cannot continue to offer school service on a tuition-free basis each year unless the Federal Government reimburses the district to the rate of 100 percent for category A pupils and 100 percent for category B pupils for military dependents as provided in Public Law 874.

The interesting part of the communication, which also contained a resolution by the board of education, was that they felt a sincere concern for the welfare of the 3,366 students residing in the school district and the 1,159 students residing on Federal lands.

However, the superintendent of the school district, James N. Shanahan, indicated in a letter that—while that school district was somewhat more affluent than other districts—the board had indicated that they would continue to provide school services, even if the Federal Government failed to make its contributions for what is called impact aid, for one and only one school year following the failure of the Government to provide 100-percent assistance for both category A and category B.

The Belton School District, however, was quite straightforward in their presentation of the facts when they an-

nounced they had adopted a policy of having to deny attendance of military pupils at their school, they did so only after a full and careful analysis of their financial condition and only after a careful survey of all possible alternatives including an increase in the local tax levy by approximately 33 percent.

Mr. Speaker, I shall at the appropriate time put all of the resolution and supporting facts of the plight of a typical district impacted by military dependents in the Record for the information and guidance of my colleagues who may be now or become similarly situated.

For the time being what we are talking about, as we consider the amendment of the gentlelady from Hawaii, as far as this one example of a typical district is concerned, is that after this 1 year, should the Federal Government continue to reneg and continue to fail to reimburse the district at the minimum rate, then the district will terminate all educational services to students living on Federal lands at the conclusion of that school year.

Surely, no Member of this House in this day and age, in the year of our Lord 1973, wants to let a situation develop where approximately 1,200 students in this one example multiplied many times across America will be denied the privilege of an education. That will happen because the school districts will not accept them, and I think we should face the facts and look the situation squarely in the face, to realize that our enlisted men cannot afford to pay private tuition under conditions of present-day inflation.

Mr. Speaker, that is why it is so important that we vote down the previous question. This will permit our friend from Hawaii to amend the rule which would make in order an amendment increasing assistance in category B pupils from 54 percent to 68 percent. This sort of parliamentary procedure is necessary because—without the amended rule—any amendment offered to H.R. 7447 would be subject to a point of order as being legislation in an appropriation bill.

Mr. Speaker, I strongly urge a no vote on the previous question to permit this parliamentary procedure to be perfected in order that military dependents all across America may not be denied an education equal to their peers who may not be dependents of those serving in the Armed Forces of our country.

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. Rose).

Mr. ROSE. Mr. Speaker, I rise in support of the comments that have been made by my distinguished colleagues concerning impact aid. I represent a district that relies heavily on impact aid to education. The largest county in my district receives some \$2 million a year in type B impact aid.

I wish to associate myself with the fine remarks my colleagues have made here today concerning the defeat of this rule and urge my colleagues to vote in opposition to the rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. I thank the gentleman for yielding to me.

Mr. Speaker, I just rise for a point of clarification. I will leave the full details for discussion when I speak in general debate.

The gentleman from Illinois (Mr. ANDERSON) said that the money in the grant is needed for devaluation purposes. We do not want to hurt them, he said, and I agree with him. We do not want to hurt them in any way. In the hearings, all through part III of the hearings, they stated that they have the money. They have still not utilized the full \$750 million in transfer authority which we gave them. They did not come before the Defense Appropriations Subcommittee to justify it. So all they are requesting and the key to the whole thing is the letter of the Director of the Office of Management and Budget, Roy Ash, wherein he says that we have the right of flexibility. If you only limit that right of flexibility and give the fund of \$430 million and you say none of that \$430 million can be used for Cambodia, then they cannot use any part of that \$430 million for Cambodia.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. ADDABBO. I will in just one moment.

But any other money which they still have on hand and to which they testified before our committee they had on hand would then be freed up to be used for Cambodia.

That is why I say we must strike the entire question of additional right of flexibility. They have \$750 million on which they have the right of flexibility. We gave them that right when we had troops in Southeast Asia and when we were trying to get our prisoners of war back. Now all of those things have occurred and there is no further need for that right. If they want additional money and have other programs they would like to use it on, then let them come back to the Congress and justify it and tell us where this money is going to be used. If they need \$170 million or \$175 million, then they can tell us where.

This is where we need it, and this is a function of the Congress.

Now, I yield to the distinguished gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I support the objective of the gentleman from New York (Mr. ADDABBO), but I propose that there is a far cleaner way of reaching this issue, and that is simply to put a limitation on expressing the sense of the Congress as being opposed to the use of these funds for the bombing of Cambodia. I cannot see why the gentleman from New York wants, as I stated before, to throw the baby out with the bath water and get into areas that deal with things other than Cambodia.

Mr. ADDABBO. The gentleman from Illinois has answered the argument him-

self as to the way we propose limiting these funds. Not to give them the right of continued flexibility.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I have an amendment which I am going to offer either as perfecting amendment or as a follow-on amendment. The words approximate these:

Provided that none of the funds herein authorized to be transferred by the Department of Defense shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia by United States forces.

I feel that the proposed amendment to be offered by the gentleman from New York (Mr. ADDABBO) is a good amendment if that is all we can get, but I think that we need a much more precise instrument, and I feel that my amendment is more precise because it is a clear message from the Congress to the President that all bombing in Cambodia must stop. It is explicit, not merely an implicit message. My amendment does not bar transfer of funds into areas such as the Middle East, essential to our national defense. My amendment does not, in short, limit the flexibility of our defense in other sectors. It does not prevent our continued aid in the form of weapons and economic support for the non-Communist Cambodias.

Therefore, Mr. Speaker, I hope that my amendment, when it is offered, will be accepted, because I think this is a clear and definite message to the President, and to the world, that Congress does not want any more activity involving U.S. combat personnel in Cambodia.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Speaker, I rise in support of the amendment.

A school superintendent in my district described the need for these funds to me very clearly. He said:

With our tax situation, trying to run our school system without these category B funds is like trying to cross a 20-foot ditch with a 19-foot log.

In this particular school district, there is a Federal nontaxed installation which employs 11,000 people.

In this school district, there are 1,850 children—out of a total enrollment of 11,700—eligible for category B assistance. Each percentage increase in payment under category B is worth \$4,000 to this particular school district.

I might also point out that this district is within 2 cents of maximum taxation allowed under Texas law. So it is not a case of "letting Uncle Sam do it."

It is just trying to make up the extra foot and provide the very best possible education for our young people. And education, I believe, is the most important thing we can provide as a long-term investment in this Nation's future. Therefore, I ask my colleagues to vote against the rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Speaker, I hope that the Members of the House will listen to the few words that I am going to say now in connection with this impact aid business. There are very few people who have been through this impacted area aid battle more often than have I. That all the Members know. So you should listen when I come down here in the well at this time to urge the Members not to upset the present fiscal 1973 funding plans for impacted area aid which the members of the Labor-HEW Subcommittee agreed to in the conference on the urgent supplemental appropriation bill. We have been friends of this program, from its first day right up to the present moment, and we certainly intend to continue our support of it in the 1974 appropriation bill.

Now, for heaven's sake—and I address myself directly at this point to those who represent school districts with children in the A category—do not touch this thing; this is loaded. If you reopen the impacted area aid question in order to increase payments for "B" children, you may find that you have, in effect, reduced payments for the "A" children.

Now, for heaven's sake, if you want to endanger what we have done, go ahead, but the agreement we reached in the conference on the urgent supplemental appropriation bill resulted in the release of \$85.5 million for impacted area aid over the amount which the administration was willing to allocate up to that point. We went from \$483 million to \$568.8 million. What we did permitted the payments for "A" children to reach 90 percent of full entitlement, and 100 percent of full entitlement in the heavily impacted districts where the "A" children constitute more than 25 percent of total enrollment.

So as it now stands, it is 90 or 100 percent for the A's, and it is 54 percent for the B's. When the President's budget came up here, there was not a dime in it for the B's, except for those from military families. As it stands now, they will receive 54 percent of full entitlement. Now out of an abundance of caution, do not rock this boat; do not upset this thing. If you do, no one knows what will happen. We will be into fiscal 1974 in a very short time. Stand by the committee. I do not blame the advocates of this amendment. We can all imagine why: Newspaper editorials and letters from back home. But listen to me. This goes far beyond that. We are dealing here with something we should not touch at this time under any circumstances. We worked for this program; we funded it. Now, be very careful—you may undo what we have accomplished.

I urge the Members to support the committee and to vote for the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I understand there are further requests for

time by the minority. For the purpose of debate I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I realize it may be difficult to get time when the bill itself is being debated, and for that reason I appreciate the time extended to me by the gentleman from Illinois (Mr. ANDERSON).

Mr. Speaker, the decisions the House makes today on Cambodia will have consequences reaching far beyond the immediate issue: that is, the actual bombing of Cambodia by U.S. planes.

In fact, in my opinion, what we decide will be a significant part of the legislative history of war-making in Vietnam and likely establish an important precedent which will add or detract from the influence of the Congress in future use of our military forces in hostilities.

I cite first of all the interpretation already given by Secretary of Defense Richardson. He was quoted in the Washington Evening Star-News of May 8, as stating to the Senate Foreign Relations Committee: If an amendment to bar use of transfer authority for bombing were offered and defeated, "we would then be justified in viewing that rejection . . . as a vote at least to acquiesce in" the policy of bombing Cambodia.

Just to make sure that this was a reasonable interpretation of the administration view, I had the question placed to the staff in Mr. Richardson's office.

Mr. Robert Murray, a member of Mr. Richardson's personal staff said he was authorized to comment on the Star-News report.

He made this statement:

If Congress says nothing on Cambodia, since there is so little money for Cambodia in the bill, the Administration cannot draw support for bombing Cambodia from support for this bill.

If, however, an amendment is proposed to prohibit the transfer of funds for the war in Cambodia, and if Congress rejects that amendment, the Administration will interpret this as part of the legislative history, that the Congress has ratified or acquiesced in the Administration's policy in Cambodia, particularly in the bombing of Cambodia.

I cite also the committee print of the Senate Foreign Relation Committee of April 1973, prepared by the Foreign Affairs Division of the Congressional Research Service of the Library of Congress on "Congress and the Termination of the Vietnam War."

On page 11, the report states:

In view of the fact that the executive branch has generally taken the position that the President did not need Congressional authorization to become involved in the Vietnam war, action by Congress terminating the war might be rejected by the President, who, if he were to continue to get appropriations, could resume the war.

On page 9, the report states:

While no court has expressly held that the Congressional actions necessary to give sanction to the war (such as continued au-

thorizations and appropriations) constituted an implied declaration of war in the constitutional sense, it is difficult to avoid that inference.

Therefore, how we vote today could have large meaning in giving congressional sanction to the bombing—in the eyes of the administration, in the eyes of Federal courts, and in broader terms of constitutional history.

It is fair to say those that vote against the amendments to bar bombing in effect cast their vote to sanction the bombing. Those who vote for these amendments vote against such sanction.

The decisions today have another vital dimension.

They will help to settle an unusual, if not completely unique doctrine of reserve war powers of the President as Commander in Chief.

Very plainly the administration argues that it has the authority to use military measures in Cambodia because the Paris Peace Agreement has been broken.

The rupture of the agreement, so the argument goes, gives the President the authority, as well as the responsibility to punish enemy forces through bombing in Cambodia.

Bear in mind that the Tonkin Gulf resolution has been rescinded. Bear in mind that the Paris Peace Agreement was not a treaty. It was an Executive agreement, in which the Congress was not involved in any way.

The effect of this argument—if it is accepted—is to establish another reserve war power of the President as Commander in Chief. In addition to the reserve power to defend the United States and its forces and to use military power to rescue its citizens, without specific prior authorization of Congress, the President now wishes to establish the doctrine that he can use military force to punish nations which break peace agreements made wholly by Executive authority.

In my view this is an untenable and dangerous doctrine that must be swiftly and clearly rejected by the Congress by every means available. We must not acquiesce even this one day.

If it is permitted to stand, there is virtually no limit on the extent and duration of war powers exercised by the President without prior congressional approval.

Before the day is over you will have a chance to vote for an amendment to bar funds for bombing.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I would like to return to the subject of impact aid and urge a vote against the previous question so that an amendment can be offered to increase the amount of money being given for category B aid impact aid.

I am not going to re-plow the ground which has already been covered by those who talked in favor of impact aid, arguing how important it is to relieve the financial stress that is placed upon our

school systems. I represent such an area where impact aid is vitally important, and most of our money comes from category B. As one of the previous speakers has stated in regard to his own district, much of the land in my own district is in the hands of the Federal Government. This is land which is not on the tax rolls.

But there is another point which I think ought to be made in arguing for restoration and preservation of category B. That is, in an area such as mine where the tremendous growth of the Federal Government has necessitated a massive school construction program for the school districts so affected by this growth of the Federal Government, the Federal Government has a special responsibility to help alleviate the tremendous financial burden which has been placed on those school districts. It is really immaterial whether or not the parents of those schoolchildren pay property taxes, because the burden on the school system has been caused by the Federal Government itself. That is why we have impact aid and we as representatives of those taxpayers who are shouldering the burden for that school construction, have a responsibility, it seems to me, to see that these category B students get their fair share of the allocation.

Mr. Speaker, I urge a vote against the previous question.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from Maryland (Mr. HOGAN) and the gentlewoman from Hawaii (Mrs. MINK). My concern with this issue of impact aid and particularly category B, is that we have caught the school districts of this country in the middle of their school year. Without proper provisions to plan to supplement the funds withheld.

I think one issue which has not been raised is the unfairness of cutting off the category B program where a school district has clearly planned for the utilization of those funds. The arbitrariness of cutting off the funds in the middle of the program is clearly a bad practice.

Mr. Speaker, I support the position of the gentlewoman from Hawaii and the gentleman from Maryland (Mr. HOGAN).

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Speaker, I rise to support voting down the previous question.

Once again we are confronted with this controversial issue of impact aid. Granted there are inequities in this program, the question as I see it: Why has not the Committee on Education and Labor restructured this program; Why has not the committee reformed this program. It is right to occasionally analyze and rebuild a program that has gone astray, or completely do away with it, but it is cer-

tainly wrong to hang these schools out on the limb and it is wrong to strangle these schools into closing by slowly cutting off their funds. I urge this committee to open the rule and then accept an amendment to restore impact aid to our school system.

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

Mr. GOLDWATER. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I join in support of the arguments against the previous question in the hope that an amendment may be offered to the second supplemental appropriation bill to allocate impacted school aid funds for those school districts which will otherwise experience financial loss during the coming school year.

Mr. Speaker, school districts in North Chicago and Waukegan particularly, as well as in other areas affected by the large military installations at Great Lakes Naval Training Center in my congressional district—will be seriously affected unless impact school aid funds are made available—as in earlier years.

Mr. Speaker, the total amount of such funds insofar as Lake County schools are concerned is \$3 million. This is a sizable sum upon which the school districts have come to rely. Many of the schoolchildren in this area are from disadvantaged backgrounds—and the funds are of particular significance in promoting equal educational opportunities for these young Americans.

Mr. Speaker, I hope the previous question may be voted down and that an amendment to provide adequate impacted school aid funds for both categories A and B may be included in the second supplemental bill.

Mr. ANDERSON of Illinois. Mr. Speaker, I would like to urge the Members of the House to vote up the rule. This is not because we are opposed to any particular amendment which has been talked about here in the debate, but it is simply that I am informed by the chairman of the Committee on Appropriations that if we vote down the previous question, this rule will open up this bill to amendments affecting virtually every single department of the whole Federal Government.

Mr. Speaker, I do not think we want to do that, to spend the time to fight this battle which these gentlemen have been talking about during the last few minutes.

Mr. Speaker, I hope the Members will support the Committee on Rules and adopt the rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as I have remaining to the distinguished gentleman from Texas, the chairman of the Committee on Appropriations (Mr. MAHON).

Mr. Speaker, I ask that the gentleman from Texas yield to me for a question.

Mr. MAHON. I yield to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Speaker, I

would like to ask the gentleman a question for the purpose of clarifying the situation.

Is it not true that the issue of Cambodia, whether it be pro or con, is properly raised under this rule and has nothing to do with whether or not the rule is adopted or not adopted?

Mr. MAHON. Mr. Speaker, I appreciate the fact that the gentleman has raised this question.

There are Members who have spoken in regard to the Cambodian matter because they wanted to make their expression before the House, but the rule accommodates these amendments and this debate, and there is no concern about whether or not amendments will be in order with respect to Cambodia and the defense transfer item, so that is not the issue involved here.

The serious aspect of this matter is that if we vote down the previous question, then we risk losing control of the bill and all manner of amendments might be in order. One would think, listening to the arguments here, that this is the only issue; namely, what are we going to do with the so-called impacted area aid program.

That is just one issue which might be brought up. There might be unlimited other amendments which could be in order if we vote down the previous question.

So, it could be highly dangerous, it would seem to me, for us to vote down the previous question and open up this bill for every kind of amendment. I think it would be a very dangerous thing.

Mr. Speaker, if it were absolutely clear that the question was confined only to the single issue of impacted aid, that would be one thing, but that is not the extent of the situation.

All of us are sympathetic toward this matter of impacted aid. We have done the best we could to retain what money we could for the program.

The fact is that it was just prior to consideration by the House of the urgent supplemental on April 12, that the administration announced the release of \$415 million for impacted area aid. That was far short of the \$635 million made available under the conditions of the continuing resolution.

In the final version of the recently enacted urgent supplemental, as a result of the Senate amendment, we took action making available an additional amount of \$85 million for class A students. There seems to be no doubt but that this money would be spent.

Under ordinary circumstances this amendment might not be too bad except that it jeopardizes what we have already done and could very well nullify our efforts to release the additional money for class A students.

Mr. Speaker, I hope that the previous question will prevail.

Mr. Speaker, another thing about the matter is that if the previous question does fail and the rule is not agreed to,

then all of these various provisos in this bill which are of great interest to the Members of the House, as many as a hundred of them will be subject to a point of order because they provide for transfer of funds or otherwise are technically contrary to the rules.

If one part of a paragraph is held subject to a point of order, the whole paragraph will go out. We would have a ridged bill, which would make the House look ridiculous.

All one has to do is to turn to the bill. The paragraph with respect to the Environmental Protection Agency could go out. The paragraph with respect to watershed and flood prevention operations under the Department of Agriculture could go out.

Emergency conservation measures could go out.

Firefighting money under the Forest Service could go out.

Money for other items, such as the Federal communications money, could go out.

The health services and mental health money could go out, if any Member made the point of order.

The paragraph for additional parking could go out.

The bill would become a shambles.

The pay for Federal employees throughout the Government could go out if a point of order were made on any of the paragraphs containing transfer authority.

There is just no end to the catastrophic results which could ensue if we vote down the previous question. Let us proceed in an orderly way for consideration of this measure.

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

Mr. MAHON. I yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

That would be only because the House of Representatives had not previously done its own homework, would it not?

Mr. MAHON. No, I would not say so. We are trying to save money by providing transfer authority. We are handling some of the increased pay costs by transfer authority rather than by providing new money.

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

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

Mr. LEGGETT. The chairman does not seriously believe we are going to totally discombobulate this bill merely by opening up the rule for one small amendment to restore what the committee previously did. Is it not a fact that the committee did come back with a continuing resolution that did appropriate \$635 million for the impacted aid program? Is that not true?

Mr. MAHON. The committee has supported the additional funds for impacted aid. We want to do the best we can for impacted aid. We feel that this is perhaps the best that can be done for impacted aid.

Mr. LEGGETT. The committee did.

Mr. MAHON. If I might go further, if

we do not have the rule and points of order are raised, then the money for higher education could go out, because there is language in that paragraph which is subject to a point.

We would riddle, emasculate, and destroy the effectiveness of the operation of the House of Representatives on this bill. If we really want to act in the most responsible way in my opinion, we will vote to order the previous question despite our feelings about impacted aid.

I share the feelings of many Members with respect to impacted aid. I am vitally affected in my district. But it appears that this is the best way to be helpful in that respect.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

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

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

Mrs. MINK. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 184, nays 222, not voting 27, as follows:

[Roll No. 135]

YEAS—184

|                |                 |                |                |               |               |
|----------------|-----------------|----------------|----------------|---------------|---------------|
| Abdnor         | Donohue         | McEwen         | Snyder         | Treen         | Wyatt         |
| Anderson, Ill. | Dulski          | Mahon          | Staggers       | Vigorito      | Wydier        |
| Andrews, N.C.  | Duncan          | Mailiardi      | Stanton        | Wagonner      | Yates         |
| Andrews,       | Eckhardt        | Mallary        | J. William     | Walsh         | Young, Alaska |
| N. Dak.        | Edwards, Ala.   | Mann           | Steelman       | Wampler       | Young, Fla.   |
| Annunzio       | Erlenborn       | Maraziti       | Steiger, Ariz. | Ware          | Young, Ill.   |
| Archer         | Esch            | Martin, Nebr.  | Stratton       | Whitten       | Young, S.C.   |
| Arends         | Eshleman        | Mayne          | Sullivan       | Wiggins       | Young, Tex.   |
| Ashbrook       | Evins, Tenn.    | Mazzoli        | Taylor, N.C.   | Williams      | Zion          |
| Bafalis        | Findley         | Michel         | Teague, Calif. | Wilson        | Zwach         |
| Bell           | Fish            | Miller         | Thomson, Wis.  | Charles, Tex. |               |
| Bergland       | Flood           | Mills, Ark.    |                | Winn          |               |
| Boland         | Ford, Gerald R. | Minshall, Ohio |                |               |               |
| Bolling        | Forsythe        | Mizell         |                |               |               |
| Bowen          | Fountain        | Mollohan       |                |               |               |
| Bray           | Frenzel         | Montgomery     |                |               |               |
| Breckinridge   | Fulton          | Moorhead, Pa.  |                |               |               |
| Brooks         | Fuqua           | Murphy, Ill.   |                |               |               |
| Broomfield     | Goodling        | Myers          |                |               |               |
| Brown, Calif.  | Griffiths       | Natcher        |                |               |               |
| Brown, Mich.   | Grover          | Nelsen         |                |               |               |
| Broyhill, N.C. | Guyer           | O'Brien        |                |               |               |
| Buchanan       | Haley           | O'Neill        |                |               |               |
| Burke, Fla.    | Hanrahan        | Passman        |                |               |               |
| Burleson, Tex. | Hansen, Idaho   | Pickle         |                |               |               |
| Burlison, Mo.  | Hansen, Wash.   | Poage          |                |               |               |
| Butler         | Harrington      | Powell, Ohio   |                |               |               |
| Byron          | Harvey          | Pritchard      |                |               |               |
| Carney, Ohio   | Hastings        | Quie           |                |               |               |
| Casey, Tex.    | Hebert          | Quillen        |                |               |               |
| Cederberg      | Hechler, W. Va. | Railsback      |                |               |               |
| Chamberlain    | Heinz           | Regula         |                |               |               |
| Chappell       | Hinshaw         | Rhodes         |                |               |               |
| Clancy         | Horton          | Rinaldo        |                |               |               |
| Clawson, Del.  | Huber           | Roberts        |                |               |               |
| Cleveland      | Hunt            | Robinson, Va.  |                |               |               |
| Cohen          | Hutchinson      | Robison, N.Y.  |                |               |               |
| Collier        | Jarman          | Rogers         |                |               |               |
| Conable        | Johnson, Colo.  | Roncallo, N.Y. |                |               |               |
| Conlan         | Johnson, Pa.    | Rostenkowski   |                |               |               |
| Conte          | Keating         | Ruth           |                |               |               |
| Cotter         | Kemp            | Satterfield    |                |               |               |
| Coughlin       | Kluczynski      | Saylor         |                |               |               |
| Daniel, Dan    | Kuykendall      | Scherle        |                |               |               |
| Davis, Wis.    | Landgrebe       | Schneebell     |                |               |               |
| Delaney        | Landrum         | Sebelius       |                |               |               |
| Dellenback     | Latta           | Shoup          |                |               |               |
| Denholm        | Lehman          | Sikes          |                |               |               |
| Dennis         | Lent            | Slack          |                |               |               |
| Derwinski      | Long, La.       | Smith, Iowa    |                |               |               |
| Devine         | McDade          | Smith, N.Y.    |                |               |               |

|                |               |               |
|----------------|---------------|---------------|
| Snyder         | Treen         | Wyatt         |
| Staggers       | Vigorito      | Wydier        |
| Stanton        | Wagonner      | Yates         |
| J. William     | Walsh         | Young, Alaska |
| Steelman       | Wampler       | Young, Fla.   |
| Steiger, Ariz. | Ware          | Young, Ill.   |
| Stratton       | Whitten       | Young, S.C.   |
| Sullivan       | Wiggins       | Young, Tex.   |
| Taylor, N.C.   | Williams      | Zion          |
| Teague, Calif. | Wilson        | Zwach         |
| Thomson, Wis.  | Charles, Tex. |               |
|                | Winn          |               |

NAYS—222

|                 |                 |                    |
|-----------------|-----------------|--------------------|
| Abzug           | Gude            | Pepper             |
| Adams           | Gunter          | Perkins            |
| Addabbo         | Hamilton        | Pettis             |
| Alexander       | Hammer-         | Peyser             |
| Anderson,       | schmidt         | Pike               |
| N. Dak.         | Callif.         | Podell             |
| Armstrong       | Hanley          | Preyer             |
| Ashley          | Hanna           | Price, Ill.        |
| Aspin           | Harsha          | Randall            |
| Badillo         | Hawkins         | Rangel             |
| Baker           | Hays            | Rarick             |
| Barrett         | Heckler, Mass.  | Rees               |
| Beard           | Heilstoeki      | Reid               |
| Bennett         | Henderson       | Reuss              |
| Bevill          | Hicks           | Riegle             |
| Blester         | Hillis          | Rodino             |
| Bingham         | Hogan           | Roe                |
| Boggs           | Holifield       | Roncalio, Wyo.     |
| Brasco          | Holt            | Rooney, Pa.        |
| Breaux          | Holtzman        | Rose               |
| Burke, Calif.   | Hosmer          | Rosenthal          |
| Burke, Mass.    | Howard          | Roush              |
| Burton          | Hudnut          | Rousselot          |
| Carey, N.Y.     | Hungate         | Roy                |
| Chisholm        | Ichord          | Burgener           |
| Clark           | Johnson, Calif. | Jones, Ala.        |
| Clausen,        | Kazan           | Jones, N.C.        |
| N. Dak.         | Don H.          | Jones, Okla.       |
| Clay            | Koch            | Jordan             |
| Cochran         | Kyros           | St Germain         |
| Conyers         | Leggett         | Karth              |
| Corman          | Liton           | Sarasin            |
| Cronin          | Long, Md.       | Sarbanes           |
| Culver          | Lott            | Seiberling         |
| Daniel, Robert  | Lujan           | Shriver            |
| W., Jr.         | McClory         | Sisko              |
| Daniels         | McCloskey       | Steed              |
| Dominick V.     | McCormack       | Steele             |
| Danielson       | McFall          | Stephens           |
| Davis, Ga.      | McKinney        | Stokes             |
| Davis, S.C.     | Macdonald       | Stuckey            |
| de la Garza     | Madden          | Studs              |
| Dellums         | Madigan         | Symington          |
| Dent            | Martin, N.C.    | Symms              |
| Dickinson       | Mathias, Calif. | Talcott            |
| Diggs           | Mathis, Ga.     | Taylor, Mo.        |
| Downing         | Matsunaga       | Thompson, N.J.     |
| Drinan          | Meeds           | Thone              |
| du Pont         | Melcher         | Thornton           |
| Edwards, Calif. | Metcalfe        | Tierman            |
| Ellberg         | Mezvinsky       | Towell, Nev.       |
| Evans, Colo.    | Millford        | Udall              |
| Fascell         | Mills, Md.      | Ullman             |
| Fisher          | Minish          | Van Deerlin        |
| Flowers         | Mink            | Vank               |
| Foley           | Mitchell, Md.   | Walde              |
| Ford,           | Mitchell, N.Y.  | Whalen             |
| William D.      | Moakley         | White              |
| Fraser          | Moorhead,       | Whitehurst         |
| Frey            | Calif.          | Widnall            |
| Froehlich       | Morgan          | Wilson, Bob        |
| Gaydos          | Mosher          | Wilson,            |
| Gettys          | Moss            | Charles H., Calif. |
| Giaimo          | Murphy, N.Y.    | Wolf               |
| Gibbons         | Nedzi           | Wright             |
| Gilmam          | Nichols         | Wylie              |
| Ginn            | Nix             | Wyman              |
| Goldwater       | Obey            | Yatron             |
| Gonzalez        | O'Hara          | Young, Ga.         |
| Grasso          | Owens           | Zablocki           |
| Green, Pa.      | Parris          |                    |
| Gross           | Patman          |                    |
| Gubser          | Patten          |                    |

NOT VOTING—27

|             |               |              |
|-------------|---------------|--------------|
| Biaggi      | Dorn          | McSpadden    |
| Blackburn   | Flynt         | Price, Tex.  |
| Blatnik     | Frelinghuysen | Rooney, N.Y. |
| Brown, Ohio | Gray          | Sandman      |
| Camp        | Green, Oreg.  | Shipley      |
| Carter      | Jones, Tenn.  | Stubblefield |
| Collins     | Ketchum       | Teague, Tex. |
| Crane       | King          | Vander Jagt  |
| Dingell     | McKay         | Veysey       |

So the previous question was not ordered.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Price of Texas.

Mr. Rooney of New York with Mr. Frelinghuysen.

Mrs. Green of Oregon with Mr. Brown of Ohio.

Mr. Blatnik with Mr. Camp.

Mr. Dingell with Mr. King.

Mr. Flynt with Mr. Blackburn.

Mr. Dorn with Mr. Collins.

Mr. Shipley with Mr. Crane.

Mr. Stubblefield with Mr. Carter.

Mr. Gray with Mr. Sandman.

Mr. Jones of Tennessee with Mr. Vander Jagt.

Mr. McSpadden with Mr. Biaggi.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MINK

Mrs. MINK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MINK: Strike out the period at the end of House Resolution 389 and insert "and it shall be in order to consider, without the intervention of any point of order, an amendment on page 10, after the heading on line 13, in the following form:

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"The paragraph under this heading in Public Law 93-25 is amended by striking out "54%" and inserting in lieu thereof "68%"."

PARLIAMENTARY INQUIRY

Mrs. MINK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentlewoman will state it.

Mrs. MINK. I understand I have 1 hour.

The SPEAKER. The gentlewoman has control of the time.

Mrs. MINK. Mr. Speaker, I do not intend to take the full hour which this procedure now permits me. I believe that the arguments were very well made during the debate on the rule, but for the Members who were not here on the floor at the time the question was raised with regard to the rule, I would simply like to state that the amendment which I am seeking to be made in order during the debate on the bill is simply to correct an amendment which was added to the urgent supplemental the day before we recessed for Easter.

The Senate placed into the urgent supplemental appropriation bill an amendment on the floor which not only permitted the funding of category A under impact aid at 100 percent for those districts that were 25 percent impacted, and 90 percent for all other "A" category areas, but it also placed a limitation on funding for category B under impact aid at 54 percent level. That might have been done in the Senate on the false assumption that that was all the money that this Congress had appropriated in the continuing resolution.

We all recall that the fiscal year 1973, HEW budget was vetoed and that entire Department's budget is now being funded, under a continuing resolution, based upon actions taken with respect to the bill that passed the Senate, whichever is the

lower figure. The lower figure for impact aid is \$635 million.

The amendment that I seek to have made in order at the time we consider the supplemental today does not alter one iota the \$635 million which this House and this Congress has otherwise appropriated for impact aid. All I seek to do is to remove that 54-percent limitation on category B. It does nothing whatsoever to the category A funding of 100 percent in these areas where the impact is 25 percent and greater.

Mr. MAHON. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Texas (Mr. MAHON) for purposes of debate only.

Mr. MAHON. Mr. Speaker, I would like to join with the gentlewoman from Hawaii in undertaking to explain the situation before us. I think we can handle this matter quickly.

The House has demonstrated by its previous vote that it would like to consider voting in a way that hopefully more money would be available for impacted area aid. Do I understand from the gentlewoman that this is the only amendment that she wants to offer?

Mrs. MINK. Yes.

Mr. MAHON. And the gentlewoman will not yield for any other amendments?

Mrs. MINK. I will not yield for any other amendments.

Mr. MAHON. If there is only one amendment and this is the amendment, it seems to me the House has indicated its will. If the gentlewoman does not yield for any other amendments, the rule is intact otherwise and the bill is not subject to the points of order as a result of various items that are contained in this legislation, will she then be willing to move forward with the consideration of the bill?

Mrs. MINK. Precisely.

Mr. MAHON. It seems to me a foregone conclusion that the amendment of the gentlewoman from Hawaii to the rule will be adopted, so I suggest that we might get on with the business and complete the legislation.

Mrs. MINK. Mr. Speaker, I move the previous question on my amendment and on the resolution.

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

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

Mr. YATES. Mr. Speaker, on the question of ordering the previous question I demand the yeas and nays.

The yeas and nays were refused.

So the previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentlewoman from Hawaii.

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

The SPEAKER. On the question of agreeing to the amendment?

Mr. GROSS. On the question of ordering the previous question.

The SPEAKER. The previous question has been ordered.

Mr. YATES. Mr. Speaker, I had asked for a separate vote on the previous ques-

tion. There is no opportunity to ask for the yeas and nays, Mr. Speaker?

The SPEAKER. It is too late.

The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

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

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

The yeas and nays were refused.

So the amendment was agreed to.

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

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

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

The yeas and nays were refused.

So the resolution as amended, was agreed to.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. Mr. Speaker, if the rule is voted down, under the rules of the House may not this bill come to the floor of the House anyway, it being an appropriations bill?

The SPEAKER. The rule was voted on.

Mr. YATES. The rule has not been voted on.

The SPEAKER. The Chair will state that the House was voting on the resolution. The resolution has been adopted.

Mr. YATES. Mr. Speaker, the rule has not yet been adopted, inasmuch as we asked for a vote.

The SPEAKER. The Chair will state that the rule has been adopted. The yeas and nays were not ordered on the question of agreeing to the resolution.

Mr. YATES. Mr. Speaker, it has not been adopted until there is a division of yeas and nays.

The SPEAKER. The Chair put the question on the resolution and announced that the ayes appeared to have it on voice vote. A yea-and-nay vote was demanded. An insufficient number of Members arose to support that demand. Accordingly, under the announcement the Chair made, the resolution has been agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 38, AIRPORT DEVELOPMENT ACCELERATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, with a House amendment thereto, insist on the amendment of the House and agree to the conference asked by the Senate.

**THE SPEAKER.** Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, KUYKENDALL, and SHOUP.

#### PERSONAL ANNOUNCEMENT

Mr. MADDEN. Mr. Speaker, on roll-call No. 132, yesterday, I was present and voted "No". I ask unanimous consent that the permanent RECORD be corrected accordingly.

**THE SPEAKER.** The Chair is without authority in that regard. The gentleman's statement will appear in the RECORD.

#### SECOND SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Michigan (Mr. CEDERBERG) and myself.

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

There was no objection.

**THE SPEAKER.** The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7447, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1 hour, and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, the bill before us today touches almost every Federal department and agency, as well as the District of Columbia. It is the last large general supplemental appropriation bill for fiscal year 1973.

However, certain additional transmittals from the Executive are anticipated. As Members know, the President, on February 12, took the action of devaluating the dollar by 10 percent. By virtue of this action, we expect to receive, in the relatively near future, a request for appropriations totaling some \$2.2 billion to maintain the U.S. pro rata subscription to five international financial institutions.

An additional supplemental request is

anticipated to provide funds for the several flood and disaster relief programs of the Federal Government. This will be in response to the critical flood conditions prevalent in large sections of the country.

But the bill before us today is the last comprehensive supplemental for the fiscal year ending June 30. The committee held extensive hearings on the items in the bill. There are three volumes of testimony and related material available to Members totaling 2,700 pages.

#### GRAND TOTAL OF THE BILL

The grand total of the bill is some \$2.8 billion, which represents a net decrease of \$300 million below the various budget estimates considered in connection with the bill.

Further, the bill contains transfers of some \$530 million between appropriations. In several cases where transfers were proposed from appropriations impounded by the executive branch, the committee has not granted such transfers but has provided new money. In other instances, in lieu of providing new budget authority, the committee has recommended transfers from accounts in which the committee has determined there are surpluses. It is customary for the Congress to provide transfer authority particularly for pay act costs in order to minimize the granting of new obligatory authority and to facilitate to the maximum extent the absorption of increased pay costs within current appropriations.

#### BILL HIGHLIGHTS

About 86 percent of the \$2.8 billion contained in the bill is for programs that are totally or virtually uncontrollable at this point in time. Another \$226 million, or 8 percent of the bill, is for higher education items which were not handled in the urgent supplemental bill, which cleared the House on April 12 and became law on April 26.

Among the major programs which are totally or virtually uncontrollable at this point in time are:

\$899,891,900 for pay costs.

\$614,066,000 for grants to States for public assistance.

\$370,248,000 for flood and disaster relief programs.

\$190,900,000 for payment to the Civil Service Retirement fund.

\$87,000,000 for retired military pay.

\$57,638,000 for firefighting costs.

\$26,300,000 for Federal workmen's compensation benefits.

\$36,568,059 for various claims and judgments against the Government including Vietnam prisoner of war claims.

\$32,700,000 for military mail privileges and postal costs.

#### REDUCTIONS IN APPROPRIATIONS

The \$300 million in reductions is a net figure. There are increases in a few items in the bill approximating \$80 million, the great majority of which is associated with flood relief programs of the Corps of Engineers and the Soil Conservation Service. As indicated, additional requests are anticipated for purposes of this nature.

Reductions in the bill include:

\$118 million, net, in pay increase costs.

\$75 million in the deficiency request for naval personnel.

\$15 million in various defense operation and maintenance requests for postal and mail purposes.

\$21,000,000, net, in higher education programs.

\$50 million in the elderly nutrition program, because of the timing of the appropriation.

\$74 million in advances to extended unemployment account, and

\$8.5 million in the Federal payment to the District of Columbia.

In referring to the \$300 million reduction in requests considered in the bill, it must be taken into consideration that the committee has not recommended rescission in various appropriations as requested by the executive branch in the sum of about \$383 million. This action of not recommending such rescissions has the effect of reflecting congressional action on the budget as an increase of \$383 million in fiscal year 1973. Thus, the \$300 million reduction in this bill is offset by not recommending the requested rescissions.

#### CONGRESSIONAL ACTION ON APPROPRIATION BILLS FOR 1973

In each and every of the last 20 years, the Committee on Appropriations has recommended and the Congress has enacted reductions in total budget authority requested by the Executive. Excluding amounts in the accompanying bill, the Congress has to date considered budget requests for appropriation bill items for fiscal year 1973 totaling about \$178.3 billion. In its action on such appropriation bills, the House has reduced requests for new budget—obligational—authority by about \$5.1 billion. Senate action on the appropriation bills it has considered thus far has resulted in decreases amounting to about \$2.3 billion in budget authority.

In final actions in connection with these appropriation bills, the Congress had reduced requests by an amount aggregating some \$5.1 billion. These amounts include inaction on some \$966 million net downward amendments for fiscal 1973 contained in the budget submitted January 29, 1973.

In connection with the figures which I have just cited, I again recommend for Members' attention the so-called score-keeping report published periodically by the Joint Committee on Reduction of Federal Expenditures. This report represents the only comprehensive accounting of congressional actions and inactions affecting the Federal budget. The report is objective and has gained widespread acceptance in Congress and in and out of Government generally. The report this year incorporates new material and efforts continue to make the reports more informative and understandable.

#### CONGRESSIONAL ACTION ON NONAPPROPRIATION BILLS

Mr. Chairman, in considering congressional action on appropriation bills it should also be taken into account that congressional actions on certain nonappropriation bills also authorize new budget authority and result in outlays by the Government. The estimated net effect of all final congressional actions to date on nonappropriation bills affect-

ing fiscal 1973 has been to increase new budget authority by about \$15 billion and to increase outlays by about \$7.8 billion.

Over the last 5 years, in appropriation bills handled by the Appropriations Committee, Congress has reduced appropriations below the requests by about \$30 billion. However, during this period Congress has offset that reduction by adding about \$30 billion in bills which are not handled by the Appropriations

Committee. It has been virtually a stand-off in this respect.

Had Congress for the last 5 years given the executive branch precisely what had been requested—no more, no less—the fiscal posture of the Government would be about the same. In this span, Congress has provided about what the executive branch has requested in total spending authority, although making reductions in the regular appropriation bills, and allowing increases in so-called

backdoor spending and other legislative bills.

#### TABULAR SUMMARY

So, Mr. Chairman, as I indicated, the great majority of appropriations in the bill represent items for which there is little or no discretion available to the Congress at this late date in the fiscal year. At this point in the RECORD I offer a summary table by chapters reflecting the budget requests and amounts recommended by the committee in the bill:

#### COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

##### SUMMARY

|  | Budget estimates | Recommended in bill | Bill compared with estimates |   | Budget estimates | Recommended in bill | Bill compared with estimates |
|--|------------------|---------------------|------------------------------|---|------------------|---------------------|------------------------------|
| <b>TITLE I—GENERAL SUPPLEMENTS</b>                             |                  |                     |                              |   |                  |                     |                              |
| Agriculture—Environmental and Consumer Protection:             |                  |                     |                              | Transportation:   |                  |                     |                              |
| New budget (obligational) authority—                           | \$12,100,000     | \$33,387,000        | +\$21,287,000                | New budget (obligational) authority—                          | \$49,646,000     | \$43,883,000        | -\$5,763,000                 |
| Transfer from Sec. 32—   | (21,960,000)     | (21,960,000)        |                              | Intragovernmental transaction—                                | (24,669,000)     | (24,669,000)        |                              |
| Defense:   |                  |                     |                              | By transfer—  | (3,250,000)      | (3,250,000)         |                              |
| New budget (obligational) authority:                           |                  |                     |                              |   |                  |                     |                              |
| 1973—  | 143,500,000      | 123,627,000         | -19,873,000                  |   |                  |                     |                              |
| 1972—  | 30,400,000       | 17,598,000          | -12,802,000                  |   |                  |                     |                              |
| 1971—  | 72,001,000       | 16,958,000          | -55,043,000                  |   |                  |                     |                              |
| 1969—  | 7,947,225        | 50,000              | -7,897,225                   |   |                  |                     |                              |
| Total—   | 253,848,225      | 158,233,000         | -95,615,225                  |   |                  |                     |                              |
| By transfer—   | (500,000,000)    | (430,000,000)       | (-70,000,000)                |   |                  |                     |                              |
| District of Columbia:  |                  |                     |                              | Total, title I—General supplements:                           |                  |                     |                              |
| Federal funds: New budget (obligational) authority—            | 8,500,000        | 0                   | -8,500,000                   | New budget (obligational) authority:                          |                  |                     |                              |
| District of Columbia funds:                                    |                  |                     |                              | 1973—   | 2,033,706,309    | 1,921,018,309       | -112,688,000                 |
| New budget (obligational) authority—                           | (65,430,000)     | (64,830,000)        | (-600,000)                   | 1972—   | 30,426,000       | 17,624,000          | -12,802,000                  |
| Foreign Operations: New budget (obligational) authority—       | 738,000          | 700,000             | -38,000                      | 1971—   | 72,001,000       | 16,958,000          | -55,043,000                  |
| Housing and Urban Development, Space, Science, and Veterans—   |                  |                     |                              | 1969—   | 7,947,225        | 50,000              | -7,897,225                   |
| Interior and Related Agencies:                                 |                  |                     |                              |   |                  |                     |                              |
| New budget (obligational) authority—                           | 59,630,000       | 57,638,000          | -1,992,000                   | Total—  | 2,144,080,534    | 1,955,650,309       | -188,430,225                 |
| By transfer—   | (13,250,000)     | (8,600,000)         | (-4,650,000)                 | By transfer—  | (517,298,000)    | (442,648,000)       | (-74,650,000)                |
| Labor and Health, Education, and Welfare:                      |                  |                     |                              | Transfer from Sec. 32—  | (21,960,000)     | (21,960,000)        |                              |
| New budget (obligational) authority—                           | 1,163,715,000    | 1,028,844,000       | -134,871,000                 | Limitation on administrative and non-administrative expenses— | (148,107,000)    | (147,649,000)       | (-458,000)                   |
| Limitations on administrative and non-administrative expenses— | (148,107,000)    | (147,649,000)       | (-458,000)                   | Intragovernmental transaction—                                | (24,669,000)     | (24,669,000)        |                              |
| Legislative Branch:  |                  |                     |                              |   |                  |                     |                              |
| New budget (obligational) authority—                           | 20,502,250       | 20,597,250          | +95,000                      | <b>TITLE II—INCREASED PAY COSTS</b>                           |                  |                     |                              |
| By transfer—   | (298,000)        | (298,000)           |                              | New budget (obligational) authority—                          | 1,018,799,900    | 899,891,900         | -118,908,000                 |
| Public Works—  | 25,600,000       | 70,600,000          | +45,000,000                  | By transfer—  | (87,960,796)     | (87,543,536)        | (-417,260)                   |
| State, Justice, Commerce, and Judiciary:                       |                  |                     |                              | Limitation on administrative and non-administrative expenses— | (1,458,700)      | (1,458,700)         |                              |
| New budget (obligational) authority:                           |                  |                     |                              |   |                  |                     |                              |
| 1973—  | 223,568,000      | 215,835,000         | -7,733,000                   | <b>GRAND TOTAL—TITLES I AND II</b>                            |                  |                     |                              |
| 1972—  | 26,000           | 26,000              |                              | New budget (obligational) authority:                          | 3,052,506,209    | 2,820,910,209       | -231,596,000                 |
| Total—   | 223,594,000      | 215,861,000         | -7,733,000                   | By transfer—  | 30,426,000       | 17,624,000          | -12,802,000                  |
| By transfer—   | (500,000)        | (500,000)           |                              | Limitation on administrative and non-administrative expenses— | 72,001,000       | 16,958,000          | -55,043,000                  |
|  |                  |                     |                              | Intragovernmental transaction—                                | 7,947,225        | 50,000              | -7,897,225                   |
|  |                  |                     |                              |   |                  |                     |                              |
|  |                  |                     |                              | Total—  | 3,162,880,434    | 2,855,542,209       | -307,338,225                 |
|  |                  |                     |                              | By transfer—  | (605,258,796)    | (530,191,536)       | (-75,067,260)                |
|  |                  |                     |                              | Transfer from sec. 32—  | (21,960,000)     | (21,960,000)        |                              |
|  |                  |                     |                              | Limitation on administrative and non-administrative expenses— | (149,107,700)    | (149,107,700)       | (-458,000)                   |
|  |                  |                     |                              | Intragovernmental transaction—                                | (24,669,000)     | (24,669,000)        |                              |

Mr. MAHON. At this time it would perhaps be appropriate to take a moment to talk about the major item of controversy, which is associated with Southeast Asia. As all of us know, there have been hundreds of millions of dollars spent in Southeast Asia by the U.S. Government, beginning at least as far back as the early 1950's.

We have had a war going on for almost 10 years. The 200th shipload of aid to Vietnam arrived in Southeast Asia in 1952. It has been a long story.

A cease-fire agreement has now been acquired. It became effective at midnight on January 27. The cease-fire has been agreed to but has not been fully implemented. The President is desperately trying to get full stabilization of the cease-fire. He has had from January 27 to date, just over 3 months, to try to solidify and stabilize the cease-fire. In the context of the long contest in Southeast Asia, that is only a very short period of time and I, for one, have not lost patience with the President's efforts to stabilize the cease-fire. I, for one, am in favor of giving him a bit more time.

Mr. Chairman, we gave 6 years plus for the actual fighting of the war. In an emotional moment, I am not in favor of trying to curtail the President's authority to move in the direction of peace. Plenty of time remains for such action if we wish to pursue it. Of course, we all favor, and our constituents favor, an early and rapid end to all the fighting in Southeast Asia.

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

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

Mr. YATES. Mr. Chairman, the gentleman has spoken about his feeling that he would not want to cut off the President's authority. What congressional or constitutional authority has he had for bombing in Cambodia at the present time?

Mr. MAHON. Mr. Chairman, the ceasefire was announced on January 27. At that time we still had extensive forces in Southeast Asia. All of the ground forces have now been withdrawn, but we still have in Thailand and in the seas

around Southeast Asia a number of forces.

Mr. YATES. What constitutional authority did he have?

Mr. MAHON. I do not know of anybody in this House who can speak with complete authority as to what may happen in Southeast Asia and as to what kind of eventual conclusion may be reached there. I realize that people differ as to the constitutional provisions, but we cannot settle constitutional matters in this bill. It is my understanding the Committee on Foreign Affairs is presently conducting hearings looking toward an examination of the organic law of the land with respect to the authority of the President in matters such as this.

Mr. YATES. The gentleman has not stated what authority he has now. He has no authority from the Congress, does he?

Mr. MAHON. If the gentleman says he has no authority from the Congress, that is his view. We have, of course, provided about \$76 billion for the Military Establishment for the current fiscal year. We have not approved or disapproved as of

this time his actions to implement the cease-fire.

Mr. YATES. Is the gentleman stating that the approval of an appropriation is sufficient authority for the President under the Constitution to carry on the bombings of Cambodia and Laos?

Mr. MAHON. The statement speaks for itself.

Mr. CEDERBERG. Will the gentleman yield to me?

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

Mr. CEDERBERG. It is true all of our ground forces have been removed from Southeast Asia, but we still have 1,300 and some missing in action who have not been removed or been accounted for. Some may be living and most may be dead. There are people living in this country who are very concerned about these missing in action.

Mr. YATES. If the gentleman will yield further, what congressional authority has the President received to stay there and engage in military bombing in Cambodia and Laos?

Mr. CEDERBERG. I am just answering your question and saying there are a lot of people who have not been removed or their remains have not been located and they have not been accounted for.

Mr. YATES. What authority does he have?

Mr. CEDERBERG. The same authority he had before.

Mr. THOMPSON of New Jersey. Will the gentleman yield?

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

Mr. THOMPSON of New Jersey. I thank the distinguished chairman for yielding.

No one has greater sympathy for those missing in action. There is not one Member of this body who is unsympathetic to them. The fact of the matter is, however, that absent any constitutional authority to continue the bombing and with all due regard for those who are missing in action, the inevitable result of the continuation of the bombing is going to be increased casualties and an increased number of missing in action, and this has to stop.

I thank the chairman for yielding.

Mr. RONCALIO of Wyoming. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. I thank the chairman for graciously yielding to me at this time in order to make this observation.

We understand that as mature lawmakers and many of us lawyers are discussing the constitutionality of acts of aggression, and recently we know in most of the leading papers of America there appeared an excellent legal treatise prepared by able constitutional lawyers setting forth the case for the President and against the President.

Most of us have our minds made up if we are able to read and draw conclusions therefrom. I have my mind made up and I know which way I will vote, but I respect the fact that it will be different from the gentleman from Texas and the gentleman from Florida (Mr. SIKES) for whom I have tremendous respect.

My conclusion is there is no authority for the President to drop bombs anywhere in Indochina, but that does not mean that he does not have the right to protect American lives wherever they may be.

However, the longer we debate this the less likely we are to come to any conclusion. This is predetermined and should be voted on.

I thank you very much for yielding to me.

Mr. MAHON. I was glad to yield to the gentleman.

It is true we make no progress by debating the constitutional provisions in connection with this bill. The President and his advisers take the position that the Commander in Chief has the constitutional authority. Some experts agree and some differ, but that does not settle the issue. If we want to settle the issue of war and peace, we have the authority to do it. If the Congress wants to grapple with this issue in a direct way through its proper procedures, then we can bring home troops from Europe and bring home forces from Thailand and elsewhere and take any action that we wish to.

But you cannot very well do it in the supplemental appropriation bill. This is no place to fight the battle. If the Congress in its wisdom wishes to bring to a grinding halt all military programs and activities outside of the United States or inside of the United States, it has the authority to do it.

That seems to me to be the situation.

Mr. Chairman, may I inquire how much time I have consumed?

The CHAIRMAN. The Chair will state to the gentleman from Texas that the gentleman has consumed 14 minutes.

Mr. MAHON. Mr. Chairman, I do not care to yield myself further time at this moment.

Mr. FLOOD. Mr. Chairman, chapter VII of the bill includes \$1,028,844,000 for the Departments of Labor and Health, Education, and Welfare and related agencies. This is a reduction of \$134,871,000 below the budget request.

The largest single item is \$614,066,000 for grants to States for public assistance. Every year about this time we have to appropriate additional funds for public assistance grants, and this year is no exception. The reason for the supplemental appropriation is the tremendous increase in costs for social services over the amounts in the original 1973 budget which was submitted to Congress in January 1972. As you will probably remember, a ceiling of \$2.5 billion on payments for social services was enacted in the last session of Congress, but this ceiling was far in excess of the amount requested in the 1973 budget estimate.

Another fairly large item included in our chapter is \$226,510,000 for fiscal year 1973 funding for higher education programs which have not been previously considered by the committee. There were funds for higher education in the supplemental appropriation bill which was enacted last fall, and there were funds for the student assistance programs in the urgent supplemental which we sent to the President before the Easter recess. The amounts which are included here

are for use in the school year which begins next fall, included in the total is \$12,360,000 for language training and area studies under title VI of the National Defense Education Act. This is \$10 million above the budget request. The administration proposed to cut back this program rather abruptly, and we have included funds in the bill to keep it alive at least for another year. We are also recommending some reductions in the budget request for special services in college and strengthening developing institutions, where the administration was proposing rather large increases over the current level.

Another major item in our chapter is \$50 million for the nutrition program for the elderly. An appropriation of \$100 million for this program was included in both the Labor-HEW appropriation bills for fiscal year 1973 which were approved by the Congress but vetoed by the President. Because this is a new program, no funds were available for it under the terms of the fiscal year 1973 continuing resolution. In view of the fact that most of the fiscal year has gone by, we are recommending an appropriation of \$50 million to remain available through the first 6 months of fiscal year 1974.

The bill also includes \$77,207,000 for reimbursement to the social security trust funds for costs incurred in the administration of the new Federal supplemental security income program authorized by the Social Security Amendment of 1972. The new program replaces the existing grant-in-aid programs for the aged, blind, and disabled which are administered by the States and localities. None of the funds included in this bill are for benefit payments. This appropriation is entirely for administrative cases which the social security administration is incurring in order to be in a position to put the program into effect on January 1, 1974.

Some of the other items included in this bill are \$26,300,000 for Federal workmen's compensation benefits resulting from an increase in claims; \$12,000,000 to permit completion of the new Children's Hospital National Medical Center in the District of Columbia; and \$17,593,000 for payments to lenders for federally insured and reinsured student loans which are in default. This last item is one about which the subcommittee is very concerned and which we have discussed at considerable length in our hearings on both the 1973 estimates and the 1974 budget estimates. We have urged the Office of Education to take all possible steps to collect these defaulted loans.

The biggest reduction from the budget estimate recommended by the subcommittee was \$74 million for advances to the extended unemployment compensation account. Based on the information which we received in the hearing, we concluded that this money was needed back in August of 1972, but that now that so much time has elapsed the appropriation is no longer necessary.

I should also mention that the administration requested rescission of appropriations totaling \$382,888,000, of which \$342,928,000 fell within the bailiwick of the Labor-HEW subcommittee.

We recommend disapproval of all of these proposed rescissions as indicated on page 3 of the report. The largest single item involved in the rescission is an appropriation of \$239,000,000 which was appropriated for the neighborhood youth corps summer program. It is our definite intent that there should be a summer youth program just as there was last summer, and we hope, but, of course, we cannot guarantee that the funds will be spent for that purpose.

Those are the highlights of chapter 7 of this bill, and everything is explained in greater detail in the report.

Mr. EVINS of Tennessee. Mr. Chairman, there are three items in chapter 9 of this bill handled by the Subcommittee on Public Works Appropriations.

These concern supplemental appropriations for the U.S. Corps of Engineers for further disaster relief to the flooded areas of the Mississippi Valley, one item for the Federal Power Commission, and a request for supplemental funds for the Water Resources Council.

Of the several requests, the replenishing of the Emergency Fund of the Corps of Engineers to assist areas ravaged by floods is, of course, the most important and of the greatest urgency.

We all recognize the necessity for providing needed disaster relief to those areas where more than 11,000,000 acres of farmlands have been flooded and inundated.

We are recommending in the bill \$70,500,000 as an additional appropriation for emergency disaster relief—the budget request was \$25,000,000, so our request is \$45,000,000 above the budget request to replenish the depleted emergency fund.

And, may I say, this request was made several weeks ago, and it is evident to the committee that recent floods in the Lower Mississippi Valley have caused extensive damage—but due to the magnitude of the disaster, it will be some time before an accurate assessment of damages can be made.

It should be pointed out that flood control measures prevented an estimated \$5 billion 979.1 million in damages in the Lower Mississippi Valley area.

Had there been no flood control measures carried out by the Corps of Engineers, damages would have reached an estimated \$6 billion 187.1 million rather than the actual estimated total of \$208.6 million.

Present funding in my opinion will be inadequate to provide the full necessary disaster relief. Certainly the additional \$25 million over the budget request is urgently required and needed at this time.

#### FEDERAL POWER COMMISSION

For the Federal Power Commission our committee is recommending the full supplemental budget request of \$100,000.

This additional funding is necessitated by a court ruling—Greene County Planning Board against FPC—requiring that the FPC prepare its own environmental impact statements to accompany every request for construction, operation and maintenance of hydroelectric and natural gas pipeline facilities.

This ruling has caused a substantial

increase in the workload of the Commission and the \$100,000 in additional funding is required to finance the studies required by the court order.

#### WATER RESOURCES COUNCIL

The committee has deferred, without prejudice, a request by the Water Resources Council for an additional \$500,000 for the national and regional water resource assessment program.

Since the Council has not convened in more than a year and since the Council Director recently left the Council, our committee sees no special urgency in this request for additional funds which—I repeat—we recommend be deferred without prejudice. Needed funding can be considered in the regular annual appropriation bill.

Appropriate consideration will be given to funding requests for the Water Resources Council when the committee considers the regular 1974 appropriations bill.

Mr. CEDERBERG. Mr. Chairman and Members of the Congress, I am not going to take any time during the general debate process on this matter. I think everyone knows what is included in the various sections of the bill. The distinguished Chairman, the gentleman from Texas (Mr. MAHON) has alluded to the figures that are involved.

Mr. Chairman, I have very few requests for time. However, at this time I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I would like to address a few questions to the distinguished gentleman from Texas (Mr. MAHON) concerning this bill.

For instance, how did the Sergeant at Arms' office get so much money that it could be transferred all over the place in the legislative branch as it applied to this body?

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be glad to yield to anyone who can give me an answer to my questions.

Mr. CASEY of Texas. As the gentleman from Iowa will note, some of these are very minor amounts, but the principle is this—that some of these funds were not used and, rather than reappropriating funds, we just transferred them.

Mr. GROSS. How were they overfunded? Why was the Sergeant at Arms' office overfunded to the extent that it could be taken and spent elsewhere?

Mr. CASEY of Texas. I would state to the gentleman from Iowa that some of the funds are due to the fact that we did have some Members who died, and those funds were not reused until those departed Members were replaced with the election of new Members.

Mr. GROSS. Then let us take the Department of Commerce, and the transfer of National Oceanic and Atmospheric Administration funds to that department. Other funds were taken from that same outfit, the National Oceanic and Atmospheric Administration and given to the International Business Administration. There is a long list of them here, transfers of funds from that same source the National Oceanic and Atmospheric

Administration. How did they become so overfunded that the committee could reach in and get this kind of money?

Mr. MAHON. Mr. Chairman, if the gentleman will yield, the President had established a ceiling of \$250 billion in expenditures for the current fiscal year and to achieve that objective, required the shrinking of many programs. So the departments were prevented from expending certain moneys and various means were used in order to reduce expenditures and to keep within the ceiling of \$250 billion.

Mr. GROSS. Mr. Chairman, I submit that the question was: Why were they so overfunded in the first place that they did not need those funds?

How could that happen? How was the committee able to transfer hundreds of thousands of dollars from the Disabled Miners fund to other areas? I just do not understand why these agencies and departments of Government were so overfunded in the first place. That is my point.

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

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

Mr. CEDERBERG. The amounts that have been transferred mostly in this legislation are a small fraction of the total budget of the agency.

Mr. GROSS. I understand that.

Mr. CEDERBERG. Let me direct the gentleman's attention to the miners' situation. We funded that situation. I think the gentleman from Iowa will concur that we did not get the number of applications that were anticipated at the time that the funds were made available. Those things happen. Let me ask the gentleman from Iowa a question, if I may.

The gentleman from Iowa would not suggest that we in the Committee on Appropriations not take a hard look at what is happening in these various agencies and make this money available for transfer for pay raises, and so forth, rather than give them new money; would he?

Mr. GROSS. Of course the committee should take a hard look and that includes the original estimates of funds required. Let me inquire about the miscellaneous item of \$1 million for the contingent expenses of the House. What is that all about?

I might preface that by saying that before the Easter recess this year I said that I hesitated to leave this place because the last time I went on vacation, I came back to find the Speaker's lobby stuffed with Louis XIV or XV furniture, and adorned with crystal chandeliers at a cost of some \$300,000.

I came back from this year's Easter recess to find the dining room carpeted wall to wall, with brand new, nice soft carpet.

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

Mr. CEDERBERG. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. GROSS. There was nothing wrong with the carpet that was there. Under the situation that exists today, with fiscal trouble growing all over the coun-

try, leads me to be somewhat inquisitive about what the money is being spent for around this place.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. CASEY of Texas. With reference to the million dollars in the contingent fund, this House voted an additional \$20,000 per Member for clerk hire. The gentleman will recall this and the fact that the million dollars is an estimate of what might be used. The gentleman may not use it, and I may not use it, but it has to be available to those Members who do make the request for the additional \$20,000.

Mr. GROSS. This is no reflection on the gentleman from Texas (Mr. CASEY) who is a pretty good conservative in my book, but some people apparently could not wait for the regular appropriation bill; it has to be rushed in here right now in this deficiency bill so that some Members could get their hands on the additional \$20,000 immediately.

Mr. CASEY of Texas. It will not be spent unless the Members themselves make the request.

Mr. GROSS. I understand that perfectly. I am not going to spend any of it.

Mr. CASEY of Texas. This resolution was adopted by the House this year. This money is for the current fiscal year ending June 30. The regular legislative bill for next fiscal year, fiscal year 1974, has already passed the House.

Mr. GROSS. The hook is dangled, and the goose hangs high. I thank the gentleman.

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

Mr. ADDABBO. Mr. Chairman, as you undoubtedly know, I will later offer an amendment to strike from the bill \$430 million that the Defense Department seeks to have transferred from specific accounts to its general operational fund. My amendment reads as follows: "on page 6, strike out the lines 9 through 12."

After numerous hearings on the matter before the Defense Appropriations Subcommittee, I and other colleagues have come to believe this rather innocuous sounding amendment is, in fact, a subtle attempt by the executive to have the Congress put the stamp of approval on its bombing raids over Cambodia.

If you read the story on the front page of the Washington Post Tuesday, you are aware that Secretary of Defense Elliot L. Richardson has pulled out all the stops in an attempt to defeat our amendment.

Whatever the House action, the Secretary is quoted as saying, the bombing of Cambodia will continue. He also alleged that of the \$430 million, only \$25 million will be used for Cambodia. And the story goes on to say:

Richardson said that if an amendment were offered to specifically restrict use of any of those funds for air support in Cambodia and it was defeated, then we would be justified in regarding that vote as a vote to at least acquiesce in that activity.

Basically, the Defense Department

seeks the transfer of funds from specific accounts to the general operational fund. No new money is involved. Secretary Richardson said in an appearance before the subcommittee the shortage has come from the currency devaluation, higher subsistence costs and "a higher-than-programmed rate of activity in Southeast Asia during the second half of fiscal year 1973."

The Secretary has also maintained that of the \$430 million sought, only \$25 million would be used for bombing missions over Cambodia.

The Secretary's computations would seem to create a small credibility gap within the Pentagon, because later that day, the comptroller of the Air Force, appearing before the Defense Appropriations Subcommittee testified that of the \$430 million request, the Air Force is scheduled to receive—and I quote:

We have an estimate of \$80 million for Southeast Asia.

Congressman GIAMO then asked if the \$80 million for Southeast Asia was for combat operations, and the answer was: "Yes, sir."

I would suggest that since the only area of combat in Southeast Asia today is Cambodia, the minimal estimate of money to go for Cambodia operations is \$80 million which at best is three times more than what Mr. Richardson has indicated. Frankly, we believe that \$80 million figure to be less than all inclusive.

As Air Force Secretary Robert C. Seamans, Jr., told the committee earlier this week, the \$25 million would perhaps pay for the gasoline used in flying the planes.

What the Secretary neglected to mention are the costs for personnel, bombs, support facilities and personnel, replacement parts and losses of aircraft and crews during the bombing raids.

The cost of flying tactical aircraft is \$6,600; the per-sortie cost of a B-52 is \$30,000. During the period from January 27 to March 30 of this year, this Nation has sent 12,136 sorties over Cambodia.

Again, Secretary Seamans indicated the true cost of sustaining the Cambodia raids during the last 60 days of fiscal year 1973 would be closer to \$170 million than the \$25 million mentioned by Secretary Richardson.

I would like to bring to the attention of my colleagues part of the dialog which occurred during the Defense Appropriations Subcommittee hearings on May 8 when General Crow was asked to clarify the basis for estimating the cost of military operations in Cambodia for May and June 1973:

Mr. ADDABBO. If the air operation in Cambodia continues for the remainder of fiscal year 1973 as in recent weeks, what will be the cost of operations in May and June?

General Crow. The \$26 million figure that I used, Mr. Addabbo, would be the out-of-pocket costs. That was not munitions consumed, for instance.

Mr. ADDABBO. Does that take into consideration personnel costs, maintenance of bases, and so on?

General Crow. No, sir; it does not.

Mr. ADDABBO. It is just for the gas being used for the planes, is that correct? General Crow. And some miscellaneous support.

That marks the end of the quotation. It is abundantly clear, I believe, that the \$25 million figure cited by Secretary Richardson has no connection with the reality of the Cambodia situation.

The various cost estimates for Cambodia operations become even less reliable when viewed against the history and experience of military costs during the first 4 months of 1973. During the same hearings in response to a question from Chairman MAHON, Lt. Gen. Duward L. Crow, Comptroller of the Air Force, told the subcommittee that—

In the sense of total consumption, our utilization of munitions and costing, if you will, since the 1st of January through April 30, has been about \$160 million.

At a minimum that experience indicates at least a cost of \$40 million per month or at least \$80 million for the 2-month period remaining until the end of the current fiscal year.

But we would emphasize that large as these amounts are, the money figure is less important than the congressional attitude toward the administration's bombing of Cambodia.

Despite the attempt of Secretary Richardson to minimize the impact of the amendment on its Cambodia policies in the media and, despite the protests that will be delivered on the floor, there is no doubt that the Pentagon would like to use congressional approval as—to quote Mr. Richardson again—"a vote to at least acquiesce in that activity."

The Secretary is totally aware, as were the many military witnesses who came before the committee, of the effect approval of the transfer request would have for the Cambodia policies: It would be congressional approval of the bombing at the very least and, at its most extreme, could be used as the rationale to introduce ground troops into Southeast Asia.

We do not seek to imply that the President has any intention of introducing ground troops into Southeast Asia. But we do strongly contend that the Congress, having learned the painful lesson of the Gulf of Tonkin Resolution, must not give the President a blank check to wage war without the express approval of the Congress.

Secretary Richardson has repeatedly stated, and you will hear it repeated on the floor, that to deny this transfer request would cause serious consequences for all aspects of the military, and would seriously weaken this Nation's defense posture during the months of May and June. But military witnesses before the subcommittee, perhaps more acquainted with bookkeeping procedures, have debunked that statement entirely. With some minor budget shuffling, the military could function until the end of the fiscal year.

And so we are left with the question of Cambodia, and a very sticky question it is.

On March 21, President Nixon sent his request to the House for the transfer authority, and with it came a letter from Roy Ash, Director of the Office of Management and Budget.

In his letter, Mr. Ash stated:

This increase in transfer authority is necessary to provide the flexibility to transfer funds to meet requirements as they arise during the balance of the year.

On May 1, Mr. Ash appeared before our subcommittee, and I asked him if his letter meant that transfer funds could "be used by the President for introduction of ground troops in further expansion of the war?"

His answer was, and I quote directly:

I am afraid as to that one that I will have to go back and do more homework before I can answer it out of my head. It sounds like fairly broad language as you have stated it.

I consider the request far more than "fairly broad language." I consider it a dangerous, unlimited request for authority all too reminiscent of the Gulf of Tonkin Resolution. It is most important at this particular time in our history that Congress establish clear limits on Presidential authority to repeat the mistakes of Vietnam, be they in Cambodia or anywhere else in the world.

We perhaps cannot stop the bombing, it is true, by adopting this amendment. The Pentagon has adequate funds available for that purpose, I am afraid. But we can express the intent of Congress to stop the bombing and stop the loss of American lives in Cambodia and Laos, and avoid providing the Pentagon with the blank check approval it wants to expand the bombing, or to carry the Cambodia campaign into a further escalation. We can avoid being the rubber stamp of legitimacy that the President has asked us to be.

In closing, I would remind the Members that the action we take here today is important symbolically as well as legislatively.

The integrity of the Congress is at stake, and I would urge the Members on both sides of the aisle to vote to retain Congressional independence by voting for my amendment. If the Congress is to be equal, it must be uncompromised.

Mr. CEDERBERG. Mr. Chairman, I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, our Labor-HEW portion of this bill totals \$1.029 billion in new obligational authority. This is a reduction of some \$135 million below the budget request of \$1.164 billion.

Our committee disapproved the entire budget request for five Labor Department items, and recommended reductions in three HEW items. These disallowances and reduction totaled just short of \$157 million.

We went above the budget request in only two places, for a total of \$22 million. For all other items we recommended the budget request, so this leaves us \$135 million below the budget.

#### LABOR DEPARTMENT—FIVE REDUCTIONS

With respect to the items of reduction, first, we found that collections for the Labor Department's extended unemployment compensation account will provide a \$19 million surplus by June 30, making unnecessary the additional \$74 million requested in the budget.

The budget proposed an extra \$422,000 for the Labor Management Services Administration to cover part of the cost

of supervising the United Mine Workers elections in 1972, but the committee felt that this could be covered by existing funds.

The budget requested another \$1.2 million for the Bureau of Labor Statistics to experiment with weekly unemployment information collection, but the committee disapproved the request because it has been disallowed before, and because of doubt that the money could be used in the few weeks remaining of fiscal 1973.

An additional \$40,000 requested for departmental management was disapproved because of a program increase of over \$2 million available under the continuing resolution.

A \$209,000 request for the foreign currency program was disapproved because we have questions about some of the proposed projects.

#### HEW—THREE REDUCTIONS

Of the three HEW reductions, two are in higher education.

The committee recommended \$20 million for the special services in college, rather than the \$26 million requested. This is a reduction of \$6 million, but will still provide a 33-percent increase for the program over the fiscal 1972 level.

The amount recommended for strengthening developing institutions is also a reduction from the request, but will provide nearly a 45-percent increase for this program over the fiscal 1972 level.

The third reduction was for the new nutrition program for the elderly. The request was \$100 million and we are recommending \$50 million to be available to December 31, because we have only 2 months to go in this fiscal year. We expect to fund the full budget request of \$100 million for fiscal 1974. This is really only a reduction on paper, and the \$50 million is much more than sufficient to get the program off the ground.

#### TWO COMMITTEE INCREASES

We added money above the budget requests in two places. The first is an additional \$10 million for language training and area studies, and this is still nearly \$3 million below the 1972 level. The budget proposed phasing out this program, but would have done it so abruptly that it would have cut off students right in the middle of their programs and left the institutions hanging as well.

The second item is an additional \$12 million to permit completion of Children's Hospital. We had this money in both the vetoed bills, but it could not be used under the continuing resolution.

#### RAILROAD RETIREMENT BOARD AND PAY COSTS

The one other change in the budget request does not affect the total obligational authority because it takes the form of a limitation on salaries and expenses for the Railroad Retirement Board. Because it is so late in the year, we recommended a reduction of \$458,000 in the request of an additional \$1,100,000 to be expended from the trust funds.

Then, we also considered estimates for increased pay costs, and our recommendations are discussed on page 51 of the report.

The other items in our portion of the bill are at the level of the budget re-

quests, and are listed on pages 43 through 51 of the report, with the comparative table following.

The largest of these items, making up more than half the total of our part of the bill is "grants to States for public assistance," which is, of course, a mandatory item.

Also included is \$77 million for reimbursement to the social security trust funds for costs incurred in the administration of the new Federal supplemental security program authorized by H.R. 1. This goes into effect in January of 1974.

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time.

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I support the Addabbo amendment. After action on the Addabbo amendment, whether it succeeds or fails, I intend to offer an amendment which will explicitly deal with the question of U.S. combat forces fighting in Cambodia. I feel that the Addabbo amendment deals with this implicitly, and I believe it should be dealt with explicitly.

My amendment, which will be read at that time, says:

Provided that none of the funds herein authorized to be transferred by such Section 735 by the Department of Defense shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia by United States forces.

I feel this sharpens up the effect of the Addabbo amendment. My amendment will constitute a clear message from the Congress to the President that all bombing in Cambodia must stop. This will bring to an end this business that somehow our fighting in Southeast Asia has been justified by appropriations.

My amendment, I believe, will be a somewhat more precise instrument and will give greater precision to and sharpen up somewhat the impact of the Addabbo amendment. I therefore plan to offer it at that time.

I might point out that my amendment would not prevent our continued aid in the form of weapons or economic support for the non-Communist Cambodians. It would merely forbid the use of U.S. combat forces. That was the whole intent, we all thought, of the treaty Mr. Kissinger worked out; that is, there would be no more U.S. combat troops fighting and dying, but we would still be helping with weapons and economic aid to our allies over there.

We have tried, I believe, to adhere to the letter of this in South Vietnam, but in Cambodia we are violating it.

It is our job here as the Congress to tell the President he is no longer authorized, implicitly or explicitly.

I will offer my amendment after the Addabbo amendment has been dealt with.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, my 4½ years voting record in the House clearly reflects opposition to the U.S. involvement in Southeast Asia. That position was reached before coming

to the House, when our national leadership proclaimed that we were not going to win the Vietnam war and that we were not there to win.

My votes today on the Addabbo and other amendments to the Second Supplemental Appropriations Act for fiscal year 1973 should not be interpreted as a deviation from that position of opposition to a war we should have never entered or continued.

In the first place, it is clear from the testimony before the Appropriations Committee and the debate here this afternoon that passage of the amendments will not stop the President from continuing the bombing in Cambodia. The requested transfer of funds is not necessary for the bombing to continue.

Second, and perhaps more importantly, the American Presidency is in a sad state of repair before the eyes of the world. The office of the President is sinking in the abysmal mire of the Watergate burglary and the extensive political espionage, sabotage, and camouflage surrounding it. The President and his assistant, Dr. Kissinger, will be in a few days attempting to negotiate the rest of our forces out of Cambodia and Southeast Asia. This at a time when the Presidency must have little credibility to the world leaders with whom the negotiations must be carried on. My votes today are votes to preserve the Presidency at a critical time in our history, and should be read in that light.

Mr. DIGGS. Mr. Chairman, I am deeply concerned that those sections of H.R. 7447 providing funds for the District of Columbia may establish a questionable relationship between revenue sharing funds and the Federal payment to this city. This 1973 supplemental appropriation's bill excludes \$8.5 million in an authorized Federal payment to the District and requires instead that the city use revenue sharing funds which had been allocated to meet costs in the next fiscal year.

Historical records indicate that a specific Federal payment has been provided to the District of Columbia since the 1870's. The purpose of this payment is to cover those costs which the city accrues as a result of providing city services such as police and fire protection to the Federal Government. The payment in part also compensates the city for lost revenues due to the tax-exempt status of Federal property. Currently, 55 percent of all property in the District is tax-exempt. The Federal payment is thus a specific allocation designed to pay the Government's appropriate share of the costs of operating the District.

Under the Fiscal Assistance to States and Local Government Act passed by Congress last year, the District of Columbia receives a revenue sharing allotment of \$24 million annually. As the legislative history behind this act shows, revenue sharing was not intended as a substitute for other forms of financial assistance. In fact, the act in section 107(b) specifically prohibits States from reducing payments to local jurisdictions because these jurisdictions receive revenue sharing.

The District of Columbia is the only

jurisdiction in which revenue sharing funds are appropriated by Congress. If these funds can be used to reduce the Federal payments, this precedent ignores both the congressional intent behind the revenue sharing act and the special nature of the Federal payment. This becomes particularly critical if other special revenue sharing measures are adopted. I, therefore, urge that this matter be reexamined in light of both the congressional intent and fiscal soundness of this action.

Mr. EDWARDS of California. Mr. Chairman, today we are being asked to vote in favor of an appropriation which would give the Defense Department, and hence the President, our express consent for the continued bombing of Cambodia by American military forces. There are at least three compelling reasons for the House to refuse to grant this authority and to pass the Flynt-Addabbo-Giaimo amendment.

First, through the tragic and protracted experience of the war in Vietnam, we have learned the bitter lesson that such authority placed in the hands of the President becomes a tool that can build a full-scale conflict without a formal declaration of war by the Congress. While the approval of a particular provision of an appropriations bill may seem far different from a delegation of war-making powers, we know only too well that the real ability of the military to continue to conduct its bombing missions is dependent on their fiscal resources. The destruction we are wreaking in Cambodia, in approximately 240 bombing raids a day for the last month, is as costly to the United States as to the Cambodians. In addition, Mr. Richardson, the Secretary of Defense, has stated that failure to pass the Flynt-Addabbo-Giaimo amendment, cutting off funds for Cambodian activities, can be interpreted by the administration as congressional acquiescence to our activities there.

Second, there is no legal justification for our military involvement in Cambodia. As our formal commitments to Vietnam became increasingly hazy, our continued presence there was justified in terms of insuring the safe withdrawal of our troops and the return of our POW's. In Cambodia, however, neither of these justifications applies and the administration's statement charging that we are merely responding to Communist violations of agreements, never subject to congressional approval, are unsubstantiated in fact and legality.

Third, the citizens of this country have expressed their desire not to have the Government engage in active military support of a nation which is only remotely connected to the United States, which is itself torn by internal struggles we can only begin to understand, and in the name of "aid" which is actually moral as well as physical destruction. If the "mandate" Mr. Nixon received in November meant anything with respect to Vietnam, it was an overwhelming endorsement of efforts to extricate the United States from our entanglements in Southeast Asia, not a blank check for further activities.

I believe that it is imperative that we

act now, in support of the Flynt-Addabbo-Giaimo amendment prohibiting the expenditure of supplemental appropriations for the bombing of Cambodia, to prevent repeating and compounding the tragic errors of the Vietnam War.

Mr. RARICK. Mr. Chairman, I have always been an outspoken supporter of a strong national security and an advocate of military preparedness. I have, as a Congressman, always supported the President in Vietnam, not necessarily because I felt his every decision was correct. Rather, I felt an obligation to stand beside American fighting men committed in combat.

There are no longer any American men in Cambodia. And I, for one, shall not vote for any blank check legislation that would risk the possibility of U.S. men being used in a military buildup for a political chess match.

To allow the transfer of funds by the Department of Defense for military operations in Cambodia could set the stage for such an escalation.

If this country is to reinvoke its military in armed conflict, it should be in a declared war with the goal of complete victory over the enemy. For the Congress to consider allowing further involvement in no-win conflicts is a violation of our oaths and the trust our people placed in us.

I support my country. I do not believe in just "going along" with the President.

In our Republic, if the people are to retain their voice in government, their voice must be heard. History is useless unless we profit from its lessons, and the lessons are evident from our involvement in Korea and in Vietnam. Continued involvement in Cambodia would compound error. Three wrongs, two wrongs, or one wrong simply do not make a right.

If the President insists on gaining the power to wage war, then he has the right to attempt to amend the U.S. Constitution. However, if he is to abide by the Constitution as it exists, then he must obtain any declaration of war from this body. Any such change should represent the voice of the people of this country.

Mr. Chairman, there is war-powers legislation pending in the House that would limit the President's assumed ability to commit American men and arms. I support this. It is the Congress that has the constitutional prerogative to wage war. These powers should not be surrendered to the Executive.

If this country were in danger from attack, I would not hesitate to cast my people's vote in favor of a declaration of war. This is clearly not the case in Cambodia. It is unconscionable to allow the President to involve us in another no-win conflict. I shall cast my people's vote to restoring the full constitutional powers to the Congress.

Mr. MAZZOLI. Mr. Chairman, although many of us never thought it would be necessary at this late date, the House today set a historic precedent by voting for the first time to deny funding for U.S. combat operations in Indochina.

While I, for one, have voted previously for similar measures to force an end to our participation in this tragic conflict—measures which did not prevail—I have,

nevertheless, respected the prudent and cautious approach taken by a majority of my colleagues.

I think that we can all take pride in the fact that the House of Representatives, with its broad and diverse membership, is not a body which acts in haste, but is, in the fullest sense of the term, a truly deliberative body.

But with today's historic breakthrough—the clear majorities recorded in favor of denying the transfer of funding authority for the bombing in Cambodia, and the prohibition against funding of any combat activity, direct or indirect, in that area—I believe the House has clearly and eloquently expressed the will of the American people.

All of us are deeply thankful that our ground troops have been withdrawn from Indochina and that our prisoners of war, at long last, have been freed and returned to their homes. Yet, our aircraft and the men who fly them remain engaged in combat. U.S. planes continue to drop bombs in Indochina.

When I was at home during the Easter recess, Mr. Chairman, I visited among diverse student groups—of all age levels, from elementary school to university—in my district. And, unfailingly, they all asked me the same question:

I thought the war was over, why are we still dropping bombs?

To me, the great tragedy of the entire Vietnam war has been that there never has been a sufficiently clear answer to such questions. Certainly, there never has been a clear and straightforward mandate from Congress, the branch of government in which our Constitution vests the power to make war.

But on this historic day, thanks in large measure to your courageous leadership, Mr. Chairman, the House of Representatives has spoken with clarity—and, I pray it may also be with finality—on the question of U.S. involvement in the Indochina war. We have answered the question put to me by the students in my district. We have said that we believe the war, for us, is over.

Mr. RANDALL. Mr. Chairman, it is my intention to support the Addabbo-Flynt-Giaimo amendment to prevent the transfer of funds to underwrite the cost of continued Cambodian bombing. As I support this amendment and oppose the request of the administration for this authority by a transfer of \$430 million in funds as provided for on page 6 of H.R. 7447 I am not cast in the role of a dove who has been fluttering around the past several years. I have supported the war. I had hoped that we would fight to win. I have supported the President without exception. As a matter of fact, I was one of that lonely little group of only 75 members who, in the Democratic caucus of January 2, 1973, before the new Congress was convened the following day, that voted against the resolution of that caucus to terminate the war by any and every means.

I stood fast then because I thought that we were engaged at a sensitive point of negotiations and the Congress should not at that point tie the hands of the President or those of Henry Kissinger.

But, on January 27, he, the President, and we, the Congress—yes, all of us—

found a way out of the Vietnam morass that was, as it was put, by peace with honor.

Well, maybe we did not achieve complete peace and have not yet. But, the cease-fire did furnish us the vehicle to get out with honor.

We recovered our prisoners of war or at least many of them. The cease-fire enabled us to remove all of our ground forces. The last of our ground forces have long since left Vietnam soil.

It seems to me it would serve a useful purpose to pause for a moment and consider the potential consequences of the defeat of this amendment just as much as to ponder what would happen if the amendment should be adopted.

To begin with the State Department and the Pentagon justify the bombing not only on the grounds that the President is the Commander in Chief of the Armed Forces but that he is also empowered to make treaties. What is wrong with that argument, is that the State Department proceeds to point out with a straight face that such constitutional authority also gives the President the power to make the war and also to police the treaty that has been entered into. Well, certainly the cease-fire memorandum of agreement has never been asserted to be a treaty. It does not have the power of law or of treaty. And, there has been no move for congressional ratification of the treaty.

These arguments of the State Department would seem to signify double seizure of the power of the President and would seem to indicate some kind of power by the President after the troops have been removed at which point all American interest should cease.

Mr. Chairman, one of the gravest consequences of debating this amendment and then rejecting it is that it could then be interpreted as a new authorization by Congress for combat activity in Cambodia, Laos, or elsewhere. If the Addabbo-Flynt-Giaimo amendment should fail and be rejected then this would doubtless be interpreted as a new Gulf of Tonkin resolution.

Our attention today should really be centered more than ever upon the legalities of the situation. While I supported the military activities under the Gulf of Tonkin resolution, today, the bombing of Cambodia is totally unjustified and totally unconstitutional.

It is my considered judgment that the President may well be now in violation of the Anti-Deficiency Act for proceeding to spend money in Cambodia without authorization or appropriation. It would seem that what the administration really wants today is for the Congress to ratify the existing illegality and cure past conduct which has been nothing more or less than playing loose with congressional mandates. If we adopt this amendment today, we can then make the President or his emissaries come before the Congress. Maybe he can make a sufficient case for the bombing, but that has not yet been done. There has been no report made to Congress nor even a request for authorization for the bombing.

Mr. Chairman, there is no commitment to Cambodia. As we get ready to vote on this important amendment, let us each

ask ourselves what possible advantage can this bombing add to our national security? For my own part, the Cambodian operation is not worth one more American life. This is the one chance, an excellent chance, for Congress to assert itself. If we do not do it now, we had just as well disband. Let us not defeat this amendment and follow the same pattern which got us into Vietnam.

Finally, if we start all over again, there may be no new prisoners of war. When a plane goes down over Cambodia, we may have to consider those airmen permanently lost, either dead or never accounted for. Should we continue the bombing operation and continue to lose pilots, it means we generate more prisoners of war and in turn have to justify going in with ground forces to recover these hostages which, of course, we should at all cost, just as we did before January 27.

Mr. Chairman, I have heretofore been one Member who supported the military activity in Vietnam all the way until I thought we were through on January 27, 1973. This year and in the years to follow, I shall continue to support a strong national defense and an adequate defense budget.

But now the issue today is that if we reject this amendment we vote for a new war. The real issue when all surpluses have been stripped away is that we should be determined not to start all over again. We are out. Let us stay out.

Mr. CLAY. Mr. Chairman, we have learned from Defense Secretary Richardson that U.S. bombing in Cambodia will continue even if Congress votes against the Pentagon request to transfer \$430 million for aerial combat in Southeast Asia.

Are we to understand that President Nixon, as he has done so often in the past, will follow his own course of action in defiance of this Congress. I have not condoned Executive arrogance in the past and I will not do so now.

Congress must be vigilant in expressing its disapproval of intervention in any part of Indochina, and must monitor expenditures to assure that funds are no longer used to support military actions, or to benefit the political careers of foreign dictators.

Mr. Richardson tells Congress to relax, we cannot prevent this bombing, but what Mr. Richardson does not say is that approval of these funds signals a congressional carte blanche for combat activities in all of Southeast Asia. I, for one, will not be a party to an implied "Gulf of Tonkin" resolution.

Congress must lead the way to reordering our priorities and reallocating our resources if we are to regain our constitutional role in this Government. We cannot allow the spending of billions of dollars for military adventures overseas while Americans go to bed hungry. Our first responsibility is to our own people and I intend to live up to that responsibility.

Mr. Chairman, I will cast my vote "no" against this continued "overseas insanity."

Mr. MAHON. Mr. Chairman, I have no further requests for time, and I ask that the Clerk read.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

MARKETING SERVICES  
AGRICULTURAL MARKETING SERVICE  
FUNDS FOR STRENGTHENING MARKETS, INCOME,  
AND SUPPLY (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be available for child feeding programs and nutritional programs authorized by law in the School Lunch Act and Child Nutrition Act, as amended, in the amount of \$21,960,000 for the current fiscal year in addition to amounts heretofore provided for such purposes.

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

The CHAIRMAN. The Chair will count.

One hundred two Members are present, a quorum.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS  
POINT OF ORDER

Mr. YATES. Mr. Chairman, I have a point of order against the language beginning at page 6, line 10 through line 12.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YATES. Mr. Chairman, I make a point of order against the language set forth in lines 10, 11, and 12, on page 6.

Article I, section 8, of the Constitution of the United States says:

The Congress shall have the power to declare war.

Congress has not declared war against Cambodia or Laos or against any other country in Southeast Asia for that matter. Congress has not given the President any authority to use the American Armed Forces in Cambodia and Laos. Nevertheless, on order of President Nixon, American military planes are bombing in both those countries. The appropriation contained in the transfer authority includes funds to continue the bombing of Cambodia and Laos. That appears in the report of the committee and in the testimony of the committee. This has been conceded by witnesses appearing before the committee, and Secretary of Defense Richardson again stated to the press yesterday that whether or not Congress approves the transfer authority, the bombing would continue.

Mr. Chairman, until April of 1973, when some American troops and prisoners of war were still in Vietnam, it was argued by the administration that President Nixon, as Commander in Chief of the Armed Forces, had the duty and the authority to take those measures that might be necessary to protect them. By April 1, 1973, the last American prisoner of war and the last of the American troops were out of Vietnam, and after that date, therefore, any justification that the President had for his actions in making war in Vietnam or in Cambodia or in Laos disappeared.

The Gulf of Tonkin resolution, upon which President Johnson relied for his congressional authority to send our forces to Vietnam, has long been repealed by the Congress. Today our Armed Forces are not being attacked in Cambodia or Laos, and yet American planes continue the bombing in Cambodia and

Laos, although President Nixon has no constitutional authority from the Congress to do so.

Now, my argument, Mr. Chairman, will not relate to an interpretation by the Chair of the Constitution. I want to make that clear at this point.

Rule XXI, paragraph 2, of the Rules of the House says:

No appropriation shall be reported in any general appropriation bill for any expenditure not previously authorized by law.

Mr. Chairman, under that rule it is not enough that there be ordinary legislative authority which is required for other appropriations. It is not enough that there be ordinary legislative authority upon which to base an appropriation for American Armed Forces to engage in war.

There must be constitutional authority for that appropriation as well, namely, there must be congressional approval for American forces to engage in a war. Both authorizations are essential for that kind of appropriation.

Mr. Chairman, I am contending that there are two forms of legislative authorization that are essential for military appropriations which are to be used to carry on a war, as the bombing is in Cambodia and Laos. One is the ordinary legislative authorization, and the other, which is necessary, also, is a following of the constitutional mandate as well.

It will be argued, Mr. Chairman, what difference does that make? Points of order have been waived by rule approved by the House and granted by the Committee on Rules. That argument might be appropriate with respect to the need for ordinary legislation which would authorize the use of that transfer of authority, but, as I pointed out, we have two forms of legislation. While that waiver of points of order might apply to ordinary legislation, it cannot apply to a waiver of the constitutional provisions, because the Committee on Rules cannot waive any constitutional provisions. The provisions of the Constitution cannot be waived by the Committee on Rules, because to hold otherwise would be to authorize any unconstitutional action by the House. This House cannot pass any rule of procedure that would vitiate or violate any provision of the Constitution.

For example, the House could not, under its power to make its own rules, pass one which eliminated the power of the Congress to declare war and grant it to the President.

In adopting the rule the House cannot take any action which results in abridging any provision of the Constitution because we will be violating our oath to support and defend the Constitution.

Mr. Chairman, article VI of the Constitution says that the Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land.

That provision must control our actions. We cannot consider any language in a bill which appropriates funds for a purpose which violates a section of the Constitution.

Oh, I suppose we can say, Mr. Chairman, as did Congressman Timothy Campbell to President Cleveland when the President refused to sign a bill when

he thought it was unconstitutional, he said:

But, Mr. President, what is the Constitution between friends?

Mr. Chairman, I say the rule granted by the Committee on Rules can waive points of order where lesser legislative actions are involved, but it cannot waive the mandated provisions of the Constitution.

So I repeat, Mr. Chairman—and I will make it perfectly clear—we have our duties under the Constitution. We must not vote funds for making war if in fact we have not approved the making of war.

I am asking the Chair for its ruling on two points. One, I ask the Chair to rule with respect to military appropriations which provide funds for American Armed Forces to engage in war under rule XXI, section 2, of the Rules of Procedure of the House of Representatives, which states there must be, as well as any other legislation authorizing such action, compliance with article I, section 8, of the U.S. Constitution, which requires the approval of the Congress for American Armed Forces to engage in that war; and, secondly, I am asking the Chair to rule that the requirements in article XI, section 8, cannot be waived by any rule of the Committee on Rules.

Mr. Chairman, with your ruling, if favorable, the language authorizing the transfer authority should be stricken.

The CHAIRMAN (Mr. Brooks). Before the Chair will rule on this he will ask the Clerk to read the section on which the point of order was raised. The paragraph beginning on line 9.

The Clerk read as follows:

Section 735 of the Department of Defense Appropriation Act, 1973, is amended by deleting "\$750,000,000" and inserting "\$1,180,000,000" in lieu thereof.

Mr. MAHON. Mr. Chairman, I have listened, as I know the Chair has, to the point of order which has been extensively argued by the gentleman from Illinois. The Chair has just had the Clerk read to us the language of which the gentleman from Illinois complains which simply says:

Section 735 of the Department of Defense Appropriation Act, 1973, is amended by deleting "\$750,000,000" and inserting "\$1,180,000,000" in lieu thereof.

It is not unconstitutional, certainly, to transfer funds. And the rule provides for the transfer of funds. There has been no determination by the Supreme Court or any other body that this law providing for transfers is unconstitutional. Therefore I would insist that the point of order raised by the gentleman from Illinois (Mr. YATES) is inappropriate, and inapplicable, and should be overruled.

Mr. ECKHARDT. Mr. Chairman, I desire to be heard on the point of order.

Mr. Chairman, I should like to speak briefly in behalf of the point of order. As I see the question, rule XXI, clause 2 is linked with the constitutional requirement of the legislative positive action in order to sustain or to create a situation of war. Now, I believe that it would be the hollowest sham to merely state that this language has nothing to do with warmaking activities in Cambodia, in face of the language on page

23 of the report, where it is said flatly that—

During the hearings on this matter, it was testified that the Department of Defense had estimated that \$6.2 billion would be required for support of the war in Southeast Asia in fiscal year 1973.

Now, recognizing, of course, that the Committee on Rules may waive points of order based solely on rule XXI, clause 2 so as to, in effect, eliminate the necessity of separate positive policy making legislation in the ordinary case, the Committee on Rules may not waive a constitutionally mandated procedural requirement for the making of war, and that requirement is inextricably linked with rule XXI, clause 2, and there is no way that they can be separated.

I am not arguing here that ultimately a court would decide the legislation is unconstitutional. I am not arguing the substantive constitutional point. I am arguing a procedural constitutional requirement, that is, the requirement of the Constitution that legislation accomplishing this objective be specific, and it cannot be so in an appropriations bill. I do not believe that the Committee on Rules can extricate those two points, and for this reason I rise in support of the point of order raised by the gentleman from Illinois (Mr. YATES).

The CHAIRMAN. Does the gentleman from Arizona (Mr. RHODES) desire to be heard on the point of order raised by the gentleman from Illinois (Mr. YATES)?

Mr. RHODES. I do very briefly, Mr. Chairman. Referring to the language of the specific section objected to—there is no indication on the face of this language that this money can be spent for any other than those provisions of section 735 to which it refers.

I submit to the Chair that the precedents of the House do not provide for the Chair or for any other Member to assume illegality when none appears on the face of the legislation under consideration, and therefore I ask that the Chair overrule the point of order.

The CHAIRMAN (Mr. BROOKS). The Chair is ready to rule.

The Chair has read the resolution, and the resolution adopted by the House under which this legislation is being considered says that—

All points of order against said bill for failure to comply with the provisions of clause 2 and clause 5 of rule XXI are hereby waived.

Under clause 2, which the Chair has read, the pending paragraph would be subject to a point of order, as legislation, were it not for this rule.

The Chair is not in a position, nor is it proper for the Chair to rule on the constitutionality of the language, or on the constitutionality or other effect of the action of the House in adopting the resolution of the Committee on Rules. In the head notes in the precedents of the House it very clearly states that it is not the duty of a chairman to construe the Constitution as it may affect proposed legislation, or to interpret the legality or effect of language; and the Chair therefore overrules the point of order raised by the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I want to make some comments on the ruling of

the Chair with the thought that I may appeal from the ruling of the Chair.

The CHAIRMAN. The Chair has ruled. The gentleman is perfectly within his right to move to strike the last word, and he may proceed.

Mr. YATES. The point I make, Mr. Chairman, is that in the ruling that the Chair made on precedents, as I recall that ruling, it also says that while the Chair does not interpret the constitutionality of the provision, it leaves that for the House to decide. Is my memory correct on that?

The CHAIRMAN. The Chair believes that is correct in that the committee may later vote on the provision.

Mr. YATES. Mr. Chairman, while I believe the ruling to be not on the points I made I accept the ruling of the Chair. Let the House vote on the amendment which will be offered.

AMENDMENT OFFERED BY MR. ADDABBO

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

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 6, strike out lines 9 through 12.

Mr. ADDABBO. Mr. Chairman, the import of my amendment is simple and has received wide discussion, so I shall not use all the time available to me.

But I would like to discuss once more, in the most basic terms possible, just how important the vote on this amendment is to the House.

The Defense Department, in asking for this transfer request, is seeking to have the Congress put the stamp of authority on its bombing raids in Cambodia. Nothing in the bill says this explicitly as you will undoubtedly hear as debate continues, but the message is there.

Secretary Richardson says that if we fail to pass my amendment, the meaning, insofar as the administration is concerned, is that the House of Representatives "acquiesces in the action being taken."

And the Secretary has also said that if we approve this amendment, then we will cripple our national defense posture, and cut off funds for all segments of the military establishment.

You have the right to believe what the Secretary says in the newspapers, or you have the right to believe conflicting testimony that was given in numerous appearances by the military before the Defense Appropriations Subcommittee hearings.

But, if you are willing to believe that the Pentagon will be out of money because we approve this amendment, if you are willing to believe that Army jeeps in Europe will be out of gas, or that jet planes in Southeast Asia can not fly, or that enlisted men would not receive their pay checks, then you deserve to be fooled.

It is abundantly clear that the military has enough available funds to last out the remaining 51 days of the fiscal year without any serious cutbacks in spending.

The Pentagon, therefore, is not asking for money as much as it asks our approval of their actions, and the flexibility to transfer money from one account to another as it desires.

We gave them \$750 million in transfer authority when they had a recognizable

need for it earlier this year—to withdraw our troops from Vietnam and return our prisoners of war. That period has passed. What the military now asks is for authority to spend money wherever and however they want in relationship to Cambodia. And that is where I and other members of this House have declared that the House of Representatives must not be made sponsors of a military action we did not authorize, nor have any control over.

We do not want to give the President a free hand to order military action without express approval of Congress. We do not want another American life lost in or over Cambodia; we do not want another Gulf of Tonkin resolution. We do not wish to appear to be condoning an action that could escalate America into still another Southeast Asia quagmire for political reasons.

I ask each Member here to seriously reflect on whether his constituents back home really want this Nation involved in another war in Southeast Asia. I think the answer is that they do not want that, and I do not think the House of Representatives wants to go on record as encouraging any move in that direction.

It is time, I believe, that Congress send a message downtown to the White House. And that message should be pure and simple and easy to understand. The message I would send would say, 'if you want to bomb Cambodia, you come to Congress and detail just why you feel impelled to do so. You tell us how you would spend the money, and where, and what you will accomplish by it. Then the House will decide yes or no on that explicit request. But there will be no more covert going-along, no hiding of war funds disguised as innocent budget transfers. The House of Representatives is reasserting itself as a coequal branch of Government."

Now, as discussion of this issue has progressed, there have been numerous suggestions on just how best to attack it. There have been numerous amendments suggested, and some of them will be offered later today, should the House decide to reject this amendment.

After intensive study, we have decided this is the best possible way to make the issue clear cut. It would eliminate the flexibility needed by the Pentagon to carry on the money shuffling necessary to the Cambodia operations. Other amendments sound more explicit than this one, but have the disadvantage of leaving loopholes for our military budget manipulators. I would therefore ask that any such amendments be withheld until the vote has been taken on my amendment.

I ask you to support my amendment striking out the entire section, any part of which would give right and consent to flexibility. We have the choice today to assert the authority of Congress as a coequal branch of Government, or we can back away from responsibility and leave the critical question of war and peace solely up to the President. I urge you to assert the authority of Congress by supporting my amendment.

Mr. Chairman, my amendment is simple. It strikes out the right of flexibility without future consent of Congress.

Why do I ask your support of my amendment?

Because Secretary Richardson said if we do not pass it: "it acquiesces in the action being taken;"

Because Secretary Richardson said they have funds to continue their actions;

Because General Ryan said Cambodia is not strategic to the defense of the United States;

Because General Crow and Secretary of the Air Force Seamans said they need this extension of flexibility;

Because the reason for this original flexibility has passed; our troops have been withdrawn and our POW's are back;

Because Director of the Office of Management and Budget Roy Ash admitted that this language in his letter of transmittal as to this provision sounded quite broad;

Because we do not want another American life lost in or over Cambodia or Southeast Asia having lost several since January;

Because we do not want another Gulf of Tonkin resolution;

Because we do not want to give a back-door stamp of approval in what this administration is doing and may wish to do in Cambodia and any other part of Southeast Asia;

Because we must assert direct congressional authority and again assume our role as spokesman of the American people and they want no more.

For these reasons I ask for your support of my amendment striking the entire section, any part of which would give right and consent to flexibility needed by the Pentagon to carry on the money shuffling necessary to continue Cambodia operations.

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

Mr. Chairman, I do not know about the future in Vietnam and some of the problems. I do not know what the future may be, but I do know that one thing has occurred that is different this year from last year. We have a peace agreement today. For better or for worse, we have a peace agreement. We have something agreed to. We are now and have just completed a peace agreement between the warring factions in Laos. They have agreed. We have now or we are now working on, and have been working on, the possibility of some kind of agreement between the different factions in Cambodia.

There have been some shooting obviously. The North Vietnamese have become involved, and so on. But I would like to point out one thing. Last December President Nixon involved us in some bombing in North Vietnam, and he said at that time that we will bring these nations to the peace table, the North Vietnamese group. This was successful. We did bring them to the peace table and we did get a peace signed on January 27, 1973. The bombing there was much tougher than it is in Cambodia but we brought them to the peace table.

The Nixon-Kissinger concept was correct. It worked. I think it is correct again.

We are on the verge of possibly developing a peace agreement now in Vietnam. We are having trouble with it. It

has gone askew in places and we are having some difficulty, but right at this particular time I say it is the wrong time to pull the rug out from under our peace negotiations. Right today Dr. Kissinger has just been in Russia, talking to them about the possibility of perhaps twisting some arms to bring about some kind of peace agreement between the North Vietnamese and the Cambodians. He is very shortly going to go to Paris where he is going to meet with Le Duc Tho. I ask: Is this the time for us to pull the rug out and to quit, to walk away? I do not think if we had a choice between walking away from Vietnam with no peace at all in Southeast Asia, or walking away with some manner of peace developed in Southeast Asia, there is a person here who would not vote overwhelmingly in favor of some form of peace.

I think we are in a position where we very well could be ruining any chance by telegraphing our punch by this vote today, and show that we are not going to back our attempt in Southeast Asia to bring peace.

I want to make another point which I think is involved here. I think the issue of respect is involved. We have a problem when we make agreements and we always have a problem when we make agreements, but are we going to say that anybody at any time can break an agreement with the United States with no problem? Next week it might be Venezuela or the next time it might be Nicaragua, or it might be any nation, and perhaps the next time it will be Japan or any nation we deal with. Can they break our agreements without any problem?

I think it is necessary to make a little larger effort. It is important that we walk that extra step to try to make these agreements stick. I think we have some kind of obligation to ourselves and as a country to demand respect throughout the world, and to walk that extra little step to bring about peace.

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

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

Mr. BELL. Mr. Chairman, I think we have to recognize that in foreign policy we as a nation have to deal through strength. We cannot deal through weakness and make it work, and we cannot deal through weakness and be respected as a nation, which will be able to deal with Russia and with Red China and with all the problems in this world. We have to deal through strength.

Second, I think we have to give our Executive a certain amount of flexibility. If we do not, it becomes obvious that the 535 Members of the House and Senate cannot possibly run our foreign policy. We have to give a certain amount of leeway to the Executive.

I would like to point out one other thing. Israel is probably, of the little nations, one of the most highly regarded and respected nations in the world today. Why is that? Because she demands respect; she deals through strength. She deals through her executives who have a certain amount of flexibility and ability to move with rapidity.

This is the kind of thing which has

made Israel demand from the world the respect she has today.

The best example: She makes those agreements lived up to. Lebanon today is fighting the Palestinians and trying to bring order to them. Why? Because Israel has made them realize that they must do this in order to live up to agreements.

My friends, I think one of the important things we must remember is that we are at this particular time in a position to bring peace to South East Asia. I think it would, by a little additional pressure, be a sad mistake, Mr. Chairman, for us at this particular time to pull the rug out from our negotiations.

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

Mr. BELL. I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I believe we can agree with the gentleman that we would not want in any way to thwart the President's efforts at peace, but if the President wants to enforce a peace treaty by going to war, why can he not abide by the provisions of our Federal Constitution and come to the Congress and ask the Congress to declare war first? If his cause is just, certainly the Congress will support him.

Mr. BELL. Mr. Chairman, the answer to the question the gentleman asks is obvious. This is a continuing situation that occurred and has been going on since the Tonkin Gulf resolution. I recognize also that the Tonkin Gulf resolution has been repealed, but the same basis upon which we have conducted the operation in Vietnam is continuing. The President is suggesting something that I think we have to recognize. We have to give the peace of South Vietnam a little opportunity to work. Dr. Kissinger is in Paris now, or very soon will be. I think it would be a sad moment for us to pull the rug out.

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

Mr. Chairman, I just listened attentively to the debate, and it reminds me of an old song I have known so many years: "It seems to me I have heard that song before."

Remember how many times we have heard:

"The light at the end of the tunnel."

"Don't disturb the situation. We are in a very critical moment right now in Paris, Moscow and so forth."

Mr. Chairman, you do not have an old dove talking here in the well right now. I supported this war in Vietnam. I have supported it for years, to my sorrow, because I at long last realized it was a mistake. At long last I finally recognized the utter futility of it.

We got out finally, thanks to the great efforts of the President. We have no ground troops there fighting in Vietnam, or combat aerial forces.

Now, suddenly we are involved in bombing Cambodia, 12,000 sorties to date. We are bombing in a nation where I defy anyone in this Chamber to even describe to me the nature and characteristics and beliefs of the competing forces in Cambodia. We can hardly pronounce the name of the capitol of Cambodia.

Yet, we say, "Oh, yes, but, the other side is backed by the Communists and armed by them."

Sure, they are. And the other group is being backed and armed by the United States, so where are we? We have gotten out of Southeast Asia; let us stay out.

But there is something much more important at stake here. That is whether this Congress is going to reassert its prerogatives and exercise the functions and the duties which it owes to the American people. Do the Members know what is involved in this simple little three-sentence language? It does not mention Cambodia, although the hearings will tell you that \$150 million of this money has already been spent for bombing in Cambodia. It does not really talk about money at all.

What they want is a stamp of approval from the Congress after the fact for what they have already done—for what they have already done.

They want an increased transfer authority for funds, some of which have already been transferred. They say to us, "If you do not grant this to us you are going to jeopardize our Armed Forces, because we will run out of money before the end of the fiscal year."

That is because the Defense Department has already taken that money out of other appropriations of the Defense Department and used it for bombing in Cambodia, when they had no mandate from Congress to do so.

Even worse than that, they came to the committee and they said, "We want transfer authority for \$500 million, and we cannot tell you right now what we want it for. Give it to us in a blank check and we will come up at a later date and we will justify to you what we needed the money for."

I ask the Members: Is this the role the Founding Fathers had in mind for Congress? Have we become so impotent and so stupid and so uncaring that we no longer exercise our prerogatives under the Constitution, that we no longer say to an executive agency when it comes up here asking for money—and bear in mind the only real power the Congress has is the power of the purse—"What do you need this money for and what do you want this money for?" Do we hand it to them? Do we put a stamp of approval on acts which they have already taken during the months of January, February, March, and April in Cambodia? Do we blindly ratify their actions?

If we grant them what they want today, we are approving, after the fact, what they have already done in Cambodia.

They say, "But you must do that, because otherwise you are going to jeopardize the safety of our Armed Forces."

That is not so. If we need \$500 million for our Armed Forces to last them to the end of the fiscal year, let them come up and tell us why they need it and where they need it. Let them also say, "Yes, we will stop the bombing. We will not use these funds or any other funds for bombing."

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

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

Mr. GIAIMO. Mr. Chairman, I assure the Members that this House will see

to it that the Armed Forces do not suffer in Europe or in the Mediterranean or in the continental United States or anywhere. What we want is the termination of the bombing in Cambodia.

Second, we recognize that if they do not get this transfer authority—what they want now is not so much money, but permission—they will find themselves in violation of the Anti-deficiency Act, because they have to date spent this money improperly and they now want us by the passage of this language to ratify what they have done so that they will not be in violation of the Anti-deficiency Act.

We have to get our hands on the control of many of these executive branch agencies which have been playing fast and loose with congressional mandates. Today is one of the most critical opportunities to vote for a reassertion of congressional power, congressional privilege and congressional prerogatives in areas which are rightfully the concern and jurisdiction of the Congress.

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

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

Mr. YATES. The attitude of the framers of the Constitution on this point were expressed by Thomas Jefferson in a letter to James Madison, in which he wrote:

We have already given . . . one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

It was Congress, not the Executive, which was to determine the question of war or peace.

Mr. GIAIMO. I plead with the Members to compel the executive branch to come up before the Congress and at least tell us what they need the money for and where they plan to use it. I am sure we will exercise prudence and see that the American people do not suffer. Do not, please do not, give up any more of Congress power. We have done so to a great degree already.

Do not give up the little power that we have left and just rubberstamp their actions. Vote down the Defense Department's request for this additional transfer authority.

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

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

Mr. SIKES. Mr. Chairman, I shall support the Stratton amendment if it is offered. I oppose all others.

Everyone wants us out of Indochina. There is nothing new about that. The significant thing is this is the first administration in 10 years which has made real progress toward getting us out of Indochina. This is a plus in the eyes of the American people, and do not overlook this fact.

We are getting out of Indochina. This appropriation will help to complete the job. That is what it is for—to help complete the job of getting us out of Indochina. It does not mean we are getting involved in another ground war there. There are no U.S. troops there to get involved. None are being sent back.

If the Communists had respected the

agreement on a cease-fire, there would be no need for this transfer authority. The Communists are testing us; testing us in Cambodia, in Laos, in South Vietnam. They are testing us again at the conference table. They want to see how far they can push us. This amendment would play into their hands. It could paralyze our effectiveness.

We have had to take emergency measures to prevent a Communist takeover in Cambodia. The revolutionists there are Communist controlled, Communist trained, Communist equipped, and Communist led. Do not let anyone kid you about this. Cambodia's port provides the only direct supply route to South Vietnam. That is another reason the Communists want Cambodia. American bombing has prevented a takeover.

This is transfer authority only, not an additional appropriation. All money available for transfer has been obligated or earmarked for reprogramming funds requested. It will not be used unless it is essential. The request has been cut by committee from \$500 million to \$430 million, a decrease of 14 percent. This will make available funds for emergency requirements worldwide, not just in Cambodia, not just in Indochina—worldwide. It is for training and operations. Pay and food for military forces is not the key to their effectiveness. It is training and operations that make them effective fighting forces. The money is needed in the Mediterranean. There are quite a number of people in the House who have an interest in a strong American presence in the Mediterranean. Would you like to have it said the Congress voted against maintaining a strong American presence in the Mediterranean? The money is needed in Europe, in the continental United States, as well as in Indochina. The amendment would require a drawdown of war reserves. It would be injurious to the state of readiness of our military forces worldwide.

Secretary Richardson made it clear in his testimony to the Senate on May 7 that only about \$25 million of this money would be used in Cambodia for the remainder of the fiscal year—\$25 million. The House committee clerks estimated the amount to be \$26 million. No one is trying to pull the wool over your eyes. Yet you are seeking to strike all of the funds in the transfer authority to stop an expenditure of \$25 million.

This is not a matter of regaining control of the budget. It is a matter of directing control of the budget in a responsible way. Again, we are getting out of Indochina. We are making progress. Do not tie the hands of the administration and the Pentagon at this late date. Do not play into the hands of the Communists. Do not quit now. We are almost out. Do not repudiate the key negotiations which are soon to be in progress. Approval of this amendment can be interpreted as a declaration to the world that Congress wants the United States to stand aside in Indochina—an invitation to the Communists to help themselves.

Do not forget the POW's. They came back uncomplaining, still believing in America. Do not let them down. America believes in the POW's.

I have been listening to expressions of

public sentiment for 40 years. I represent half a million people. I can count on the fingers of my hands the letters I have had against transfer authority. Be sure that you know who you are listening to before you vote.

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

Mr. Chairman, I would like to read just a portion from the Evans and Novak column that appeared this morning in the Washington Post:

Cambodian independence from Hanoi is maintained only by U.S. bombing, which Congress now threatens to end.

This is a report from Phnom Penh:

Turning Cambodia into a satellite of North Vietnam would threaten all the blood and treasure invested by the United States in South Vietnam.

And one third quotation:

Cambodia's civil war is a Hanoi export; no true political insurgency had taken root among the easy-going Cambodians.

Mr. Chairman, I have talked to a number of Members on the floor today and yesterday in connection with this legislation. There are a lot of Members who are troubled about it. They read the papers and say "Is this not a new Gulf of Tonkin resolution and likely to get us into a new war and then into another Vietnam?"

There is a very simple answer to that question that I think most Members are aware of, but perhaps some of the new Members are not. Cambodia is not another new war; this is the same old war. We are not on the verge of starting a new war. We are trying to wind up the old war in Vietnam which we have been trying for 7 or 8 years to wind up.

The fact of the matter is that what is going on in Cambodia today is an attempt to achieve a cease-fire in Cambodia just as we succeeded in achieving one in South Vietnam and later achieving one in Laos.

Some people say "Well, it has taken a long time. It has taken a long time to get an agreement to end the war in Vietnam." Actually, many Members of this House did not think you could get any agreement on any basis other than surrender and giving control over South Vietnam to the North Vietnamese; but the President and Dr. Kissinger were in fact able to work out an agreement which made it possible to get our POW's back and at the same time allow the South Vietnamese Government an opportunity to defend itself.

And I think the bombing which took place in December—in spite of all the hue and cry—we will all admit today and the prisoners of war have borne this out too helped greatly to achieve that cease-fire.

I had the privilege on the day after the announcement that the cease-fire agreement was signed to go to the White House and hear both Dr. Kissinger and the President outline the terms of this agreement. It made very brief reference to what was going to happen in Cambodia and Laos except to say that all foreign forces should be withdrawn. But they did tell us that there had been an understanding with the Russians and the Chinese and after all they are the

ones who really leaned on their clients and thus made this cease-fire agreement possible—and also with the North Vietnamese, that once the South Vietnamese cease-fire was completed there would later follow a cease-fire in Laos and then later there would be a cease-fire in Cambodia.

And Dr. Kissinger told us very frankly that it would be a little tougher to get a cease-fire in Cambodia because the situation is a little bit more complicated there. Until these other cease-fire agreements are signed it was understood that military operations would continue on both sides.

Anybody who is familiar with the situation in Vietnam that we have been concerned with for so many years knows perfectly well that unless you get a cease-fire in Laos and Cambodia you are not going to have a real cease-fire in Vietnam.

So what has been going on since the 23d of January in Cambodia has been an effort to wind up the whole Vietnam affair because if we cannot wind it all as a whole, then the cease-fire in Vietnam is likely to fall apart.

So all we need, it seems to me, is the patience to allow the new talks that have been underway in Moscow, and will shortly get underway in Paris between Dr. Kissinger and Le Duc Tho to continue and to give these officials one more chance to let this cease-fire be achieved in Cambodia. We all want peace, of course, but it is always a difficult thing to achieve, and it was an especially difficult thing to achieve in Vietnam. All we need to do now, as I see it, is to stick it out for 6 weeks more to give Dr. Kissinger and Le Duc Tho one more opportunity to achieve a peace in Cambodia, because if we do not achieve peace there we may lose all we have fought to salvage in Vietnam.

That is all there is to it; that is all that is involved here.

We here in Congress cannot negotiate between these principals. A lot of people wanted the Congress last year to negotiate the release of our prisoners. Well, you just cannot negotiate from this Chamber, and the gentleman from Missouri (Mr. BOLLING) pointed out very eloquently the last time we had this Vietnam matter under consideration, that we in the Congress simply cannot negotiate the release of the prisoners. And neither can we negotiate a cease-fire. So, let us permit the principals to have a further go at it, and let them have one more chance—at least until the end of the fiscal year. Let it not be that we here in the Congress are responsible for doing anything that people later might point their fingers at us and say that it was this Congress that lost the one real chance of a genuine cease-fire in Indochina.

Mr. CEDERBERG. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

(By unanimous consent, Mr. CEDERBERG was allowed to proceed for five additional minutes.)

Mr. CEDERBERG. Mr. Chairman, I rise in opposition to the Addabbo amendment, and I rise in opposition to the

amendment that will be offered by my colleague, the gentleman from Maryland (Mr. LONG).

Mr. Chairman, I think it would be appropriate at this time to review some of the things that have brought us to where we are, and also some of the activities that have taken place in this country since World War II.

I have had the opportunity to serve in this body under four great Presidents, two Republicans and two Democrats. I did not have the opportunity to serve under President Truman. I came here just as he was leaving office. But I think we can all recall that after World War II we were faced with some very serious decisions in the free world. We were being pressed by the Soviet Union at that time, and this Congress in its wisdom adopted the Marshall plan, which provided a stabilized Europe, to the credit of the Congress of the United States and that President.

Then, after that, we were pressed again by the Soviet Union, in Berlin, and you will recall that President Truman met the issue with the Berlin airlift, and he was supported by the Members of the Congress.

Then the Members will recall the disastrous situation between South Korea and North Korea, who were supported by the Chinese and the Russians, and President Truman took some forthright action under the guidance of the United Nations to correct that situation.

I wonder what would have happened if a forthright and courageous President had not taken these actions.

I came to the Congress at the time President Eisenhower took office and there were several actions taken during that time. I recall waking up one morning when our troops had landed in Lebanon. There was no time to discuss it with the Congress. They were there for 2 days, and that situation was cleared up, and the people got the message.

All of these activities were to the credit of a great President.

Then came President John F. Kennedy, and you will recall the Cuban missile crisis where he stood up to Mr. Khrushchev, and to his great credit, met that challenge.

I recall being at the residence of the Ambassador in Vienna a year or so ago, and in that residence there is a plaque where President John F. Kennedy met with Premier Khrushchev, and he did not back down one bit. This is what the Communists have understood over the years.

Then came President Johnson. He had some very trying and difficult times, and it is tragic to say that so many of those times were caused by some of the people on this side of the aisle. I recall very well his decision to take our troops into the Dominican Republic. That did not last long either, but we can see what the results could have been if some of those strong actions had not been taken.

Then I recall so well—and I have stood in this well myself as a member of the opposition party—supporting President Johnson in his desire to bring about peace in Vietnam. I have never served with a President of either party who did not have a firm and committed dedica-

tion to bringing about the kind of a peace that he thought was right. It was a tragedy for me to see him leave as a broken man because of some of the activities that took place in this country and some of the speeches made right here on the floor of the House.

I remember our distinguished Speaker, majority leader at that time, standing here in the well of the House and pleading with us to stand with the President in this trying time to try to bring about a recognition that South Vietnam was important, not as South Vietnam, but in the confrontation between free people and those of the Soviet Union and others. Had it not been for this kind of affirmative action, I do not believe that it would have been possible for President Nixon to have made his breakthroughs with the Soviet Union or with the Peoples Republic of China.

Having had these negotiations, our troops are home, and our POW's are home. Unfortunately, our missing in action have not yet been accounted for—and I think that is something we ought to recognize. Here we are in the last inning of this ball game, and it seems to me that the least we can do is to approve this transfer authority at this time. Certainly no one wants anything but a conclusion of this matter.

I say to the Members what we are talking about here today goes far beyond Cambodia. It reaches right into our relations with the Peoples Republic of China and our ability to negotiate from strength with the people in the Soviet Union. I think it would be a most serious mistake to deny this transfer authority.

May I say to the Members—some of the Members—do not forget even if we get this conflict settled in Indochina, we are going to have other problems in test areas, and some of this may come right in the Middle East. I will see some of the Members walking right down this aisle when that happens—and the Members know what I am talking about. I will be there with them, too, because I think it would be the right thing to do.

We talk about the end of the tunnel. I think we are at the end of the tunnel, and I am not about to close it out.

I hope, first, the Members will strike down the Addabbo amendment, and I am confident they will. The transfer authority is needed to meet costs of dollar devaluation in all areas of the world, and to meet the increased costs that have occurred in the operation and maintenance accounts of the Department of Defense. I cannot understand why anybody would support the Addabbo amendment. I can understand how the Members might be concerned about the situation in Cambodia, but I think if we review what has happened since World War II we will understand where we want to go in the future. I think if we take the action of voting down these amendments, it will long be remembered as a courageous act in behalf of the free people of the United States and future generations to follow us.

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

(By unanimous consent Mr. FLYNT was allowed to proceed for 5 additional minutes.)

Mr. FLYNT. Mr. Chairman, it is not an easy matter to rise and oppose this transfer authority. Normally it would be a reasonable request that this House might grant. It is also difficult not to agree in substance and in form with the remarks of those who have opposed this amendment including but not limited to the gentleman from Florida (Mr. SIKES) and the gentleman from Michigan (Mr. CEDERBERG).

As a matter of fact, though some of us who support this amendment gave long and serious consideration to limiting lines, to placing a limitation on this transfer authority, but we decided against that because the money that is appropriated for the purposes intended here is not appropriated in this second supplemental appropriation bill. It was appropriated in the Department of Defense appropriation bill for the fiscal year 1973.

What the language in this bill does, and it is very simple, is increase the transfer authority by \$500 million. The amendment would strike it for the simple reason that a large part of this money—at one time the testimony was very clear that most of this money—would be used in support operations by the U.S. Air Force in Southeast Asia and especially over Cambodia.

Let us look at the record for a moment. On Thursday, the 12th of April, 1973, the Subcommittee on the Department of Defense of the Committee on Appropriations met to consider this transfer request. The principal witness at that time was the Acting Comptroller of the Department of Defense. That meeting was chaired by the gentleman from Florida (Mr. SIKES). After the introduction of the subject matter to be discussed, the communication from the President and the letter from the Director of the OMB were both placed in the record. Let us see what this record shows. Beginning on page 585, we see the subheading "Southeast Asia Costs." On page 586 there is a table headed "Analysis of Fiscal Year 1973 Southeast Asia Funding Status." Then on page 587 there appears, "Analysis of Fiscal Year 1973 Southeast Asia Incremental Costs." Also on page 587 there is a subheading which shows "Possible Additional Southeast Asia Costs." Beginning on page 588 there appears this subtitle, "Need For Additional \$500 Million," which refers very clearly to Southeast Asia and Cambodia.

Also on page 588 we have the subtitle "Cambodia Costs." Then on page 589 we have a heading "Effect of Section 737," and that of course refers to Cambodia and Laos. On page 590 there is a subtitle, "Cost of Bombing in Cambodia." On page 591 we have the title, "Cost of Supplying Cambodia." Also on page 591 we have the subtitles "Costs in Support of Cambodia" and "Transfer Authority Already Used in Support of Southeast Asia," and so on down through page 607.

The purpose was very clear that the request for this transfer authority was to continue the war with Cambodia and to obtain congressional approval for what had already been done and to request a blank check authorization and underwriting of everything that would be done over Cambodia in the future.

Mr. Chairman, this reminds us very much of the Gulf of Tonkin resolution that this House and the other body adopted a great many years ago, which laid the predicate and the foundation and the groundwork for the most tragic war in this Nation's history.

Like all of us who were here then, I voted for the Tonkin Gulf resolution, and I have regretted it almost since the very day that I voted for it.

When I face the Supreme Judge of the Universe, I shall ask Him for mercy and to forgive me for voting for the Tonkin Gulf resolution. I hope that the spirits of the 50,000 Americans who have been killed in Southeast Asia will not serve on the jury which tries that case.

Mr. Chairman, this is a blank check authority. This language amounts to a request for a congressional approval and granting of the authority to the administration to continue this war and to come back and ask for more money in the future if they think that it is necessary to do it.

Like many other Members, I was very much in hopes that the peace treaty of the 27th of January, 1973, would bring an end to the war in Southeast Asia. I think that by the action of adopting this amendment which we are discussing now, we can bring this war to a close.

I think that to reject this amendment would be to start the war all over again.

Already we have had four U.S. aircraft shot down, and this is not classified information. It was given in a public hearing before our subcommittee. There has been one OV 10 plane shot down, one Air Force plane shot down, one A-7 shot down, and one EC 47 shot down. Those four planes were manned by crews aggregating 11 U.S. Air Force servicemen. Of those 11, nine are believed to have been killed in action and two are believed to be missing in action. We do not know where they are.

Mr. Chairman, the law of averages dictates that if this combat flying and aerial operation over Cambodia continues, there will be more U.S. aircraft shot down. Eventually, some of these crewmen who successfully eject from some of these aircraft are going to be captured. Whether they are captured by Cambodian Communists or whether they are captured by North Vietnamese Communists makes very little difference, because if they are captured, the POW issue starts all over again.

Mr. Chairman, once the POW issue is raised again because we have American prisoners of war in Southeast Asian prison camps, the only alternative that this country is going to have is to reintroduce ground troops to rescue them as we did before.

Mr. Chairman, God forbid that that might happen again. I somehow feel that the question here is very clear. I have an idea, whether this resolution is adopted or whether it is rejected, there may be other amendments offered subsequent to that time. But, let there be no mistakes about the issue on this one.

The issue on this one is whether we want to stop or whether we want to continue and renew military operations in combat in and over Southeast Asia.

This whole thing has been going on

since the Air Force operations over Cambodia started. It reminds us very much of the history of the last 10 years, the tragic history of the last 10 years when Congress, in effect, gave blind approval or support to the executive branch to conduct combat operations in a war which Americans did not want and which they have demonstrated time and time again they did not want and do not want.

Mr. Chairman, in addition to that this is a time when the Congress can, if it will regain some congressional control over the future and the destiny of the United States. I feel very strongly, that in order to do this, in order to prevent a reopening not only of air warfare but of ground warfare as well, that it is necessary for the House this afternoon to adopt the amendment to strike.

Mr. Chairman, I think that I can give to the House the assurance; I believe very strongly that I can give assurance that if this amendment prevails today and if this language is stricken and the House of Representatives rejects granting the President the authority to continue the war in Southeast Asia, then upon an appropriate request the Committee on Appropriations and the House will subsequently in another supplemental give to the President all of the transfer authority that he needs in order to carry out every purpose contained in this request, except that for continuing or renewing the war in Southeast Asia.

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

Mr. Chairman, as one member of the Defense Subcommittee who has taken a turn full flock on this question and reluctantly rises in opposition to the Addabbo amendment, I thought it might help in this discussion to outline briefly a few of the reasons I oppose the amendment.

There is no question that a portion of the funds for which transfer authority is sought in this bill will be applied to U.S. military operations in Cambodia. Whether the figure is \$5 or \$25 million or \$400 million, the problem of implied congressional sanction is directly before us.

The current fiscal year ends the last day of next month and it is only until the last day of next month to which the requested transfer authority is applicable.

Meanwhile, negotiations are presently under way with the North Vietnamese, seeking to implement the general commitments of the cease-fire agreement. These included specifically the undertaking by North Vietnam to disengage from Cambodia, which it has not done.

Implicit in the current situation is military and diplomatic opinion that without U.S. air support Communist forces would overthrow a friendly Cambodian Government, outflank South Vietnam, and reestablish the former port of Sihanoukville as a port of entry for the Communist supply line.

There is no denying that a vote by this Congress today to deny funding for continued U.S. air operations over Cambodia for the next 6 weeks at least would amount to telling North Vietnam and the world that, as far as the United States is concerned, they can continue to

break the cease-fire agreement and that the United States is prohibited from military response. The effect of such a congressional pronouncement on the negotiations seeking to persuade North Vietnam to abide by its agreement would be fatal and this should be understood by those who support this cutoff at this time.

If the negotiations succeed—as we hope and pray they will—fine. They will have no chance to succeed if Congress today directs that U.S. military hands be tied, with or without an agreement. For this reason, then, it can be fairly concluded that this is not the right time to vote such a cutoff.

We are all aware and increasingly concerned that the situation in Southeast Asia has dragged on and on and appears to be a morass into which continued U.S. military involvement only mires down in muck, monsoons, and muddling. The risks of reincarnation of a prisoner-of-war issue are inherent in every U.S. overflight. The disenchantment of the American people and of Members of Congress, of which I am one, with continued U.S. military involvement in Southeast Asia is patent and understandable.

Should the present negotiations fail, the question of continued U.S. involvement will recur on July 1 and at that time it is possible that a majority of the Congress will then expressly prohibit further U.S. involvement. Surely the opportunity will be afforded. But, for the next few weeks, that decision should be deferred in view of the chance and the hope that negotiations to end the fighting in Cambodia will be successful.

With due respect and considerable personal affinity for the position of those of my colleagues who long to stop U.S. military action in Southeast Asia by unilateral command of the Congress, I respectfully urge that this decision be deferred until after the 1st of July.

If this transfer authority is voted with that explicit understanding, I sincerely believe it to be in the overall best interests of the United States.

Mr. Chairman, I urge the defeat of the pending amendment.

If transfer authority is voted with the explicit understanding that a cut-off is possible after July 1, I sincerely believe that it will be in the overall best interests of the United States.

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

Mr. WYMAN. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I have just one question. If after 2 months have expired the negotiations are continuing, would the gentleman thereafter vote in favor of additional funds to support combat activities in Southeast Asia?

Mr. WYMAN. I would say in response to the question of the gentleman that I would have to meet that issue at that time, and I would have to then determine whether some special consideration made continuation of the U.S. participation essential to the national security at that time.

Mr. Chairman, I think we must sooner or later arrive at the end of this involvement over there. I favor an end to

our involvement. If it is not ended by the executive branch I think the Congress should end it, but I think at this moment, with the precise situation that prevails at this hour, in view of the negotiations that are underway, that for the next few weeks we ought to let the negotiations continue without denying such leverage to our negotiators and see what develops.

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

Mr. WYMAN. I yield further if I have time.

Mr. EVANS of Colorado. Mr. Chairman, the gentleman has stated that he is in favor of hanging on for a few more weeks, so apparently he would have us believe the North Vietnamese would be impressed by a few more weeks' involvement by this country, and I cannot accept the logic of that.

Mr. WYMAN. Mr. Chairman, if the gentleman implies that the Congress should cut military assistance off on July 1, I have stated that is a possibility. Perhaps we ought not to now say that will happen, and I am not saying that at this time, because it would be self-defeating at the negotiating table.

But there is no question that it is a distinct possibility. Our involvement in Southeast Asia must be ended at some point. The question is when is it in our best interests to do this? I do not believe this moment is opportune.

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

Mr. Chairman, I rise in support of the Giaimo-Addabbo-Flynt amendment.

I think that this is a Gulf of Tonkin-type resolution, because we have found in the past that the courts have determined that this Congress, while having the power to declare war, can declare war indirectly by appropriating and authorizing funds for clandestine operations around the world, and that is exactly what happened in Southeast Asia.

Now, here we are on a new issue, that of Cambodia, and I think that we have to understand a little bit just exactly what is involved in the fighting over there, and with that in mind, we have had before my committee, the Committee on Armed Services, a 19-question inquiry which addressed itself to exactly what was the level of activity over there and what was being accomplished and what was and what is the order of battle in that little country near Vietnam.

Mr. Chairman, the information we got was rather astounding, because we found out that although the casualty level in this little country has been about a thousand of the enemy being killed in the 3-month periods both before and after the peace settlement January 27, and, therefore, relatively static, the sorties have increased from 2,986 in the 3 months before the peace to 18,200 in the 3 months after the negotiated peace with honor subsequent to that time, but the casualty level remains exactly the same.

We find that instead of the 15,000 tons of bombs dropped in the 3 months from October until the peace at the end of January, there have been dropped more than 82,837 tons of bombs since the peace was negotiated out there.

Now, in case these numbers seem be-

fuddling, just keep this in mind: The KIA, the death casualty rate in Cambodia, today is about 7 to 10 a day. The number of 250-pound bombs that the Department of Defense has indicated they are dropping in Vietnam is between 3,500 and 4,000 bombs per day. These are 250-pound bombs.

Now, if the Members think this kind of an operation makes sense, why, I think we will just have to reassess our method of conducting warfare.

Ironically, we bomb in Cambodia where a few people a day are casualties, yet in Vietnam where theoretically a peace prevails, the loss rate is over 100 a day and we see no reason to bomb.

You can talk about respect for agreements and respect for the Executive and about pulling the rug out from under Dr. Kissinger, but I think they know pretty well what is going on. The Department of Defense told us there are only 8,000 North Vietnamese and Vietcong combat advisers in Cambodia today, and in the area where all of the activity is going on around Phnom Penh there are only 1,300 North Vietnamese and Communist advisers. This huge force is supporting 35,000 indigenous Cambodian Communists who are opposed by 180,000 soldiers of the Lon Nol government. We have spent a quarter of a billion dollars in 3 months or at a rate of \$1 billion a year, let me say these are the figures that were delivered to our committee.

That is the way it starts. That is the way Vietnam started. This is not a trailing down or the end of the tunnel but really is the start of a new tunnel. I think if article I, section 8 means what it says, that the Congress has the power to declare war, then I think we have to show some guts in Congress; we have to go ahead and declare ourselves.

I salute the gentlemen on the subcommittee for picking up this issue. This is just exactly the way we get sucked into international conflicts.

There has been some testimony and talk about the fact that we need to provide for our fleet in the Mediterranean and you cannot vote for the Addabbo amendment lest we destroy the Navy. Well, Mel Laird said the reason why our Navy is destroyed today, the reason why it is second best, is because of the fact that we have spent just too much money in Vietnam today.

Mr. Chairman, every day that I pick up the newspaper and read of our continuing involvement in Indochina, I have this sickening feeling that I have seen this all before.

About 10 years ago we were told that our intervention was necessary in order to prevent the collapse of all of our allies in Asia; a few years after that the justification changed to the protection of South Vietnam's right of self-determination; and then we were told that we need to stay in so that we can protect our POW's and the withdrawal of our troops.

Well, our troops have been withdrawn and the POW's have been returned, yet the fighting continues.

Secretary of Defense, Elliot Richardson, tells us that the bombing of Cambodia is necessary in order to clean up a "messy corner" of the world. I agree

with him; Cambodia is a "messy corner of the world" that needs to be cleaned up—but not by us. We have given the Lon Nol regime all that anyone could reasonably expect over the last 2 years. If after all of our aid his regime still needs 60 B-52 raids and 180 fighter-bomber sorties a day to stay alive, then I have serious doubts whether the Lon Nol government will ever be able to stand on its own two feet without massive U.S. support.

Eighteen years ago the United States unnecessarily intervened in the internal affairs of Southeast Asia. Today, after 10 years of direct U.S. military involvement, and the loss of more than 55,000 American lives, we are on the verge of yet another unnecessary and potentially costly intervention in Indochina.

During the month of April two staff members of the Senate Subcommittee on U.S. Security Agreements and Commitments Abroad reviewed the war situation in Cambodia and reported, contrary to the pronouncements of the White House and the State Department, that a cease-fire is not imminent in Cambodia, and that the massive bombing of Vietnam during the war there has been transferred to Cambodia in a mad effort to do for the Cambodians what they cannot do for themselves.

Several points in this report are noteworthy:

First. The Foreign Relations Committee staff reported that—

During the first two and one-half weeks in April, the distribution of air strikes was no longer 80 percent against the North Vietnamese and their lines of supply into South Vietnam and 20 percent against the Khmer insurgent forces fighting Cambodian government troops but close to the reverse as far as B-52 strikes were concerned with a heavy preponderance of tactical air strikes also devoted to helping Cambodian forces rather than to attacking North Vietnamese and Viet Cong units and supply routes.

Second. The U.S. Embassy in Phnom Penh, in an apparent violation of congressionally passed amendments that limit American personnel involvement in Cambodia, has played an important role in U.S. air operations over Cambodia. Mr. James Lowenstein and Mr. Richard Moose of the committee reported that the Embassy is used as a communications relay point, as an on-the-spot coordination of forward air control planes and strike aircraft, and as a screener of Cambodian and 7th Air Force requests for strikes except in eastern Cambodia. These findings have been corroborated by the Defense Department in hearings before my House Armed Services Committee.

Third. The maps being used by the U.S. Embassy in plotting air strikes were several years old and the Embassy did not have current photography on proposed target areas which would permit the identification of new or relocated villages.

Fourth. The committee staff found, "widespread doubt on the part of experienced observers in Phnom Penh that even continued American air support and a reorganization of the Lon Nol government to include opposition leaders would arrest the government's decline. It was our impression that most Cam-

bodians felt that it was now beyond the government's ability to do more than get out of the war and that, indeed, they had no other choice. There was, however, no indication that the Khmer insurgents—as they are now called in official U.S. terminology—and their North Vietnamese supporters were interested in a cease-fire. In fact, it was not even clear, to either American or Cambodian officials, with which individuals on the other side a cease-fire could be discussed or on what conditions the insurgents would insist."

Mr. Chairman, the report of the Senate Foreign Relations Committee is very discouraging, for it indicates how very little we have learned in the last 10 years. Here we are, 18 years after the signing of the Geneva Accords, 10 years after the assassination of Diem, 8 years after the Gulf of Tonkin resolution, 6 years after the My Lai massacre, and 3 years after the Cambodian "invasion"—bombing again in Cambodia.

This time the administration is going to be hard-pressed to sell the American public a justification for the latest escalation. This is not to say that they have not tried.

Secretary of State William Rogers has alleged that the justification for the bombing in Cambodia lies in article 20 of the January 27 peace agreement. That article required the withdrawal of all foreign armed forces from Laos and Cambodia and obligated the parties to refrain from using the territory of Cambodia and Laos to encroach on the sovereignty and security of other countries, to respect the neutrality of Cambodia and Laos and to avoid any interference in the internal affairs of those two countries.

It is true that the North Vietnamese have combat troops and advisers in Cambodia, but it is not true that this involvement amounts to a violation of the January 27 peace agreement. In a briefing paper entitled "Interpretation of the Agreement on Ending the War and Restoring Peace in Vietnam," the State Department argued that foreign combat activities, ours as well as that of the North Vietnamese, are not affected by the agreement "until such time as cease-fires and foreign troop withdrawals are arranged in those two countries."

The State Department briefing further argued that article 20 "was carefully drafted, however, to avoid stating a time or period of time for the implementation of these obligations, and it was clearly understood that they would be implemented as soon as cease-fire and troop withdrawal agreements could be worked out in Laos and Cambodia."

The obligation to withdraw foreign forces from Laos and Cambodia is stated in article 20(b) of the agreement. However, by the State Department's own admission, "this obligation constitutes an agreement in principle and no time is stated for it to become an effective obligation."

The State Department paper concludes its discussion of article 20 and states that—

The provisions of Article 20(b) should be understood as agreements in principle which the United States and the DRV would endeavor to see were included in cease-fire or

other settlement agreements in Laos and Cambodia. Only when such agreements are concluded will the obligation to withdraw become operational.

So, if article 20 cannot be used as a justification for the bombing, what can? Various administration spokesmen have attempted to argue that the President, as Commander in Chief, can wage the war in Cambodia under the same authority that he used to wage it in Vietnam for 10 years, but this is clearly not so. We have no defense treaty with Cambodia as we had with South Vietnam, the Gulf of Tonkin resolution has been repealed, and there are no more American combat troops to protect during their withdrawal from Indochina.

The President, then, is engaged in a massive bombing campaign, costing the taxpayers nearly \$3 million per day and endangering the lives of American servicemen, without any legal authority to do so.

The Defense Department states, of course, that the bombing is needed in order to hasten a cease-fire in Cambodia. If things continue as they are we could be hastening a cease-fire in Cambodia for years to come. The fact of the matter is that the Khmer insurgents have Lon Nol on the ropes. They are not expected to sign a cease-fire or end hostilities against the Khmer government before the end of the dry season, if ever.

Secretary Rogers' statement that, "U.S. air strikes in Cambodia do not represent a commitment by the United States to the defense of Cambodia . . ." simply does not square with the findings of the Senate committee. The bombing in Cambodia has undergone a dramatic shift over the last few months, from the interdiction of North Vietnamese supply routes leading into South Vietnam to the support of Cambodian forces in and around Phnom Penh. This shift can only be interpreted as an effort by the administration to intervene in what is essentially a civil war between various factions of the Cambodian society.

One of the most disturbing aspects of the renewed bombing in Cambodia is the conspicuous lack of congressional input into the decisions of the Government. Once again the United States has embarked on an important new policy stance in Indochina, and the Congress is nowhere to be found. This is not to say that the administration is not going to attempt to establish congressional complicity.

This week the House considers the Department of Defense supplemental appropriations bill. This bill calls for an increase of \$430 million in transfer authority for the Pentagon, a part of which is to be used to finance the bombing in Southeast Asia.

Past court decisions have declared that approval of funds for the war is tantamount to legislative approval of the war. This passage of the supplemental transfer authority would grant the President legal authority for the first time since the peace agreement to continue the bombing. It is clear that those groups that have argued that the supplemental bill reads like another Gulf of Tonkin resolution are not far off the mark.

The war is escalating, not deescalating. Since the peace agreement the United States has flown 21,000 sorties over Cambodia and Laos, and has dropped nearly 146,000 tons of bombs on those two countries. Compare these figures to the corresponding period before the signing of the agreement on January 27. Between October 30, 1972, and January 27, 1973, the United States flew only 11,000 sorties over Cambodia and Laos and dropped 50,000 tons of bombs.

Something is very interesting here. In the first 3 months of the President's "peace with honor" the United States has increased, not decreased, its military activity in Cambodia and Laos.

At this point in the RECORD I would like to insert for the benefit of my colleagues a recent Washington Evening Star column by Milton Viorst entitled "Congress and the War: A Choice."

Mr. Viorst points out that Congress has always had the power to end the war—the power to withhold warmaking funds. In the past the Congress has been reluctant to take this drastic action because they did not want to let down "the boys in Indochina or abandon our POW's in North Vietnam." As Columnist Viorst argues:

There are now no more American boys in Indochina and the POW's are home.

The article follows:

#### CONGRESS AND WAR: A CHOICE

It is strange that Congress may now be making its most important moves on the Indochina war, three months after the President's announcement that it was over.

For a decade, Congress did nothing about the war but talk. Legislatively, the House all but ignored it. The Senate passed some vague resolutions of opposition. Nothing that was enacted had the clear-cut force of law.

The President paid no attention to anything said on the Hill, dismissed the resolution as meaningless and declared that if anything forceful was passed, he would veto it. Officially, the leadership of both houses wrung their hands and moaned, "What can we do?"

During this entire period, however, it was apparent that there was one power the President could not suppress—the power to appropriate war-making funds. If Congress didn't vote the money, the President couldn't fight the war.

But when asked why they didn't use this power, congressional leaders responded that they couldn't let down the boys in Indochina or abandon our POWs in North Vietnam. Well, there are now no more American boys in Indochina and the POWs are home.

The war, however, goes on. In Cambodia, American bombers continue to drop mountains of explosives in support of a corrupt government. And the President emits ominous warnings that we might return to Vietnam itself.

Indeed, while the rest of the world seemed to take the peace agreement as a clever device for extricating the United States from a corner of the world where it never should have been, the President appears to regard it as hard collateral guaranteeing the perpetuation of pro-American governments in South Vietnam, Cambodia and Laos.

It was to guarantee such governments that we became involved in Indochina in the first place.

Against this background—and in the unspoken context of a President weakened by the Watergate—the Defense Department has come to Congress for authority to transfer \$500 million currently in various other parts of its budget into its Indochina war

account. Specifically, it needs the money to bomb Cambodia.

Last week, the House Appropriations Committee approved the transfer. Appropriations, the most conservative committee in the House has always supported the war. The astonishing thing is that 14 members voted against the transfer.

Spearheading the dissent were three Democrats, none of whom has been conspicuously identified with the anti-war movement before. They were Reps. John Flynn, a Georgia Dixiecrat, and two Northern moderates, Robert Giavino of Connecticut and Joseph Addabbo of New York.

Even more significant than their dissent was the decision of the Democratic Policy and Steering Committee, which has become, under the new House reforms, the chief voice of the majority party on questions of policy.

The committee voted to reject the transfer authority by a vote of 18 to 3. Voting with the majority were not only Speaker Albert, who likes to avoid controversy, but such long-time outspoken hawks as Reps. Richard Bolling of Missouri and Mel Price of Illinois.

The shift of such critical House members is an index of how the atmosphere has changed on Capitol Hill. It indicates that the anti-war forces can reasonably expect 180 Democrats or more (out of 245) to vote later this week against the transfer authority.

Facing that kind of margin, President Nixon will have to get virtually every Republican vote in the House to win. Since Watergate, it is not at all clear he can do it. And even if he squeaks by, he will find tougher opposition in the Senate.

Make no mistake: This is a very crucial matter. If Congress approves the transfer, it will be giving its sanction to the continuation of the Indochina war. The vote will be much more explicit than the Tonkin Gulf resolution of 1965.

If Congress rejects the transfer, the President will be in a dilemma of exquisite clarity. He will have gone to Congress and been turned down. He will have nothing to veto. He will be free to blame Congress if he stops the bombing. But if he doesn't, he will be in indisputable violation of law.

Congress never before has had such an opportunity to declare itself on the Indochina war. This is the time for it to cut bait—or openly join Nixon in going after the fish.

Mr. O'NEILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many times in the past I have taken this well to speak out against the war in Vietnam. There are those who said I was the first of the so-called establishment to break with Johnson, who was my close personal friend, and that is probably true. I only did so after a complete study.

During that study I talked to generals, admirals, Assistant Secretaries of State, and members of the CIA who were advocating the policy of the Johnson administration at that time. In the course of the conversations with them they told me they were opposed to the policy that was going on at that time.

After a sincere and deep study I could not in conscience any longer be a hawk, so I changed to a dove. In fact, in early 1966 it was not easy to do, regardless of what area a person came from, because 85 percent of the people in my district in those days were following along with Mr. Johnson.

However, as time went on I was more pleased with the action that I took. I was true to myself, and knew that I had taken the right action in behalf of my country.

As we have looked at the war—a war which divided the Nation, a war in which

55,000 Americans were killed—and I think the figure is 303,000 wounded and 25,000 amputees—we saw home after home broken up in a division of opinion and a Nation torn apart by this war.

There was a total appropriated through the years of \$150 billion to \$160 billion. It is going to cost us \$200 billion for the hospitalization program and for the educational program for those who served in Vietnam; \$200 billion we lost by inflation in this country. This war has cost us over half a trillion dollars.

This is a war which I cannot justify in conscience no matter how I would try. This is a civil war. Why were we in there at the outset? Regardless of whom the blame is laid upon, I could not justify it from the time I made the sincere study early in 1966, and I cannot justify it today.

What are we doing there? I remember the Gulf of Tonkin resolution and, oh, how I said to myself so many times since then I wish had that vote back.

I look at Cambodia today.

Early in the year, we were led to believe the war was going to be over, the prisoners were going to be home, and we were going to get an accurate record of those missing in action through what they call the treaty in late January. And the truth of the matter is that Mr. Nol of Cambodia appointed a half cabinet of Communists and half a cabinet of his own party.

Now we find ourselves engulfed in what could be another war.

Mr. Chairman, I deplore the infusion of U.S. aerial operations into the Cambodian conflict by the arbitrary decision of the executive branch of this Government, and what is being done now in the way of bombing missions based upon the most dubious of constitutional grounds. U.S. funds are being spent and American lives are being risked for these purposes which are without any sanctions whatsoever from this Congress.

I oppose unequivocally the administration's request that this questionable operation be cloaked with legitimacy by the transference of defense funds under a supplemental appropriation bill for financing the bombing of Cambodia. Such action, if approved here today by the Congress of the United States, could be interpreted as a backdoor endorsement of the President's policies in Cambodia.

I think it is another Tonkin Gulf resolution.

I think we should steer clear of North Vietnam in Cambodia, and bring to a close our further military commitments in Cambodia and to bring to an end the conflict in which we have already been engaged at a cost of hundreds of millions of dollars, and at the further risk every day of the accumulation of new casualties and more prisoners of war.

Mr. Chairman, I urge the adoption of the amendment that has been offered by the gentleman from New York (Mr. ADDABBO).

Finally, Mr. Chairman, let me say that I urge that the President of the United States reconsider forthwith the course over which the executive branch has unilaterally embarked in Cambodia. In my view, Mr. Chairman, one Vietnam is one

too many. The Nation wants no part of another in Cambodia.

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

Mr. Chairman, I do not have a long record to tell you about, and apologize for some of the votes I have had, but I would like to tell you some of the things that EARL RUTH has observed since he has been here.

Ever since I have been in Congress we have been involved in Southeast Asia, and ever since we have had a Constitution the President of the United States was the Commander in Chief of our Armed Forces, but periodically over the time that I have been here we have always had an amendment come before this group, an amendment that said:

World, we do not really approve of the way our Commander in Chief is handling this conflict, or the situation in Southeast Asia, and we want to let you know that we are going to tell the world we do not approve it by changing the appropriations or not appropriating any money for this effort. We just want to let you know we do not approve what the President is doing.

And fortunately those amendments did not pass, and our President did continue to be our Commander in Chief, and he did have the appropriations. And while I am not sure that it pleased everybody, he got a cease-fire, and he got our prisoners back, and in spite of all those amendments with which we tried to tie his hands.

Now, Mr. Chairman, we are in the midst of negotiations in a situation where our Commander in Chief has brought about a cease-fire, and does have us on the brink of getting us out of Southeast Asia. For us now to vote for this amendment is to send the world the message again, and say:

World, the Congress of the United States does not stand behind those people who are negotiating for us.

And if some of the Members represent people who want them to vote that way, then I as a citizen of the United States fail to understand it.

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

Mr. Chairman, I hesitated to say anything today because, obviously, words are not going to sway too many of us. Most of us have made up our minds, but I would merely take the well today so I could be in the full presence of this House to say that, as chairman of the Committee on Armed Services, a good majority of the Committee on Armed Services will vote against this amendment today. I do not say that at the direction of the Committee on Armed Services, but as a result of having canvassed our committee members informally. I must report in all fairness and justice to the Members that perhaps there will be one or two votes more against the committee's position than we usually have in the Committee on Armed Services, but we can spare those.

A substantial majority of the Committee on Armed Services will be standing with the committee.

I best can express how I personally feel by associating myself with my dear friend, the gentleman from Florida (Mr. SIKES) and the gentleman from Mich-

igan (Mr. CEDERBERG) and the gentleman who just preceded me (Mr. RUTH). Perhaps the only thing I could say now would be a repetition of what they said, so I associate myself with them.

I am compelled and constrained to do this to keep the record straight. Minor as it may be, and as unintentional as it probably was, my very, very good friend, the gentleman from Georgia, told the Members that planes, as I understood it, were shot down—and I repeat those words "shot down." Since he had the well and the floor, I have had the record examined, and nowhere in the testimony before the Committee on Armed Services, after full and complete examination, was the word "shot" used by the witness of the Department of Defense at that time. Yes, some planes were missing—as a particular one, the A-7—through mechanical failure. We knew it. There was absolutely no evidence in the testimony otherwise, and, Mr. Chairman, the Members know very well I did every thing I could to get the facts to them. I put them in the Record yesterday. This morning they had the complete hearing, and nowhere in that complete hearing is there an indication that there is a prisoner of war. Two people are missing.

Regarding planes, no evidence was given to the committee that any were "shot down."

Let us move on from there. Not one bit of testimony was given—and I am recalling the testimony from memory—which said there are SAM sites in Cambodia. The testimony was negative; that is, there are no SAM sites in Cambodia.

As to the crux of the situation—and I want to say this to my friend, the gentleman from Massachusetts, and those who are apologizing today for having voted for the Tonkin resolution, Mr. Chairman, I stand here and do not apologize for having voted for the Tonkin resolution. If it were up today under the same conditions and the same circumstances, as I did then, I would vote for it again.

Now we come into that vast gap and vacuum and difference in what we face today. I was one of those who was duped and misled when I voted for that resolution. I thought we were fighting to win a war, and when I realized that we were not fighting to win the war—that the people who were calling the shots were sending our people over to Vietnam with their hands tied behind their backs—I then regretted that I had voted for the Tonkin resolution.

But what do we face here today? We have the record of duplicity on the part of previous administrations who talked victory and fought not to win. Here today we have an administration that talked and did come out with peace with honor.

Now if we had fought the Bay of Tonkin resolution instead of adopting it, if we had fought the bombing of Vietnam, those 45,000 who died up to last Christmas would not have died. We could have won if we had fought to win and we would not have a Cambodia today. I will stand with the man who ended the conflict in Vietnam, and I will stand with him on the fullest implementation of article 20 of the agreement.

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

(On request of Mr. ADDABBO, and by unanimous consent, Mr. HÉBERT was allowed to proceed for 1 additional minute.)

Mr. ADDABBO. Mr. Chairman, will the gentleman yield for purposes of clarification?

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

Mr. ADDABBO. Mr. Chairman, this is for purposes of clarification. Perhaps it was not said before the Armed Services Committee but it was before the Subcommittee on Defense of the Committee on Appropriations when we had General Ryan of the Air Force and we had this series of questions and answers:

Mr. ADDABBO. What has happened to the 3 U.S. air crewmen shot down over Cambodia?

GENERAL RYAN. The OV-10 pilot is dead. We have never found the crash site of the F-4E.

Mr. ADDABBO. Have any other U.S. aircraft been lost?

General RYAN. Yes, sir. An A-7, from which we recovered the pilot.

Mr. ADDABBO. Is that the only one?

General RYAN. Over Cambodia.

Mr. ADDABBO. Have you any missing-in-action right now in Cambodia?

General RYAN. Not to my knowledge. We have the two from the F-4E.

Mr. ADDABBO. Other than those two.

General RYAN. That is right. They are in Cambodia. We have never gotten a picture of the crash site.

Mr. FLYNT. Have any others been shot down over other parts of Southeast Asia?

General RYAN. Since when?

Mr. FLYNT. Since January 27.

General RYAN. Yes. I think we lost an EC-47 in Laos.

Mr. ADDABBO. What happened to the crew on that?

General RYAN. I am pulling this from my memory. I think they were killed in action or missing in action.

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

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

Mr. HÉBERT. I am delighted that the gentleman from New York read the quotations from the testimony at which I was not privileged to be present. The gentleman will note that the word "shot" was used by the member of the committee and not in the testimony of General Ryan.

Mr. ADDABBO. But it was not refuted by General Ryan.

Mr. HÉBERT. But the words were put in his mouth, and the gentleman knows as well as I know that when one has a witness he can twist the witness around. The gentleman knows that as well as I do. I say there is no evidence at all, and I repeat it, and those who scream the loudest now cannot show me where one member of the military or of the Defense Department has said there was a plane shot down.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Chairman, it has been pointed out by the general that two men were killed. Are they any less dead because the general said it

or the interrogating Member of Congress said it?

Mr. HÉBERT. The gentleman has served with me on the committee. Any interrogator, honest as he may be, but also diligent as he is, can put words in the mouth of the witness, and if that witness is not astute enough he will shake his head or nod his head and not play on the semantics of the moment. The gentleman knows that as well as I do.

I believe I have answered that position, so I just want to say this. I return to what I originally said when I stood here in the presence of the Members, physically and vocally, voicing what I know to be the majority opinion of the Committee on Armed Services of this body, and it will vote against the amendment and will stand by the effort to end this meaningless, senseless war which has gone on far too long. And with that I agree.

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

Mr. Chairman, believe it or not I do not intend to talk very much about Cambodia because I do not think Cambodia is the issue in this amendment. I think it will be the issue in the amendment which the gentleman from Maryland will offer, if this amendment is defeated. I will oppose that amendment too. The issue here is whether or not we will allow the Department of Defense to transfer \$500 million, which was originally appropriated in the last regular appropriation bill, from procurement accounts to the operation and maintenance and military personnel accounts.

If the Congress in its wisdom decides not to authorize such a transfer, these will be the effects:

It will be necessary for the Secretary of Defense to immediately begin to balance his accounts so that those accounts will be balanced by the end of the fiscal year. He has admittedly been spending at a deficiency rate, \$250 million of the money which he seeks to transfer has already been obligated.

It has been necessary to obligate because of the fact that we have had devaluation of the dollar; and because of the fact that we have had an increase in the cost of living which has been reflected in the subsistence account of the Armed Services. Those are the facts.

This amendment, which would strike the whole transfer authority, would cause the Secretary of Defense to begin immediately to spend at a much lower rate than he now is.

What would be the effect? Possibly, there would be some reduction of effort in the Cambodian area; possibly not. Very likely, if Cambodian operations are as high in priority as I think they are, they would continue.

Where would the effect be felt? It would be felt in the steaming time of the Sixth Fleet; it would be felt in the flying hours of the Air Force around the world, it would be felt in the recruitment of personnel coming into the Armed Services to take the places of those who are leaving, it would be felt in the transfers of military personnel. As a matter of fact, it would result in a general stand down of the armed services of the United

States around the world for the next 6 weeks.

This is no way to operate. I can imagine people who feel strongly about Cambodia voting for the amendment of the gentleman from Maryland. I will not do so, because I feel that the President of the United States is asking only for a 6 weeks vote of confidence, and therefore we should give it to him.

Later, if it is necessary for the Congress to end this engagement, we should do so with an effective vehicle; not with one which is defective such as this one is.

However, that is not the case here. The gentleman from New York, my good friend, has in my opinion offered an amendment which would completely gut the armed services of the United States. With all due respect to him, I ask that the Members of the House vote down overwhelmingly the Addabbo amendment.

Cambodia is not the issue. The issue is the efficacy, the efficiency of the armed services of the United States.

Mr. MOSS. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I have listened with a sense of disbelief. I have just heard again the statement that what we do here, or what we intend in the event of adoption of this amendment, means nothing.

In other words, we are told, we are given a warning that the President of the United States would in utter and complete disregard of the expressed will of this Congress act contrary to that will. We are without voice or effect. If that is a fact, it is a shocking indictment of this body as a House of Representatives of a free people.

We have, as one Member indicated in his earlier support, "the same old war around." He said it goes back 10 years. It is the same old war that has been around as a remnant of World War II.

Unless we act decisively to stop it, we will have that same old war around in another decade.

Mark my word, what I say is true and every Member of this House who has taken the time to study the facts of the involvement knows that has been the truth.

This war is not new. The faces are not new. The issues are not new. We are dealing with what is in every sense a continuing civil conflict between hostile people, hostile between themselves.

In many ways we are dealing in a family affair, and I believe that involvement by an outsider in family affairs rarely if ever settles the dispute.

It is time that we speak out clearly, taking the first opportunity to arise to say, "No, we are not again ready to start on another circle of futility."

That is what we are being invited into, the launching of another trip around the circle.

Someone has already said, "What about our missing in action?" I gather, inferentially, we ought to keep forces there until all MIA's are accounted for. Then, in the process, we could start generating some more prisoners of war. Then, in response to the demands of our conscience, we are going to have to act to extricate the new POW's. Then we will be back in an involvement which is

not ended. There is no promise of it ending.

The only way it will be brought to a termination is for this House to exercise its responsibility. The framers of our Constitution acted with great wisdom in giving to the Congress the sole and exclusive power to declare war, hoping that through the process of debate—debate that does not go on in the privacy of the executive department—we would examine all facets, we would know fully what we were doing and what the extent of the commitment of the Nation was.

Here we are, a nation deeply divided, a nation examining critical needs for supplies of raw materials rapidly becoming a "have not" nation, a nation with great imbalance in trade because we have committed our resources to nonproductive activities. These forces do exist, and they indict every one of us who has succinctly sat here and voted for continuation on the plea that this is not the moment to disturb things.

Let me say this is the moment for this House to act.

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

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

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

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

This body today faces a vote of critical importance to U.S. efforts to bring about a cease-fire and reasonable peace in Southeast Asia. But of even more importance, this vote today will be a signal to the Kremlin, Peking, and Hanoi as to whether or not the Congress of the United States intends to demand compliance with treaty agreements reached with other nations.

Opponents of the transfer authority under consideration would have us believe we are voting on giving the President blanket authority to conduct war at any time and at any place he sees fit. Nothing could be further from the truth.

The President already has the authority to take such actions as are necessary to bring about a cease-fire in Southeast Asia. At one time it appeared that concentrated bombing had achieved that goal. Following the bombing last December, the Communists began to talk in earnest and the Paris Accord was signed.

Article 20 of that accord called for all parties to remove combat troops from Laos and Cambodia and cease all military operations in those countries. The United States complied. The Communists did not. Instead, they launched a country-wide military operation clearly aimed at capturing the government and enslaving the people of Cambodia. At that point, the United States again resumed bombing but limited to military targets in Cambodia, Laos, and South Vietnam.

The matter under consideration before this Congress will have no impact on the present Cambodian situation. Regardless of the vote today, the United States will continue to stand by the Paris Accord provisions.

But the vote is critical in that it is being interpreted by some as a test on whether this Congress will back the President in his desire for a cease-fire in

Cambodia such as that already achieved in Laos and South Vietnam.

The fact is, this vote has a bearing on military positions in Asia, but it has greater impact on our military posture elsewhere in the world. Denial of the transfer authority will bring about a curtailment of military forces, reductions in procurements, reduced training, a sharp reduction in required patrols by the Air Force and Navy, and it will result in a dangerously low level of readiness for at least 2 months.

Opponents of this measure say little of that. Instead they insist we are voting here on what amounts to another Tonkin resolution. This is an injustice to the Congress, but having said it so many times the opponents now have forced us to deal with the transfer authority on those terms.

So be it. The fact is, we are trying desperately to bring about a cease-fire in Cambodia. Dr. Kissinger later this month will meet with the North Vietnamese to discuss this very point. If this Congress, by virtue of this vote, tells the Communists the President has no backing and that Dr. Kissinger is speaking from a position of weakness, chances of reaching an accord are greatly diminished.

Let us not undermine this final effort to bring about cease-fire by casting a vote against this measure. It will have no impact on what takes place in Cambodia. It will only be a clear signal to our enemies that we do not really care what they do in the world and that agreements they reach with us really do not have to be carried out.

This would be a disastrous course for the Congress to suggest. I cannot believe there are responsible Members of this body who want that message delivered to the Communists.

I intend to vote in support of the transfer authority request as my way of telling friend and foe alike that America's word is good and that we will go the last mile in efforts to gain peace, to abide by our agreements, and to insist that other countries abide by the terms of agreements made with us.

Mr. MAHON. Mr. Chairman, rarely have I seen the House sit for so long at rapt attention and listen to debate. This is highly complimentary of the House of Representatives, in my judgment.

I believe, however, that now we have about exhausted the issues. I shall undertake, if Members will permit me to do so, as the chairman of the Appropriations Committee, to speak at some length, perhaps beyond 5 minutes, and I shall then try to move toward shutting off debate and voting on the amendment.

It would occur to me, in view of the number of people who have stayed on the floor, that perhaps a few Members may not be quite certain as to how they may vote on this issue.

This is understandable. Unlike some of my colleagues, I cannot be absolutely sure of what to do about the situation in Southeast Asia. There are those among us who know precisely, apparently, just what should be done, but although I have perhaps listened to more testimony on the subject than anybody in this House, I have some doubt and some skepticism. But I want to make

sure that I have done the right thing insofar as I know the right.

Mr. Chairman, some of my colleagues have expressed regret about their admitted mistakes of the past. I am not ready to say that this great Nation has made monumental mistakes, certainly not any mistake of the heart. I am not so interested in talking about the possibility of mistakes of the past. What concerns me now is that we not make a mistake today. If we have made mistakes in the past we do not want to compound the situation by adding another mistake today. That would be tragic indeed.

So I am before you to discuss this matter in a low-key, unemotional way. That is my approach to this situation.

Mr. Chairman, I think there may be some misunderstanding as to what the issues are here. In our bill providing for defense for this fiscal year, we provided about \$76 billion, and about \$6 billion of it was for, operation and maintenance activities of the Air Force. The Air Force had these funds available; they were planned for certain operational and maintenance purposes. The Air Force dipped into those funds more than officials had expected to for the massive bombing of Vietnam in late December which apparently brought the cease-fire. There have been other cost increases related to the devaluation of our dollar. Additional funds were required because, to a greater degree than was anticipated, hazardous duty pay was required for forces in Vietnam. So the Air Force, and the other services too, have been using funds at a faster rate than had been anticipated.

We gave them in the defense appropriations bill \$750 million in transfer authority. In March they said they needed \$500 million in additional transfer authority. Department witnesses testified that if the additional authority was not granted they would have to slow down some operations elsewhere, thus diminishing the readiness of the U.S. Armed Forces for an emergency.

Mr. Chairman, they can continue the bombing of Cambodia without it, of course. With what remains of the \$6 billion, they certainly could do so. So the point is:

Shall we give them this transfer authority?

It is a mistake to say, as some who have addressed us have said, or to assume that, "Well, if we adopt this amendment, then we will have just slain Goliath."

Well, we will not have accomplished a miracle at all, we will have just made it more difficult for the Department to operate. We will have reduced our readiness and we will have made it difficult to meet some of our commitments in the Mediterranean and elsewhere, but we will not have stopped the bombing in Cambodia.

The CHAIRMAN. The time of the gentleman from Texas (Mr. MAHON) has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. So, Mr. Chairman, that is the situation here. We are not ending the fighting in Cambodia. If this House, wants to end the war or to bring back

troops from Western Europe or to bring them all back from Southeast Asia, we have a way by which we can do it. We could consider legislation in the appropriate legislative committees. But we have not chosen to do it.

We cannot do it in this bill, and we should not work a hardship on our servicemen or on those dependent on other funds in this bill by taking this approach to the problem. We will have to consider that among the very important aspects here.

Yes, our patience has been worn a bit threadbare, but, after all, there was a cease-fire at midnight on the 27th day of January this year. It has not been an intolerably long time since then. If we were willing in the past to give 7 or 8 years of time for the war to be concluded, why do we get so impatient at this time when only a few weeks have transpired? Do we want to rush in today and bring about a collapse that might place our country in a bad position and subject us to just criticism? Do we want to give the Executive further opportunity to bring the conflict to an honorable conclusion? Why not give him a little more time?

You know, I was reading today in the Good Book, which says, "Join not the multitude to do evil." My colleagues who are supporting the amendment seem to be very strong and in considerable number. I would like to join with them, but the admonition "join not the multitude to do evil" restrains me. How can I be sure that we are not doing evil if we rush in and pull the rug out from under the bombing and precipitate an immediate crisis and perhaps the instant collapse of Cambodia? Would that be something to brag about to our grandchildren?

I do not think so. I think we ought to give the President more time. He has, after all, made some progress in international matters and did get the cease-fire agreement. I am willing to give him a little more time and give him the responsibility along with that time rather than rush in today and slam the door shut on his further efforts.

Why should we undertake now to manage this war? Why do we not give the President a little more time? I do not want to precipitate a collapse in Cambodia and a collapse of our negotiations, perhaps, with the North Vietnamese and with Moscow.

I am one who believes in the country, as I know you do. I do not think Stephen Decatur was altogether wrong when he said, "My country, in our intercourse with foreign nations, may she always be in the right, but my country right or wrong."

I want to give my Commander in Chief a little more time here, my friends. I do not have any problem in apologizing to my folks at home for my efforts in behalf of peace. I think our country will look better a year from now and thereafter if we show a little patience. Impatience does not benefit a great and mighty nation.

My colleagues, in this low-keyed way and without emotion let me say that I think you will feel more comfortable today and tomorrow and especially next year if you vote down this amendment denying funds to the United States

Armed Forces, and which does not, by the biggest stretch of the imagination, end the conflict in Southeast Asia. That is another matter and there are other ways to do that.

Thank you.

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

Mr. Chairman, the House of Representatives is today presented with another opportunity to reverse the flow of power away from the Congress to the executive branch. By passing the Addabbo amendment, which would delete the \$430 million transfer authority in the second DOD Supplemental Appropriation for 1973, the House of Representatives will be putting the Executive and the Nation on notice that we will not extend a military commitment to the Government of Cambodia. We have no commitment, moral or legal, to the Lon Nol Government, and the bombing that is now being conducted is, in my view, entirely without legal or constitutional basis. The assertion that the President of the United States has the authority, by virtue of his role as Commander in Chief, to bomb any nation, whenever he so decides, is repugnant to our Constitution and all our democratic traditions. Prior justifications offered for expanding or prolonging the conflict in Southeast Asia—covering the withdrawal of U.S. troops, obtaining the repatriation of American prisoners of war, and achieving a cease-fire in Vietnam—do not pertain to the present situation in Cambodia. The Gulf of Tonkin resolution, which I worked to repeal in 1970, and the SEATO agreements likewise provide no justification.

We in Congress are today squarely faced with the proposition, affirmed by Defense Secretary Richardson on May 8, that if we fail to cut off the funds for the bombing of Cambodia, we will be expressing our support for the continuation of this bombing. As absurd as this position appears to be on the surface, we must take it with deadly seriousness. A recent study by the Senate Foreign Relations Committee—"Congress and the Termination of the Vietnam War," April 1973—found that the ruling of the courts tends to substantiate the view that any war is legal as long as Congress funds it. Since some substantial portion of the transfer authority is requested to cover the cost of bombing raids for the period January–March, 1973, DOD is asking Congress to ratify the Defense Department's past actions, as well as to legitimize the current and future bombing of Cambodia.

Many of us were not in Congress when this Nation first began its slide into the Vietnam quagmire. Others who were here did not understand that by their cooperation they were leading this Nation into the most wasteful, futile, self-destructive war in its history. Today, however, we do not wear blinders. Today, the wool cannot be pulled over our eyes as it was when the Gulf of Tonkin resolution was passed.

If we are to extricate this Nation once and for all from the endless Indochina conflict, we can do so only by denying the funds for our continued military activity there. Any other effort will be ignored with impunity. Only the purse

strings now give authority to the voice of Congress.

Mr. Chairman, the debates over the Indochina war that have been conducted in this Chamber over the past decade have nearly exhausted the topic just as our people are exhausted and fed up with the war itself. Today, in this Nation we have a multitude of domestic reasons to deter us from further military adventures. We have long since honored whatever commitment we had to South Vietnam. Let us not begin a new commitment to that shaky dictatorship in Phnom Penh.

I urge my colleagues to support the Addabbo amendment and put this Congress on record that there be no further support for bombing Cambodia and make a firm move to end their sad involvement in Southeast Asia.

Mr. PASSMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from New York (Mr. ADDABBO).

Mr. Chairman, this is a delayed report from the firing line. I shall read it to the Members:

On behalf of more than 1.8 million members of the Veterans of Foreign Wars of the United States, I call upon you to grant the President both the resources and the flexibility he requires at this juncture to deal with the difficult and complex situation in Cambodia.

The President needs the unqualified support of a united America with respect to his policy towards Southeast Asia. Let us all close ranks behind him on this issue.

Signed by Patrick E. Carr, commander in chief, Veterans of Foreign Wars of the United States.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

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

There was no objection.

The CHAIRMAN. The Chair will recognize the Members who were standing at the time the unanimous consent agreement was entered for three-quarters of a minute each.

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

Mr. DELLUMS. Mr. Chairman, our long involvement in Indochina has seen many perversions of language. Words like "pacification" and "protective reaction strike" are one legacy of the war. The best one, however, was saved for the end—or what I hope is the end: we are supposed to refer to the bombing of Cambodia as "cease-fire activities."

This is more than a bad joke. We were told Tuesday at the Armed Services Committee hearings that the Paris agreements were not submitted for congressional approval because they constitute a "cease-fire agreement." To me, that means an agreement to cease firing. Yet we are told that this agreement commits us to further war—that we are bound to the "verbal understandings" between Dr. Kissinger and Dr. Tho. The administration does not think it is worth trying to convince us with arguments—this is just playing with words.

There are several arguments we have heard many times before that I hope we will be spared today. I hope no one will tell us we are doing all this from love of Cambodia. I hope no one will come before this body and ask us to believe that anyone who is in a decision-making capacity gives a care at all about the people of Cambodia. In the early days of the Vietnam effort, we were partly motivated by the misguided idealism of people who genuinely knew and loved Vietnam. Today decisions are made by career technicians for whom Cambodia is nothing more than a tour of duty. We bomb because we think—mistakenly—it is in our power interests to bomb—so I think we can do without hypocritical rhetoric.

For example, in one breath we are told how much more democratic the Lon Nol government is since we forced it to bring in some politicians of our choice—and in the next breath we say we are fighting for Cambodian "independence." Do we not know what words mean anymore? Any country that needs massive outside help to preserve their independence has already lost their independence.

I also admire the nerve, if nothing more, of those administration spokesmen who have trotted out the old "delicate negotiations" trick again. All during this war, every time Congress looked like it was going to make a decision, it was told it must not—there was always some delicate negotiations or another going on. If we fall for that trick again, we might as well really admit we have nothing to say about the matter and go home.

It would also clear the air if the administration publicly admitted that "peace with honor" is a failure. If we signed an agreement in January that accomplished all our major political aims—and the administration tells us twice a day what a great achievement it was—then we have no reason to be in Cambodia. If we have reason to be in Cambodia, then a decade of bombing North Vietnam accomplished exactly nothing. Which is it?

Mr. Speaker, there is no justification to continue bombing the people of Cambodia. We can still be a great country even if we are not bombing someone. I urge my colleagues to vote against these funds, and return some sanity and some humanity to our foreign policy in Southeast Asia.

The CHAIRMAN. The gentleman from Illinois (Mr. FINDLEY) is recognized.

Mr. FINDLEY. Mr. Chairman, I take this moment just to remind my colleagues of the interpretation placed on this vote by the President's chief military officer in the Cabinet, Secretary of Defense Richardson, whose office has said that a vote against this amendment will be interpreted by the administration as a vote to ratify or acquiesce—in the policy of bombing in Cambodia and those are the precise words used by the Secretary's office—so I think we ought to keep that in mind as we make up our minds whether to establish this new commitment, that is, the commitment to use U.S. military force to establish a ceasefire in Cambodia.

The CHAIRMAN. The gentleman from Maryland (Mr. LONG) is recognized.

Mr. LONG of Maryland. Mr. Chairman, I rise in support of the Addabbo amendment. I want to point out that, whether the Addabbo amendment passes or fails, I shall ask to be recognized to introduce an amendment which will forbid the use of any funds under this bill to be used for further combat operations by U.S. troops over Cambodia—in either event whether it passes or fails.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. LONG of Maryland. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, this is a moment of truth for the House of Representatives. Are we going to continue to give the President blank checks, to ratify *ex post facto* what he has done without our approval, or are we going to stand up and assert the prerogative of the Congress to participate in basic decisions of peace or war?

I do not want to repeat the eloquent arguments made here by many Members, including particularly Mr. ADDABBO, the sponsor of the amendment, and Mr. GIAIMO and Mr. FLYNT.

Permit me merely to quote the words of Mr. Justice Robert Jackson in the famous steel seizure case at the time of the Korean war, words which should weigh heavily with each Member as he or she votes on the amendment before us:

I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems. A crisis that challenges the President equally, or perhaps primarily, challenges Congress . . . We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

The CHAIRMAN. The gentleman from Indiana (Mr. DENNIS) is recognized.

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

The CHAIRMAN. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized.

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

Mr. MATSUNAGA. Mr. Chairman, the real issue before us which the Addabbo amendment raises is not whether or not we support the President of the United States in his effort in Southeast Asia. The real issue before us, as Members of this great Congress, is whether or not we are going to uphold the pledge which we took when we were sworn into office to uphold and defend the Constitution of the United States. That Constitution, I need not have to remind my distinguished colleagues, vests the sole power to declare war in the Congress of the United States.

The President today has engaged this Nation in warfare in Southeast Asia without any declaration of war by the Congress. I believe we can all agree that this Congress has not declared any war on any nation in Southeast Asia. Where, then, does the President find his authority to carry on warfare in Southeast Asia? True, he is designated as the Commander in Chief of our Armed Forces under provisions of our Constitution, but those provisions do not grant him the power or the right to commit our forces to fighting an undeclared war.

The President's power to commit our Armed Forces to warfare must necessarily follow a declaration of war by the Congress; it cannot precede such declaration by the Congress. Otherwise, the provision of our Constitution which vests the sole power to declare war in the Congress would be meaningless. Certainly, we can all agree that the framers of our Constitution did not intend to put meaningless language into that great document.

If the President, as Commander in Chief of our Armed Forces, wishes to engage this Nation in warfare, let him come to the Congress and ask for a declaration of war. If the cause is just, certainly the Congress will support him. Is this not the procedure which the framers of our Constitution intended?

Regardless of what the President does, let us who constitute the Congress uphold the Constitution as we swore we would do. We can do this today by supporting the Addabbo amendment.

The CHAIRMAN. The gentleman from Missouri (Mr. SYMINGTON) is recognized.

Mr. SYMINGTON. Mr. Chairman, I rise in support of the amendment. Defense Secretary Richardson, during his brief tenure in that office, stressed the need to continue bombing Cambodia in order to preserve the independence of its Government. He presumably meant independence from Hanoi, and dependence on us. Unsustained by the reassuring patter of our bombs, the Lon Nol regime, he said, would fall. Yet who among us would seriously contend Lon Nol to be the wave of the future in Cambodia? The Defense Department's own figures show the burden of the fighting in opposition to that regime to be borne by the Cambodian insurgents—Khmer Rouge—as well as the followers of Sihanouk. It is true that Sihanouk accepted the hospitality of Peking, but the same must be said for President Nixon. In sum, there is very little way for us to predict, much less manage, the outcome of that complex struggle. Indeed, if we have learned anything from our involvement in that part of the world, it is that we lack the power, much less the wisdom to ordain what will happen there, to provide an all-America answer to the Southeast Asian riddle. Those troubles rest on cultural, racial, and religious rifts and memories whose roots antedate by more than a thousand years the first European football on the American continent. "Win," "lose," or "draw," no matter how those terms may be defined, the ocean of Asian history will close over our brief time there sooner than the rust will form on our abandoned equipment. This being so, is it not time to respond to such a clear lesson, not only of history, but of our own irreplaceable experience? And should this response be paralyzed or delayed by every new dispatch of negotiators, every conversation that might or might not occur between Dr. Kissinger and Le Duc Tho—gentlemen who must be expected to have long lives ahead of them? No, we fought for the past decade for reasons that seemed good and sufficient to enough of us. Let us now stop fighting for reasons that seem even better and more sufficient. There is no need to destroy Cambodia to save her. There is a great need to build America, to save her, and to make her

equal to the role mankind demands of her.

(By unanimous consent, Mr. MINSHALL of Ohio, Mr. YOUNG of Florida, and Mr. ROUSSELOT yielded their time to Mr. KEMP).

The CHAIRMAN. The Chair recognizes ROUSSELOT yielded their time to Mr. KEMP.

Mr. KEMP. Mr. Chairman, I rise in opposition to the Addabbo amendment as well as to the Long amendment which is to be offered next. During the Vietnam conflict the Congress time and again attempted to legislate an end to hostilities through many so called end the war bills. No one for one moment doubts the motives of those who introduced these measures but as our returning POW's have stated, such actions by Congress served only to encourage the North Vietnamese in their acts of aggression and lengthened the war.

Those who now oppose the transfer of funds for the continuation of American air operations in Cambodia appear to share the feelings of the introducers of so many previous "end the war" amendments, that is, that the blame for the continuing of hostilities somehow rests upon the United States and that peace can instantly be obtained if the United States will only unilaterally cease its actions.

Let us look at the facts.

When the Vietnam cease-fire went into effect, January 28, 1973, the Cambodian Government ordered the cessation of all offensive activities by its forces and our own Government suspended all U.S. air strikes in Cambodia. The North Vietnamese forces and indigenous forces under their control continued fierce offensive operations in open disregard of article 20, a vitally important element of the agreement which prohibits the use of Laos and Cambodia by North Vietnamese forces.

Our Nation, of course, has no ground troops in Cambodia while about half of the estimated 70,000 to 75,000 enemy forces in Cambodia are North Vietnamese.

The continued presence of North Vietnamese troops in Cambodia, in violation of article 20, or the prospect of a Hanoi-imposed government in Phnom Penh would severely undermine the entire agreement reached at Paris in January and would prevent the emergence of the structure of peace in Southeast Asia for which so many have for so long sacrificed so much.

It has been recognized by all sides that the hostilities in Laos and Cambodia cannot be separated from the hostilities in Vietnam. In fact, much of the progress in Vietnam toward a peace settlement was due to the success of the allied operations against the enemy sanctuaries in Cambodia in the spring of 1970. The difficult decision to clean out the sanctuaries in Cambodia proved correct. American casualties after Cambodia were half the rate they were before Cambodia and we were able to continue the withdrawal of our troops on schedule.

There cannot be peace in Vietnam if Cambodia and Laos remain at war, and

if North Vietnamese forces remain in those countries using their territory to support activities in South Vietnam which threaten the right of self determination of the South Vietnamese people which is guaranteed by the agreement.

Since the Communist forces have not observed the unilateral cease-fire proclaimed by the Cambodian Government on January 28, but on the contrary are engaged in serious offensive military operations, U.S. air strikes—undertaken at the request of the Cambodian Government—continue to be necessary to help defend their outnumbered forces against Communist offensive operations, until the terms of the Paris agreements endorsed by the 12 nation International Conference are finally implemented. These U.S. tactical and B-52 strikes are carefully targeted and rigorously controlled to avoid civilian casualties.

The United States is not committed to any person or any form of government in Cambodia—our government seeks only to bring about the cease-fire and withdrawal of all foreign troops as agreed to in article 20 of the Paris agreements. Our only desire, as stated by the President many times, is to ensure that the political future of the peoples of Southeast Asia should be left for the peoples of South Vietnam, Cambodia, and Laos to decide for themselves—free from outside interference. It is apparent that the fighting in Cambodia would come to an immediate end if the North Vietnam forces were withdrawn and I have been informed that a recent Senate report has come to just this conclusion.

Since the withdrawal of American troops has been completed and our POW's returned, there are some who question the President's authority to continue air strikes in Cambodia. According to Secretary of Defense Richardson:

The Agreement on ending the war and restoring peace in Vietnam signed on January 27, 1973 embodied a plan for the termination of the conflict to which the parties agreed. The actual termination of the conflict, however, remained contingent on the implementation of the Agreement. That implementation has not yet been accomplished in full, particularly with respect to the provisions of Article 20 as they relate to Cambodia. Consequently the conflict in that portion of the battlefield continues. It follows that the President's authority to use military, political and diplomatic means to fully terminate the conflict must also continue. The mere signing of the Paris Agreement on plan for terminating the conflict could not in itself terminate such authority.

It has also been stated that the constitutional authority of the President to direct these air strikes is included in his responsibility as Commander in Chief of the Armed Forces and Chief Executive.

I realize there are some who sincerely believe that we should cease our involvement in Southeast Asia regardless of the consequences. Now that our POW's have returned and the last U.S. troops have withdrawn from Vietnam it is tempting to withdraw from our commitments and to look inward to our own needs. The growth of such a new isolationism can lead as surely to war as could a policy of adventurism and overinvolvement in world affairs.

If by cutting off funds the Congress announces that we are quitting regardless of how flagrantly the enemy violates the peace agreement, we would be removing the enemy's strongest incentive to live up to the hard won Vietnam peace agreement.

If the Congress does not support the President at this crucial point in time, it must also be willing to accept the responsibility for the undermining of the central achievement of the January agreement and for the prolonging of hostilities in Southeast Asia.

American involvement in Southeast Asia was undertaken by the U.S. Government through due constitutional process and with the joint authority and efforts of Congress and the Executive. The conduct of the conflict, from initial buildup through Vietnamization and withdrawal to the negotiation of a final settlement, has been carried out at every step with the joint participation and authority of Congress and the President. Although the Congress has enacted several provisions with specific reference to Cambodia, the President's Cambodian policies have continually been fully in compliance with these provisions.

The Congress has consistently rejected proposals by some Members to withdraw congressional participation and authority by cutting off appropriations and I sincerely hope that now when our final goal of a just and lasting peace throughout Southeast Asia is within our grasp that we will not fail in our resolve.

We are today discussing the means by which to achieve a peace not just in Southeast Asia but a more stable peace throughout the world. The implications of what we do here today have broad repercussions and certainly in global terms those implications will last for years to come.

We are being counseled today as to the best way to achieve peace. I would remind my colleagues that some of those who are counseling us today to vote for this amendment and for the next amendment as it will come up are the same ones who were so wrong so many times previously in the President's attempts to bring about an honorable solution to the South Vietnamese conflict.

I believe this to be an appropriate time to look back briefly at the entire tragic episode from this historical perspective. I would like to point out today some of the numerous errors that have been made by those who counsel us to tie the President's hands.

First, about President Diem and his overthrow, those who are counseling us today to vote against the President were very wrong about the overthrow of President Diem. The conventional wisdom at that time assured us that by throwing him out and getting someone else, that we would take a long step toward solving the Vietnam situation. However, the result was just the opposite. The Communists nearly won the war during 1964 and by early 1965 President Johnson was faced with the choice of either accepting a Communist victory or introducing American combat troops. He chose to introduce troops but to do so without telling the American people why or without giving up any of the domestic

programs which became so costly along with the war.

The conventional wisdom during the Tet offensive during 1968 told us that from that moment on the war became immoral and had been wrong from the start, even though, of course, all of those espousing this wisdom had supported the war from the beginning. They told us that it was lost and that the Tet offensive proved that it was a hopeless and unwinnable cause. But in retrospect, conventional wisdom again was wrong. The Communists did not win the victory that they had claimed they needed; and their forces, especially the Vietcong, truly indigenous to South Vietnam, never recovered from their losses during Tet.

After 1968, the conventional wisdom was that a Communist victory was inevitable. And when President Nixon took office and Vietnamized the war, conventional wisdom held that it would never work but again they were wrong.

They were wrong about the 1969 Cambodian incursion when they said it would provoke Red China into world war III. The Communists were prevented from using their Cambodian sanctuaries as well as from using the port of Sihanoukville.

A conventional wisdom was wrong about the mining of the harbors around Haiphong. Our counselors at that time said Russia would call off the trip of the President, that world war III again was imminent and, of course, we know different.

Finally, they were wrong about the bombing of Hanoi and Haiphong. The conventional wisdom talked about terror bombing and carpet bombing, aimed at civilian populations; but Hanoi's own casualty list and their own claims strongly suggest that the bombing was rather carefully aimed at only military targets.

All in all they have been wrong at just about every juncture. They were wrong about Diem: they were wrong about Tet, wrong about Vietnamization, wrong about Cambodia, wrong about mining of Haiphong, wrong about bombing Hanoi, and I would suggest they are as wrong today as they have ever been before.

I would also suggest that Mr. Nixon and Mr. Kissinger look better than any other policymakers as the record is reviewed. They set their goal, went out and accomplished much of what they attempted to do. Only time, of course, will tell whether they have achieved the minimum of an honorable withdrawal or a maximum of an independent, neutral Southeast Asia.

That is where I think this Congress has played and can play a strong role. There is no doubt that the cost of this war has been huge, greater than anyone ever imagined. But in the end there are gains to be counted, as well, in the potentially viable, non-Communist, independent Southeast Asia, in buying time to create a more stable Asia and, of course, a more peaceful world, as well as in contributing to the decline of the Communist prosperity for wars of national liberation.

Today the United States is again at a historical crossroads. We have entered an era of negotiations and there have

been changes in our foreign policy of historic scope and significance: the laying of a foundation for improved relations with China and the Soviet Union; new hope for continuing negotiations on arms limitations and the thinning of troops in Europe; increased promise of a settlement in the Mideast; and, of course, the long-hoped-for Vietnam peace agreement.

Our returning POW's have been almost unanimous in expressing their faith in their country and their President and because they believed their cause to be just, they did not regret their sufferings and years of imprisonment.

Air Force Col. James H. Kasler, one of the POW's released by the Vietcong, stated upon his return to freedom:

We went to Vietnam to do a job that had to be done. And we were willing to stay until our job was complete. We wanted to come home, but we wanted to come home with honor. President Nixon has brought us home with honor . . . it is good to be home.

A young President not many years ago said something about such men as these—something about Americans wanting the rest of the world to know that we were willing to pay any price, bear any burden to make what we stand for endure and prevail.

Are we in the Congress prepared today to tell these brave men through our votes that they were wrong in their beliefs, wrong to put their trust in us, and that their sacrifices were in vain?

Can we who have never known the loss of our freedom have less patience than these courageous men who have suffered so much on our behalf or those who gave their lives.

The President is not asking for a congressional carte blanche for action in Cambodia, he is only requesting funds until the end of this fiscal year, funds that are vitally needed if Cambodian independence from Hanoi is to be maintained. I would like to insert at this point, Mr. Chairman, an article by Rowland Evans and Robert Novak attesting to the importance of making these moneys available:

#### THE NIXON DOCTRINE: A "DEAD LETTER" IN CAMBODIA

(By Rowland Evans and Robert Novak)

PHNOM PENH, CAMBODIA.—The Nixon Doctrine, failing here in its most critical test, is the victim of crippling restrictions imposed by Congress and a numbing hangover from the Vietnam war.

The congressional prohibition against U.S. military advisers dooms the Cambodian army (FANK) to inept leadership and steady deterioration. Washington's attempt to maintain a low profile here has permitted a comic-opera Cambodian despotism with tragic consequence. Thus, as we reported earlier, Cambodian independence from Hanoi is maintained only by U.S. bombing, which Congress now threatens to end.

This suggests that the Nixon Doctrine, pledging help to any country willing to fight for its survival, is a dead letter when a Communist neighbor exports revolution. Ironically, while the memory of Vietnam bars a vigorous U.S. role here, turning Cambodia into a satellite of North Vietnam would threaten all the blood and treasure invested by the United States in South Vietnam.

The shackles were imposed by Congress shortly after the 1970 Cambodian incursion

by U.S. troops: A ceiling of 200 U.S. officials in Cambodia and absolutely no military advisers. Nor are U.S. Army officers assigned to the embassy here serving as clandestine advisers.

These restrictions doom the FANK to perpetual incompetency and perhaps eventual destruction. Its officers, used by Prince Norodom Sihanouk before his fall in 1970 mainly for palace entertainment, are militarily illiterate.

They cannot control artillery fire or direct air support. With U.S. officers barred as ground observers for U.S. bombers, much of the massive bombing is wasted. "The average FANK brigade commander doesn't know enough about tactics to lead a platoon," a foreign military attaché told us.

Thus, the three years since the Cambodian war began have been wasted. Less than 1,000 professional U.S. advisers—perhaps CIA paramilitary experts with experience in Laos—might have transformed the FANK into irregular light infantry capable of confronting the Communist insurgents. Instead, the FANK, though better armed, is no better led than in 1970.

What's more, its will to fight has noticeably diminished thanks to Marshal Lon Nol's incredible regime—a failing due in part to U.S. attempts at keeping a low profile in Cambodia.

The proper role of Emory Swank, a skilled diplomat completing three trying years as U.S. ambassador to Cambodia, has never been clearly defined. Though much more than a conventional ambassador (he personally approved U.S. bombing in Cambodia), he was not vested with the proconsular authority of U.S. ambassadors in Laos.

Consequently, Swank had no clear mandate to do anything about Lon Nol, surrounded by corruptionists and astrologers and isolated from both the people and the army. When the marshal last fall publicly ordered Cambodians to report to the police anybody purchasing a jack rabbit because of an imagined Communist plot to blow up fortifications with booby-trapped hares, it should have been clear his connection with reality was tenuous.

It was clear enough to the U.S. embassy here but not to the parade of visiting generals and admirals from Washington and Honolulu. Regally entertained at the palace, they sent back glowing reports on Lon Nol while some diplomatic and military officers here found their regular reporting censored.

Unbelievably, after the American experience of over 30 tragic years in the Orient, the Chiang Kai-shek syndrome is not dead. A carefully documented report to Washington of how Lon Nol's goon squads stole last year's presidential election was denatured by an attached rebuttal. Later, a report on the marshal's seamy personal life was totally suppressed. Belated U.S. pressure on Lon Nol in early April to broaden his regime came when nearly all was lost.

Hanoi has no such problems. Prince Sihanouk and his Peking-based "government" are figureheads; Hanoi-trained Cambodian cadres are in charge. While the U.S. frittered away three years, North Vietnamese regulars were preparing Cambodian insurgents for the surprise offensive that began Jan. 27. The insurgents still go into battle with North Vietnamese advisers at their side. The 367th North Vietnamese sapper regiment, Hanoi's last foot soldiers actively fighting the FANK, is now training a successor Cambodian unit.

Consequently, Cambodia's "civil war" is a Hanoi export; no true political insurgency has taken root among the easy-going Cambodians. But with neither Lon Nol's feeble regime nor a shackled Nixon administration effectively responding to military pressure, prospects are poor that the Nixon Doctrine will preserve Cambodia's independence. The rest of Asia will note that failure.

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

Mr. ICHORD. Mr. Chairman, ordinarily, I have no difficulty making up my mind on any legislative issue, once the facts are known, but the Addabbo amendment and the Long amendment soon to follow have given me more trouble than any issue I have faced during my 12 years in Congress.

As my colleagues know, I supported President Johnson and President Nixon against the many futile efforts to legislate an end to the war in Congress. I followed that course even though I had long been opposed to the way the war was fought. I sincerely believe that if the war had been fought with more resolution by both Presidents Johnson and Nixon, although I recognize the political difficulties, there would have been fewer lives lost, the war would have been concluded, and our prisoners of war returned long before 1973. In any event this Nation will live with the scars of Vietnam for many generations to come.

This is why I have experienced considerable difficulty in making up my mind on how to vote. Under no circumstances do I want this Nation to become involved in another undeclared war without the will to fight the war to win and without the laws to protect the objectives of the country, a situation which prevails in an undeclared war. And this is why I favor the adoption of some form of war powers limitation—not only for the purpose of restricting the power of the President but also to force the Congress to choose between waging war and making peace. I believe it is imperative that a free society such as ours make that choice if we are to remain a free society. I agree with the gentleman from Wyoming (Mr. RONCALIO). There is nothing to be gained by debating the legality of the bombing in Cambodia. The issues of legality must await resolution by the action on the war powers legislation.

But on the other hand, the Cambodian situation is clearly an extension of the war in Vietnam. There is no doubt that North Vietnam is in violation of article 20 of the Paris Peace Accords. At least 40,000 North Vietnamese and Vietcong are now in Cambodia either fighting with or supporting Cambodian insurgents. Mr. Chairman, if Cambodia falls, the chances of stabilizing the peace or the cease-fire, or whatever you wish to call it, will indeed be dark. I ask the Members of this body to reflect long and hard about the votes you are about to cast on the Addabbo and Long amendments. I submit that the distinguished chairman of the Appropriations Committee has made the all important point. None of us can predict with certainty what the future holds for Southeast Asia. But I would hate to have it on my conscience that at this point in history I yanked the rug out from under the President in his efforts to stabilize the peace.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I find it very interesting that what may appear to be a very innocuous amendment is receiving such resistance. The fact is that

statements have been made about the unconstitutionality of the action of the President and that it is only Congress that can act. But what we have had in the discussion today is the suggestion that the reason we should grant this money is the Navy has overexpended and the Department of Defense has overextended.

Who is running this country? Is the Department of Defense or the Armed Services Committee or we, the Members of the Congress of the United States? It is about time we did what we are supposed to do under our oath of office, as the gentleman from Hawaii (Mr. MATSUNAGA) said, and that is to support the amendment because we must restore our own power. Otherwise we walk with the multitudes of evil, Mr. Chairman, and I think it is time for us to walk the other way.

The CHAIRMAN. The gentleman from Illinois (Mr. YATES) is recognized.

(By unanimous consent, Mr. GIAIMO yielded his time to Mr. YATES.)

Mr. YATES. Mr. Chairman, the distinguished gentleman from Missouri (Mr. ICHORD) has said that he did not want to be the one to pull the rug out from under the President of the United States. Nobody wants to embarrass the President. But, Mr. Chairman, it must be pointed out that it was the President of the United States who has placed himself on that unconstitutional rug. The burning question continues to be, why has not President Nixon come to the Congress of the United States for approval of his actions in Cambodia and Laos, as the Constitution requires him to do? Would it not have been better for the President to have come to Congress openly, directly to tell us what he proposed to do in Indochina. Mr. Kissinger, going to Moscow for discussions with the Soviet Union, would be infinitely strengthened if he were to have the backing of the Congress as well as that of the President of the United States.

Mr. Chairman, must the Congress support Mr. Nixon in whatever unconstitutional act he takes because to do otherwise might embarrass him?

I do not think so, Mr. Chairman.

We Members of the House have our responsibilities also. We must observe requirements of the Constitution and demand that the President recognize our prerogatives and responsibilities. I will support the Addabbo amendment.

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

Mr. KOCH. Mr. Chairman, I rise to support the Addabbo amendment.

I yield to the gentlewoman from New York (Miss HOLTZMAN).

Miss HOLTZMAN. Mr. Chairman, I rise in wholehearted support of the Addabbo amendment which would deny the Nixon administration \$500 million in additional funds to continue its massive and destructive bombing policies in Cambodia.

This is our first opportunity to pass upon the President's involvement in Cambodia. The issue now is simple. The answer is clear. This country desperately wants peace. Our troops are home. Our prisoners of war are home. And we have no treaty obligation to the Lon Nol

regime since it long ago renounced the SEATO pact.

We are confronted only with the question of whether we wish to approve further involvement in Cambodia.

At a time when vitally needed domestic programs are being dramatically underfunded, we cannot afford to spend up to \$4 million a day to protect a dictatorial government riddled with corruption and incapable of winning the support of its own people.

We cannot continue to surrender our congressional prerogatives to the executive branch. The Constitution clearly gives the power to declare war to the Congress, not the President. But the President has never come before us to seek approval for his Cambodian bombing. Instead, this administration has expressed sheer contempt for this body. In his last official act as Secretary of Defense, Elliot Richardson told the Senate Appropriations Committee that if Congress did not vote funds for the Cambodian operation, the administration would find the money itself. We should take Mr. Richardson at his word and end this arrogance.

Our actions today will long be remembered. If we grant the President funds to continue the bombing we will have ratified the war and given him a blank check to continue it. If this happens, we will simply repeat the tragic mistake of the Vietnam war.

At a time when the public's confidence in the executive branch has been so clearly shaken, it is urgent that we show that the people's branch of the Government, the House of Representatives, can reassert its control over critical policies and restore the faith of Americans in their Government.

Mr. Chairman, this is our prime opportunity to put an end to this unconstitutional war. I urge my colleagues to join with me in support of this amendment.

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

Mr. ADDABBO. Mr. Chairman, the chairman of our committee has given us the reason why he must vote for my amendment. We must decide whether the troops in Europe must remain; whether ships must steam and not whether more money must be spent in Cambodia. That is what flexibility means, how they want to spend the money, or how we, the representatives of the people, are going to have them spend the money.

If they have the requirements, the needs, let them come to Congress, come before the Committees and justify those needs. Let the Congress have the power and not the Department of Defense have that unbridled flexibility.

The CHAIRMAN. The gentleman from South Carolina (Mr. DORN) is recognized.

Mr. DORN. Mr. Chairman, I simply rise in support of the position of the distinguished chairman of the Committee on Appropriations, the able gentleman from Texas. I say to the committee that through 25 years of association with the veterans of our country, and prior to that time for many years of association with them in Europe during World War II, I feel that this amendment must be rejected in the interests of peace.

Mr. Chairman, after every single war, this Congress has contributed to the next war by putting the fleet in mothballs, cutting the Army, and refusing to modernize our Armed Forces. We would not build tanks or construct a modern air force. We invited World War II, the Korean war, and, yes, Vietnam. I hope we do not repeat that same mistake today. Strength is the only road to peace.

The CHAIRMAN. The gentleman from Missouri (Mr. RANDALL) is recognized.

Mr. RANDALL. Mr. Chairman, under limitation of time, there is not much left but to ask permission to revise and extend my remarks. However, in the few brief moments allotted to me, I hope that I can follow the example of the distinguished chairman of the Appropriations Committee, the gentleman from Texas, and as he put it remain in low key and with unemotional attitude.

I have listened to every word of today's debate, and I suppose that I am one of the few remaining Members who is—even at this late hour—is trying to make up my mind as to the true purpose of and the best course to take so far as the Addabbo amendment—also cosponsored by the gentleman from Connecticut (Mr. GIAIMO) and the gentleman from Georgia (Mr. FLYNT)—is concerned.

On page 6 of H.R. 7447, a bill to make supplemental appropriation for the fiscal year ending June 30, 1973 and for other purposes, the amendment, at that point, as I understand it, would have the effect of striking out the language contained on page 6 at line 10 which, as printed, deletes \$750 million and inserts \$1,180,000,000 in lieu thereof. If my arithmetic is correct, what the amendment really does, then, is to take section 735 of the Department of Defense Appropriations Act for 1973 and knock out the amendatory language on page 6—of H.R. 7447—and reduces the figure from \$1,180,000,000 back to \$750 million, or a reduction of \$430 million.

As I may have observed earlier, I have listened carefully to every word of the debate this afternoon. I recall it being said that the fiscal year 1973 appropriations for the Department of Defense are in the approximate amount of \$76 billion. I also have heard it recited here this afternoon that the amount for operation and maintenance of the Air Force is nearly \$7 billion.

Well, we have heard from those who pride themselves on being proponents of a strong defense that this amendment would virtually paralyze the Department of Defense for the last 2 months of the fiscal year. We have heard such comments made as that it would limit the readiness or effectiveness of our entire defense establishment.

Let me suggest that if \$430 million paralyzes our Defense Department which operates under a \$76 billion budget and under an Air Force operation and maintenance account of approximately \$7 billion, someone has been indulging in great exaggerations.

At this time in the remaining moments, under limitation of time, I would like to yield to the gentleman from New York (Mr. ADDABBO) and ask him the following questions: Is my arithmetic correct, and is it true that the effect of

this amendment would be to reduce the figures on lines 11 and 12 of page 6 of H.R. 7447 from \$1,180,000,000 to \$750 million? And if the answer to that question is yes, does it mean that the entire reduction amounts to \$430 million?

Mr. ADDABBO. That is correct.

Mr. RANDALL. I appreciate the response of the gentleman from New York. It should clarify some of the misconceptions. It should clear away some of the mistaken notions that have been expressed here this afternoon.

Mr. KOCH. Mr. Chairman, I rise in support of the Flynt, Addabbo, Giaimo amendment striking from this bill the \$430 million in new transfer authority requested by the Defense Department. The Defense Department has indicated that some of this money, possibly the entire amount, will be used to continue U.S. bombing operations in Cambodia and Southeast Asia. Approval of this transfer authority would bring the total cost of Indochina operations for fiscal year 1973 to at least \$6.4 billion and would amount to a congressional abdication of its appropriations powers—in effect, what the administration would seize upon as a blank check of authority for military operations in Indochina.

While I have never accepted the administration's claim that a congressional appropriation constitutes in itself a congressional authorization and approval of U.S. military involvement in Southeast Asia, I am aware that certain lower courts have ruled that the Vietnam war is not subject to court attack as long as Congress continues to fund it. For as long as I have been in Congress I have voted against military appropriations bills containing funds for U.S. military operations in Indochina.

The prior justifications given for our military presence in Southeast Asia—covering the withdrawal of U.S. troops, the return of our POW's, the achievement of a cease-fire in Vietnam, and the existence, until its repeal in 1970, of the Gulf of Tonkin resolution—have now expired. I believe that it is particularly important, now that there is no rational administration justification for our present actions in Indochina, that Congress refuse to provide the President with even the color of consent by permitting funds to be transferred for military activity in Cambodia. After all, Secretary of Defense Richardson stated recently that congressional defeat of the Flynt, Addabbo, Giaimo amendment barring use of transfer authority funds for the air war in Cambodia would be viewed as "a vote to at least acquiesce in that activity."

The bombing of Cambodia, in my view, serves no purpose related to the security of the United States, nor can I believe that it is likely to achieve peace in Indochina. Indeed, the continued destruction of the Cambodian countryside can only serve to make the process of reconciling the various elements of Cambodian society a much more difficult one. Experience should have taught us by now that even the heaviest bombing raids on military and civilian areas in Vietnam cannot build the spirit of reconciliation that is essential for a meaningful and stable peace in that ravaged area of the world.

In terms of the human and money

cost involved, the cost of our bombing operations has already been more than enough. In the period between January 27, when the cease-fire went into effect in Vietnam, and the end of April the cost of our bombing Cambodia was reported by the Defense Department to be \$160 million, with the cost of bombing in Laos during the same period at \$100 million. In this time period the United States has lost three planes over Cambodia and one over Laos. No report has been made to Congress on these bombing operations, nor has any request been made for authorization of the bombing. Congress has been wholly shut out of its constitutional role by the President in the decisionmaking process.

The Democratic caucus of the House went on record this morning by a vote of 144 to 22 in support of the Flynt, Addabbo, Giaimo amendment. The issue at hand involves both the question whether such destructive bombing should be allowed to continue and the question who should decide this issue. It is my view that the Congress should once and for all reassert its constitutional powers and say "No" to further destruction in Indochina and to any threat of a broader American military involvement.

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

This has been a difficult decision for me. During my election campaign and my short tenure in the Congress, I have supported American actions in Indochina. Today, I can understand that there may be good reason for combat operations in Cambodia.

On the other side, though, I believe the time has come for this Nation to stop fighting wars by means of loopholes, maybe, speculations, privileged executive decision, or vague interpretations of obscure laws.

We are a nation of laws. Our laws are very specific with reference to war. I do not want to play a game of semantics as to whether or not this Cambodian adventure is a war. My own belief—a belief I think I share with the majority of American citizens—is that anytime an American serviceman is ordered into combat operation, that is a war.

Under our Constitution, war can only be declared by the Congress. In the case of Vietnam, there can be an argument that Congress endorsed the conflict when the Gulf of Tonkin resolution was enacted.

That resolution has been rescinded.

Military operations in South Vietnam were justified, I believe, during the withdrawal period to protect our departing troops and secure the release of our prisoners.

Our troops are withdrawn, and our prisoners are home.

So, at this time, I fail to find justification for combat operations on the part of the United States anywhere in the world.

This morning I was in the office early so that I would have time to read thoroughly the Secretary of Defense's response to House Resolution 379.

The response is impressive, and the legal discussion in the portion entitled "Presidential Authority To Continue Air Combat Operations in Cambodia" goes to considerable length to justify its title.

I did not make up my own mind until after I had read and absorbed these documents. I failed to find in the RECORD this morning a decisive argument to justify combat operations without approval of the Congress.

If this amendment is adopted, Congress will be on the record authorizing war—and there is no other word for it—by the back door again. It will be a striking parallel to the Gulf of Tonkin resolution.

There is another point I would like to make absolutely clear.

As a Congressman, I will never hesitate to grant authority for combat operations anywhere if I am convinced that it is necessary for the good of this Nation, or if it is necessary for our survival.

I believe there is a distinct probability that continued operations in Southeast Asia are necessary.

And once I am convinced this is the case, I will vote the funds necessary to continue operations.

But at this time, there is no way for me to know that this is a fact.

The President has not come to Congress and made a case for war.

This makes combat operations illegal at this time, to my way of thinking.

So, Mr. Chairman, I believe the Congress must decide whether to follow the Constitution and the laws of the land. And we have an issue before us today which requires that decision.

One other observation: I strongly believe that this Nation must deal from strength. Our adversaries do not operate in the kind of system which would tolerate the kind of debate we are having here today.

These adversaries know and understand brute strength.

We react to debate and reason.

There are others in the world who react better to a fleet of B-52 bombers or a Navy armada.

I am on the record in support of the strongest possible national defense posture, and the use of that strength where it is necessary.

But I want it used legally.

Let the President come to us and explain why these combat operations are necessary. If we are convinced, let us vote all the funds necessary to kick the hell of whomever it is we are supposed to be fighting.

But let us not hide a war in the back pages of an appropriations bill. This is definitely dishonest and probably illegal.

If we are going to do it, let us do it right.

Mr. MARTIN of North Carolina. Mr. Chairman, the U.S. House of Representatives has today already acted to kick the props out from under the efforts underway to compel the North Vietnamese to adhere to their agreement. In the agreement ending the war and restoring peace in Vietnam, signed at Paris on January 27, 1973, they agreed to withdraw from attacking their neighbors in Cambodia, with the understanding that if they violated this agreement we would resume bombing their positions in Cambodia. They have violated it with impunity, and the courage and determination and backbone of the United States

met this test by responding with the air support for our allies which had been assured in advance.

How has the courage and determination and backbone of the U.S. House of Representatives met this test? By a vote of 219 to 188 the House of Representatives has dug in its cleats, bowed its back, flexed its muscles, and in a great display of precision teamwork has tripped its own quarterback.

Worse than that, the U.S. House of Representatives has gone on record as saying to the world that our majority does not really care whether communism overruns our allies around the world, that our majority does not particularly care whether the North Vietnamese adhere to the agreement, that our majority does not expect them to do so and does not feel any necessity to compel them to do so.

By voting to stop the bombing in Cambodia our majority has raised a torch that will signal for further violent outbreaks and violations all over Southeast Asia and elsewhere.

If this act of defiance against our own President is the nearest we can come to meeting our responsibilities, we may, one way or another, have few responsibilities left.

If we persist in turning our backs on our allies, we may, one way or another, have few allies left.

Mr. FRENZEL. Mr. Chairman, I support the amendment to prohibit transfer of funds for past or future bombing in Cambodia. It seems to me that we have heard the arguments against it many times here before in our debates in Southeast Asia policy. But, while the basis for the committee position—or the administration position—is old, I believe the situation, and therefore the arguments against bombing in Cambodia, are new.

Our military forces have left South Vietnam. We have signed a cease-fire there. Our prisoners have been returned. We have repealed the Tonkin resolution. We have no special treaty obligations in Cambodia.

Our air operations in Cambodia seem to be illegal. No authority to bomb in Cambodia exists, other than the administration's idea that it is useful to do so. It may be useful. It may even be necessary, although I doubt it. But, if so, the President should come to Congress for the authority to bomb in Cambodia. He has not done so. Since we have not given him authority to bomb, why would we want to give him money to bomb?

It is true that the North Vietnamese have not lived up to our agreement. Nevertheless, I strongly believe that no President of the United States should be unilaterally enforcing agreements by bombing without congressional authority. No one condones welsing on agreements, but it is a fact that many nations do not live up to their international commitments. We do not bomb people when they steal our tuna boats.

It can also be argued that Cambodia is not worth our frantic efforts to save the present government. Surely my interpretation of the Nixon doctrine, which I strongly support, includes a strong local willingness and capability for self-de-

fense as a precondition for our aid. In Cambodia that willingness and capability are at least subject to question.

The United States, thanks to the strong Nixon leadership in achieving the cease-fire, finally seemed to be extricating itself from the tar pit of Indochina. I think the bombing is pushing our feet back into that tar pit. And I hope, most of all, that the Congress will not ratify that backward step.

Of all the arguments, for me the most persuasive is the constitutional one. I do not believe the President has the authority to bomb in Cambodia. I do not think Congress should give him that authority by the back-door approach of providing money for bombing.

I intend to vote for the amendment. I urge its passage.

Mr. JOHNSON of Colorado. Mr. Chairman, I have never understood those who equate patriotism with a willingness to squander American lives and property in a useless, futile cause, for a temporary solution, that by any standard of criteria is only remotely connected, if at all, with defense of American interests. It seems to me, however, that patriotism requires that American lives only be expended for causes that are clearly related to American defense.

The argument is made that loyalty to the country requires acquiescence to the policy that leaves the decision of where and when to fight or bomb up to the President. I did not participate in making that decision—who did, who is present? To me, loyalty to the country requires that I use my own judgment as an elected official. Those who campaigned on a platform that called for expanding the war should honor those pledges, of course. But I campaigned on a platform that called for disengagement from Southeast Asia, so I will work to honor my promise as a matter of loyalty to the country, as well as of personal integrity.

In my opinion, President Johnson was elected by his huge majority because he promised to keep us out of a war in Southeast Asia. In my opinion, President Nixon was elected on his promise in 1968 to end the war and in 1972 because he was on the verge of achieving that promise. President Johnson was not given a mandate to do as he pleased, as he claimed, and President Nixon was not given a mandate to reinvolve us in the war at his discretion.

What is there about the concept of limited, no-win war that is so appealing? Why can we not finally extricate ourselves from Southeast Asia? If we are not willing to invade North Vietnam and take the country and occupy it and, thankfully, we are not, why do we continue to allow American lives to be wasted in an area where we are not willing to make a total commitment?

American involvement in Southeast Asia will end only when we refuse to hear the siren song of just a little more. It has led us into the most catastrophic period in American history. We made the decision to get out—let us not look over our shoulder now. Let us finally and irrevocably disengage from this disaster. I believe history will honor you for a vote to end our participation now.

Mr. COTTER. Mr. Chairman, the continued bombing in Cambodia presents the country and Congress with almost the same situation we faced 10 years ago in Vietnam. At that time, too many of the crucial issues of our involvement were met with nondecisions or seemingly small decisions whose cumulative effect was the most divisive war in our Nation's history. The momentum of those decisions swept the United States into a full-scale war, without our ever coming to terms with that commitment. I believe the bombing of Cambodia is another tragic decision that can lead to wider commitments. The Congress must face the growing crisis in Indochina and take a stand.

In April I informed the President that I intended to oppose any military funding which would be used to continue the war in Southeast Asia. I strongly support action to amend the second supplemental appropriations bill to prevent the Defense Department from using any of these funds to continue the bombing.

Every day these combat activities continue, we risk losing more American men to death and capture. On May 8 the Pentagon reported nine men killed and two missing in action, after the loss of three planes in Indochina since the cease-fire. The administration has not shown any legal or constitutional justification for this bombing. Our POW's are home and our troops are back from South Vietnam. Now is not the time to leave more children without their fathers, and more wives without their husbands, in order to continue this senseless bombing. The people of this country have made overwhelming sacrifices in the past 10 years, but we can bear no more—nor should we have to. The Congress can and must refuse to be lured into another Southeast Asia quagmire.

We can insure a true peace for America by showing our strong opposition to the bombing in Cambodia. I will vote to end this bombing and to reassert congressional control over war policy. The President has exceeded his constitutional authority in continuing the combat. We have no treaty obligations with Cambodia. The President can no longer claim that this is being done to protect the lives of American men.

Last week, I joined the effort to obtain more public information on our military role in Cambodia. The American people must know the extent of the bombing, the number of U.S. personnel involved, and the cost to U.S. taxpayers. Things are so confused that we cannot even be sure who the enemy is in Cambodia. The President claims that North Vietnam is violating the Paris Accords by not helping to bring about a cease-fire yet. Secretary of State Rogers admitted there were U.S. violations. Reports from Cambodia are very unclear if the North Vietnamese are doing the fighting or if it is local Cambodian guerrillas. In any event, the United States should stop trying to control the politics of another Southeast Asian country.

A U.S. military commitment to Cambodia is being made without constitutional or legal basis and without the necessary information being furnished to Congress or the American people. The

whole situation reminds me too much of the events 10 years ago. We must not let history repeat itself. I vigorously support the Giaimo, Flynt, Addabbo amendment, and urge my colleagues to do so.

Mr. BOLAND. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. ADDABBO).

It is long past time to stop giving blank checks to the Department of Defense approving combat activities that the Congress has not given its endorsement. As pointed out in the additional views that accompany the report on this bill, this is, indeed, an after-the-fact approval of combat activities where the sentiment of the Congress and the people of the Nation has been ignored. It is time that the Congress of the United States, the House and Senate, be in on the takeoffs that have led this Nation into conflicts that are carried on by the executive department without sanction or vote of the people's representatives. Mr. Chairman, this is a solo venture of the administration. It has not asked for congressional approval as the Constitution requires. There is no present authority that gives the administration the power to wage war in Cambodia. There is absolutely no justification for shoring up the regime of the Lon Nol government of Cambodia.

Mr. Chairman, no national interest is served by the bombings in Cambodia. These activities only serve to prolong a war that should have been stopped years ago. They only serve to endanger our flyers leading to more prisoners of war and more casualties and to continue the agony that is heaped upon this Nation.

There are some who say that the adoption of this amendment will be of little effect. I disagree, Mr. Chairman. If nothing more, it will, indeed, send a message to those who believe that Cambodia is an essential ingredient to the national security of the United States. It will be a message, loud and clear, that the people of this country are sick and tired of the conflict in Southeast Asia. It is not worth one more American life.

Mr. Chairman, the lead editorial of the Washington Post in today's issue, May 10, puts the issue squarely. It states:

It is the first vote on the war issue in either house of Congress since the January cease-fire agreement. As such, it is exceptionally important as an indicator to the President whether he can continue to make war at his own discretion regardless of law, or whether Congress intends to try to hold him to a less capricious standard.

Mr. Chairman, I include the editorial with my remarks:

#### A "TONKIN RESOLUTION" ON CAMBODIA

The House is about to vote on Rep. Joseph Addabbo's proposal to block the use of defense funds for bombing Cambodia. It is the first vote on the war issue in either House of Congress since the January cease-fire agreement. As such, it is exceptionally important as an indicator to the President whether he can continue to make war at his own discretion regardless of law, or whether Congress intends to try to hold him to a less capricious standard. Fairly enough, the Secretary of Defense has joined the critics of Mr. Nixon's policy in warning the Congress that a failure to cut off funds for bombing Cambodia will be taken as a gesture of congressional consent to the President's policies there. So no one can be under any illusions

as to the significance of the forthcoming vote.

The issue could not be clearer. On June 3, 1970, Mr. Nixon said he would henceforth bomb in Cambodia only "to protect the lives and security of our forces in South Vietnam"; on many occasions, he broadened that rationale to include the release of prisoners held in North Vietnam. Both our troops and our POW's are no longer in need of this support. But he bombs on. His aides contend that under the cease-fire agreement the United States implicitly conditioned a bombing halt to observation of the cease-fire by the other side. Yet no Cambodians signed on to the cease-fire. And in any event a statement of Executive intent to bomb, for whatever reason, does not legitimize the bombing: Mr. Nixon's words is not a magic wand making Congress and Constitution disappear at one stroke.

On May 13, 1970, Secretary of State William Rogers stated that the U.S. would not "become militarily involved in support of the Lon Nol government—or any other government" in Phnom Penh. "I'm talking about U.S. troops or air support or something," he added. But last Tuesday he declared: "The choice before us today is whether to allow a military takeover of Cambodia by North Vietnam and its allies, or insist on observation of a negotiated peace." It is a sad thing to see a former Attorney General proceeding as though the legality and constitutionality of the proposal he is trying to sell were of no account. It is no less sad to see a Secretary of State betraying such a flawed appreciation of the facts on the ground in Indochina.

For the truth is that North Vietnam supports but does not command the Cambodians fighting the American-supported government of Lon Nol. Such is North Vietnam's strength that the question of who rules in Phnom Penh has practically no bearing on the use to which Hanoi will be able to put Cambodian soil to support any further operations it undertakes in South Vietnam. No configuration conceivable of Cambodian political elements could muster the force (not to say the will) to prevent Hanoi from so using Cambodian soil; witness what was going on in the days of Prince Sihanouk's rule. The continued American devastation of Cambodia cannot prevent the North Vietnamese from supporting their friends in South Vietnam, if they care to. This is a technical matter not a political one; no knowledgeable person disputes it.

The larger truth is that in Paris Mr. Nixon negotiated the best agreement he could get. But measured in relation to the extravagant evaluation which he put on it, it was not a sound agreement because it could not be enforced in a way that would make good on the promises the President made in its name. The agreement did indeed serve the basic American purpose of giving Saigon a reasonable chance to endure on its own. But it did not and could not serve the further purpose of sealing South Vietnam's border with Cambodia. It was unnecessary and unwise for Mr. Nixon to claim for his agreement achievements which could not conceivably be a part of it. Now that the shortfall is apparent to everyone, he is trying to fill the gap with bombs. Fortunately, we emphasize, "success" by his terms in Cambodia is not essential to the American mission in South Vietnam—a mission which has already been accomplished and which will not necessarily be undone if one Cambodian faction rather than another comes to power in Phnom Penh.

The administration has stated that, whatever the judgment of Congress, it intends to keep on bombing Cambodia anyway. This is a shocking avowal, but it can be dealt with later. For the moment, legislators considering the Addabbo proposal and its Senate counterpart can be confident that in supporting it they are serving the self-respect of the institution to which they belong, the

cause of government by law, and the appropriate foreign policy interests of the United States. It may be that it is technically impossible for the representatives of the people to restrain the President. But this does not mean that the Congress must repeat its supine performance at the time of the Gulf of Tonkin resolution in 1964. At the very least, there is a record to be made. The President should be told in no uncertain terms that if he continues his efforts to bomb Cambodia into acceptance of a cease-fire, for no purpose that can possibly justify the cost in lives and money and this country's good name, he will be doing so on his own.

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 7447, the second supplemental appropriations bill for 1973, while recognizing some of the concern over transfer authority for some \$430 million in funds for the Department of Defense, of the \$2.85 billion in the bill.

Judging from some of the communications I have received on the subject, this is being interpreted in some quarters as a new Gulf of Tonkin resolution, a license to step up the bombing in Cambodia and continue it indefinitely, a possible prelude to reintroduction of ground forces in Indochina.

I am convinced that this represents in no way an open-ended commitment. The President has pledged that no ground combat personnel will be committed in Cambodia, that military support will be strictly tailored to meet pressure from North Vietnam and the situation in the South. He has pledged that, unlike our involvement in Vietnam, our role will be supportive rather than a primary one.

Mr. Chairman, I find these perfectly credible commitments, against the background of the President's declared intention to withdraw—and we recall how they were called into question at the time—followed by performance. The same can be said of the negotiated settlement, in which we and the South Vietnamese undertook real compromises which entail great risk. However, if an amendment is offered to specifically bar reintroduction of ground forces, I will not hesitate to support it in the interest of reassuring the country.

#### INVITATION TO INVADE

My greatest concern, however, is that if we appear to pull the rug out from under the President at this juncture, our vote will be widely misinterpreted here and abroad as tantamount to an open invitation to the North to commence full-scale military operations against the South. It is that simple.

One of the continuing problems in reaching a settlement has been the persistent misreading on the part of the North Vietnamese of our will and intentions. In my opinion, and in that of many others, false signals to Hanoi have unnecessarily prolonged the conflict and cost countless lives of Americans and Vietnamese, in the north and south. The invasion of 1972 and the on-again-off-again settlement at the time of the last election are two of the most obvious recent examples.

At the same time, I consider it inadvisable for the Congress at this late date to eliminate one of the few options remaining to the President in his efforts to see that real peace comes to Southeast Asia. In a sense, he is under self-imposed

restrictions to the extent that limitations on his freedom to act are part of our policy of withdrawal and the compromises inherent in the framework of cease-fire agreements he negotiated.

In the past, we have resisted urgencies to cut our losses and get out. Now having gotten out, it would be tragic to yield to urgencies to cut our gains.

This body is in a position to help the administration very little, but to hamper it a great deal. This has stemmed from our refusal to assert—in a broad, comprehensive and meaningful sense—our constitutional warmaking power. In the absence of such an assertion of authority, which I support and to which I shall return in a moment, this body would be wise to refrain from what can only be described as piecemeal single-shot intervention.

Throughout the long and tragic history of the conflict in South Vietnam, this Nation and our allies have been confronted with the reality of an all-Indochina conflict. With the same forbearance which moved us to renounce for ourselves and the South any designs on the territory of the North, its leaders or its form of government, we strove for years to confine the conflict to the borders of South Vietnam.

At a time when many came to hold the domino theory as discredited dogma, we have witnessed difficulty of defending territory militarily against an enemy moving supplies and reinforcements through—and operating from—privileged sanctuaries. This has been a problem for years and persists today.

#### CEASE-FIRE PROVISIONS INSEPARABLE

Article 20 of the cease-fire agreements specifically committed signatories to respect the neutrality of Laos and Cambodia, refrain from the use of their territory for encroachments against the South, end military operations within their boundaries and withdraw all foreign troops. This must be scrupulously observed. The ceasefire provisions cannot be viewed singly, but as elements in fragile balance. Without article 20, our failure to insist on withdrawal of all North Vietnamese troops would have been suicidal. Yet the North is infiltrating men and materiel into and through Cambodia and Laos, and continued to send troops and supplies into South Vietnam. Communist forces have sought to cut lines of communications and isolate Phnom Penh and other population centers.

I repeat the President has pledged that no ground combat personnel will be committed in Cambodia, that military support will be strictly tailored to pressure from North Vietnam and the situation in the South, and in response to the requests from threatened governments which are internationally recognized—and that we have no intention of exercising a primary role.

Mr. Chairman, in most recent foreign policy message to the Congress on May 3, the President recalled the February 10-13 visit of Dr. Kissinger to Hanoi where the ceasefire provisions, including those involving Laos and Cambodia, were discussed.

Hanoi has two basic choices.

As the President said was made clear to the North.

The first is to exploit the Vietnam Agreement and press its objectives in Indochina. In this case it would continue to infiltrate men and materiel into South Vietnam, keep its forces in Laos and Cambodia, and through pressures or outright attack renew its aggression against our friends. Such a course would endanger the hard-won gains for peace in Indochina. It would risk renewed confrontation with us.

#### LIMITED FLEXIBILITY NEEDED

These are the stakes then, in my judgment, as we vote here today. I for one am unwilling to weaken the President's hand, particularly in view of the evidence that military aggression is largely curbed by military deterrent. Peace, a disengagement of U.S. forces and the return of our prisoners have been achieved by a combination of Vietnamization, air power, and negotiation. A vote to maintain the President's limited flexibility should avoid the less-welcome alternatives of renewed attacks on the North itself or loss of South Vietnam and indeed all of Indochina despite our costly commitment there.

This body could with far greater profit enact H.R. 6318, which I am cosponsoring, to limit the discretion of the Executive in future conflicts by establishing a congressional review and approval mechanism governing commitment of U.S. forces to combat overseas.

This legislation was introduced on March 29 and described in my remarks appearing on page 10368.

I shall forego elaboration on the bill except for the following: It is necessary in advance of any conflict, regardless of the occupant of the Office of the President, regardless of his party, regardless of the location of a crisis or the degree of other great-power involvement or interest, and therefore in the absence of any commitment or public position of any Member on the merits of a given situation, to assure congressional participation in the decisionmaking process. As I said on introduction:

I seek to focus accountability on the Congress as well, so that Members will share with the administration the full consequences of action—and inaction—by the Military Establishment of this Nation in response to varying degrees of threat to our security.

Mrs. MINK. Mr. Chairman, I rise in support of the amendment offered by Congressman ADDABBO to delete provisions of H.R. 7447 which would permit the transfer of appropriations to carry on the Nixon administration's bombing campaign in Cambodia.

Failure to bar this transfer will be construed by the administration as an expression of congressional support for its ill-advised and reckless military adventures in Southeast Asia. We owe it to our people to stand up and demand, through our votes, that our participation in the war be ended as promised by the Paris agreement which the President negotiated.

I regret that the administration has chosen to violate its own agreement by dropping 82,837 tons of explosives in Cambodia between January 28, the date of the "cease-fire," and April 30. The bombing cost \$258.6 million during this

92-day period, and at that rate the cost will exceed \$1 billion by the end of the year.

Why should we waste \$1 billion a year by bombing Cambodia? The administration has not consulted with Congress on the reasons for this but as usual is proceeding regardless of logic or legal merit. Administration spokesmen have arrogantly proclaimed that the bombing will continue regardless of what we do today.

Whether that is true or not, we are obligated to make this decision as part of our responsibility as Members of Congress to determine whether this Nation shall be at war or have peace. The bombing produces a *de facto* state of war. Thus, unless we adopt this amendment, we will acquiesce in the administration's decision to start a new war in Cambodia.

Congress should not reject the Paris agreement by granting consent to more war. Instead, we should insist through our vote that the administration honor its own agreement as understood by our people to mean an end to our participation in Indochina fighting.

Acting at the administration's request, the House Committee on Appropriations has approved \$430 million in additional transfer authority of which an unspecified amount will go toward Cambodian bombing. In good conscience, we cannot approve even the expenditure of \$1 for this purpose. There are no more American troops in Indochina to "protect." There are no more prisoners of war we need to secure. There is no Gulf of Tonkin resolution granting permissive authority to bomb at will. Instead, an agreement has been signed for the United States to withdraw. Our people do not wish us to state some new "commitment" to another dictator in Indochina. It is time to call a halt to this nonsense.

I ask that the Members of the House of Representatives by an overwhelming vote show their rejection of the administration's policy of renewed and increased war in Indochina. This is our opportunity to assert responsibility. Let us not fail those throughout the country who look to Congress to restore sanity in our governmental policies.

I urge the adoption of the Addabbo amendment.

Mr. MCCLORY. Mr. Chairman, I have given thoughtful and prayerful consideration to the subject of proposed amendments to the second supplemental appropriation bill which would prevent any transfer of funds to the Department of Defense which might be used to carry out bombing forays over Cambodia.

I have read carefully the document tendered to me which purports to describe the current situation in Cambodia, including the charge that the elements battling against the Lon Nol regime are directed from North Vietnam—and other statements which purport to justify the military actions which are planned by our forces in that area.

Mr. Chairman, this document is reminiscent of earlier ones which I have examined relating to the situation in South Vietnam—and which were relied upon as a basis for all kinds of American military actions, including bombing raids in both North and South Vietnam, and

the deployment of hundreds of thousands of American ground troops.

Mr. Chairman, I have been proud to be part of the congressional support for actions which have led to the honorable peace in Vietnam. I commend the President and Dr. Kissinger for their skillful handling of the cease-fire and related negotiations. I am happy indeed, that our combat troops have all been withdrawn, and our prisoners of war have all been returned. I hope and pray for a lasting peace in Southeast Asia and elsewhere. However, I cannot support military actions contemplating the use of our bombers and fighters any more than I would support use of American combat troops "to enforce" portions of the cease-fire agreement which is being clearly violated in many areas—including Cambodia.

Mr. Chairman, I cannot help but feel that if one of our bombers or fighters would be downed in Cambodia, we might again face the dilemma of securing a return of our prisoners of war. Such a prospect is beyond any risk which I feel our Nation should now take. What the South Vietnamese forces may do, and what our military and economic aid to Cambodia and to other countries may accomplish pose no violation to our traditional policy. However, what our citizens do not want, and what I cannot support is a policy of military action by American forces against citizens of Cambodia or of South Vietnam.

I hope that the bombing operations may come to an early halt and that continued disengagement from Southeast Asia can be promptly completed.

Mr. DRINAN. Mr. Chairman, once again, this body of Congressmen has before it an opportunity to bring to an end the pointless violence inflicted upon the countries of Southeast Asia by our Nation. Too many times we have failed to seize this moment. At issue today is not only the lives of thousands of innocent people now imperiled by our bombing of Cambodia, but also the basic constitutional question of whether the President or the Congress shall have the power to make war.

If Congress approves the proposed transfer authority, it will be giving the executive branch a blank check to wage war in Indochina at its pleasure, and this will mean that the senseless violence inflicted upon Indochina in our name—and all of the thousands of lives lost as a result of these actions, shall be continued.

The administration unashamedly points to congressional appropriations as a demonstration of congressional approval for bombing. Secretary of State Rogers stated, on April 30, 1973, that our previous appropriations approved our air combat operations in Cambodia. This Congress must not give this administration another Gulf of Tonkin resolution. Passage of this additional transfer authority will mean continued bombing and destruction in Indochina. What will this bombing mean? It will mean continued terror for the people of Indochina, more captured POW's and MIA's and more American dead.

I urge my colleagues to halt the bomb-

ing in Indochina by voting to deny the Pentagon the transfer authority they request to carry out this bombing.

Mr. ASHLEY. Mr. Chairman, I rise in support of the Addabbo amendment to the second supplemental appropriations bill to delete the requested \$430 million in transfer authority for the Department of Defense, so that this money cannot be used to pay for past and future bombing of Cambodia and possibly other parts of Indochina.

I believe that the bombing—which is costing American taxpayers \$4.5 million a day—is both bad foreign policy and an usurpation of Congress' war powers under the Constitution.

In terms of foreign policy, the administration's main contention is that the bombing is necessary to prevent the immediate collapse of the Lon Nol regime, which would permit the North Vietnamese to prepare for a renewed assault on the Thieu government across the border. To justify this course of action, the administration has claimed that the North Vietnamese Government has failed to comply with its obligations under the Paris Accords to help bring about a cease-fire in Cambodia—although Secretary Rogers did qualify this contention yesterday, indicating that "we don't claim it is a literal violation of the agreement," but "it is clearly a violation of the understanding we had with the other side.

To be sure, North Vietnam's effort in this regard has been anything but 100 percent. But what the administration is doing is responding to infidelity by the North Vietnamese with respect to an "understanding" with clear infidelity on our part to an article of the Paris Accords. Article 8 of the accords specifically states that both parties are "to respect the independence, sovereignty, unity, territorial integrity, and neutrality of Cambodia and Laos." Our present policy is in violation of the agreement and, in my view, represents a far greater threat to peace in Southeast Asia than anything the North Vietnamese are doing in Cambodia.

My second objection to the present policy is based upon its questionable constitutionality. The administration's original constitutional rationale for involving U.S. forces in Cambodia was the same as its rationale for U.S. involvement in South Vietnam: "The right of the President of the United States to protect the lives of American men." But these forces have been removed and so this justification must fall.

In recent days, the administration seems to have shifted its rationale from protection of American troops in South Vietnam to a "self-determination" protection right for all Indochina. If there is any constitutional justification for carrying on a war in that rationale, I fail to see it.

Mr. Chairman, if the President truly believes that the Cambodian situation poses a threat to peace in the area, then let him come to Congress and make his case. Then the Congress could exercise its proper constitutional authority if we determined that the Cambodian situation warranted the expenditure of

more American money and lives. But I urge my colleagues not to surrender our constitutional rights and responsibilities by passing legislation that could turn out to be a backdoor Tonkin Bay resolution.

Mr. REID. Mr. Chairman, I rise in support of the Addabbo amendment, which would prohibit the transfer of funds for combat purposes in Cambodia.

Mr. Chairman, on January 27 of this year I joined my colleagues and virtually every citizen of this Nation in commanding the President for the signing of the cease-fire and accompanying protocols in Paris. After almost a decade of war in Indochina, our troops had returned home, our prisoners were due to be released shortly, we had firm agreements to account for those still listed as missing in action. We as a nation had withstood a decade of turmoil, of protest, of violence, and even death on our campuses, and of a profound distrust of the very credibility and foundations of our Government. So although I warned of the possibility of renewed hostilities and the possibility that the accords represented "not a true peace, but an armed truce," I still hoped that we were on our way to peace. I was especially pleased at the explicit language of article 20, which seemed to prohibit our military involvement in Cambodia or Laos, in saying:

The parties shall respect the neutrality of Cambodia and Laos.

The parties participating . . . undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

It was, then, with a heavy heart that we began to hear of violations of the accords, that we saw a fragile cease fire in Laos being violated, that we saw the elusiveness of a cease-fire in Cambodia, that we still received no news of our missing men.

It is clear, in my view, that the North Vietnamese have violated the cease-fire accords; they have used Cambodia and they have used Laos as they have in the past, despite article 20. They have violated both the spirit and the letter of the accords which all, we had hoped, had signed in good faith.

But such violations simply cannot, in my opinion, justify the massive and destructive bombing that our Nation has undertaken, nor can they justify our own violations of article 20.

In 3 short months, since the signing of the cease-fire, we have dropped over 82,837 tons of bombs on Cambodia, another 63,000 tons on Laos. This is the equivalent of over seven Hiroshimas—an act which, in 1945, stopped the world, but which we now live with and barely notice in the back pages of our news magazines.

Since the signing of the accords, we have spent almost \$300 million simply to bomb; already we are spending more than money in the loss of nine more

American lives and two more missing servicemen.

This war that has been taking place since January is totally without legal or constitutional authority.

While the President of course is the Commander in Chief of the Armed Forces, it is Congress which under the Constitution has the specific power to declare war.

While Congress has in the past granted the Executive authority to wage war, the Gulf of Tonkin resolution has been repealed, and nothing has replaced it.

While the President, of course, has authority to protect U.S. troops throughout the world, there are no U.S. troops in Cambodia or Laos to be protected.

There simply is no justification in the Constitution for this activity.

Furthermore, there are explicit statements in current law, passed by Congress and signed by the President, which indicate that the bombing is in disregard of congressional intent.

Public Law 92-570, the Department of Defense Appropriations Act for fiscal year 1973 states:

Nothing in . . . this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

Section 7(b) of the Special Foreign Assistance Act of 1971, as amended, states that U.S. aid "shall not be construed as a commitment by the United States to Cambodia for its defense."

Such language is explicit in its specified lack of commitment to the Cambodian Government, yet the Executive sends its Secretary of Defense to testify that termination of our bombing will result in the fall of Lon Nol and the present Government of Cambodia, and that we should thus continue our operations.

Mr. Chairman, on January 27 I wanted to believe that the executive branch had indeed made progress toward a "lasting peace." Now let us in the Congress insure that there will be peace. Events in Washington in recent weeks have emphasized the vital need for honesty in our Government, both to ourselves and to the people of our country. Let us now be honest: We have a war going on; let us not keep calling it a cease-fire. President Nixon speaks of "peace with honor;" I say, let us honor the peace. Let us stop authorizing further bombing and further war; let us accept our responsibilities now, while we have the power to do so and before we risk yet another decade of involvement thousands of miles away and division here at home.

The House of Representatives today can stand up to its responsibilities and take action which no President should ignore. Divided government fails to represent people at home and governs by kind measure lack of respect abroad. The American people want this war ended once and for all. Hopefully the House will make this plain.

Mr. MINSHALL of Ohio. Mr. Chairman, the House today faces a most critical vote in upholding the most hard-fought, hard-won peace agreement in American history.

Most emphatically the issue is not whether our vote giving the Department of Defense transfer authority would constitute another Tonkin Gulf resolution. It would not. The issue is simply whether the United States intends to abide by and enforce the agreement on ending the war and restoring peace in Vietnam signed at Paris on January 27, 1973.

The whole Nation applauded the signing of the agreement which heralded the return of our combat forces, the release of our prisoners of war, a national homecoming that marked the end of a decade of sacrifice by our Nation.

But there are other requirements in that agreement in addition to a cease-fire in Vietnam, the return of prisoners, and the withdrawal of United States and allied armed forces from South Vietnam. I would like to point out that article 20 was written just as clearly, in just as large print, as were these other widely celebrated provisions of the agreement.

Article 20 has its conditions, very explicitly spelled out, and we insisted at Paris, so there could be no doubt in the minds of the North Vietnamese, that compliance with this article would have to be reciprocal. If not, it was implicitly understood that if Communist forces continued to carry out attacks, then government forces, with the help of U.S. air forces, would take counter measures, including air strikes in Cambodia as needed until a cease-fire is brought into effect.

Nothing could be easier to understand than the conditions laid down in article 20:

The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries. Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material. The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference. The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs.

Negotiators at Paris included this article to underscore, to emphasize, the fact that Laos and Cambodia cannot be declared "off limits" in peace-keeping efforts. Conflicts in these two nations have a long history of interrelation with the war in Vietnam, so much so as to be considered parts of the single conflict—and acknowledged as such in article 20.

Article 20 has been repeatedly, flagrantly violated by the other side. To maintain the total agreement, to prevent collapse of the structure of peace, so painstakingly built by negotiators at Paris and achieved at such a ghastly cost to our Nation and others, it is absolutely essential that we enforce the provisions of article 20.

The vote today is a test of our resolve to uphold the peace agreement as a whole. We are at the wire. This is no time to panic and jerk the rug. It is no time to cop out or get out.

Mr. BADILLO. Mr. Chairman, this bill is our Gulf of Tonkin resolution. The transfer authority it contains, permitting the Department of Defense to spend an additional \$430 million on its unconstitutional and barbaric air war in Indochina is a blank check that will come back to haunt this Congress just as the 1964 resolution did.

I urge the adoption of the Flynt-Giaimo-Addabbo amendment as a necessary first step in not only reasserting the congressional role in foreign and military policy, but also in terminating finally all aspects of our tragic military adventure in Southeast Asia.

Let there be no doubt that Congress will have to go well beyond rejection of this transfer authority. Defense Secretary Richardson has made it abundantly clear that the Nixon administration intends to continue the air war in Indochina and will find the funds to do so regardless of what action may be taken on this particular bill.

Such arrogance cannot go unchallenged.

In the first place, Congress has an obligation to make good on Richard Nixon's broken pledge to end the war in Indochina.

In the second place, there simply is no constitutional basis for the continued prosecution of the war without specific congressional assent. The Gulf of Tonkin resolution was repealed. Mr. Nixon's claim that as Commander in Chief, he had the authority to pursue military actions to protect U.S. troops in Vietnam is no longer valid, since those troops have been withdrawn. It is clear that the continued air war over Cambodia and Laos is purely punitive in nature—a careless and savage attempt to achieve militarily what could not be achieved politically.

This air war really is more than careless—it is reckless. It represents reckless disregard of the consequences of U.S. crews being shot down and captured, thus establishing a new POW dilemma. It represents reckless disregard of the commitment to peace the American people thought they had been given by their President. And with the daily rate of some 60 B-52 bombers and 160 fighter-bombers over Cambodia alone, it represents reckless disregard of the need for fiscal restraint, for reliable estimates put the cost of the air war at \$5 million a day.

It is long past time that we in Congress brought an end to this war by using the appropriations process. Today's vote is just a beginning, but an important one.

Mr. BIESTER. Mr. Chairman, the House today is faced with a request to fund the continued U.S. bombing in Cambodia. Approval of that request can only be interpreted as approval of renewed U.S. military activity in Southeast Asia. Our answer must be "No."

The administration has requested an increase in general transfer authority for the Department of Defense, and the House Appropriations Committee has recommended a total of \$430 million for this purpose. This transfer authority would avoid a specific request for new appropriations.

Transfer authority has been requested to cover costs related to the Vietnam cease-fire and peace treaty and to provide additional "flexibility" to meet "contingencies" which may arise. One of the contingencies is the U.S. bombing in Cambodia. The Department of Defense has already spent \$150 million of the requested funds for military activities in Southeast Asia, including the bombing raids in Cambodia.

Some of the transfer authority is justifiable and proper in order to meet certain obligations arising from the cease-fire, the dollar devaluation and, as Defense Secretary Richardson has said, general across-the-board military preparedness. It appears clear to me, however, and I believe to the American people as well, that unrestricted congressional approval of the transfer authority will be read as acceptance of the Cambodian bombing by this body and endorsement of its continuance.

Secretary Richardson, during a Senate defense appropriations hearing earlier this week, stated that if the transfer authority were denied U.S. bombing would nevertheless continue. Later he added that if the transfer authority were approved it would be regarded "as a vote to at least acquiesce" in the continued air war in Cambodia.

It would be a serious mistake if Congress were to continue allowing the President to construe legislative approval of military funding as congressional concurrence in whatever undisclosed future military activities may be planned by the Defense Department. Congress must make its intentions clear by specifically disapproving the use of funds for the Cambodian operations.

The letter and intent of legislation passed by Congress in recent years is opposed to continued military involvement in Southeast Asia. The Gulf of Tonkin resolution has been rescinded. Air operations are no longer justifiable as protective support for U.S. ground troops. Yet, our Government continues to become more deeply and more directly involved in sustaining the Lon Nol government without congressional approval or public support. Millions of dollars a day are being directed into this operation with no real explanation of its purposes or assurances of how long it will continue. In the meantime, our pilots and crews run the risk of being shot down and creating a whole new chapter in the bargaining obstacles we encountered with POW/MIA's in Vietnam and Laos.

The Cambodian situation brings to mind our initial involvement in Vietnam back in the early 1960's and it creates those same apprehensions: goals, purposes and commitments which are unclear, yet increasing military assistance and support and the expenditure of large sums of money in support of a weak and questionable regime.

We have gone down this road before, and the American people are not interested in doing it again. By disapproving transfer authority for use in bombing or combat operations in Cambodia, the House can voice its strong opposition to renewed and increased military involvement in Southeast Asia.

Mr. DOMINICK V. DANIELS. Mr.

Chairman, I rise in support of the amendment to delete from the second supplemental appropriation the authority of the Department of Defense to transfer \$150 million in previously appropriated funds to pay for the continued bombing of Cambodia. I am not aware of nor does the Department of Defense even allege that we have a commitment to or are we at war in Cambodia.

The Secretary of Defense first merely alleged that Cambodia was a "messy little corner" of the war in Vietnam. As I recall, the war in Vietnam also began as a "messy little corner" of the world. That little mess cost the United States over 50,000 lives and untold hundreds of billions of dollars for over a decade making it the longest war in American history.

The time has come to get out of Indochina. The bombing of Cambodia is costing the American taxpayer \$4½ million per day. I fail to understand what perverse attraction there is in this part of the world that demands so great a resource from the American taxpayer.

There is no claim by the administration that the bombing of Cambodia is in any way necessary or even remotely conducive to the defense or security of the United States. They have failed in any way to justify what the rest of the world views as a "peculiar madness." We are losing our credibility with the rest of the world at a time when the American dollar is weak and our balance of payments must be reversed. We are in effect sending dollars to Cambodia in bomb bays and scattering them over the Indochinese peninsula.

The Department of Defense, arguing out of both sides of its mouth, states that it needs this transfer authority to pay for the bombing. On the other hand, if we fail to provide the transfer authority, the Secretary of Defense has stated that the administration would nevertheless continue to bomb, using resources and funds he says are otherwise necessary to maintain our security in Europe. Thus are the priorities of this administration: that it is more important to bomb to oblivion a nation which the Department claims it is our policy to protect than it is to maintain our security at the edge of the Iron Curtain.

The courts have ruled that, by appropriating funds for the war effort, the Congress sanctions that effort in spite of the absence of any specific legislative authorization. If this Congress is to authorize the bombing of Cambodia, if this Congress is to approve the continuation of the war in Indochina, then let us rise to the occasion and vote the issue up or down. It is the very least that we can do as honorable men and women. It is our minimum responsibility to those who have died and suffered and to those who will continue to die and suffer as the war in Cambodia escalates.

Mr. HILLIS. Mr. Chairman, today I must part ranks with the administration on military activities in Southeast Asia, for the first time since coming to Congress.

I supported the administration's Vietnam policy all the way through, believing the light at the end of the tunnel was in sight and that Congress should not tie

the administration's hands in negotiating peace with North Vietnam.

I recently attended a peace with honor reception at the White House and was proud to be included in these ceremonies. I have a copy of the President's remarks on that occasion in my scrapbook, and I honestly believed at that time that peace was going to be a reality.

Today, however, we are being asked to transfer some \$430 million in the Defense Department funds, part of which are to be used to continue activities in Southeast Asia. I can see nothing but tragedy resulting from these activities, and I cannot support their continuation.

We have already lost two airplanes, and to date one American soldier has been killed and two Americans are listed as missing in action since the cease-fire was announced January 28. Experts estimate the cost to the American public of the air war in Cambodia has been some \$400 million since mid-February, and that 3 million gallons of fuel are being used daily for these activities at a time when American industry and farmers are facing an energy shortage. Certainly these figures will multiply rapidly in the coming months, just as they did in the beginning stages of our Vietnam activity, unless this new Cambodian policy is stopped short.

I understand the Secretary of Defense has already stated his Department intends to find funds for this Cambodian policy regardless of what action Congress takes on this transfer request. I view that position as abominable. To my knowledge, the bombing in Cambodia is not authorized by any law or treaty, not by any reasonable interpretation of the reserve war powers of the President in his role as Commander in Chief.

What we are being asked to do today is ratify unauthorized action already completed, by appropriating money to pay for these actions. Rather than working jointly with the administration to formulate a responsible foreign and defense policy, Congress is being dragged along in the wake of administration prerogatives. Then we are told that to disagree with administration defense policies after the fact shows a weakness in this country's resolve to maintain a lasting peace.

I disagree with that view completely. We would present an even stronger front if the administration and an informed Congress jointly formulated a policy which was well reasoned, well aired, and well understood. But Congress has not been given the opportunity to have a say in these policies—to act as a partner in making important defense decisions that will affect every citizen in this country.

We have not been told why we are bombing Cambodia, nor have we been asked to authorize these actions. We have just been asked to pay for them. I am willing to listen to the administration's arguments for the Cambodia bombings, and if the President can present a persuasive enough case, I could be persuaded to cooperate. But, I do not think my constituents are getting a fair shake when their chosen representative is kept in the dark on policy decisions and instead asked to rubberstamp policy handed down from the White House. Un-

til justification for this policy is made, and Congress formally concurs, I think we would be doing a serious disservice to our constituents to blindly cooperate today.

All of this has reinforced my conviction that this country needs a good war powers bill which will spell out just what steps will be necessary to get this country into war, and which will provide adequate safeguards against indiscriminate Executive prerogatives in this area. It is important that Congress and the Executive return to a team operation in the very important areas of declaring war and authorizing funds for military action.

I would hope that Congress and the administration would have learned something from the painful experiences and lessons of the Vietnam and our backdoor involvement in that conflict. To think that within 3 months of the conclusion of that involvement, we could allow the tragic mistake of Vietnam to be repeated, is inconceivable.

Therefore, with continued great respect for the administration and all involved, I must nevertheless cast my vote in favor of the amendment barring the use of DOD transfer funds for continued military operations in Southeast Asia.

Mr. BROWN of California. Mr. Chairman, after the peace agreement was signed, and our prisoners returned, I assumed, like most Americans, that a terrible chapter of our history, the Vietnamese war, was closed.

For 10 years I made speeches attacking our involvement there, and after 10 years I was tired of the subject. With the treaty signed I felt the chance had come to move beyond the issue and concentrate my energies on the task of rebuilding the broken spirit in America.

When the peace began to fall apart, I hoped, like everyone else, that it was temporary. After all, reports were that cease-fire violations were decreasing, and treaty accords would soon be in effect.

But I had not counted on the continuation of the arrogant, and stupid thinking that has characterized our foreign policy in Southeast Asia since 1954.

Once again we are committing ourselves to a venal, autocratic, corrupt regime. This time our bulwark against communism is Lon Nol, and the country that must be saved is Cambodia. The fact that the government is crumbling from within, and has no support is immaterial. The fact that Lon Nol is as out of touch with his country as Diem was in 1963 is of little concern. The country must be saved

Oh, we have wised up a little. We are not letting American boys die anymore. That you cannot keep out of the newspapers. Instead we are just going to bomb the hell out of everything and everyone. As long as the color of the victims is yellow, this administration thinks no one will care.

I can only ask, "When will enough be enough? When will the body count be complete? Mr. Nixon, when are you going to leave these people alone?"

This last question is not just for the President. It must also prey on the minds of every Member of this body. For as long as we give that man his money,

he will do whatever he damn well pleases, and we are his accomplices.

For that reason it is essential that we pass the Flynt-Addabbo-Giaimo amendment to the second supplemental appropriation bill for fiscal year 1973 to insure that no funds from this bill will be used in Cambodia for bombing.

Passage of this amendment will be proof to President Nixon that the Congress of the United States does not support his actions in Cambodia. We will be saying, "Mr. Nixon, the policy of armed, active American intervention in Southeast Asia is over. It is bankrupt, and you will have to do better."

If this amendment fails however, we are in serious trouble. Elliot Richardson has said the administration would be justified in regarding a rejection of the amendment as a vote to at least acquiesce in the bombing of Cambodia. These are the words of an administration moderate. To President Nixon this could be his own version of a Gulf of Tonkin resolution.

We have seen ample evidence within the last few months of how strictly Mr. Nixon's aides feel they are answerable to the Nation. Not to be outdone, Mr. Nixon, with his new outline of executive privilege, seems to be saying, "What's good for Richard Nixon is the way it's going to be. Like it or else."

Frankly, I do not buy it. The policies of Richard Nixon are subject to our scrutiny and approval, the same as any other President. It is our duty to make sure the President understands that.

I suppose I am an expert of sorts on voting against defense appropriations. If more of my colleagues had joined me in 1965 this whole question of American action in Southeast Asia would be academic. From my experience I assure you that this time the vote is easy and the consequences are clear.

It took history 8 years, millions of lives and billions of dollars to prove Wayne Morse and Ernest Gruening right when they stood against the flood in August 1964. What we are deciding is whether to turn the clock back, and watch the whole sickening process take place again, or stand by what we have painfully learned and say "No more."

I said I was tired of speaking about our involvement in Asia. But I never had to dodge bombs, or bullets. I never had to watch my village destroyed, or my family napalmed. I did not have to change my politics every morning and evening just to keep from getting shot, only to be beaten out of spite. I have not been imprisoned and tortured without chance of trial.

Yes, I am tired, but I have not suffered. If has been the people of Southeast Asia that have done the suffering. It is time for us to stop bombing. It is time for us to stop killing. It is time for us to stop being policeman of the world. It is time for us to come home. I strongly urge my colleagues to support the Flynt-Addabbo-Giaimo amendment.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the Flynt-Giaimo-Addabbo amendment to prohibit the transfer of funds to continue the bombing of Cambodia. The bombing is illegal, immoral, and senseless and must be stopped.

After 20 years of uninterrupted involvement in Indochina, there is a tendency to believe that each new antiwar measure is just as futile as the ones that preceded it. Yet, paradoxically, although the Secretary of Defense has testified that this particular amendment will not stop the Government from continuing its policy, it is undoubtedly the most important vote to date in the 93d Congress.

If the transfer of funds for the bombing operations are approved by the Congress, it will establish a record of, at least tacit, support for the bombing policy. Recent court decisions lead me to believe that this tacit support is all that is necessary to establish the legality of the continued action.

At the present time, the record is clear. The Congress has never approved our military activities in Cambodia. The opposite is true. The Mansfield and Fulbright amendments clearly state that the Congress is opposed to a war in Cambodia.

I, together with other Members of Congress, have filed suit challenging the President's authority to commit American Forces to Cambodia. In my opinion, the weight of evidence is on our side. But, if the Congress assents to the President's action by voting him funds to continue it, then the legal basis for our suit could very well be eliminated.

This morning's Washington Post editorial referred to today's amendment as another "Tonkin Gulf." I do not believe this is overstating the case. Even more ominous is the Evans and Novak column which appeared in the same paper. In lambasting the Congress for limiting the number of advisers the United States can maintain in Cambodia, the column goes on to say that less than 1,000 professional U.S. advisers—perhaps CIA paramilitary experts with experience in Laos—might have transformed the FANK—Cambodian Army—into irregular light infantry capable of confronting the Communist insurgents.

This kind of talk brings on a frightful sense of *deja vu*. The arguments are the same that were advanced in the 1963-65 period. We are developing a policy now that is no different, and has no better chance of success, than our policy of 10 years ago.

The question confronting the Congress today is this: We have just emerged from a long and terrible tunnel. Are we going to turn around and enter it again going the other way?

We are fortunate in having Defense Department information on the extent of our military operations in Cambodia up to the present time—12,136 bombing sorties; 82,837 tons of bombs dropped; \$258 million; three planes, and 11 men killed.

What will we do when the first of our pilots has been taken prisoner? How soon will that figure of 11 men killed grow to 100—1,000—or 10,000? How many more billions of dollars are we willing to commit to a losing cause? And, the question which is hardly ever raised—how many innocent Cambodian civilians have we killed up to now, and how many more are we going to kill in order to preserve their corrupt and incompetent government?

Our present policy borders on insanity. Not only must the Congress become a party to that policy, it must put an end to it now.

Mr. JONES of Oklahoma. Mr. Chairman, I will make my comments brief and to the point.

I cannot in good conscience support the additional transfer authority of \$430 million. My objections focus on the issue of congressional responsibility to determine spending priorities.

I will not belabor the point made here and elsewhere—that the United States has no treaty obligation to Cambodia. Nor has there been congressional authorization for American military operations there. Military activity in Cambodia rests solely on executive decision.

I will not prejudge the need for American military activity there. It may be there are pressing reasons for it. If so, let the President come to Congress for the authority. That is the legal and constitutional argument. Congress has the clear responsibility under the Constitution to establish the priorities for the expenditure of public moneys. Our commitment to law and order compels us to observe the Constitution in this regard. I do not doubt that if these operations in Cambodia can be justified in support of legitimate American interests, Congress will concur. But Congress cannot concur without being informed.

The same is true of the American people and their need and right to be informed. It is no longer possible to plead war as the excuse for the lack of full explanation. The President himself has proclaimed the end of the Vietnam war. There are no American ground forces in South Vietnam to be protected. There are no American prisoners of war in North Vietnam to be protected.

So long as the Vietnam war continued, it was supported by the people of the First District of Oklahoma. They supported the policies of both President Johnson and President Nixon. More recently, they gave their unqualified support to President Nixon's efforts to achieve peace with honor.

But the citizens of the First District believe firmly in law. They want to see the Constitution observed in letter and spirit. They know that the legitimate authority of Congress to authorize expenditures is a barrier against excessive executive power. I believe that they want Congress to live up to its responsibilities.

Moreover, the people of the First District do not believe in government blank checks. But this appropriation is exactly that. The Department of Defense says that it needs this money to give the Department the flexibility needed to cover additional Southeast Asia costs which may develop. What is to keep the administration from using this money directly or indirectly to provide aid to North Vietnam? The overwhelming majority of Oklahomans are firmly opposed to such a policy.

The argument has been made that we waste our time here today since the Secretary of Defense has announced that the administration will continue the bombing of Cambodia whether or not the Congress approves the transfer authority. I am not impressed by that argu-

ment. It is no waste of time when the Congress stands up to its responsibilities under the Constitution.

In casting my vote to prohibit the free transfer of these Defense funds in Southeast Asia, I am carrying out one of my first responsibilities as a Congressman and that is to accurately represent the views of citizens of my district.

Through the responses to my recent questionnaire, through individual letters and through numerous personal visits back home, I feel my district has the following opinions: First strong opposition to diverting money to rebuild North Vietnam; second, strong opposition to a no win war or war of attrition; third, support for the proposition that future military activity should have the support of Congress after a fully informed hearing. I feel that my vote today carries out those majority opinions of our district.

Mr. METCALFE. Mr. Chairman, as this body deliberates the proposed amendment to disallow funds to be spent by the Department of Defense in the aerial war over Cambodia and possibly other parts of Southeast Asia, I would like to add some comments in favor of the amendment and against the Defense Department's posture in Southeast Asia.

At the beginning of the 93d Congress the members of the Democratic Caucus agreed that after the return of the POW's and the end of the active hostilities in South Vietnam there would be no more support for any military activity in that area, including Cambodia, Laos, and Thailand. Now we are being asked by the House Appropriations Committee to approve a transfer of funds for the DOD so that they can continue their present military activity in that area. We are also informed that some of the money has already been spent. Further, the Defense Department has spent funds for the bombing of Cambodia that were not allocated for that purpose.

It seems that the military does not care about the intentions of the Congress as evidenced by the recent testimony of Secretary Richardson before the Senate Appropriations Subcommittee on Defense. Mr. Richardson remarked that—

It must be emphasized that the denial of the requested authority will not impact on U.S. air operations in Cambodia, but across the board on our baseline forces.

Given this statement, it seems that the DOD sees itself as above the intentions of the Congress, and this situation will remain as long as this body allows itself to be guided by this singularly minded Department.

As a civilian government we have many obligations throughout this country of ours. One of these obligations, however, is not to become the world's supercop. But during the greater part of this century, and a part of the last one, we have done just that, become supercop. Whatever moral obligations that we feel toward the rest of the world, one of them cannot be to control or manipulate the lives and the destiny of any particular country or nation.

This is essentially what we are doing in Southeast Asia.

Three years ago this Government did something similar, and yet quite differ-

ent, in Cambodia. We invaded the country. We were reminded, in a very painful way, that we were continuing a fruitless policy and, yet, we still have not learned from that tragic incident. Tragic not only because of what happened in Cambodia but, also, for what happened here, in the United States of America. It is truly sad to think about all of the youth in this country who tried so desperately to tell us that our policy was wrong and how we sat back and paid little or no attention to them. Last week I received a letter from a parent involved in one of the more tragic incidents, and I would like to share it with you because the lesson is still so very valuable:

ALLISON, SANDRA, JEFFREY, BILL

May each May flower remind us of you. Dear members of the United States Congress:

On April 30, 1970, Richard Nixon invaded Cambodia.

On May 3, Allison placed a flower in the barrel of a rifle, and whispered, "Flowers are better than bullets."

On May 4, Allison and twelve other children were shot. Allison and three of the others died. For Cambodia. For peace.

As May returns in 1973, our bombs still fall on Cambodia. 'Now more than ever.' Four more years.'

And after so long, neither the courts nor the Congress have yet acted to take an accounting of the high-handed crimes that stole life from Allison, Sandra, Jeffrey and Bill, and wounded and crippled nine others.

Worst of all, Congress has not yet done what it is within its power to prevent it all from happening again.

Remember Kent May 4.

The issue is now.

ARTHUR KRAUSE,  
*Allison's Father.*

DAVID E. ENGAHL,  
*On behalf of the parents of Sandra,  
Jeffrey, and Bill.*

This letter reflects, in part, what we are talking about here today: a country's morals and morality as reflected in its foreign policy and the ramifications of that policy at home. This is only a part of the whole tragedy that this country has suffered, but it is, indeed, one of the most tragic parts.

We have a situation before us today that would indicate that the Department of Defense will follow through on the intent of the law only if it conforms with the intentions of the DOD and their military objectives abroad: objectives which seem to be directed at making the world free for the United States, objections of the other nation-states to the contrary, notwithstanding.

My last point as to why this body should not allow the DOD to transfer funds for the continuation of the bombing of Cambodia is a simple one of economy. Prescinding, of course, from the moral aspect which I have touched on above, why are we still wasting money trying to bomb a people into oblivion? This at a time when we are not able to feed, employ, house, and medically care for all of the people on the richest land on the face of the earth. If we are unable to take care of our own to some degree of completeness, then how are we able to afford the continued bombing of Cambodia?

To take this further, on April 25 of this year the Air Force announced that it was costing about \$1.8 million per day

for the continued bombing of Cambodia: that comes to something over \$52 million per month or just under \$625 million per year, if we were to let this action continue that long.

The money that could be saved here by stopping the bombing of Cambodia would pay for a large number of local health centers in those areas which are medically underserved; it would start a lot of homes for those Americans who are now homeless or in inadequate shelter; it would make a large dent in the number of people who are now starving to death across the country; it would train a lot of people for jobs that they otherwise would not be able to get; and it would be the first step toward moving this country and Government away from war and toward humanity.

It is past the time that we should have started to reorder the priorities of this, our country. It is past the time, but it is not too late for us to do something about it. We must act now if we are to leave our children a decent place in which to live.

I urge you to join in this effort and pass this amendment: a call for a responsive and responsible Government.

MR. ROUSH. Mr. Chairman, today I have had the opportunity to cast my vote not once but twice in expression of my conviction about, my opposition to the current U.S. escalation of military support in Cambodia.

Both in the Democratic caucus this morning and on the floor of the House this afternoon I voted to oppose the transfer authority requested by the Department of Defense in the amount of \$500 million and smaller amount recommended by the committee of \$430 million.

I oppose this transfer authority, first because we have had assurances before that the United States was not becoming involved in Cambodia's internal difficulties and would not become so involved and these assurances evidently have become inoperative. In May of 1970 Secretary of State William P. Rogers assured us that—

We don't intend to become involved militarily in the support of the Lon Nol government, or any other (Cambodian) government.

Three years later he is telling us that—

The choice before us today is whether to allow a military takeover of Cambodia by North Vietnam and its allies or insist on observation of a negotiated Peace.

Is the negotiated peace, then, to become the grounds for a new round of U.S. fighting in Southeast Asia? The rhetoric sounds too familiar; the intrusion of foreign forces, the need for U.S. assistance to temporarily shore up the government forces.

It was with the same kind of logic, or lack of logic, that we became bogged down in Vietnam for more than a decade with the loss of thousands of lives. I do not intend to be a party to the same eroding process by which the American people are carried down the garden path to an extended military engagement for reasons unknown and with justifications undemonstrated. So I have voted against the transfer of funds sought by the Department of Defense.

Can it be argued that we are committed there by treaty? The answer is "no." Neither the SEATO pact nor the now revoked Gulf of Tonkin resolution requires our presence in Cambodia. Nor can the argument that we are protecting American troops and POW's justify the recent escalation.

When U.S. forces were withdrawn from Cambodia after the 1970 attack on Communist sanctuaries there, the President said:

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 this is necessary to protect the lives and security of our forces in South Vietnam.

The administration tells us now that this action in Cambodia is a winding down of the Vietnam involvement. What, then, has happened to the peace with honor the President described back in January? And how can increased air sorties over Cambodia in the past months by any stretch of the imagination be described as a "winding down"?

Second, I oppose the transfer authority to the Department of Defense because I believe we must have a clear statement of congressional intent regarding Cambodia. Secretary of Defense Richardson has already told the Congress that a "no" vote will in no way defer the administration's present policies of massive bombing over Cambodia. On that we shall wait and see. However, a vote to withhold the transfer authority will produce a clear record of congressional opposition to this increasing involvement of the United States in Cambodia. A "yes" vote will be used by the administration, as it has been before, to justify their actions and to indicate congressional cooperation, approval.

The American people do not want another Southeast Asian war to drain off American lives and resources and I will not vote for funds that clearly violate the expressed convictions of the American people, convictions I fully share. If the administration will prosecute this military escapade in Cambodia, let them do it without our approval and without any semblance of congressional support.

Besides objecting to the transfer of funds on grounds of opposing any semblance of congressional authorization for the Cambodian intervention when this intervention is neither necessary nor desirable, I also object to the fact that it appears that the Department of Defense has already executed a transfer and that they simply want our stamp of approval. Has the balance of power come to that? \$150 million of the transfer is for expenditures in excess of budgeted amounts in support of military activities in Southeast Asia during January, February and March of this year.

Moreover, according to the committee report accompanying this bill, the funds to be transferred will come from excess balances of appropriations provided to the Department of Defense in previous fiscal years, primarily in the procurement accounts. How come the Department of Defense so miscalculated earlier budgets as to come up with a surplus? And at a time of severe fiscal restraint, can we justify rewarding such miscalcu-

lations with the authority to transfer those funds elsewhere, even if we approved of where they were going? I think not.

Of primary importance to me is the fact that the Congress had not expressed its will regarding war and peace since the peace negotiations of January. It is time that we did so. It is time that we revived the constitutional prerogative of the Congress and through it the American people, to decide on when and where and if we go to war. That should not be the decision of the Department of Defense or the President alone. I cast my votes with that in mind.

Mr. ROYBAL. Mr. Chairman, I rise in support of the Giaimo-Addabbo-Flynt amendment. The amendment would delete a provision which gives the Department of Defense authority to transfer \$430 million for the continuation of the bombing in Cambodia.

On January 27, the entire Nation rejoiced when the President announced that a peace treaty had been signed. All of us thought that the amendment signaled the end of America's longest and most debilitating war.

But all that it has really meant is that we have entered a new period of the secret war. Since the peace treaty we have continued to send B-52's on saturation strikes against the Cambodia countryside. These raids have been heavier than any of the ones we flew over South Vietnam during the war.

Unfortunately, these raids have received scant attention in the press because much of the American public believes that we have completed military operations in Southeast Asia. I do not believe that the majority of the people of the United States would now support the bombing of this tiny country.

This vote today is the first we have held on this matter since the treaty was signed. It provides Congress with an excellent opportunity to recapture part of the war power that it has lost to the executive branch.

For the past 10 years Congress has been implicitly sanctioning this interminable war by appropriating money to continue the devastation. One President used the passage of the Gulf of Tonkin resolution as a congressional carte blanche for his actions. We gave another 4 more years to bomb by refusing to cut off funds. Those were errors and one can hope that the bitter experience of the last 10 years will not be lost on this body today.

The framers of the Constitution placed the power to declare war in the Congress. We have allowed the Executive to usurp this power over the last decade. The President's message on January 27 wrote a fitting end to that era and ushered in a new period when Congress can reclaim its lost power. We have not approved of this bombing. If the Executive feels it is necessary, then he should appear before the proper committees and justify his action.

Second, at present it appears that there is no legal or constitutional justification of the action the President has taken. For the last 4 years, American participation and escalation of the war has been justified by the administration in

terms of protecting the troops already there and gaining release of our prisoners of war. We have no troops and no prisoners there today, so this justification of the present bombing campaign fails. We have also repealed the Gulf of Tonkin resolution which first embroiled us in this war.

The administration tells us that to vote for the amendment will mean that the President's hands will be tied in foreign policy or that Henry Kissinger could no longer negotiate effectively. The logical conclusion of this argument is that Congress should again turn over its power to the Executive. This is something we cannot permit to happen.

We have been told that our vote here today is meaningless because the Defense Department will continue the bombing no matter what the outcome. It appears as though the Pentagon has transferred funds between accounts without congressional authorization to continue the bombing. This would violate the Anti-deficiency Act and raises grave questions of lawlessness in our Government.

I believe it is time for the House to regain its constitutional prerogative and time for this House to represent the will of the majority of the people. I think it is time for the House to demand a detailed justification of the bombing. Your support on this amendment will be the first step toward the Congress regaining the power that the constitution placed in it.

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

RECORDED VOTE

Mr. ADDABBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 188, not voting 26, as follows:

[Roll No. 136]

AYES—219

|                  |                              |               |                |                            |
|------------------|------------------------------|---------------|----------------|----------------------------|
| Abzug            | Daniels, Gunter              | Madden        | Price, III.    | Stanton,                   |
| Adams            | Dominick V. Hamilton         | Matsumaga     | Pritchard      | James V.                   |
| Addabbo          | Danielson Hanley             | Mazzoli       | Randall        | Stark                      |
| Alexander        | Delaney Hanna                | Meeds         | Rangel         | Steels                     |
| Anderson, Calif. | Dellenback Hansen, Wash.     | Melcher       | Rarick         | Stokes                     |
| Andrews, N.C.    | Denholm Harrington           | Metcalfe      | Rees           | Stuckey                    |
| Andrews, N. Dak. | Dent Harvey                  | Mezvinsky     | Reid           | Studds                     |
| Annunzio         | Diggs Hawkins                | Milford       | Reuss          | Sullivan                   |
| Ashley           | Dingell Heckler, Mass.       | Miller        | Riegle         | Symington                  |
| Aspin            | Donohue Heinz                | Mills, Ark.   | Rodino         | Thompson, N.J.             |
| Badillo          | Drinan Helstoski             | Minish        | Roe            | Thone                      |
| Bennett          | Dulski Henderson             | Mink          | Rogers         | Thornton                   |
| Bergland         | du Pont Hicks                | Mitchell, Md. | Roncalio, Wyo. | Tierman                    |
| Bieste           | Eckhardt Hoifield            | Moakley       | Rooney, Pa.    | Udall                      |
| Bingham          | Edwards, Calif. Holtzman     | Moorhead, Pa. | Rose           | Ullman                     |
| Blatnik          | Ellberg Howard               | Morgan        | Rosenthal      | Van Deerlin                |
| Boggs            | Esch Hungate                 | Mosher        | Rostenkowski   | Vanik                      |
| Boland           | Evans, Colo. Johnson, Calif. | Moss          | Roush          | Vigorito                   |
| Bolling          | Evins, Tenn. Johnson, Colo.  | Murphy, III.  | Roy            | Walde                      |
| Brademas         | Fascell Jones, N.C.          | Murphy, N.Y.  | Royal          | Whalen                     |
| Brasco           | Findley Jones, Okla.         | Natcher       | Runnels        | White                      |
| Breaux           | Flynt Jordan                 | Nedzi         | Ruppe          | Wildnall                   |
| Brooks           | Foley Karto                  | Nix           | Ryan           | Wilson, Charles H., Calif. |
| Brown, Calif.    | Ford Kastenmeier             | Obey          | St Germain     | Wilson, Charles, Tex.      |
| Burke, Calif.    | William D. Kluczynski        | St. Hara      | Sarasin        | Wolfe                      |
| Burke, Mass.     | Forsythe Koch                | O'Neill       | Sarbanes       | Wyatt                      |
| Burton           | Fraser Kyros                 | Patman        | Schroeder      | Yates                      |
| Carey, N.Y.      | Frenzel Landrum              | Patten        | Seiberling     | Yatron                     |
| Carney, Ohio     | Fulton Leggett               | Pepper        | Shipley        | Young, Ga.                 |
| Chisholm         | Gaydos Lehman                | Perkins       | Shoup          | Zablocki                   |
| Clark            | Giaimo Litton                | Pickle        | Slack          | Zwach                      |
| Clay             | Gibbons Long, La.            | Pike          | Smith, Iowa    |                            |
| Conte            | Ginn Long, Md.               | Podell        | Snyder         |                            |
| Conyers          | Gonzalez Lujan               | Preyer        | Staggers       |                            |
| Corman           | Grasso McClory               |               |                |                            |
| Cotter           | Gray McCormack               |               |                |                            |
| Coughlin         | Green, Ia. McDade            |               |                |                            |
| Cronin           | Griffiths McKinney           |               |                |                            |
| Gulver           | Gross Macdonald              |               |                |                            |

|               |                            |
|---------------|----------------------------|
| Price, III.   | Stanton,                   |
| Pritchard     | James V.                   |
| Randall       | Stark                      |
| Rangel        | Steels                     |
| Rarick        | Stokes                     |
| Rees          | Stuckey                    |
| Reid          | Studds                     |
| Reuss         | Sullivan                   |
| Riegle        | Symington                  |
| Mills, Ark.   | Thompson, N.J.             |
| Minish        | Thone                      |
| Mink          | Thornton                   |
| Mitchell, Md. | Tierman                    |
| Moakley       | Udall                      |
| Moorhead, Pa. | Ullman                     |
| Morgan        | Van Deerlin                |
| Mosher        | Vanik                      |
| Moss          | Vigorito                   |
| Murphy, III.  | Walde                      |
| Murphy, N.Y.  | Whalen                     |
| Natcher       | White                      |
| Nedzi         | Wildnall                   |
| Nix           | Wilson, Charles H., Calif. |
| Obey          | Wilson, Charles, Tex.      |
| St. Hara      | Wolfe                      |
| O'Neill       | Wyatt                      |
| Patman        | Yates                      |
| Patten        | Yatron                     |
| Pepper        | Young, Ga.                 |
| Perkins       | Zablocki                   |
| Pickle        | Zwach                      |

NOES—188

|                |                 |                     |
|----------------|-----------------|---------------------|
| Abdnor         | Froehlich       | Parris              |
| Anderson, III. | Gettys          | Passman             |
| Archer         | Gilman          | Pettis              |
| Arends         | Goldwater       | Peyser              |
| Armstrong      | Goodling        | Poage               |
| Ashbrook       | Grover          | Powell, Ohio        |
| Bafalis        | Gubser          | Quie                |
| Baker          | Guyer           | Quillen             |
| Beard          | Haley           | Railsback           |
| Bell           | Hammer-         | Regula              |
| Bevill         | schmidt         | Rhodes              |
| Bowen          | Hanrahan        | Rinaldo             |
| Bray           | Hansen, Idaho   | Roberts             |
| Breckinridge   | Harsha          | Robinson, Va.       |
| Brinkley       | Hastings        | Robison, N.Y.       |
| Broomfield     | Hays            | Roncalio, N.Y.      |
| Brotzman       | Hebert          | Rousselot           |
| Brown, Mich.   | Hillis          | Ruth                |
| Broyhill, N.C. | Hinshaw         | Satterfield         |
| Broyhill, Va.  | Hogan           | Saylor              |
| Buchanan       | Holt            | Scherle             |
| Burgener       | Horton          | Schneebell          |
| Burke, Fla.    | Huber           | Sebelius            |
| Burleson, Tex. | Hudnut          | Shriver             |
| Burlison, Mo.  | Hunt            | Sikes               |
| Butler         | Hutchinson      | Skubitz             |
| Byron          | Ichord          | Smith, N.Y.         |
| Casey, Tex.    | Jarman          | Stanton, J. William |
| Cederberg      | Johnson, Pa.    | Steed               |
| Chamberlain    | Jones, Ala.     | Steelman            |
| Chappell       | Kazan           | Steiger, Ariz.      |
| Clancy         | Keating         | Steiger, Wis.       |
| Clausen,       | Don H.          | Stephens            |
|                | Kemp            | Stratton            |
|                | Clawson, Del.   | Talcott             |
|                | Cleveland       | Taylor, Mo.         |
|                | Cochran         | Teague, Calif.      |
|                | Latta           | Thomson, Wis.       |
|                | Cohen           | Towell, Nev.        |
|                | Collier         | Treen               |
|                | Collins         | Waggoner            |
|                | Conable         | Walsh               |
|                | Conlan          | Wampler             |
|                | Daniel, Dan     | Ware                |
|                | Daniel, Robert  | Whitehurst          |
|                | W., Jr.         | Whitten             |
|                | Davis, Ga.      | Wiggins             |
|                | Davis, S.C.     | Williams            |
|                | Davis, Wis.     | Wills               |
|                | Dennis          | Wright              |
|                | Derwinski       | Wylie               |
|                | Devine          | Wyman               |
|                | Dickinson       | Young, Alaska       |
|                | Dorn            | Young, Fla.         |
|                | Downing         | Young, Ill.         |
|                | Michel          | Young, S.C.         |
|                | Duncan          | Young, Tex.         |
|                | Edwards, Ala.   |                     |
|                | Erlenborn       |                     |
|                | Eshleman        |                     |
|                | Fish            |                     |
|                | Fisher          |                     |
|                | Flood           |                     |
|                | Flowers         |                     |
|                | Ford, Gerald R. |                     |
|                | Fountain        |                     |
|                | Frey            |                     |
|                |                 | NOT VOTING—26       |
| Barrett        | Brown, Ohio     | Crane               |
| Biaggi         | Camp            | de la Garza         |
| Blackburn      | Carter          | Frelinghuysen       |

|              |              |              |
|--------------|--------------|--------------|
| Fuqua        | Symms        | McSpadden    |
| Green, Oreg. | Mollohan     | Teague, Tex. |
| Jones, Tenn. | Price, Tex.  | Vander Jagt  |
| Ketchum      | Rooney, N.Y. | Veysey       |
| King         | Sandman      | Zion         |
| McKay        | Stubblefield |              |

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: on page 6, immediately after line 12, insert the following paragraph:

"None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia by United States Forces."

Mr. LONG of Maryland. Mr. Chairman, the purpose of this amendment is to make loud and clear the point which we have tried to make in passing the amendment offered by the gentleman from New York (Mr. ADDABBO). My amendment makes it possible for many people, who were genuinely and honestly disturbed about aspects of the Addabbo amendment, to support it. There were problems in the Addabbo amendment for many—not for me—but there were for many people because they felt that this would hamper the administration and the Defense Department all over the world; tie its hands and hinder its freedom of action. That is why many Members voted against the Addabbo amendment even though they were genuinely disturbed about Cambodia, and wanted to make it clear that we ought to get out of there.

Now, if it is the point, as I think it is, that the Addabbo amendment wants us not to carry on further U.S. combat operations in Cambodia, then now is the time under my amendment to express that explicitly rather than merely implicitly.

Keep in mind that my amendment merely addresses itself to U.S. armed combat forces. It is still possible to help in many other ways. My amendment does not address itself to that one way or the other. But if we pass this amendment today we will put a double lock on the door.

On the other hand, if we vote down this amendment—which says that none of the funds herein appropriated to the Department of Defense under this act shall be expended to support directly or indirectly combat activities in, over, or from off the shores of Cambodia by U.S. forces—if we vote this down, then certainly the President is entitled to be confused about just what the Congress intended when it agreed to the Addabbo amendment.

So I hope that the House will vote for my amendment.

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

Mr. LONG of Maryland. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I rise in strong support of the gentleman's amendment.

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

Mr. LONG of Maryland. I yield to the gentleman from California.

Mr. LEGGETT. Does the gentleman's amendment affect the military assistance program to the Lon Nol government?

Mr. LONG of Maryland. In no way. It merely attempts to prohibit the use of U.S. combat forces.

Mr. LEGGETT. So that Lon Nol can go ahead and fight his war, and we can just address ourselves to American forces there?

Mr. LONG of Maryland. Yes, just the same as we intend to do in South Vietnam.

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

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have lost before, and I probably will lose in the future, but it does not affect me personally because that is part of the ball game.

I cannot help but say that I think this is a very, very sad day in the House of Representatives. I respect the Members' views. I respectfully disagree with some of them. I happen to believe, as I have said to those of us on our side of the aisle in the last several days, that this issue today on the previous amendment and the one now up had far greater ramifications than appeared on the surface.

I think that it is appropriate to say that in the last 3 1/2 years, because of the strength of the House of Representatives, a majority of them, we have been able to withdraw 540,000 U.S. military personnel from Vietnam.

Because of the strength of the majority, both Democrats and Republicans in the House, we have been able to get back all of our POW's, approximately 550, American prisoners of war. And because the majority of the House had faith in the policies that were being pursued to end the war, we now have teams in Vietnam—Indochina—trying to identify whether or not the listed missing in action are really missing in action, or whether there is a hope that they will turn up. Because of a coalition in the House, the people who were strong in the face of adversity in the last 3 years, we achieved a peace agreement. We have a cease-fire in Vietnam, and we have a cease-fire in Laos.

This group on both sides of the aisle did not bow down and capitulate to the mobs that stormed the steps of the Capitol, and we did not listen to the prophets of doom in the Chamber of the House of Representatives. And we did not raise questions like some in this body—and I refer to a comment made by my friend, the majority leader, on May 9, 1972, when the President had taken firm action for the bombing in the North and the blockading of the harbor in North Vietnam.

The distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) at that time said:

The White House will have to show tremendous diplomatic skills in the next 3 days or we could be in World War III.

Of course, he was dead wrong then, except that the administration appar-

ently exhibited those extraordinary diplomatic skills that resulted in the averting of world war III and the end of that war in Southeast Asia.

A policy of strength for America is good for us and a policy, that I interpret as one of weakness, is not good for America. The best illustration of how strength produces results is the military strength and the character and resolve of the Israelis in the Middle East. They are faced with some 50 or 60 million Arabs on the one hand and they have 6 million to 8 million people in Israel itself. Because they are strong militarily and because they have strength of character and resoluteness, the country is moving ahead and the opposition is on the defensive.

At no time in the history of this country have we achieved results by standing still or backing off. My interpretation, without commenting on how one person or another voted on the vote that was just taken, is that an affirmative vote for the Addabbo or Long amendment is a backing off from a responsibility that could lead to dire and serious consequences not only in Southeast Asia but the world as a whole. It amazes me as well as disappoints me that the House of Representatives, that has a track record of strength and firmness, is now cringing and crumbling. I am disappointed and saddened. I strongly oppose the Long amendment as I did the Addabbo amendment.

AMENDMENT OFFERED BY MR. STRATTON TO THE AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. STRATTON. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Maryland (Mr. LONG).

The Clerk read as follows:

Amendment offered by Mr. STRATTON to the amendment offered by Mr. LONG of Maryland: At the end of the amendment, strike out the period, insert a semicolon, and add the following words:

"Except that no such limitation shall take effect until after the projected meeting between Dr. Kissinger and Le Duc Tho looking toward improved cease-fire compliance has been held and a full report on its results made to the Congress; or if such a meeting is not held, until the President has reported fully to the Congress the reasons therefore; but in no event shall such delay continue for more than 3 months".

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) is recognized in support of his amendment.

Mr. STRATTON. Mr. Chairman, I would like to explain what I attempted to say in this amendment.

Mr. LONG of Maryland. Mr. Chairman, I object to the Stratton amendment on the ground that it is vague.

Mr. Chairman, I make the point of order that the amendment is vague and out of order because it is vague. It refers to people such as Kissinger and Le Duc Tho and it is not the type of language that fits in with the legislative action we are taking. In addition, it is legislation on an appropriation bill.

Mr. STRATTON. Mr. Chairman, will the gentleman from Maryland withhold his point of order until I have had a chance to speak on the amendment. I

did not yield to the gentleman from Maryland, Mr. Chairman.

The CHAIRMAN. Will the gentleman from Maryland reserve his point of order until the gentleman from New York has explained his amendment?

Mr. LONG of Maryland. Yes, Mr. Chairman.

Mr. STRATTON. Mr. Chairman, I have been tempted to say that because this matter has already been debated in full I shall not take my full 5 minutes in explaining this amendment.

But I shall not do so. Why? Because the interesting thing about the vote that just took place on the Addabbo amendment is that for the first 5 or 6 minutes, when those who had been in the Chamber during the debate were voting, the opposition to the amendment was leading by a very substantial majority. It was only when those Members who had been over in their offices, who had had their minds already made up in advance, who had not had a chance to listen to the debate, came over and voted that the majority switched in the other direction.

Therefore, I would like to say just a few things about this particular amendment of mine and the specific situation which we now face.

The debate a few moments ago made it perfectly clear that the adoption of the Addabbo amendment would not stop bombing operations in Cambodia. We ought to be perfectly clear on that. The amendment's adoption simply means that in order to get the funds for those operations, the Defense Department will have to cease operations in the Mediterranean, in the Middle East, in the Atlantic, and in other key areas, including the United States until the end of the fiscal year.

But now the Long amendment would specifically prevent any combat operations in or over Cambodia. Therefore this is the point at which the crunch is really going to be felt. So I think it is worth repeating again what was said at the time of the earlier debate on the Addabbo amendment, that a cease-fire in Cambodia is part of the original agreement worked out with the North Vietnamese with the help of the Russians and Chinese.

We have now achieved a major part of that cease-fire agreement. We have a cease-fire in both Vietnam and Laos, but the understanding with all those parties in January was that we would continue military operations in Cambodia until we had achieved a cease-fire there as well.

So I believe this Congress would be ill-advised to take this last step to prevent the continuation of these Cambodian operations long enough to see what the talks between Dr. Kissinger and Tho are going to achieve. Perhaps they will not get a cease-fire. Perhaps they will break down; but my amendment to the Long amendment puts off the ban on Cambodian operations long enough so that the upcoming cease-fire talks between Dr. Kissinger and Tho may have a chance to succeed.

In no event, however, will this limitation persist more than 3 months. Perhaps we ought to make it less than 3 months, but we ought at least to give an opportunity for these negotiations to

go forward before we clamp down on any possibility of a cease-fire in Cambodia.

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

Mr. STRATTON. I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, as I understand the amendment of the distinguished gentleman from New York, it is simply to reaffirm the desire of the Congress for a negotiated settlement of the fighting in Cambodia, and would make it clear that any other action that we may have taken not preclude our desire for a negotiated ending of the war. In other words it would approve the forthcoming negotiations.

Mr. STRATTON. The gentleman is exactly correct. I do not think we in the House really want to take on the responsibility of having done something which people might later on say, "This was an action of the Congress that made it impossible for us to get a cease-fire in Cambodia, which virtually assured that the cease-fire in Vietnam would not be effective either."

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

Mr. STRATTON. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, is it not true that the January agreement provides that no outside party shall conduct any military operations in or over Cambodia?

Mr. STRATTON. The same agreement provides that all foreign forces shall be withdrawn from Laos and Cambodia. Yet the North Vietnamese have not so far withdrawn their forces.

There was an understanding with the North Vietnamese and with the Russians and with the Chinese, however. I had the privilege of being at the White House the day after the cease-fire announcement was made. It was made very clear by Dr. Kissinger and by the President, that we would continue to conduct operations in Laos until there was a cease-fire agreement there, and both sides would also continue to conduct operations in Cambodia until there was a cease-fire there.

We finally got a cease-fire in Laos. Dr. Kissinger at the time indicated, however, that it would be more complicated to get a cease-fire in Cambodia and might take us a little longer.

#### POINT OF ORDER

The CHAIRMAN. Does the gentleman from Maryland insist on his point of order?

Mr. LONG of Maryland. I do, Mr. Chairman. I make a point of order against the gentleman's amendment on the ground that it is legislation on an appropriation bill, and it is legislation because it imposes additional duties on the President. Therefore, it is out of order.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. STRATTON. Yes, Mr. Chairman. I do wish to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STRATTON. Mr. Chairman, the amendment of the gentleman from Maryland imposes a limitation on the

expenditure of funds contained in the bill from the Committee on Appropriations. My amendment simply defines a precise time limit for that limitation. It imposes no obligation on anyone else. It simply indicates the length of time during which this limitation shall or shall not be imposed. Therefore, it does not represent any limitation or legislation on an appropriation bill.

The CHAIRMAN (Mr. BROOKS). The Chair is prepared to rule.

The amendment offered by the gentleman from Maryland is a limitation on expenditures. The amendment to the amendment offered by the gentleman from New York is a time limitation, but it is also legislation, in that it would require additional responsibilities and duties. It would require individuals to report, and finally the President to report. It would be legislation.

Therefore, the Chair sustains the point of order.

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

I would not have asked for this recognition had I not been sitting in the Chamber when the distinguished minority leader made the statement which he made and which I accepted with respect for the sincerity with which he spoke.

I believe there is something more significant in the decisionmaking going on in this House right now than many who are sitting in this Chamber realize.

It has seemed to me a marching of the events of history is being determined here. I have watched these forces rolling to this point for some time.

I should like to draw attention to this historical perspective. Without any showing of cause or blame on the part of anybody, or any partisans throughout this history, I should like the Members to realize that since the beginning of this century, starting with World War I, this country has had to take a position in history of being concerned about security and being involved in military conflict or the threat of military conflict. In that concern and in that history we have had to place at the front end of our policy decisionmaking, and it has been the responsibility of the House throughout all of that to put in front of our policy decisionmaking military-security considerations; dominating, forcing the decision-making of this House.

During that history the economics of this country has been in a tandem position with our military and security forces, and the Government and politics has simply been the servant to that.

We are at a point of change in this world and in this House. It is in the future the role of the military to be in the third position rather than the first. And it is not going to help, in the fact that there is going to be a change as to who is going to be in charge of the decision-making in this House, and the military and Armed Forces are not going to be as powerful.

The thing we are saying now is that the country must accept and face up to the responsibility of this country's power not being in the military but in the economics, with the Government and politics in tandem with the economics, in trying to solve the problems of the world

instead of destroying the people of the world.

I believe this is the thrust of history which lies before us. We should not be afraid to accept it.

The words of the amendments we have voted on today point us in that direction of history, and I believe they should be supported.

PARLIAMENTARY INQUIRY

Mr. COLLIER. Mr. Chairman, I have a parliamentary inquiry, and I will make a point of order, if it is in order.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COLLIER. The parliamentary inquiry is this: Did we not waive points of order by earlier action of this House? If we did, how, then, is a point of order in order when points of order have been waived?

The CHAIRMAN. The rule only waived points of order against provisions of the bill not against amendments offered from the floor to that legislation.

Mr. COLLIER. Mr. Chairman, would not the amendment offered by the gentleman from Maryland (Mr. LONG), be in and of itself under that waiver, and, therefore, any subsequent point of order on an amendment thereto would be equally out of order?

The CHAIRMAN. Any amendment offered on the floor could be subject to a point of order. No Member raised a point of order against the amendment offered by the gentleman from Maryland (Mr. LONG). A point of order was raised against an amendment to that amendment. It was sustained. That is the situation existing at this time.

Mr. COLLIER. I thank the Chairman. AMENDMENT OFFERED BY MR. STRATTON TO THE AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. STRATTON. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Maryland (Mr. LONG).

The Clerk read as follows:

Amendment offered by Mr. STRATTON to the amendment offered by Mr. LONG of Maryland:

At the end of the amendment, strike out the period, insert a semicolon, and add the following words:

"Except that no limitation shall take effect for 2 months."

Mr. STRATTON. Mr. Chairman, this amendment has been revised from the previous form to make it consistent with the point of order raised by the gentleman from Maryland (Mr. LONG). I have conferred with the Parliamentarian, and believe there is no point of order that could now be properly lodged against this amendment. This new amendment basically accomplishes the same thing as the one previously ruled out of order. It gives us 2 months to see what these new diplomatic conversations will produce, before the boom falls. If this House wants to act responsibly, then we should add this amendment of mine to the amendment offered by the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I make a point of order that the amendment is out of order.

The CHAIRMAN. The gentleman from Maryland (Mr. LONG) is making his point of order too late.

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

Mr. Chairman, as most of you know, I have not taken the floor on too many occasions since I have been serving in Congress.

But today I find many in the same position as the fellow was one time when he was in church and the preacher asked for a call of all those present who wanted to go to heaven, and everybody stood up except my friend down there in the front pew who was sound asleep. Then the preacher asked if anybody wanted to go to hell. He said it so loud and made so much fuss that it woke the old fellow up, and he jumped right straight up in the air, looked all around and got embarrassed, and he said, "Preacher, I do not know what we are voting on, but it looks like me and you are the only two that are in favor of it."

Mr. Chairman, I think we are in that position today. Really I think we have been asleep. I really cannot believe that this has happened on the floor of the Congress of the United States, and I believe that history will look back in the future and will show that Cambodia and Laos and the other countries in Southeast Asia fell to communism, and people, millions of them, lost their freedoms because we just plain sold them out. I cannot conceive of it.

We have been a leader in this world for years and years, and for the first time we have ducked our heads and gone home and told the rest of the world "to go to blazes and take care of yourselves." I cannot believe it.

Mr. Chairman, I would ask my colleagues here today to imagine such a debate as ours occurring in Russia or Red China. Would it be permitted in North Vietnam? What if the Communist forces in Cambodia, half of which are North Vietnamese, are successful in taking over the legal government there? Would any criticism of their policy be allowed?

These questions answer themselves, Mr. Chairman, and those answers should serve to remind us where the real enemy of freedom lies. Unfortunately, however, while most of us would agree that life under communism would be highly unpleasant, many individuals seem to think that is not their problem. They have their freedom here in America, and they refuse to acknowledge communism's threat to us.

One of my favorite figures of South Carolina history was a young man whose name goes unrecorded, but whose actions have special significance for us today. He left his home and family and traveled all the way to Texas "to fight for my country." Like the rest who fought at the Alamo, he died a hero. Of course, Texas was not even a part of his country at that time, but he could see the threat.

As leaders of the free world, we have an obligation to help small nations remain free. In addition to the moral responsibilities we have, we should be able to consider our own self interests. Either we fight now or we fight later. Personally, I would rather fight communism in far away Southeast Asia than right here in Washington. I would rather be responsible for the fighting now than to

leave it with my children to worry about in years to come.

Those who keep introducing or voting for resolutions which seek to hamper our efforts in Southeast Asia must admit one of two things. Either they believe that left alone, communism will cease its aggressions, which is naive in the extreme, or that they just do not care whether those countries go Communist or not. How can they continue to parade their concern for the poor, the downtrodden, and those who cannot take care of themselves, and still be willing to abandon an entire people to communism? They urge that we spend billions to build schools and hospitals overseas, and then turn around and shout "No" when we are asked to help a country preserve its freedom. They should ask our recently released prisoners of war what freedom means to a man, and which of these needs is most important.

Yesterday, Mr. Chairman, I witnessed a sorry spectacle. As a result of legislation introduced in the U.S. Congress, the Secretary of Defense was directed to provide information regarding our military activities in Cambodia. This included such strategic details as number of sorties flown by our planes over Cambodia and Laos, tonnage of bombs and shells fired or dropped on both countries, cost of every imaginable factor of our military presence in that area, and even such information as numbers and rank of U.S. personnel located in Cambodia and Laos, nature of their activity in those countries, and the order of battle of all forces, including their current deployment and location.

Mr. Chairman, there are just two final points I want to make. No. 1, I want the RECORD to show that I have never asked any question, the answer to which would give aid or comfort to the enemy. I have not requested nor been responsible for helping to make any information available to the enemy which could result in putting U.S. personnel or any other free world citizens in jeopardy of Communist attack.

Finally, without our help Cambodia and Laos will surely fall to communism because of Communist help from outside those countries. I will not permit my name to be recorded in history as one who, because of a lack of resolve, allowed two more countries to go under, bringing us one step closer to the day when we will be the only free nation left in a hostile world.

Each of you has to decide how to vote on the issue at hand. There may be short-term or expedient reasons for your position, but remember that history is long winded; and in my opinion, history will show clearly the tragic consequences of our actions if we do not support freedom in Southeast Asia.

We still have a little time to redeem ourselves. This amendment to the amendment which we are voting on today will at least redeem us in the eyes of the world to some extent. I know it will not do much good, but I want to repeat some words to you that the late President Kennedy uttered when he committed this country to an undertaking when he was inaugurated. Here is what he said, and you can rationalize

your vote in any way you want to. He committed this country to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to insure the survival and the success of liberty." Now rationalize that.

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

Mr. Chairman, I shall not delay the House unduly. I want to make only one point, and that is what the effect of the so-called Stratton amendment would be. This is a "cute" amendment.

It proposes to delay the operation of the Long amendment by 2 months, which will take its operation beyond the expiration of this fiscal year on June 30. The funds in this supplemental appropriation bill are for the last remaining 2 months of this fiscal year. They end on June 30. Therefore, the effect of the Stratton amendment will just be to make the Long amendment moot and inoperative and of no use at all. If ever there was "a fast one," to use the language of the street, this amendment is it.

I urge the defeat of the Stratton amendment.

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

Mr. Chairman, the problem which torments and plagues us is the fact that we have continued bombing going on in Cambodia. We have announced to the world that we have ceased the fighting. Our troops have come home, and I think that the whole world cries for peace and for a complete cessation of bombing and fighting. The nerve spot now is Cambodia.

I do not think the people can understand how we can have peace and march toward a conclusion of this controversy by having continued bombing.

Mr. Chairman, the amendment we have just passed went much further than I would have liked. I would have hoped that we could have had a chance to vote on the Long amendment first, which limits this to Cambodia.

It is the President's judgment that the best way to bring a conclusion to these hostilities is by a continuation of the use of force. I respect his position; he may be right. Each of us has to try to do what is the best thing to really conclude this. The President is going to keep up the bombing or he is going to take those steps which he thinks are his prerogative. He has that right, and we can all hope whatever he does is the right thing for us.

I do not disagree with that. I do, though, hesitate to say that we the Congress want to try to be the generals on the floor. I do not prefer an amendment that said there would be no combat activity in any part of Indochina; though I supported the previous amendment with heavy heart. What we want to do is stop the fighting and bombing in Cambodia. I think the President ought to have the right to have ships lay off the coast and ought to have the right to have troops in Thailand or other nations there. I think he has a right to have airmen in any of our bases. He has a right to take action in any place in the world that he thinks is best at the time where something occurs. I do not want

to strap him and tie his hands, but the vote we just took I think is an expression to the American people and to the administration that we want to stop this Cambodia bombing. I do not interpret the Addabbo amendment as an attempt to be the generals. It was a voice of protest against further bombing in Cambodia.

We want to stop this Cambodia bombing, and the thing that I think we can do most properly right now is to prevent transfer of funds that allows bombing in Cambodia. For this reason I support the gentleman's amendment. I think it is the best way to go about it. I hope we do not, whatever ends up in the final approach in the Congress, take a step that unduly ties the hands of the President too broadly. But I do think the people want the bombing in Cambodia to be stopped. If my friends here on the Republican side of the aisle could vote with this amendment, because it is more desirable to them than what they had before, then I think the people on the Democratic side of the aisle ought to be able to feel that this is a clear limitation designed to cause the cessation of the bombing in Cambodia. We would hope then that the House of Representatives could find a common ground on this amendment.

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

Mr. PICKLE. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I agree with the gentleman from Texas. I think it is too bad that we did not vote on the amendment offered by the gentleman from Maryland (Mr. LONG) first, because I think it sets forth the point that the Members of the House were trying to make with reference to the amendment that was adopted because, as the gentleman from Texas has said, it really goes much further, and really makes it difficult to operate our armed forces of the United States.

Mr. PICKLE. The amendment passed by the House was protesting the continuation of the bombing in Cambodia and not really an attempt to try to tie the hands of the President, and for that reason the Long amendment is more desirable.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

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

Mr. CHARLES H. WILSON of California. Mr. Chairman, would not the gentleman also agree that the amendment offered by the gentleman from New York (Mr. STRATTON) is unnecessary in that a 2-month limitation, as the gentleman is attempting to put over, has no meaning whatsoever? Two months from when?

Mr. PICKLE. Mr. Chairman, I would state that I think the gentleman from New York could probably better speak as to his amendment. I think this bombing will go on for the next 60 days; anyway they will take funds from other sources, and the amendment does not add to it, the only thing it does is to extend the time pending further negotiations.

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

Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from Maryland (Mr. LONG) and the amendment offered by the gentleman from New York (Mr. STRATTON) to that amendment, close in 10 minutes.

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

There was no objection.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland (Mr. LONG).

The Long amendment says that none of the funds herein appropriated to the Department of Defense under this act shall be expended directly or indirectly for combat activity in Cambodia, and so forth.

Well, Mr. Chairman, there is not a great deal of money in this bill that relates to the fighting in Cambodia. There was \$6 billion in Air Force operation and maintenance funds in the regular Defense Appropriation bill for the current year which totalled \$76 billion. In all probability, only a very limited amount of money in this bill would be required for the remainder of this fiscal year in connection with the operations in Cambodia.

Frankly, I do not know what the interpretation of the Defense Department may be with respect to the amendment. But I think the arguments which many of the Members made against the Addabbo amendment would to a considerable extent apply to this amendment, and I would hope that the amendment will not be approved.

The House of Representatives has placed itself on record today as being in favor of stopping the bombing in Cambodia. That is very clear. The implication of the Addabbo amendment is that we should stop the bombing in Cambodia. So, as an expression of the will of the House I think that that has been made crystal clear. Is not adopting the Addabbo amendment going far enough at this time in expressing the sense of the House of Representatives?

I would hope we could stop there and give the President some flexibility, bearing in mind the will of the House of Representatives, to proceed without having his hands tied more tightly at this critical period in trying to wind down the war.

I do not think we should undertake to manage the war to the extent that the amendment of the gentleman from Maryland proposes. We made crystal clear what the majority view of the House is. Let us stop it there and not for the moment restrict the Commander in Chief further in his efforts to wind down the war and bring it to the most successful conclusion that may be possible. How successful it may be cannot be determined at this time. No one can guarantee what will happen.

As I said earlier, Mr. Chairman, to act in haste, to act in a moment of emotion, is not necessarily befitting this great Nation. It seems to me that we ought to

give a little time here. Many times in the history of this world great mistakes have been made because people and nations have, under the stress of emotion and haste, taken actions which they later regretted. Perhaps we and the President can live with the Addabbo amendment; but it seems quite difficult to interpret the Long amendment in such a way as to give the President the flexibility that he might need to try to wind down the war, toward which a great deal of progress has been made. About 540,000 troops have been removed from South Vietnam. The President has obtained a cease-fire in Vietnam and in Laos. Give him the opportunity to finish the job in Cambodia.

The CHAIRMAN. Members standing at the time the unanimous-consent agreement was entered will be recognized for 2 minutes each.

The gentleman from Maryland (Mr. LONG) is recognized.

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

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) is recognized.

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

The CHAIRMAN. The gentleman from California (Mr. Moss) is recognized.

Mr. MOSS. Mr. Chairman, I find that it is rather difficult to determine what the amendment we have adopted does, because we are told on the one hand that it does absolutely nothing, and on the other hand we are told that it fashions the handcuffs for the President, takes away all flexibility, and renders it impossible to adequately discharge whatever duties are envisioned in this legislation. Obviously we cannot have both situations arising as a result of the adoption of the amendment. I believe we did right in adopting the Flynt-Addabbo-Giaimo amendment. But in order that we not really create confusion, I would urge that we not adopt the Stratton amendment.

I think the others we can understand and live with.

The CHAIRMAN. The gentleman from California (Mr. LEGGETT) is recognized.

Mr. LEGGETT. Mr. Chairman, I rise in support of the Long amendment and in opposition to the Stratton amendment.

I do not think the 60 days are either going to get us any votes or any more reason in this conflagration. As I understand the Long amendment, the real intent here is to gain back the power of the Congress under article I, section 8. That is the war power. We have been seduced into a war by indirection, authorizations, and appropriations for 10 or 15 years. Now we are getting out of the bombing program by the previous amendment, and I would hope that we could go ahead and pass the Long amendment.

If we determine that we want to engage in combat operations in Thailand or in Cambodia or in Vietnam, at some other time let the President make his request and bring it to the Committee on Armed Services.

Let us consider it, and let us not have this halfhearted war by indirection, as we have had for the past 10 or 15 years, that I say has been ineffective, but I am not going to argue that now. I think the

gentleman's amendment is well taken. The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON) to the amendment offered by the gentleman from Maryland (Mr. LONG).

RECORDED VOTE

Mr. STRATTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 180, noes 219, not voting 34, as follows:

[Roll No. 137]

AYES—180

|                        |                 |                |
|------------------------|-----------------|----------------|
| Abdnor                 | Gettys          | Passman        |
| Arends                 | Goldwater       | Pettis         |
| Armstrong              | Goodling        | Pickle         |
| Ashbrook               | Grover          | Poage          |
| Bafalis                | Gubser          | Powell, Ohio   |
| Baker                  | Guyer           | Quie           |
| Beard                  | Hammer-         | Quillen        |
| Bell                   | schmidt         | Regula         |
| Bevill                 | Hanrahan        | Rhodes         |
| Bowen                  | Hansen, Idaho   | Roberts        |
| Bray                   | Harsha          | Robinson, Va.  |
| Breckinridge           | Hastings        | Roncallo, N.Y. |
| Brinkley               | Hays            | Rousselot      |
| Brooks                 | Hebert          | Runnels        |
| Broomfield             | Hinshaw         | Ruth           |
| Brotzman               | Hogan           | Satterfield    |
| Brown, Mich.           | Holt            | Saylor         |
| Broyhill, N.C.         | Horton          | Scherle        |
| Broyhill, Va.          | Hosmer          | Sebelius       |
| Buchanan               | Huber           | Shriver        |
| Burgener               | Hudnut          | Shuster        |
| Burke, Fla.            | Hutchinson      | Sikes          |
| Burleson, Tex.         | Ichord          | Skubitz        |
| Burlison, Mo.          | Jarman          | Smith, N.Y.    |
| Butler                 | Johnson, Pa.    | Spence         |
| Byron                  | Jones, Ala.     | Stanton        |
| Casey, Tex.            | Kazen           | J. William     |
| Cederberg              | Keating         | Steed          |
| Chamberlain            | Kemp            | Steelman       |
| Chappell               | Kuykendall      | Steiger, Ariz. |
| Clancy                 | Landgrebe       | Steiger, Wis.  |
| Clausen,               | Latta           | Stephens       |
| Don H.                 | Lent            | Stratton       |
| Clawson, Del.          | Lott            | Talcott        |
| Cleveland              | Lujan           | Taylor, Mo.    |
| Cochran                | McCollister     | Taylor, N.C.   |
| Collier                | McEwen          | Teague, Calif. |
| Collins                | McFall          | Thompson, Wis. |
| Conable                | Madigan         | Towell, Nev.   |
| Conlan                 | Mahon           | Treen          |
| Daniel, Dan            | Maillard        | Waggoner       |
| Daniel, Robert W., Jr. | Mann            | Walsh          |
| Davis, Ga.             | Maraziti        | Wampler        |
| Davis, S.C.            | Martin, Nebr.   | Ware           |
| Davis, Wis.            | Martin, N.C.    | Whitehurst     |
| Dennis                 | Mathias, Calif. | Whitten        |
| Derwinski              | Mathis, Ga.     | Widnall        |
| Devine                 | Mayne           | Wiggins        |
| Dickinson              | Michel          | Williams       |
| Dorn                   | Milford         | Wilson, Bob    |
| Downing                | Mills, Md.      | Winn           |
| Duncan                 | Minshall, Ohio  | Wright         |
| Edwards, Ala.          | Mitchell, N.Y.  | Wyder          |
| Erlenborn              | Montgomery      | Wylie          |
| Eshleman               | Moorhead,       | Wyman          |
| Fisher                 | Calif.          | Young, Alaska  |
| Flowers                | Myers           | Young, Fla.    |
| Ford, Gerald R.        | Neisen          | Young, Ill.    |
| Forsythe               | Nichols         | Young, S.C.    |
| Frey                   | O'Brien         | Young, Tex.    |
| Froehlich              | Parris          | Zablocki       |

NOES—219

|                  |               |                 |
|------------------|---------------|-----------------|
| Abzug            | Boland        | Culver          |
| Adams            | Bolling       | Daniels,        |
| Addabbo          | Brademas      | Dominick V.     |
| Alexander        | Brasco        | Danielson       |
| Anderson, Calif. | Breaux        | Dellenback      |
| Anderson, Ill.   | Brown, Calif. | Dellums         |
| Andrews, N.C.    | Burke, Mass.  | Denholm         |
| Andrews, N. Dak. | Burton        | Dent            |
| Annunzio         | Carey, N.Y.   | Diggs           |
| Archer           | Carney, Ohio  | Dingell         |
| Ashley           | Chisholm      | Donohue         |
| Aspin            | Clark         | Drinan          |
| Badillo          | Clay          | Dulski          |
| Bennett          | Cohen         | du Pont         |
| Bergland         | Conte         | Eckhardt        |
| Biester          | Conyers       | Edwards, Calif. |
| Bingham          | Corman        | Eilberg         |
| Blatnik          | Cotter        | Esch            |
| Boggs            | Coughlin      | Evans, Colo.    |
|                  | Cronin        | Evans, Tenn.    |
|                  |               | Fascell         |

|         |                 |                |
|---------|-----------------|----------------|
| Findley | McClory         | Rooney, Pa.    |
| Fish    | McCloskey       | Rose           |
| Flood   | McDade          | Rosenthal      |
| Flynt   | McKinney        | Rostenkowski   |
| Foley   | Macdonald       | Roush          |
| Ford,   | Madden          | Roy            |
|         | William D.      | Royal          |
|         | Fountain        | Ruppe          |
|         | Fraser          | Ryan           |
|         | Frenzel         | St. Germain    |
|         | Fulton          | Sarasin        |
|         | Gaydos          | Sarbanes       |
|         | Gaimo           | Schneebeli     |
|         | Gibbons         | Schroeder      |
|         | Gilman          | Seiberling     |
|         | Ginn            | Shipley        |
|         | Gonzalez        | Shoup          |
|         | Grasso          | Sisk           |
|         | Gray            | Slack          |
|         | Green, Pa.      | Smith, Iowa    |
|         | Gross           | Snyder         |
|         | Gude            | Staggers       |
|         | Gunter          | Stanton,       |
|         | Haley           | James V.       |
|         | Hamilton        | Stark          |
|         | Hanley          | Steele         |
|         | Hanna           | Nedzi          |
|         | Hansen, Wash.   | Stokes         |
|         | Harrington      | Stuckey        |
|         | Harvey          | Studs          |
|         | Hawkins         | Sullivan       |
|         | Hechler, W. Va. | Symington      |
|         | Heckler, Mass.  | Thompson, N.J. |
|         | Heinz           | Thone          |
|         | Helstoski       | Thronton       |
|         | Henderson       | Tierman        |
|         | Hicks           | Udall          |
|         | Hillis          | Ullman         |
|         | Holfield        | Van Deerlin    |
|         | Holtzman        | Vanik          |
|         | Howard          | Vigorito       |
|         | Hungate         | Walddie        |
|         | Johnson, Calif. | Whalen         |
|         | Johnson, Colo.  | White          |
|         | Jones, N.C.     | Wilson,        |
|         | Jordan          | Charles H.,    |
|         | Karth           | Calif.         |
|         | Kastenmeier     | Charles, Tex.  |
|         | Koch            | Reid           |
|         | Kyros           | Rinaldo        |
|         | Landrum         | Wyatt          |
|         | Leggett         | Yates          |
|         | Litton          | Yatron         |
|         | Long, La.       | Roe            |
|         | Long, Md.       | Young, Ga.     |
|         |                 | Zwach          |

NOT VOTING—34

|               |              |              |
|---------------|--------------|--------------|
| Barrett       | Griffiths    | Price, Tex.  |
| Biaggi        | Hunt         | Riegle       |
| Blackburn     | Jones, Okla. | Rooney, N.Y. |
| Brown, Ohio   | Jones, Tenn. | Sandman      |
| Camp          | Ketchum      | Stubblefield |
| Carter        | King         | Symms        |
| Crane         | Kluczynski   | Teague, Tex. |
| de la Garza   | Lehman       | Vander Jagt  |
| Delaney       | McCormack    | Veysey       |
| Frelinghuysen | McKay        | Zion         |
| Fuqua         | McSpadden    |              |
| Green, Oreg.  | Mollohan     |              |

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. EVANS of Colorado. Mr. Chairman, I rise in support of the Addabbo and Long amendments to the second supplemental bill for fiscal year 1973.

My reasons for supporting the Long amendment are clear: the continued bombing of Cambodia by the U.S. Air Force is an outrage to our constitutional system of government. The bombing continues without a shred of legal justification. The Constitution, under article I, section 8, delegates to the Congress, not to the White House, the CIA, or the Pentagon, the authority to declare war and to commit troops of the United States to foreign combat. Air war is no less war than ground war. It imperils the safety of those in combat. It kills people. It endangers the security of the United States by bringing us to a foreign conflict without Congress considered approval. It also opens wide the door to

casualties among our military personnel and a new list of prisoners of war.

The Long amendment, which would prohibit the use of any money in this \$2.8 billion second supplemental for the support of American combat forces in Cambodia, serves as a solemn warning to the President of the United States that he continues to wage war not only without Congress approval, but also flatly in the face of express disapproval of continued warfare in Cambodia.

I join with my colleague from California (Mr. Moss) in shock and disbelief that this administration maintains that it will continue the bombing of Cambodia, whatever the Congress says in these or other amendments. I can only say that this cavalier attitude toward the Congress and the Constitution is deeply troubling to me, for it indicates that after all these years, the administration, like past administrations, has not learned the lesson that this war cannot be waged in the absence of congressional declaration, without causing grave damage to the moral and legal fabric of our country.

My reasons for supporting the Addabbo amendment are more complicated. As a member of the Appropriations Committee, I voted against this amendment when it came up in committee. I then reasoned that in striking out the entire \$430 million of transfer authority requested by the Defense Department we would go far beyond the issue of Cambodia and deny needed funds for other purposes. Some \$119.2 million of this amount was supposed to be spent for increased costs associated with inflation and dollar devaluation. We were assured by the Pentagon that there would be full explanations of these other items before this bill came up for a House vote, and that these further explanations would indicate why the Department needed the transfer authority for these other purposes. However, we have since examined this additional justification and I find it to be woefully lacking in detail, vague and to contain unsupported assertions. This late into fiscal year, the Department should do better than this. At stake is reprogramming of \$430 million, a significant sum which should not be permitted without greater detail and more explicit justification.

Further, the present vagueness of the Department's justification, together with the administration's cavalier attitude toward spending unauthorized funds to support military action in Cambodia, combine to convince me that these moneys must be firmly tied down to specifically approved items by this House.

For these reasons I have changed my mind and thus disapprove the transfer authority until we have greater confidence in the Department's justification.

**RECORDED VOTE**

Mr. LONG of Maryland. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by elector

The vote was taken by electronic de-

vice, and there were—ayes 224, noes 172, not voting 37, as follows:

[Roll No. 138]

|                         |                 |                                  |
|-------------------------|-----------------|----------------------------------|
| Abzug                   | Gilman          | Peyser                           |
| Adams                   | Ginn            | Pickle                           |
| Addabbo                 | Gonzalez        | Pike                             |
| Alexander               | Grasso          | Podell                           |
| Anderson,<br>Calif.     | Gray            | Preyer                           |
| Anderson, Ill.          | Green, Pa.      | Price, Ill.                      |
| Andrews, N.C.           | Gross           | Pritchard                        |
| Andrews,<br>N. Dak.     | Gude            | Railacks                         |
| Annunzio                | Gunter          | Randall                          |
| Archer                  | Hamilton        | Rangel                           |
| Ashbrook                | Hanley          | Barlick                          |
| Ashley                  | Hanna           | Rees                             |
| Aspin                   | Hansen, Idaho   | Reid                             |
| Badillo                 | Hansen, Wash.   | Reuss                            |
| Bennett                 | Harrington      | Rinaldo                          |
| Bergland                | Harvey          | Robison, N.Y.                    |
| Biester                 | Hastings        | Rodino                           |
| Blatnik                 | Hawkins         | Roe                              |
| Boggs                   | Hechler, W. Va. | Rogers                           |
| Boland                  | Heckler, Mass.  | Roncalio, Wyo.                   |
| Bolling                 | Heinz           | Rooney, Pa.                      |
| Brademas                | Heilstoksi      | Rose                             |
| Brasco                  | Henderson       | Rosenthal                        |
| Breaux                  | Hicks           | Rostenkowski                     |
| Brotzman                | Hillis          | Roush                            |
| Brown, Calif.           | Holifield       | Roy                              |
| Burke, Calif.           | Holtzman        | Royal                            |
| Burke, Mass.            | Howard          | Runnels                          |
| Burton                  | Hungate         | Ruppe                            |
| Carey, N.Y.             | Johnson, Calif. | Ryan                             |
| Carney, Ohio            | Johnson, Colo.  | St. Germain                      |
| Chisholm                | Jones, N.C.     | Sarasin                          |
| Clark                   | Jordan          | Sarbanes                         |
| Clay                    | Karth           | Schneebell                       |
| Cohen                   | Kastenmeier     | Schroeder                        |
| Conte                   | Koch            | Seiberling                       |
| Conyers                 | Kyros           | Shipley                          |
| Corman                  | Landrum         | Shoup                            |
| Cotter                  | Leggett         | Sisk                             |
| Coughlin                | Litton          | Slack                            |
| Cronin                  | Long, La.       | Smith, Iowa                      |
| Culver                  | Long, Md.       | Smith, N.Y.                      |
| Daniels,<br>Dominick V. | Lujan           | Snyder                           |
| Danielson               | McCloskey       | Stanton,<br>James V.             |
| Dellenback              | McDade          | Stark                            |
| Dellums                 | McKinney        | Steele                           |
| Dent                    | Macdonald       | Stokes                           |
| Diggs                   | Madden          | Stuckey                          |
| Dingell                 | Madigan         | Studs                            |
| Donohue                 | Mallary         | Sullivan                         |
| Downing                 | Mann            | Symington                        |
| Drinan                  | Matsunaga       | Thompson, N.                     |
| Dulski                  | Mazzoli         | Thone                            |
| du Pont                 | Meeds           | Thornton                         |
| Eckhardt                | Meicher         | Tiernan                          |
| Edwards, Calif.         | Mezvinsky       | Udall                            |
| Ellberg                 | Miller          | Ullman                           |
| Esch                    | Mills, Ark.     | Van Deerlin                      |
| Evans, Colo.            | Minish          | Vank                             |
| Evins, Tenn.            | Mink            | Vigorito                         |
| Fascell                 | Mitchell, Md.   | Waldie                           |
| Findley                 | Moakley         | Whalen                           |
| Fish                    | Moorhead, Pa.   | White                            |
| Flynt                   | Morgan          | Widnall                          |
| Foley                   | Mosher          | Wilson,<br>Charles H.,<br>Calif. |
| Ford,                   | Moss            | Wilson,<br>Charles, Tex.         |
| William D.              | Murphy, Ill.    | Wolff                            |
| Forsythe                | Natcher         | Wyatt                            |
| Fountain                | Nix             | Yates                            |
| Fraser                  | Obey            | Yatron                           |
| Frenzel                 | O'Hara          | Young, Ga.                       |
| Fulton                  | O'Neill         | Zwach                            |
| Gaydos                  | Owens           |                                  |
| Gialmo                  | Patten          |                                  |
| Gibbons                 | Pepper          |                                  |
|                         | Perkins         |                                  |
|                         | Pettis          |                                  |
|                         |                 | NOES—172                         |
| Abdnor                  | Burlison, Mo.   | Davis, S.C.                      |
| Arends                  | Butler          | Davis, Wis.                      |
| Armstrong               | Byron           | Denholm                          |
| Bafalis                 | Casey, Tex.     | Dennis                           |
| Baker                   | Cederberg       | Derwinski                        |
| Beard                   | Chamberlain     | Devine                           |
| Bell                    | Chappell        | Dickinson                        |
| Bevill                  | Clancy          | Dorn                             |
| Bowen                   | Clausen,        | Duncan                           |
| Bray                    | Don H.          | Edwards, Ala.                    |
| Breckinridge            | Clawson, Del.   | Erlenborn                        |
| Brinkley                | Cleveland       | Eshleman                         |
| Brooks                  | Cochran         | Fisher                           |
| Broomfield              | Collier         | Flood                            |
| Brown, Mich.            | Collins         | Flowers                          |
| Bryohl, N.C.            | Conable         | Ford, Gerald F.                  |
| Bryohl, Va.             | Conlan          | Frey                             |
| Buchanan                | Daniel, Dan     | Froehlich                        |
| Burgener                | Daniel, Robert  | Gettys                           |
| Burke, Fla.             | W., Jr.         | Goldwater                        |
| Burleson, Tex.          | Davis, Ga.      | Goodling                         |

|               |                 |                |
|---------------|-----------------|----------------|
| Grover        | Mathias, Calif. | Skubitz        |
| Gubser        | Mathis, Ga.     | Spence         |
| Guyer         | Mayne           | Staggers       |
| Haley         | Michel          | Stanton,       |
| Hammer-       | Milford         | J. William     |
| schmidt       | Mills, Md.      | Steed          |
| Hanrahan      | Minshall, Ohio  | Steelman       |
| Harsha        | Mitchell, N.Y.  | Steiger, Ariz. |
| Hays          | Mizell          | Steiger, Wis.  |
| Hébert        | Montgomery      | Stephens       |
| Hinshaw       | Moorehead,      | Stratton       |
| Hogan         | Calif.          | Talcott        |
| Holt          | Murphy, N.Y.    | Taylor, Mo.    |
| Horton        | Myers           | Taylor, N.C.   |
| Hosmer        | Nelsen          | Teague, Calif. |
| Huber         | Nichols         | Thomson, Wis.  |
| Hudnut        | O'Brien         | Towell, Nev.   |
| Hutchinson    | Parris          | Treen          |
| Ichord        | Passman         | Waggonner      |
| Jarman        | Patman          | Walsh          |
| Johnson, Pa.  | Poage           | Wampler        |
| Jones, Ala.   | Powell, Ohio    | Ware           |
| Kazen         | Quile           | Whitehurst     |
| Keating       | Quillen         | Whitten        |
| Kemp          | Regula          | Wiggins        |
| Kuykendall    | Rhodes          | Williams       |
| Landgrebe     | Roberts         | Wilson, Bob    |
| Latta         | Robinson, Va.   | Winn           |
| Lent          | Roncallo, N.Y.  | Wright         |
| Lott          | Rousselot       | Wydler         |
| McCollister   | Ruch            | Wylie          |
| McEwen        | Satterfield     | Wyman          |
| McFail        | Saylor          | Young, Alaska  |
| Mahon         | Scherle         | Young, Fla.    |
| Maillard      | Sebelius        | Young, Ill.    |
| Maraziti      | Shriver         | Young, S.C.    |
| Martin, Nebr. | Shuster         | Young, Tex.    |
| Martin, N.C.  | Sikes           | Zablocki       |

NOT VOTING—3'

|               |              |              |
|---------------|--------------|--------------|
| Barrett       | Griffiths    | Molohan      |
| Biaggi        | Hunt         | Price, Tex.  |
| Bingham       | Jones, Okla. | Riegle       |
| Blackburn     | Jones, Tenn. | Rooney, N.Y. |
| Brown, Ohio   | Ketchum      | Sandman      |
| Camp          | King         | Stubblefield |
| Carter        | Kluczynski   | Symms        |
| Crane         | Lehman       | Teague, Tex. |
| de la Garza   | McClory      | Vander Jagt  |
| Delaney       | McCormack    | Veysey       |
| Frelinghuysen | McKay        | Zion         |
| Fuqua         | McSpadden    |              |
| Green, Oreg.  | Metcalfe     |              |

So the amendment was agreed to.  
The result of the vote was announced  
as above recorded.

The CHAIRMAN. The Clerk read as follows:

OFFICE OF EDUCATION  
HIGHER EDUCATION

For an additional amount for "Higher education", for carrying out, to the extent not otherwise provided, titles III, IV, section 745, and part B of title IX of the Higher Education Act, title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961 and the Emergency Insured Student Loan Act of 1969, \$226,510,000, of which not to exceed \$23,000,000 of the \$75,000,000 for strengthening developing institutions shall be available through December 31, 1973, and the following amounts shall remain available until expended: \$30,000,000 for subsidies on guaranteed student loans (in addition to amounts appropriated for this purpose by the Supplemental Appropriation Act, 1973), and \$14,069,000 for annual interest grants on subsidized construction loans: *Provided*, That the aggregate amount of contracts for annual interest grants entered into between July 1, 1972, and June 30, 1973, shall not exceed \$150,000,000.

AMENDMENT OFFERED BY MRS. MINK

Mrs. MINK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MINK: On page 10, after line 13, add the following:

**SCHOOL ASSISTANCE IN FEDERALLY AFFECTED  
AREAS**

The paragraph under this heading in Public Law 93-25 is amended by striking out "54%" and inserting in lieu thereof "68%."

Mrs. MINK. Mr. Chairman, this is the amendment which was the subject of discussion during the consideration of the rule making it possible for us to consider the supplemental appropriation bill today. It deals only with the area of impact aid category B. To refresh the memory of Members with respect to this amendment, it became necessary to offer this amendment because of the action taken under the urgent supplemental appropriation bill which we approved the day before the Easter recess, which in effect set a maximum limitation of funding for category B children under impact aid at 54 percent. That amendment also increased the allotment of funding for category A to 100 percent in those areas that were impacted by 25 percent or more.

My amendment does nothing with respect to category A. It leaves that entirely as it was amended, at 100 percent funding. All my amendment does is to remove the ceiling of 54 percent and change that ceiling to 68 percent which is the available money we now have under the item impact aid as approved by the continuing resolution which became law in March.

I do not seek one additional dollar of appropriations to fund category B. It is the same amount of money we appropriated in the continuing resolution, \$635 million. My amendment is necessary simply to remove the ceiling and make it possible for the additional moneys available in this account to be allotted to category B. If we do not vote for this amendment, \$66 million will remain unexpended.

I urge the Members to approve this amendment.

Mr. GONZALEZ. Mr. Chairman, I am delighted Representative MINK and I and others organized the effort to discuss this amendment.

I believe these funds can be an absolute necessity for many school districts across this Nation, for without them they will be in extraordinarily difficult situations.

For example, one of my school districts that receives category "B" funds would receive \$370,478 under the current plan for providing only 54 percent funding. This is \$100,000 short of what is absolutely necessary for this district to continue to function for the remainder of this school year.

How did this situation develop? It developed because these districts were advised that they would receive a certain amount of money under Public Law 874, only to be later advised that this money would not be available.

I do not believe this type of action to be fair to the administrators, faculty, or students of these institutions. After all, school budgets had been prepared based on specific funds available and it is inconceivable to me as to how anyone can expect these budgets to be met without providing the funds.

Teachers salaries will have to be cut, maintenance will have to be cut, and these school districts in general will be forced to discontinue many of their planned programs.

This to me is an intolerable situation

and I do not believe Congress should stand by and see this happen.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that an erroneous impression has been left here, I am sure not intentionally, but the gentlewoman from Hawaii said this does not affect category A recipients. I can tell the Members categorically and unequivocally that almost certainly if this amendment becomes law, it will reduce category A benefits, and I will explain in detail why.

Under the basic law both category A and category B must be apportioned equally. When the administration sent up their budget request last spring, they requested zero for B's, 90 percent for most A's and 100 percent for those districts heavily impacted with A's.

In order to get around the law, if one wants to say that, we must limit the B's in order to give more than that same percentage to the A's, so our committee in reporting the bill to the floor, in order to secure more for A's under the basic law, had to limit the B's. So we provided 74 percent to B's and limited them to that so we could give the balance of it to the A's, 100 percent for some and 90 percent for the balance.

The Hathaway amendment was offered on the floor. It struck out the language which limited the B's. Then later that bill was vetoed. Then we passed a continuing resolution and we are operating under that now. In the law that stands now there is no limitation on B's and, therefore, the administration was faced with apportioning whatever amount of money they were going to spend equally between A's and B's. They decided they would spend a total of \$415 million. It came out 54 percent for category A and B, equally.

They had no choice and could not take more for A's than for B's under those circumstances. When we had the supplemental appropriation bill up about 10 days ago, the administration said, "We will use \$415 million for B's, and we will spend it but we would also give 100 percent for the heavily impacted A's and 90 percent for other A's, provided you put a limitation on B's that holds them to the amount we are going to spend anyway, 54 percent."

The only way it could be done is in an appropriation bill is to limit B's to 54 percent, which is the amount they agreed to spend anyway, and so we went ahead and provided additional language so that they would use 100 percent for some A's and 90 percent for others. If you wipe out the 54-percent limitation with this amendment and make it 68 percent, the only way they can spend more than 68 percent for any of the A's is to go ahead and spend 68 percent for all the B's.

They have already said that they are not going to spend that amount of money so the net effect would be to the distribution for A's. This is not one of those bills which were vetoed and we overrode the veto. Therefore, a prerogative of Congress is not involved. This is one where we were still negotiating. We arrived at what we thought was the best that could be done under the circumstances by limiting the maximum to the amount they

agreed to spend on B's and adding language so they could use an additional \$85 million on A's.

What is going to happen if this amendment becomes law is that there is no way under the law they can spend the amount of money they have said they will spend on A's unless they also spend more than they are willing to spend on B's so they will reduce A's. Under the law and under their situation, there is no possible way of helping the B's unless they will change their minds and spend more total dollars.

Passage of this amendment would mean that the condition precedent goes back into effect and they could not spend more on A's than B's. They will probably say, "Then, we go back to our old position where we will have to spend the same amount on both—probably 54 percent." There is almost no possibility that passage of the amendment will result in more for B's than they are getting right now anyway but it is almost sure to result in less for A's. So we would be back where we were when we argued the Hathaway amendment. The question is, Do you want an issue or do you want money?

I tell you, these school districts, almost every one in the country, and in Hawaii the whole State because it is all one district—almost every one of the districts has A students and they cannot receive any benefits from one page of the CONGRESSIONAL RECORD that merely expresses your preference on the matter.

If the Members want the money for A's, they had better vote "no" on this amendment. The Members who want the full amount available for A's under the present law plus all they are willing to spend on B's anyway, should vote "no."

Mr. Chairman, I urge a "no" vote of this amendment.

Mrs. MINK. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, is it not true that the law now provides \$635 million available for impact aid?

Mr. SMITH of Iowa. That is the maximum they could use, but they are not willing to use that much.

Mrs. MINK. The law still provides \$635 million?

Mr. SMITH of Iowa. That is the maximum amount they can spend, yes.

Mrs. MINK. Yes, and in the urgent supplemental all we did was to say with regards to category A that it shall not be in excess of 90 percent; it shall not be in excess of 54 percent. It does not require the spending at that level. They have calculated precisely so that if A's are paid the 100 percent, 68 percent level of funding is possible for category B utilizing the \$635 million which we previously approved.

The law allows this funding and we have taken care of the division between categories A and B calling for 100-percent funding in A and 68-percent funding in B, utilizing the whole appropriation.

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

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for 1 additional minute.

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

Mr. SMITH of Iowa. Mr. Chairman, the fact still remains that the basic law has not been changed, and under the basic law they cannot spend more for A's until they have spent the same amount provided in the appropriation for B's. Therefore, if they do not spend the full 68 percent for B's, they cannot spend more than that amount for A's. They can go 58 percent for each, 60 percent for each, 68 percent for each, but they must go 68 percent for B's before they could spend more than 68 percent on A's.

Any way one looks at it, you should vote "no." It may hurt the A's if you adopt this amendment and there is no way it will as a practical matter result in more for B's.

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

Mr. Chairman, this amendment should be defeated today for reasons entirely unrelated to education.

For 8 years the Congress has been trying to do something about the war in Vietnam and about the war in Cambodia. Today the Congress has.

But if we adopt this amendment, we are going to fuzz it up. The President is still in a position to veto this bill and, if he does veto it, he will be in a position in which he can use the fact that the Congress passed this amendment as one of the reasons for his action. I do not want to see that happen.

I believe the issue should remain clear. The issue ought to be the amendment which we passed earlier today. There is no other consideration which is nearly as important as that war.

I would urge the Members not to give the President the opportunity to fuzz up the question, as he has done on so many other occasions. I urge the Members to turn this amendment down on those grounds.

Mr. PARRIS. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I rise in support of the amendment which would amend title I, chapter VII of H.R. 7447, to remove the ceiling on funding for category B students under the Federal impact aid program. The adoption of this amendment has been made mandatory by the enactment of Public Law 93-25, which contained a congressionally imposed limitation of 54 percent of entitlement for category B children.

Impacted funds for both A and B pupils are an integral portion of the income of those school districts that enroll large numbers of federally connected children. Local school districts in fact operate under the expectation that the Federal Government will continue to assume its traditional share of the cost of educating these children. For this reason, the enactment of Public Law 93-25 was most welcome to local school districts in that it increased the A proration to 90 percent of entitlement. However, we must also take action to remove the inadvertent limitation on funding for category B students if we are to expect public schools in federally impacted areas to continue to provide quality education for the youth of this Nation.

Mr. Chairman, for some time I have been convinced that full funding for the impact aid program must continue until such time as an adequate and viable substitute program has been instituted, and I have expressed that opinion publicly on a number of occasions. School fiscal decisions are necessarily made long before annual congressional action on this subject. In view of the fact that the 54-percent limitation has been enacted at such a transitory period for our local school districts, school budgets for the current and forthcoming school year are in serious jeopardy.

The amendment is quite simple, and, I might add, most reasonable in that it requires no further appropriation of funds. Under the Labor-HEW continuing resolution, \$635 million has already been appropriated for the impact aid program. If we are to increase funding for category B pupils to 68 percent of entitlement, we would still not exceed the \$635 million limitation of already available funds. Further, we would be doing a great service to our local school districts, which are in great need of the \$66 million which this amendment would make available.

I intend to cast my vote in favor of remedial action to remove the ceiling on funding for category B students, and I urge my colleagues to do likewise.

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

I shall take only a moment to urge the Members to take what the gentlemen from Wisconsin (Mr. OBEY) and the gentleman from Iowa (Mr. SMITH) have said as being an honest presentation of what the facts are. I concur in what they have said, and hope the amendment is defeated.

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

Mr. Chairman, I have sat over here many times in the last 100 years at this hour of night, and when some character stood up, like I am doing now, I was the loudest guy over there yelling "vote."

Half the time I made mistakes by doing that, because the guy down here was right and I was wrong.

This time, my friends, I say it is making a mistake. Listen to papa. I am the best friend you have in this thing, and you know it. It is all right for Members to get their names in the paper back home, and die for God, country, and Yale, but let me say that this thing was worked out very carefully with the Senate conferees on the urgent supplemental appropriation bill. We worked it out very, very carefully.

We raised the A's to 90 percent, and 100 percent for those ones 25 percent of enrollment.

When the President's budget came up, there was not a lousy dime in it for the B's, and we put funds in the appropriation bill for them. Under the President's budget, they would have had nothing, not a dime. We put it in at that time, for reasons Members know.

I told the Members what the reasons were, and they voted for them, and I got a big hand, "Great guy, Flood." I can only say, "You are the ones who did it. You applauded for what we did for you."

Now, when we come back here, it is said, "Flood, do not do that."

We have the 100 percent for the A's, as the gentleman from Iowa (Mr. SMITH) has said. We cannot do what this amendment seeks to do and not clip the A's. What are we going to use for money: Cigar store coupons or rubber bands?

The A's will be hurt—A's, triple A's, I am saying. Now, listen to me. Leave this bill alone.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii (Mrs. MINK).

The question was taken; and the chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mrs. MINK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 178, not voting 44, as follows:

|                        |                 |                    |
|------------------------|-----------------|--------------------|
| [Roll No. 139]         |                 |                    |
| AYES—211               |                 |                    |
| Abzug                  | Green, Pa.      | Perkins            |
| Adams                  | Grover          | Pettis             |
| Alexander              | Gubser          | Peyser             |
| Anderson,              | Gude            | Pike               |
| Calif.                 | Guyer           | Podel              |
| Armstrong              | Hamilton        | Preyer             |
| Badillo                | Hanna           | Price, III.        |
| Baker                  | Harsha          | Pritchard          |
| Beard                  | Hawkins         | Randall            |
| Bergland               | Hébert          | Rangel             |
| Beverly                | Heckler, Mass.  | Rees               |
| Blester                | Helstroski      | Reid               |
| Boggs                  | Henderson       | Roberts            |
| Bowen                  | Hicks           | Rodino             |
| Brademas               | Hillis          | Roe                |
| Brasco                 | Hinshaw         | Roncalio, Wyo.     |
| Breaux                 | Hogan           | Rooney, Va.        |
| Breckinridge           | Hollifield      | Rose               |
| Brinkley               | Holt            | Rosenthal          |
| Brotzman               | Holtzman        | Rostenkowski       |
| Brown, Calif.          | Hosmer          | Roush              |
| Broyhill, Va.          | Howard          | Rousset            |
| Burke, Calif.          | Hudnut          | Roy                |
| Burke, Mass.           | Hungate         | Royal              |
| Burton                 | Ichord          | Runnels            |
| Chappell               | Jarman          | Ruppe              |
| Clark                  | Johnson, Calif. | St Germain         |
| Clausen,               | Johnson, Colo.  | Sarasin            |
| Don H.                 | Jones, Ala.     | Sarbanes           |
| Clawson, Del           | Jones, N.C.     | Schroeder          |
| Clay                   | Karth           | Seiberling         |
| Cleveland              | Kastenmeier     | Shipley            |
| Conyers                | Kazan           | Shoup              |
| Corman                 | Koch            | Shriver            |
| Cronin                 | Kyros           | Shuster            |
| Daniel, Robert W., Jr. | Leggett         | Sikes              |
| Daniels,               | Litton          | Sisk               |
| Dominick V.            | Long, La.       | Skubitz            |
| Danielson              | Lott            | Snyder             |
| Davis, Ga.             | Lujan           | Spence             |
| Davis, S.C.            | McCollister     | Stagers            |
| Dellums                | McFall          | Stark              |
| Derwinski              | Macdonald       | Steed              |
| Dickinson              | Madden          | Steele             |
| Diggs                  | Madigan         | Stephens           |
| Dingell                | Maillard        | Stokes             |
| Donohue                | Maraziti        | Stuckey            |
| Downing                | Mathias, Calif. | Studds             |
| Drinan                 | Mathis, Ga.     | Talcott            |
| Duncan                 | Matsunaga       | Teague, Calif.     |
| du Pont                | Meeds           | Thompson, N.J.     |
| Eckhardt               | Melcher         | Thone              |
| Edwards, Calif.        | Millford        | Thornton           |
| Eilberg                | Mills, Md.      | Tierman            |
| Evans, Colo.           | Mink            | Towell, Nev.       |
| Fascell                | Mitchell, Md.   | Udall              |
| Fisher                 | Mitchell, N.Y.  | Ullman             |
| Flowers                | Moakley         | Van Deerlin        |
| Foley                  | Montgomery      | Waggoner           |
| Ford,                  | Moorhead,       | Walde              |
| William D.             | Calif.          | Whalen             |
| Fraser                 | Moss            | White              |
| Frey                   | Murphy, N.Y.    | Whitehurst         |
| Froehlich              | Natcher         | Wilson, Bob        |
| Gaydos                 | Nedzi           | Wilson,            |
| Gettys                 | Nichols         | Charles H., Calif. |
| Gilman                 | Nix             | Wright             |
| Ginn                   | O'Brien         | Wyman              |
| Goldwater              | O'Hara          | Young, Alaska      |
| Gonzalez               | Owens           | Young, Fla.        |
| Grasso                 | Parris          | Young, Ga.         |
| Gray                   | Patman          | Young, Tex.        |
|                        | Pepper          |                    |

## NOES—178

|                 |                 |                |
|-----------------|-----------------|----------------|
| Abdnor          | Ford, Gerald R. | O'Neill        |
| Addabbo         | Forsythe        | Passman        |
| Anderson, III.  | Fountain        | Patten         |
| Andrews, N.C.   | Frenzel         | Pickle         |
| Andrews,        | Fulton          | Poage          |
| N. Dak.         | Giaimo          | Powell, Ohio   |
| Annunzio        | Gibbons         | Quie           |
| Archer          | Goodling        | Rallsback      |
| Arends          | Gross           | Rarick         |
| Ashbrook        | Gunter          | Regula         |
| Ashley          | Haley           | Reuss          |
| Aspin           | Hammer-         | Rhodes         |
| Bafalis         | schmidt         | Rinaldo        |
| Bennett         | Hanley          | Robinson, Va.  |
| Bingham         | Hanrahan        | Robison, N.Y.  |
| Blatnik         | Hansen, Idaho   | Rogers         |
| Boland          | Hansen, Wash.   | Roncallo, N.Y. |
| Bolling         | Harrington      | Ruth           |
| Bray            | Harvey          | Satterfield    |
| Brooks          | Hastings        | Saylor         |
| Brown, Mich.    | Hays            | Scherle        |
| Bryohnill, N.C. | Hechler, W. Va. | Schneebell     |
| Buchanan        | Heinz           | Sebelius       |
| Burke, Fla.     | Horton          | Slack          |
| Burleson, Tex.  | Huber           | Smith, Iowa    |
| Burlison, Mo.   | Hutchinson      | Smith, N.Y.    |
| Butler          | Johnson, Pa.    | Stanton,       |
| Byron           | Jordan          | J. William     |
| Carey, N.Y.     | Keating         | Stanton,       |
| Carney, Ohio    | Kemp            | James V.       |
| Casey, Tex.     | Kuykendall      | Steelman       |
| Cederberg       | Landgrebe       | Steiger, Ariz. |
| Chamberlain     | Landrum         | Steiger, Wis.  |
| Chisholm        | Latta           | Stratton       |
| Clancy          | Lent            | Sullivan       |
| Cochran         | Long, Md.       | Symington      |
| Cohen           | McCloskey       | Taylor, Mo.    |
| Collier         | McDade          | Taylor, N.C.   |
| Collins         | McEwen          | Thomson, Wis.  |
| Conable         | McKinney        | Treen          |
| Conlan          | Mahon           | Vanik          |
| Conte           | Mallary         | Vigorito       |
| Cotter          | Mann            | Walsh          |
| Coughlin        | Martin, Nebr.   | Wampler        |
| Culver          | Martin, N.C.    | Ware           |
| Daniel, Dan     | Mayne           | Whitten        |
| Dellenback      | Mazzoli         | Widnall        |
| Denholm         | Mezvinsky       | Williams       |
| Dennis          | Michel          | Wilson         |
| Dent            | Miller          | Charles, Tex.  |
| Devine          | Mills, Ark.     | Winn           |
| Dorn            | Minish          | Wolff          |
| Dulski          | Minshall, Ohio  | Wyatt          |
| Edwards, Ala.   | Mizell          | Wydler         |
| Erlenborn       | Moorhead, Pa.   | Wylie          |
| Esch            | Morgan          | Yates          |
| Eshleman        | Mosher          | Yatron         |
| Evins, Tenn.    | Murphy, Ill.    | Young, Ill.    |
| Fish            | Myers           | Young, S.C.    |
| Flood           | Neilsen         | Zablocki       |
| Flynt           | Obey            | Zwach          |

## NOT VOTING—44

|               |              |              |
|---------------|--------------|--------------|
| Barrett       | Fuqua        | Mollohan     |
| Bell          | Green, Oreg. | Price, Tex.  |
| Biaggi        | Griffiths    | Quillen      |
| Blackburn     | Hunt         | Riegle       |
| Broomfield    | Jones, Okla. | Rooney, N.Y. |
| Brown, Ohio   | Jones, Tenn. | Ryan         |
| Burgener      | Ketchum      | Sandman      |
| Camp          | King         | Stubblefield |
| Carter        | Kluczynski   | Symms        |
| Crane         | Lehman       | Teague, Tex. |
| Davis, Wis.   | McClory      | Vander Jagt  |
| de la Garza   | McCormack    | Veysey       |
| Delaney       | McKay        | Wiggins      |
| Findley       | McSpadden    | Zion         |
| Frelinghuysen | Metcalfe     |              |

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read. The Clerk proceeded to read the bill.

Mr. MAHON [during the reading]. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I want to call attention to the item on page 20 of the bill providing for additional amounts for salaries and expenses for the Depart-

ment of State. This item is in a total of \$3,700,000. The importance of it is that it is one of several provisions in this bill which provide millions of dollars to take care of the devaluation of the dollar, in other words, what some are pleased to call the "shortfall" in the dollar when it was allegedly devalued by 10 percent on February 12, 1973.

With reference to this item in the bill, let me quote from the report as prepared by the Committee on Appropriations. It says:

Of the total allowed—

\$3,700,000—\$1,500,000 is for the establishment of a liaison office in Peking and \$2,200,000 is for increased dollar requirements resulting from the devaluation of the dollar announced on February 12, 1973, and related currency realignments.

Mr. Chairman, in the first place, the Constitution of the United States, article I, section 8, arms Congress with the exclusive, the sole authority to "coin money, regulate the value thereof, and of foreign coin."

Section 286c of title 22, United States Code, which is derived from section 5 of the Bretton Woods Agreements Act, provides as follows, and I quote:

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States . . . propose or agree to any change in the par value of the United States dollar. . . .

The Bretton Woods Agreements Act was contained in H.R. 3314 of the 79th Congress. It passed the House on June 7, 1945, was approved by the Senate on July 19, 1945, and was signed on July 31, 1945, becoming Public Law 79-171. It has not been repealed.

Presently pending in the House Banking and Currency Committee is H.R. 6912, the title of which is "To Amend the Par Value Modification Act, and for Other Purposes." The principal purpose of that legislative proposal is to legally validate a change in the par value of the U.S. dollar by increasing the price of gold. Moreover the Secretary of the Treasury Mr. Shultz, on February 19, 1973, wrote a letter to the Speaker of the House in which he said this:

The Bretton Woods Agreements Act prohibits any change in the par value of the dollar . . . without prior congressional approval and the proposed legislation would grant this approval.

In other words you here today, if you vote for this bill, will be voting to rubberstamp the unilateral action of the President and in violation of the law for the par value of the dollar has not been legally changed in the absence of legislation duly approved by both the House and Senate and signed by the President. That is why the rule waiving points of order was important. These unauthorized, illegal provisions in this bill in the millions of dollars—and this is just the beginning of the money to be expended to take care of the devaluation of the dollar—would all have been subject to points of order and therefore would have been stricken from the bill.

Do not ever again let me hear a Member of this House complain about the delegation of authority to the President if he or she votes for this bill, because

in voting for this bill today I say again that you will simply be rubberstamping an action that has never been authorized by the Congress of the United States as plainly stipulated in the law.

It is a sad commentary on the legislative branch of Government when it bends the knee to the executive branch and approves the expenditure of funds that are not only not authorized but are appropriated in violation of the law.

As I said earlier today, I have a feeling of regret that I have served in Congress to see this day.

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

Mr. Chairman, I serve as chairman of the Subcommittee on Agriculture and Consumer Protection. We have provided in this bill \$12,500,000 for emergency and other repairs to watershed dams and projects where they have been completed and turned over to the water management districts; \$2,500,000 for emergency conservation works. Our Subcommittee on Public Works has recommended that we include \$70.5 million in additional emergency funds for flood control damage in the Mississippi Valley for the remainder of this fiscal year or until July 1, 1973.

Mr. Chairman, I have here pictures of this highest flood of record. Words cannot describe the devastation. At this time the corps cannot estimate the eventual damage or cost. The corps and the Bureau of Management and Budget have agreed to have these figures as soon as the water levels are reduced so they can determine the damage.

I would like to read to you what the Corps of Engineers reported to me on April 25, 1973:

I quote:

U.S. CORPS OF ENGINEERS FACT SHEET  
Subject: Mississippi River Basin Flood of 1973

## PURPOSE

This fact sheet is to provide information concerning the present flood emergency in the Mississippi River Basin and the Corps of Engineers flood fighting activities under the authority of Public Law 99, 84th Congress, as amended.

## FACTS

1. In this high water of 1973, stages in the Middle Mississippi River between the Missouri and Ohio Rivers generally reached their highest levels of record. Extensive areas not protected by Federal levees have been inundated. A total of ninety-eight non-Federal levees have failed along the Missouri River and its tributaries. Backwater effect caused flooding on the unprotected Meramec River and along River Des Peres, which flows through south St. Louis. This same pattern continued below Cairo, Illinois, where the Ohio River joins the Mississippi. Extensive flooding took place in areas either unprotected or inadequately protected by private levees.

2. Approximately 2.3 million acres of the Yazoo Basin in Mississippi have been inundated from headwater flooding, resulting from six months of above-average rainfall culminated by a 10-inch storm. Seven non-Federal levees protecting suburban areas of Greenwood, Mississippi, have failed, causing extensive flooding. Flood control reservoirs behind Sardis, Enid, Grenada, and Arkabutla Dams have held back floodwaters from the watershed. All the spillways of these structures have been used and, except for Arkabutla, have been used for the first time since their construction.

3. In the lower Mississippi River, a number of emergency actions were carried out to facilitate usage of the various floodways should Mississippi River stages require their opening. The low areas of the 11-mile long upper fuse plug section of the Birds Point-New Madrid Floodway was raised to authorized grade. This provides protection for over 100,000 acres of rich farmland against a stage of 60 feet at Cairo, Illinois. The maximum stage reached at Cairo was 55.7 feet. Other actions included partially degrading the forebay levee at Morganza to an elevation satisfactory for floodway operation; and removing siltation from the forebay of Bonnet Carré by dredging to facilitate the proper operation of the floodway. Plans were developed and work is nearing completion for raising low spots in levees and floodways in the Atchafalaya Basin downstream from the Morganza Floodway and in the Morgan City, Louisiana, area.

4. Subsequent forecasts of the National Weather Service, the effects of wind and tide

on high river stages, and the potential detrimental effects of prolonged high stages on the Mississippi River levees, indicated a need to open the Bonnet Carré Spillway to protect the city of New Orleans. This was accomplished on 8 April 1973. Previously, this floodway was operated in 1937, 1945 and 1950.

5. High stages and erosive forces caused a serious scour condition at the low sill portion of the Old River Control Structure, resulting in a portion of the wingwall being toppled into the inflow channel. This problem threatened the integrity of the entire structure. To relieve the excessive pressure, the overbank structure, which passes flood flows from the Mississippi River to the Atchafalaya Basin Floodway, was opened on 15 April 1973.

6. On 17 April 1973, the Morganza Floodway was opened for the first time since its construction in 1953 to relieve the saturated levee conditions and lower the stages at the Old River Control Structure to lessen an ag-

gravating situation where emergency remedial work was being accomplished.

7. More than 1,450 Corps personnel are presently engaged in flood emergency activities, including 19 additional Corps officers called for duty from elsewhere in the United States. In addition, two reinforced companies (391 officers and enlisted personnel) from the 62d Engineer Battalion (Construction) are assisting in Morgan City, Louisiana.

8. Total damages incurred, to date, are estimated at more than \$190,000,000. An estimated 11,000,000 acres have been flooded, and more than 26,000 persons have been evacuated. On the other hand, it is estimated that Corps projects have prevented more than \$3.9 billion in damages from the initial flood crest and have prevented more than 17,000,000 additional acres from being flooded. A second crest, which is now near St. Louis, will account for as of April 26, 1973 additional damage prevention benefits. The total cost of the Mississippi River and Tributaries Project, to date, is \$1.8 billion.

#### MISSISSIPPI RIVER FLOOD, SPRING 1973

|                                 | Damages prevented (millions) | W/O Corps projects (millions) | Damages incurred (millions) | Acres flooded (Thousands) | People evacuated |  | Damages prevented (millions) | W/O Corps projects (millions) | Damages incurred (millions) | Acres flooded (Thousands) | People evacuated |
|---------------------------------|------------------------------|-------------------------------|-----------------------------|---------------------------|------------------|--|------------------------------|-------------------------------|-----------------------------|---------------------------|------------------|
| St. Louis district              | \$200.0                      | \$235.0                       | \$35.0                      | 1,100                     | 8,050            |  |                              |                               |                             |                           |                  |
| Missouri                        | 80.0                         | 103.0                         | 23.0                        | 500                       | 4,550            |  |                              |                               |                             |                           |                  |
| Illinois                        | 120.0                        | 132.0                         | 12.0                        | 600                       | 3,500            |  |                              |                               |                             |                           |                  |
| Memphis district                | 151.7                        | 172.4                         | 20.7                        | 1,992                     | 6,510            |  |                              |                               |                             |                           |                  |
| Missouri                        | 28.9                         | 34.4                          | 5.5                         | 400                       | 2,450            |  |                              |                               |                             |                           |                  |
| Arkansas                        | 100.7                        | 106.0                         | 5.3                         | 1,099                     | 280              |  |                              |                               |                             |                           |                  |
| Kentucky                        | 6.6                          | 7.6                           | 1.0                         | 40                        | 280              |  |                              |                               |                             |                           |                  |
| Tennessee                       | 7.6                          | 14.9                          | 7.3                         | 321                       | 1,575            |  |                              |                               |                             |                           |                  |
| Mississippi                     |                              | 1.6                           | 1.6                         | 132                       | 1,925            |  |                              |                               |                             |                           |                  |
| Illinois                        | 7.9                          | 7.9                           | 0                           | 0                         | 0                |  |                              |                               |                             |                           |                  |
| Vicksburg district              | 1,954.0                      | 2,076.0                       | 122.0                       | 4,660                     | 10,995           |  |                              |                               |                             |                           |                  |
| Arkansas                        | 241.0                        | 249.0                         | 8.0                         | 630                       | 280              |  |                              |                               |                             |                           |                  |
| Mississippi                     | 742.0                        | 835.0                         | 93.0                        | 2,920                     | 8,400            |  |                              |                               |                             |                           |                  |
| Louisiana                       | 971.0                        | 992.0                         | 21.0                        | 1,110                     | 2,275            |  |                              |                               |                             |                           |                  |
| New Orleans district, Louisiana | 3,525.0                      | 3,540.0                       | 15.0                        | 2,621                     | 5,600            |  |                              |                               |                             |                           |                  |
| Total LMVD                      | 5,830.7                      | 6,023.4                       | 192.7                       | 10,373                    | 31,155           |  |                              |                               |                             |                           |                  |

|                    | Sandbags issued | Pumps opened |  |  |
|--------------------|-----------------|--------------|--|--|
| St. Louis district | 3,660,000       | 190          |  |  |
| Memphis            | 98,000          | 3            |  |  |
| Vicksburg          | 1,525,000       | 2            |  |  |
| New Orleans        | 615,000         | 1            |  |  |
| Rock Island        | 1,196,000       | 20           |  |  |
| Kansas City        | 730,000         | 0            |  |  |
| Total              | 7,824,000       | 266          |  |  |

| CORPS OF ENGINEERS—PERSONNEL |       |  |
|------------------------------|-------|--|
| St. Louis District           | 395   |  |
| Memphis                      | 125   |  |
| Vicksburg                    | 425   |  |
| New Orleans                  | * 438 |  |
| LMVD                         | 1,388 |  |
| Rock Island District         | 63    |  |
| Kansas City District         | 58    |  |
| Total                        | 1,504 |  |

\* Does not include two reinforced companies from the 62d Engr. Bn. (Const.). (391 officers and enlisted personnel.)

| SUMMARY OF PUBLIC LAW 84-99 FUNDS                |             |  |
|--|-------------|--|
| Fiscal year 1974 data:                           |             |  |
| Fiscal year 1973 uncommitted carryover           | 0           |  |
| Fiscal year 1974 budget request                  | \$7,000,000 |  |
| Total available for commitment, fiscal year 1974 | 7,000,000   |  |

Fiscal year 1974 requirements:

|                                    |            |
|------------------------------------|------------|
| Lower Mississippi Valley Division: |            |
| Memphis District                   | 7,500,000  |
| New Orleans District               | 43,700,000 |

|                          |            |
|--------------------------|------------|
| St. Louis District       | 4,600,000  |
| Vicksburg District       | 5,000,000  |
| Subtotal                 | 60,800,000 |
| Missouri River Division: |            |
| Kansas City District     | 1,000,000  |
| Omaha District           | 700,000    |
| Subtotal                 | 1,700,000  |

|  |            |
|--|------------|
| North Central Division:                                |            |
| Rock Island District                                   | 1,000,000  |
| Subtotal   | 1,000,000  |
| Emergency reserve to meet other needs fiscal year 1974 | 15,000,000 |
| Total requirements, fiscal year 1974                   | 78,500,000 |

Supplemental funds required 71,500,000

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

Mr. Chairman, I take this time to ask the gentleman from Texas (Mr. MAHON) several questions. I would like to ask if there are any funds in this act to aid in the reconstruction of North Vietnam.

Mr. MAHON. According to the testimony before the Committee on Appropriations and according to the information available to me from the highest authority in the Government, there is not one penny in this bill for the rehabilitation of North Vietnam.

Mr. RARICK. I thank the gentleman. I would like to ask if there is any language in the bill which would prohibit the use or transfer of any of these funds for aid to North Vietnam.

Mr. MAHON. There are certainly no funds in this bill that are not provided for other purposes and none are provided for that purpose.

Mr. RARICK. There are then no prohibitions against such aid in this bill?

Mr. MAHON. No.

AMENDMENT OFFERED BY MR. RARICK

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

The Clerk read as follows:

Amendment offered by Mr. RARICK: Page 51, after line 19, insert a new section:

Sec. 304. No funds appropriated in this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

Mr. RARICK. Mr. Chairman, the amendment is self-explanatory. I think it adds to the bill and certainly expresses the intent of the members of this body.

Mr. Chairman, I remind the members that all it says is that no funds in this appropriation bill shall be used to aid or reconstruct North Vietnam. It is a good amendment which will confirm the wishes of the American people. I urge its passage.

The CHAIRMAN. The question is on

the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The amendment was agreed to.

Mr. GONZALEZ. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise for the purpose of asking the distinguished chairman of the Committee on Appropriations a question. During the debate on the rule, I had directed this question and I believe I was assured that this bill contained moneys in order to make up for the situation confronting our overseas based servicemen and employees of the U.S. Government. I was very much reassured to hear that it did.

I think our people overseas will be delighted. We have been receiving quite a number of letters from service families and others who are suffering.

My question is, specifically how will that work and how will they receive this money contemplated in the bill? How will it work?

We have the lowly paid people in the Army and secretaries in the embassies in foreign countries who are confronted with as much as 20 or 25 percent devaluation, not just 10 percent.

I am wondering if we can get an explanation of the mechanics of this. I did not see anything in the bill related to that, and I would just like to know.

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

Mr. GONZALEZ. Certainly.

Mr. MAHON. Mr. Chairman, it is true that the gentleman was assured when we were discussing the rule that there were funds in this bill to take care of our troops in Europe due to the devaluation of the dollar, but these funds went out of the bill on the Addabbo amendment and they are not now in the bill. The funds which were designated for this purpose and included in the transfer authority provision are not available, so officials will be hard pressed to meet these requirements.

That is one of the reasons I opposed, as many others did, the Addabbo amendment, because we were concerned about these people.

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

Mr. GONZALEZ. I yield to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, if those funds were in the bill, that means they were in there earlier, is that not correct?

Mr. MAHON. These funds were unanticipated expenditures. So our Committee on Appropriations was asked to approve language and submit it to the House which would permit the Defense Department to take care of this requirement by transferring from unexpended funds in procurement accounts and otherwise. This was in the \$430 million package. With that provision having been deleted, the funds are not available.

Mr. GIAIMO. Mr. Chairman, the point I am making is that if they had not taken some of the funds from other accounts and used them for bombing in Cambodia, they would have had in the bill at least \$150 million, if not more, for these other purposes.

Mr. MAHON. No, I would say, if the gentleman will yield further, that the

funds used in the bombing in Cambodia were not the primary factor. It was the massive, unpredicted and unprecedented heavy bombing in North Vietnam, especially last December and prior thereto, that expended much of the funds which might have been available.

Mr. GIAIMO. Mr. Chairman, as I recall, the testimony quite clearly 2 days ago, the expenditures of December were out of the original \$750 million transfer authority which has not been disturbed by the Addabbo amendment.

This legislation, the Addabbo amendment, concerned itself only with the additional \$500 million from January 1, 1973, on.

Mr. MAHON. If the gentleman will yield further, the \$750 million has already been transferred for the most part. So we are in difficulty in this matter, but there is nothing we can do at this stage of the bill about that.

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

Mr. GONZALEZ. I am happy to yield to the gentleman from Connecticut.

Mr. GIAIMO. It will be interesting to see tomorrow if the Department of Defense can still find transfer moneys available for bombing in Cambodia but cannot find the funds for the purposes which the gentleman wants them expended, which funds were originally in the act passed in 1973.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Brooks, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. GERALD R. FORD. Mr. Speaker, I demand a separate vote on the so-called Addabbo amendment and on the so-called Long of Maryland amendment.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. RARICK. Mr. Speaker, I demand a separate vote on the so-called Rarick amendment.

The SPEAKER. The question is on the remaining amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 6, strike out lines 9 through 12

The SPEAKER. The question is on the amendment.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 194, nays 187, not voting 52, as follows:

[Roll No. 140]

YEAS—194

|                 |                 |                |
|-----------------|-----------------|----------------|
| Abzug           | Grasso          | Podell         |
| Adams           | Gray            | Preyer         |
| Addabbo         | Green, Pa.      | Price, Ill.    |
| Alexander       | Gross           | Pritchard      |
| Anderson,       | Gude            | Randall        |
| Calif.          | Hamilton        | Rangel         |
| Andrews, N.C.   | Hanley          | Rarick         |
| Annunzio        | Hanna           | Rees           |
| Ashley          | Hansen, Wash.   | Reid           |
| Aspin           | Harrington      | Reuss          |
| Badillo         | Hawkins         | Rodino         |
| Bennett         | Hechler, W. Va. | Roe            |
| Bergland        | Heckler, Mass.  | Rogers         |
| Bingham         | Helstoski       | Roncalio, Wyo. |
| Blatnik         | Henderson       | Rooney, Pa.    |
| Boggs           | Hicks           | Rose           |
| Boland          | Holifield       | Rostenkowski   |
| Boiling         | Holtzman        | Roush          |
| Brademas        | Howard          | Rough          |
| Brasco          | Hungate         | Roy            |
| Breaux          | Johnson, Calif. | Royal          |
| Brooks          | Johnson, Colo.  | Runnels        |
| Brown, Calif.   | Jones, N.C.     | Ryan           |
| Burke, Calif.   | Jordan          | Sarasin        |
| Burke, Mass.    | Karth           | Sarbanes       |
| Burton          | Kastenmeier     | Schroeder      |
| Carey, N.Y.     | Koch            | Seiberling     |
| Carney, Ohio    | Kyros           | Shipley        |
| Chisholm        | Landrum         | Shoup          |
| Clark           | Litton          | Sisk           |
| Clay            | Long, La.       | Slack          |
| Conte           | Long, Md.       | Smith, Iowa    |
| Conyers         | Macdonald       | Snyder         |
| Corman          | Madden          | St Germain     |
| Cotter          | Matsunaga       | Staggers       |
| Cronin          | Mazzoli         | Stanton,       |
| Culver          | McCloskey       | James V.       |
| Daniels,        | McDade          | Stark          |
| Dominick V.     | McKinney        | Steele         |
| Danielson       | Meeds           | Stokes         |
| Delleback       | Melcher         | Stuckey        |
| Dellums         | Mezvinsky       | Symington      |
| Denholm         | Milford         | Sullivan       |
| Dent            | Miller          | Studds         |
| Diggs           | Mills, Ark.     | Thompson, N.J. |
| Dingell         | Minish          | Thone          |
| Donohue         | Mink            | Thornton       |
| Drinan          | Mitchell, Md.   | Tierman        |
| du Pont         | Moakley         | Udall          |
| Dulski          | Moorhead, Pa.   | Ulman          |
| Eckhardt        | Morgan          | Van Deerlin    |
| Edwards, Calif. | Mosher          | Vanik          |
| Ellberg         | Moss            | Vigorito       |
| Esch            | Murphy, Ill.    | Waldie         |
| Evans, Colo.    | Murphy, N.Y.    | Whalen         |
| Evins, Tenn.    | Natcher         | White          |
| Fascell         | Nedzi           | Wilson,        |
| Foley           | O'Hara          | Charles H.,    |
| Ford,           | O'Neill         | Calif.         |
| William D.      | Obey            | Wilson,        |
| Fraser          | Owens           | Charles, Tex.  |
| Fulton          | Patman          | Wolff          |
| Gaydos          | Patten          | Wyatt          |
| Giaimo          | Pepper          | Yates          |
| Gibbons         | Perkins         | Yatron         |
| Ginn            | Pickle          | Young, Ga.     |
| Gonzalez        | Pike            | Zablocki       |

NAYS—187

|                |                |                 |
|----------------|----------------|-----------------|
| Abdnor         | Burlison, Mo.  | Davis, S.C.     |
| Anderson, Ill. | Butler         | Dennis          |
| Andrews,       | Byron          | Derwinski       |
| N. Dak.        | Casey, Tex.    | Devine          |
| Archer         | Cederberg      | Dickinson       |
| Arends         | Chamberlain    | Dorn            |
| Armstrong      | Chappell       | Downing         |
| Ashbrook       | Clancy         | Duncan          |
| Bafalis        | Clausen,       | Edwards, Ala.   |
| Beard          | Don H.         | Erlenborn       |
| Bevill         | Clawson, Del.  | Eshleman        |
| Biester        | Cleveland      | Fish            |
| Bowen          | Cochran        | Fisher          |
| Bray           | Cohen          | Flood           |
| Breckinridge   | Collier        | Flowers         |
| Brinkley       | Collins        | Ford, Gerald R. |
| Erotzman       | Conable        | Forsythe        |
| Brown, Mich.   | Conlan         | Fountain        |
| Broyhill, N.C. | Coughlin       | Frenzel         |
| Broyhill, Va.  | Daniel, Dan    | Frey            |
| Buchanan       | Daniel, Robert | Froehlich       |
| Burke, Fla.    | W., Jr.        | Gettys          |
| Burleson, Tex. | Davis, Ga.     | Gilman          |

|               |                 |                |
|---------------|-----------------|----------------|
| Goldwater     | Mahon           | Schneebell     |
| Goodling      | Maillard        | Sebelius       |
| Grover        | Mallary         | Shriver        |
| Gubser        | Mann            | Shuster        |
| Guyer         | Marzetti        | Sikes          |
| Haley         | Martin, Nebr.   | Skubitz        |
| Hammer-       | Martin, N.C.    | Smith, N.Y.    |
| schmidt       | Mathias, Calif. | Spence         |
| Hanrahan      | Mathis, Ga.     | Stanton        |
| Hansen, Idaho | Mayne           | J. William     |
| Harsha        | Michel          | Steed          |
| Harvey        | Mills, Md.      | Steelman       |
| Hastings      | Minshall, Ohio  | Steiger, Ariz. |
| Hays          | Mitchell, N.Y.  | Steiger, Wis.  |
| Hebert        | Mizell          | Stephens       |
| Heinz         | Montgomery      | Stratton       |
| Hillis        | Moorhead,       | Talcott        |
| Hinshaw       | Calif.          | Taylor, Mo.    |
| Hogan         | Myers           | Taylor, N.C.   |
| Holt          | Nelsen          | Teague, Calif. |
| Horton        | Nichols         | Thomson, Wis.  |
| Hosmer        | O'Brien         | Towell, Nev.   |
| Huber         | Parris          | Treen          |
| Hudnut        | Passman         | Waggoner       |
| Hutchinson    | Pettis          | Walsh          |
| Ichord        | Poage           | Wampler        |
| Jarmar        | Powell, Ohio    | Ware           |
| Johnson, Pa.  | Quie            | Whitehurst     |
| Jones, Ala.   | Railsback       | Whitten        |
| Kazan         | Regula          | Williams       |
| Keating       | Rhodes          | Winn           |
| Kemp          | Rinaldo         | Wright         |
| Kuykendall    | Roberts         | Wydler         |
| Landgrebe     | Robinson, Va.   | Wylie          |
| Latta         | Robison, N.Y.   | Wyman          |
| Lent          | Roncalli, N.Y.  | Young, Alaska  |
| Lott          | Rousselot       | Young, Fla.    |
| Lujan         | Ruppe           | Young, Ill.    |
| McCollister   | Ruth            | Young, Tex.    |
| McEwen        | Satterfield     | Zwach          |

## NOT VOTING—52

|               |              |              |
|---------------|--------------|--------------|
| Baker         | Green, Oreg. | Peyser       |
| Barrett       | Griffiths    | Price, Tex.  |
| Bell          | Gunter       | Quillen      |
| Biaggi        | Hunt         | Riegle       |
| Blackburn     | Jones, Okla. | Rooney, N.Y. |
| Broomfield    | Jones, Tenn. | Sandman      |
| Brown, Ohio   | Ketchum      | Stubblefield |
| Burgener      | King         | Symms        |
| Camp          | Kluczynski   | Teague, Tex. |
| Carter        | Leggett      | Vander Jagt  |
| Crane         | Lehman       | Veysey       |
| Davis, Wis.   | McClory      | Widnall      |
| de la Garza   | McCormack    | Wiggins      |
| Delaney       | McKay        | Wilson, Bob  |
| Findley       | McSpadden    | Young, S.C.  |
| Flynt         | Metcalfe     | Zion         |
| Frelinghuysen | Mollohan     |              |
| Fuqua         | Nix          |              |

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Metcalfe for, Mr. Mollohan against.  
Mrs. Green of Oregon for, Mr. King against.  
Mr. Carter for, Mr. Veysey against.  
Mr. Sandman for, Mr. Bob Wilson against.  
Mr. Widnall for, Mr. Quillen against.  
Mr. Findley for, Mr. Hunt against.  
Mr. McClory for, Mr. Crane against.  
Mr. Fuqua for, Mr. Camp against.  
Mr. Rooney of New York for, Mr. Brown of Ohio against.  
Mr. Delaney for, Mr. Bell against.  
Mr. Kluczynski for, Mr. Baker against.  
Mr. Barrett for, Mr. Blackburn against.  
Mr. de la Garza for, Mr. Burgener against.  
Mr. Flynt for, Mr. Davis of Wisconsin against.

Mr. Nix for, Mr. Wiggins against.

Mr. McCormack for, Mr. Price of Texas against.

Mr. Leggett for, Mr. Young of South Carolina against.

Mrs. Griffiths for, Mr. Broomfield against.

Until further notice:

Mr. Stubblefield with Mr. McKay.

Mr. Riegle with Mr. McSpadden.

Mr. Gunter with Mr. Vander Jagt.

Mr. Jones of Oklahoma with Mr. Peyser.

Mr. Lehman with Mr. Frelinghuysen.

Mr. Jones of Tennessee with Mr. Zion.

Mr. Biaggi with Mr. Teague of Texas.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 6, immediately after line 12, insert the following paragraph: "None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over or from the shores of Cambodia by United States forces."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 51, after line 19, insert a new section.

SEC. 304. No funds appropriated in this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

The SPEAKER. The question is on the amendment.

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

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

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY  
MR. MINSHALL OF OHIO

Mr. MINSHALL of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MINSHALL of Ohio. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MINSHALL of Ohio moves to recommit the bill H.R. 7447 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 284, nays 96, not voting 53, as follows:

[Roll No. 141]

YEAS—284

|                  |          |               |
|------------------|----------|---------------|
| Abdnor           | Aspin    | Bray          |
| Abzug            | Basillo  | Breaux        |
| Adams            | Bennett  | Breckinridge  |
| Addabbo          | Bergland | Brinkley      |
| Alexander        | Bevill   | Brooks        |
| Anderson, Calif. | Biester  | Brotzman      |
| Anderson, Ill.   | Bingham  | Brown, Calif. |
| Andrews, N.C.    | Blatnik  | Broyhill, Va. |
| Andrews, N. Dak. | Boggs    | Burke, Calif. |
| Annunzio         | Boland   | Burke, Fla.   |
| Archer           | Bolling  | Burke, Mass.  |
| Ashley           | Bowen    | Burlison, Mo. |
|                  | Brademas | Burton        |
|                  | Brasco   | Butler        |

|                        |                 |                            |
|------------------------|-----------------|----------------------------|
| Byron                  | Hechler, W. Va. | Rangel                     |
| Carey, N.Y.            | Heckler, Mass.  | Rees                       |
| Carney, Ohio           | Heinz           | Reid                       |
| Casey, Tex.            | Heistoski       | Reuss                      |
| Cederberg              | Henderson       | Rinaldo                    |
| Chamberlain            | Hicks           | Roberts                    |
| Chappell               | Hillis          | Robison, N.Y.              |
| Chisholm               | Hogan           | Rodino                     |
| Clark                  | Holifield       | Roe                        |
| Clausen, Don H.        | Holzman         | Rogers                     |
| Clay                   | Horton          | Roncalio, Wyo.             |
| Cochran                | Howard          | Roosey, N.Y.               |
| Cohen                  | Hungate         | Rose                       |
| Collier                | Ichord          | Rosenthal                  |
| Conyers                | Johnson, Calif. | Rostenkowski               |
| Corman                 | Johnson, Colo.  | Roush                      |
| Cotter                 | Jones, Ala.     | Royal                      |
| Coughlin               | Jones, N.C.     | Runnels                    |
| Cronin                 | Jordan          | Ruppe                      |
| Culver                 | Karth           | Ryan                       |
| Daniel, Robert W., Jr. | Kastenmeier     | St Germain                 |
| Daniels,               | Kazan           | Sarasin                    |
| Dominick V.            | Koch            | Sarbanes                   |
| Danielson              | Kyros           | Scherle                    |
| Davis, Ga.             | Landrum         | Schroeder                  |
| Davis, S.C.            | Litton          | Seiberling                 |
| Dellenback             | Long, La.       | Shipley                    |
| Dellums                | Long, Md.       | Shoup                      |
| Denholm                | Lujan           | Shriver                    |
| Dent                   | McCloskey       | Shuster                    |
| Diggs                  | McCollister     | Sikes                      |
| Dingell                | McDade          | Sisk                       |
| Donohue                | McFall          | Slack                      |
| Dowling                | McKinney        | Smith, Iowa                |
| Drinan                 | Macdonald       | Smith, N.Y.                |
| Dulski                 | Madden          | Staggers                   |
| du Pont                | Mahon           | Stanton, J. William        |
| Eckhardt               | Mallary         | Stanton, James V.          |
| Ellberg                | Mann            | Starck                     |
| Esch                   | Mathias, Calif. | Steed                      |
| Evans, Colo.           | Matsunaga       | Steele                     |
| Evins, Tenn.           | Mayne           | Stephens                   |
| Fascell                | Mazzoli         | Stokes                     |
| Fish                   | Meeds           | Stuckey                    |
| Fisher                 | Melcher         | Studds                     |
| Flood                  | Mezvinsky       | Sullivan                   |
| Flowers                | Milford         | Symington                  |
| Foley                  | Miller          | Talcott                    |
| Ford,                  | Mills, Ark.     | Taylor, N.C.               |
| William D.             | Mills, Md.      | Teague, Calif.             |
| Forsythe               | Minish          | Thompson, N.J.             |
| Fountain               | Mink            | Throne                     |
| Fraser                 | Mitchell, Md.   | Thornton                   |
| Frenzel                | Mitchell, N.Y.  | Tierman                    |
| Frey                   | Moakley         | Towell, Nev.               |
| Fulton                 | Moorhead, Pa.   | Udall                      |
| Gaydos                 | Morgan          | Ullman                     |
| Gialmo                 | Mosher          | Van Deerlin                |
| Gibbons                | Moss            | Vanik                      |
| Gilman                 | Murphy, Ill.    | Vigorito                   |
| Ginn                   | Murphy, N.Y.    | Waggoner                   |
| Gonzalez               | Natcher         | Walde                      |
| Grasso                 | Nedzi           | Wampler                    |
| Gray                   | Nichols         | Whalen                     |
| Green, Pa.             | Obey            | White                      |
| Gubser                 | O'Hara          | Whitehurst                 |
| Gude                   | O'Neill         | Whitten                    |
| Guyer                  | Owens           | Widnall                    |
| Hamilton               | Parris          | Wilson, Charles H., Calif. |
| Hammer-                | Passman         | Wilson, Wilson,            |
| schmidt                | Patman          | Charles, Tex.              |
| Hanley                 | Patten          | Wyatt                      |
| Hanna                  | Pepper          | Yates                      |
| Hanrahan               | Perkins         | Yatron                     |
| Hansen, Idaho          | Pettis          | Young, Alaska              |
| Hansen, Wash.          | Pickle          | Young, Ga.                 |
| Harrington             | Pike            | Zablocki                   |
| Harsha                 | Podell          | Zwach                      |
| Harvey                 | Preyer          |                            |
| Hastings               | Price, Ill.     |                            |
| Hawkins                | Pritchard       |                            |
| Hays                   | Railsback       |                            |
|                        | Randall         |                            |

## NAYS—96

|                |                 |                |
|----------------|-----------------|----------------|
| Arends         | Dickinson       | Huber          |
| Armstrong      | Dorn            | Hudnut         |
| Ashbrook       | Duncan          | Hutchinson     |
| Bafalis        | Edwards, Ala.   | Jarman         |
| Beard          | Edwards, Calif. | Kemp           |
| Brown, Mich.   | Erlenborn       | Kuykendall     |
| Broyhill, N.C. | Eshleman        | Landgrebe      |
| Buchanan       | Ford, Gerald R. | Latta          |
| Burleson, Tex. | Froehlich       | Lent           |
| Clancy         | Gettys          | Lott           |
| Clawson, Del.  | Goldwater       | McEwen         |
| Cleveland      | Goodling        | Mailard        |
| Collins        | Gross           | Maraziti       |
| Conable        | Grover          | Martin, Nebr.  |
| Conian         | Haley           | Martin, N.C.   |
| Daniel, Dan    | Hebert          | Mathis, Ga.    |
| Dennis         | Hinshaw         | Michel         |
| Derwinski      | Holt            | Minshall, Ohio |
| Devine         | Hosmer          | Mizell         |

|                |                |             |
|----------------|----------------|-------------|
| Montgomery     | Rousselot      | Treen       |
| Moorhead,      | Ruth           | Walsh       |
| Calif.         | Satterfield    | Ware        |
| Myers          | Saylor         | Williams    |
| Neisen         | Schneebell     | Winn        |
| O'Brien        | Sebelius       | Wright      |
| Poage          | Skubitz        | Wydier      |
| Powell, Ohio   | Spence         | Wylie       |
| Quie           | Steelman       | Young, Fla. |
| Rarick         | Steiger, Ariz. | Young, Ill. |
| Regula         | Steiger, Wis.  | Young, Tex. |
| Rhodes         | Stratton       |             |
| Robinson, Va.  | Taylor, Mo.    |             |
| Roncallo, N.Y. | Thomson, Wis.  |             |

## NOT VOTING—53

|               |              |              |
|---------------|--------------|--------------|
| Baker         | Green, Oreg. | Nix          |
| Barrett       | Griffiths    | Peyser       |
| Bell          | Gunter       | Price, Tex.  |
| Biaggi        | Hunt         | Quillen      |
| Blackburn     | Jones, Okla. | Riegle       |
| Broomfield    | Jones, Tenn. | Rooney, N.Y. |
| Brown, Ohio   | Keating      | Sandman      |
| Burgener      | Ketchum      | Snyder       |
| Camp          | King         | Stubblefield |
| Carter        | Kluczynski   | Symms        |
| Crane         | Leggett      | Teague, Tex. |
| Davis, Wis.   | Lehman       | Vander Jagt  |
| de la Garza   | McClory      | Veysey       |
| Delaney       | McCormack    | Wiggins      |
| Findley       | McKay        | Wilson, Bob  |
| Flynt         | McSpadden    | Young, S.C.  |
| Frelinghuysen | Metcalfe     | Zion         |
| Fuqua         | Mollohan     |              |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Bell for, Mr. Camp against.

Mr. Veysey for, Mr. Snyder against.

Mr. McClory for, Mr. Crane against.

Mr. Rooney of New York for, Mr. Symms against.

Mr. Fuqua for, Mr. Brown of Ohio against.

Mr. Kluczynski for, Mr. Hunt against.

Mr. Flynt for, Mr. King against.

Mr. de la Garza for, Mr. Bob Wilson against.

Mr. Riegle for, Mr. Price of Texas against.

Mr. Green of Oregon for, Mr. Blackburn against.

Mr. Delaney for, Mr. Mollohan against.

Until further notice:

Mrs. Griffiths with Mr. Broomfield.

Mr. Nix with Mr. Sandman.

Mr. Teague of Texas with Mr. Quillen.

Mr. Barrett with Mr. Frelinghuysen.

Mr. Gunter with Mr. Davis of Wisconsin.

Mr. Jones of Oklahoma with Mr. Peyser.

Mr. Leggett with Mr. Keating.

Mr. Metcalfe with Mr. Findley.

Mr. Jones of Tennessee with Mr. Baker.

Mr. Lehman with Mr. Carter.

Mr. Biaggi with Mr. Vander Jagt.

Mr. McCormack with Mr. Wiggins.

Mr. McKay with Mr. Young of South Carolina.

Mr. McSpadden with Mr. Zion.

Mr. Stubblefield with Mr. Burgener.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD and include tables and extraneous matter on the second supplemental appropriation bill, 1973 (H.R. 7447) just passed; and also that all Members may have permission to extend their remarks on the amendment offered by the gentleman from New York (Mr. ADDABBO) and on the amendment offered by the gentleman from Maryland (Mr. LONG).

The SPEAKER. Is there objection to

the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON  
INTERSTATE AND FOREIGN COM-  
MERCY TO FILE A REPORT ON  
H.R. 7200, UNTIL MIDNIGHT, MAY  
11, 1973

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tomorrow night to file a report on the bill, H.R. 7200, amending the Railroad Retirement Act.

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

There was no objection.

## LEGISLATIVE PROGRAM

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

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

Mr. McFALL. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the distinguished majority whip.

Mr. McFALL. Mr. Speaker, on Monday, which is District day, there are no bills scheduled.

On Tuesday, there is the Private Calendar, and we will have H.R. 6768, United Nations Environmental Program Participation Act, under an open rule, 1 hour of debate; and H.R. 5777, the Hobby Protection Act, under an open rule, 1 hour of debate.

For Wednesday and the balance of the week: H.R. 2990, U.S. Postal Service Authorization Act, subject to a rule being granted; and H.R. 6912, Par Value Modification Act, subject to a rule being granted.

Also H.R. 6912, Par Value Modification Act, subject to a rule being granted.

Of course, there is the usual caveat that conference reports may be brought up at any time and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY,  
MAY 14, 1973

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

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

There was no objection.

DISPENSING WITH CALENDAR  
WEDNESDAY BUSINESS ON  
WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## PERSONAL EXPLANATION

Mr. RUPPE. Mr. Speaker, due to an unavoidable commitment, I was unable to be present to offer my vote in support of the conference report on S. 394, the amendments to the Rural Electrification Act.

I have strongly supported the REA's in the past. My district includes eight REA cooperatives, which have been important elements in maintaining the quality of life and improving the economy of northern Michigan.

I wish to go on record in support of the REA's and this conference report in particular.

A "TONKIN RESOLUTION" ON  
CAMBODIA

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

Mr. ADDABBO. Mr. Speaker, in support of my amendment I bring to the attention of my colleagues two of the finest editorials written on the subject, one which appeared in this morning's Washington Post, entitled: "A 'Tonkin Resolution' on Cambodia," and the other one written by the Long Island Press on Monday, May 7, entitled: "Stopping the Blood Money."

The editorials follow:

[From the Washington Post, May 10, 1973]

## A "TONKIN RESOLUTION" ON CAMBODIA

The House is about to vote on Rep. Joseph Addabbo's proposal to block the use of defense funds for bombing Cambodia. It is the first vote on the war issue in either house of Congress since the January cease-fire agreement. As such, it is exceptionally important as an indicator to the President whether he can continue to make war at his own discretion regardless of law, or whether Congress intends to try to hold him to a less capricious standard. Fairly enough, the Secretary of Defense has joined the critics of Mr. Nixon's policy in warning the Congress that a failure to cut off funds for bombing Cambodia will be taken as a gesture of congressional consent to the President's policies there. So no one can be under any illusions as to the significance of the forthcoming vote.

The issue could not be clearer. On June 3, 1970, Mr. Nixon said he would henceforth bomb in Cambodia only "to protect the lives and security of our forces in South Vietnam"; on many occasions, he broadened that rationale to include the release of prisoners held in North Vietnam. Both our troops and our POWs are no longer in need of this support. But he bombs on. His aides contend that under the cease-fire agreement the United States implicitly conditioned a bombing halt to observation of the cease-fire by the other side. Yet no Cambodians signed on to the cease-fire. And in any event, a statement of Executive intent to bomb, for whatever reason, does not legitimize the bombing: Mr. Nixon's word is not a magic wand making Congress and Constitution disappear at one stroke.

On May 13, 1970, Secretary of State William Rogers stated that the U.S. would not "become militarily involved in support of the Lon Nol government—or any other government" in Phnom Penh. "I'm talking about

U.S. troops or air support or something," he added. But last Tuesday he declared: "The choice before us today is whether to allow a military takeover of Cambodia by North Vietnam and its allies, or insist on observation of a negotiated peace." It is a sad thing to see a former Attorney General proceeding as though the legality and constitutionality of the proposal he is trying to sell were of no account. It is no less sad to see a Secretary of State betraying such a flawed appreciation of the facts on the ground in Indochina.

For the truth is that North Vietnam supports but does not command the Cambodians fighting the American-supported government of Lon Nol. Such is North Vietnam's strength that the question of who rules in Phnom Penh has practically no bearing on the use to which Hanoi will be able to put Cambodian soil to support any further operations it undertakes in South Vietnam. No configuration conceivable of Cambodian political elements could muster the force (not to say the will) to prevent Hanoi from so using Cambodian soil; witness what was going on in the days of Prince Sihanouk's rule. The continued American devastation of Cambodia cannot prevent the North Vietnamese from supporting their friends in South Vietnam, if they care to. This is a technical matter not a political one; no knowledgeable person disputes it.

The larger truth is that in Paris Mr. Nixon negotiated the best agreement he could get. But measured in relation to the extravagant evaluation which he put on it, it was not a sound agreement because it could not be enforced in a way that would make good on the promises the President made in its name. The agreement did indeed serve the basic American purpose of giving Saigon a reasonable chance to endure on its own. But it did not and could not serve the further purpose of sealing South Vietnam's border with Cambodia. It was unnecessary and unwise for Mr. Nixon to claim for his agreement achievements which could not conceivably be a part of it. Now that the shortfall is apparent to everyone, we emphasize, "success" by his terms in Cambodia is not essential to the American mission in South Vietnam—a mission which has already been accomplished and which will not necessarily be undone if one Cambodian faction rather than another comes to power in Phnom Penh.

The administration has stated that, whatever the judgment of Congress, it intends to keep on bombing Cambodia anyway. This is a shocking avowal, but it can be dealt with later. For the moment, legislators considering the Addabbo proposal and its Senate counterpart can be confident that in supporting it they are serving the self-respect of the institution to which they belong, the cause of government by law, and the appropriate foreign policy interests of the United States. It may be that it is technically impossible for the representatives of the people to restrain the President. But this does not mean that the Congress must repeat its supine performance at the time of the Gulf of Tonkin resolution in 1964. At the very least, there is a record to be made. The President should be told in no uncertain terms that if he continues his efforts to bomb Cambodia into acceptance of a cease-fire, for no purpose that can possibly justify the cost in lives and money and this country's good name, he will be doing so on his own.

#### STOPPING THE BLOOD MONEY

Rep. Joseph Addabbo, Ozone Park Democrat, lost the first round in the House battle to limit President Nixon's ability to wage war in Cambodia—or anywhere else in Southeast Asia. But, hopefully, the battle will still be won.

The amendment sponsored by Rep. Addabbo to block funds sought by the President to continue bombing—or conceivably to reintroduce ground troops into combat in Southeast Asia—was rejected last week by the

notoriously hawkish House Appropriations Committee. But the Long Island lawmaker has since won important support. The House Democratic Steering Committee, for example, voted to back the amendment when it comes to the floor this week.

Moreover, a similar amendment has the support of key Senators, led by Majority Leader Mike Mansfield. He agrees with House Speaker Carl Albert who said, "I don't want to declare another war with ambiguous language in an appropriation bill."

Sen. Mansfield says that the current U.S. bombing in Cambodia is being conducted with money Congress never approved for that purpose, and asks: "I wonder when we are going to wake up to our responsibility and get out of Indochina, lock, stock and barrel?"

We wonder, too, and with particular alarm since the administration's rationale for being involved in another civil war in Southeast Asia—this time in Cambodia—won't wash. On the one hand, the White House argues that the attacks are necessary to convince North Vietnam to stop violating the Vietnam cease-fire. But on the other hand, the Pentagon admits that true violations by the enemy have steadily and encouragingly decreased.

What hasn't decreased, sadly, is our air assault against Communist forces in Cambodia. U.S. aircraft dropped 100,000 tons of bombs in Southeast Asia during the first two months after the Jan. 27 cease-fire, most of it in Cambodia. And April tonnage is believed to have been higher than in March.

The administration can no longer argue that air strikes in Cambodia are necessary to protect American fighting men in Vietnam. There are none. Nearly as weak is the argument that so long as there are North Vietnamese in combat in Cambodia, American intervention is permissible. The latest intelligence is that North Vietnam's presence in Cambodia may have been grossly overestimated.

Sen. Stuart Symington, D-Mo., told Secretary of State William P. Rogers, "We are obviously killing a lot of men, women and children, and incapacitating more for the rest of their lives, and I don't see why this has any real basic effect on the security of the United States."

It hasn't. But it is having a very bad effect on the American people who thought they had seen the last of war 10,000 miles away from home when our troops and prisoners left Vietnam. "Peace with honor" is how President Nixon described that happy departure from a war Congress never declared.

What happens next in Cambodia, like what happened before in Indochina, is not our business. Congress should make that perfectly clear by using its most potent weapon—its constitutional right to cut off the blood money.

#### THE PRESIDENT'S VETO VICTORY PARTY

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

Mr. CULVER. Mr. Speaker, I was visited last week, as were many other Members, by an impressive group of people who are greatly concerned about the status of Federal programs to aid the Nation's 44 million disabled citizens. They were distressed not only about the President's curtailment of funding for important Federal programs and his veto of the 1973 Vocational Rehabilitation Act, but also the discrimination and living barriers constantly faced by disabled people in our society.

For example, Mr. Speaker, these individuals encountered many unnecessary

architectural barriers even as they visited their Nation's Capitol. Faced with narrow doors and unnegotiable stairs, these fine people who have the disadvantage of being handicapped could not even visit the House visitor's gallery. I have been assured by the Capitol Architect's Office that it is actively engaged in a project to remove this and other architectural barriers in the buildings of the Capitol which unreasonably hinder disabled visitors' use of public restrooms, telephones, and other such facilities. I urge the prompt completion of these improvements so that all visitors, including those with disabilities, are able to enjoy the Nation's Capitol.

The visit by these disabled citizens serves to remind us again of the low priority being given those less fortunate members of our society by this administration. In response to the urgent need for rehabilitation of those individuals with disabilities, this House overwhelmingly passed a Comprehensive Vocational Rehabilitation Act, only to have that important legislation vetoed by the President. Shortly thereafter, the Washington Post reported that President Nixon threw a party to celebrate the success of his veto.

I for one do not find it appropriate to celebrate the elimination of essential services to disabled and handicapped people. I would like to quote from a letter I received recently from a young woman in Iowa who knows better than most the value of vocational rehabilitation programs.

As a recipient of funds from this agency to continue my education (I was born with a severe birth defect, which has resulted in my being a wheel chair person) I can attest to the usefulness of this program. Due to funds being available from the vocational rehabilitation agency, I was able to complete four years of college. This would not have been possible without their help.

It seems to me a far greater example of fiscal responsibility to provide a program whereby citizens can become tax-payers rather than recipients of tax monies because of being forced to live on aid to the disabled, welfare, or other tax supported programs. Far more important than the benefit to the government in taxes, however, is the benefit to the people served by this program and to society as a whole.

We will be far wiser to place the people who benefit from vocational rehabilitation programs in a position of being able to contribute to themselves and others rather than forcing them to be like castoffs who can have no sense of pride or accomplishment. The importance of having a feeling of self-worth and dignity cannot be measured in dollars and cents.

Although I support any effort to eliminate waste in government spending, surely there has to be a better way to do this than to penalize those people who are already among the least able to help themselves.

Mr. Speaker, this letter is even more poignant when one reads an article such as the one appearing in the April 13, 1973, issue of the Washington Post which I insert in the RECORD:

#### PRESIDENT THROWS PARTY FOR HIS ALLIES ON VETO

President Nixon held a reception last evening for more than 200 members of the House and Senate who voted to sustain his vetoes of the vocational rehabilitation and water and sewer grant authorizations.

According to several senators who were

present, the President in thanking the legislators, said, "It takes courage to sustain a veto. It is a very difficult thing to veto a bill like the program for the disabled. It is a very difficult thing to veto a bill like the water and sewer bill and I know it is difficult to vote against those bills, but it is necessary."

Sen. Ted Stevens (R-Alaska) said the President emphasized, in his brief address, that the crucial point at which to hold down federal spending, and thereby avert economic difficulties, is the authorization stage.

Stevens said the President went out of his way to praise those not of his own party who had voted with him, saying he realized the political problems of doing so.

The President introduced Joe Waggoner (D-La.), an acknowledged leader of the southern bloc in the House, and John L. McClellan (D-Ark.), chairman of the Senate Appropriations Committee. McClellan was one of only five Democrats who sided with Mr. Nixon in the rehabilitation vote.

McClellan, according to Stevens, said he had faced a hard choice on whether to go along with the President and had concluded that his task as Appropriations Committee chairman to mold a responsible budget made him feel he must support the veto.

#### DEPARTMENT OF LABOR DECLINES TO TESTIFY AT IMMIGRATION AND NATIONALITY HEARINGS

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

Mr. EILBERG. Mr. Speaker, on Monday, May 7, I advised the House that Subcommittee No. 1, Immigration and Nationality, of the Committee on the Judiciary, would continue its hearings on May 10 to consider H.R. 981 which amends the Immigration and Nationality Act as it affects immigration policy regarding countries of the Western Hemisphere.

The subcommittee had scheduled officials from the Department of Labor as witnesses.

The principal issues before the committee in considering this legislation are:

First. Should the existing preference system, now applicable to the Eastern Hemisphere, be imposed on the Western Hemisphere?

Second. Should there be a per-country limitation on the number of immigrant visas available and, if so, what limitation should be imposed?

Third. What provisions should be included in legislation applicable to refugees?

Fourth. Should the alien labor certification program be revised and is it effectively protecting the domestic labor market?

I am distressed to advise the House today that the Department of Labor has refused to honor the committee's request and has declined to send official witnesses to appear before the subcommittee.

I must further advise the House that previously, on April 12, representatives of the Department of Labor were invited to testify, but at that time the committee was informed that the Department was not prepared to testify and would need additional time—that additional time was accordingly granted.

Before the subcommittee can proceed in a logical and reasonable manner, it is manifestly important that the subcom-

mittee receive an affirmative policy position from the Department of Labor and have an opportunity to question its officials.

This lack of cooperation will impede the subcommittee's attempt to bring to the House this session needed legislation, establishing equitable immigration procedures for persons from Western Hemisphere nations.

I assure the House that it is the desire and intent of the committee to report Western Hemisphere legislation as soon as possible. Unfortunately, the executive branch of the Government, once again demonstrating its unwillingness to cooperate with the Congress, has obstructed the committee's efforts to produce meaningful, remedial legislation.

President Nixon has 1,351 days left in his term. I fear that we will have to wait 1,352 days to get some cooperation from the executive branch.

#### THE NEED FOR QUICK ACTION ON WATERGATE PROBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 15 minutes.

Mr. SARASIN. Mr. Speaker. I would like to take this opportunity to call for maximum feasible speed in the now overdue investigation of the entire distasteful pattern of events we have come to refer to under the general term "Watergate." I welcome the decision by Attorney General designate Elliot Richardson to appoint a special prosecutor to handle this case and I appreciate the need to select this individual with scrupulous care, but the health of our political system calls for rapid and thorough disclosure of all the facts surrounding not only the Democratic Headquarters bugging incident, but any other illegal and unethical activities carried on by people in high places.

Watergate has become a cancer eating at our political system and only speedy and thorough surgery can effect a cure. The longer such action is delayed, the further the cancer spreads, eroding public confidence in elected officials and compromising the reputations of honorable men.

Until a complete investigation, conducted by a man of unimpeachable credentials and total objectivity, brings to light every facet of this repugnant affair, the U.S. Government and the honorable profession of politics will continue to be sullied by rumor, innuendo and suspicion. Only when the entire story is out in the open and the perpetrators of these dishonorable deeds are meted out suitable punishment will we be able to say Watergate is behind us.

It has been widely reported that Watergate is a crisis for the President, and this is undeniably so. But it is also a crisis for all of us in government, on both sides of the aisle. Government in a democracy can only be effective so long as it has the confidence of those governed.

This confidence has been shaken and only the truth can restore it. For this reason, it is imperative for our Nation that an impartial and exhaustive investi-

tigation be completed as rapidly as possible and that our political system demonstrates convincingly that it has the ability and the will to cleanse itself.

#### CUT IN IMPACT AID FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 60 minutes.

Mr. DICKINSON. Mr. Speaker, I rise in favor of voting down the previous question on House Resolution 389 to allow Mrs. MINK to offer her amendment to remove the ceiling on funding for category B students under the Federal impact aid program. This amendment is vital to the future of education in the second district of Alabama, as well as around the country, and I urge the House to allow a vote on it.

There is a tremendous number of B students in my district and the cut in impact aid funds for these students from 73 percent of entitlement to 54 percent has caused a great hardship for our school systems. As you know, school budgets are set in September at the beginning of each school year. At that time, administrators plan to spend a amount of money for teachers and operational expenses, and appropriated Federal funds are figured into the budget.

The superintendent of education for the Montgomery public school system in Montgomery County, Ala., has informed me that the proposed amendment will keep him from sustaining approximately a \$155,000 loss in funds which have already been budgeted. He said that he sees "no hope of any local revenue to replace this loss."

Should these funds not be made available, the school system will have to make up for this loss by cutting back in services this summer and next year, a move which has already begun. Not only will impact aid students be penalized but also the other students in the school system will suffer because we will not be able to offer quality education to any of the students.

School systems throughout my entire district, which is heavily impacted by military installations, are in basically rural counties and are more severely and drastically affected by the cuts in category B funds than the Montgomery public school system. These systems will be forced to cut back in services now, and in fact, they have already been forced to let some teachers go. I urge my colleagues to vote down the previous question in order that we may have an opportunity to see that children who attend schools with large numbers of category B impact aid students will get an adequate education.

#### EXPERIMENTATION ON HUMAN FETUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, the reports last month that the National Institutes of Health was considering financing experimentation on human fetuses born

alive after abortions, shocked many people. Certainly I was shocked at this revelation, but I was not surprised. To me, this only further substantiates my argument that once you have declared that an unborn baby is of no value, that it is a "non-person", as the Supreme Court did in its January 22 decision, you have crossed the Rubicon and anything is possible.

The Court has, in effect, declared that, if a human being is unwanted, he can be eliminated. Where will the line be drawn between those who can legally be eliminated and those who cannot?

Is it really not probable that the next step will be to deliberately try to keep the fetus alive so as to assure a supply of live humans for medical researchers? If the unborn child has no value it is academic what you do with it.

Today I am joining with my distinguished colleague from New York (Mr. RONCALLO) and many other Members of the House in sponsoring legislation that makes it a Federal crime to carry out any research activity on a human fetus or to intentionally take any action to kill or hasten the death of a human fetus in any federally supported facility or activity.

This proposal carries a stiff penalty for violators prescribing a minimum sentence of 10 years and a maximum sentence of 20 years.

Despite the fact that NIH has adopted a policy that it will not support live fetus experimentation, the need for this legislation is very real. NIH, having once established a policy for itself, may later change that policy.

Although this legislation only applies to federally funded facilities and research and not to privately funded research, such as may be financed by large tax-exempt foundations, it will serve to make clear the feeling of Congress on the matter and will further serve as a model for individual States to follow. I would hope that all 50 State legislatures will adopt legislation prohibiting research on a live fetus.

In the final analysis the only way to stop this type of thing is to remove the legal and ethical basis that makes it acceptable. The problem of experimentation on human fetuses is merely an outgrowth of a whole new area of ethical questions arising in the medical profession that are the direct result of the Supreme Court's decision.

The incidence of aborted babies being born alive is not rare. Let us not deceive ourselves as to what we are talking about. We are talking about human beings. When the U.S. Supreme Court in its decision refers to the "potentiality of life" it is ignoring the medical and scientific facts. What we are talking about is the "reality"—the "actuality" of life, not the "potentiality" of human life.

Who of us is competent to assess whose life is meaningful? Who has the power and audacity to say that another individual has a "meaningful" life and another human being does not.

In January we were talking about abortions, the killing of unborn babies; in April the question of experimentation on live human fetuses arose; and now the media is full of articles on euthanasia

propagandized under the euphemism of "death with dignity."

Enactment of this legislation to make testing on fetuses a crime is a step in the right direction. We cannot stop there however; we must go even further and constitutionally guarantee the right to life, not only to the unborn, but also to the ill, the aged and the incapacitated.

Mr. Speaker, I urge my colleagues to swiftly approve this bill introduced today and I further urge them to explore the ramifications that the Supreme Court decision of January 22 is going to make on our society. Everyone who cherishes the precious gift of life should realize that a constitutional guarantee for all individuals is a necessity and I invite your support of my amendment, H.J. Res. 261, that will do just that.

The time has come for Congress to act to insure that this country does not fall into a broadening disregard for the dignity of human life. The public outcry over the Supreme Court decision has been great and I hope now Congress will respond to it by restoring our respect for human life.

#### APPROPRIATION OF AMERICAN ASSETS BY PERU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, the Government of Peru has, effective last Friday, expropriated the assets of the fish meal industry within its borders. At least five American companies have suffered losses with no immediate prospect of compensation.

Peru's intentions to pay are unknown to me now. The chairman of the House Committee on Banking and Currency stated this morning that he believes Peru is shifting from a rather hardline position to a more conciliatory one on payment for expropriation. I hope he is right.

Until we know Peru's intentions we have no choice but to use all our capabilities to persuade Peru to abide by international law. Specifically, I have asked the Secretary of State to give the repayment question top priority in his upcoming visit to Lima. In addition, I have asked the Secretary of the Treasury to carry out the provisions of law with respect to our votes on the Inter-American Development Bank and other development associations. These actions would be only the beginning.

The United States cannot, and does not want to set domestic policy for other sovereign nations. We must however, insist that all nations, including Peru, live up to their international responsibilities.

#### GASOLINE HOARDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, major oil companies are hoarding gasoline in an attempt to drive independent dealers out of business.

In response to this drive I am introducing legislation today that would force

the major oil companies to continue to supply independent dealers and gas stations. Identical legislation has been introduced in the Senate by my distinguished colleague from Ohio, Mr. SAXBE.

Unless strong congressional action is taken now the major oil companies may be able to force hundreds of independent gasoline stations and distributors out of business as a result of this summer's so-called gasoline shortage. Earlier this week I had learned that 342 gasoline stations have closed, and 930 are threatened with closure. According to the Office of Emergency Preparedness, this number has now grown to 562 closures and 1,376 stations threatened with closure.

I fear that by mid-August thousands of independents will be forced to close unless legislative action is taken.

My bill would force major companies to cut back all their customers equally in percentage terms as shortages develop. At present, major oil companies have cut independents off completely and holding on to gasoline for their own service stations. The result of this hoarding could be catastrophic for the American consumer.

Once the independent cutrate gasoline station which sells gas 1 to 2 cents cheaper is forced out of business, the major companies can jack up their prices at will—billing consumers for \$1 billion each time they raise gasoline prices a penny. In order to maintain competition in gasoline sales we must make sure that independents are not forced out of business this summer.

In addition, this legislation would prevent the oil companies from increasing wholesale prices to independent dealers and distributors any higher than the average price increase across the board for all companies. I have already received reports of several gasoline stations in my own congressional district that are being forced out of business and some distributors being faced with gas cutoffs from major companies such as Texaco and Sun Oil Co.

Mr. Speaker, to be perfectly blunt, this squeeze is nothing less than a conscious effort to eliminate gasoline competition and it must be stopped through Federal legislation.

#### LOCK THE DOOR TO INDOCHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, this morning, the Subcommittee on Asian and Pacific Affairs of the Foreign Affairs Committee began its second day of hearings on legislation to terminate our involvement in Indochina. At the invitation of Representative ROBERT N. C. NIX, the chairman of the subcommittee, I had the privilege of presenting my views on the subject, and I include the text of my statement at the conclusion of my remarks.

Also this morning, the Democratic Caucus here in the House voted 144 to 22 to support the Addabbo-Flynt-Giaimo amendment, which would delete from the second supplemental appropriations bill

a provision giving the Defense Department an additional \$500 million in transfer authority for the current fiscal year. And this afternoon, by votes of 219 to 188 and 224 to 72, the full House for the first time in the decade since our troops landed in Indochina voted against our military involvement there.

These are great and momentous steps, but they are not enough. As I stated to the Asian and Pacific Affairs Subcommittee this morning—

Defense Secretary Richardson has already stated that even if the (transfer authority) is denied, the bombing of Laos and Cambodia will probably continue, because the DOD will just find the money somewhere else and cut back some other military programs.

We must act to pass affirmative legislation which will end our military involvement in Southeast Asia once and for all.

We must assert our constitutional responsibility to control the basic foreign and military policy of the United States, and we must effect the desire of the American people to end our military involvement in Southeast Asia—not only the presence of our troops, planes, and bombs, but also the presence of our financial support for the military and paramilitary activities of governments there.

I urge my colleagues in the House—and particularly those on the Foreign Affairs Committee—to take the next step and to approve legislation to end all American military involvement in Indochina.

The text of my testimony follows:

TESTIMONY OF CONGRESSWOMAN

BELLA S. ABZUG

Mr. Chairman: Before we proceed with the discussion of Cambodia, I believe we must ask what it is that we as a nation are really doing and why we are doing it. Stripped of rationalizations, the stark truth is that—

We are spending millions of dollars each day to bomb a tiny Asian country;

We are killing innocent civilians;

We are creating thousands of miserable refugees;

We are propping up governments admittedly weak and temporary;

We are incurring the world's wrath for such continued barbarism;

We are violating the Peace Agreement and the Constitution;

We are committing ourselves to years of continuing war.

Let us look first at the financial cost of what we are doing. On April 25 the Air Force estimated its bombing costs at \$1.8 million per day. Including many hidden costs, however, the Cornell Air War study estimates the cost of bombing Cambodia at \$4.5 million a day. On May 4, the *Washington Post* stated that some estimates ran as high as \$10 million a day. If the latter figure were correct, the \$150 million in supplemental funds requested by the Department of Defense would last just 15 days! Then what? Will the Department come back for yet another bag of money? They have already reprogrammed \$492 million above budgeted amounts for Fiscal Year 1973. They now ask \$311 million for "U.S. force support, mainly associated with air activities" in South East Asia. About \$150 million of this \$311 million is for "back debts" so to speak, for operations that took place from January through March; \$162 million covers April through June. So confident is the Pentagon of a complaisant Congress that they blithely proceed to bomb first and pay later.

We must remember that we are also paying 90% of the support of the Thieu gov-

ernment in South Vietnam, and maintaining there what has suddenly become the world's third largest air force. Over 100 United States corporations help keep Saigon's armed forces armed, at a cost of over 250 million tax dollars this year alone.

Consider, please, that \$200 million was cut from the budget for child nutrition in this country. How do we want to spend our tax dollars?

The cost in human terms in this country is great enough; we can scarcely imagine what it is for the Cambodians. Nearly half the population is listed as refugees or displaced persons, according to Wells Klein of the American Council for Nationalities Service who reported April 16 to a Senate Subcommittee: Of a total population of 6.5 million, refugees or displaced persons number 2,987,000. They are homeless, hungry, and terrified. They are on my conscience and, I'm sure, on all of yours. One million dollars of AID money has just been allotted to their care. This does not allay our anguish at having helped to create their misery in the first place.

We are also killing outright an average of 73 Cambodian soldiers each week—and about 700 civilians. Due to primitive communications there are no firm statistics. A first hand report in the *Washington Post* last week states that it is "more than likely that losses among the civilian population are running 10 times as high" as among soldiers. The estimate is based on population density in the B-52's bombing areas, multiplied by the number of sorties per week.

This, then, is what we do. Next we must ask, why? Why do we continue behaving, in Indochina, as though we had not agreed to get out? All the old excuses are removed: the troops are out of Vietnam and the prisoners are home. Although he claims "the attainment of an honorable settlement in Vietnam" Mr. Nixon acknowledges that "the peace remains fragile."

Was the cease-fire only an election ploy? Even as the agreement was signed, Mr. Nixon stated that he recognized the Thieu government as "the sole legitimate government of South Vietnam"—in direct contradiction of the agreement. We can only conclude that the peace was deliberately made fragile.

President Thieu knows that his government would not last a week without U.S. support. Why do we continue to support him? The rationalizations given by the Administration obviously are not the real reasons, and I suggest that we examine both.

It is clear that the Cambodian bombing exists to prop up not only the Lon Nol government, recently rearranged by General Haig, but to continue bolstering the Thieu regime.

In his recent statement before the Senate Foreign Relations Committee, Secretary of State William Rogers justified our continuing bombing of Laos and Cambodia by saying that it is necessary to implement Article 20 of the January 27th four-party agreement. Article 20(b) provides as follows:

"(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material."

The January 27th agreement includes no enforcement mechanism or procedures with regard to Article 20. However, the United States is also a signatory of the March 2nd agreement among 12 nations on the subject of the January 27th agreement and protocols. Article 7 of the March 2nd agreement provides as follows:

"ARTICLE 7

"(A) In the event of a violation of the agreement or protocols which threatens the peace, the independence, sovereignty, unity or territorial integrity of Vietnam, or the right of the South Vietnamese people to self-deter-

mination, the parties signatory to the agreement and protocols shall, either individually or jointly, consult with the other parties to this act with a view to determining necessary remedial measures.

"(B) The international conference on Vietnam shall be reconvened upon a joint request by the Government of the United States of America and of the Government of the Democratic Republic of Vietnam on behalf of the parties signatory to the agreement or upon a request by six or more of the parties to this act."

Read together, these two provisions mean that even if there are North Vietnamese personnel in Laos or Cambodia—and I have yet to see any proof of this—the United States is bound by the March 2nd agreement to seek consultation with the other parties thereto and is clearly violating that agreement by its actions in and over Cambodia and Laos.

Thus, Secretary Rogers' claim that the agreements to which the U.S. is a signatory provide a legal basis for our activity is wholly spurious and without foundation.

The agreement aside—and it is obviously not a "treaty" within the meaning of the Supremacy Clause (art. VI, cl. 2) because it hasn't been submitted to the Senate for ratification—there is absolutely nothing in our Constitution or laws which authorizes Mr. Nixon to bomb Cambodia and Laos. There has been no declaration of war by Congress. The Gulf of Tonkin Resolution was repealed effective January 2, 1971. There has been no congressional appropriation of funds for this activity and I firmly hope and expect that the House will decline to make such an appropriation when it considers the issue for the first time later today. The President is to "take care that the laws be faithfully executed," but he is not empowered to make them up.

Mr. Nixon continues to insist that North Vietnamese do most of the fighting in Cambodia, even though U.S. Embassy personnel there and a Senate Investigating Committee state that it is a civil war in which government troops are reluctant to fight against their relatives.

We may be certain that the other side is violating the agreement; we can be equally certain that they will not stop so long as we continue to violate it.

We must ask whether a corollary purpose of our acts is to prop up the regime of President Nixon, who desperately wants to label war with bombs as "peace with honor." If this is his purpose, he is once again misreading the American people. Their revulsion to this terrible, useless war was expressed long ago; now there is added revulsion to crime at the highest levels. Mr. Nixon expects renewed bombing to distract attention from the disgrace of Watergate and the disaster of the national economy, he is wrong. This is just one more instance—perhaps the strongest—of his inability to govern.

The *Washington Post* has suggested that he is "not ready to accept the political risk of having it all slide out from under him in Indochina in a way which would tarnish his over-stated and misguided boasts about the nature of the 'peace' he has achieved." The editor asks, "What is wrong, or dishonorable, about finally letting our side go it alone? Or are American B-52's to be a permanent part of our 'peace-making' effort in that corner of the world? . . . (Mr. Nixon) has nothing of value left to prove or win there, only something further to lose."

Next we must ask whether it is necessary to keep the war going, to maintain jobs for Americans. With our vaunted American know-how, surely we can put people to work on the human needs—housing, medicine, social services—that cry out for attention. The same workers' skills, in the same plants that now makes bombs and other useless hardware, could be turned to the manufacture

of useful equipment for consumption and export. Where plants and military bases are closed, training programs should be started immediately. Hundreds of blueprints for such programs have been provided over the past decade; I have seen them and so have you. Surely we do not have to say that our economy can be sustained only through war production.

Then we ask whether our stance in Asia is essential to detente with other Big Powers; a bargaining chip in negotiations. On the contrary, I believe it is putting great strain on these relationships. Although China is obviously reluctant to intervene, our escalation poses a constant threat of such intervention. It is as though Mexico were being bombed by a foreign power, there is a limit beyond which intervention from another continent cannot be tolerated.

Our acts also put the Soviet Union into an adversary role, having to supply weapons with apparent reluctance to countries they have no business helping or hindering, any more than we have.

We must ask, also, the basic question that should be publicly discussed before any foreign intervention: does it serve the national interest of the United States? It is immediately apparent that Cambodia, like Vietnam, poses no threat to the U.S. General John D. Ryan, testifying before a subcommittee this week, stated that the area is not strategic to the defense of the United States. The interests of 99% of our people were badly served by the killing of 50,000 young Americans and the spending of billions of tax dollars in Vietnam. They will be further betrayed by a continuing involvement in Indochina.

The question then is: in whose interest do we continue this war? The only beneficiaries are the Pentagon, its contractors, and their stock-holders: the same people for whom the Nixon Administration has run the country. Profits and dividends are at record highs while, as we all know, the middle income and lower income worker can scarcely survive. Three-fourths of the people have expressed themselves firmly and repeatedly in opposition to the war. Dare we ignore them longer? Dare we pursue with dogged stubbornness a foreign policy which benefits a very few at terrible cost to the many?

Among the war contractors who profited handsomely from Vietnam are ITT, Philco-Ford, Sperry-Rand, and Lear-Siegler, a California-based electronics firm which recently received a \$6.5 million contract to train and support the Vietnamese Air Command. N.H.A., a lesser-known American company, has received over \$45 million in aircraft maintenance contracts for the Department of Defense. ITT has received at least \$48 million in DOD contracts. The changeover from military to civilian "advisory" personnel in Vietnam has been widely reported in the press. Less well covered is the continuous recruiting for what is obviously planned as a long involvement.

The CIA's Air America last July sought recruits with a brochure saying, "Although flights mainly serve U.S. official personnel movement and native officials and civilians, you sometimes engage in the movement of friendly troops, or of enemy captives; or in the transport of cargo more potent than beans. There's war going on. Use your imagination!" The brochure goes on to state that "... it looks as if we'll finish the war (and peace terms favorable to our side); if so, it is expected that a boom among contract operators will result . . ."

So the war is supposedly finished in Vietnam, and the "peace terms favorable for our side" are stretched to include the bombing of Cambodia. We too can use our imaginations about what's next.

There have already been published reports that the U.S. plans to pay for additional bombing of Cambodia by the South Vietnamese Air Force; and to give financial sup-

port for an invasion of Cambodia by Thai troops. Mr. Nixon's frequent "warnings to Hanoi" threaten re-escalation of this kind. Presumably the American people—who would not stand for the use of American troops on the ground—will not cry out against such involvement. But I believe they will.

The dramatic escalation of the bombing causes increased concern: at the end of February, an average of 23 tactical air sorties and five B-52 sorties were flown. At the end of March, an average of 184 tactical and gunship sorties, and 58 B-52 sorties. Three planes have now been lost over Laos and Cambodia, nine men have been killed and 2 are missing. Will we allow the tragic scene to unfold once again?

I certainly don't have all the answers, not even all the questions. It is impossible today even to raise all the questions, because so much information is "classified." But of one thing I am sure: the U.S. is still in Southeast Asia because this Congress has not acted to end the war. We could have done so years ago; we can do so at any time; we MUST do so now.

WHY do we not act? We cannot say that our constituents do not want us to act; we know that they do. If we do not, their growing disillusionment with government will be intensified and their respect for the Legislative branch still more diminished.

Some members of Congress have hesitated to act because they wanted to support the President, right or wrong. These men and women show commendable loyalty; but recent events have proved how disastrous such blind support can be. A President with the power we have given him can be wrong catastrophically. The very foundations of government are shaking because of the wrongness of this incumbent. We cannot go on, out of respect for the office supporting the wrong action of an incumbent.

The Republican party long ago repudiated the philosophy of "bombing them back to the Stone Age". The Democratic Caucus adopted a resolution making it Democratic policy to cut off funds for this war. So why haven't we done it? Why do we instead contemplate the continued funding we profess to deplore?

The troublesome conclusion is that some Members listen, not to the three-quarters of their constituents who want us out of Asia, but to the little group of tycoons who control the wealth and, unfortunately, the elections. It is time we all look to our own conscience and ask whether we can any longer be part of this vicious, lethal evil.

I would like to commend Congressman Joseph Addabbo for his continued courageous opposition to the transfer authority requested by the Department of Defense in the Second Supplemental Appropriations Bill of 1973. In additional views presented to the House Appropriations Committee, Rep. Addabbo, along with Rep. John J. Flynt, Jr. and Rep. Robert N. Giaimo, stated the case clearly:

"... this amounts to a Congressional blank check approving combat activities of the Defense Department which have already taken place, and giving Congressional approval to any future combat activities which may be deemed necessary. . . . This kind of after-the-fact approval is all to reminiscent of the entire history of U.S. involvement in Vietnam. It reminds us of the Gulf of Tonkin Resolution. It reminds us of the steady and deliberate erosion of Congressional influence in the making of decisions concerning Southeast Asia. It reminds us of the entire experience of the last ten years when Congress in effect gave blind approval and support to the Executive branch to conduct combat operations in Southeast Asia. To approve this request for transfer would be to start the entire sordid chain of events in motion once again.

Now is the time to regain Congressional control of the United States' destiny. We must refuse to approve this request. . . ."

But it is insufficient merely to block this request for additional transfer authority. Defense Secretary Richardson has already stated that even if it is denied, the bombing of Cambodia and Laos will probably continue, because the DoD will just find the money somewhere else and cut back some other military programs.

We must act to pass affirmative legislation which will end our military involvement in Southeast Asia once and for all. This subcommittee has the power to take the first step in that direction, by favorably reporting to the full Foreign Affairs Committee a bill which will accomplish that end.

I am privileged to be a sponsor of H.J. Res. 514, which would cut off all funds for U.S. combat operations in or over Cambodia, Laos, North Vietnam and South Vietnam without express congressional approval. I would hope to see favorable consideration of that measure as soon as is humanly possible. I have also introduced a bill, H.R. 3578, which would end military operations by United States forces, and all U.S. paramilitary operations, such as those carried on under the auspices of the Central Intelligence Agency, the Agency for International Development, and so forth, would cut off all U.S. military aid to "any nation, party, group or person in Indochina," and would extend the cutoff of U.S. activity and military assistance to Thailand as well as the other 4 nations of the area.

I thank you for your kind attention and urge your quick and positive action on the legislation before you.

#### SERVICE-CONNECTED SOCIAL SECURITY COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill that would provide social security coverage for those who have a service-connected disability incurred or aggravated while on active duty in a combat zone and rated by the Veterans' Administration at 50 percent or higher, and for those who die as a result of disease or injury incurred or aggravated while on such duty before September 15, 1940.

I have received a number of letters from my constituents who have expressed to me the difficulties they have encountered in finding means of support, especially in this period of tremendous inflation, and I believe this coverage is essential to their well-being.

As disabled veterans they were unable to find or keep a job, but ineligible for social security assistance because of insufficient quarters. The disabled veteran is caught in an unfair situation which he otherwise would not be in if it were not for his dedication and service to his country in time of need. Now that he is in a position of need I strongly feel we should come to his aid. I believe this bill is a priority measure and hope that it can be enacted into law to help those who have served our great Nation.

#### UNITED STATES RELATIONS WITH REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr.

Speaker, in recent years our Government has made great strides in attempting to normalize or defuse relations with the People's Republic of China. However, these advances have been made at the expense of our loyal and trusted allies—the Republic of China. Since 1955, the United States and Taiwan have been close and cooperative friends. Now, recent actions on the part of our Government are threatening to terminate that friendship and, indeed, the continuation of Taiwan as a national entity.

Our Government has always accepted the obvious fact that the Republic of China cannot, without outside aid, protect herself from the advance of her far larger and historically hostile neighbor, the People's Republic of China. Therefore, we acted as best we could to insure Nationalist China's safety. In 1955 the Congress passed by overwhelming margins the Mutual Defense Treaty, and the "Formosa Resolution," which promised U.S. protection should any of Nationalist China's offshore islands be attacked. These two documents were of a solely defensive nature; they promised no support for any conceivable counter-attacks against the mainland and they sanctioned none. They were documents of understanding, documents which took into account the troubles of a small nation and its endangered people.

Our Government has maintained the commitments that it made in the Mutual Defense Treaty. However, we certainly have done nothing of the sort in connection with the "Formosa Resolution." The basic difference between the two documents is one of power and of attitude. For the Mutual Defense Treaty promises nothing but the protection of Taiwan and the Pescadores while the "Formosa Resolution" promises protection for the surrounding islands. The latter implies far more strongly our acceptance of the Republic of China as the only legal and rightful government of China, a policy to which our government no longer seems committed.

For over 15 years, three successive U.S. administrations have staunchly upheld both documents. During these years there were numerous threats to Taiwan and her surrounding islands. With each threat, our Government realized the necessity of putting a clamp on Communist China's aggressions, of safeguarding the Republic of China. The year 1955 saw great pressure because of Communist Chinese attacks and victories over the Nationalists. At that time, John Foster Dulles warned that it was "doubtful" whether the forcing of a Nationalist retreat from the offshore islands "would serve either the cause of peace or the cause of freedom." However, these words seem to be forgotten in our changing national policy toward the People's Republic of China. Historically our democracy has claimed to be a fighter in the vanguard of freedom. Yet, sometimes we have taken the easy road; we must resist the tendency to simply forget or betray the very principles and ideals upon which we were created and for which we have pledged to struggle. If we continue to do so Taiwan may be the immediate victim. Civilization itself may well be the final victim.

The People's Republic of China has

made great leaps forward in terms of international stature and internal well-being. Its gains, however, should in no way serve to isolate or weaken the Nationalist government and the Taiwanese people. Nationalist China is an independent, proud, and peaceful nation.

No people who number over seven hundred million should ever be left outside of the international picture.

No people, merely because of their small size or lack of military prowess, should be forgotten.

And no people who have placed their confidence in the most powerful country on earth should be betrayed.

America seems at the point of breaking up a long and necessary alliance and, even more important, she is at the point of destroying her image as a trustworthy and honest defender of freedom and of the oppressed. To do either would be a serious mistake.

#### FUQUA SUPPORTS STRONG DRUG LAW ENFORCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, I am today introducing the "Federal Drug Abuse Enforcement Reorganization Act of 1973." The proliferation of narcotics and dangerous drugs is the Nation's No. 1 law enforcement problem and the abuse of these drugs has been called the Nation's No. 1 health problem. It is high time that we face up to this serious threat and muster every resource available to us in dealing with the problem. The first necessary step is, as the President has recommended, the realignment of current Federal law enforcement function. There is little question but that Federal law enforcement in the field of drug trafficking has suffered as a result of the duplication of efforts and diffuse nature of the present drug law enforcement effort.

I am, therefore, introducing this bill today to provide a mechanism for the coordination of Federal drug law enforcement. The measure will promote more effective management of certain related law enforcement functions of the executive branch by reorganizing and consolidating those functions in a new Office of Drug Abuse Investigation and Enforcement in the Department of Justice. This bill provides a mechanism for improved performance, coordination, and evaluation of drug enforcement functions at the Federal level, more effective coordination between Federal, State, and local law enforcement agencies, and the development of innovative approaches to the problems of controlling international and interstate commerce in licit and illicit drugs.

Presently the Federal fight against drug trafficking has been fragmented and less effective than would otherwise be possible. The Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement and the Office of National Narcotics Intelligence are involved in this fight within the Department of Justice alone. The Treasury Department, through the Bureau of Cus-

toms, is also involved in this effort. It is apparent then that greater coordination must be forthcoming.

While I feel that Congress has an obligation to design the appropriate mechanism for our efforts against drug enforcement, I also support legislation providing stiffer deterrents including mandatory sentences for drug pushers.

As the Members know, President Nixon has forwarded to the Congress Executive Reorganization Plan No. 2 of 1973. The plan apparently would provide the kind of coordination which is needed. There is, however one fatal flaw with the plan which I hope that future debate on the plan will disclose to every Member. Section 2 of the Reorganization Plan would transfer over 1,000 Immigration and Naturalization Service inspectors to the Bureau of Customs in the Treasury Department.

It was most ironic that the Subcommittee on Legislation and Military Operations of the Government Operations Committee held a hearing on Reorganization Plan No. 2 on the very day that H.R. 982, making it unlawful to knowingly employ aliens who have not been lawfully admitted for permanent residence, or who are not otherwise authorized by the Attorney General to work while in the United States, was being debated on the House floor. In subcommittee, I heard testimony from the Special Assistant Attorney General for Drug Abuse Law Enforcement that the transfer of some 1,000 inspectors from the Immigration and Naturalization Service would in no way jeopardize the Service's efforts in apprehending and deporting illegal aliens. On the floor, however, I heard my colleague ANDREW HINSHAW, relate the following:

When Raymond Farrell, who recently retired as Commissioner of the Immigration and Naturalization Service, appeared before my Legal and Monetary Affairs Subcommittee of the Government Operations Committee, I asked him how bad the situation really was. He told me: "You can actually throw a rock up in the air in a large city such as Los Angeles and probably hit an alien who is illegally in the United States." But what is the Immigration and Naturalization Service doing about the problem? From Fiscal Year 1964 to 1972, its manpower increased by only nine percent.

I paid a great deal of attention to the statements my colleagues were making that day because I, too, feel strong and affirmative action must be taken to take illegal aliens from the job market. These illegal immigrants take jobs away from American citizens and legal aliens. Many expand our welfare rolls and their children contribute to the overcrowding in schools. And yet, the President has proposed that we eliminate 1,000 inspectors from the Immigration and Naturalization Service and send them off to the Bureau of Customs. I am familiar enough with the training and expertise of these immigration officials to know that the problem of illegal aliens is great enough that the inspectors must concentrate solely on visa and passport documents. I learned during the debate on the legislation to amend the Immigration and Nationality Act that the number of illegal aliens has rapidly increased since 1965. It was stated that there are presently between 1 to 2 million aliens il-

legally in the United States. In 1972 alone, the Immigration and Naturalization Service apprehended 505,949 illegal aliens, and 467,193 were expelled. If this body is concerned enough about illegal aliens to pass legislation levying criminal penalties for employing illegal aliens, I certainly feel it should be concerned enough about this program to prevent the transfer of 1,000 highly trained inspectors from the Immigration and Naturalization Service. It should be apparent that there is a need for still greater manpower in the Immigration and Naturalization Service.

It was pointed out that ever our balance of payments is unfavorably affected by illegal aliens as untold millions of dollars are annually sent by them to families in other countries. Of greatest importance is the fact that each job occupied by an illegal alien means a lost job opportunity for a U.S. citizen or permanent resident. And, if there is one thing in this country that we need more of than anything else, it is an opportunity for every American to find employment. I cannot stand by and support the elimination of 1,000 highly trained inspectors at a time when we cannot get the national employment rate below 5 percent and when there are unemployment rates of 20 and 30 percent in certain population groups in our major urban areas.

I support the President's goal of conducting an all-out global war on the drug menace. I believe in it so strongly that I am today proposing a measure which will allow us to meet that goal and at the same time preserve the integrity of the Immigration and Naturalization Service. If we were ever confronted with a situation of "Robbing Peter to pay Paul," we are there today.

There has been much concern expressed that a vote against the reorganization plan is a vote against strong law enforcement. By using this logic, a vote in favor of the reorganization is a vote in favor of permitting illegal aliens to remain in jobs which could be filled by American citizens or permanent resident aliens. The proposal I am submitting today will resolve both concerns. On the one hand it will coordinate all Federal drug law enforcement efforts as requested by the President. On the other hand it preserves the effectiveness of the Immigration and Naturalization Service in dealing with illegal aliens.

I encourage my colleagues to join me in the fight against proliferating drug trafficking and abuse. Likewise, I encourage my colleagues to address the serious consequences which the Reorganization Plan will have on our efforts to remove illegal aliens from the American job market. Both problems must be responded to and an answer to one problem at the derogation of the other is not adequate.

#### WATERGATE AND PROTECTION OF NEWS SOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, because of the Watergate scandal, there has been a fresh spurt of interest in a number of bills, pending in the House and Senate. These bills seek to assure the inviolability of the confidential relationship between newsmen and their news sources. This is an issue of crucial importance in a democracy, and last week I was invited to speak on this subject at the annual convention of the Ohio Press Women, in Huron, Ohio. For the information of my colleagues, I would like to reiterate here some of the points I made in my presentation to the newswomen.

I started out by saying that the pending bills suffer from a number of handicaps. There is no getting away from one of them—and that is the identity of the people who are promoting the legislation. The most vocal proponents happen to fall into two groups. Either they are professional news persons, or they are politicians, and unfortunately, others might view us as having a vested interest in these bills.

Every time the newspapers demand a free flow of information, their critics begin reading between the lines—and they come up with what they regard as the real reason behind the stories and editorials. They conclude that newspaper and broadcast people want this kind of protection because—

First. Their job depends on it; and

Second. They want to sell more newspapers—or beef up their audience ratings.

Also, every time a politician rises in their defense, he gets this curve thrown at him—sometimes even by his friends in the fourth estate; namely:

That's a lot of grandiose talk by Jim Stanton about his acting for the press in the public interest. But we know what he's really up to: He wants to curry favor with the publishers and the broadcasters.

The fact is, though, that if politicians and news persons sincerely believe in the great need for this legislation, as I know many of us do, then we are going to have to depend on each other for support. I do not see any way to change this. Because, no matter how suspect our motives might be to smart alecks and to cynics on the outside, in the end it is only the news people who can publicize the overwhelming requirement for this kind of law—and, ultimately, it is only we politicians in Congress who can enact it.

It would be nice if we had the ardent priority support of disinterested public-spirited groups such as, say, Common Cause and the League of Women Voters. They could help convince the public that we are trying to save our country, not ourselves—that we are trying to preserve everyone's freedom, not just our own jobs—by lobbying for a newsmen's shield bill. But the fact is that while some of these groups have spoken out in favor of such legislation, I am not aware that any of them have made this one of their major causes. They all have other irons in the fire.

So it is up to us to try—unassisted, for the most part—to educate the public as best we can on this issue, despite the fact that so much of what we say sounds

self-serving. Really, there is no one else to rely on for it.

And this, of course, is what I meant when I referred to our first main handicap. Many of us tend to vote for or against what we think our constituents want or do not want. Because the public apparently has not been fully awakened to the need for this legislation, it is perceived by some of us as just another special interest bill. And this has acted like a brake on the legislative process.

Which brings us to the second major handicap. There is no doubt that this is an issue of constitutional dimensions. But that fact is not clearly perceived outside this Chamber. I think the reason is that the underlying issue cannot be set forth simply. The proposition takes a subtle turn that escapes a good many people.

It is exceedingly difficult to put the point across that this legislation protects the news media only incidentally—that our chief concern is not merely to keep journalists out of jail, or to shield them from subpoenas—that what we are really trying to do is to assure a free flow of information to the public.

As it happens, the person we are aiming at in this legislation is not visible to the public. We are trying, in this proposed law, to reach beyond the newsman and newswoman to make contact with the news source. We want to assure him that he has little to fear—that he can speak in confidence to members of the news media, with some solid assurance that the newsman cannot be forced to betray the confidence.

As a distinguished fellow Ohioan, Supreme Court Justice Potter Stewart, said in his dissenting opinion last June:

We have held that the right to publish is central to the first amendment . . . a corollary of the right to publish must be the right to gather news . . . The right to gather news implies . . . a right to a confidential relationship between a reporter and his source.

The point made by Justice Stewart is especially important today because of the attitude of the administration that presently holds power in Washington. That administration opposes any kind of newsmen's shield legislation. The President's spokesmen have come up to Capitol Hill, and they have testified that there is no need for this kind of law, because the Justice Department operates on its own guidelines. And the spokesmen insist that the Justice Department lawyers implementing these guidelines are fully sensitive to the need for a free press. I would like to quote from one of those guidelines:

The Department of Justice recognizes that compulsory process . . . may have a limiting effect on the exercise of the First Amendment rights. In determining whether to request issuance of a subpoena to the press, the approach in every case must be to weigh that limiting effect against the public interest . . .

In other words, some lawyer in the Justice Department—not the representatives of a free press—is going to determine what is, or is not, in the "public interest."

Besides the guidelines, the administration has given us, just recently, the Criminal Code Reform Act of 1973. This bill, introduced in March, is a volumi-

nous one that generally updates the criminal code.

Buried deep inside this legislation are a few provisions that, somehow, were omitted from the White House press handouts. These imbedded provisions would fetter the press in a way completely foreign to its experience as one of the thriving and vital institutions of America's democracy.

Mr. Speaker, let me give you a few examples:

The administration bill makes it a felony for a Government employee to hand over to an "unauthorized person"—which means, of course, a newsman or newswoman—certain Government documents. When I say "certain documents," I mean those that are classified secret or confidential or whatever. There are 20 million such documents lying around Washington, some of them dating to World War II. Of course, it is the Government itself that classifies its own documents. Further, a reporter who receives the classified information would be guilty of a felony. And Government officials who knew about such a transaction between one of their colleagues and a reporter would be guilty of a felony, too, unless they reported the incident—identifying both the reporter and the news source—to the authorities.

As Jack Landau of the Newhouse News Service, wrote:

The Nixon proposal flatly counters American tradition that government reports and studies belong to the public and cannot be owned by the government.

This whole business recalls the admonition issued by Justice Douglas when he joined Justice Stewart in dissent last year. Douglas warned:

The reporter's main function is going to be to pass on to the public press releases which the various departments of government issue.

Now, against this background, where do we stand on newsmen's protection legislation? Dozens of bills have been introduced on this subject, including one by me, H.R. 3725. Hearings have been held by the Judiciary Committees in both chambers.

The chief difficulty so far, in addition to administration opposition, is the fact that proponents cannot agree on the type of bill they want. On account of this, we might end up with a situation where neither Committee reports out any bill favorably. Or, if one is reported, it is doubtful right now that a majority could be mustered in favor of any particular version. And beyond this obstacle, of course, looms the possibility of a Presidential veto.

I do not think that this is the time and place to examine the pros and cons of the individual bills. However, I think it is sufficient to say at this point that the bills fall into two broad categories.

One group of bills—which includes my own—would confer absolute immunity on members of the news media. Under no circumstances could they be forced to disclose the identity of their news sources to officials of the Government.

A second group of bills also confer immunity, but the protection is abridged by various qualifications, depending on which bill we are talking about. For ex-

ample, one of the principal so-called qualified bills has been introduced by my distinguished colleague from Ohio, the Honorable CHARLES WHALEN. It has some 70 cosponsors. One of its qualifications is that a news source would have to be identified when a Federal judge decides that there is "an overriding national interest" in favor of the disclosure.

I would like to explain my own preference—first, as a politician, and second, as a lawyer—for absolute legislation.

As a politician, I think I know something about human nature—at least the proclivities of public officials. I think they need maximum assurance that they will remain anonymous when this is what they want—and, as we know, we generally want to be anonymous unless the news media happen to be singing our praises.

Therefore, if we were to enact a law saying that news sources are shielded except under certain circumstances—a law qualified by a list of "however"—I think the newsmen and newswomen are going to lose a lot of news sources. These sources simply are not going to run the risk of examining the law to determine whether or not it applies to them in a particular instance. Rather than analyze the law and try to figure it out, the news source will tend to play it safe—to adopt a personal policy that would boil down to this:

When in doubt (which could be most of the time), keep quiet. Be nice to the news media, but volunteer nothing.

I would add, as a lawyer, that when we are dealing with issues of constitutional proportions, it is best to articulate proposals in absolute terms. I refer you, for instance, Mr. Speaker, to the first amendment, which is stated as an absolute. This does not mean there can never be exceptions to it. As Justice Holmes has said, the absolute right to free speech does not guarantee to a person the privilege of yelling "fire" in a crowded theater.

Under an absolute newsmen's shield statute, circumstances inevitably would arise where, in a particular case, some other public interest would override the statute. When that occurs, a court would so find on a case-by-case basis. However, if we start out by writing qualifications into the law, we are abridging the right at the outset—and narrowing it in such a way as to possibly encourage future amendments that would abridge it still further.

There are plenty of absolutes in the Constitution and in our law books, and I do not think we have to worry that there are too many of them. We live with constitutional tensions day by day in our country. On the one hand—to cite a recurring example—we have the guarantee of a free press, and on the other hand, the guarantee of a fair trial. When the two collide, we do not obliterate one in favor of the other. Rather, since we value both of these rights highly, we seek to establish a public policy that permits the two of them to coexist—safely, if not comfortably.

Therefore, I do not think we need to become overly concerned that a grant of absolute immunity to the press is going to let some criminal go free—in cases where a reporter, say, has spoken confidentially to a numbers operator. We

ought to have confidence that, over the long run, justice will be done—and that justice is more likely to prevail when the public is fully informed.

Now, I would like to add just a word about my own bill, H.R. 3725, to indicate how it differs from the others. The bill has only two sentences.

I think brevity is important—especially, again, when we are dealing with constitutional issues. The first amendment contains only one sentence. The proposed Equal Rights Amendment, dealing with the status of women, also is couched in a single absolute sentence.

The first sentence of H.R. 3725 says:

No person shall be required by any Federal Court, grand jury, or agency, or by the Congress, to reveal any information, including the source of any information, obtained in the course of that person's involvement in the obtaining of news for broadcast, or written or pictorial dissemination to the public.

The bill concludes with this second sentence:

As used in this Act, the term "person" includes any corporation, company, association, firm, partnership, society, or joint stock company, as well as any individual.

Under H.R. 3725, the news source would know that the journalist he is dealing with could not be compelled to reveal his identity. His only problems, then, would be, first, whether he feels he could trust the journalist to fall back on this law, if that becomes necessary, and second, whether he feels that he can indeed, in good conscience, violate the confidence of his superiors in the agency where he became privy to the classified information.

This latter consideration has its own implications in terms of good public policy but these, I submit, while indeed important, fall outside the purview of the issue concerning us here. In this connection, though, I think we ought to be cognizant of a basic distinction between the newsmen and the news source. While the news source—if he is a public official—is an agent of the state, properly subject to disciplinary sanctions—no matter how high his motives—when he leaks information and gets caught doing it, the newsmen himself is not an agent of the state. To force him into the role of state's agent, under threat of imprisonment, is to tamper with and abridge freedom of the press. Worse yet, it would create substantial doubts in the mind of the public that the press is, in fact, free—a neutral force interposing itself between the people and their government, in order to help the people exercise those rights that are reserved to them under our Constitution.

Mr. Speaker, I would like to call your attention more specifically to the scope and the phrasing of H.R. 3725.

As is evident, this bill would extend immunity to newsmen only in those cases where the Federal Government has jurisdiction. While I would be very pleased if this Congress were to approve a bill conferring the same immunity with respect to State and local government, I suspect that we lack authority to legislate in this area for States and their subdivisions.

The phrase "no person" applies to any person in the United States. In other words, the bill is not restricted in its

coverage to professional newsmen or authors only. I do not think we can come up with a suitable definition of what is a professional newsmen. But even if we could, I do not think we should limit the protection. A pamphleteer or the avocational publisher of a small newsletter, which he might distribute even free of charge, potentially has the capability of developing confidential sources of information—and information disseminated by him might have as high a degree of validity as the contents of our daily newspapers or better known magazines.

The "no person" formulation also affords protection to former newsmen who might be otherwise employed at the time an official inquiry is launched. Again, I think we must keep in mind the fact that we want to assure persons with information to impart that they need not fear forced betrayal by the newsmen receiving the data. Informants naturally would feel inhibited if they could be certain of protection only on a temporary basis—only during the time that their contact remains employed by a given news organization.

"Any information" refers, of course, to notes and other materials in the possession of a writer or broadcaster which were not published or broadcast. Were a newsmen forced by a subpoena to produce this background data, he might indirectly lead his inquisitors to the confidential source of information, since in many cases inferences could be drawn by investigators examining the material.

Section 2 further defines the term "person" and makes it clear that the word includes corporations and other business entities. I feel this is needed, because organizations employing newsmen often have physical possession of his notes and other materials, and we ought to have a statute protecting them, too, against forced disclosure.

In conclusion, Mr. Speaker, I would like to state that it would be inadvisable to settle in Congress for anything less than an absolute immunity statute.

There will be a temptation to take something less, because the alternative might be no bill at all in this session. On most issues, I think compromise is necessary—because otherwise—as I have learned from experience—politics would become a futile exercise.

But on this issue I honestly believe that it would be better to have no legislation than limited legislation. I want to reiterate that we are confronted here with an issue of constitutional dimensions, and to accept any limitations whatever on the newsmen's right to protect his news sources will serve only to dilute that right—and to invite future and more severe limitations.

Personally, I think time is on the side of those who favor this approach. In the end, there is a good prospect of getting what we want—getting what America needs. I say this because I think that the Watergate scandal is having the effect of boosting the news media in the public esteem. And by the time the whole truth emerges from that shameful episode in our history, the journalist might become a giant in the eyes of most Americans.

There may have been a so-called new majority that agreed with Vice President

AGNEW when he used to assail the news media. But I kind of think that those days might be gone forever. When it comes to believing President Nixon on the one hand, or the newspapers on the other hand, I think most people—from now on—are going to opt for the newspapers.

The people are going to remember, for example, what Mr. Nixon's campaign director said about the Washington Post:

Using innuendo, third-person hearsay, un-substantiated charges, anonymous sources and huge scare headlines, the Post has maliciously sought to give the appearance of a direct connection between the White House and Watergate—a charge which the Post knows—and a half dozen investigations have found—to be false.

Clark MacGregor said that last October 16. Since that time—and I do not think I need tell you this—the news media have emerged the winner in this game of true-and-false with the White House. The people know that, and in the end, through their Congressmen, they will see to it that the press in this country is kept free.

#### LAWTON M. CALHOUN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINN) is recognized for 5 minutes.

Mr. GINN. Mr. Speaker, Mr. Lawton M. Calhoun of Savannah, Ga., is a man who stands as a giant among Americans by virtue of his unselfish dedication to community service and his tireless efforts to insure that his city and his State continue on a path of achievement.

Mr. Calhoun has retired as president and chairman of the board of the Savannah Foods and Industries, Inc., the only major industry in Savannah that is home owned. He has recently been honored by the presentation of the Dyer Memorial Award as the "Sugar Man of the Year" for 1972. I would like to take this opportunity to add my congratulations to the many salutes which Mr. Calhoun has received.

Lawton Calhoun is one of those handful of men in our country who can make a difference in the daily life of his community. He has the knowledge, the skill, the energy, and the foresight to be a leader and a mover. His loss to the daily business world has been a great gain for my congressional district because he is now freer to devote even more time to the life of his community.

At this point, I would like to introduce into the RECORD an article from the Savannah Morning News, an editorial from the Savannah Evening Press, and the citation from the Dyer Memorial Award that all provide a wonderful insight into Mr. Calhoun's role in the life of the State of Georgia.

DYER MEMORIAL AWARD "SUGAR MAN OF THE YEAR 1972" TO LAWTON M. CALHOUN, CITATION FOR SIGNIFICANT AND MERITORIOUS SERVICE TO THE SUGAR INDUSTRY

For his significant and meritorious service to the sugar community during his nearly 40 years in the industry, Lawton M. Calhoun is hereby commended.

As Chairman of The Sugar Association, Inc., he early recognized that sugar must be actively promoted as a wholesome nutritious source of food energy.

As Chairman of The Association's Ad Hoc Committee, he was instrumental in organizing the International Sugar Research Foundation, a world-wide body dedicated to initiating and conducting investigations on sugar and disseminating the results.

Active in directing the affairs of the United States Cane Sugar Refiners' Association, his knowledge of the industry and his integrity made him as welcome in the hallowed halls of Congress as he was among his peers in the commercial and civic worlds.

More than his accomplishments was the man, possessing the highest integrity with a great appreciation of human relationships and understanding of other individuals problems.

His wise counsel and farsightedness are appreciated by a grateful industry which long will remember his outstanding contributions in its behalf.

[From the Savannah (Ga.) Evening Press, July 5, 1972]

#### A LEADER RETIRES

Lawton M. Calhoun, who retired a few days ago as president of Savannah Foods and Industries, has been a leader in Savannah's industrial progress for many years. He steps down with our best wishes and with Savannahians' gratitude for the role he has played in the local economy.

After joining the Savannah Sugar Refinery in 1940 as assistant sales manager, Mr. Calhoun rose to the post of president. His leadership expanded the industry's role in the economic life of our community, helping to increase local employment and income.

Over the years, Mr. Calhoun has been a good citizen in a variety of ways, contributing his energies to a number of worthwhile civic projects and organizations. At the same time, he has been active in numerous local businesses and firms, all of which play a major role in local commerce.

The statistics on the growth of Savannah Foods and Industries during his presidency indicate some of the contributions his leadership has made to the local economy. During his tenure, sales increased from \$70 million to \$171 million over a 10-year period ending in 1971. Total assets of the company were almost doubled in the same period and the company's income after taxes showed a similar rise. Stockholder's equity rose from \$19.3 million in 1961 to \$36.4 million in 1971 and net income per share over the same period rose from \$2.72 to \$4.92.

Mr. Calhoun's contributions to Savannah are appreciated. His has been the caliber of business leadership a community needs to grow and prosper.

Although he is retiring as president of Savannah Foods, we are sure his boundless energy and enthusiasm for our community will find expression in other projects which will be valuable and bring honor to Savannah.

[From the Savannah (Ga.) Morning News]

#### CALHOUN NAMED TOP SUGAR MAN

Lawton M. Calhoun, retired executive of Savannah Foods and Industries, Inc., has received the Dyer Memorial Award of "Sugar Man of the Year" for 1972.

Considered the most prestigious honor in the U.S. sugar industry, the award is given for "significant and meritorious service" to the industry.

Calhoun, who retired last year as chairman of the board, president and chief executive officer of Savannah Foods and Industries, received a giant silver bowl, a symbol of the award, at a luncheon in New York City Monday.

The presentation was made by John B. Bunker, president of Holly Sugar Corporation of Colorado Springs, Colo. who was chairman of the three-man judges panel.

Other judges were James H. Marshall, president of the California and Hawaiian Sugar Co. of San Francisco, California, and

Robert M. Armstrong, president of Imperial Sugar Co. of Sugarland, Tex.

The citation for the 15th annual presentation of the award noted that Calhoun during his nearly 40 years in the industry served for a period as chairman of the Sugar Association Inc. and was instrumental in organizing the International Sugar Research Foundation, a worldwide body dedicated to initiating and conducting investigations on sugar and disseminating the results.

"The Sugar Man of the Year" award was established in 1958 as a memorial to the late B. W. Dyer, a founder of B. W. Dyer and Co., sugar economists and brokers of New York City.

Calhoun joined the Savannah office of Lamborn and Co., general brokers for the Savannah Sugar Refining Corporation, in 1934. In 1940 he accepted a job as assistant sales manager for the sugar refinery.

#### CAMBODIA AND THE KENT STATE TRAGEDY

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Speaker, I would like to make some observations in connection with the action of the House today.

It has been less than a week since the third anniversary of the shooting of the four students at Kent State University, which happens to be in my congressional district. The tragedy that occurred on May 4, 1970, at Kent State, was the direct result of the invasion of Cambodia by the U.S. military forces, action which was taken without any prior consultation between the President and any of the leadership in Congress, let alone an authorization from the Congress.

Today, after over 3 years, the House of Representatives has finally taken action toward ending the last vestiges of that illegal act.

What a tragedy it is that as a result of the Cambodian misadventures, not only many soldiers had to die, not only many civilians had to die, not only many thousands more were wounded, not only were our own students and our young people in uniform pitted against each other, but our Nation's economy has been damaged, our country divided and the strength of Congress has been weakened.

Now it is possible to begin efforts to redress these losses. The House took the first step today. The second step required is that we restore the tradition in this country that justice is evenhanded. There was a grand jury investigation, by the State of Ohio, of the Kent State tragedy, and it resulted not in action against any of the persons responsible for pulling triggers which fired the bullets, but in an indictment of students and members of the faculty.

I might say that those indictments were later thrown out by a Federal court, and the report of the grand jury was ordered destroyed by that court.

The Scranton Commission, in its report on the Kent State tragedy, did not ask the students, National Guardsmen, and other witnesses all the questions they could have asked, for the reason that they were given to understand by the Justice Department that there would be a Federal grand jury investigation. As

it turned out, there was no such investigation, despite the fact that the FBI conducted a very thorough and searching inquiry which certainly raised the possibility that there was a basis for further investigation by a grand jury.

The then Attorney General, Mr. Mitchell, finally stated to the press that there would be no grand jury investigation, but he advanced no substantive reasons why. Ever since then, some of us have been trying to get from him and his successors a statement of the reasons why there was no such investigation.

Now, nobody is anxious to see our young men and women put through that kind of an experience, but the people of this country are entitled, especially in situations as serious and as crucial as the Kent State tragedy, to have the normal processes of law applied to all cases of suspected violations of the law, or they are entitled to a full explanation from the responsible officials as to why the normal procedures have not been followed.

The entire country is now rightly demanding that the Justice Department act, with respect to the "Watergate" incidents, in such a way that there can be no reasonable doubt that full justice has been done. Certainly the people of our country, especially the young people are entitled to no less with respect to the Kent State incidents.

Now we are about to get a new Attorney General, and I am going to go to him and make one more effort to get either a statement that there will be an investigation by a Federal grand jury or a statement as to the reasons why that is not necessary or desirable. We must be able to tell the world that justice is still evenhanded in this country.

There is one final thing that we must do, and that is going to devolve upon the Congress. We must consider proper legislation to restore the constitutional use of military troops in civil disturbances, so that that kind of a tragedy will not be likely again. The traditional position of our courts has been, that, under the Constitution, martial law cannot supplant civil law except when the courts and civilian government are not able to function. Furthermore, the courts have held that when troops are used to augment civilian law enforcement resources, they must at all times be subject to the civilian authorities and take their orders from the civilian authorities.

The National Guardsmen were put in a most untenable position by the Governor of the State of Ohio when they were sent in to Kent State 3 years ago. They were sent in at a time when the courts and the civilian authorities were functioning as normal. Nevertheless, the Governor instructed the commanding officer that he was to make all the decisions as to what action to take in the premises. This was wrong as a matter of law. It was wrong as a matter of policy. It was wrong for the soldiers and wrong for the civilians. And it resulted in the unnecessary and unwarranted shooting of civilians.

Mr. Speaker, I intend at the appropriate time to introduce legislation to prevent this sort of abuse in the future. In the meantime, I should like to bring to the attention of my colleagues two

newspaper articles on the anniversary of the Kent State tragedy: one from the New York Post by James A. Wechsler, and one from the New York Times by Peter Davies.

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

The newspaper articles are as follows:

#### KENT STATE TO WATERGATE

(By James A. Wechsler)

On this day three years ago National Guardsmen opened fire on the campus of Kent State University, killing four students and wounding nine others, one of whom may never walk again. The bloodbath climaxed a series of student protests across the nation over President Nixon's chilling announcement of the U. S. "incursion" into Cambodia.

This anniversary is tinged with unusual poignancy and irony. Mr. Nixon had portrayed the Cambodian action as designed "to protect our men who are in Vietnam and to guarantee the success of our withdrawal and Vietnamization program." Now, with the Vietnamese withdrawal ostensibly completed, the rain of U. S. bombs over Cambodia is heavier and more ruthless than ever before.

Meanwhile the "law-and-order" Administration that reacted with cold aloofness to the Kent tragedy, steadily resisting pleas for a grand jury inquiry, finds its own lawlessness exposed on a wide front and its spokesmen pleading for mercy and tolerance for transgressors in its rank who were being faithful to "a cause."

Over a telephone from Pittsburgh yesterday, Arthur Krause, whose attractive, gentle daughter, Allison, was one of those slain, said with mingled grief and bitterness:

"After I read Henry Kissinger's plea for compassion for the people involved in Watergate, I wrote him asking him to tell me how this Administration defines compassion. I reminded him that this government killed my daughter and other kids, and has never even been willing to convene a grand jury to investigate the crime. I asked him to tell me how I can have compassion—except for the people still being killed in this war."

"I haven't had an answer."

On the day before the fusillade in which she was entrapped, Allison Krause had placed a flower in a National Guardsman's rifle barrel and murmured: "Flowers are better than bullets." That night she telephoned her parents to express dismay over spreading campus clashes.

Krause has waged a tenacious, often lonely battle to keep the Kent State issue alive; clearly he feels that is the only way he can memorialize his daughter's terrible death. A pending suit launched against the Justice Dept. during the tenure of John Mitchell accuses that agency of "wilful disregard of the Constitution" by its failure to conduct a grand jury inquiry; a government reply brief is due to be filed in the D.C. District Court within a week.

In a few days Dean Kahler, the student who lost the use of both legs as a result of the shootings, will present Attorney General designate Elliot Richardson with petitions bearing 50,000 names urging of a grand jury probe. (The petitions were brushed off during Mitchell's regime.)

In the present setting, Watergate, symbol of a far-flung conspiracy of political sabotage and espionage, appears likely to dominate any chronicle of the Nixon era. But the archives of the Kent State story are crowded with clues to the moral and credibility gap now being unveiled.

Two days after the killings I wrote:

"... One clung to a faint hope that the shock [of the deaths] would elicit some sign of grace and compassion in high Washington places. Instead there emerged the

lifeless expression of Presidential 'sadness' accompanied by the self-serving judgment that 'when dissent turns to violence it invites tragedy.' Nowhere was there even a hint of Presidential resolve to seek punishment for those who had shot down the students."

Subsequent inquiries and disclosures dramatized the contempt of both justice and truth that has governed the Administration's response to the slaughter of innocents.

A newspaper investigation showed that a detailed FBI report, describing "fabricated" testimony by Guardsmen, had been suppressed "and placed under lock-and-key for 75 years." *Coverup did not begin with Watergate.*

Five months after the shootings, a special report by the President's Commission on Campus Unrest, headed by former Gov. Scranton, declared:

"The rally was peaceful, and there was apparent impending violence. Only when the Guard attempted to disperse the rally did some students react violently . . . The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted and inexcusable."

Like the reports of other Presidential commissions in the Nixon era, this one was treated by the Administration as if it had never been submitted.

Now, three years after the day of horror, David Eisenhower, in the tones of a young fogey, writes triumphantly of the calm prevailing on the campuses. Meanwhile, Arthur and Doris Krause drove sadly last night to a candlelight vigil at Kent State. Today, for them and the families of Jeffrey Glenn Miller, William K. Schroeder and Sandra Lee Scheuer, the three others who perished, there is the agony of remembrance and a shared despair about a government whose leaders have never seemed to care.

#### A BITTER ANNIVERSARY

(By Peter Davies)

Three years ago today several hundred students gathered at noon on the campus of Kent State University to protest the invasion of Cambodia and the continued presence of Ohio National Guard troops. Twenty minutes later a fusillade of gunfire left four students dead and nine more wounded, all victims of military ammunition.

Before anyone had a clear picture of exactly what had happened, President Nixon reacted to the massacre by saying that whenever dissent turns to violence it "invites" tragedy. In other words, the kids asked for it. This hasty and ill-advised statement not only set the tone for public condemnation of the students, regardless of the fact, but so politicized the incident that the father of one of the two girls killed by the guardsmen immediately feared obstruction of justice by some members of the Nixon Administration. Today his fears have proven to be well-founded.

In October, 1970, a lengthy Justice Department summary of the F.B.I. investigation raised a multitude of questions concerning the conduct of a few Ohio guardsmen that it appeared inevitable that a Federal grand jury would have to be convened despite the political sensitivity.

Ten months later, on Aug. 13, 1971, John N. Mitchell, then Attorney General, calmly announced his decision to bury these questions, unanswered. Although the gunfire, he said, was "unnecessary, unwarranted and inexcusable," there was insufficient evidence to warrant a grand jury investigation. He even went so far as to say he was satisfied "that the Department of Justice has taken every possible action to serve justice." That, perhaps, was the most contemptible remark Mitchell ever made on the Kent State case, and today we have a clearer understanding of how he had the gall to say it.

If John Mitchell can participate in meet-

ings at which plans are discussed and weighed as to the political advantages of burglarizing the Democratic party headquarters at the Watergate—as it is said he did—and do so as Attorney General of the United States, then anything such a man says is suspect. If Mitchell can so emphatically tell the American people that he had no prior knowledge whatsoever of the Watergate bugging operation, when he knew plenty, then he can just as emphatically fool us on Kent State with his ridiculous claim that there is not enough evidence just to convene a grand jury.

On this third anniversary of the killings at Kent State, there is every reason to believe that the scandal which is now ripping apart the Nixon Administration will enable us at long last to focus public attention on the Justice Department's role in obstructing justice in this issue.

#### A SALUTE TO AMERICA'S ALLY— THE REPUBLIC OF CHINA

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, like most Americans, I have been pleased over the recent easing of tensions between ourselves and the People's Republic of China, especially the opportunity it has given us for new diplomatic initiatives in dealing with the Communist world, for example, the cease-fire agreement in Vietnam, and the new opportunities for a relaxation of tensions with the Soviet Union in the Middle East and elsewhere.

Nevertheless, in recognizing these positive achievements of the new Nixon-Kissinger foreign policy, it is extremely important that we do not get so carried away with these new departures that we forget our long-time friends, especially one important friend and ally, the free Republic of China on the island of Taiwan.

I had the unique opportunity to visit Taiwan in July 1971 at the invitation of the Chinese Government to address the annual Captive Nations' Week observance in Taipei. I wish all my colleagues might have such an opportunity so they too could see first hand the remarkable achievements wrought by the Chiang government. This has been nothing short of an economic miracle, and it has been made possible in part by the support and assistance of the United States.

Our commitment to Nationalist China has been a longstanding one which has been beneficial for both our countries. Unfortunately the new Asian foreign policy has taken its toll on the Nationalists, as evidenced by our inability to prevent the expulsion of the Republic of China from the United Nations, and the more recent disruption in diplomatic relations between Japan and the Republic of China.

Yet, in spite of these problems which our own abrupt policy switch has created for our friends on the island of Taiwan, the remarkable thing is the continuing vigor, strength, and resiliency demonstrated by the Chinese Government as well as by the Chinese people themselves. Though shocked—even more so than the Japanese—by the abrupt change in American diplomatic direction in 1971, the Republic of China has not allowed its relations with us to become embittered, which one might well have expected. And even the diplomatic rupture with Japan, as I understand it, has not damaged too much the very profitable economic relationships which had grown up between those two countries in the years since the end of World War II.

But what of the future? Of course the Peking agreement refers to some closer future relationship between Taiwan and the government of mainland China. But it is not very specific and in any event it is something left for a distant and vaguely-defined future. That is as it should be, Mr. Speaker, because the present relationship between ourselves and the People's Republic of China does not need to be based on Taiwan in any way. It is based on the harsh reality of over 40 Soviet combat divisions stationed on the northern border of mainland China; and our cooperation with China is profitable to them as a counter and a deterrent to that Soviet military threat quite apart from any commitment to push Taiwan into her orbit.

So let there be no talk, Mr. Speaker, of "turning over" Taiwan to the mainland government. The Government of the Republic of China has shown it can stand strong and tall on its own two feet. Its future must be decided by its own people, not settled in any diplomatic smoke-filled room agreement. Let us reaffirm that conviction today.

#### CONCERNING AN ASIAN STUDIES INSTITUTE IN HAWAII

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, a college-age friend said something when he was joking with me a few days ago which reminded me of the Federal Government's approach to Asian studies.

My friend said whenever he is tired of studying he just "lays his head on the book, takes a nice nap and relies on good old osmosis."

Osmosis, as you recall, is the principle that liquids diffuse across one membrane into another until each holds an equal amount of the other's contents.

It seems to me too many Americans in our Government now rely on a miracle of "intellectual osmosis" for the vast cultural heritage of Asia to somehow seep through the Pacific Ocean into American minds.

While we might wait for the tides to bring us Asian culture, arts, and humanities, I believe we are able, and long overdue, in our need to greatly speed and increase this process. On April 12 of this year I submitted legislation which will do just that.

I refer to H.R. 6930, my amendment to the International Education Act of 1966, which will establish an Asian Studies Institute in Hawaii under the administration of the Department of Health, Education, and Welfare.

As we are all aware, this Nation is at a peak of interest in the people, history, science, culture, arts, and politics of Asian nations. Yet those of us who were educated in American schools find ourselves sadly lacking in knowledge of even the most basic kind about Asia. After

all, we were taught that the root of our civilization is in the West.

Educated in this system where Asian countries were passed over as part of the underdeveloped world with little to offer, we find ourselves poorly prepared to understand and learn from the many Asians who know so much more about us than we know of them.

How many of us are aware of the interchange of powerfully influential ideas between the East and West? How many of us know that the writings of Emerson and Thoreau influenced Ghandi who in turn was a major influence in the life of Martin Luther King?

As the jet airplane binds us together into a global community we are becoming world neighbors to millions of people who were once considered as "remote" and "inscrutable."

We now find ourselves in embarrassed awe at those who know anything of Asian nations. We gape at an American who has mastered the simple task of eating with chopsticks; we are awed at the President dining in Peking; we blush over our lack of pre-World War II historical knowledge of Japan when lunching with a Japanese businessman; we baffle over how we could have become involved in Vietnam—a nation whose very name left many citizens dashing to the family atlas only a few years ago.

Vietnam has left us knowing that we fail internationally in direct proportion to the unavailability of educated decisionmaking. Aware of this our citizens are flocking to anything which smacks of enlightening them about Asia—from listening to Indian ragas to taking yoga lessons to trying a hand at Chinese cooking.

Americans are tired of this area of ignorance. We have awakened to our need to know of Asia just as we have awakened to the rich heritage of Africa and South America. A new interest in Asia flows across this Nation in an intellectual flood.

At the University of Hawaii and the East-West Center, more than 4,000 students are studying at least one course in Asian areas and languages. At the University of Pennsylvania, at Columbia University, at the University of Colorado, at the University of California, to name only a few, students are spreading from undergraduate to graduate work which will bring this Nation the expertise it so badly needs.

But scholarly resources for students of Asian humanities and cultures are badly scattered across the Nation. There is no single center to bring these activities together with a library and faculty to centralize the needs of the advanced scholar. Neither is there a national center to develop a curriculum of Asia studies for elementary and secondary educators.

However, the framework to begin a center does exist. In 1966 this Congress passed the International Education Act to revitalize our entire foreign studies effort. The objective of this act was: "that strong American educational resources are a necessary base in strengthening relations with other countries; and—that this and future generations of Americans should be assured of ample opportunity to develop to the fullest ex-

tent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures."

We showed such foresight in passing the act. We anticipated the future needs. We gave such promise to American education. We answered education's strongest pleas. Yet, after adopting this act, after showing our commitment to its spirit, funds were never appropriated. The act still awaits us, a hollow shell without the fund to fill its promise.

My bill proposes to establish an Asian Studies Institute administered by the Department of Health, Education, and Welfare to parallel in Asian education and research such important Federal institutions as the National Science Foundation and the National Institutes of Health.

The Institute would not be designed to produce isolated experts in Asian studies, but to pool the collected competence of scholars, libraries and facilities, free of diplomatic pursuits, on a single campus in a location which is equally accessible to American and to Asian scholars.

The bill also authorizes the construction of a national Asian studies library which is long overdue. We are in the midst of an information explosion internationally. Information is coming into our centers of learning faster than these centers can even provide shelves to house the books and files to hold the scholarly papers.

The current extensive Asian library of over 300,000 volumes at the University of Hawaii is crammed into basements, scattered in quonset huts and packed into overflowing shelves thus reducing the books' valuable availability to scholars from throughout the world coming to Hawaii seeking these volumes.

One researcher told me a graduate student at another University spent several years in research he believed completely new, only to find out that the data had already been published by Asian scholars, but was not readily available in the United States. This tragic waste could be stopped if our Nation built a library with centralized files to keep up with the rush of information coming to us from Asia.

This point leads me to another disturbing problem. Asian heritage children attending American schools find themselves without knowledgeable teachers to inform them of the Asian past and present which constitutes the children's particular ethnic identity.

These children of Asian heritage are joined in their desire to know about the Eastern world by their Western, African, and Latin American heritage classmates. We must depend on developing the interest of our children into the intellectual commitment to provide us scholars and informed adults in the future.

A weakness of the present East-West Center established at the University of Hawaii in 1960 is that it lacks this element of further dissemination of Asian studies to the elementary and secondary students across our Nation. The center concentrates on providing technical information to Asians, but does little to educate Americans about Asia.

The administration of the East-West Center by the Department of State and Agency for International Development

has not provided a framework to expand cultural knowledge of Asia to our citizens. I can think of no one in this Congress who would disagree with me that it would be inappropriate and strongly undesirable to invest the education of our own citizens in an arm of the Department of State.

My bill provides for the Department of Health, Education, and Welfare to disseminate a knowledge of Asia throughout our education system on par with a knowledge of Western civilization.

The East-West Center now operates on the limited assumption that Asia has the problems and we are here to educate them with our solutions.

My bill would follow a new, more useful assumption: all nations of this world have some valuable knowledge for Americans.

The bill calls for aiding some of the 145,000 foreign students currently in this country so they can supplement elementary and secondary education programs on a continued basis. These foreign visitors have much more to share than a single day of singing and dancing where they are exhibited like oddities from a human zoo.

The bill would give training grants to teachers willing to teach Asian languages in high schools and grade schools. How else except through shared languages can our citizens communicate with the rest of the world with something other than the big stick of militarism?

The bill calls for curriculum development to investigate the study of Asian history, anthropology, geography, economics, art, literature, music, humanities, culture, sociology, religion, philosophy and science into general course. For adult scholars research, visiting professorships, community service, seminars, and experimental projects in Asian studies would be supported by Federal funds and Federal acknowledgment of our need to close the gap between Asia and ourselves.

Only by understanding the achievements of Asia will the next generation be able to live intelligently and compassionately without the periodic international slaughter of Americans and Asians on battlefields of shared bigotry.

#### HAWAIIAN HOMES COMMISSION ACT

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, in 1921, Congress passed the Hawaiian Homes Commission Act to help rehabilitate the people of Hawaiian ancestry, socially, economically and educationally through homesteading. After 52 years of the Commission's existence, it is interesting to read how this act is affecting the people of Hawaiian ancestry today and how it will affect future generations.

In a recent Prince Kuhio essay contest sponsored by the State Association of Hawaiian Civic Clubs, Miss Victoria Kai won first prize on the topic, "The Hawaiian Homes Lands at Midpoint, Its Problems, Progress and Prognosis." Miss Kai is a senior at St. Joseph High School

in Hilo, Hawaii. Prince J. Kuhio Kalanianaole, as you know, was one of Hawaii's delegates to Congress from 1903 to 1922. He was the author of the Hawaiian Home Commission bill.

I am proud to insert in the RECORD her winning essay which provides us with factual and critical comments regarding this vital program for the Hawaiian people.

THE HAWAIIAN HOMES LANDS AT MIDPOINT  
(By Victoria Kai)

The Hawaiian Homes Program under the Hawaiian Homes Commission Act of 1921 was intended for the rehabilitation of the Hawaiians thru homesteading.

The goal of the Hawaiian Homes program being the rehabilitation of the Hawaiian people, it was determined that the eligible beneficiaries should consist of those individuals who were found to be of at least 50 percent Hawaiian ancestry. Such individuals have been eligible to apply to the Department of Hawaiian Home Lands for 99-year leases on farms, houselots or ranches. In addition, those selected have been the beneficiaries of a loan fund designed to assist in financing of home construction and other activities.<sup>1</sup>

"The lands were apportioned under the homestead act as follows: 7,191 acres on Oahu, 28,982 on Maui, 30,270 on Molokai, 17,787 on Kauai and 111,165 on the Big Island."<sup>2</sup>

It should be noted that a time factor may be largely at fault here. "The act was tailored for a different time and different situation—totally different. And basically it is unchanged except for new things the Legislature has made possible under local statute."<sup>3</sup> The act was created in 1921, in which during "the census of 1920, 23,723 pure-Hawaiians were counted in the Islands population"<sup>4</sup> and that the "part-Hawaiian population was tabulated at 18,027."<sup>5</sup> But, by "1960 the number of pure-Hawaiians had declined to 10,502"<sup>6</sup> and the part-Hawaiian had risen to 91,597 a more than five-fold increase."<sup>7</sup> As it can be seen here, the pure-Hawaiian population is in a downward trend while the part-Hawaiians show an increase. Now that was in 1960, and it is now 1973. Which leaves the possibility, will there be any pure-Hawaiians in the future? Also, what of the family who lives on Hawaiian Homes Land for most of their lives, but since their children marry to someone of less than ½ Hawaiian, those children will not be allowed to own any Hawaiian Homes Land.

Also too, there have been many applications for Hawaiian Homes Land. It's been said that it doesn't matter when you had (chronologically) applied but rather "who you know" that gets you into the Hawaiian Homes Program.

One of the main purposes of the Land Commission was to be an agricultural development.

Granting their good intentions, it was (virtually impossible) in Hawaii in 1920 to launch a successful homesteading program for, among other reasons: (1) arable land of proven quality was specifically excluded from the program; (2) water resources not developed nor were sufficient funds provided for water development; (3) access to markets were poor; (4) money for road construction was not provided; and (5) funds made available could, at best, have provided for the settlement of a sharply limited number of people.<sup>8</sup>

The locality of some of the Hawaiian Homes Lands is another matter of discussion. On the Big Island, in Keaukaha, "a County sewage treatment plant on the ocean edge of the community releases foul odors"<sup>9</sup> along with the noise and air pollution of

the Hilo Airport. "The Hawaiian Homes Land in Makuu is in a high risk area for residential development (near Pahoa): Lava tubes run throughout the area from the volcano, and sudden outcrops of lava flow are a distinct possibility."<sup>10</sup>

Understandably, there was no great clamor for the homesteads, said Pianai. "Also many Hawaiians at that time took the attitude, 'Why should we come in and ask for those lands when they were ours originally?'" He noted that some of the early Hawaiians applying for homesteads were some of Hawaii's most prominent citizens. "They did not need rehabilitation but they thought the act was good and applied anyway." The act was amended later to provide for residential homesteads when it was found that this rather than farming acreage, was the need on Oahu, Pianai said.<sup>11</sup>

A family, because of the leasehold system may not want to go into maximum development of his land for "any lessee has no sure security against eviction from his land for any one of a variety of causes, and cannot but be aware of the fact that at some date, however far in the future, the lessee will be subject to renewal."<sup>12</sup> This presents a problem to the Hawaiian Homes Commission, being that the family is not using the land under the requirements of the act.

Now on to progress. The continuation of the program has been approved on two recent occasions—"in 1950 when the state constitution was drafted and in 1959 when it was ratified."<sup>13</sup> With the cooperation and enthusiasm of the larger community the goal of the Hawaiian Homes Commission (H.H.C.) will be advanced. If the goals are achieved the whole State benefits. If they are not, the whole State suffers.

The 1965 Legislature, through Act 4, gave the Hawaiian Homes program a substantial push forward. Up to that time, all of the commission's lands not devoted to homesteading were administered by the State Land Department. Act 4 turned this job over to the commission. Until Act 4 was passed by the Legislature, Pianai said, the commission had no funds to pursue goals of the homestead act "to create economic and social programs to help Hawaiians . . ."<sup>14</sup>

"The act also allows the commission to exchange its lands of comparable value, and it has frequently done this for airports, highways, roads, and schools."<sup>15</sup>

"There is still little money to help the Hawaiians economically, but the loan program enabling them to buy their own homes is a step in that direction, Pianai said."<sup>16</sup>

Benefits are given to the participant: For "Should the person who qualified for the loan die, no one is going to move the family out . . . There is no problem of succession on the blood line."

"The family is choosing the location it wants—and building an economic equality."<sup>17</sup>

The new type of programs will do more to rehabilitate Hawaiians than the old homesteading program where the consensus was to put the "guy" back on the land.

Now as to prognosis. The main and basic intent of the H.H.C. Act was for the rehabilitation of the Hawaiians, socially, economically, vocationally and educationally to set them up within a society that would best benefit them and their generation to come. The H.H.C. well meant intentions are good for the people. But it is important that the Hawaiian Homes Commission and the Hawaiian people come and meet together in an eye to eye confrontation, to discuss sensibly and totally the accusations made. That the H.H.C. answer fully for their actions and the Hawaiian people bring with them their questions and possible answers so that each may finally "hash it out." The H.H.C. must treat the Hawaiian people with respect and learn that they are not to be pushed around or forgotten.

There are many possible answers to the rising problems within the H.H.C. such as; "Agricultural Demonstration Projects, Sub-

urban Farming Communities, Development of Cooperatives, the Leadership Approach, Pepperpotting, Sale of Hawaiian Homes Lands in Fee, Modification of Long-Term Leases, Supplementary Financing by Other Institutions, Establishment of an Educational Foundation, Emphasis on Social Services, and Rehabilitation-Oriented Activities."<sup>18</sup>

Multi-Residential Units and Condominiums, Community Centers, Planned Unit Developments, Urban Developments, Workshops (both vocational and educational) School Extensions (elementary, high school, and universities).

With the changing of the times and the increase of problems within the Hawaiian culture, the Hawaiian Homes Commission should be a program centered around the Hawaiian people and their culture. That it should be modified to meet the demands of change. It should always be in the best of interest of the people—in this case, the Hawaiian People.

FOOTNOTES

<sup>1</sup> State of Hawaii, *The Hawaiian Homes Program: 1920-1963* (Hawaii: 1963), p. 8.

<sup>2</sup> Abraham Pianai Speaks His Mind, *What's Wrong With the Hawaiian Homes Program* (Hawaii: Honolulu Star Bulletin, Dec. 21, 1970).

<sup>3</sup> *Ibid.*, p. 8.

<sup>4</sup> State of Hawaii, *opcit.*, p. 8.

<sup>5</sup> *Ibid.*, p. 8.

<sup>6</sup> *Ibid.*, p. 8.

<sup>7</sup> *Ibid.*, p. 16.

<sup>8</sup> John K'low, (Hawaii: Honolulu Advertiser).

<sup>9</sup> *Land Use Study of Hawaiian Homes Lands*, (Hawaii: Chilco International, Inc. 1971), p. 65.

<sup>10</sup> Abraham Pianai, *opcit.*

<sup>11</sup> State of Hawaii, *opcit.*, p. 17.

<sup>12</sup> Abraham Pianai, *opcit.*

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> State of Hawaii, *opcit.*, p. 27 . . . 36.

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THE SOARING COSTS OF HOUSING

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, in recent weeks, national attention has been focused on the plight of tenants. However, the plight of persons seeking to purchase a home is equally serious. The skyrocketing price of building lumber has, since the fall of 1971, added \$1,200 to the price of a \$28,000 home, according to the National Association of Homebuilders. In my district where the price for a home hovers around \$40,000, the spiraling cost of lumber has had a substantially larger impact.

Lumber prices, propelled by increased homebuilding and heavy foreign demand,

particularly Japanese, surged 6.6 percent in February. Softwood lumber, the type used in homebuilding, climbed 8 percent in that month and is now 56 percent higher than in January of 1971. Since phase II controls have been lifted, the price of softwood lumber has spurted 25 percent. The consequences of this price spiral for the potential homebuyer have been and continue to be disastrous. If we are to succeed in rolling back the wave of inflation which has engulfed the homebuilding industry, we must act swiftly and decisively.

Underlying the spiraling cost of wood fiber is the increased demand to which I alluded. 1971 was marked by a rapid rise in housing starts. Construction began on 2.1 million homes and the wood demand for housing surged from 14.5 billion board feet to 20 billion board feet. 1972 saw new and heightened demands for softwood as the homebuilding industry commenced 2.4 million new starts, the highest number in our Nation's history. Housing construction consumed a new high of 23 billion board feet of wood. Other construction boomed in 1972 and, as a result, demand for wood fiber in the United States was at an all time high.

Meanwhile in Japan, Prime Minister Tanaka, as a very important part of his program for domestic progress in Japan, established a national policy requiring the construction of 2.4 million housing units. Since Japan's population is about half that of our country, this would be the equivalent of nearly 5 million units in the United States. Japan has begun serious preparations for this construction boom and has increased its purchase of wood fiber in many parts of the world. In 1972, the United States exported 2.78 billion board feet of round logs and 91 percent of these exports went to Japan. Bidding for logs in the United States, particularly along the west coast, has reached astronomical proportions.

The relentless pressure of demand, domestic and foreign, on the price of wood fiber has been exacerbated by institutional forces which have acted to artificially constrict the real and potential supply of lumber.

By way of example, the Forest Service has estimated that it will take about 50 years at the present rate to complete necessary reforestation of the 4.8 million acres of commercial timberland. An effective reforestation program is a key element in any program aimed at maintaining or increasing lumber supply. Timber that has been harvested must be replaced if this Nation is to be assured of an adequate supply of building materials. Last year the budget for reforestation on Forest Service land was \$18 million. The Congress added \$3 million, which the Office of Management and Budget promptly impounded despite the emergency in the timber industry. Furthermore, the proposed 1974 reforestation budget is \$8.5 million below the 1973 level and \$16 million below the "optimum" budget recommended by the Forest Service.

The potential losses in timber supply due to the absence of an adequate reforestation program is worsened by the actual losses attributable to natural causes. The Forest Service estimates that

the current annual loss of merchantable lumber in our national forests due to insects, disease, fire and other destructive elements is approximately 10 billion board feet. When asked by the chairman of the Senate Banking and Currency Committee in hearings 3 years ago what was needed to salvage the mortality, the Chief of the Forest Service responded, "an adequate road development program." He estimated that with accessibility, half of the 10 billion board feet could be salvaged. Yet, the administration has requested a \$105 million cutback in forest road development funds for fiscal years 1974 and 1975. Because of the interrelationship between road construction and timber sales and salvage, there is a fundamental need for the 93d Congress to reinstate these funds.

Road development itself, however, is but one part of the total planning and administrative process. Before a road is built, certain basic decisions regarding sale location, sale size, species composition, and cutting system must be made. After these decisions are made and roads constructed, the Forest Service assumes certain administrative responsibilities with respect to the actual harvesting process. A clear and direct relationship exists between the planning and administrative capabilities of the Forest Service and the amount of harvestable timber which can be cut.

The Forest Service estimates that the optimum budget for this planning and administrative function would be \$36.8 million. This represents a \$4.5 million increase over what the budget which was submitted to the Congress called for. This optimum budget would enable the agency to sell 1.1 billion board feet more timber. The increased yield due to an expanded harvest would advance gross revenues by \$40 million to \$430 million. The net revenue after deducting costs and the 25 percent payment that goes back to the counties would be approximately \$25 million. A \$4.5 million investment which would yield a \$25 million return and help alleviate the crisis in lumber supply seems to me to be a prudent investment.

Clearly, there exists a direct relationship between the operating budget allocated to the Forest Service and the amount of timber which can be harvested. Thus, there exists a direct and functional relationship between these budget cuts and the level of inflation.

To this point, the thrust of my comments has been toward the relationship between timber supply and the budget. However, not all the supply problem can be traced to budget allocations or solved by small but judicious increases in budget allowances. If one is searching for a solution to the timber supply crisis, a review of our import policies is also in order.

The United States is a net importer of forest products and, judging from the current demand levels, is destined to be so for a considerable period. Other nations, notably Canada, which has a lumber supply well in excess of her needs, are in a position to supply our timber requirements. However, while we have reduced our position to supply our timber requirements. However, while we have reduced our tariff on Canadian lumber,

for example, from \$100 per 1,000 board feet to zero since 1968, softwood plywood—a major factor in sheathing, flooring and roofing homes—carries a tariff of 20 percent. Some precut materials are subject to 8 percent tariff. Currently, due to the tariff, we import practically no Canadian plywood, while we import 8.9 billion board feet of softwood lumber. Serious consideration must be given to reducing these tariffs in order to stimulate the supply of desperately needed lumber products.

Adding to these direct pressures on the lumber supply problem is the indirect pressure of limited transportation services. Each year we suffer from a shortage of rail freight cars caused by the competition of forest products and agricultural products for rail transportation. This normally barely tolerable situation has been worsened by the recent grain sales to Russia which have heightened the freight car problem to crisis proportions. The various studies which are now underway regarding the Nation's transportation needs must address themselves to the need for greater rail freight service.

Mr. Speaker, the problems which I have addressed today have far ranging implications for the American consumer. Buffeted from side to side by the winds of inflation we cannot, indeed we must not pursue short range goals which are penny wise and pound foolish. As I indicated, before telling the American homebuyer that you have saved \$4.5 million out of a \$268 billion budget is small comfort when that so-called savings costs the Treasury \$25 million in future revenues and is, to a large degree, responsible for the skyrocketing cost of housing. The other budget cuts I discussed have an equally significant impact. A thorough and immediate review of current practices and a complete reassessment of budget allocations is essential if we are to curb the unprecedented rise in the cost of building materials and thus in the cost of housing.

#### RESTORING THE FULL BUDGET OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, at a time when the President has declared that the current round of strategic arms limitation talks are of the highest importance to world peace, the administration has chosen to make a 35-percent cut in the very modest budget of the very agency whose mission is to strengthen the capabilities of our negotiators in this field.

Because of the importance of restoring the full amount authorized by Congress for this agency, I appeared today before the Appropriations Committee to urge such action. I ask that my statement to the committee be included in the RECORD at this point.

STATEMENT OF HON. JOHN F. SEIBERLING

Gentlemen. I am shocked and mystified by the Administration's severe cut in the very modest budget for the Arms Control and

Disarmament Agency, from \$10,000,000 in FY 1973 to \$6,600,000 in FY 1974. It would seem that at this point in time when arms limitations are as crucial as at any time in our nation's history that the prestige and capacity of the Arms Control and Disarmament Agency should be increased rather than decreased.

The President himself has stated the next round of Strategic Arms Limitations Talks are of the utmost importance to continuing international detente, yet the Administration, without the slightest explanation, has proposed a reduction so crippling that it will deny the ACDA the very tools necessary to achieve its mission.

We in the Congress, before acting on the Administration's recommended ASDA budget, must ask ourselves how we can hope to assess the effect of future arms control proposals without benefit of the research provided by the ASDA.

Additionally, we must ask ourselves whether our negotiators will be in the best position to determine alternatives and solutions to impasses in arms control negotiations when the efficacy of ASDA has been drastically weakened.

We must further ask ourselves whether the United States government, in reducing its arms control budget by one-third while at the same time increasing its defense budget by \$4.1 billion would not be telling the world that we are not really serious about negotiating towards arms limitation and eventual reduction.

Since 1965, the appropriations for the Arms Control and Disarmament Agency have remained unusually stable, ranging between \$9 and \$10 million a year. It is instructive in the context of spending priorities to note that the total ACDA budget of \$10 million for FY 1973 is \$500,000 less than the cost of one F-15 aircraft. The proposed savings by slashing \$3,400,000 in the FY 1974 budget is \$2,375,000 less than the cost of one day's bombing in Cambodia—which is running a staggering \$5,775,000 a day, on the average. It is almost ludicrous to compare the increase in the Department of Defense's proposed FY 1974 budget for research, development, testing and evaluation of \$562,700,000—that's just the increase—to the \$10 million ACDA was allocated last year.

Certainly we can agree that it is not only the right, but indeed the duty of the Congress to provide for a strong and effective arms control agency. I, therefore, urge the members of the Committee, at least to restore the full \$10 million funding for the ACDA for FY 1974.

It is my hope that by FY 1975 an alternative funding plan will be initiated that would assure adequate U.S. arms control capability. This plan would increase the ACDA budget to \$8,500,000. The \$8,500,000 additional money represents less than one-tenth of 1% of the total Defense Department budget. In taking this action, the Congress can ensure a viable ACDA not only to pursue its responsibilities during SALT II, but also to enable it to pursue concurrently the pressing problem of conventional weapons reduction and control. Such a step would also serve to demonstrate an established relationship between what we are spending on weapons and what we are spending on arms limitation. It would notify the world community that far from downgrading our arms control agency, we are strengthening it and expanding it as a formidable adjunct to our total foreign policy.

#### NATIONAL FAMILY WEEK

(Mr. MYERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

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Mr. MYERS. Mr. Speaker, I am today introducing a resolution to designate the week in November which includes Thanksgiving as "National Family Week." A similar resolution, House Joint Resolution 135, passed the 92d Congress and a proclamation was issued by President Nixon for the 1972 observance. It is my hope that National Family Week will become an annual event honoring the family institution.

I am happy to include as cosponsors of this legislation the following Members:

#### LIST OF SPONSORS

Mr. Anderson of Illinois, Mr. Arends, Mr. Bafalis, Mr. Bevill, Mr. Boland, Mr. Bray, Mr. Buchanan, Mr. Burgener, Mr. Carney, Mr. Clawson, Mr. Collins, Mr. Conian, Mr. Conte, Mr. Coughlin, Mr. Davis of Wisconsin, Mr. Davis of Georgia, Mr. Denholm, Mr. Dennis, Mr. Derwinski, Mr. Duncan, Mr. Elberg, and Mr. Erlenborn.

Mr. Esch, Mr. Findley, Mr. Flowers, Mr. Fuqua, Mrs. Grasso, Mrs. Green of Oregon, Mr. Helstoski, Mr. Hinshaw, Mr. Horton, Mr. Huber, Mr. Hudnut, Mr. Hunt, Mr. Kemp, Mr. Landgrebe, Mr. McKay, Mr. Mann, Mr. Mizell, Mr. Montgomery, Mr. Moorhead of California, Mr. Murphy of New York, Mr. O'Brien, Mr. Parris, Mr. Rarick, Mr. Rhodes, and Mr. Robinson.

Mr. Roe, Mr. Roncalio, Mr. Sarasini, Mr. Sabelius, Mr. Shriver, Mr. Shoup, Mr. J. William Stanton of Ohio, Mr. Steiger of Wisconsin, Mr. Thone, Mr. Vander Jagt, Mr. Walsh, Mr. Ware, Mr. Whitehurst, Mr. Winn, Mr. Won Pat, Mr. Yatron, and Mr. Young of South Carolina.

In proclaiming "National Family Week" last year the President explained the importance of the family in these words:

As we work toward that great goal, however, we must never forget that our starting point—the center of our affections and the wellspring of our self-renewal—must be the basic family circle. Parent and child, husband and wife, brother and sister, all truly means "home" to every human being.

No institution can ever take the family's place in giving meaning to human life and a stable structure to society; indeed, as a wise philosopher observed thousands of years ago, "the root of the state is in the family." The pressures of our modern age make this a time of challenge for families in America, but every community has its inspiring examples of families which have risen to the demand and made the time of challenge a time of glory.

Our long-cherished American observances of Mother's Day and Father's Day are fittingly complemented by this new idea of a National Family Week, which this year will coincide with the Thanksgiving holiday—a time when families traditionally reunite, and when the family unit itself should stand high on that list of blessings for which we offer our thanks to God.

More than 40 Governors joined with Congress and the President in proclaiming special State observances to mark "National Family Week." Numerous national civic and religious organizations planned appropriate ceremonies and activities and are making plans to do the same this year.

The idea for a family week observance came from a constituent, Mr. Sam Wiley, who formerly taught in the Shakamak school system and is now assistant principal at Whiteland High School, both in Indiana.

The current unrest and dissatisfaction

among the younger generation and the so-called generation gap can be traced in most cases to a complete breakdown in communications between parents and their children. While observance of family week does not promise to resolve all the unrest, I view it as a giant step toward the goal of restoring the traditional principles of respect and self-discipline which have made this a great Nation.

National Family Week is designed to coincide with Thanksgiving Day, that traditional time in America when families are rejoined for the purpose of giving thanks to God for the blessings which have come to them.

Today America's families are in trouble—trouble so deep and pervasive as to threaten the future of our Nation. An article, "The American Family: Future Uncertain," which appeared in Time magazine, December 28, 1970, supported this concern. It states:

One in every four U.S. marriages eventually ends in divorce. The rate is rising dramatically for marriages made in the past several years, and in some densely-populated West Coast communities is running as high as 70%. The birth rate has declined from 30.1 births per thousand in 1910 to 17.7 in 1969 . . . each year an estimated half-million teen-agers run away from home.

The crisis in the family has implications that extend far beyond the walls of the home. "No society has ever survived after its family life deteriorated," warned Dr. Paul Popenoe, founder of the American Institute of Family Relations. Harvard Professor Emeritus Carle Zimmerman has stated the most pessimistic view: "The extinction of faith in the familial system is identical with the movements in Greece during the century following the Peloponnesian wars, and in Rome from A.D. 150. In each case the change in the faith and belief in familialistic systems was associated with rapid adoption of negative reproduction rates and with enormous crisis in the very civilizations themselves."

The Time article continues:

Throughout most of western history, until the 20th century, society as a whole strongly supported the family institution, it was the family's duty to instruct children in moral values, but it derived those values from church, from philosophers, from social traditions. Now most of these supports are weakened, or gone.

The observance of family week cannot promise to resolve the many problems that plague the family in America today. But we can focus attention on this institution, its strengths and virtues in this era of change. And we can enlist the millions of American parents to understand the wants and needs of their children, and we can properly encourage the children to understand the duties and obligation to their parents.

I urge the House to act favorably on this resolution.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COCHRAN) and to revise and extend their remarks and include extraneous matter:)

Mr. ROUSSELOT for 1 hour on May 15.  
 Mr. HOGAN for 10 minutes today.  
 Mr. FRENZEL for 5 minutes today.  
 (The following Members (at the request of Mr. RYAN) to revise and extend their remarks and include extraneous material:)  
 Mr. METCALFE, for 5 minutes today.  
 Mr. ASPIN, for 5 minutes, today.  
 Ms. ABZUG, for 10 minutes, today.  
 Mr. GONZALEZ, for 5 minutes, today.  
 Mr. MURPHY of New York, for 5 minutes, today.  
 Mr. FUQUA, for 5 minutes, today.  
 Mr. JAMES V. STANTON, for 15 minutes, today.  
 Mr. GINN, for 5 minutes, today.  
 Mr. SEIBERLING, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FLOOD, and Mr. EVINS of Tennessee, to extend their remarks following the remarks of Mr. MAHON during general debate, today, on H.R. 7447.

(The following Members (at the request of Mr. COCHRAN) and to include extraneous material:)

Mr. REGULA.  
 Mr. PRICE of Texas.  
 Mr. SNYDER.  
 Mr. DUNCAN.  
 Mr. CONTE.  
 Mr. RONCALLO of New York in four instances.  
 Mr. NELSEN in two instances.  
 Mr. WYMAN in two instances.  
 Mr. WINN.  
 Mr. HUNT in two instances.  
 Mr. HEINZ.  
 Mr. ABDNOR.  
 Mr. HOGAN in two instances.  
 Mr. THOMSON of Wisconsin.  
 Mr. SARASIN.  
 Mr. KEATING.  
 Mr. STEIGER of Wisconsin.  
 Mr. BOB WILSON of California in three instances.  
 Mr. BELL in two instances.  
 Mr. ARCHER.  
 Mr. YOUNG of Alaska.  
 Mr. WHALEN.  
 Mr. RAILSBACK in two instances.  
 Mr. BROWN of Michigan.  
 Mr. MOORHEAD of California.  
 Mr. WYLIE.  
 Mr. ASHBROOK in three instances.  
 Mr. HUBER in two instances.  
 Mr. MARTIN of North Carolina.

(The following Members (at the request of Mr. RYAN), to include extraneous matter:)

Mr. DINGELL.  
 Mr. BINGHAM in three instances.  
 Mr. RARICK in three instances.  
 Mr. GONZALEZ in three instances.  
 Mr. CLARK.  
 Mr. HUNGATE.  
 Mr. CHAPPELL.  
 Mr. MOLLOHAN.  
 Mr. ANNUNZIO in 10 instances.  
 Mr. GINN.  
 Mr. LEGGETT.  
 Mr. DULSKI in six instances.  
 Mr. HANNA in six instances.  
 Mr. FUQUA in three instances.  
 Mr. ASHLEY.  
 Mr. DAN DANIEL in two instances.

Mr. VANIK.  
 Mr. CLAY.  
 Mr. JONES of Oklahoma.  
 Mr. WALDIE in two instances.  
 Mr. MINISH.  
 Mr. RANGEL in 10 instances.  
 Mr. DORN in two instances.  
 Mr. BRINKLEY.  
 Mr. ROY.  
 Mr. EDWARDS of California in two instances.  
 Mr. RIEGLE.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 352. An act to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service; to the Committee on House Administration.

S. 590. An act to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate; to the Committee on Post Office and Civil Service.

S. 607. An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 394. An act to amend the Rural Electrification Act of 1936, as amended, to establish a Rural Electrification and Telephone Revolving Fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the Act, and for other purposes.

#### ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, May 14, 1973, 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:

900. A communication from the President of the United States, transmitting amendments to the budget for fiscal year 1974 (H.R. Doc. No. 93-99); to the Committee on Appropriations and ordered to be printed.

901. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend title 28 of the United States Code to provide for the appointment of officers and employees of the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court, and for other purposes; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

902. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the system

for managing U.S. participation in the Asian Development Bank; to the Committee on Government Operations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 6912. A bill to amend the Par Value Modification Act, and for other purposes; (Rept. No. 93-203). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7200. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the Act, and for other purposes; with amendments (Rept. No. 93-204). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 7686. A bill to require the Secretary of Agriculture to continue operation of the Agricultural Research Service field station at Newell, S. Dak.; to the Committee on Agriculture.

By Mr. ASHLEY (for himself and Mr. REES):

H.R. 7687. A bill to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes; to the Committee on Banking and Currency.

By Mr. WIDNALL:

H.R. 7688. A bill to amend the International Economic Policy Act of 1972; to the Committee on Banking and Currency.

By Mr. ASPIN:

H.R. 7689. A bill to provide for the continued sale of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce.

By Mr. BLATNIK (for himself and Mr. HARSHA) (by request):

H.R. 7690. A bill to provide for disaster assistance, and for other purposes; to the Committee on Public Works.

By Mr. BURKE of Massachusetts:

H.R. 7691. A bill to suspend for a 4-year period the duty on certain olives imported in bulk; to the Committee on Ways and Means.

By Mr. BURLESON of Texas:

H.R. 7692. A bill to amend the Internal Revenue Code of 1954 to provide for the treatment of dividends received by a member of an affiliated group from a subsidiary that is excluded from the group solely because such subsidiary is a life insurance company; to the Committee on Ways and Means.

By Mr. BURLESON of Texas (for himself, Mr. RHODES, and Mr. CONLAN):

H.R. 7693. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance (including coverage for medical catastrophes) available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARK (for himself, Mr. DOWING, Mr. GINN, Mr. BOWEN, Mr. GROVER, and Mr. MOSHER):

H.R. 7694. A bill to amend the Merchant Marine Act of 1936 to establish a nuclear vessel incentive support program; to the Committee on Merchant Marine and Fisheries.

By Mr. DELLUMS:

H.R. 7695. A bill to establish the office of Assistant Secretary of Defense for Equal Opportunity, to create an Armed Forces Equal Opportunity Evaluation Board, and for other purposes; to the Committee on Armed Services.

H.R. 7696. A bill to encourage earlier retirement by permitting Federal employees to purchase into the Civil Service Retirement System benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

H.R. 7697. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7698. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

By Mr. DE LUGO:

H.R. 7699. A bill to provide for the filling of vacancies in the legislature of the Virgin Islands; to the Committee on Interior and Insular Affairs.

By Mr. DEVINE:

H.R. 7700. A bill to terminate the authorization of the Mill Creek Dam and Lake project, Ohio; to the Committee on Public Works.

By Mr. ERLENBORN (for himself and Mr. HANSEN of Idaho):

H.R. 7701. A bill to amend the Freedom of Information Act to require that all information be made available to Congress except where Executive privilege is invoked; to the Committee on Government Operations.

By Mr. ESCH:

H.R. 7702. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 7703. A bill to promote more effective management of certain related law enforcement functions of the executive branch by reorganizing and consolidating those functions in a new Office of Drug Abuse Investigation and Enforcement in the Department of Justice; to the Committee on Government Operations.

By Mr. GONZALEZ:

H.R. 7704. A bill to amend title II of the Social Security Act to provide that an individual who has a service-connected disability incurred or aggravated while on active duty in a combat zone and rated by the Veterans' Administration at 50 percent or higher, or who dies as a result of disease or injury incurred or aggravated while on such duty, shall be considered to be fully insured, and to be insured for disability benefits, under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. GROVER:

H.R. 7705. A bill to amend the Social Security Act to provide for medical, hospital, and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health

manpower, and facilities; to the Committee on Ways and Means.

By Mr. HAYS:

H.R. 7706. A bill to authorize appropriations for the U.S. Information Agency; to the Committee on Foreign Affairs.

By Mr. HOGAN:

H.R. 7707. A bill to amend title 5, United States Code, to permit Members of Congress to withdraw from the Civil Service Retirement System; to the Committee on Post Office and Civil Service.

H.R. 7708. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for educational expenses; to the Committee on Ways and Means.

By Mr. HORTON (for himself, Mr. ERLENBORN, Mr. COHEN, Mr. COUGHLIN, Mr. ESCH, Mr. MALLARY, Mr. MITCHELL of Maryland, Mr. OWENS, Mr. PRICE of Illinois, and Mr. STARK):

H.R. 7709. A bill to amend section 552 of title 5 of the United States Code to limit exemptions to disclosure of information, to establish a Freedom of Information Commission, and to further amend the Freedom of Information Act; to the Committee on Government Operations.

By Mr. KASTENMEIER (for himself and Mr. COUGHLIN):

H.R. 7710. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. KEATING (for himself, Mr. FORSYTHE, Mr. LUJAN, Mr. DIGGS, Mr. REES, Mr. SEIBERLING, Mr. CLEVELAND, and Mr. MCEWEN):

H.R. 7711. A bill to provide parking for tourists to the Capitol of the United States; to the Committee on Public Works.

H.R. 7712. A bill to regulate the provision of parking to certain officers and employees of the Federal Government; to the Committee on Public Works.

By Mr. LITTON (for himself, Ms. ABZUG, Mr. ALEXANDER, Mr. ANDREWS of North Carolina, Mr. BELL, Mr. BERGLAND, Mr. BURGENER, Ms. CHISHOLM, Mr. EVANS of Colorado, Mr. GUNTER, Ms. HANSEN of Washington, Mr. HARRINGTON, Mr. MATSUNAGA, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. MILFORD, Mr. MOSHER, Mr. PREYER, Mr. ROSE, Mr. REES, Mr. STARK, Mr. SEIBERLING, Mr. UDALL, Mr. WON PAT, and Mr. YOUNG of Alaska):

H.R. 7713. A bill to amend the Legislative Reorganization Act of 1970 to provide seminars to freshmen Members of the Congress, and for other purposes; to the Committee on House Administration.

By Mr. LITTON (for himself, Mr. ABDNOR, Ms. ABZUG, Mr. BERGLAND, Mr. BOWEN, Mr. BURTON, Mr. CULVER, Mr. DENHOLM, Mr. FISHER, Mr. GINN, Mr. GUNTER, Mr. HUNAGATE, Mr. ICHORD, Mr. JONES of North Carolina, Mr. LANDGREBE, Mr. McSPADDEN, Mr. MEZVINSKY, Mr. ROSE, Mr. RANDALL, Mr. SYMMS, Mr. SISK, Mr. STUCKEY, Mr. THONE, Mr. WILLIAMS, and Mr. McCLOSKEY):

H.R. 7714. A bill to amend the Internal Revenue Code of 1954 to prohibit inspection of income tax records by the Department of Agriculture and to allow certain limited information from such records to be furnished to the Department; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. BERGLAND, Mr. ALEXANDER, Mr. HUNAGATE, Mr. ROSE, Mr. MATHIS of Georgia,

Mr. GINN, Mr. GUNTER, Mr. BURLISON of Missouri, and Mr. JONES of North Carolina):

H.R. 7715. A bill to amend the Consolidated Farm and Rural Development Act, to restore the rural water grant program; to the Committee on Agriculture.

By Mr. LUJAN (for himself, Mr. RUNNELS, and Mr. CONLAN):

H.R. 7716. A bill to authorize the separation of the interests of the Hopi and Navajo Tribes in certain lands set aside by the Executive order of December 16, 1882, and to confirm to the Hopi Tribe exclusive rights in certain lands located within the exterior boundaries of the Navajo Reservation in Arizona as defined by Congress in 1934 and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MCKINNEY:

H.R. 7717. 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. 7718. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

By Mr. MCKINNEY (for himself, Mr. EILBERG, Mrs. GRASSO, Mr. PODELL, Mr. SARASIN, Mr. ST. GERMAIN, Mr. TIERNAN, and Mr. WILLIAMS):

H.R. 7719. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mr. MARTIN of Nebraska:

H.R. 7720. A bill to provide that the U.S. Postal Service may not require the installation of mailboxes at the curb line of residential property in certain localities; to the Committee on Post Office and Civil Service.

By Mr. RHODES:

H.R. 7721. A bill to establish a national cemetery in the State of Arizona; to the Committee on Veterans' Affairs.

By Mr. RODINO:

H.R. 7722. A bill to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

H.R. 7723. A bill to provide for a within-grade salary increase plan for secretaries to circuit and district judges of the courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT):

H.R. 7724. A bill to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALLO of New York (for himself, Mr. ANDERSON of Illinois, Mr. BURGENER, Mr. CLANCY, Mr. DOMINICK V. DANIELS, Mr. DELANEY, Mr. DENHOLM, Mr. EILBERG, Mr. FROELICH, Mrs. GRASSO, Mrs. HECKLER of Massachusetts, Mr. HOGAN, Mr. KETCHUM, Mr. MAZZOLI, Mr. MITCHELL of New York, Mr. MURPHY of Illinois, Mr. NEDZI, Mr. O'BRIEN, Mr. PEYER, Mr. J. WILLIAM STANTON, Mrs. SULLIVAN, Mr. WALSH, Mr. WON PAT, Mr. WYDLER, and Mr. ZWACH):

H.R. 7725. A bill to amend title 18 of the United States Code to make it a Federal crime to carry out any research activity on a human fetus or to intentionally take any action or hasten the death of a human fetus in any

federally supported facility or activity; to the Committee on the Judiciary.

By Mr. ROUSH:

H.R. 7726. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. ROUSH (for himself, Mr. DAVIS of Georgia, Mr. PRICE of Illinois, Mr. RANGEL, Mr. BOWEN, and Mr. SIKES):

H.R. 7727. A bill to amend title II of the Social Security Act to provide for voluntary agreements between ministers and their employers to treat ministers as employed persons; to the Committee on Ways and Means.

By Mr. ROYBAL (for himself and Mr. EDWARDS of California):

H.R. 7728. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 7729. A bill to further amend the International Travel Act of 1961, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. RHODES, Mr. STEIGER of Arizona, and Mr. CONLAN):

H.R. 7730. A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 7731. A bill to amend title 5, United States Code, to provide special assistance and benefits to Federal employees involuntarily separated through reductions in force, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 7732. A bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep seabed, pending adoption of an international regime therefor; to the Committee on Merchant Marine and Fisheries.

By Mr. CHARLES H. WILSON of California:

H.R. 7733. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

By Mr. WINN (for himself, Mr. SHRIVER, Mr. SKUBITZ, and Mr. SEEBELIUS):

H.R. 7734. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ASHLEY:

H.R. 7735. A bill to promote public health and welfare by expanding and improving the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BENITEZ:

H.R. 7736. A bill to amend and make certain technical and conforming changes in section 5008 of the Internal Revenue Code of 1954 relating to distilled spirits; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself and Mr. KYROS):

H.R. 7737. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 7738. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 7739. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 7740. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 7741. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 7742. A bill to amend title II of the Social Security Act to increase to \$750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

H.R. 7743. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first \$5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 7744. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself and Mr. BROYHILL of Virginia):

H.R. 7745. A bill to direct the Secretary of State to undertake negotiations with the Federal Republic of Germany for certain payments to the Government of the United States, to authorize ex gratia payments to certain citizens of the United States who fought for the allied cause in World War II as members of the Royal Army of Yugoslavia and were imprisoned by the German Government, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROWN of Michigan:

H.R. 7746. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials; to the Committee on Government Operations.

By Mr. CONYERS:

H.R. 7747. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

H.R. 7748. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN (for himself, Mr. GILMAN, and Mr. MOAKLEY):

H.R. 7749. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN:

H.R. 7750. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 7751. A bill to amend the Internal Revenue Code of 1954 to raise the limitations

on contributions by self-employed individuals to certain retirement plans and to permit certain employees to establish qualified pension plans for themselves in the same manner as if they were self-employed; to the Committee on Ways and Means.

By Mr. DENHOLM:

H.R. 7752. A bill expanding the definition of the word "person" as used in the Constitution and the laws of the United States; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 7753. A bill to amend the Public Health Service Act to provide grants to develop training in family medicine; to the Committee on Interstate and Foreign Commerce.

H.R. 7754. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA (for himself, Mr. DON H. CLAUSEN, Mr. GROVER, Mr. SNYDER, Mr. ZION, Mr. MIZELL, Mr. WALSH, Mr. HANRAHAN, Mr. TAYLOR of Missouri, and Mr. ABDNOR):

H.R. 7755. A bill to provide for disaster assistance and for other purposes; to the Committee on Public Works.

By Mr. HAWKINS (for himself and Mr. STEELE):

H.R. 7756. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. HICKS (for himself and Mr. YOUNG of Alaska):

H.R. 7757. A bill to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the armed forces; to the Committee on Armed Services.

By Mr. LITTON:

H.R. 7758. A bill to amend the Truth in Lending Act, to exempt from coverage under the act credit transactions involving extensions of credit for agricultural purposes; to the Committee on Banking and Currency.

By Mr. LUJAN:

H.R. 7759. A bill to amend title 38 of the United States Code to provide hospital care and medical treatment for certain non service-connected disabilities of former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA:

H.R. 7760. A bill to increase the rates of duty on prepared and preserved pineapple and concentrated pineapple juice; to the Committee on Ways and Means.

By Mr. STEELMAN:

H.R. 7761. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

By Mr. CHARLES H. WILSON of California (for himself, Mr. WHITE, Mr. UDALL, Mr. HANLEY, Mr. LEHMAN, Mr. ROUSSELOT, Mr. HINSHAW, and Mr. BAFALIS):

H.R. 7762. A bill to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, to provide for a middecade sample survey of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRON:

H.R. 7763. A bill to amend the Chesapeake and Ohio Canal Development Act to suspend the use of eminent domain within any part

of the park in any county which has in force a valid zoning bylaw, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7764. A bill to amend the Internal Revenue Code of 1954 to provide that contributions to the Indoor Sports and Outdoor Athletic Recreation Foundation shall be deductible for purposes of the Federal income and estate and gift taxes, and to create a trust fund to receive contributions to such foundation which may be used to improve sports and recreational facilities; to the Committee on Ways and Means.

By Mr. NELSEN (for himself, Mr. BROYHILL of Virginia, Mr. SMITH of New York, Mr. HOGAN, and Mr. LANDGREBE):

H.R. 7765. A bill to protect the health and welfare of the people of the District of Columbia by providing a method of control of drugs, to strengthen existing law enforcement authority in the field of drug abuse in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CRONIN (for himself, Mr. GILMAN, and Mr. MOAKLEY):

H.J. Res. 548. Joint resolution providing for the orderly review of fee-paid oil import licenses; to the Committee on Ways and Means.

By Mr. LONG of Maryland (for himself, Mr. BYRON, Mr. GODE, Mrs. HOLT, Mr. MILLS of Maryland, Mr. MITCHELL of Maryland, and Mr. SARABANES):

H.J. Res. 549. Joint resolution to authorize and request the President to designate the week beginning August 19, 1973, ending August 25, 1973, as "National Logistics Week"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. ANDERSON of Illinois, Mr. AREND, Mr. BAFALIS, Mr. BEVILL, Mr. BOLAND, Mr. BRAY, Mr. BUCHANAN, Mr. BURGENER, Mr. CARNEY of Ohio, Mr. DEL CLAWSON, Mr. COLLINS, Mr. CONLAN, Mr. CONTE, Mr. COUGHLIN, Mr. DAVIS of Wisconsin, Mr. DAVIS of Georgia, Mr. DENHOLM, Mr. DENNIS, Mr. DERWINSKI, Mr. DUNCAN, Mr. EILBERG, and Mr. ERLENBORN):

H.J. Res. 550. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

## EXTENSIONS OF REMARKS

By Mr. MYERS (for himself, Mr. ESCH, Mr. FINDLEY, Mr. FLOWERS, Mr. FUQUA, Mrs. GRASSO, Mrs. GREEN of Oregon, Mr. HELSTOSKI, Mr. HINSHAW, Mr. HORTON, Mr. HUBER, Mr. HUDNUT, Mr. HUNT, Mr. KEMP, Mr. LANDGREBE, Mr. MCKAY, Mr. MANN, Mr. MIZELL, Mr. MONTGOMERY, Mr. MOORHEAD of California, Mr. MURPHY of New York, Mr. O'BRIEN, Mr. PARRIS, Mr. RARICK, and Mr. RHODES):

H.J. Res. 551. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. ROBINSON of Virginia, Mr. ROE, Mr. RONCALIO of Wyoming, Mr. SARASIN, Mr. SEBELIUS, Mr. SHRIVER, Mr. SHROUP, Mr. J. WILLIAM STANTON, Mr. STEIGER of Wisconsin, Mr. THONE, Mr. VANDER JAGT, Mr. WALSH, Mr. WARE, Mr. WHITEHURST, Mr. WINN, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of South Carolina):

H.J. Res. 552. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. PATMAN (for himself, Mr. WIDNALL, Mr. BARRETT, Mr. ST GERMAIN, Mrs. BOOGS, Mr. JOHNSON of Pennsylvania, Mr. BROWN of Michigan, Mr. J. WILLIAM STANTON, and Mrs. HECKLER of Massachusetts):

H.J. Res. 553. Joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding; to the Committee on Banking and Currency.

By Mr. ZWACH:

H.J. Res. 554. Joint resolution relating to the taking of the 1974 Census of Agriculture; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H. Con. Res. 215. Concurrent resolution; it is the sense of the Congress that the President, in accordance with the policy of the United States established by law, should continue the Office of Economic Opportunity, administering and supervising the important activities entrusted to that Office under the provisions of the Economic Opportunity Act

of 1964, and submit a revised budget request for such activities for fiscal year 1974; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Con. Res. 216. Concurrent resolution expressing the sense of Congress that certain economizing and tax reform measures shall be taken to assure through a fiscally responsible Federal budget for fiscal 1974 effective action to promote national security, stable prices, tax justice, full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans; to the Committee on Government Operations.

By Mr. DENHOLM:

H. Con. Res. 217. Concurrent resolution expressing the sense of Congress regarding a Member's right to hold office if he or she fails to be recorded on 75 percent of 300 consecutive votes; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII,

202. The SPEAKER presented a memorial of the Legislature of the State of Oklahoma, relative to a constitutional amendment relating to abortion; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 7766. A bill for the relief of Albert Fleischhaker; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 7767. A bill for the relief of Samuel Cabildo Jose; to the Committee on the Judiciary.

By Mr. MOORHEAD of California:

H.R. 7768. A bill for the relief of Nolan Sharp; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 7769. A bill for the relief of Dr. Peter P. Toma; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 7770. A bill for the relief of Ramakrishna Rao Palepu; to the Committee on the Judiciary.

## EXTENSIONS OF REMARKS

THE CHARLESTON GAZETTE, WEST VIRGINIA'S LARGEST NEWSPAPER, OBSERVES ITS 100TH BIRTHDAY

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 10, 1973

Mr. RANDOLPH. Mr. President, when our country was founded nearly two centuries ago, the value of the free press was recognized. So critical was a free press to our form of Government that strong provisions for the protection were included in our Constitution. The press today remains in the front line of the battle for American liberty and justice.

Mr. President, for the past century the Charleston Gazette, published in the capital city of West Virginia, has been a diligent practitioner of the principles of a free press. This newspaper,

the largest in our State, has been a strong, vigorous, and independent advocate.

The Charleston Gazette is observing its 100th birthday. Life in West Virginia has changed in the past century, but the principles which have guided publication of the Gazette remain strongly anchored. Under Publisher W. E. Chilton III, the third generation of his family to hold that position, the Gazette retains a position of journalistic leadership.

Mr. President, as part of its centennial observance, the Charleston Gazette published a comprehensive history of the newspaper, written by John G. Morgan, a member of the staff who is widely known for his articles and books on West Virginia history.

I ask unanimous consent that excerpts of this unique and challenging history of the Charleston Gazette be printed in the RECORD.

There being no objection, the ex-

cerpts were ordered to be printed in the RECORD, as follows:

CHARLESTON (W. VA.) GAZETTE GAINS FIRST CENTURY MILESTONE

(By John G. Morgan)

The Charleston Gazette, The State newspaper, is 100 years old this month.

The history of the newspaper began with establishment of the weekly Kanawha Chronicle by Charles B. Webb in April of 1873.

Publication was started at Kanawha Street (now Kanawha Boulevard) and Summers Street just three months after the first train rattled through the city.

The so-called great fire of 1874, which consumed most of a city block, threatened destruction of the newspaper when it was less than a year old.

The earliest available original copy of the Chronicle, found deep in the files of West Virginia University Library, is a seven-column, four-page edition, dated May 12, 1875. Page one items include a long letter from Gov. John Jeremiah Jacob, explaining why he was compelled to comply with the