SPECIFIC LEARNING DISABILITIES

SEC. 10. (a) Section 661(c) of the Education of the Handicapped Act is amended by striking out "$12,000,000" and all that follows down to but not including the period at the end of such section and inserting in lieu thereof the following: "$5,000,000 for the fiscal year ending June 30, 1974, $7,500,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1, 1973.

AMENDMENT TO VETERANS-COST-OF-INSTRUCTION PAYMENTS OF THE HIGHER EDUCATION ACT

SEC. 11. (a) Paragraph (1) of section 420 (a) of the Higher Education Act of 1965, as amended, is amended by—

(1) inserting "(A)" before "110"; and

(2) inserting before the period a comma and the following: "or (B) 10 per centum of the total number of undergraduate students in attendance at such institution during such academic year".

(b) The amendments made by subsection (a) shall be effective on the date of enactment of this Act and with respect to all appropriations available for obligation under such section 420 on such date.

IMPACT AID PAYMENTS IN AREAS EXPERIENCING DECREASES IN, OR CESSATION OF, FEDERAL ACTIVITIES

SEC. 12. In the case of any local educational agency which experiences a decrease in the number of children determined by the Commissioner of Education under section 3 of the Act of September 1950 (Public Law 874, Eighty-first Congress) of 10 per centum or more of such number—

(1) during the fiscal year ending June 30, 1974, or the fiscal year ending June 30, 1975; or

(2) during the period beginning July 1, 1973, and ending June 30, 1975;

as the result of a decrease in, or cessation of, Federal activities affecting military installations in the United States announced after April 16, 1973, the amount to which such agency shall be entitled under such Act, as computed under section 3(c) of such Act, for any fiscal year ending prior to July 1, 1978, shall not be less than 90 per centum of the amount to which that agency was entitled during the preceding fiscal year.

Mr. RANDOLPH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, at this point I express my gratitude to the able chairman of the Committee on Labor and Public Welfare, Senator WILLIAMS; the ranking minority of the full Committee on Labor and Public Welfare, Senator JAVITS; and the ranking minority member of the Subcommittee on the Handicapped, Senator STAFFORD. These Senators have worked long and hard hours on this legislation and are truly dedicated to the education and welfare of handicapped individuals.

I also thank the members of the Subcommittee on the Handicapped and the members of the Committee on Labor and Public Welfare for their support of and enthusiasm for this bill.

ORDER FOR RECOGNITION OF SENATORS PROXMIRE, PERCY, AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from Illinois (Mr. PERCY) for not to exceed 15 minutes; and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McINTYRE ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday next, after the orders previously entered for the recognition of Senators, the distinguished Senator from New Hampshire (Mr. McINTYRE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the conclusion of the orders for the recognition of Senators tomorrow, the Senate resumes the consideration of the unfinished business, S. 1443.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM TOMORROW TO 9 A.M. ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 9 a.m. on Wednesday, June 27, 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD A BILL AT DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill, H.R. 8510, be held at the desk pending the report of the Senate companion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes: Senators PROXMIRE and PERCY; after which the Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 5 minutes. The Senate will then resume the consideration of the unfinished business, S. 1443, Defense Articles Furnished to Foreign Countries.

The pending question at that time will be on agreeing to the amendment of the Senator from Wyoming (Mr. McGEE) and the Senator from New York (Mr. JAVITS), on which there is a limitation of 2 hours.

The yeas and nays have been ordered on the amendment, and it is hoped that the vote may occur by or before noon if time can be yielded back.

Mr. GRIFFIN. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. I want to emphasize that on the agreement for a limit of not to exceed 2 hours, it is conceivable the vote could come earlier than the 2 hours. Is that not correct?

Mr. ROBERT C. BYRD. That is correct.

Senators are alerted to the fact that there will be several rollcall votes tomorrow.

RECESS TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to, and at 6:08 p.m. the Senate recessed until tomorrow, Tuesday, June 26, 1973, at 10 a.m.

NOMINATION

Executive nomination received by the Senate June 25, 1973:

DIPLOMATIC AND FOREIGN SERVICE

Philip K. Crowe, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

HOUSE OF REPRESENTATIVES—*Monday, June 25, 1973*

The House met at 12 o'clock noon.

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

The kingdom of God is not meat and drink; but righteousness and peace and joy in the Holy Spirit.—Romans 14:17.

O Thou who art the Author of life and liberty and the Companion of our pilgrim way, we turn from the tumult of these trying times to the quiet shelter of Thy presence where we can be still and know that Thou art God.

Through all the confusion of conflicting circumstances show us the path of Thy will for our troubled age and give us the courage to work on it.

Strengthen us for the duties of this day and sustain us with Thy spirit that

we fail not man nor Thee. So may our hearts be steadfast, free from stress and strain, and filled with peace and power: For Thine is the kingdom, the power, and the glory forever and ever. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5157. An act to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island.

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 Senate to the bill (H.R. 7200) entitled "An act 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."

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

H.R. 5383. An act to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes;

H.R. 6330. An act to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia; and

H.R. 8537. An act to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7528) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Moss, Mr. SYMINGTON, Mr. CANNON, Mr. GOLDWATER, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 795) entitled "An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. NELSON, Mr. EAGLETON, Mr. MONDALE, Mr. JAVITS, and Mr. TAFT to be the conferees on the part of the Senate.

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

S. 9. An act to consent to the Interstate Environment Compact;

S. 268. An act to authorize the Secretary of the Interior, pursuant to guidelines established by the Executive Office of the President, to make grants to assist the States to develop and implement State land use programs and to coordinate land use planning in interstate areas; to coordinate Federal programs and policies which have land use impacts; to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands; to make grants to Indian tribes to assist them to develop and implement land use programs for reservation and other tribal lands; to encourage research on and training in land use planning and management; and for other purposes;

S. 433. An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes;

S. 925. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

S. 1636. An act to amend the International Economic Policy Act of 1972;

S. 1994. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 95. Joint resolution relating to the taking of the 1974 Census of Agriculture.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON PUBLIC WORKS-AEC APPROPRIATIONS, 1974

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the public works for water and power development and Atomic Energy Commission appropriation bill for 1974.

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

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

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

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

Mr. McFALL. Mr. Speaker, I take this time to announce that the nine bills from the Committee on Ways and Means originally scheduled for today will be called up tomorrow instead at the request of the committee chairman.

On tomorrow the reports on the bills will have been available for the required 3 days.

TRAGIC DEATH OF THE HONORABLE JAMES V. SMITH

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

Mr. STEED. Mr. Speaker, it is my sad duty to inform the House of the tragic and untimely death on Saturday last of our former colleague and friend, Hon. James V. Smith of Chickasha, Okla.

Mr. Smith was killed as a result of an accident and fire that occurred in his wheatfield near Chickasha about 2:30 o'clock in the afternoon.

He served as a Member of the 90th Congress and then became Administrator of the Farmers Home Administration, where he served with outstanding distinction until this year. The greatest achievements in the history of the FHA was made during his tenure as Administrator. Upon his retirement earlier this year he was honored by a special order in the House in which a large number of Members who had served with him participated.

He is survived by his widow, Mrs. Mary Belle Couch Smith, and three children, Jay, Sarah and Lee Ann, all of the home in Chickasha.

Funeral services will be held Tuesday, June 26, at 1:30 p.m., in the Central Church of Christ in Chickasha.

My wife joins me in extending condolences to the family.

PROPOSED AMENDMENTS TO LABOR-HEW APPROPRIATION BILL

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

Mr. MICHEL. Mr. Speaker, tomorrow when we consider the Labor-HEW appropriation bill I expect to offer a package of amendments that would have the effect of reducing the overall expenditure level in the bill by some $631 million.

The overall bill covers approximately 370 individual line items, but my amendment will cover only 26. For those unfamiliar with the bill it would be rather difficult to determine precisely what effect my amendments would have by a simple printing of the text of the amendment, so I shall include a table in the RECORD today. I have just received unanimous consent to extend my remarks and include a table in the Extensions of Remarks, setting forth the specific items with figures showing the level of expenditure in the current fiscal year 1973, the President's budget figure for the item in fiscal year 1974, what was recommended

by the full committee in the bill, the amount of my proposed amendment and, finally, the figure for the items covered if my package of amendments should be adopted.

PROPOSED AMENDMENT TO WAR POWERS RESOLUTION

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

Mr. DENNIS. Mr. Speaker and Members of the House, when we consider the war powers resolution, House Joint Resolution 542, on Wednesday afternoon under the 5-minute rule, I intend to offer as an amendment, in the nature of a substitute, a war powers bill which I have drawn which would differ in several important respects from that resolution, notably in the fact that under my bill an affirmative vote on the part of the Congress would be necessary in order to require the President to terminate hostilities abroad rather than permitting the expiration of a time by inaction on our part which would bring such hostilities to a close.

Mr. Speaker, I insert in the RECORD at this point my proposed amendment:

AMENDMENT OFFERED BY MR. DENNIS IN THE NATURE OF A SUBSTITUTE TO THE BILL, HOUSE JOINT RESOLUTION 542, AS REPORTED

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

SECTION 1. In the absence of a declaration of war by the Congress or of a military attack upon the United States, its territories or possessions, the Armed Forces of the United States shall not be committed to combat or introduced into a situation where combat is imminent or likely at any place outside of the United States, its territories and possessions, without prior notice to and specific prior authorization by the Congress, except in case of emergency or necessity, the existence of which emergency or necessity is to be determined by the President of the United States.

SEC. 2. Whenever, in the absence of a declaration of war by the Congress or of a military attack upon the United States, its territories or possessions, the President of the United States nevertheless determines that an emergency or necessity exists which justifies such action, and shall, by consequence, commit the Armed Forces of the United States to combat or shall introduce them into a situation where combat is imminent or likely at any place outside of the United States, its territories or possessions, without prior notice to and authorization by the Congress, as is provided and authorized in such cases under and pursuant to the provisions of section 1 of this Act, the President shall report such action to the Congress in writing, as expeditiously as possible and, in all events, within twenty-four hours from and after the taking of such action. Such report shall contain a full account of the circumstances under which such action was taken and shall set forth the facts and circumstances relied upon by the President as authorizing and justifying the same. In the event the Congress is not in session the President shall forthwith convene the Congress in an extraordinary session and shall make such report to the Congress as expeditiously as possible and, in all events, within forty-eight hours from and after the taking of such action.

SEC. 3. Not later than ninety days after the receipt of the report of the President provided for in section 2 of this Act, the Congress, by the enactment within such period of a bill or resolution appropriate to the purpose, shall either approve, ratify, confirm, and authorize the continuation of the action taken by the President and reported to the Congress, or shall disapprove and require the discontinuance of the same.

SEC. 4. If the Congress, acting pursuant to and under the provisions of section 3, shall approve, ratify, and confirm and shall authorize the continuation of the action taken by the President and so reported to the Congress, the President shall thereafter report periodically in writing to the Congress at intervals of not more than six months as to the progress of any hostilities involved and as to the status of the situation, and the Congress shall, within a period of thirty days from and after the receipt of each such six-month report, again take action by the enactment of an appropriate bill or resolution, to either ratify, approve, confirm, and authorize the continuation of the action of the President, including any hostilities which may be involved, or to disapprove and require the discontinuance of the same.

SEC. 5. If the Congress shall at any time, acting under the provisions of section 3 or section 4, disapprove the action of the President and require the discontinuance of the same, then the President shall discontinue the action so taken by him and so reported to the Congress, and shall terminate any hostilities which may be in progress and shall withdraw, disengage, and redeploy the Armed Forces of the United States which may be involved, just as expeditiously as may be possible having regard to, and consistent with, the safety of the Armed Forces of the United States, the necessary defense and protection of the United States, its territories and possessions, the safety of citizens and nationals of the United States who may be involved, and the reasonable safety and necessities, after due and reasonable notice, of allied or friendly nationals and troops.

SEC. 6. For the purposes of this Act the Panama Canal Zone shall be taken and deemed to be a territory or possession of the United States.

SEC. 7. Nothing contained in this Act shall alter or abrogate any obligation imposed on the United States by the provisions of any treaty to which the United States is presently a party.

SEC. 8. If any provision of this Act or the application thereof to any particular circumstance or situation is held invalid, the remainder of this Act, or the application of such provision to any other circumstance or situation, shall not be affected thereby.

SEC. 9. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 272]

Abdnor	Eckhardt	Mills, Ark.
Adams	Fisher	Minish
Anderson, Calif.	Flynt	Moorhead, Pa.
Andrews, N.C.	Ford,	Moss
Ashbrook	William D.	Murphy, N.Y.
Badillo	Gibbons	O'Neill
Beard	Gray	Patman
Bell	Gross	Pepper
Blatnik	Gubser	Powell, Ohio
Breaux	Guyer	Price, Tex.
Burke, Calif.	Hanna	Reid
Burlison, Mo.	Heinz	Rodino
Chisholm	Hogan	Rooney, N.Y.
Clark	Ichord	Ryan
Danielson	Jarman	Stokes
Davis, S.C.	Jordan	Thompson, N.J.
Delaney	Landrum	Wiggins
Dellums	McCormack	Young, Alaska
Derwinski	McKinney	
Diggs	Maraziti	

The SPEAKER. On this rollcall 376 Members have recorded their presence by electronic device, a quorum.

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

CONFERENCE REPORT ON H.R. 7447, SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

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.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 19, 1973.)

The SPEAKER. The gentleman from Texas is recognized for 30 minutes.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to revise and extend their remarks in the RECORD in regard to the pending conference report on the supplemental appropriation bill and also on each of the amendments in disagreement, and that all Members may have permission to insert tables and extraneous matter in connection with their remarks.

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

There was no objection.

Mr. MAHON. Mr. Speaker, I am not going to try to make a dramatic speech, but what I am about to say is significant and important and it relates to what the conferees have done on this bill and to what all of us as Members of the Congress have done on appropriation bills since the current fiscal year 1973 began on July 1, 1972.

This bill is for about $3.3 billion, not as large as the $32 billion Labor/HEW bill which will be before us tomorrow, but it seems to me it does merit discussion and explanation.

The conference report we bring to the House is for the last appropriation bill relating to fiscal year 1973 which will be considered by the Congress. It is the 18th appropriation bill to be considered by the Congress during this fiscal year, which began last July 1.

The conference agreement totals $3,362,845,279, which is $244,260,225 below the budget estimates. It is under the Senate-passed bill by $336,394,000.

We did not go over to the other body and capitulate to all of the increases that were made. This is evidenced by the fact that we are below the Senate-passed bill by $336 million.

The conference agreement is $507 million above the House figure, because quite a number of the additional spending proposals were considered in the other body but, because of the timing of these requests, were not considered by the House.

The Senate did consider additional budget estimates of more than $444 million which were not before the House. These new estimates were nearly all for expenses associated with recent flood disasters.

Mr. Speaker, the conference report, of course, is available in the chamber and appears in the RECORD of June 21. I will highlight some of the actions in the conference report.

The bill when it left the House totaled about $2.8 billion. About 86 percent of the programs in the bill was for uncontrollable items. The largest item was $900 million to pay act costs. There was also $614 million for grants to States for public assistance. Public assistance always tends to be higher than the original budget estimates. There was also $370 million for flood and disaster relief programs and $190 million for civil service retirement.

Other uncontrollable items include retired military pay, firefighting costs, Federal workmen's compensation, and claims and judgments.

Another 8 percent of the bill was for higher education items, for which budget estimates were transmitted in the January budget.

The bill as it left the House was $307 million under the budget estimates. The Senate bill was $92 million above the budget. The conference report we bring is $224 million under the budget.

Mr. Speaker, as I have said, the conference figure is $507 million over the House bill. This amount is comprised of the following items: $325 million for SBA disaster loans; $52.5 million for flood related items; $50 million for nutrition programs for the elderly; $30.8 million for education programs; $20 million for the veterans' medical school activities, in which many Members are interested; and $29 million for all other items.

The conference agreement as I said is $336 million under the Senate bill. Much of this difference is represented by the deletion of funds for programs for which there were no budget requests or for which, in fact, the Congress had already appropriated money. The Senate add-ons, in other words, amounted to double appropriations in many instances and were not agreed to in conference.

Mr. Speaker, it took five sessions to get agreement not to make double appropriations for these items. In 10 different items the Senate provided $174 million for health-related items above the House version. The House position is that these funds, except for $7 million, were already available but are not being utilized by the administration. The Senate reluctantly concurred in this position and receded in all items except for the $7 million. We carry certain language in the conference report in regard to the failure of the Executive to expend the funds appropriated by the Congress for the purposes for which they were appropriated.

Mr. Speaker, as indicated, this is the last appropriation bill of the fiscal year. The Congress has considered budget requests for appropriation bill items during this fiscal year of about $182 billion.

A lot of the expenditures of the Government are made without current action of the Congress, such as about $23 billion for interest on the national debt, which is a permanent appropriation which, therefore, does not require annual action. The largest block of items are represented by the trust funds, particularly the social security fund.

In its action on the appropriation bills—I hope the Members will get this figure—the House has reduced requests by about $5.4 billion. Senate action on the appropriation bills it has considered has resulted in decreases amounting to $2.2 billion.

In final action on the appropriation bills for the fiscal year which ends this Saturday, the Congress itself will have reduced requests by an amount aggregating some $5.3 billion. These amounts include inaction on some $966 million net downward amendments contained in the budget submitted to Congress in January.

Mr. Speaker, on the second supplemental there were 84 Senate amendments. We had five separate conference meetings on the bill. Your House conferees did, in my opinion, a good job, and I urge adoption of the conference report.

I would say, in addition to the conference report, there are certain items brought back in disagreement, and there will be time after the adoption of the conference report for consideration of these amendments in disagreement.

Mr. ADDABBO. Will the gentleman yield for a question?

Mr. MAHON. I will be glad to yield to my friend in a moment.

The main item in disagreement relates to the war in Southeast Asia. The House of Representatives, when the supplemental bill passed the House originally, provided that none of the funds in the second supplemental appropriation bill could be used to support directly or indirectly combat activities in, over, or from off the shores of Cambodia by U.S. forces. This was a limited restriction on the President. It was not all-inclusive, because it only applied to funds that were in the House version of the supplemental bill.

When the bill went to the other body an amendment was adopted known as the Eagleton amendment which went well beyond the action of the House. Our action was that no funds in the supplemental bill could be used for bombing in, over, or off the shores of Cambodia. In the Senate, language was included to say no funds in the second supplemental bill and no funds otherwise available to the administration under any other act may be used for combat activity by U.S. forces in, over, or from off the shores of Cambodia or in or over Laos. That is the controversial item which will be considered after we have adopted the conference report.

I now yield to the distinguished gentleman from New York (Mr. ADDABBO), a member of the Committee on Appropriations.

Mr. ADDABBO. Thank you very much, Mr. Chairman.

As a point of clarification for what is going on, with reference to the so-called Long amendment, am I correct to say that this item, which is item 10 in the conference report, which added the words "or in or over Laos by U.S. forces"—am I correct that the committee will offer an amendment to recede and concur?

Mr. MAHON. Yes. In the conference, the House agreed to a Senate amendment. The original House language read as follows:

> 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 the United States forces.

That was in the House version of the bill which was an amendment by the gentleman from Maryland (Mr. LONG).

Then the Senate expanded that language in amendment 10 by adding the words: "or in or over Laos" by U.S. forces. The gentleman is correct.

Mr. ADDABBO. Will the gentleman yield further for a question?

Mr. MAHON. I am pleased to yield.

Mr. ADDABBO. Will the committee's motion be to recede and concur to amendment 10?

Mr. MAHON. What is in the conference report? We have agreed to include Laos.

Mr. ADDABBO. And as to amendment No. 11, which referred to my amendment, which deleted all transfer authority of funds included, I believe $120 million of additional transfer authority, with the proviso that none of the funds can be used directly or indirectly, in, over or from off the shores of Cambodia or Laos by U.S. forces—as to that amendment, will the chairman move that the House recede and concur?

Mr. MAHON. As the representative of the conference in the House, I will move to recede and concur in the Senate amendment with an amendment. The Senate increased the original transfer authority figure from $750 million to

$920 million. It now develops that since the fiscal year is so near to an end it would not be possible for these funds to be fully utilized, so we agreed to provide $825 million of transfer authority which is not new money in lieu of $920 million. It is an increase of $75 million in transfer authority.

Mr. ADDABBO. Mr. Speaker, will the gentleman from Texas yield further for a question?

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

Mr. ADDABBO. On page 60 of the supplemental bill, amendment No. 83, section 305, reads:

None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

This is the so-called Eagleton amendment. Will it be the position of the Chairman to move that the House recede and concur in this amendment?

Mr. MAHON. No, the Chairman's position would be to maintain the position of the House with respect to combat activities in Southeast Asia, including Cambodia. And I will move to insist upon our disagreement to the Senate amendment numbered 83 which has just been read by the distinguished gentleman from New York.

Mr. ADDABBO. I thank the chairman.

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

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

Mr. WILLIAMS. Mr. Speaker, I would ask the gentleman from Texas if I am correct in my understanding that we have amendment No. 10 which appears in the conference report, and as to that amendment the gentleman from Texas is going to make a motion for the House to recede and concur. This amendment then does not contain the language of the Eagleton amendment?

Mr. MAHON. The gentleman from Pennsylvania is right. Amendment No. 10 is not the Eagleton amendment. Amendment No. 10 relates to the Long amendment which banned the use of funds in the bill for the war in Cambodia by U.S. forces, and, of course, the Senate added:

"or in or over Laos" by United States forces.

And the House concurs in this language. This is in the conference report. It is not an item in disagreement.

In other words, our action here is in support of the position as expressed by the House on the Long amendment.

Mr. WILLIAMS. If the gentleman from Texas will yield still further, then on amendment No. 83 is it the gentleman's intention to move that the House retain its position on amendment No. 83 because amendment No. 83 actually contains the language of the Eagleton amendment?

Mr. MAHON. The gentleman is correct. On amendment No. 83 we are in disagreement, and that is where the issue will be determined.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield for a further question?

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

Mr. LEGGETT. Mr. Speaker, I am a little bit confused. As I understand, the chairman, the gentleman from Texas (Mr. MAHON) is defending the position of the House with respect to the preclusion of the use of funds in this bill for expenditures in combat operations in Cambodia, and we are receding and agreeing to the Senate proposals with respect to the use of funds in this bill with respect to combat operations in Laos. However, with respect to the Senate position in the Eagleton amendment, that precluded funds from other bills being used for combat operations in Cambodia and Laos, as I understand the Chairman, the gentleman from Texas (Mr. MAHON) interprets the position of the House to be against that?

I just cannot understand the differentiation as to why the gentleman would interpret the position of the House to favor the exclusion of funds from this bill, but not indirectly to exclude funds from other bills already enacted by the Congress. The Senate interpreted the exact same operation that this House has expressed objection to.

Mr. MAHON. I propose to defend the position of the House rather than to succumb to the wishes of the other body.

The House itself will have an opportunity to determine whether or not it wishes to stand by its decision or whether to adopt the more restrictive language which was added in the other body. The restrictions in the House bill should be sufficient to let one and all understand that we hope that the efforts of the President to bring the war to an acceptable conclusion will be successful.

Mr. LEGGETT. Will the gentleman yield for another question?

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

Mr. LEGGETT. I do not mean to press the gentleman too hard. I know this will be brought out in the discussion. What would be a reasonable rationale for differentiation between the limitation of funds in the supplemental bill that precludes certain actions as far as combat operations by the Pentagon in Southeast Asia is concerned, but not extend that to the other money that we already have appropriated over which we still have control?

Mr. MAHON. There are several reasons. In the first place, it is appropriate to abide by our general procedures and rules and deal only with funds that are contained in the bill under consideration. It is not our practice to go beyond the purview of the bill which is before us.

In the second place, staying with the House's position gives the President a little more flexibility in dealing with the matter of Southeast Asia. In view of all the facts and circumstances, and in view of the fact that the fighting in South Vietnam is apparently receding week by week and gives promise of stability in Southeast Asia, it is thought that some degree of flexibility should appropriately be provided. That is my position.

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

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

Mr. CEDERBERG. I think there is another very valid reason, and that is that the Senate has always been wrong on this issue, and the House has always been right. Why should we succumb now to a body that has been wrong over the whole period of time, when we have our POW's at home and we do not have our MIA's accounted for?

Mr. MAHON. I will say this, that we need stability in the legislative branch of Government, and I think the House of Representatives is in a good position to provide stability at this time.

Mr. LONG of Maryland. Mr. Speaker, will the chairman yield?

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

Mr. LONG of Maryland. There are several things I would appreciate having clarified, and perhaps some of the other Members would, too. The language of the Eagleton amendment would cover a great deal of money, perhaps $8 or $10 billion—who knows. These are funds that have been piled up in funds previously appropriated; is that not so?

Mr. MAHON. These are funds that are appropriated for specific purposes—for support, for operation and maintenance, and so on. These are funds that are expended during the year for which they are appropriated.

Mr. LONG of Maryland. The second supplemental, of course, is being passed now with only a few days left in the fiscal year.

Mr. MAHON. Yes.

Mr. LONG of Maryland. Five or six days—I do not know exactly how many there are. I wonder if the Chairman could tell us just what the impact of the second supplemental is, the impact of 5 or 6 days after the fiscal year has expired.

Mr. MAHON. We will have a validating clause. If we do not take action by Wednesday it is my understanding many people will go without pay. We must act responsibly, and we need to get this bill to the White House as soon as possible.

Mr. LONG of Maryland. That was not the essence of my question, Mr. Chairman. I am assuming we are going to pass this between now and the end of the fiscal year.

What I need to know and what I would like to know is whether the bill has any impact so far as the nine bills to provide funds, that is impact as far as the battle in Cambodia and Laos after the 1st of July, because this is the second supplemental and presumably it covers only the balance of the fiscal year 1973, and a new fiscal year begins for 1974.

Mr. MAHON. As the gentleman knows, while we will have passed nine of the major appropriation bills by the end of this week, they have not cleared the other body nor have they been enacted

into law. So later this week, perhaps even tomorrow, we will have a continuing resolution which will provide for funds for all departments and agencies that do not yet have appropriations for the fiscal year 1974, which begins next week.

Mr. LONG of Maryland. It is still not clarified so far as I am concerned. What I want to know is, is this just more or less an academic exercise which pertains only to the next 4 or 5 days, or will the second supplemental, if it contains this language, forbid any use of all this $8 or $10 billion previously appropriated to be spent next year, quite regardless of what is contained in the continuing resolution if that passes?

Mr. MAHON. Normally the most restrictive provision would apply under a continuing resolution. I realize that we are approaching the end of the fiscal year and that we will have to take action. A motion on the continuing resolution to strike all the funds for any purpose will not be subject to a point of order.

Mr. LONG of Maryland. As the gentleman knows, the Eagleton language cannot be applied in the House to the continuing resolution because, in my understanding, it would be out of order for us to refer to past legislation in the continuing resolution so far as the previous acts are concerned. Is that correct or am I wrong?

Mr. MAHON. It is a joint resolution to continue operation of the Government as a result of failure of appropriation bills to be enacted into law. Defense is one of the departments of the Government to be covered under the continuing resolution. I would assume that a motion to restrict the use of funds to be used in a certain way would not be subject to a point of order.

Mr. LONG of Maryland. Supposing, Mr. Chairman, we do not know now, and this is in the future, but supposing the continuing resolution which we pass sometime this week contains no language forbidding combat operations in Cambodia, does not contain either the Long amendment language or the Eagleton amendment language, will the second supplemental carry over into the next fiscal year so far as combat operations in Cambodia?

Mr. MAHON. It may or may not. It is not in my opinion a clear cut issue.

PARLIAMENTARY INQUIRY

Mr. LONG of Maryland. Mr. Speaker, may I direct a parliamentary inquiry to the Chair to get a ruling on that question, whether if no language of any kind forbidding combat operations in Southeast Asia passed in the continuing resolution, whether the language of the second supplemental then carries on beyond June 30, a few days hence?

The SPEAKER. The question which the gentleman raises goes to the merits of the legislation.

Mr. LONG of Maryland. No; it does not.

The SPEAKER. On that the Chair has no ability to rule.

Mr. LONG of Maryland. I respectfully disagree, Mr. Speaker.

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

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

Mr. WYMAN. Mr. Speaker, I would like to reply to the question of the gentleman from Maryland by saying as far as this Member is concerned, who served as one of the conferees, if the language in the bill before us is passed by this body we are shut off in Cambodia and Laos, we are shut off after passage and Presidential signature. We are shut off, period.

This, in essence, is legislation upon an appropriations bill. The language of the amendment is very clear. It specifies that it is "Under this or any other appropriation."

Mr. LONG of Maryland. Heretofore—heretofore appropriated. I wonder whether that applies to a continuing resolution which has not yet been passed, and of course cannot be construed as language. In other words, the language of section 305 of the Eagleton amendment says that none of the funds herein appropriated under this act or heretofore appropriated under any other act, so it does seem to me that this language would not govern the continuing resolution.

Consequently, I am trying to get a parliamentary answer to the question: When we are voting on this, are we merely voting on something which applies to the previous funds and these funds appropriated up to the 30th of June, or does this carry forward? And therefore, does it cease on June 30 or carry forward after July 1?

Mr. WYMAN. Mr. Speaker, it depends upon the order in which such bills are passed. If we pass this first and then we pass a subsequent provision in a continuing resolution, should this change in any way what is done here today the subsequent or later provision would control. We are going to have a chance to vote on this today and then another chance in just a few days to vote on exactly the same thing or a variation if the question comes to us on a continuing resolution. The problem with the present language exists in the words "heretofore appropriated" which would not apply to moneys made available subsequently under a latter continuing resolution.

Mr. MAHON. Mr. Speaker, we do not know at this time, of course, what the House will do.

Mr. Speaker, under leave to revise and extend my remarks and include extraneous material, I insert at this time a summary table or budget estimate and House, Senate and conference action on items in the bill:

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

Chapter No.	Department or activity	Budget estimates	House bill	Senate bill	Conference action	Conference action compared with— Budget estimates	House bill	Senate bill
	TITLE I—GENERAL SUPPLEMENTALS							
I	Agriculture—Environmental and Consumer Protection:							
	New budget (obligational) authority	$47,100,000	$33,387,000	$72,105,000	$59,387,000	+$12,287,000	+$26,000,000	−$12,718,000
	By transfer from sec. 32		(21,960,000)	(21,960,000)	(21,960,000)	(+21,960,000)		
II	Defense:							
	New budget (obligational) authority:							
	1973	143,500,000	123,627,000	123,627,000	123,627,000	−19,873,000		
	1972	30,400,000	17,598,000	22,598,000	21,248,000	−9,152,000	+3,650,000	−1,350,000
	1971	72,001,000	16,958,000	23,834,000	20,000,000	−52,001,000	+3,042,000	−3,834,000
	1969	7,947,225	50,000	165,000	151,000	−7,796,225	+101,000	−14,000
	Total	253,848,225	158,233,000	170,224,000	165,026,000	−88,822,225	+6,793,000	−5,198,000
	By transfer	(500,000,000)		(170,000,000)	(75,000,000)	(−425,000,000)	(+75,000,000)	(−95,000,000)
III	District of Columbia:							
	Federal funds: New budget (obligational) authority	8,500,000		8,500,000		−8,500,000		−8,500,000
	District of Columbia funds: New budget (obligational) authority	(65,430,000)	(64,830,000)	(64,830,000)	(64,830,000)	(−600,000)		
IV	Foreign Operations: New budget (obligational) authority	738,000	700,000	700,000	700,000	−38,000		
V	Housing and Urban Development, Space, Science, and Veterans			25,000,000	20,000,000	+20,000,000	+20,000,000	−5,000,000
VI	Interior and related agencies:							
	New budget (obligational) authority	$96,498,000	$57,638,000$	$100,666,000	$67,281,000	$−29,117,000	+$9,643,000	−$33,385,000
	By transfer	(13,250,000)	(8,600,000)	(8,429,000)	(8,179,000)	(−5,071,000)	(−421,000)	(−250,000)
VII	Labor, and Health, Education, and Welfare:							
	New budget (obligational) authority	1,163,715,000	1,028,844,000	1,358,084,000	1,116,784,000	−46,931,000	+87,940,000	−241,300,000
	By transfer	(42,000,000)		(42,000,000)		(−42,000,000)		(−42,000,000)
	Limitations on administrative and nonadministrative expenses	(148,107,000)	(147,649,000)	(147,649,000)	(147,649,000)	(−458,000)		
VIII	Legislative branch:							
	New budget (obligational) authority	20,502,250	20,597,250	20,886,250	20,597,250	+95,000		−289,000
	By transfer	(298,000)	(298,000)	(298,000)	(298,000)			
IX	Public Works	85,200,000	70,600,000	103,600,000	103,350,000	+18,150,000	+32,750,000	−250,000

Chapter No.	Department or activity	Budget estimates	House bill	Senate bill	Conference action	Conference action compared with— Budget estimates	House bill	Senate bill
	TITLE I—GENERAL SUPPLEMENTALS—Continued							
X	State, Justice, Commerce, and Judiciary:							
	New budget (obligational) authority:							
	1973	523,568,000	215,835,000	563,258,000	541,572,000	+18,004,000	+325,737,000	−21,686,000
	1972	26,000	26,000	26,000	26,000			
	Total	523,594,000	215,861,000	563,284,000	541,598,000	+18,004,000	+325,737,000	−21,686,000
	By transfer	(1,000,000)	(500,000)	(1,000,000)	(1,000,000)		(+500,000)	
XI	Transportation:							
	New budget (obligational) authority	49,646,000	43,883,000	43,883,000	43,883,000	−5,763,000		
	Intergovernmental transactions	(24,669,000)	(24,669,000)	(24,669,000)	(24,669,000)			
	By transfer	(3,250,000)	(3,250,000)	(3,250,000)	(3,250,000)			
XII	Treasury, Postal Service, and General Government	315,667,000	305,539,000	309,527,000	309,527,000	−6,140,000	+3,988,000	
XIII	Claims and Judgments	23,108,029	20,368,059	23,108,029	23,108,029		+2,739,970	
	Total, title I—General supplementals:							
	New budget (obligational) authority:							
	1973	2,477,742,279	1,921,018,309	2,752,944,279	2,429,816,279	−47,926,000	+508,797,970	−323,128,000
	1972	30,426,000	17,624,000	22,624,000	21,274,000	−9,152,000	+3,650,000	−1,350,000
	1971	72,000,000	16,958,000	23,834,000	20,000,000	−52,001,000	+3,042,000	−3,834,000
	1969	7,947,225	50,000	165,000	151,000	−7,796,225	+101,000	−14,000
	Total	2,588,116,504	1,955,650,309	2,799,567,279	2,471,241,279	−116,875,225	+515,590,970	−328,326,000
	By transfer	(559,798,000)	(34,608,000)	(246,937,000)	(109,687,000)	(−450,111,000)	(+75,079,000)	(−137,250,000)
	Limitation on administrative and nonadministrative expenses.	(148,107,000)	(147,649,000)	(147,649,000)	(147,649,000)	(−458,000)		
	Intragovernmental transaction	(24,669,000)	(24,669,000)	(24,669,000)	(24,669,000)			
	TITLE II—INCREASED PAY COSTS							
	New budget (obligational) authority	1,018,989,000	899,891,900	899,672,000	891,604,000	−127,385,000	−8,287,900	−8,068,000
	By transfer	(88,237,036)	(87,543,536)	(87,969,776)	(87,969,776)	(−267,260)	(+426,240)	
	Limitation on administrative and nonadministrative expenses	(1,458,700)	(1,458,700)	(1,458,700)	(1,458,700)			
	Grand total—Titles I and II:							
	New budget (obligational) authority:							
	1973	3,496,731,279	2,820,910,209	3,652,616,279	3,321,420,279	−175,311,000	+500,510,070	−331,196,000
	1972	30,426,000	17,624,000	22,624,000	21,274,000	−9,152,000	+3,650,000	−1,350,000
	1971	72,001,000	16,958,000	23,834,000	20,000,000	−52,001,000	+3,042,000	−3,834,000
	1969	7,947,225	50,000	165,000	151,000	−7,796,225	−101,000	−14,000
	Total	3,607,105,504	2,855,542,209	3,699,239,279	3,362,845,279	−244,260,225	+507,303,070	−336,394,000
	By transfer	(648,035,036)	(122,151,536)	(334,906,776)	(197,656,776)	(−450,378,260)	(+75,505,240)	(−137,250,000)
	Limitation on administrative and nonadministrative expenses	(149,565,700)	(149,107,700)	(149,107,700)	(149,107,700)	(−458,000)		
	Intragovernmental transaction	(24,669,000)	(24,669,000)	(24,669,000)	(24,669,000)			

Mr. SIKES. Mr. Speaker, the events of last week during the summit conference between President Nixon and Mr. Brezhnev attest to a degree of progress in the search for world peace. But if you read the fine print of the agreements that were signed, we find nothing which says Brezhnev will use his power to bring hostilities to an end in Indochina. The fact that there is no such written understanding should make it clear that the search for peace is to be on Soviet terms and by what means they choose to pursue.

Mr. Brezhnev may not have sufficient influence with North Vietnam to induce that country to forgo the use of force in its goal to overrun all of Indochina. But his country is the principal supplier to North Vietnam, and as the principal supplier, he assuredly can influence the nation's policies.

What the Brezhnev visit really means is that the United States is sufficiently strong militarily that the Russians realize the sounder course in seeking world domination for communism is through trade and diplomacy, with little wars thrown in where they serve a proper purpose for acquiring additional territory.

If we want to keep securely on the road to peace, we will negotiate whenever and wherever there is someone who will talk of peace in a meaningful way. But we must also maintain a policy which makes it clear that we are not ready to lie down and play dead. World communism respects us because we have not allowed ourselves to be bluffed out or forced out of the picture as a world power. They still have to reckon with us and this slows down their timetable, but they accept facts.

Thus far they have accepted the fact that we will not abandon Indochina. The Congress can totally undermine what has been accomplished through military might and through diplomacy in 10 grueling years by voting today to stop the residual American military action which is taking place there.

The question before the House is: Shall we, at this point in time when U.S. combat activity in Southeast Asia has been reduced to a very low level, preclude the President from pursuing a course of action which he and his advisers deem to be in the best interest of the United States?

I do not feel that such action is appropriate.

We are not confronted with a situation in which there are 500,000 U.S. ground combat troops in Southeast Asia. Those troops have been brought home.

We are not confronted with a situation in which hundreds of Americans are being held as prisoners in North Vietnam. The prisoners are home.

We have wound down the war.

The loss of American lives in Southeast Asia has almost ended. There is little risk for those participating in our present air operation.

The Lon Nol government in Cambodia has been allied with the United States since its inception. It came into being at a time when our military position in South Vietnam was threatened because of the heavy shipment of supplies through the Port of Sihanoukville in Cambodia. At that time, the Government of Cambodia permitted supplies to be shipped into the Port of Sihanoukville and across Cambodian territory to Communist troops in and adjacent to South Vietnam.

The Lon Nol government assumed power in Cambodia, forced Prince Sihanouk to leave the country, and stopped the flow of supplies to the Communists through this route.

This was a major factor in the achievement of a stable military situation of a cease-fire.

Today, the Lon Nol government is under heavy military pressure from Communist forces. Air support by U.S. forces is playing a major role in slowing the Communist advance. The military position of the Lon Nol government will be seriously degraded if U.S. air support ceases.

Our support of the Government of Cambodia is moderate. We have no troops there. We have been assured that none will be sent. The cost is small when compared with the massive expenditures in South Vietnam a few years ago.

Assistance to Cambodia is important to the maintenance of the peace in Vietnam for which we paid so dearly in lives and treasure. If we turn our backs on the Cambodians who have worked for the same goals we have worked for, the impact on the Government of South

Vietnam will be to raise doubts about the determination of the United States to continue to support that government as well. The will of the South Vietnamese to withstand the continuing pressure from North Vietnam will be eroded.

And if we abandon our friends in Cambodia, what will be the effect on our SEATO ally, Thailand?

The opportunity for self-government for Southeast Asia that we fought for so many years to maintain, now hangs in the balance.

We must not snatch defeat from the jaws of victory.

We should support the President and defeat the Eagleton amendment.

We are not getting involved in another war in Indochina. There are no ground troops there for such an involvement. There are no plans to send them back. But the bombing in Cambodia has prevented a precipitate takeover of that country by the Communists. Had there not been bombing, Phnom Penh would have fallen. With Phnom Penh goes Cambodia. With Cambodia goes the Port of Sihanoukville and direct short access to South Vietnam for Communist supplies. There would be no further requirement for the long trip down through Laos on the Ho Chi Minh Trial. The timetable for the fall of the entire area to communism could be advanced 5 years by what the House does today.

I would hope that we who serve in Congress would not want it said these are the men and women who made a mockery out of all of the blood and tears and treasure that our country expended to try to give self-determination to Indochina. That is what can well be said if we refuse to allow the President to continue his efforts to extricate us in an orderly manner—something which has almost been accomplished. We are almost out and this has been done without abandoning the principles for which we have stood so long.

Mr. FLOOD. Mr. Speaker, I would like to comment briefly on the recommendations of the House conferees relating to the Labor-HEW chapter of the supplemental appropriations bill. There were 23 amendments in disagreement between the House and Senate in chapter VII. The House conferees receded in nine of these, the Senate conferees receded on six, and compromises were reached on eight.

We agreed to amounts proposed by the Senate for the physician shortage area scholarship program, for the Family Practice of Medicine Act, for construction of certain hospitals, for the nutrition program for the elderly, and for construction of the National Center for Deaf/Blind Youths and Adults.

We compromised with the Senate on the amounts which they included in the bill for higher education, education for the handicapped, and vocational rehabilitation.

On the other hand, we simply could not agree to a number of Senate amendments appropriating amounts totaling $211,800,000 which had already been appropriated once by the 1973 continuing resolution.

The reason that these funds were added to the supplemental in the Senate is that, although they have been appropriated, they are in excess of the President's revised budget estimates for fiscal 1973, and, therefore, have not been released for obligation by the Office of Management and Budget. Our position was, and is, that additional appropriations cannot possibly cure this situation. Surely, appropriating the same funds over and over again is not the answer to the impoundment problem. After lengthy discussion in a series of meetings, we were able to persuade the Senate conferees to yield on this matter. As indicated in the statement of the managers, we are in agreement that the impounded funds should be released.

Mr. Speaker, as agreed to in conference, title VII of the supplemental appropriation bill appropriates a total of $1,116,784,000 which is $87,940,000 more than the House bill, $241,300,000 below the Senate, and $46,931, below the budget request.

Mr. PODELL. Mr. Speaker, passage of the Senate version of the supplemental appropriation's bill is vital if this Nation's determination to end the American bombing of Cambodia and Laos is to succeed. Although both the House of Representatives and the Senate have passed legislation which unequivocally expresses our intent that the bombing cease, the Senate language contained in the Eagleton amendment is the best method for implementing this urgent task.

As has been pointed out, the legislation adopted by the House provides a loophole for the administration allowing it to draw upon funds previously appropriated. It furthermore fails to extend the prohibition to Laos.

The administration has made it clear that the President would utilize this loophole. He would disregard the voice and sentiments of the House, the Senate, and the American people, in their struggle against the continuous bombing that has taken place since the signing of the Paris Agreement and the proclamation of "peace with honor" on January 27, 1973.

As long as Mr. Nixon intends to push his constitutional powers to, and beyond, their limits, as long as he considers himself empowered to do anything he believes necessary in prosecuting the war, the Congress must set very clear and exact boundaries for his actions.

In recent weeks, the President has taken several steps indicating a desire to restore strained relations with the Congress. As yet, they have been mainly cosmetic. If the President has really learned the dangers of isolation and concentrated power, and desires substantive change he will end the bombing in Cambodia and Laos, until such time as he has asked for and received congressional authorization.

The administration's continuance of the bombing is already in jeopardy due to lack of congressional authorization and lack of support. The House version of the bill, while not enough to put a final stop to the tons of bombs wreaking havoc upon Indochina was a long awaited victory in the fight to end the war. The logical followup for this House is to follow the lead of the Senate in making our wishes binding.

Mr. ROSTENKOWSKI. Mr. Speaker, today, as we consider the conference report accompanying the second supplemental appropriations bill (H.R. 7447) I cannot help but note that it has arrived from conference with the Senate amendment for $44.5 million for summer jobs for youth in fiscal year 1974 eliminated. In its place the conferees have substituted the language:

It is the intent of the conferees that at least as many Neighborhood Youth Corps summer job opportunities should be provided from this source (i.e. Manpower Training Services) as were provided in last summer's program.

An unobligated $375,297,000 appropriated for manpower training is quoted in the report as the funds that should be used by the Department of Labor to provide these jobs.

It appears to me that, from our experiences during the last 4½ years, the Congress should be very much aware of the lack of concern this administration has for "legislative intent." In view of this, it eludes me how we can assume, at this late date, that, by requesting the expenditure of funds, those funds will in fact be expended.

Since 1968, Mr. Speaker, the Neighborhood Youth Corps has undergone the most tenuous funding procedures that I have witnessed in my 15 years in this body. It has suffered severe underfunding, and each year crash appropriations were provided by Congress only days before these programs were scheduled to commence.

This summer, however, absolutely no money has been provided for the Neighborhood Youth Corps as such. The President has proposed, and is implementing, a token summer job program by making use of emergency employment funds, never intended for such a purpose. In my city of Chicago, this action represents a two-thirds cut in the Neighborhood Youth Corps enrollment from summer 1972.

Of all of our youth programs, the Neighborhood Youth Corps has been the most productive, the most beneficial, and the most successful. It has provided jobs, training and educational advantages to youngsters in our inner-city neighborhoods who could not have otherwise acquired these essential opportunities.

Mr. Speaker, by our lack of strong positive action in this most urgent area of summer jobs for youth, we are paving the way for the demise of this program and denying our obligation to our Nation's most precious commodity—our youth.

The SPEAKER. The gentleman from Texas has consumed 30 minutes.

Mr. MAHON. Mr. Speaker, the time available to this side has expired.

Mr. CEDERBERG. Mr. Speaker, we have no requests for time on this side.

The distinguished chairman has explained the bill. We had colloquy here which I think is self-explanatory.

Mr. MAHON. Mr. Speaker, I move the

previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: Page 6, after line 22, insert:

Section 735 of the Department of Defense Appropriation Act, 1973, is amended by deleting "$750,000,000" and inserting in lieu thereof "$920,000,000": *Provided*, That on and after the date of enactment of H.R. 7447 of the 93rd Congress (a bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes), no funds may be transferred under the authority of section 735 of the Department of Defense Appropriation Act, 1973, to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the sum of $920,000,000 named in said amendment insert the following: "$825,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 10, after line 20 insert:

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $3,100,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 11, line 6, strike out "$38,425,000" and insert "$38,948,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert the following: "$39,563,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 11, line 8, strike out "3,600,000" and insert "$3,429,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert the following: "$3,179,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: Page 11, strike out line 11, and insert: tion": *Provided further*, That none of the funds currently available or made available under this Act shall be obligated or expended to change the boundaries of any region, or abolish any region, of the National Forest System of the Forest Service.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendments of the Senate numbered 20 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 9, after line 17, insert:

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $2,868,000, of which not to exceed $1,200,000 shall be for grants-in-aid as authorized by section 9(1) of Public Law 92-236, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 12, line 1, insert:

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17 of Public Law 92-578, $350,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: Page 12, after line 22, insert:

MANPOWER ADMINISTRATION

MANPOWER TRAINING ACTIVITIES

For an additional amount for "Manpower training activities", to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, $44,500,000, to remain available until September 30, 1973: *Provided*, That this appropriation shall not be available for the purposes of section 106(d) and 309(b) of said Act.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, this amendment makes available beyond July 1 the sum of $44.5 million for manpower training, for summer jobs and so forth.

Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

MANPOWER ADMINISTRATION

MANPOWER TRAINING SERVICES

Of the amounts heretofore appropriated under this heading for fiscal year 1973, $44,500,000 shall remain available until September 30, 1973, to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended: *Provided*, That these funds shall not be available for the purposes of sections 106(d) and 309(b) of said Act.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: Page 14, after line 14, insert:

For an additional amount for "Health manpower" to remain available until expended to carry out the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress), $100,000 and $27,300,000 to carry out section 309(c) and titles VII and VIII of the Public Health Service Act: *Provided*, That of this amount $6,300,000 shall be for capitation grants to schools of veterinary medicine, optometry, podiatry, and pharmacy; $10,000,000 shall be for capitation grants to schools of nursing and $2,000,000 shall be for financial distress grants to such schools; $4,000,000 shall be for graduate public health training; and, $5,000,000 shall be for allied health support.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

For an additional amount for "Health manpower" to remain available until expended to carry out the Family Practice of Medicine Act of 1970 (S. 3418, 91st Congress), $100,000.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 15, line 1, insert:

For an additional amount for "Health manpower" to remain available until expended to carry out the Physician Shortage Area Scholarship Program (subpart III of part F

of title VII of the Public Health Service Act), $2,000,000.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 38: Page 15, after line 17, insert:

EDUCATION FOR THE HANDICAPPED

For an additional amount for carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, $26,300,000, to remain available until September 30, 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows: in lieu of the matter proposed by said amendment, insert the following:

EDUCATION FOR THE HANDICAPPED

For an additional amount for carrying out, to the extent not otherwise provided, the Education of the Handicapped Act; $13,800,000 which, together with $12,500,000 heretofore appropriated for this purpose, shall remain available until September 30, 1973.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 42: Page 16, line 16, after "$150,000,000" insert: : *Provided further*, That the following amounts shall remain available until September 30, 1973: $15,360,000 for language training and area studies until title VI of the National Defense Education Act and the Mutual Educational and Cultural Exchange Act of 1961; and $15,000,000 for university community services, $10,000,000 for aid to land-grant colleges under section 22 of the Act of June 29, 1935; $17,857,000 for library programs as authorized by title II (except section 231) of the Higher Education Act, and $25,000,000 for veterans cost-of-instruction payments, for which funds were appropriated in Public Law 92-607.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows: In lieu of the $15,360,000 named in said amendment insert the following: "$13,860,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: Page 17, after line 10, insert:

SOCIAL AND REHABILITATION SERVICES

Funds contained in the Supplemental Appropriation Act, 1973 (Public Law 92-607) for grants under section 103 of the Rehabilitation Act of 1972 shall be available for grants under section 2 of the Vocational Rehabilitation Act: *Provided*, That such funds made available for grants under section 2 shall not exceed $610,000,000 and that allotments to States under such section shall not, in the aggregate, exceed $615,000,000: *Provided further*, That the $5,000,000 contained in such Supplemental Appropriation Act, 1973 (Public Law 92-607) for the construction of the National Center for Deaf/Blind Youth and Adults, as authorized by said Vocational Rehabilitation Act, shall remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein with an amendment, as follows: In lieu of the matter proposed by the first proviso of said amendment insert the following: "*Provided*, That such funds made available for grants under section 2 shall not exceed $590,000,000 and that allotments to States under such section shall not, in the aggregate, exceed $600,000,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 45: Page 18, line 4, after "1973" insert: ": *Provided*, That funds in the amount of $100,000,000 contained in the Supplemental Appropriation Act, 1973 (Public Law 92-607), to carry out title III of the Older Americans Act of 1965, shall remain available until December 31, 1973, to carry out title III of the Older Americans Comprehensive Services Amendments of 1973 (Public Law 93-29)".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 46: page 19, after line 2, insert:

ACTION

For expenses necessary for ACTION to carry out the provisions of title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044-3044e): $42,000,000, to be derived by transfer from funds appropriated for this purpose in the Supplemental Appropriation Act, 1973 (Public Law 92-607), of which $8,000,000 shall remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

Funds in the amount of $8,000,000 contained under this heading in the Supplemental Appropriation Act, 1973 (Public Law 92-607), to carry out the provisions of Title VI of the Older Americans Act of 1965, as amended, shall remain available until expended.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: Page 27, after line 14, insert:

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

For an additional amount for "Water resources planning", $500,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert the following: "$250,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 60: Page 34, after line 15, insert:

NATIONAL HIGHWAY SAFETY ADMINISTRATION

TRAFFIC AND HIGHWAY SAFETY

Not to exceed $2,000,000 shall be available until June 30, 1974, from amounts heretofore provided for the Traffic Safety Program and Research and Analysis Activities in the appropriation granted under this heading in the Department of Transportation and Related Agencies Appropriation Act, 1973, and the Supplemental Appropriations Act, 1973, to carry out the provisions of the Motor Vehicle Information and Cost Savings Act (Public Law 92-513).

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

State amendment No. 68: Page 38, after line 17, insert:

SENATE

CONTINGENT EXPENSES OF THE SENATE

"Inquiries and investigations", $276,240, to be derived by transfer from the appropriation "Salaries, Officers and Employees", fiscal year 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 81: Page 50, after line 1, insert:

OFFICE OF CHILD DEVELOPMENT

"Child Development", $150,000, to be derived by transfer from the appropriation for

"Special benefits for disabled coal miners", fiscal year 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 83: Page 60, after line 13, insert:

SEC. 305. None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House insist on its disagreement to the amendment of the Senate numbered 83.

PREFERENTIAL MOTION OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. GIAIMO moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein.

Mr. MAHON. Mr. Speaker, I demand a division of the question.

The SPEAKER. The question is, shall the House recede from its disagreement to the amendment of the Senate numbered 83?

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

Mr. MAHON. Mr. Speaker, I moved that the House insist on its position banning all funds in the bill for combat activity in Cambodia.

This does not ban all funds available to the Department of Defense, but it would disallow the use of any in the bill and give a clear signal of the intent of the Congress that the President proceed with the utmost caution. In other words, it does not absolutely slam the door and say that the President under no circumstances can use any funds available to the Department of Defense in connection with the continuation of his efforts to resolve the difficulties which have been encountered in Southeast Asia.

The gentleman from Connecticut has moved that the House recede and concur in the Senate amendment. In other words, the gentleman from Connecticut has moved that the President be denied the use of any funds from any source as he struggles to try to bring this war to some kind of satisfactory conclusion in Southeast Asia.

Of course, we recognize this has a very clear and definite relationship to the cease-fire situation in South Vietnam.

I have demanded a division of the question. The question before the House at this time is not that we recede and concur with the Senate amendment, the Eagleton amendment, but really the question now is shall we recede and, if we determine that we do recede, then we will decide where to go from there.

However, I appeal to the House not to recede, but rather, to stand by its previous position and in opposition to the all-inclusive Eagleton amendment which was placed in the bill by the other body.

Mr. Speaker, I would hope that the House would vote not to recede but, rather, would stand firm in its previous resolution which has gone far enough in dealing with this matter at this time.

We will have other opportunities to deal with the situation, but at this time this seems to be a reasonable course to follow and a reasonable position for all Members of this body to take.

Mr. Speaker, I urge that the motion to recede and capitulate to the Senate be defeated.

Mr. GIAIMO. Will the gentleman yield?

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

Mr. GIAIMO. Do I understand that the chairman intends to introduce an amendment, if the motion to recede fails, or is it merely to divide and have a straight vote on the motion to recede?

Mr. MAHON. The question is whether the House votes to recede, which I trust it will not. Where we go from there is a matter that will be determined after this vote. There are various courses we could follow, but the issue here is clearly drawn, and I ask for a division of the question in order that the issue might be clearly drawn by the House. The issue here is shall we recede and capitulate to the Senate. Shall the House capitulate and take what is interpreted by many as an indefensible act at a time when negotiations are under way and when the chances appear to be good that the war in Southeast Asia will indeed be brought to an honorable and reasonable and satisfactory conclusion.

Mr. GIAIMO. Will the gentleman yield further?

Mr. MAHON. I yield further to the gentleman from Connecticut.

Mr. GIAIMO. Will the gentleman not concede that by agreeing to amendments 10 and 11 the House has in fact indicated, as has the gentleman, that we want to limit the usage of funds which are presently in the supplemental bill—we want to limit them so that they cannot be used for bombing in Cambodia. Is that not so?

Mr. MAHON. The House took advantage of a parliamentary situation to express its concern over the developments in Cambodia and to send a signal to the President and to the world that we would withhold certain funds but not all funds for further combat activity in Southeast Asia.

Mr. GIAIMO. Mr. Speaker, if the gentleman will yield further, the House indicated that the House wanted to withhold bombing funds for Cambodia from all funds available to the House, which meant it could withhold all of the funds in the supplemental bill. The Senate, because of the fact that it has different rules, was able to go beyond that and withhold not only the funds that were before us for consideration in the House in the supplemental bill, but all funds in former or prior appropriation bills which have been passed.

The point I make is that the House by its decision several weeks ago clearly stated that we want none of the funds used for bombing.

Mr. MAHON. The action of the House speaks for itself. The action of the House was that no funds in the supplemental bill should be used for continuation of combat in Cambodia.

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

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

Mr. ADDABBO. Then, Mr. Speaker, if it is the will of the House that, as to the supplemental bill, if it passes, all bombing stop with these funds, and all funds previously appropriated, then we should vote for the motion offered by the gentleman from Connecticut to recede; is that correct? If we just want to limit the bombing where you cannot bomb with 1 dollar, but then you can use the other $9 to kill anyone you want, then we should vote down the motion offered by the gentleman from Connecticut, is that correct?

Mr. MAHON. The House has indicated its concern about the war in Southeast Asia with the Long amendment, and the House has taken appropriate action today with respect to Senate amendments 10 and 11. The words of the House language speak for themselves. My motion is that we insist upon the position of the House and not capitulate to the other body.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Speaker, as the author of the Long amendment which has just been passed, or approved by the conference committee earlier here, I want to say that normally I would like to stick to pride of authorship and insist on my own language. I also like, wherever I possibly can, to stick with the House, because I believe the House should be preeminent in appropriation bills. But this is a principle that rises above pride of authorship, and the idea of appropriations originating in the House, and therefore I feel that the Eagleton amendment gives us the strongest possible language we can get from this supplemental. Consequently, I will support the motion offered by the gentleman form Connecticut (Mr. GIAIMO).

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

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

Mr. WYMAN. Mr. Speaker, with reference to the language presently before the House, the chairman asks that we insist upon our disagreement with the other body. If the Senate added language remains in the bill, I ask the Chairman, could the United States take any military action insofar as trying to rescue or otherwise return any of our men missing in action, the "MIA's," as they have become labeled at this time; could we do

anything about their rescue under the restrictions of this language if it became law?

Mr. MAHON. I yielded to the gentleman from New Hampshire to express his own views. He is an able and dedicated member of this body.

Mr. WYMAN. Then, Mr. Speaker, if I might be permitted to answer my own question in rhetorical fashion, I believe it self-evident that this language would prohibit any military action by this country directed toward finding or returning our missing combatants, or any MIA's or U.S. civilians missing in action, or any rescue operations over there. I do not believe we should take such a position.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

Mr. MAHON. Mr. Speaker, I will withhold my moving of the previous question until the gentleman from Michigan, the minority leader, states his parliamentary inquiry.

The SPEAKER. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, my parliamentary inquiry is this: Am I correct, Mr. Speaker, that a "no" vote on the motion offered by the gentleman from Texas (Mr. MAHON) to recede would uphold the House position on the supplemental?

The motion offered by the gentleman from Connecticut (Mr. GIAIMO) was to recede and concur, but the Chairman, the gentleman from Texas (Mr. MAHON) divided the question, and the vote is on a motion to recede. Therefore a "no" vote on the motion to recede would uphold the position of the House?

The SPEAKER. The Chair can state that if the "no" vote prevails, the next vote would be on the motion to insist on the House's position.

Mr. O'NEILL. Mr. Speaker, will the gentleman withhold his motion at the present time?

Mr. Speaker, will the gentleman from Texas yield me 3 minutes?

Mr. MAHON. I yield 3 minutes to the majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I have taken this well on this issue so many times. I rise today in strong support of the Giaimo amendment, which is in reality the Eagleton amendment. It is the only way for the House to get across its emphatic and unequivocal message to the Nixon administration that we want the bombing in Cambodia to stop immediately.

On May 10, 1973, we passed the Addabbo-Long amendments to prohibit the use of money in the second supplemental for the bombing of a country in which the United States was not formally at war. As a matter of fact, in my arguments at that time, I said we had no treaties and no agreements with Cambodia. They did not even come in under SEATO when they had the opportunity to do so.

We have heard Mr. Kissinger. Along the line he told us the same story we had heard so many times—the light at the end of the tunnel. I do not like the light at the end of the tunnel. I do not like the fact that we have lost two or four boys in Cambodia already. I do not know how many men we have lost over there, but I should hate to see us in the same position as we were in the Vietnam situation.

On May 31, the Senate was forced, after the Addabbo amendment, to adopt the Eagleton amendment to bar the use of either new funds or funds already appropriated for the continued bombing of Cambodia or for any renewed war bombing in Laos. Why did they do that? They did it because the administration had ignored the action of this Congress and announced contemptuously its intention to use previously appropriated funds to pay for the continuation of the bombing.

The President took an utter disregard of the action taken by this House, and I think that the only way to get to the crux of the whole problem is to stop the bombing over there. I think it is the will of this Congress to follow suit today with the Giaimo amendment, and I hope the Giaimo amendment is adopted.

The administration's contemptuous arrogance to do what it wants rather than what the American people want as expressed through their representatives in Congress makes this step necessary.

The American people do not want another Vietnam. This vote is a conscience vote; it is a vote to stop the bombing with the strongest weapon that Congress has—the power of the purse.

Let us vote to stop the pipeline of funds for bombing in Cambodia. I think the time to act positively is at hand, for if we had taken such steps in 1963 or 1964 to use our constitutional power of the purse to cut off funds for our involvement in Vietnam, we might well have prevented that tragic and divisive American morass.

We do not want another Vietnam. We turned the corner in reasserting our prerogative of making war and peace when the Members of this House voted for the first time on May 10 to cut off funds for the bombing. Yet, the President did not heed our voice.

Yes, we have turned the corner and there is no turning back. A favorable vote on the Giaimo motion gives the House an opportunity to make its will stick this time. It is an imperative step which we must take.

There is no other alternative.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, it seems to me that people of strong convictions on both sides of the aisle have an obligation and responsibility today to vote "no" on this motion to recede. I do not think this is a partisan issue because over the last 2, 4, 6 years people on both sides of the aisle have stood up and been right. Our friends on the other end of the Capitol have been wrong.

We have a cease-fire in South Vietnam; we have a cease-fire in Laos, not because of the actions of the other body, but because of the conviction and the votes of a majority of the Members in the House of Representatives. The truth is a very difficult and complicated puzzle is about to be completed. We have peace. We have a decrease in the fighting in South Vietnam. The bombing in North Vietnam has been ended. The POW's are back. We have a cease-fire in Laos, and we are practically at the point of putting the last piece in the puzzle, the last link in the chain.

Yes, my friend, the gentleman from Massachusetts, has said that Dr. Kissinger has come back and said we see the light at the end of the tunnel.

The light that Henry Kissinger has brought back has been a cease-fire, peace, and the return of the prisoners of war. I am going to stick with the guy who made this possible and not in the last minute of the last quarter succumb to the people who have been wrong all the time. It kind of reminds me of a ball game where your side is ahead because we had the right strategy, and then just at the last minute when we can see all of our efforts to achieve something meaningful, we walk off the field and turn over the ball game to the people who have been wrong whose strategy has been an error. I do not understand that.

Yes, the gentleman from Michigan (Mr. CEDERBERG) and the gentleman from New Hampshire (Mr. WYMAN) have made two very good points. If we want any possibility of verifying on the missing in action people, we had better vote "no" and give to the President the last military option that he has to convince the North Vietnamese and others that they have to give us that chance for a verification of the MIA's in Indochina.

Yes, we have some U.S. civilians in Laos and we have some U.S. civilians in Cambodia. If we capitulate and follow the advice and the votes of those people who have been dead wrong for the last 4 years, we could very well be putting into jeopardy the lives of those civilians, our fellow Americans.

Yes, Mr. Speaker, this is not a partisan issue because there has been this longstanding effort on the part of many in this body on both sides of the aisle to stand up to the people who were dead wrong for so long. It is just incomprehensible to me, almost unbelievable, that at this juncture when we have high-level negotiations going on right now attempting to put together a government that will bring about a cease-fire in Cambodia, that will shore up what we have achieved in Vietnam and what we have achieved in Laos, that we should think about undercutting the President and Dr. Kissinger. We just have to, in my humble judgment, be firm and strong in the waning minutes of the most important ball game that we have played in this body in a long time.

Mr. Speaker, I urge the Members to vote "no."

Mr. MAHON. Mr. Speaker, we have been over this ground. Various Members on both sides of the aisle have expressed their views today and on previous days and in previous weeks and months.

Mr. Speaker, I now move the previous question on the motion to recede.

The previous question was ordered.

The SPEAKER. The question is: Will the House recede from its disagreement to Senate amendment numbered 83?

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

RECORDED VOTE

Mr. GIAIMO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 172, present 1, not voting 25, as follows:

[Roll No. 273]

AYES—235

Abzug	Fountain	Murphy, Ill.
Addabbo	Fraser	Natcher
Alexander	Frenzel	Nedzi
Anderson, Ill.	Fulton	Nix
Andrews, N.C.	Fuqua	Obey
Andrews, N. Dak.	Gaydos	O'Hara
	Giaimo	O'Neill
Annunzio	Gibbons	Owens
Archer	Gilman	Parris
Ashley	Ginn	Patman
Aspin	Gonzalez	Patten
Barrett	Grasso	Perkins
Bennett	Green, Oreg.	Peyser
Bergland	Green, Pa.	Pike
Biaggi	Griffiths	Podell
Biester	Gude	Powell, Ohio
Bingham	Gunter	Preyer
Blackburn	Guyer	Price, Ill.
Boggs	Hamilton	Pritchard
Boland	Hanley	Quie
Bolling	Hansen, Wash.	Randall
Brademas	Harrington	Rangel
Brasco	Hastings	Rees
Brooks	Hawkins	Reid
Broomfield	Hechler, W. Va.	Reuss
Brotzman	Heckler, Mass.	Riegle
Brown, Calif.	Heinz	Rinaldo
Burke, Calif.	Helstoski	Robison, N.Y.
Burke, Fla.	Henderson	Rodino
Burke, Mass.	Hicks	Roe
Burton	Holifield	Rogers
Carey, N.Y.	Holtzman	Roncalio, Wyo.
Carney, Ohio	Howard	Roncallo, N.Y.
Carter	Hungate	Rooney, Pa.
Chisholm	Johnson, Calif.	Rose
Clark	Johnson, Colo.	Rosenthal
Clausen, Don H.	Jones, Okla.	Rostenkowski
	Jones, Tenn.	Roush
Clay	Jordan	Roy
Cohen	Karth	Roybal
Collins, Ill.	Kastenmeier	Ruppe
Conte	Kazen	Ryan
Conyers	Ketchum	St Germain
Corman	Kluczynski	Sandman
Cotter	Koch	Sarasin
Coughlin	Kyros	Sarbanes
Cronin	Leggett	Schneebeli
Culver	Lehman	Schroeder
Daniels, Dominick V.	Lent	Seiberling
	Litton	Shipley
de la Garza	Long, La.	Sisk
Delaney	Long, Md.	Smith, Iowa
Dellenback	McClory	Snyder
Dellums	McCloskey	Staggers
Denholm	McCormack	Stanton,
Dent	McDade	J. William
Diggs	Macdonald	Stanton,
Dingell	Madden	James V.
Donohue	Madigan	Stark
Downing	Mallary	Steele
Drinan	Mann	Steelman
Dulski	Mathias, Calif.	Stokes
du Pont	Matsunaga	Stubblefield
Eckhardt	Mazzoli	Studds
Edwards, Calif.	Meeds	Sullivan
Eilberg	Melcher	Symington
Esch	Metcalfe	Symms
Eshleman	Mezvinsky	Taylor, N.C.
Evans, Colo.	Miller	Teague, Calif.
Fascell	Minish	Thone
Findley	Mink	Tiernan
Fish	Mitchell, Md.	Towell, Nev.
Foley	Moakley	Udall
Ford, William D.	Moorhead, Pa.	Ullman
	Morgan	Van Deerlin
Forsythe	Mosher	Vanik
Vigorito	Wilson, Charles H., Calif.	Wolff
Waldie		Wyatt
Whalen		Yates
White	Wilson, Charles, Tex.	Yatron
Widnall		Young, Ga.
		Zwach

NOES—172

Arends	Hanrahan	Railsback
Armstrong	Hansen, Idaho	Rarick
Bafalis	Harsha	Regula
Baker	Harvey	Rhodes
Bevill	Hays	Roberts
Bowen	Hébert	Robinson, Va.
Bray	Hillis	Rousselot
Breckinridge	Hinshaw	Runnels
Brinkley	Hogan	Ruth
Brown, Mich.	Holt	Satterfield
Brown, Ohio	Horton	Saylor
Broyhill, N.C.	Hosmer	Scherle
Broyhill, Va.	Huber	Sebelius
Buchanan	Hudnut	Shoup
Burgener	Hunt	Shriver
Burleson, Tex.	Hutchinson	Shuster
Butler	Ichord	Sikes
Byron	Jarman	Skubitz
Camp	Johnson, Pa.	Slack
Casey, Tex.	Jones, Ala.	Smith, N.Y.
Cederberg	Jones, N.C.	Spence
Chamberlain	Keating	Steed
Chappell	Kemp	Steiger, Ariz.
Clancy	King	Steiger, Wis.
Clawson, Del	Kuykendall	Stephens
Cleveland	Landgrebe	Stratton
Cochran	Latta	Stuckey
Collier	Lott	Talcott
Collins, Tex.	Lujan	Taylor, Mo.
Conable	McCollister	Teague, Tex.
Conlan	McEwen	Thomson, Wis.
Crane	McFall	Thornton
Daniel, Dan	McSpadden	Treen
Daniel, Robert W., Jr.	Mahon	Vander Jagt
	Mailliard	Veysey
Davis, Ga.	Maraziti	Waggonner
Davis, S.C.	Martin, Nebr.	Walsh
Davis, Wis.	Martin, N.C.	Wampler
Dennis	Mathis, Ga.	Ware
Devine	Mayne	Whitehurst
Dickinson	Michel	Whitten
Dorn	Milford	Wiggins
Duncan	Minshall, Ohio	Williams
Edwards, Ala.	Mitchell, N.Y.	Wilson, Bob
Erlenborn	Mizell	Winn
Evins, Tenn.	Mollohan	Wright
Flood	Montgomery	Wydler
Flowers	Moorhead, Calif.	Wylie
Ford, Gerald R.		Wyman
Frelinghuysen	Murphy, N.Y.	Young, Fla.
Frey	Myers	Young, Ill.
Froehlich	Nelsen	Young, S.C.
Gettys	Nichols	Young, Tex.
Goldwater	O'Brien	Zablocki
Goodling	Passman	Zion
Grover	Pettis	
Gubser	Pickle	
Haley	Poage	
Hammer-schmidt	Price, Tex.	
	Quillen	

PRESENT—1

McKay

NOT VOTING—25

Abdnor	Breaux	Landrum
Adams	Burlison, Mo.	McKinney
Anderson, Calif.	Danielson	Mills, Ark.
	Derwinski	Moss
Ashbrook	Fisher	Pepper
Badillo	Flynt	Rooney, N.Y.
Beard	Gray	Thompson, N.J.
Bell	Gross	Young, Alaska
Blatnik	Hanna	

So the preferential motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Moss for, with Mr. McKay against.

Mr. Bell for, with Mr. Derwinski against.

Mr. Thompson of New Jersey for, with Mr. Fisher against.

Mr. Badillo for, with Mr. Young of Alaska against.

Mr. Blatnik for, with Mr. Ashbrook against.

Mr. Anderson of California for, with Mr. Rooney of New York against.

Mr. Danielson for, with Mr. Beard against.

Until further notice:

Mr. Adams with Mr. Flynt.

Mr. Breaux with Mr. Hanna.

Mr. Gray with Mr. Abdnor.

Mr. Burlison of Missouri with Mr. Mills of Arkansas.

Mr. Landrum with Mr. Pepper.

Mr. McKinney with Mr. Gross.

Mr. McKAY. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Moss). If he had been present, he would have voted "aye." I would have voted "no." Therefore, I vote "present."

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. MAHON moves that the House concur with the amendment of the Senate numbered 83 with an amendment, as follows: In lieu of the matter inserted, insert the following:

"SEC. 305. After September 1, 1973, none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces."

Mr. MAHON. Mr. Speaker, this preferential motion is slightly different from the Senate language. The amendment reads:

SEC. 305. After September 1, 1973 none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities, in, over, or from off the shores of Cambodia or in or over Laos by United States forces.

None of the basic language would be changed under the preferential motion which I have offered. We would under the preferential motion simply extend the time at which the Senate language would become effective.

What we do is we insert two words and five figures as follows—and here is what we will be voting on:

After September 1—

That is 60 days into the new fiscal year—

After September 1, 1973, none of the funds herein appropriated under this Act or heretofore appropriated under any other act may be expended to support directly or indirectly combat activities in or over or from off the shores of Cambodia or in or over Laos by United States forces.

This gives the President 2 additional months in which to try to work out a solution in Cambodia which will not leave Cambodia a major threat to the cease-fire in Vietnam.

It does not seem to me that those who voted with the majority a few months ago should object to giving the President a little more time to use diplomatic means to achieve the purposes of the so-called Eagleton amendment.

Now, should we give the President 60 more days in which to try to settle this matter and shore up the cease-fire in Southeast Asia?

We gave President Johnson and President Nixon a total of about 8 years in which to get a cease-fire in Vietnam.

Finally the cease-fire was agreed to on the 27th day of January. Since that time we have had February, March, April, May, and June—5 months.

The rainy season in Southeast Asia is now approaching, and the opportunities for combat activity are not very great. So mainly this would provide time for negotiations. And while I do not know what the position of the administration would be on this amendment I know that the administration would like to have additional time. It seems to me that a 2-month period would not be an unreasonable length of time.

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

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

Mr. STRATTON. Mr. Speaker, I would ask the gentleman from Texas is it not true that since we last voted on this subject in the House that there have been two significant events? One of them an agreement reached in Paris for a more detailed enforcement of the cease-fire, and, second, what has certainly been, at least in my opinion, a very successful meeting between the President and the leader of the the Soviet Union. And is it not possible, I would ask the gentleman from Texas, that something might have been at least broached at the summit meeting that could conceivably lead to a cease-fire in Cambodia if we do not put this restriction on immediately?

Mr. MAHON. It does seem reasonable to me to give the President additional time, until September first, in order to try to negotiate and make it more possible that the sacrifice of tens of thousand of lives and billions of dollars in Southeast Asia shall by no means have been in vain.

I do not want to see the Congress take the responsibility of depriving this country of the means of bringing this conflict, this long and difficult conflict, to an end. This responsibility should be assumed by the President, and it will be assumed by the President, at least for the next 2 months, if my motion is agreed to.

Mr. STRATTON. My Speaker, if the gentleman will yield further, in other words, the motion offered by the gentleman from Texas, (Mr. MAHON) if I understand it correctly, is to try to achieve a cease-fire in Cambodia so that we can get an end to the war in all of Indochina, is that correct?

Mr. MAHON. That is right.

Mr. STRATTON. Mr. Speaker, if the gentleman will yield further, as I stood in the door as people were coming in to vote on the last motion, and were asking what the vote was on, some of my colleagues were saying that they should vote "yes" so as to end the war in Cambodia. But, if I understand the situation correctly, the motion offered by the gentleman from Texas is designed to achieve a real end to the entire Indochina war. Is that correct?

Mr. MAHON. The gentleman is correct.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Speaker, I would ask the gentleman from Texas whether this preferential amendment would affect a continuing resolution? If a continuing resolution were passed before these 60 days have passed, would this 60-day delay apply to the continuing resolution?

Mr. MAHON. In reply to the gentleman from Maryland I would say that the continuing resolution will have to speak for itself. I cannot prejudge what would be in the continuing resolution. But if the House votes to give the President these 2 additional months then a continuing resolution might very well follow the same pattern.

Mr. LONG of Maryland. In other words, it is conceivable to have a continuing resolution in which we would be getting a cutoff of funds, depending on when the continuing resolution passed the Congress as a whole relative to this time period?

Mr. MAHON. It is a matter for the Congress to determine what it wants to do about this motion, and I cannot prejudge what will be contained in the continuing resolution.

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

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

Mr. ADDABBO. Mr. Speaker, I would state to the gentleman from Texas that if his preferential motion carries then it would have to go back to a conference, is that correct?

Mr. MAHON. The gentleman from New York is correct; we would have to go back to conference with the other body, unless the other body accepts what appears to me to be a reasonable position. I would hope it would be accepted by the other body, and that the bill would then go to the President.

Mr. ADDABBO. We are willing, then, to stall all of our domestic programs just to give the President the right to bomb for another 2 months.

Mr. Speaker, I do not think that is the will of this House.

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

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

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

If I understand the gentleman correctly, the gentleman takes the position that the responsibility in this matter should be assumed by the President.

In my judgment, it is the Congress—not the President—which should take this responsibility. I think the Constitution is clear on this point, that Congress should decide and Congress should be the branch to declare war. Frankly, I think the American people have made a judgment that this war should be ended, so I hope the House will vote down the Mahon amendment and assume the responsibility to end the war and the bombing now.

I thank the chairman for yielding.

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

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

Mr. GIAIMO. Mr. Speaker, as I understand the situation, if the gentleman's motion were to carry, we would then find ourselves in the position that by virtue of amendments 10 and 11 we would be prohibited from using funds in the Supplemental Bill to bomb in Cambodia, but until September 1 they could use moneys other than the funds in the supplemental bill to bomb in Cambodia, by virtue of the gentleman's September 1 suggestion in his amendment; is that correct?

Mr. MAHON. Amendment No. 10——

Mr. GIAIMO. 10 and 11.

Mr. MAHON. 10 and 11.

Mr. GIAIMO. Which the gentleman has agreed prohibits bombing immediately.

Mr. MAHON. Yes, as far as the funds in this bill are concerned.

Mr. GIAIMO. Therefore, they could not use supplemental funds for bombing?

Mr. MAHON. That is right.

Mr. GIAIMO. But if the gentleman's present amendment carries, we would have an inconsistency. We would be telling them by virtue of amendments 10 and 11 they cannot use money effective immediately upon the enactment of the supplemental into law, but they could use moneys appropriated earlier to bomb until September 1. There does not seem to be any philosophy or rationale to this. We do one thing on one hand and take it away on the other. I submit that the House and Senate have clearly and unequivocally, and with a substantial vote, indicated they want a termination of bombing in Cambodia now.

Therefore, I would urge defeat of the gentleman's amendment.

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

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, during the three terms that I have been in Congress we have been in complete agreement on one thing. That is to get away from Vietnam as quickly as we can. But we have been in complete disagreement on the method of doing it, and that has been going on for all the time I have been here. We have had vote after vote to see whether or not we would decide what to do instead of the President. Over this time we have left the responsibility with the President. He has gotten a cease-fire; he has gotten the prisoners of war back; and he is now in the stage of negotiation. The truth is we agree on another thing: We do not want to bomb any more in Southeast Asia. But where is our confidence?

Today, Mr. Speaker, we are acting like the President cannot wait to bomb everything in Southeast Asia. The truth is the President needs all of the strength that we can give him in his negotiations. He is not trying to bomb, but he is trying to have some strength in negotiations, and if they do not keep their part of the agreement, where does that leave the United States in its negotiations?

It looks as though it has kind of gotten

out of style to say thanks to the President or that we are proud of him. Here is a man who has accomplished what we have today, and it looks as though everybody wants to tap him on the head.

The Members have spoken. We are going to take the money out of bombing. But for once let us at least act like we are on the same side. I urge the Members to give the President 60 days to complete the negotiations.

Mr. MAHON. I thank the gentleman.

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

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

Mr. GERALD R. FORD. Mr. Speaker, the gentleman from North Carolina has mentioned that negotiations are going on at the present time. That is very accurate. They are highly classified. They are aimed at putting together a government in Cambodia. They are reasonably optimistic of success. And if those negotiations are successful, we will have a cease-fire and the bombing will stop.

It is my judgment that it is worth a gamble. I believe the administration would not ask for anything beyond the 60 days. I do think for a short period of 2 months, 60 days, when we have gone as far as we have with the success that we have, it is an honorable and proper position for the Members of the House or a majority thereof to support this extension for 60 days to achieve a final, conclusive and effective settlement in Indochina.

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

Mr. MAHON. I yield 2 minutes to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I think the House just expressed its will. I think the will of this House is that we do not want to see the loss of one more American boy. One more American boy is one too many. It is fine to talk about the air strikes; but what mother would like to have her own son conducting those air raids; what mother would like to see her own son over there.

We are talking about negotiations. As I have already said before, we have nothing to do with Cambodia. We have had no treaty with them. We asked them to come into SEATO, and they did not. As far as I know this is a civil war in which we are going to bomb and bomb and until we can get them together. I do not know if we can ever accomplish that goal.

But one thing I say, I think it is the will of the American people as expressed here clearly this afternoon, that this war should end and this bombing should stop, the minute the President of the United States signs this bill into law. And I hope he will never think of doing otherwise, because this is the will of Congress, the expression of the people who represent the grassroots of America.

Mr. MAHON. Mr. Speaker, what we have involved here is what is best for every American boy, indeed, every American citizen, our entire Nation. The question is: What is in the short- and long-range best interest of the United States? I happen to feel that the acceptance of the motion which I have offered is in the best interest of the Nation and of all American citizens. I would like to read the amendment again in order that our minds may be refreshed as to what we are voting upon:

After September 1, 1973, none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

Mr. BLACKBURN. Mr. Speaker, our operations in Indochina during the past few months suggest we may be suffering from an ailment to which successful politicians are prone: believing one's own rhetoric. The January cease-fire agreement signaled the failure of the U.S. mission in Indochina. In essence it amounted to a protocol for American military disengagement from Vietnam. On this, since it was what both sides wanted, there was a meeting of minds. And the disengagement, which included the release of American POW's in correlation with the withdrawal of American troops, was carried out just about on schedule.

Concerning everything else there had been no genuine meeting of minds. Disengagement apart, the other matters referred to were what the fighting had been about all these years. Since the fighting had been inconclusive, these matters naturally could not be settled just by writing a lengthy text. Apart from the sections dealing directly with the disengagement and the prisoners' return, the agreement is ambiguous, unrealistic, and unworkable. And in the event it is not working—we have witnessed continuous and flagrant violation of the peace treaty by the North Vietnamese Communists contrary to what the administration's rhetoric would like us to believe.

Interestingly enough, when our policy spokesmen seek to justify the renewed bombing of Cambodia or Laos, the episodic suspension of mine removal, or the threat of no future aid to Hanoi, they refer not to any specific clauses of the written agreement but to secret "understandings" that Henry Kissinger is now alleged to have reached with Le Duc Tho, although when presenting the text of the agreement to newsmen and the world, Kissinger thrice denied the existence of any secret understandings.

When boiled down to its essence, the agreement is a narrow, uninspiring, and in truth humiliating document. It is hardly surprising that the spokesmen for the administration covered it with a good deal of rhetorical sauce in serving it up to the citizens and voters. We had won, we heard, "peace with honor," and had taken a big stride toward "lasting peace." We had honored our commitment, our men would be coming home "with heads high," et cetera.

What has been happening in Indochina since the signing of the original and followup agreements is what anyone who had made a correct assessment of its meaning expected to happen. But to those who believed the agreement really did signify peace and the fulfillment of the basic American commitment—that is, defeat of the Communists' struggle to take power in all Indochina—what the Communists throughout Indochina have been doing is a "violation" of the cease-fire and a sabotage of peace that merits punishment.

Moreover, what has been happening tends to clarify the true meaning of the agreement, and thus to prick the inflated rhetoric which surrounds it.

Our bombers remain over Cambodia, and a few now and then over Laos. The rhetoric demands them. There is no need for the bombers in order to carry out the essence of the agreement—the U.S. military withdrawal and the POW release. That has already been accomplished, and the bombings only risk reengagement and a new lot of POW's. In the Cambodian conditions the military efficiency of B–52's is minimal. They will have no long-term effect on the chaotic political situation on the ground. It will be unable, specifically, to salvage the Lon Nol government. But for us to have "done nothing" about the Communist moves toward power in Cambodia would have exposed the emptiness of the "peace" agreement. It seems that no one is yet willing to face the simple Vietnam reality, or to ask us to face it with them. The fact is that we have failed in our Indochina mission primarily because of our no-win policy.

There is no doubt in my mind that the security of South Vietnam, Laos, and ultimately Thailand, will depend on what happens in Cambodia. While the Soviet Union and Red China, despite all their rhetoric about detente, continue in every way to support Hanoi's aggression in Indochina, we have placed handcuffs on the legitimate government of South Vietnam, paralyzing its defenses. I am convinced that with American withdrawal the future of Indochina should be determined by the people of Indochina and I am convinced that the South Vietnamese Government and its forces are able to take care of the Communist aggressor and to enforce the peace treaty. We are not there anymore. It is their war. We must now free the South Vietnamese to act and react as their national security demands and as the matter of freedom in that part of the world requires.

I would like to address a question to the policymakers of the United States: "Why is it necessary for the American Air Force to be bombing in Cambodia when the South Vietnamese armed forces, trained and adequately equipped by the United States, are able to take care of the situation themselves without our involvement and without creating new American POW's in the hands of Communists?"

I would also like to address a question to the highest office of the United States: "Would you, Mr. President, be able to sleep well at night knowing that you have a burglar in your home?" And that burglar in South Vietnam numbers some 170,000 well-equipped North Vietnamese Communist regulars.

It is Nixon's doctrine that the South

Vietnamese themselves handle their internal hostilities and their national security. It is a gross form of sophistry that a "peace" agreement stands as a threat to her very survival. Therefore, the South Vietnamese should be permitted to fight in the same unconstrained manner that Moscow and Peking are supporting the Hanoi Communists in their quest for the Communist victory in Indochina. In this situation, there are only two necessary functions for the United States: one, to provide logistic support for the South Vietnamese forces and, two, to make sure that there is no Red Chinese or Soviet direct intervention in Indochina.

Today, when I vote for the curtailment of funds for bombing in Cambodia, I want at the same time to make it clear to the Communist aggressors from Hanoi that my vote does not represent an act of appeasement but rather a strong position against our present ambiguous policy in Indochina.

My vote should be understood as support for the struggle of the free people of Indochina under the leadership of their government in Saigon.

Mr. ADDABBO. Mr. Speaker, I would urge my colleagues to support the Eagleton amendment by instructing the House conferees to accede to the Senate version of the second supplemental appropriations bill on this point.

I would also urge that all of those who supported the Addabbo amendment and the Long amendment when the bill was before the House May 10, also support the Eagleton amendment. This is truly the best opportunity to strike a blow for peace that Members of this House have yet encountered.

You will recall that when we passed the Addabbo and Long amendments last month, the then-Secretary of Defense Elliot Richardson announced the administration would use other funds to continue bombing Cambodia. The Senate reacted to that policy by overwhelmingly approving the Eagleton amendment which applies the congressional ban on bombing to all appropriated funds.

Let there be no mistake; the administration has thrown the gauntlet to the Congress on the matter of war. If we fail to pass the Eagleton amendment, we are forfeiting the congressional right to determine when and how this Nation will go to war. A vote against the Eagleton amendment is a vote to give the Pentagon a free hand to rain death and destruction where it will, with no need to consult the people.

I believe we face today a direct confrontation to the Congress to back up its earlier expression against the bombing of Cambodia. I believe the authority of the Congress to order a halt to unauthorized bombing is being challenged here so that the administration can contend Congress did not really want to halt the bombing. I believe that if we fail to approve the Eagleton amendment, the bombing will not only continue, it will eventually escalate.

And so, although this bill would expire at the end of this week, the vote on this amendment is no idle gesture. If the House is willing to stand up for the position we assumed a month ago, we will have delivered a decisive blow for peace.

Should we now cringe from the challenge, we will be falling into a chasm that could be as deep and as dreadfully expensive as was Vietnam.

Our only alternative is to reassert our authority by voting to stop the use of appropriated funds for unauthorized bombing or other military activities which have not been approved by Congress.

And of those who would again appeal to the Congress not to "tie the hands of the President," let us admit we have heard those words for a decade, during which our Nation sank even deeper into a quagmire from which there was nearly no return.

There comes a time when the Congress must tie the hands of a President if it is to be responsible. Is there one person in this Chamber who would not do it differently if we now had the Gulf of Tonkin Resolution before us again? At times, the Congress must assert its rights. This is such a time. More than any body of government, we in this House represent the will of the people, and that will has been clearly expressed: no more war.

We have given our word to the people there will be no more war in Cambodia by American fighting men. The world has looked upon that House action, and will be watching what we do here today. We must remove the funds so necessary to further bombing. We must approve the Eagleton amendment.

Mr. ANDERSON of Illinois. Mr. Speaker, I support the motion to recede and concur in the position of the Senate on the so-called Eagleton amendment to this supplemental appropriations bill. That amendment states quite simply that none of the funds appropriated under this act or any previous act may be used to support U.S. combat operations in, over, or off the shores of Cambodia or in or over Laos. When this supplemental was first before us on May 10 of this year, I voted for the so-called Long amendment to prohibit the use of any funds in this bill for U.S. combat operations in Cambodia. That amendment passed this body by a vote of 224–172. It seems to me that the Eagleton amendment is both the logical and necessary extension of the position this body took back on May 10 for it would insure that the clear will of the Congress is observed with respect to halting American bombing activities in Cambodia. Either we were serious about stopping the bombing back on May 10 or we were not, and the vote on the Eagleton amendment today is the true test of our sincerity, our seriousness and our firmness of resolve in adopting the Long amendment.

As I stated at the time of our original vote on this issue, I have yet to hear or read one legal justification for what we are currently doing in Cambodia. We are told that we must bomb Cambodia to save the peace in Vietnam, but there is nothing in the peace agreement which authorizes such an enforcement mechanism. Indeed, our bombing is in clear contravention of the peace agreement.

Mr. Speaker, I think we must recognize here today that peace in Vietnam cannot be delivered from the bomb bay of a B–52 over Cambodia; peace in Vietnam can only be delivered by the people of Vietnam.

We are told that no new authority is needed to bomb Cambodia—that it is simply an extension of the authority which the President had to wage war in South Vietnam. But the fact is, with the repeal of the Gulf of Tonkin resolution, the only authority left to the President was to safely disengage our troops and secure the release of our prisoners of war. Indeed, when the President announced our invasion of Cambodia back in the summer of 1970, he made the following pledge, and I quote:

> 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.

Mr. Speaker, all of our troops have been disengaged and our prisoners returned. That authority has been terminated.

We are told that we must bomb Cambodia to save the Lon Nol regime. But we have no such military commitment to that regime, and no authority resides in the Presidency to undertake such a mission without the prior consent of the Congress.

In conclusion, Mr. Speaker, the vote today on the Eagleton amendment is the first of two important votes this week in this body on the proposition that the Congress must reassert its constitutional war powers. If we have learned nothing else from our tragic involvement in Vietnam, I hope we have learned that the Congress must exercise its constitutional responsibilities in committing American forces abroad if that commitment is to have the sustained understanding and support of the American people. Without the exercise of that rightful role, and without that understanding and support, our system will again be stretched beyond the stress point and we will again be tossed into the terrible and tragic turmoil which wracked our society during the decade of the sixties. I for one do not want to see a repeat of that experience in the seventies. By our vote on the Eagleton amendment today we have a clear opportunity to demonstrate that we do not want Cambodia or Laos to become the Vietnam of the seventies. I therefore urge support of the motion to recede and concur in the position of the Senate conferees on the Eagleton amendment.

Mr. DAN DANIEL. Mr. Speaker, the American Legion is opposed to congressional efforts to eliminate funds the President may use in his discretion to support U.S. bombing in Cambodia and Laos. We are especially opposed to amendments proposed by the Senate which would cut off funds for bombing and other combat operations not only in supplementary appropriations bills

but also end such use of all past and future appropriations.

We urge Members of the House of Representatives not to tie the hands of the President thereby hamstringing American military support of the legitimate Governments of Cambodia and Laos. Both of these nations face heavy aggression from North Vietnam in complete and blatant violation of Hanoi's pledges contained in the January 27, 1973, Vietnam cease-fire agreement and confirmed in the June 13, 1973 reaffirmation of that pact.

Our President is trying to negotiate a real cease-fire in Cambodia. It would be most unfortunate for Congress to cripple his most potent weapon for achieving peace there. We are certain that, without American support, Cambodia and Laos will fall before the military pressure of North Vietnam and become Communist. Not only would this be a tragedy in those nations, but it would also bring almost irresistible pressure upon the Republic of Vietnam which is valiantly and successfully defending its own independence and right of self-determination.

I, reluctantly but urgently, ask you to support the original House amendment cutting off only the use of funds in the fiscal year 1973 supplemental appropriation bill for Cambodian and Laotian operations. We sincerely hope this more limited restriction would afford the Cambodian and Laotian Governments sufficient breathing room to negotiate an honorable peace agreement and prevent the loss of both countries to communism.

Mr. LEGGETT. Mr. Speaker, I rise in support of the motion to recede on the Eagleton amendment.

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.

Last month, when the Defense Supplemental bill was before this body, the argument had changed once again. At that time we heard that a termination of the bombing would pull the rug out from Dr. Kissinger's sensitive negotiations with the North Vietnamese. Well, those negotiations have been concluded, and as we have discovered, there was not much to pull the rug out on.

Despite the empty rhetoric of the second Paris accords, the war and the bombing continue. And there is no end in sight.

As of the beginning of May the United States was pouring some 870 tons of bombs per day on the indigenous Cambodian insurgents. The fact that after 19 years of involvement in Indochina we are still bombing in Cambodia is disturbing enough, but it is made even more idiotic by when we realize that this amounts to 87 tons for every Communist KIA.

If this body chooses to continue the bombing in Cambodia I think we should at least know what we are getting for our money. The answer is, not much.

Recently, two staff members of the Senate Foreign Relations Committee traveled for a month in Indochina. They found that, contrary to popular belief, the United States continues to be heavily involved in Indochinese political and military affairs. Despite this deep involvement, however, our allies in Southeast Asia are no more capable of defending themselves than they were years ago.

According to Mr. James Lowenstein and Mr. Richard Moose of the Senate Committee, the situation in Cambodia is particularly acute. Let me quote from their report.

> Upon our arrival in Cambodia we found it generally agreed among all observers that the political, military and economic performance of the Lon Nol government had reached an all time low. Furthermore, it was our impression that the feeling of apathy and futility on the part of government officials was so profound that it obscured any sense of crisis which, by any Western standards, they should have felt given the facts of the situation.
>
> In the military sphere, the Cambodian armed forces, which had never recovered from the Chenla II debacle in the fall of 1971, were facing a Khmer Communist movement that had gained remarkably in strength since that time, a fact that many Cambodian officials, both civilian and military, refuse to admit. In the political sphere, as a result of manipulated presidential and parliamentary elections, compounded by the universally abhorred machinations of Lon Nol's younger brother, Lon Nol had alienated almost all of those who had supported him in the past. In the economic sphere, prices were rising at an alarming rate, food and other commodities were becoming increasingly scarce and the budget was virtually out of control.
>
> Most observers with whom we talked felt that what Cambodia most needed to do was to get out of the war, but Lon Nol appeared both incapable and unwilling to do so except on his own terms.

So the outlook for the Cambodian Government is pessimistic, and it is expected to remain so for same time, with or without U.S. support.

Since 1970 the United States has committed $226 million in economic aid to the Cambodian Government, and since 1972 Lon Nol has received over $300 million in military aid from us. Moreover, over the last few years, we have transferred millions of dollars worth of military equipment to the Phnom Penh Government at little or no cost to their military assistance program.

Look what we have received in return. A government that has managed to lose two-thirds of the country to a tenuous coalition of local insurgent groups, alienated its staunchest supporters through dictatorial actions, and waste millions of dollars of U.S. economic and military assistance through widespread graft and corruption.

On this last point, the Senate staff found that while we are supporting a Cambodian armed force monthly payroll that numbers 278,430 personnel, the Cambodian Minister of Information has indicated that there are only 180,000 real soldiers on duty.

I think that it is high time that we put an end to this folly once and for all. I urge that the House adopt the Eagleton amendment to cut off all funds for the bombing and combat action in Cambodia and Laos.

Mr. SYMMS. Mr. Speaker, here we go again. Hawks versus Doves—where are the tigers?

Mr. Speaker, once again the House is asked to support White House policy in Southeast Asia. My question is, how long is this going to go on? Every year we hear the same argument that it is about over, that we are about to achieve an honorable peace. Mr. Speaker, I suggest to you and my colleagues that there is no way we will achieve an honorable peace in Southeast Asia because an honorable peace by my definition is victory not compromise or appeasement with the Communists. This administration has had 4 years to end this war. In my opinion the only reason we are not still shooting in Vietnam is because the President finally hit Hanoi where it hurt last December. But why did he wait 4 years to do it? I come from the old school that believes that war is hell and that wars are to be won as soon as possible and by what ever means necessary. I am tired of playing touch football with the Communists.

Mr. Speaker, I have been told by military generals familiar with the situation that the South Vietnamese are capable of cleaning out the Communists in Cambodia and Laos but that they are being prohibited from doing so by the United States. Apparently, the only way Kissinger could get Hanoi to agree to the cease-fire was to promise them that the United States would hold South Vietnam in tow and not let them defeat the Communists. Therefore, it appears to me that the South Vietnamese Army would be more effective against Hanoi than the bombers are over Cambodia. Perhaps if the Congress takes the bombers away from the President he will be forced to turn the South Vietnamese loose and allow them to really win for a change and halt the Communist advances in Cambodia and Laos. I for one will vote to stop continued air action over Cambodia until the President agrees to let South Vietnam defend itself and demonstrates his desire to defeat communism in Southeast Asia.

Mr. Speaker, I am sure that as result of my vote today that some people will try to say that I am supporting the doves. Unfortunately, the conflict between my colleagues over the war policy in Vietnam has been between those who wanted to give up and bug-out and those who supported the administraion no-win policy for the last 8 years. But what happended to the third alternative of going all out to win as soon as possible? I think that the big mistake made by conservatives throughout the Vietnam conflict was letting themselves be trapped into supporting a no-win policy as the only alternative to the advocates of surrender or bugging-out. Mr. Speaker, I have had it; I say either put up or get out and let South Vietnam do what we were afraid to do—win. This motion tells the President we have 60 days to come home.

Mr. MILFORD. Mr. Speaker, when this bill first came before the House on this past 10th of May, I voted for the Addabbo amendment. The reason for my vote was spelled out in a statement that can be found on page 15307 in the CONGRESSIONAL RECORD of that date.

In all honesty, I was very reluctant to cast my vote for the Addabbo amendment. In the past, I had supported the President's position in the Vietnam involvement.

As explained in my statement in the CONGRESSIONAL RECORD of that date, Cambodian operations are illegal, in that the Congress has not declared war on that nation nor authorized the operation by concurrent resolution.

By means of the Addabbo amendment, the Congress clearly served notice that the President was acting on his own and therefore must bear the full brunt of his actions.

Today, I voted against the proposition that would have totally and immediately stopped all Cambodian action.

On the surface, this vote would appear to be inconsistent with my support of the Addabbo amendment. It is not. By means of the Addabbo amendment, we simply said, "Congress will not authorize further funds to conduct a war until it is legally declared either by formal declaration or by concurrent resolution." At that time, I felt that if we had approved the funds, it would have been construed as congressional approval of the war.

When the Addabbo amendment was on the floor, all Members agreed that the amendment would not stop the Cambodian operation. Sufficient funds already existed for the President to continue the operation for a limited period of time.

Today, the House considered a new amendment that had been inserted by the Senate—the Eagleton amendment. This amendment was much more restrictive than the Addabbo amendment. The new amendment would immediately stop all action in Cambodia and Laos. In effect, this constitutes a "battlefield" decision.

I voted against this new amendment. In short, I do not feel that I have enough information at hand to intelligently decide on whether or not operations should end immediately in Southeast Asia.

As a Congressman, I do not have available vitally important intelligence reports, confidential embassy reports, battlefield situation reports and other classified information that must be considered when deciding whether or not to cease immediate combat action.

The President has all of this information and a trained staff to evaluate it. He is in a position to make such a decision. Furthermore, I have been assured by respected senior Members of the Congress that sensitive negotiations are in progress wherein the bombing is an important factor.

Therefore, what I have tried to do, within my limited capabilities—I can only vote yes or no to specific propositions that come onto the floor—is to say to the President and the public the following:

First. Present operations in Cambodia and Laos are illegal in that these operations have not been authorized by the Congress.

Second. No future appropriations of funds will be made for these operations because it would infer that Congress approved them.

Third. If the President, in accordance with our Constitution, will come before the Congress or even the appropriate committees—in executive sessions—and justify the need for additional combat operations, I will go along with the committee's advice.

Fourth. In the absence of congressional consent, the President becomes totally responsible for all combat operations and the consequence that may follow.

Fifth. Recognizing the fact that the President has access to vital classified information, that is not available to the Congress, I would not inject myself by making "battlefield decisions" by immediately stopping combat action occurring on the fringes of a major war. Parenthetically, I shall not be a party to allowing the limited combat action to expand into another major involvement.

In summary, we are dealing with two wrongs. The President is wrong in conducting an illegal action. The Congress is wrong in attempting to make a battlefield decision when it does not have the information at hand to intelligently make such a decision. Everyone is familiar with the old adage "two wrongs do not make a right."

Through the voting pattern that I have followed, the President has a few more days to wind up his war and, during this time, he is on his own. By disapproving further appropriations, the Congress has limited his time in Cambodia and served notice that it does not approve of the action.

Mr. COTTER. Mr. Speaker, I rise in support of the Eagleton amendment.

I would have hoped that such action in this Chamber would not be required. For several years now, it has been increasingly obvious that public and congressional dissatisfaction with the administration's war policies has been growing. Four and one-half years ago, the President was elected on a pledge to end this war. But the war has not ended—it has merely been transformed to a less visible, less politically unpopular method of destruction. For more than 100 consecutive days, American bombs have been dropped over Cambodia. Of the 200 planes used to bomb North Vietnam at the height of our saturation raids last year, not one has yet been reassigned from their bases in Guam, Thailand, and elsewhere. Mr. Speaker, the time has come—in fact, is long overdue—to put a stop by congressional mandate to this tragic error in policy.

I have been a part of the effort to put an end to our military involvement in Southeast Asia ever since I came to Congress. I was a cosponsor of the Vietnam Disengagement Act of 1971. I was a signer of the "O'Neill letter," signifying intent to vote for all amendments that would end the war by congressional action. I was a vigorous supporter of the Mansfield amendment which tied withdrawal to return of our prisoners of war.

Now that our POW's are returned, however, there can be no continuation of our past rationale of military activity to secure their release. In fact, continued bombing exposes more Americans to the risk of injury, death, or capture, aside from the devastating effect it has on morale, both at home and in the military.

Aside from the lack of military justifications for this tragic and divisive policy is the fact that millions of dollars are needlessly being spent to pursue it. Currently it costs $100 million a month to bomb. I have, on April 20 of this year, written to President Nixon, deploring the mentality that has led up to our present position, and still maintained that there are not enough funds available for our domestic problems of housing, illness, and unemployment.

Mr. Speaker, the time is here for action to end, once and for all, our military activity in Southeast Asia. The Eagleton amendment would accomplish this by extending the prohibition on use of funds voted by the House of Representatives on May 10 to past appropriation bills, and to activities in and over Laos, as well as Cambodia. There can be no question that congressional authority exists to enact such a ban under article I, section 8 of the U.S. Constitution.

For too long now, the Congress has, either by permission or by omission, permitted its powers regarding war actions to be abused and usurped by the executive branch. Even in the face of continuing displeasure voiced by the Congress, the President has persisted in his war policies. Mr. Speaker, we must act now to positively end the tragedy, the agony, and the divisiveness brought on by this war. I urge my colleagues in this Chamber to concur with the Senate and finally end the use of American men, money, and material on the ground and in the skies of Southeast Asia, by voting for the Eagleton amendment.

Mr. BROOMFIELD. Mr. Speaker, I rise in support of the conference report and the Senate provision to cut off funds for additional bombing of Cambodia.

Throughout the long and torturous history of American military participation in Southeast Asia, I have supported administrations of both parties in their efforts to achieve an honorable and lasting peace in Vietnam.

My position, Mr. Speaker, was simply this: As long as we were pursuing peace at the negotiating table, as long as American prisoners were in North Vietnam and as long as our troops were still stationed in the south, unilateral disengagement by the United States would have been contrary to the best interests of long-term peace throughout Indochina and a direct threat to the security of American troops. I stand by that judgment.

However, we are now faced with a new set of circumstances, a decidedly different situation, when we are asked to grant still one more extension of the bombing of Cambodia.

Our troops have been safely withdrawn. Our prisoners of war have been repatriated and the painstaking search for our missing-in-action continues even now in the south. Dr. Kissinger has had ample time to conduct additional negotiations with Le Duc Tho and substantial progress has been made in this area.

The three goals which motivated my opposition to past fund cutoffs have been achieved and, therefore, I can no longer support the bombing of Cambodia.

Mr. Speaker, the time has come for us to eliminate completely our operations in Indochina. Rather than taking a step backward into the turmoil and uncertainty of renewed and possibly expanding military activities, it is now time for us to look forward to a new era of peaceful negotiation and settlement in this troubled area of the world.

This is not a simple goal; it will not be won easily. Neverthless, we must undertake this new approach—an approach which coincides with the realities of today and not of the past. For these reasons then, Mr. Speaker, I am moved to support this measure to cut off the bombing in Cambodia.

Mr. BOLAND. Mr. Speaker, Members of the House this afternoon have an opportunity to cut off all funds for American bombing and combat support activities in Cambodia and Indochina.

Had I been a member of the House conferees meeting with Senators on the second supplemental appropriations bill for fiscal year 1973, H.R. 7447, I would have supported the so-called Eagleton amendment, which was the major issue in disagreement on this bill.

When the bill was before the House, I supported the antiwar funds amendment to cut off all funds in the second supplemental appropriations bill for the remainder of this fiscal year.

The Eagleton amendment in the Senate goes beyond the House position. It applies to funds in this bill and all previous appropriations, and adds Laos in addition to Cambodia with respect to prohibition on bombings and combat activities.

Mr. Speaker, I feel that now is the time for Congress to exercise its prerogative and duty through the power of the purse to let the White House know we want to put an end to the killing and maiming by American forces in Southeast Asia.

Therefore, I support and will vote for the Giamo preferential motion for the House to recede and concur with the Senate on the Eagleton amendment. Lets put an end, once and for all, to American participation in the ugly Indochina war.

Mr. WALDIE. Mr. Speaker, today's vote by the House curbing the President in his enthusiastic bombing policies over Cambodia and Laos, is truly a historical occasion.

Though it is sad that consciousness of the tragedy of Indochina took so long to permeate the House, it is nonetheless an important occasion that such awareness now exists.

The blood and needless sacrifice of Vietnam will always be a blot on our national honor but that blot may now be of lesser magnitude than would have been the case without today's votes.

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to concur with an amendment.

Mr. EVANS of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Has the previous question been moved?

Mr. MAHON. Mr. Speaker, I have moved the previous question.

The SPEAKER. The previous question has been moved on the motion. Until that has been disposed of, the Chair is without power recognize any Member for any other purpose.

The question is on ordering the previous question.

The previous question was ordered.

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

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

Mr. EVANS of Colorado. Mr. Speaker, a parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair is not going to allow any further interruptions.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry. Was that a vote on the previous question?

The SPEAKER. The question was on the motion.

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 204, nays 204, present 1, not voting 24, as follows:

[Roll No. 274]

YEAS—204

Arends	de la Garza	Johnson, Pa.
Armstrong	Delaney	Jones, Ala.
Bafalis	Dennis	Jones, N.C.
Baker	Devine	Jones, Okla.
Beard	Dickinson	Kazen
Bevill	Dorn	Keating
Blackburn	Duncan	Kemp
Bowen	Edwards, Ala.	Ketchum
Bray	Erlenborn	King
Breckinridge	Eshleman	Kuykendall
Brinkley	Flood	Landgrebe
Brooks	Flowers	Latta
Brown, Mich.	Ford, Gerald R.	Lent
Brown, Ohio	Frelinghuysen	Lott
Broyhill, N.C.	Frey	Lujan
Broyhill, Va.	Froehlich	McCollister
Buchanan	Fuqua	McEwen
Burgener	Gettys	McFall
Burke, Fla.	Gilman	McSpadden
Burleson, Tex.	Goldwater	Madigan
Butler	Goodling	Mahon
Byron	Grover	Mailliard
Camp	Gubser	Mann
Carter	Guyer	Maraziti
Casey, Tex.	Haley	Martin, Nebr.
Cederberg	Hammer-schmidt	Martin, N.C.
Chamberlain	Hanrahan	Mathis, Ga.
Chappell	Hansen, Idaho	Mayne
Clancy	Harsha	Michel
Clausen, Don H.	Harvey	Milford
Clawson, Del	Hastings	Miller
Cleveland	Hays	Minshall, Ohio
Cochran	Hébert	Mitchell, N.Y.
Collier	Hillis	Mizell
Collins, Tex.	Hinshaw	Mollohan
Conable	Hogan	Montgomery
Conlan	Holt	Moorhead, Calif.
Coughlin	Horton	Murphy, N.Y.
Crane	Hosmer	Myers
Daniel, Dan	Huber	Nelsen
Daniel, Robert W., Jr.	Hudnut	Nichols
Davis, Ga.	Hunt	O'Brien
Davis, S.C.	Hutchinson	Parris
Davis, Wis.	Ichord	Passman
	Jarman	Pettis
Poage	Skubitz	Waggonner
Powell, Ohio	Slack	Walsh
Price, Tex.	Smith, N.Y.	Wampler
Quillen	Snyder	Ware
Railsback	Spence	White
Rarick	Stanton, J. William	Whitehurst
Regula	Steed	Whitten
Rhodes	Steelman	Widnall
Roberts	Steiger, Ariz.	Wiggins
Robinson, Va.	Steiger, Wis.	Williams
Roncallo, N.Y.	Stephens	Wilson, Bob
Rousselot	Stratton	Winn
Ruppe	Stubblefield	Wright
Ruth	Stuckey	Wydler
Sarasin	Symms	Wylie
Satterfield	Talcott	Wyman
Saylor	Taylor, Mo.	Young, Fla.
Scherle	Teague, Calif.	Young, Ill.
Schneebeli	Thomson, Wis.	Young, S.C.
Sebelius	Towell, Nev.	Young, Tex.
Shipley	Treen	Zablocki
Shriver	Vander Jagt	Zion
Shuster	Veysey	Zwach
Sikes		

NAYS—204

Abzug	Gaydos	Patten
Addabbo	Giaimo	Perkins
Alexander	Gibbons	Peyser
Anderson, Ill.	Ginn	Pickle
Andrews, N.C.	Gonzalez	Pike
Andrews, N. Dak.	Grasso	Podell
Annunzio	Green, Oreg.	Preyer
Archer	Green, Pa.	Price, Ill.
Ashley	Griffiths	Pritchard
Aspin	Gude	Quie
Barrett	Gunter	Randall
Bennett	Hamilton	Rangel
Bergland	Hanley	Rees
Biaggi	Hansen, Wash.	Reid
Biester	Harrington	Reuss
Bingham	Hawkins	Riegle
Boggs	Hechler, W. Va.	Rinaldo
Boland	Heckler, Mass.	Robison, N.Y.
Bolling	Heinz	Rodino
Brademas	Helstoski	Roe
Brasco	Henderson	Rogers
Broomfield	Hicks	Roncalio, Wyo.
Brotzman	Holifield	Rooney, Pa.
Brown, Calif.	Holtzman	Rose
Burke, Calif.	Howard	Rosenthal
Burke, Mass.	Hungate	Rostenkowski
Burton	Johnson, Calif.	Roush
Carey, N.Y.	Johnson, Colo.	Roy
Carney, Ohio	Jones, Tenn.	Roybal
Chisholm	Jordan	Runnels
Clark	Karth	Ryan
Clay	Kastenmeier	St Germain
Cohen	Kluczynski	Sandman
Collins, Ill.	Koch	Sarbanes
Conte	Kyros	Schroeder
Conyers	Landrum	Seiberling
Corman	Leggett	Shoup
Cotter	Lehman	Sisk
Cronin	Litton	Smith, Iowa
Culver	Long, La.	Staggers
Daniels, Dominick V.	Long, Md.	Stanton, James V.
Dellenback	McClory	Stark
Dellums	McCloskey	Steele
Denholm	McCormack	Stokes
Dent	McDade	Studds
Diggs	Macdonald	Sullivan
Dingell	Madden	Symington
Donohue	Mallary	Taylor, N.C.
Downing	Mathias, Calif.	Thone
Drinan	Matsunaga	Thornton
Dulski	Mazzoli	Tiernan
du Pont	Meeds	Udall
Eckhardt	Melcher	Ullman
Edwards, Calif.	Metcalfe	Van Deerlin
Eilberg	Mezvinsky	Vanik
Esch	Minish	Vigorito
Evans, Colo.	Mink	Waldie
Evins, Tenn.	Mitchell, Md.	Whalen
Fascell	Moakley	Wilson, Charles H., Calif.
Findley	Moorhead, Pa.	Wilson, Charles, Tex.
Fish	Morgan	Wolff
Foley	Mosher	Wyatt
Ford, William D.	Murphy, Ill.	Yates
Forsythe	Natcher	Yatron
Fountain	Nedzi	Young, Ga.
Fraser	Nix	
Frenzel	Obey	
Fulton	O'Hara	
	O'Neill	
	Owens	
	Patman	

PRESENT—1

McKay

NOT VOTING—24

Abdnor	Anderson, Calif.	Ashbrook
Adams		Badillo

Bell	Flynt	Pepper
Blatnik	Gray	Rooney, N.Y.
Breaux	Gross	Teague, Tex.
Burlison, Mo.	Hanna	Thompson, N.J.
Danielson	McKinney	Young, Alaska
Derwinski	Mills, Ark.	
Fisher	Moss	

So the preferential motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. McKay for, with Mr. Moss against.

Mr. Derwinski for, with Mr. Bell against.

Mr. Fisher for, with Mr. Thompson of New Jersey against.

Mr. Young of Alaska for, with Mr. Adams against.

Mr. Ashbrook for, with Mr. Breaux against.

Mr. Rooney of New York for, with Mr. Danielson against.

Mr. Teague of Tevas for, with Mr. Burlison of Missouri against.

Until further notice:

Mr. Blatnik with Mr. Flynt.

Mr. Gray with Mr. Pepper.

Mr. Hanna with Mr. Abdnor.

Mr. Mills of Arkansas with Mr. Gross.

Mr. Anderson of California with Mr. Badillo.

Mr. McKAY. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Moss). If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion to concur offered by the gentleman from Connecticut (Mr. GIAIMO).

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 84: Page 60, after line 19, insert:

"SEC. 306. No part of any appropriation contained in this or any other Act, or of funds available for expenditure by any corporation or agency shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

"SEC. 306. No part of any appropriation contained in this or any other Act, or of funds available for expenditure by any corporation or agency shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

"SEC. 307. Appropriations and authority provided in this Act shall be available from June 5, 1973, and all obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON JOINT RESOLUTION MAKING CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making continuing appropriations for the fiscal year ending June 30, 1973, and for other purposes.

Mr. CEDERBERG reserved all points of order on the joint resolution.

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

There was no objection.

PRIVILEGES OF THE HOUSE—NEW JERSEY AGAINST JAMES M. TURNER AND CHARLES LENTINE

The SPEAKER. The Chair recognizes the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Speaker, I rise to a question of the privileges of the House.

I have received a subpena to testify before the Superior Court of New Jersey at Mercer County, Trenton, N.J., at 9:30 a.m. on June 25, 1973. In the case of New Jersey against James M. Turner and Charles Lentine.

Under the precedents of this House I am unable to comply with this subpena without the consent of the House. The privileges of the House being involved.

I therefore submit the matter for the consideration of the House.

I send the subpena to the desk.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[In the Superior Court of New Jersey, Law Division, Criminal]

STATE OF NEW JERSEY, PLAINTIFF V. JAMES M. TURNER AND CHARLES LENTINE, DEFENDANTS

[In the superior court of New Jersey Law Division, Criminal]

The State of New Jersey, to: Congressman John E. Hunt, 67 Cooper St., Woodbury, N.J.

You are hereby commanded to attend and give testimony before the above named Court before Judge Arthur A. Salvatore, court house, Mercer County, 4th floor, Trenton on Monday, June 25th, 1973, at 9:30 o'clock A.M., on the part of defendant, Turner in the above entitled action.

Failure to appear according to the command of this Subpoena will subject you to a penalty, damages in a Civil Suit and punishment for contempt of Court.

June 22, 1973.

MORTIMER G. NEWMAN, Jr., *Clerk.*

Roy D. Cummins, Esq., Attorney for defendant, Turner.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 464) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 464

Whereas Representative John E. Hunt, a Member of this House, has been served with a subpena to appear as a witness before the Superior Court of New Jersey at Mercer County, Trenton, New Jersey, at 9:30 a.m. on the twenty-fifth day of June, 1973 to testify in the case of State of New Jersey against James M. Turner and Charles Lentine; and

Whereas by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative John E. Hunt is authorized to appear in response to the subpena of the Superior Court of New Jersey, in Mercer County; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be sumitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES DURING WEEK OF JUNE 25, 1973

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 454 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 454

Resolved, That it shall be in order for the Speaker at any time during the week of June 25, 1973, to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII.

Mr. MADDEN. Mr. Speaker, on Thursday, June 21st, the Committee on Rules considered and adopted House Resolution 454. House Resolution 454 provides that it shall be in order for the Speaker at any time during the week of June 25, 1973, to entertain motions to suspend the rules, not withstanding the provisions of clause 1, rule XXVII of the Rules of the House.

Mr. Speaker, House Resolution 454 will allow the Members to spend the holiday week of July 4th with their families. I urge its adoption.

Mr. MARTIN of Nebraska. Mr. Speaker, I approve of this resolution, I have no further requests for time.

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

Mr. MARTIN of Nebraska. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman's yielding.

I must say in all honesty I do not understand why we should have Christmas in June. This House resolution in effect waives the lay-over period for consideration of conference reports before this body. I think it is unnecessary and totally unwarranted. I think the House will make a terrible mistake if it decides to adopt this kind of resolution in the middle of the year.

I can at least justify to some extent the willingness of the House during the last week of the session to suspend the rules in order to complete our business. This resolution suspends the rules in a period of time in the middle of the year when we are coming back in July to be here for the month of July. We know we will be back here in September after Labor Day. I find absolutely no reason

why the House should adopt this resolution.

I will say to the distinguished chairman of the Committee on Rules and the distinguished ranking member that I strongly object to the resolution, and I hope that the House will vote it down.

Mr. MARTIN of Nebraska. Mr. Speaker, I should be glad to offer the gentleman an explanation if he cares to have one.

Mr. STEIGER of Wisconsin. I should appreciate having one.

Mr. MARTIN of Nebraska. Mr. Speaker, the need for this resolution is in regard to conference reports that might come back before June 30, the end of the fiscal year. We have a very important conference report in regard to the debt limit. If it comes back on Thursday or Friday of this week, there would be no time to consider it before the July 4 recess under the 3-day rule. This would suspend the 3-day rule.

I have the utmost confidence in the Speaker. He is only going to utilize the prerogative we give him under this resolution in cases of emergency, and I think it perfectly fair and proper that he should do so.

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

Mr. MARTIN of Nebraska. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate that explanation by the gentleman from Nebraska, but if that is the case, then let us adopt a resolution that says we can waive this 3-day rule on conference reports for the debt ceiling bill. This is a blanket waiver for all bills. It is totally unjustified, and I intend to vote against it.

Mr. MARTIN of Nebraska. This resolution was agreed to by the leadership of both parties in the House.

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

Mr. MARTIN of Nebraska. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman's yielding. What are the other bills that may come back from conference, if this is so important to establish such a blanket waiver of the rules?

Mr. MARTIN of Nebraska. I could not answer the gentleman, because I do not know what bills will be agreed upon in conference between now and next Friday.

Mr. ROUSSELOT. The reason I tend to agree with the gentleman from Wisconsin is that if this is one specific conference report that maybe needs emergency attention, why not make just that specific exception? Why make it such a blanket rule? We may come up with a deadline time on Friday next, and I just do not think it is good procedure. Suddenly we may have 5 or 10 or 15 different conference reports, and we would not have adequate time to know what the real changes are.

Mr. MARTIN of Nebraska. I am sorry the gentleman does not have sufficient confidence in the leadership on both sides of the aisle to trust them.

Mr. Speaker, I refuse to yield any further.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. STEIGER of Wisconsin. 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 276, nays 129, not voting 28, as follows:

[Roll No. 275]

YEAS—276

Abzug	Evans, Colo.	Madden
Addabbo	Evins, Tenn.	Madigan
Alexander	Fascell	Mahon
Anderson, Ill.	Flood	Mailliard
Andrews, N.C.	Flowers	Mann
Andrews, N. Dak.	Foley	Martin, Nebr.
	Ford, Gerald R.	Mathias, Calif.
Annunzio	Ford, William D.	Matsunaga
Armstrong		Mazzoli
Aspin	Fountain	Meeds
Barrett	Fraser	Melcher
Bennett	Fulton	Metcalfe
Bergland	Fuqua	Mezvinsky
Bevill	Gaydos	Milford
Biaggi	Gettys	Minish
Bingham	Giaimo	Mink
Boggs	Gibbons	Mitchell, Md.
Boland	Ginn	Moakley
Bolling	Gonzalez	Mollohan
Bowen	Grasso	Moorhead, Pa.
Brademas	Green, Pa.	Morgan
Brasco	Griffiths	Mosher
Breckinridge	Gunter	Murphy, Ill.
Brinkley	Guyer	Murphy, N.Y.
Brooks	Haley	Natcher
Brotzman	Hamilton	Nedzi
Brown, Calif.	Hanley	Nelsen
Broyhill, Va.	Hanna	Nix
Burke, Calif.	Hanrahan	O'Brien
Burke, Mass.	Hansen, Idaho	O'Hara
Burleson, Tex.	Hansen, Wash.	O'Neill
Burton	Harrington	Owens
Camp	Hawkins	Passman
Carey, N.Y.	Hays	Patman
Carney, Ohio	Hechler, W. Va.	Patten
Casey, Tex.	Helstoski	Perkins
Cederberg	Henderson	Pickle
Chamberlain	Hicks	Pike
Chappell	Holifield	Poage
Chisholm	Holtzman	Podell
Clark	Horton	Preyer
Clausen, Don H.	Hosmer	Price, Ill.
	Howard	Pritchard
Clay	Hungate	Quie
Cochran	Ichord	Quillen
Cohen	Jarman	Randall
Collier	Johnson, Calif.	Rangel
Collins, Ill.	Johnson, Colo.	Rees
Conyers	Johnson, Pa.	Regula
Corman	Jones, Ala.	Reid
Cotter	Jones, N.C.	Reuss
Culver	Jones, Okla.	Rhodes
Daniels, Dominick V.	Jones, Tenn.	Riegle
	Jordan	Rinaldo
Davis, Ga.	Karth	Roberts
Davis, S.C.	Kastenmeier	Rodino
de la Garza	Kazen	Roe
Delaney	Kluczynski	Rogers
Dellums	Koch	Roncalio, Wyo.
Denholm	Kyros	Rooney, Pa.
Dent	Landrum	Rose
Diggs	Latta	Rosenthal
Dingell	Leggett	Rostenkowski
Donohue	Lehman	Roush
Dorn	Lent	Roy
Downing	Litton	Roybal
Drinan	Long, La.	Runnels
Dulski	McCormack	Ruppe
Duncan	McDade	Ryan
Eckhardt	McFall	St Germain
Edwards, Ala.	McKay	Sandman
Edwards, Calif.	McSpadden	Sarasin
Eilberg	Macdonald	Sarbanes
Schneebeli	Stratton	Whitten
Schroeder	Stubblefield	Williams
Seiberling	Stuckey	Wilson, Bob
Shipley	Studds	Wilson, Charles H., Calif.
Shoup	Sullivan	
Shuster	Symington	
Sikes	Taylor, N.C.	Wilson, Charles, Tex.
Sisk	Teague, Tex.	
Skubitz	Thornton	Wolff
Slack	Tiernan	Wright
Smith, Iowa	Towell, Nev.	Wyatt
Smith, N.Y.	Udall	Wydler
Staggers	Ullman	Wyman
Stanton, J. William	Van Deerlin	Yates
	Vanik	Yatron
Stanton, James V.	Vigorito	Young, Ga.
	Waggonner	Young, Ill.
Stark	Waldie	Young, S.C.
Steed	Walsh	Young, Tex.
Steele	Ware	Zablocki
Stephens	Whalen	Zion
Stokes	White	Zwach

NAYS—129

Archer	Frenzel	Mizell
Arends	Frey	Montgomery
Bafalis	Froehlich	Moorhead, Calif.
Baker	Gilman	
Beard	Goldwater	Myers
Biester	Goodling	Nichols
Blackburn	Grover	Obey
Bray	Gubser	Parris
Broomfield	Gude	Pettis
Brown, Mich.	Hammer-schmidt	Peyser
Brown, Ohio		Powell, Ohio
Broyhill, N.C.	Harsha	Price, Tex.
Buchanan	Harvey	Rarick
Burgener	Hastings	Robinson, Va.
Burke, Fla.	Heckler, Mass.	Robison, N.Y.
Butler	Heinz	Roncallo, N.Y.
Byron	Hillis	Rousselot
Carter	Hinshaw	Ruth
Clancy	Hogan	Satterfield
Clawson, Del	Holt	Saylor
Cleveland	Huber	Scherle
Collins, Tex.	Hudnut	Sebelius
Conable	Hunt	Shriver
Conlan	Hutchinson	Snyder
Conte	Keating	Spence
Coughlin	Kemp	Steelman
Crane	Ketchum	Steiger, Ariz.
Cronin	King	Steiger, Wis.
Daniel, Dan	Kuykendall	Symms
Daniel, Robert W., Jr.	Landgrebe	Talcott
	Lott	Taylor, Mo.
Davis, Wis.	Lujan	Teague, Calif.
Dellenback	McClory	Thomson, Wis.
Dennis	McCloskey	Thone
Devine	McCollister	Treen
Dickinson	McEwen	Vander Jagt
du Pont	Mallary	Veysey
Erlenborn	Maraziti	Wampler
Esch	Martin, N.C.	Whitehurst
Eshleman	Mathis, Ga.	Widnall
Findley	Mayne	Wiggins
Fish	Miller	Winn
Forsythe	Minshall, Ohio	Wylie
Frelinghuysen	Mitchell, N.Y.	Young, Fla.

NOT VOTING—28

Abdnor	Burlison, Mo.	McKinney
Adams	Danielson	Michel
Anderson, Calif.	Derwinski	Mills, Ark.
	Fisher	Moss
Ashbrook	Flynt	Pepper
Ashley	Gray	Railsback
Badillo	Green, Oreg.	Rooney, N.Y.
Bell	Gross	Thompson, N.J.
Blatnik	Hébert	Young, Alaska
Breaux	Long, Md.	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Michel.

Mr. Hébert with Mr. Railsback.

Mr. Rooney of New York with Mr. Ashley.

Mr. Breaux with Mr. Abdnor.

Mr. Adams with Mr. Badillo.

Mr. Blatnik with Mr. Derwinski.

Mr. Anderson of California with Mr. Fisher.

Mr. Danielson with Mr. Bell.

Mr. Gray with Mr. Flynt.

Mrs. Green of Oregon with Mr. Gross.

Mr. Moss with Mr. Young of Alaska.

Mr. Pepper with Ashbrook.

Mr. Mills of Arkansas with Mr. McKinney.

Mr. Burlison of Missouri with Mr. Long of Maryland.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ATOMIC ENERGY COMMISSION AUTHORIZATION, 1974

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 447

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8662) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) 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, House Resolution 447 provides for a 1-hour open rule on H.R. 8662, a bill to authorize appropriations for the Atomic Energy Commission for fiscal year 1974.

The total cost of the bill is the authorization total of $2,429,055,000. Of this total, $1,740,750,000 is authorized for Operating Expenses and $688,305,000 is authorized for Plant and Capital equipment.

Authorizations made in the bill include those for programs such as applied energy technology, space nuclear systems, physical research, such as metallurgy and materials research, and biomedical and environmental research.

The $2,429,055,000 total authorization is approximately $174,420,000 below the authorization for fiscal year 1973.

Mr. Speaker, I urge adoption of House Resolution 447 in order that we may discuss and debate H.R. 8662.

Mr. ANDERSON of Illinois. Mr. Speaker, today we are considering House Resolution 447, which provides for the consideration of H.R. 8662, authorizing appropriations for the Atomic Energy Commission for fiscal year 1974. This is an open rule, with 1 hour of general debate.

The purpose of H.R. 8662 is to authorize funds for the Atomic Energy Commission for fiscal year 1974.

The total cost of this bill is $2,429,055,000. Of this, $1,740,750,0000 is for operating expenses, and $688,305,000 is for plant and capital equipment.

The authorization in this bill is $103,495,000, or about 4.1 percent less than the amount requested.

The committee acted to reduce funds for some programs—notably there was a reduction of $142 million in the Commission's nuclear weapons program—and to provide for modest increases in other programs—namely, reactor development and technology, controlled research, and the development of medical isotopes.

The committee added $2 million in order that detailed planning could commence on a second liquid metal fast breeder reactor demonstration project. This action is in consonance with overall planning for the development and demonstration of the liquid metal fast breeder reactor as announced by President Nixon.

Mr. Speaker, I urge the adoption of House Resolution 447 in order that the House may begin debate on H.R. 8662.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8662) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

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. 8662, with Mr. UDALL 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 rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from California (Mr. HOSMER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, I yield myself such time as I may consume.

The AEC authorization bill for fiscal year 1974 has been carefully considered by the Committee. The Committee has reviewed the Commission's budget request and recommended changes in the funds for several of the AEC's programs in accordance with its own view of the national priorities. The Committee's recommendations are founded upon the testimony received in seven public and three executive hearings and extensive material which is included in the hearing record.

This bill authorizes appropriations totaling $2,429,055,000 for the coming year. That amount is approximately 4.1 percent less than the amount requested by the Commission and about 6.7 percent less than was authorized for fiscal year 1973.

Approximately 52 percent of the Commission's fiscal year 1974 estimated program costs will be for civilian programs. The remainder will be military applications of atomic energy. The civilian portion of the AEC's programs includes $128.8 million in operating costs for the high energy physics program for which the AEC acts as principal funding agent for the entire Federal Government.

The Committee reduced the budget request by $103,495,000.

The bill is $174,420,000 less than the 1973 authorization.

OPERATING FUNDS

Turning to the bill itself, the individual sections are explained in the section-by-section analysis beginning at page 43 of the committee report. Section 101(a) would authorize $1,740,750,000 for operating expenses. This total figure consists of the components listed in the table on page 3 of the committee report. Each portion of that table is discussed in detail in the committee report beginning at page 6. The committee has recommended several adjustments to the AEC's requested authorization. The net total of these adjustments is a reduction of $12,500,000.

I would like to highlight some of the significant areas affected by the committee's recommendations. Recognizing the Nation's need for increasing amounts of clean energy, the committee recommended increases of $15 million for electric power for the operation of the gaseous diffusion plants, which provide nuclear fuel. The committee increased AEC's request for civilian nuclear reactor development by $7.9 million. This amount includes $2 million for preliminary studies for a second LMFBR demonstration plant. The committee also added $10.6 million for applied energy technology, and $8.5 million for controlled thermonuclear research.

The committee was also aware of the need for fiscal responsibility. In this regard, it recommended the elimination of advanced engineering development programs for two new atomic artillery shells—$15 million—and a general reduction of $35 million in other weapons activities.

CONSTRUCTION FUNDS

With regard to the plant and capital equipment portion of the budget, contained in section 101(b) of the bill, a total of $688,305,000 is recommended. This is a reduction of $90,995,000 from the amount requested by the AEC.

The bill authorizes $145,225,000 for new construction projects, $172,300,000 for capital equipment not related to construction, and $370,780,000 in increases in authorization for previously authorized projects.

The major changes recommended in this area are an $80 million reduction for certain classified facilities and a denial for a request for $12 million for production facilities for two new atomic artillery shells. This reduction, coupled with the reduction of $50 million in operating expenses which I mentioned earlier, results in a total reduction of $142 million in nuclear weapons efforts. I should stress that the committee's recommendations in the weapons area do not, in our judgment, impair the national defense.

The committee also recommended the addition of $2.5 million for necessary modifications to the Transient Reactor Test Facility consistent with the increased emphasis on the fast reactor safety program.

Sections 102, 103, and 104 of the bill set forth certain limitations regarding the application of the funds authorized by this bill. These are similar to provisions incorporated in previous authorization acts. However, this year, the committee recommended the addition of two new subsections in section 102 which would clarify the AEC's authority to incur obligations beyond amounts specifically set out for each line item construction project.

Section 106 provides for rescission of two previously authorized projects which are no longer necessary. The total authorization for those two projects was $2.75 million of which $500,000 was applied to reduce the new obligational authority for fiscal year 1972 and $750,000 is being so applied for the fiscal year 1974 request.

CONCLUSION

These are the highlights of the bill, Mr. Chairman. The bill provides for the minimum authorization which the committee believes is necessary to carry out at a viable level the essential programs and activities of the Commission. I urge its favorable consideration.

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

Mr. Chairman, I rise in support of H.R. 8662, a bill to authorize appropriations to the Atomic Energy Commission for fiscal year 1974.

My distinguished colleague from Illinois, Chairman PRICE, has already summarized the highlights of the bill now before you, including those committee actions which constitute a significant increase or decrease to the program amounts requested by the administration. As indicated, a significant reduction recommended by the Joint Committee concerns the Commission's nuclear weapons program. I concur in the Committee action but do not propose to comment further at this time. Rather, I would like to comment upon some of the recommendations by the Joint Committee, expressed in its report, which pertain to the work directed toward contributing to solutions of the energy problems which face our Nation.

The committee has given full support to the liquid metal fast breeder reactor development program and has recommended modest addition of funds for other reactors upon which development is continuing. The committee added a total of $7 million to the high temperature gas reactor, the molten salt reactor and related programs.

The Joint Committee has recommended the addition of $8.5 million for the controlled thermonuclear research program. This would bring to a total of $53 million the amount authorized for the operating expenses of this program during fiscal year 1974. The additional funding would permit acceleration of program effort in areas such as fusion reactor technology, three-dimensional plasma computer simulation, toroidal superconducting magnet development and offsite research.

The committee has also recommended additional funding so that the Commission can begin energy development work on the hydrogen cycle technology, geothermal and solar energy, including provision for cooperative AEC-industry ventures to test geothermal technology.

With respect to peaceful applications of nuclear explosives, the committee approved the $3.2 million requested by the administration for gas stimulation technology development and $600,000 for explosive research, development, and testing. Further, the committee recommended an addition of $800,000 for the specific purpose of evaluating hydrofracturing and other conventional approaches to gas stimulation.

I should point out that the committee has recommended an addition of $15 million for spot purchases of power in order that the Commission would be able to take advantage of such opportunities as may arise to buy additional electric power in order to operate its uranium enriching plants at somewhat higher capacity than would be possible under the budget request. Because of the lack of funds this past year, the Commission has not been able to pick up spot purchases of energy at a reasonable cost which would have produced enriched uranium at a lower incremental cost than the current average selling price of $32 per separative work unit. Projected demand curves pertaining to the supply of enriched uranium for the operation of nuclear power reactors to aid in meeting this country's electrical needs increase dramatically in the early 1980's. It behooves us to preproduce additional material now at a time when the enrichment plants are not being operated at their full capacity.

We, in this Nation, are clearly considerably more advanced in the technology for enriching uranium than other nations throughout the world. In our own best interests, we should make the best of this situation. The highly developed nations of the world have recognized the advantage of generating electric power by nuclear means. They have made long-term commitments to use light water power reactors which require enriched uranium. We should avail ourselves of the opportunity which presents itself to us to sell this enriching service to others and thereby substantially improve our balance of trade with foreign nations. In the coming fiscal year, the AEC estimates expected revenue of $580 million from the operation of its enrichment plants. The demand for uranium enriching services is expected to increase exponentially in the years ahead.

The problem of assuring adequate enriching capacity to meet this country's projected needs and the needs of our foreign customers in the 1980's is a significant matter. A decision must be made very soon concerning the provision of additional enriching capability in this country, whether it be privately funded or otherwise. In connection with the enriching problem, I am pleased to report that recent information furnished the committee by the Atomic Energy Commission suggests that the progress being made on the efficacy of the centrifuge is such that it can now be considered a real candidate for the production of enriched material needed to satisfy the increase in demand.

I believe that the Joint Committee's recommendations strike a good balance of providing adequately for programs relating to our national security while concurrently giving proper emphasis to Commission's energy development programs. At the same time we have recommended reductions in the budget request by over $100 million.

I urge a favorable report by this committee on the bill.

Mr. PRICE of Illinois. Mr. Chairman, I have no requests for time.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, although it has the largest dollar cost in the physical research program, the high energy physics research program in the United States is proceeding at a pace which is relatively slower than that enjoyed outside this country. The Joint Committee's recommendation of $128.8 million for the high energy physics operating expenses represents a $4.4 million increase over estimated fiscal year 1973 costs. While this might seem an unwise expenditure to some concerned with societal requirements, I would point out that the pursuit of science does pay off and that technology is not all bad.

High energy physics is supported because it leads to a greater understanding of the basic composition and behavior of the matter which constitutes the world about us. It probes at the very heart of nature's most fundamental aspects which have important implications. There is every reason to anticipate that benefits will evolve directly from the fundamental knowledge gained from the studies going on in high energy physics today. History reveals that advances in fundamental research have had a significant beneficial impact on life in subsequent generations, though these benefits were not specifically foreseen at the time basic breakthroughs were achieved, but generally ranged from 20 to 50 years thereafter. A significant example is the development of nuclear energy which arose from what was then high energy physics research in the 1920's and 1930's.

Nuclear powerplants have come to fruition as a practical controlled energy source only in the past decade.

To maintain the present state of technology and to insure that an adequate technological base is laid for future generations, it is vital that we pursue a large spectrum of research activities—from purely applied research with its more immediate payoff to relatively speculative and exploratory basic research with its longer term potential for payoff.

The U.S. leadership in high energy physics, which is recognized throughout the world, has resulted from past support by the Congress. This U.S. program is emulated by many of the leading nations in the world and is the envy of others.

I would like to mention that the National Accelerator Laboratory near Batavia, Ill., is operating routinely at 300 billion electron volts, 50 percent greater than the design energy of 200 GeV. As part of the cultural agreement between the United States and the Soviet Union, some five to six Russian scientists and their families are now at the NAL performing experiments. If for no other reason, the exchange of top level scientists between the United States and U.S.S.R. should make the high energy physics program of great value to the United States because of increased mutual understanding and respect among these people.

In conclusion, I would like to state that the Joint Committee has recommended adding $300,000 to the high energy physics program to take advantage of the unique operating characteristics of the two-accelerator system called the BEVALAC available at the Lawrence Berkeley Laboratory. This unique arrangement will allow acceleration of all atoms, from hydrogen through the heaviest, at viariable energy against a multitude of targets. This form of research, called heavy ion research, could lead to vastly increased knowledge which would be of great value in medicine, nuclear energy systems, metallurgy and other fields.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the bill, and call particular attention to two of the Commission's high-priority programs which will be expanded and strengthened in the legislation before us.

As has been noted, the overall authorization comes in below the total budget request, most of the reductions being in the area of military applications. But there are a number of programs that the Commission and the joint committee have considered to be high priority programs, one is the reactor safety program, including the water reactor safety research covering reactors now in operation as well as the two developmental programs, that is, the liquid metal fast breeder reactor, and the high temperature gas-cooled reactor. The second of these high priority Commission programs is that involving waste management.

Mr. Chairman, I would like to discuss briefly these two programs.

REACTOR SAFETY RESEARCH PROGRAM

The Joint Committee on Atomic Energy has studied in considerable depth the Commission's reactor safety research program, not only for light water reactors which are now in commercial use but also for other reactor concepts under development—the liquid metal fast breeder reactor, the high temperature gas reactor, and others. It is interesting to note that almost one-half of the $66 million requested by the Commission for fiscal year 1974 concerns research in connection with the safety of light-water reactors of the type now being operated on utility systems in this country—at present 30 reactors with a capacity of over 15 million kilowatts.

Light-water reactor safety research programs have been underway for about two decades and, although the Commission no longer does development work on these reactors, they do carry out necessary research programs intended to demonstrate safety margins believed to exist in present designs. The Commission carries out a variety of tests including destruction or near-destruction of fuel elements, fuel bundles, and certain components of engineered safety systems. The loss of fluid test—LOFT—expected to commence next year, involves verification of partial core and full core behavior under simulated accident conditions. This test is to be conducted at a remote site, the National Reactor Testing Station in Idaho.

On May 15 the Atomic Energy Commission announced a restructuring of certain portions of its principal staff including the establishment of a separate Division of Reactor Safety Research reporting directly to the general manager. This new arrangement separates the reactor safety research program from the developmental activities of the Commission except for those reactors now under development. The new division will, however, develop independent capability in reactor safety research on all types of nuclear power reactors.

Major portions of the Commission's reactor safety research program concern special features of the liquid metal fast breeder reactor. It is well-known to reactor designers that reactor safety is an inherent feature of design. The fundamental responsibility for the safety of a reactor system rests with the designer, whether he be an AEC contractor or engaged in the design of reactors for private industry. He must be able to defend his design and be cognizant of all experimental data and experience accumulated on similar reactor designs utilizing such information as may be appropriate.

The Commission's program for safety studies and experimentation related to the safety of liquid metal fast breeder reactors, estimated at $30 million for the coming year includes work on breeder fuel safety loops, liquid metal coolant behavior, fuel-coolant interaction and related studies, calculations and experiments.

It was judged especially important by the Committee to add to the construction projects requested by the administration a $2.5 million construction project authorization which would improve the existing transient reactor test facility—TREAT—at the Idaho test station. This facility permits testing of fast breeder fuel pins and fuel assemblies under simulated accident conditions far more severe than expected in normal service. Such tests permit a detailed assessment of possible accident dynamics which improve understanding of the dynamics of fast breeder fuel behavior so that fuel specifications can be more definitively established and the course of hypothetical accidents better understood.

Some data gathered as a consequence of the overall reactor safety research program are applicable to light water reactor design and liquid metal fast breeder reactor design alike.

Both kinds of reactor design are subjected to a detailed safety review by the AEC regulatory staff and by the Statutory Advisory Committee on Reactor Safeguards prior to the granting of licenses. These reviews may develop a case for an increase in safety margins, either in the form of redundancy of equipment or diversity of sensing devices and other equipment. The reactor designer proposes designs which he believes adequate to provide protection to the facility workers and to the public health and safety. The safety review, if it results in modification, invariably requires a more conservative, rather than a less conservative design.

As the committee has stated in its report on the bill, there is no limit to the amount of reactor safety research which can be carried out in the name of safety. The committee's responsibility, as we see it, is to judge whether the proposed budget provides funding which is adequate to fulfill to research needs and thereby increase our fund of knowledge upon which these safety determinations are based. We believe that the $66 million recommended by the committee in its report on this bill is appropriate for this purpose.

COMMERCIAL HIGH-LEVEL WASTE MANAGEMENT AND TRANSPORTATION

The nuclear waste management and transportation program established by AEC to take care of the high-level wastes from commercial power reactors is a small but vital link in the overall plan to bring nuclear generated electricity into our homes, office, and commercial establishments. I strongly recommend that this program be funded at the requested $15 million for fiscal year 1974.

As has been said many times before, it is the empty barrel and the empty head which make the most noise. Those who know essentially nothing at all about nuclear waste management and transportation are generally the most vociferous in decrying the dangers inherent in nuclear fuel reprocessing, transportations, and eventual burial.

High-level radioactive waste from the processing of spent fuel from commercial power reactors will be a stable solid material sealed in stainless steel canisters. Each canister will have multiple encapsulation. The waste can be held at the re-

processing plant up to 10 years at which time it must be shipped to the AEC for permanent management.

Between 1983 and the year 2010, an estimated 500,000 cubic feet solid waste sealed in stainless steel containers will be delivered to the AEC. Incidentally, 500,000 cubic feet is equivalent to the volume which would be occupied by a college-style football field 360 feet long, a hundred feet wide, and 14 feet high. As you can see, the waste material generated in a 27-year period could be easily placed in a small corner of the United States. But that is not the plan.

The encapsulated solid wastes will initially be stored in air—or water-cooled facilities located on or just beneath the surface of the Earth. While in such surface or near-surface storage, all containers will be easily retrievable and will be continuously monitored and maintained, if necessary, to assure that the contained waste is completely isolated from the biosphere. The AEC plans to continue design work and site selection during fiscal year 1974 for a storage facility. Early studies have indicated that no unique factors will be involved in designing such a storage facility. This indicates that most any site which would be suitable for a commercial power reactor or reprocessing plant would also be suitable as a storage facility. Construction of a retrievable surface storage facility should start within the next 2 or 3 years and should be finished well ahead of the expected 1983 date for receipt of the first commercial waste.

It does not appear to be a question of whether man keep the nuclear waste material from the biosphere; however, since this material must be monitored for thousands of years, it becomes a question of how long he is willing to continuously monitor it. For this reason, work is continuing on a development program to furnish the remaining information necessary to prove conclusively that high-level waste may be safely emplaced for geologic periods in a bedded salt mine. The final phase of the development program will be the construction and operation of a pilot plant in which in situ tests can be made on a thousand or so commercial waste containers stored in bedded salt under full operating conditions. In the pilot plant all waste containers will be easily retrievable. Construction of the pilot is expected to start in the next 3 years. A bedded salt field in eastern New Mexico, a field which has been quiet technically for millions of years, is one site under consideration for the pilot plant.

Transportation of the solid material will be in the multiple encapsulated canisters similar to those used for shipping the more highly radioactive spent fuel from reactors to the fuel reprocessors. These casks will meet all AEC and Department of Transportation requirements.

To return to my previous statement about the empty heads making the most noise, I can assure you that those who have already taken up the cudgel against the transportation of nuclear wastes, like the learned junior high school physics teacher from Prince Georges County, are probably totally unaware about the large number of trips which have been safely accomplished with spent fuel elements from other than commercial reactors and which have covered thousands of miles per trip.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I rise in support of H.R. 8662, authorizing appropriations for the Atomic Energy Commission for fiscal year 1974.

It is particularly appropriate—and I am pleased—that the Joint Committee on Atomic Energy has here proposed an increase in operating funds of $8,500,000 over the AEC's request of $44,500,000 for the controlled thermonuclear research program. The successful development of fusion power will provide us—and people throughout the world—with a new energy source, with the fuel drawn from the oceans of this Earth. The benefits to the United States and to other nations of an unlimited and environmentally attractive energy source have been obvious and are growing more important by the day.

The scientists and engineers working for the AEC on this CTR program are a remarkable group. Their competence and dedication are outstanding. The problems they have solved, and those they must yet solve, are perhaps the most sophisticated that any group has faced. Recently their progress has been very substantial. Experiments at the Princeton Plasma Physics Laboratory and the Oak Ridge National Laboratory in my congressional district have been of major significance. They have shown that our understanding of the fundamentals of controlled fusion is basically correct, and predictions therefrom are being experimentally verified. As examples, these scientists have just demonstrated for tokamak configurations a valid method of heating the plasma, that size scaling is favorable, and that reactor level plasma densities are achievable.

As a result of these recent successes, certain key areas now sorely need substantial funding increases to take advantage of opportunities to quickly press forward. It would be tragic to see the CTR program limited in dollars when it is not limited in capability and understanding. I therefore believe it is in the Nation's best interest that this work on an energy source of such tremendous potential receive the full funding the joint committee has recommended.

The Atomic Energy Commission has been looked to for guidance and support relative to future manpower needs so necessary for peaceful uses of the atom to reach fruition through Government and private efforts. Although there are demands for many types of people, nuclear-oriented engineers and specialists in radiation protection and environmental protection are most critical. The demand for such individuals is rapidly increasing as more and more nuclear power plants are planned to meet the growing energy crisis safely, economically, and with less impact on our environment.

I have been advised that it is now estimated that the supply of these necessary people will be less than one-half the numbers required unless new programs are mounted to counteract the adverse effect of falling engineering enrollments and generally lowered Federal support of graduate students. A study committee of the American Nuclear Society estimates that for the period of 1975 through 1980 a total of 10,500 nuclear engineering graduates will be required against a supply of perhaps 3,800 graduates.

In the important field of radiation protection, the AEC estimates a potential demand/supply ratio of about 2.6 to 1.

And, of course, as overall engineering enrollments and financial support fall, institutions with programs broad enough to produce manpower for the atomic energy field must cut back their courses and staffs—thus prolonging the growing shortages of manpower needed by the AEC, its contractors, and the atomic field in general.

In the years that AEC had fellowships and/or traineeship programs, it has supported over 3,700 individuals in graduate studies, with about 3,000 of these representing nuclear-related engineering and radiation protection. These individuals have had a strongly beneficial impact on the atomic energy field as it exists today. Support by the AEC appears necessary to begin correcting the growing imbalance between nuclear manpower supply and demand. Thus, the joint committee amendment to provide the AEC $1 million for this effort is a wise decision.

The proposed fiscal year 1974 authorization also provides an additional $15 million beyond the amount requested by the Commission for purchase of power to run the uranium enrichment plants at Oak Ridge; at Paducah, Ky.; and Portsmouth, Ohio. Since projected costs for electric power are not accurately predictable, and in light of recent trends of these costs, it is likely that these additional moneys will prove necessary to permit operating the plants at planned power levels.

Seasonal or short-term power in excess of that covered by long-term contracts is sometimes also available at reasonable prices on short notice. Purchase of such additional quantities of power will permit production of enriched uranium addition to that produced at planned power levels and will help to delay the time when new uranium separation capacity will be required.

The availability of adequate supplies of enriched uranium is essential to permit operation of the Nation's planned nuclear power reactors. We are all aware of the power shortages facing this Nation. The enriched uranium will help fuel nuclear power plants so vitally needed to contribute the electrical power upon which our economy depends.

I continue to support the many vital activities of the Atomic Energy Commission in various areas. The benefits which can and do accrue to the benefit of all of us—from meeting energy needs to

medical diagnosis and treatment—are immense. I urge my colleagues to support H.R. 8662.

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

Mr. BAKER. I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I am most pleased that the Joint Committee on Atomic Energy has proposed a substantial increase in the authorizations for the controlled fusion program and for geothermal energy research.

With our reserves of fossil fuels declining it is important that research and development be carried out to develop other sources of energy. Geothermal energy appears to be particularly attractive to us in the West and it has the advantage of being pollution free. Last year the Office of Management and Budget impounded the small appropriation for research in this area. I hope that the recent fuel shortages have impressed upon the OMB the wisdom of AEC research on geothermal energy technology so that they will put to use the funds appropriated by this Congress.

The controlled fusion program is especially worthy of our support, I think, due to its almost unlimited potential. Not only would a fusion reactor be nearly pollution free, but the fuel source—basically seawater—is unlimited. Furthermore, the energy efficiency of a fusion powerplant would be much greater than that attainable with fission reactors; consequently, the problem of thermal pollution would be greatly reduced. There is also the possibility of developing direct conversion of energy into electricity with a fusion reactor. While this admittedly is further off, it still remains technically feasible.

Another dividend from the development of controlled fusion may be found in the area of waste disposal. Scientists working on fusion research programs have suggested the possibility of developing a fusion torch to be used as a waste disposal system. Such a device would literally vaporize any and all materials thus providing an answer to the increasing problem of waste disposal.

Of course Federal funds for research and development of alternate energy sources such as controlled fusion and geothermal energy is not the real answer to the problem. What is really needed is for the private sector to get more involved in this kind of R. & D. Hopefully, the work done so far, and the advances made by Government funded programs will encourage private enterprise to invest more heavily in these areas. Gulf Oil Co. and KMS Industries have been using private funds for research on controlled fusion for several years now. Both of these companies, by the way, have made some very significant breakthroughs in their efforts. I hope that the Federal Government will do everything possible to encourage increased involvement of private enterprise in the development of advanced energy sources such as fusion and geothermal energy.

I hope that the Congress will support the joint committee's recommendation. The AEC is one of the few Government agencies which gives the American taxpayers their money's worth in beneficial returns.

Mr. RONCALIO of Wyoming. Mr. Chairman, I am opposed to the further expenditure of funds for the Atomic Energy Commission's so-called Plowshare program. The purpose of this program is to utilize nuclear explosions for peaceful purposes. Under this program, there have been a number of nuclear detonations for gas stimulation which have been termed "successful" but the Nation is yet to see one ounce of gas flow into the pipelines which go to the consumers of America.

Project Gasbuggy, which was detonated on December 10, 1967, near Farmington, N. Mex., and Project Rulison which was detonated September 10, 1969, near Grand Valley, Colo., both now contain water. It concerns me that this water is contaminated with nuclear material and may flow into nearby streams and rivers.

In this connection I would like to point out that a recent study sponsored by the National Science Foundation concluded that Project Rulison was an economic failure. At a cost of $11 million it is yielding gas that would be worth only $1.5 million if it were of high quality and uncontaminated, which it is not.

The Rio Blanco multinuclear detonation experiment or pilot test which was recently conducted in Colorado is about to be opened up by AEC experts to determine first hand what happened. If it follows the pattern of previous experiments the AEC will determine that it was "successful." More money will be spent but still we will not have a product which will ease the energy shortage. The follow-on experiment to Rio Blanco was scheduled to be Wagon Wheel and was to be detonated in Wyoming.

It is my understanding that the full field development of multiple nuclear explosives underground such as occurred in Rio Blanco and which are contemplated in Wagon Wheel would mean 5,000 wells and 3 to 5 times that many detonations pounding the Earth under the citizens of Colorado and Wyoming.

It is my opinion that it is unreasonable to use the people of my State, or any other State, to assume the burden of this untried technology. It is also farfetched to believe that thousands of nuclear detonations underground would not in some significant way pollute the waters of the Colorado river system.

I believe that underground nuclear technological programs such as those being pressed by the AEC under its Plowshare program are uneconomical and potentially dangerous to our environment. They do little, if anything, to ease the energy shortage. In fact, an argument can be made that they actually detract from the search for ways to ease the energy shortage by taking funds from more realistic conventional ways to meet the energy crisis.

I strongly believe that funds totaling about $3 million should be programs to develop the peaceful uses of atomic energy through our highest priority nuclear energy development effort, thermonuclear research or other energy program. These efforts will aid our Nation in easing the energy crisis which has rapidly enveloped us.

Mr. FRENZEL. Mr. Chairman, I do believe that in our search to broaden energy sources, we have placed disproportionate reliance and a disproportionate share of our resources on the liquid metal fast breeder reactor. There are a wide range of various energy sources which are not being developed very quickly. Compared to the financial support of the LMFBR, our support for the development of other energy sources, with the exception of coal gasification and fusion, are minimal.

In my judgment this country's interests are best served, given a fixed amount of energy development funds, by spreading those funds through promising sources. For instance, our expenses for solar energy have been miniscule. Our fuel cell research last year was zero. Our expenses for geothermal research were less than those for solar energy. I believe that these important energy sources should be developed or at least investigated at a greatly accelerated rate.

In addition, our development of the LMFBR was, in the opinion of the AEC, started late. It has been hurried, and the difficulties of speeding up a development like this are unknown, but they carry high risks. Personally I would prefer a slowdown in the development of the LMFBR demonstration project so we can be sure that safety testing has been completed satisfactorily. A slowdown would also allow the environmental reports required under the National Environmental Protection Act to be completed. I understand that there is at least one court case pending due to lack of such report.

More importantly, a slowdown of the LMFBR program would allow use of our scarce energy development resources for other energy source developments.

Mr. VANIK. Mr. Chairman, in time of crisis we must reexamine our priorities. The events of the past year have made it clear that the problem of energy shortages will be with us for years to come. To meet this problem we have placed a heavy reliance on the atom. As President Nixon stated in his recent energy message:

> The major alternative to fossil fuel energy for the remainder of the country is nuclear energy.

We have already made an enormous commitment to civilian nuclear power programs. Although nuclear power provided only 3 percent of the Nation's total electrical output in 1972, in New England nuclear power provided 15 percent of the region's electrical output. In the Midwest, Commonwealth Edison produced 23 percent of its capacity by nuclear power and it is now over 30 percent this year. By the year 2000, the National Petroleum Council projects that nuclear power will become the single most important source of domestic energy.

We are charging headlong down the path of atomic power without adequately assessing the alternatives before us—

energy conservation, coal gasification, solar energy, geothermal energy and others. Any rational solution to the many complex problems that have combined to create our energy crisis demands that we assess all the alternatives available before we become overcommitted to one. I have submitted legislation that will enable the Federal Government to assess all possible technologies and order research priorities with confidence and responsibility.

I am concerned that we have distorted our priorities on energy research and development. In the President's budget for fiscal year 1974 roughly 74 percent of the total funding for energy research and development went to civilian nuclear research. At the same time, the promising technologies of solar and geothermal energy received only $16 million. This distortion of funding effort has added to the illusion that nuclear power is a cure-all. Unfortunately, this illusion dangerously obscures the broad questions of safety which underlie civilian reactor development.

The major thrust of the Commission in civilian reactor development has been the breeder reactor. The concept of the breeder reactor is appealing because it artificially produces its own fuel. Of the three alternative breeder reactors, the Commission selected early the liquid metal fast breeder reactor—LMFBR—over the two other alternatives—the molten salt breeder reactor—MSBR—and the gas cooled fast breeder—GCFR. Prof. Manson Benedict, of the Massachusetts Institute of Technology and a strong supporter of the breeder program, has criticized the Commission for proceeding too fast with the LMFBR. More time, he maintains, should be spent exploring the MSBR and the GCFR. He further states:

I know of no one so bold as to claim for the liquid metal fast breeder reactor such an inherent advantage. Thus, the AEC's breeder program lacks balance . . .

Other, more serious doubts have been raised over the too hasty development of the LMFBR. Concern over the LMFBR arises because the breeder reactor is inherently less stable than the thermal reactors which have been used up to the present. The potential dangers of the breeder reactor are far greater than present day reactor design.

These dangers were pointed out by the U.S. court of appeals when it ruled on June 12 that the Atomic Energy Commission must file an environmental impact statement on the entire fast breeder program. I would like to quote at length from the court's decision because I believe it points out some essential points that Congress must consider in this legislation before us. The court wrote:

It is evident that the (LMFBR) program presents unique and unprecedented environmental hazards. The Commission itself concedes it is expected that by the year 2000 some 600,000 cubic feet of high-level concentrated radioactive wastes will have been generated. These wastes will pose an admitted hazard to human health for hundreds of years, and will have to be maintained in special repositories.

The Court saw that the unresolved safety hazards surrounding the breeder programs necessitated that a full and complete review of the environmental impact of the program be made. In view of this decision, I am surprised to see the committee recommend that we proceed with a second LMFBR demonstration plant in addition to the present test plant at Oak Ridge, Tenn. The committee has added an additional $2 million to this authorization bill for this purpose. As the committee stated in its report:

It appears clear that at least a second breeder demonstration plant will be needed in order to assume timely development of reliable and economic fast breeder reactors.

In other words, what we see in the committee's recommendation is an unwarranted national commitment to a dangerous and unproven technology.

This wholesale commitment to nuclear power is unwarranted in view of the many promising alternatives available to us. One of the most promising—but at the same time most neglected areas—is solar energy. The Solar Energy Panel of the National Science Foundation and NASA, in a recently published report, concludes that there presently are no technical barriers to the wide application of solar energy in the United States. By the year 2000, the panel estimates, solar energy could economically provide up to 35 percent of building heating and cooling needs, 30 percent of the Nations gaseous fuel, 10 percent of its liquid fuel, and 20 percent of the electrical energy requirements.

The direction this authorization bill takes us in energy development is significant. Because of the long leadtimes associated with the development of any alternative to fossil fuels, the decisions we make today will determine the technologies of tomorrow. We must not continue to proceed in callous disregard of the public welfare. We can no longer afford the illusions of nuclear power. The time has come for serious assessment of all alternatives, not only in terms of their potential benefit, but also in terms of their potential environmental hazards.

I would like to serve notice on the committee and the commission that this may be the last authorization for AEC which I will be able to support—we must begin to look at our energy problems comprehensively by exploring all the options before us. While atomic energy offers an appealing solution for the future, there are serious safety questions which must be resolved. In turn, other available technologies should be explored fully and completely in order to determine their rightful contribution to the solution of our future energy needs. The difficult obstacles before us require imagination and leadership.

It is up to Congress to provide both.

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment to allow States to set stricter standards than the AEC for the discharge of radioactive effluents from atomic power plants.

Mr. Chairman, as my distinguished colleagues will remember, last year when the House considered the Water Pollution Control Act, I offered an amendment similar to that proposed today by my colleague from New York. At that time, I urged the House to recognize the rights of States to have a voice in dealing with the public health and environmental effects of the mammoth nuclear power plants that have begun to litter their landscapes. Today, I reiterate my conviction that no State should be expected to accept the grave risks of these plants to the safety and health of its citizenry without the option of being able to set standards more stringent than those set by the Federal Government. If ever there was a case for States' rights, this is it.

The amendment offered by the gentleman from New York will simply give to the States a voice in deciding what kinds and amounts of radioactive wastes may be discharged from nuclear power plants into their waters. I might remind my colleagues that numerous States have already petitioned to do this, and the National Governors Conference as far back as 1969, adopted a policy which holds in part that—

States have and must retain the authority to establish additional environmental controls as required by special conditions.

I wish also to clarify that this amendment will in no way allow States to jeopardize the lives of people by setting standards lower than those set by the AEC. Rather, it lends itself to the formulation of higher, safer standards. In addition, I would like to respond to those proponents of nuclear power who are concerned that this amendment will enable States to impose such restrictive standards as to effectively exclude nuclear facilities within their borders. The fact of the matter is that there are already many other ways in which a State government, if it wished, could curtail expansion of nuclear power generating capacity. It can refuse to issue certificates of convenience and necessity for construction and operation of new power plants; State Public Utility Commissions can forbid use of expensive nuclear power by their rate determinations. This amendment we are considering does not give any new or unique power to the States; it simply reaffirms the full range of their present authority under our Federal system.

Mr. Chairman, the perils of nuclear power are too grave and too intricately related to the health and safety of a State's citizenry for the State to be excluded from having a say in setting emission standards. It is a fundamental State's right to provide for the well-being of its citizenry; by adopting this amendment, we reaffirm this right and act in the best interests of every American. I urge adoption of the amendment.

Ms. HOLTZMAN. Mr. Chairman, I am opposed to the Atomic Energy Commission authorization—$2.5 billion—for fiscal year 1974. My opposition is based on two alternative themes. First, I believe that the authorization overemphasizes the necessity for a further commitment of our budget to additional nuclear weapons systems at a time when we are already overwhelmingly prepared to defend ourselves and at a time when we are supposedly reaching a détente with

the Communist powers. Second, this authorization places too little emphasis on harnessing our nuclear resources for safe civilian uses, especially to relieve the pressure brought on by our present energy crisis.

I am appalled to find that this bill includes an authorization for almost a billion dollars for nuclear weapons, including $426 million for production and surveillance and another $126 million for atomic weapons systems. I am also dismayed at the dearth of information offered to the Congress by the Joint Atomic Energy Commission as to what use this money is being put. At a time of rampant inflation, it is irresponsible to commit our constituents' tax dollars to unknown—but plainly unnecessary—projects.

Moreover, it seems to me that our nuclear stockpile is already incredibly adequate to repulse any nuclear attack. An excellent example of nuclear "overkill" is the request for over $80 million for a reactor for the Trident submarine at a time when this country's existing atomic submarine fleet will soon have the capacity to launch well over 6,000 nuclear missiles. By approving this authorization, we are in effect allowing the executive branch to put its foot in the door for this useless weapons system. We will soon be asked to approve $1.7 billion for the Trident project for this fiscal year. When Trident submarines are fully developed we will have spent over $13 billion on their production.

The irony is that we are authorizing these huge expenses at a time when the President has supposedly reached dramatic agreement with the Soviet Union to halt the development of nuclear weapons. How can we applaud the détente and at the same time approve huge expenditures for more nuclear weapons?

I think it is time that the Congress viewed our military nuclear weaponry with a critical eye and began to make serious judgments as to whether these weapons are really necessary.

At the same time, I am deeply disturbed about the lack of commitment that this bill represents to the peaceful and safe use of our nuclear capacity. The American people have long been led to believe that our nuclear power could be harnessed and used for positive efforts. This bill belies that hope.

It is my belief that this bill represents an insufficient attempt to utilize atomic power to alleviate the present energy crisis we are confronting. Not enough money is devoted to the development of safe, ecological, and efficient use of nuclear energy to generate power. I have been informed that nuclear powerplants presently operate at approximately 50 percent capacity because there is a fear that to run them at any greater capacity would create an unacceptable hazard to public safety and health. Moreover, we are already well aware of the ecological problems associated with nuclear power and too little money is devoted in this bill to correcting these hazards.

Finally, I am deeply concerned about this bill's failure to address seriously the well-known hazards to the public of storing nuclear wastes. It seems to me unacceptable to require the American public to become in effect neighbors of waste storage facilities through which leakage of radiation could endanger our health and pollute our country—if not the world—for generations to come. We cannot continue recklessly to utilize more and more nuclear energy without developing means of assuring the public that nuclear waste products are safe.

Surely we have learned the bitter lesson that improvements in technology can have on our environment. Yet instead of developing safeguards against nuclear pollution this bill authorizes only small amounts for research and development in this area.

I think the authorization would better serve our country if its main focus were on our real needs—new, safe, and efficient energy for peaceful uses.

Mr. PRICE of Illinois. Mr. Chairman, I have no requests for time.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $1,740,750,000 not to exceed $128,800,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 74–1–a, additional facilities, high level waste storage, Savannah River, South Carolina, $14,000,000.

Project 74–1–b, replacement ventilation, air filter, F chemical separations area, Savannah River, South Carolina, $5,200,000.

Project 74–1–3, calcined solids storage and plant safety improvements, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, $3,000,000.

Project 74–1–d, cooling tower fire protection, gaseous diffusion plants, $3,300,000.

Project 74–1–e, new purge cascade, gaseous diffusion plant, Oak Ridge, Tennessee, $5,900,000.

Project 74–1–f, plant liquid effluent pollution control, gaseous diffusion plants, $8,000,000.

Project 74–1–g, cascade uprating program, gaseous diffusion plants (partial AE and limited component procurement only), $6,000,000.

Project 74–1–h, transuranium contaminated solid waste treatment development facility, Los Alamos Scientific Laboratory, New Mexico, $1,650,000.

(2) ATOMIC WEAPONS.—

Project 74–2–a, weapons production, development, and test installations, $10,000,000.

Project 74–2–b, acid waste neutralization and recycle facilities, Y–12 Plant, Oak Ridge, Tennessee, $1,700,000.

Project 74–2–c, high energy laser facility, Lawrence Livermore Laboratory, California, $20,000,000.

Project 74–2–d, national security and resources study center (AE only), site undesignated, $350,000.

(3) REACTOR DEVELOPMENT.—

Project 74–3–a, Liquid Metal Engineering Center (LMEC) facility modifications, Santa Susana, California, $3,000,000.

Project 74–3–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $2,000,000.

Project 74–3–c, emergency process waste treatment facility, Oak Ridge National Laboratory, Tennessee, $1,300,000.

Project 74–3–d, modifications to reactors, $2,000,000.

Project 74–3–e, modifications to TREAT facility, National Reactor Testing Station, Idaho, $2,500,000.

(4) PHYSICAL RESEARCH.—

Project 74–4–a, accelerator and reactor improvements, high energy physics, $1,700,000.

Project 74–4–b, accelerator and reactor improvements, medium and low energy physics, $600,000.

(5) PHYSICAL RESEARCH.—

Project 74–5–a, computation building, Stanford Linear Accelerator Center, California, $2,900,000.

(6) BIOMEDICAL AND ENVIRONMENTAL RESEARCH.—

Projects 74–6–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $1,300,000.

(7) GENERAL PLANT PROJECTS.—$47,825,000.

(8) CONSTRUCTION PLANNING AND DESIGN.—$1,000,000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $172,300,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (5), (6), and (8) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project authorized under subsections 101(b) (1), (2), (3), and (4) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

(e) The total cost of any project authorized under subsections 101(b) (5), (6), (7), and (8) shall not exceed the estimated cost set forth for that project by 10 per centum unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between

"Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b) (1), project 71–1–e, gaseous diffusion production support facilities, the figure "$72,020,000" and substituting therefor the figure "$105,900,000", (2) striking from subsection (b) (1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$34,400,000" and substituting therefor the figure "$172,100,000", and (3) striking from subsection (b) (9), project 71–9, fire, safety, and adequacy of operating conditions projects, various locations, the figure "$69,000,000" and substituting therefor the figure "$193,000,000".

(b) Section 106 of Public Law 91–273, as amended, is further amended by adding the following sentence at the end of the present text of subsection (a) thereof: "Notwithstanding the foregoing, authorization of additional appropriations for the conduct of Project Definition Phase activities subsequent to the execution of the aforementioned cooperative arrangement, in the amount of $2,000,000, is hereby authorized.".

(c) Section 101 of Public Law 92–314 is amended by (1) striking from subsection (b) (1), project 73–1–d, component test facility, Oak Ridge, Tennessee, the figure "$20,475,000" and substituting therefor the figure "$26,675,000", and (2) striking from subsection (b) (5), project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, the figure "$56,000,000" and substituting therefor the figure "$125,000,000".

SEC. 106. RESCISSION.—(a) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–5–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $2,000,000.

(b) Public Law 92–314 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73–1–i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that 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 Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Chairman, I offer a technical amendment to correct a printing error.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Illinois: Page 4, line 7, at the beginning, strike out "Projects" and insert "Project".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PODELL

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

The Clerk read as follows:

Amendment offered by Mr. PODELL: Page 8, after line 4, insert the following new section:

"SEC. 107. Section 274 of the Atomic Energy Act of 1954 is amended—

"(1) by striking out paragraph (6) of subsection a. and inserting in lieu thereof the following:

"'(6) to give full recognition to the legitimate interest and responsibility of each State in matters pertaining to the public health and safety.";

"(2) by striking out "No agreement" in subsection c. and inserting in lieu thereof "Subject to subsection o., no agreement"; and

"(3) by adding at the end thereof a new subsection as follows:

"'o. Nothing in this Act shall be construed to prevent and State from regulating concurrently with the Commission the discharge or disposal of radioactive effluents from the site of a utilization or production facility in such State, if—

"(1) the requirements or standards imposed by such State are for the protection of the public health and safety, and

"'(2) action permitted or tolerated by such State with respect to the discharge or disposal of such effluents is not specifically prohibited by the Commission."

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

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

There was no objection.

Mr. PODELL. Mr. Chairman, under present law the AEC has sole authority for regulating the level of emissions from atomic reactors. Regardless of local conditions the States are forbidden from interfering on their own behalf. I am offering this amendment today to H.R. 8662 to allow the States to decide for themselves if stricter standards are necessary.

For, it is more than a State's right to protect the health of its citizens. It is its responsibility.

This amendment would not water down the AEC's obligation to set minimum health and safety standards, it would simply allow each State to provide the maximum protection they need.

I am pleased to say that many of my colleagues, led by Congressman DONALD FRASER of Minnesota have introduced a variety of bills to accomplish this goal. Unfortunately, these bills have languished in committee for the past 4 years. For this reason I have chosen another vehicle to bring this issue before the House.

There has been a continuing debate in the scientific community on acceptable emission levels. Several States concerned about these differences and the exclusive claims of authority by the AEC have attempted to assert their prerogatives on the matter. The State of Minnesota, for example, has been in the forefront of this fight. Strict standards set up by that State were challenged in the courts.

I am happy to say, however, that the Southern Governors' Conference along with 14 other States, either filed friend of the court briefs or asked to be joined as appellants with the State of Minnesota. Unfortunately, the Supreme Court upheld the lower court's decision and ruled that Congress and preempted the States' regulatory authority. It is now time for Congress to return that authority. Each State must be given the ability to insure the safety of its citizens.

At this point I want to assure my colleagues that this will not hamper the production of energy. Sophisticated technology already exists which is capable of reducing the radiation hazard.

This amendment is aimed solely at protecting public health and safety. It certifies the States' obligation to step in when the Federal interest in health and safety proves insufficient.

When the AEC's current plans are realized there will be 171 atomic plants operating in 33 States and Puerto Rico, producing an atomic fallout that cannot be ignored. Billions of gallons of atomic waste are in storage, while the AEC continues to search for effective and acceptable means of disposal. These wastes, mostly liquid, will remain radioactive for 1,000 years—but they are stored in tanks made of 20th century materials. Their iron and steel containers will rust and rot and leak their deadly contents long before the AEC finds a way to safely dispose of them.

It is impossible for uniform national standards to meet the specialized needs of each and every community. Radiation exposure presents a dangerous threat to the health of our citizens. The public demands the fullest protection possible, both on the Federal and State level. Passage of this amendment today will help guarantee that protection.

I might say in addition that in 1969 when this legislation was first introduced, the National Governors Conference wholeheartedly supported this measure.

I ask my colleagues in the House today to join with me in protecting the rights of each and every State of this Union to decide for themselves those emission levels that will protect the safety of their citizens.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the proposed amendment. I think this amendment deserves more serious consideration. I should like to point out that H.R. 2314 and H.R. 2315 have been introduced in the present Congress. These bills also would amend the Atomic Energy Act of 1954 to permit the states to regulate radioactive effluents currently with the Atomic Energy Commission and would have the same effect as this amendment. Comments on these bills have been requested from the AEC, the Department of Justice, and the EPA. The comments from the AEC have cited the potential danger of conflicting standards and dual regulation. Additionally, the Department of Justice has pointed out that manner in which these bills have been drawn would limit design flexibility and perhaps even dictate design. Moreover, the Department of Justice is opposed to the enactment of either of these bills in their present form because they may not accomplish their stated objective and because they may involve the Federal Government in litigation if enacted. When we go back into the House I will insert copies of the comments from the AEC

and the Department of Justice at this point. I would urge that further consideration of this amendment be postponed until both the Joint Committee and the Congress have had adequate opportunity to study the impact of these bills in the light of the danger of conflicting standards and the problems raised by the Department of Justice.

The letters referred to follow:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., May 23, 1973.

Mr. EDWARD J. BAUSER,
Executive Director, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. BAUSER: This is in response to your request for AEC comments on H.R. 2314, H.R. 2315 and S. 1190, three identical bills "[t]o amend the Atomic Energy Act of 1954 to permit the States concurrently with the Atomic Energy Commission to regulate the emission of radioactive effluents."

The bill would, if enacted, amend section 274 of the Atomic Energy Act of 1954, as amended, in three places. Subsection a. of section 274 would be amended by striking out the present paragraph (6) which states that it is the purpose of section 274 "to recognize that, as the States improve their capabilities to regulate effectively such materials, additional legislation may be desirable" and by adding in lieu thereof a new paragraph (6) which would state that it is the purpose of section 274 "to give full recognition to the legitimate interest and responsibility of each State in matters pertaining to the public health and safety." Subsection c. of section 274, which specifies those areas over which the AEC may not relinquish regulatory authority and responsibility to the States, would be amended by striking out "No agreement" and adding in lieu thereof "Subject to subsection o., no agreement." Finally, H.R. 2314, H.R. 2315 and S. 1190 would amend section 274 by adding a new subsection o. to provide that "Nothing in this Act shall be construed to prevent any State from regulating concurrently with the Commission the discharge or disposal of radioactive effluents from the site of a utilization or production facility in such State, if—(1) the requirements or standards imposed by such State are for the protection of the public health and safety, and (2) action permitted or tolerated by such State with respect to the discharge or disposal of such effluents is not specifically prohibited by the Commission."

As you know, the Atomic Energy Commission has long recognized and supported the interest of the States in the radiological protection field. Under the leadership of the Joint Committee, the virtually unique Federal-State amendment to the Atomic Energy Act (section 274) has provided the statutory framework for a cooperative program under which a portion of the AEC's regulatory authority has, by formal agreement, been relinquished to the States. The AEC, however, has not been authorized to relinquish to the States its responsibilities under the Atomic Energy Act for the licensing and regulation of nuclear power reactors.

In the newest type of AEC-State relationship, a number of interested States will collaborate jointly with the AEC on effluent and enviromental monitoring around nuclear facilities in the respective States. By this program individual State agencies, under contract to the AEC, collaborate with AEC's regulatory staff in carrying out independent measurement—audits of the radioactive effluent and environmental monitoring programs of licensees in that State. We believe this program will provide valuable benefits both to the States and the AEC.

The imposition of conflicting and non-uniform standards was one of the evils that the Congress specifically sought to avoid, and succeeded in avoiding, in enacting section 274 of the Atomic Energy Act. The enactment of H.R. 2314, H.R. 2315 or S. 1190 would create an obvious potential for the imposition of conflicting and non-uniform standards.

On the Federal level, the imposition of conflicting and non-uniform standards as well as dual regulation have thus far largely been avoided in the area of radiation protection through the efforts of the agencies themselves, as well as those of the Federal Radiation Council whose statutory purpose, as you know, was to advise the President with respect to radiation matters, directly or indirectly affecting health. This included guidance to all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with the States. The functions of the Federal Radiation Council are now exercised by the Environmental Protection Agency pursuant to the provisions of Reorganization Plan No. 3 of 1970. We feel that it is not only in the interest of public health and safety but also in the interest of the public in the development of its electrical power resources that there be consistent and uniform standards in this area.

For these reasons, the Commission is opposed to the enactment of H.R. 2314, H.R. 2315 and S. 1190. We would note that the standards pressed by the few States that have attempted to enter this area of radioactive effluents have generally been in the range of our proposed numerical guides for light-water-cooled nuclear power reactors to keep radioactivity in effluents "as low as practicable" (36 F.R. 11113, June 9, 1971).

The AEC is sympathetic to the interests of the States in protecting the health and safety of their citizens and is anxious to continue and extend the cooperative activities described earlier. We want to explore with them, and this Committee, better ways of accomplishing our mutual goals. This is clearly contemplated by section 274 of our Act. If the Joint Committee believes it should consider further the concept of vesting the States with more authority in the atomic energy area, we recommend that it be done after a careful congressional evaluation of State capabilities in the area and within the existing section 274 framework.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

L. MANNING MUNTZING,
Director of Regulation.

DEPARTMENT OF JUSTICE,
Washington, D.C., June 20, 1973.

HON. MELVIN PRICE,
Chairman, Joint Committee on Atomic Energy, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 2314 and H.R. 2315, two identically worded bills which concern the exercise by states of concurrent authority with the Atomic Energy Commission over the discharge or disposal of radioactive effluents from nuclear power facilities. The bills, in effect, would overrule the decision of the United States Court of Appeals for the Eighth Circuit (affirmed summarily by the Supreme Court) in *Northern States Power Company* v. *Minnesota*, 447 F.2d 1143.

This Department expresses no opinion on the wisdom or desirability of authorizing the states to exercise concurrent authority in this highly controversial area of environmental concern. Our inquiry is limited to a consideration of whether the proposed bills will accomplish their stated objective and the range of possible litigation involving the Federal Government if the bills are enacted. Our conclusion is that significant ambiguities exist on these questions which should be the subject of further drafting effort if the purpose of the bill is to be achieved.

The relevant language in the statute as it is proposed to be amended which establishes the regulatory authority of the states is found in a combination of Sections K and O of Section 274. These read as follows:

(K) Nothing in this section shall be construed to affect the authority of any State or local agency to regulate activities for purposes *other than protection against radiation hazards.* (Emphasis added)

(O) Nothing in this Act shall be construed to prevent any State from regulating concurrently with the Commission the *discharge or disposal* of radioactive effluents from the site of a utilization or production facility * * *. (Emphasis added)

* * * * *

It is very clear that the proposed amendment would not allow states to regulate generally to protect against radiation hazards but would only allow regulation of discharge or disposal. As the court noted in the *Northern States Power* case, it is difficult to distinguish between operational features and waste disposal features of a particular facility. The method and level of waste disposal probably is functionally related to the design of the reactor. To limit disposal of wastes almost of necessity would limit design flexibility, perhaps even dictate a particular design.

The proposed bill disclaims any intent to regulate facility design. The language of the bill is insufficient to authorize the exercise of that level of regulatory authority. Yet the authority which it does authorize will inevitably lead to conflict with Atomic Energy Commission regulation.

The Department of Justice is opposed to the enactment of either of the proposed bills in their present form.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

MIKE MCKEVITT,
Assistant Attorney General.

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

Mr. PRICE of Illinois. I yield to the gentleman from Pennsylvania (Mr. DENT).

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

Mr. Chairman, much as I would like to support the gentleman from New York, as a practical matter it is impossible to establish any legislative control with the winds and currents and velocities and movement of the emissions. It is as impossible as it would be to control the movement of water from hurricanes and things like that. We know the sad experience we had just a year ago in June, when Hurricane Agnes was coming up on a very nice orderly course, but around Elmira, N.Y., the wind shifted and the hurricane came down and drowned the State of Pennsylvania. The same thing is true at Ligonier, Pa., where we get fallout from the Gary, Ind., steel mills, and below us in West Virginia they get the fumes from the Pittsburgh works. We just cannot control the air currents and the emissions which travel in the air and we cannot control the speed of the winds, the air currents, the density, and so on.

We might be putting ourselves in the position of voting for something we cannot enforce. We cannot establish rules on this. Suppose we have in Pennsylvania

and New York two different sets of emission controls and we had an atomic energy plant in Pennsylvania—and we do have one built in Shippensburg—and suppose the wind takes the emissions to New York. Who are we going to sue? How are we going to stop the winds? How can we get an injunction to close down and keep from operating a plant which is in accordance with their State law? How do we stop that?

Mr. PRICE of Illinois. Mr. Chairman, the gentleman is exactly correct.

I believe that the Congress should consider the concept in vesting the States with more authority in the atomic energy area. However, I recommend that this be done only after a careful congressional evaluation of the capabilities of the various States in this area and within the existing framework of section 274. In view of the far reaching impact of this amendment on the availability of electric generating capacity and the public health and safety, its substance deserves far more serious consideration than we can give it on the floor at this time.

Also, Mr. Chairman, in view of the far reaching impact of some of the points brought out by my colleague, the gentleman from Pennsylvania (Mr. DENT), I urge the Committee to reject this amendment.

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

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. PODELL. Mr. Chairman, the gentleman from Pennsylvania said better than I just why my amendment should pass:

For the simple reason that the Atomic Energy Commission in setting forth national standards would be unable to cope with the variable the gentleman from Pennsylvania set forth. It is for this very reason that I insist that the States have the right to set their own standards, because, as the gentleman from Pennsylvania said so well——

Mr. PRICE of Illinois. Mr. Chairman, I have only a second remaining.

I would say that I took the argument of the gentleman from Pennsylvania to be in reverse of what the gentleman from New York thinks. I think he supports the contention of our committee.

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

(At the request of Mr. PODELL and by unanimous consent, Mr. PRICE of Illinois was allowed to proceed for 1 additional minute.)

Mr. PODELL. Mr. Chairman, will the gentleman yield further?

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. PODELL. Mr. Chairman, the gentleman from Pennsylvania said so well how the problems in the State of Pennsylvania are so much different from those in any other state.

Mr. PRICE of Illinois. Mr. Chairman, the gentleman stated a universal problem.

Mr. PODELL. Mr. Chairman, each State does have a problem of its own. All I seek by my amendment is to give the States of this country the right to set their own emission standards, because they do have problems separate and apart, provided those emission standards are stricter than that set forth by the Federal Government.

Mr. PRICE of Illinois. We could have 50 different emission standards, all apropos to one type of situation, and we would have a state of confusion. The effluent, the emission from the atomic plant does not stop at State boundaries.

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

Mr. PRICE of Illinois. I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I would like to support the amendment of the gentleman from New York, but one question bothers me.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(At the request of Mr. MATSUNAGA and by unanimous consent, Mr. PRICE of Illinois was allowed to proceed for 1 additional minute.)

Mr. MATSUNAGA. Will the gentleman from Illinois yield further?

Mr. PRICE of Illinois. I yield further to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, supposing every State in the Union passes a law prohibiting any radioactive waste to be buried within the boundaries of each State; what then?

Mr. PODELL. Mr. Chairman, the requirement as to the States will not ease the standards, but only make them stricter so that in the event a State decides that the standards set forth by the Atomic Energy Commission are not sufficient to protect the health and public safety of its citizens, that State has this right to set additional standards.

Mr. MATSUNAGA. Exactly; and if every State in the Union determines that the Federal standards are too low, and in order to protect the health and safety of its own people within the State, it legislates that no radioactive waste shall be buried within the borders of the State, where would we be then? Would not the entire atomic energy program come to a halt?

Mr. PODELL. Mr. Chairman, this only refers to the standards on emission, not construction of facilities.

Mr. PRICE of Illinois. Mr. Chairman, the Atomic Energy Commission already has set the standards as low as practical. How can we get any lower than that?

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

In 1959, the Atomic Energy Act of 1954 was amended to add a new section 274. This section authorized the AEC to delegate certain of its regulatory authority over the uses of source, byproduct, and small quantities of special nuclear materal to the States. As of June 1, 1973, the AEC had entered into appropriate agreements with the 24 States under this authority.

When enacting this legislation, the Joint Committee recognized the potential dangers of conflicting, overlapping, and inconsistent standards in different jurisdictions. Differing standards could affect the economics of the plant and availability of nuclear powerplants, and the public safety. In its report, the Joint Committee stated its belief that it was important that the radiation standards adopted by the States under these agreements should either be identical or compatible with those of the Federal Government.

Moreover, the committee specifically stated that it was not intended to leave any room for the exercise of dual or concurrrent jurisdiction by States to control radiation hazards by regulating byproduct, source, or special nuclear materials. The intended purpose of section 274 was to have the material regulated and licensed by the Commission or by the State and local governments, but not both. Section 274 was also intended to encourage States to increase their knowledge and capabilities and to enter into agreements to assume regulatory responsibilities over such materials.

On the Federal level, conflicting and nonuniform standards as well as dual regulations have, thus far, largely been avoided in the area of radiation protection through the efforts of the agencies themselves. In the past, the Federal Radiation Council, whose statutory purpose was to advise the President with respect to radiation matters, directly or indirectly affecting health provided guidance to all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States. The function of the Federal Radiation Council is now exercised by the Environmental Protection Agency.

In the interest of the public health and safety and the interest of the public in having available needed nuclear power electric generating plants, there should be consistent and uniform standards in this area. For these reasons I would oppose the amendment.

Mr. Chairman, one thing which has become clear since the introduction of atomic power in the world in 1945 is that it is just not very local. This amendment defies that common knowledge and would try to localize this very important question of regulating the discharge of radioactive material and the storage of radioactive waste. It is something like trying by statute to repeal the law of gravity.

The gentleman from New York who introduced the amendment represents a city that has more people than 8 or 10 States in this country. That is how anomalous this situation is. There are 50 States, 48 of them in the continental United States. Regulation of radioactive waste and radioactive effluent discharge is nothing that in any way can possibly be confined to any single State. It can be handled effectively and regulated safely, if it is handled under proper authority. That, of course, is the power and is the duty of the U.S. Atomic Energy Commission.

Mr. Chairman, as a matter of fact, when the Atomic Energy Act of 1958 was first being considered it was at the time when the atom was taken out of the Gov-

ernment womb and the peaceful atom freed to become the productive force in society and for the economy of our country. At that time, this very issue was carefully gone into.

It took several days to attempt to devise language which, incidentally, finally was blessed by the court, that preempted this kind of regulation in the Federal Government. The reason why the law was passed so carefully in that context was exactly as the gentleman from Illinois has pointed out, to prevent the licensing and regulation in this area being relegated to a state of confusion, which certainly it would be if 50 different jurisdictions were free to get into it.

It is a mischievous amendment. It is an amendment that would allow any State's group of lobbyists to attempt to hold the whole nuclear industry for ransom by extraneous and irrelevant and unnecessary regulations in that State. It would totally balkanize this entire business of enforcing, on behalf of the people of the United States, safety in the nuclear area. It would certainly encourage anarchy in this entire area.

It is no wonder the National Conference of Governors, which several years ago once recommended this thing, dropped it like a hot potato and has let it get cold ever since then.

There is no sense to it. There is no rhyme to it. There is no reason to it. It would be a backward step. It would be a step that would make it difficult, if not impossible, after the mischievous workings were accomplished, to provide the people of this Nation with nuclear electricity power which they will have to have if we are to continue as a member, as a modern economic state, in a community of nations.

Let me also say, so far as the waste storage is concerned, if we are going to give every Tom, Dick, and Harry in every State legislature who wants to have his gummy fingers go over the licensing and regulation of atomic waste, then we are really going to get ourselves in a mess.

That is exactly the kind of a situation the gentleman from New York would invite by the language he seeks to insert into this bill. If he wants to put in a special bill and have hearings on it, he cannot only educate a lot of people, but he can probably gain greater understanding for the Members of Congress on it. To swoop down on the floor some Monday afternoon with an amendment like this I do not believe is the proper time or the proper place or forum for its consideration in any form.

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

Mr. HOSMER. I yield briefly to the gentleman from New York.

Mr. PODELL. The gentleman, I am certain, is aware that legislation of this kind has been introduced each year by a number of Members of the House of Representatives, for the past 4 or 5 years, at least, that I know of.

In addition to that, in 1972—not 1969, but 1972——

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

Mr. PODELL. Mr. Chairman, I ask unanimous consent that the gentleman from California may have 1 additional minute.

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

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

I rise in support of this amendment. I want to set the record straight on misinformation being generated about the amendment.

In the first place, the amendment is confined to the site of a production unit; that is, only the State which has the unit in it can control the waste disposal we are talking about. The problem of interstate flow of radiation disposal is not involved. That would continue to be controlled by the Atomic Energy Commission with its Federal standards.

In my State, we had a major nuclear powerplant under construction in 1969, and because it was a new proposal, we hired technical advisers. These advisers, knowledgeable and skilled in this area, set a certain number of conditions, some of which were not in conformity with AEC standards. Our power company went to court, objecting to the State's imposing stricter standards, on the ground that the AEC had preempted all the regulatory authority. Unfortunately, our power company was upheld in its contention, and that is the reason for this amendment.

Mr. Chairman, the fact of the matter is that all of the knowledge in this country is not to be found in one single Federal agency. For example, there is the problem of X-ray radiation.

Who controls that? Not the Atomic Energy Commission. X-ray radiation is now being regulated by State governments. Radioactive emissions from atomic machines such as cyclotrons are not under AEC jurisdiction. State radiological health officers, therefore, already have considerable experience with the subject. Minnesota, by special agreement with Northern States Power, has assumed responsibility for an in-plant monitoring program of radioactive emissions which is more extensive than any currently underway by the AEC.

State governments are not always foolish, they are not always stupid. They are sometimes wise, and they are occasionally even wiser than some Federal agencies, particularly an agency whose record leaves something to be desired, if I may say so.

What we are saying is this: That the AEC should set Federal standards. The amendment offered by my colleague from New York (Mr. PODELL) would leave the AEC's existing regulatory program intact, but it would enable a State like Minnesota to issue tougher regulations if it chose to do so. If a State in trying to protect the health, welfare, and safety of its people, wants to set acceptable standards, then there is an argument that can be made for that. We are asking that the States have that authority.

Mr. Chairman, would there be constraints on State action? If a State began to say, "No, we want standards that are unreasonably high," then that State would have to pay the penalty of not having any powerplants built. So there are automatic restraints on a State to keep it from being overzealous in the application of standards.

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

Mr. FRASER. Let me make just one other point first.

Mr. Chairman, all other forms of production of power are regulated by the States. If somebody wants to build a coal-burning plant, the question of how much air pollution can take place and how much thermal pollution can take place is under the control of the State.

Who will get up on the floor and say that the States have been wildly zealous and have set standards that will stop plants from being built? Perhaps an argument can be made against stricter regulation, but who can argue that wise control cannot be found in the States?

Mr. HOSMER. Mr. Chairman, will the gentleman from Minnesota (Mr. FRASER) yield?

Mr. FRASER. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, what the gentleman has said is that the States can go ahead and put very strong restraints on. Certainly there would not be any nuclear reaction powerplants built, say, in Minnesota, but that does not mean that Minnesota is going to be without electric power. All Minnesota is trying to do by that means is to export its problems to some other State and import electricity, and leave whatever contamination, pollution, or degradation that follows the supply of large amounts of the production of electricity to some other State. This is just a way of going about trying to vulcanize the United States.

Mr. FRASER. Mr. Chairman, I assume then that the gentleman argues that all powerplants, whether they burn coal, or whether they burn oil, or whatever they burn, ought to be under Federal regulation, because exactly the same argument would apply: If we do not have Federal standards, we are going to balkanize the origin and production of power.

Mr. Chairman, that has not, in fact, happened.

Mr. HOSMER. Mr. Chairman, will the gentleman from Minnesota (Mr. FRASER) yield?

Mr. FRASER. I yield to the gentleman from California (Mr. RYAN).

Mr. HOSMER. Mr. Chairman, by many of the conventional forms of production we can produce electricity within the borders of a single State without having any external effect whatsoever in that State. However, in the case of nuclear reactors, there is a risk, however small, that you may export problems to many other States.

Mr. FRASER. Well, the gentleman recognizes that the Atomic Energy Commission has set minimum Federal standards that will protect abutting States. Now, we are talking about a State which in its wisdom desires to protect the safety, health, and environment of its residents.

Mr. HOSMER. Mr. Chairman, I know

what the gentleman is talking about. They are talking about the exportation of problems and the troubles to another State while taking advantage of the nuclear capacity of the gentleman's State itself.

Mr. FRASER. All I can say is that I can now understand why these bills have not made more progress. If that is the kind of reasoning the committee uses, I can understand the problem.

Mr. RYAN. Mr. Chairman, will the gentleman from Minnesota (Mr. FRASER) yield?

Mr. FRASER. I yield to the gentleman from California (Mr. RYAN).

Mr. RYAN. Mr. Chairman, is the purpose of this amendment simply to allow an individual State to make statutory standards which the AEC has not set?

Mr. FRASER. The gentleman is correct.

Mr. RYAN. So, in fact, as a result of the action of the State of California in setting controls higher than the Atomic Energy Commission, it is for the protection of its residents in setting statutory standards higher than the AEC has already set; otherwise they would not do so?

Mr. FRASER. The gentleman is correct. Mr. Chairman, nuclear technology has reached a point at which radioactive emissions can be kept at significantly lower levels than those permitted by the Atomic Energy Commission. No industry has the right to pollute the environment more than is absolutely necessary. Radioactive emissions should be kept at levels as low as feasible and as low as are reasonable to the citizens directly concerned.

In view of widespread debate among scientists about the adequacy of the AEC's regulatory program, States, if they so decide, should be empowered to keep emissions below levels prescribed by the Commission. The amendment before you will clearly establish this principle in the law.

Thirty nuclear powerplants are now in operation in this country, 60 are being built, and 75 are planned, with reactors on order, for a total projected generating capacity of 147.8 megawatts. The latest AEC forecast, issued in March 1973, predicts that whereas nuclear power now provides about 4 percent of the electricity used in this country, by the end of the century, it will account for 60 percent of our electric power needs.

During the next few years critical decisions will have to be made about the amount of radioactive wastes these plants will discharge into the air and water of the people living nearby. The amendment before you today is designed to recognize the legitimate interests and responsibilities of States in protecting the health, safety, and environment of their citizens. I think that the right of a State to establish stricter standards than the AEC's ought to be sustained.

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

Mr. Chairman, I rise in support of the amendment submitted by the gentleman from New York.

The problem has been in the guidelines which are in use by the Atomic Energy Commission. There is obviously a large belief of scientific opinion on the subject of radiation and emission standards which suggests that the Atomic Energy Commission, although it may be very busily involved in other things, is not sufficiently concerned with the problem of regulating it effectively.

Now, there are variances and differences in radiation and emission standards. As I understand the gentleman's amendment, it would not in any way stop the AEC from carrying out its regulating function. Rather, it allows the States to work out concurrently standards for emissions which may be more stringent.

I do not understand why there should be objections to this amendment in view of the fact that the gentleman's resolution speaks of concurrent regulatory power to the States. It seems to me it would permit the States which have had specific instances of high radiation effects and emissions, which have been provable in a number of areas in this country, to be able to come to the agency and say, "We have to protect our citizens. The radioactive effect is very serious in our area because of complex reasons which scientists can get into"—and we do not want to get into this here in this body—"and we would like to impose statutory standards on emissions higher than the minimum set by the Atomic Energy Commission." This is based on provable facts.

Mr. HOSMER. Will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman.

Mr. HOSMER. If the gentlewoman's logic is logical, then there is no logical reason why it should be according to State lines and boundaries. If she wants to protect somebody, why leave it up to the States? Why not leave it up to the counties, the cities, or the boroughs?

What the gentlewoman intimates is there is nobody protecting the American public against nuclear radiation and therefore States have to do it. The fact is that the U.S. Government has been doing this for years. You have had the safest body politic that this world has ever known insofar as radiation is concerned. There has never been a member of the public damaged by nuclear activity of a peaceful nature in this country.

I think that should be a little bit reassuring to somebody and some reasonable evidence that someone is doing some kind of a good job in taking care of this problem.

Ms. ABZUG. It is my understanding the effects of radiation cannot be or are not immediately visible. Sometimes it is like a rash and may come out in the next generation of our children.

There is also a body of scientific opinion which indicates guidelines which the Atomic Energy Commission has been using have not been revised in many years, and in any case it is evident from the body of opinion I have been reading that there have not been the kinds of revisions of those guidelines which may seriously affect radiation in many areas.

Therefore I urge support of the amendment offered by the gentleman. It is not heresy but is something in the cards.

Mr. WOLFF. Will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman.

Mr. WOLFF. One point I would like to make. The gentlewoman said something to the effect that AEC standards have not been revised, but they have been revised, made stricter, because of the pressures of various States, Minnesota in particular, who have called for a revision of the standards. In other words, AEC standards were at the urging of those who seek to protect the populace and are approximately one-tenth of what have heretofore been the permissible limits.

Ms. ABZUG. I beg your pardon. I do not want to interrupt the gentleman, but you are confusing us, I think. Minnesota is seeking an upward revision in the standards.

Mr. WOLFF. They are seeking to make the standards more stringent.

Ms. ABZUG. That is correct.

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

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

Mr. Chairman, the gentleman from California (Mr. HOSMER) has mentioned that section 274 of the Atomic Energy Act of 1954 authorized the Atomic Energy Commission to delegate certain of its regulatory authority over the use of source, byproduct, and small quantities of special nuclear material to the States in 1959. The gentleman also mentioned that as of June 1, 1973, the AEC had entered into appropriate agreements with 24 States under this authority. Therefore 26 of our States have not, as of this date, taken advantage of our invitation to formulate a State atomic regulatory body.

In response to a request by the Joint Committee on Atomic Energy, the Atomic Energy Commission conducted a comprehensive evaluation of these agreement State programs to obtain information about the quality of the programs and the adequacy of their funding. Although it was felt there were areas which could be improved in all agreement programs, 24 of the 26 programs reviewed were found to be adequate to protect the health and safety. Two of these programs were found to be inadequate. However, the problems in both of these programs appeared to be primarily one of program management and personnel, and the AEC has initiated corrective action. Many of the States do not wish to finance a regulatory body to duplicate the Federal responsibilities.

The General Accounting Office recently completed a study of the AEC's State agreement programs. The Comptroller General found the States have been making a concerted effort to exercise strong radiation control programs and that the AEC has been assisting, and cooperating with, the States in these efforts. The GAO noted a number of areas in which the administration of the agreement State programs could be strengthened. Among other things, the report

cites the need for the development and implementation of on-the-job training and evaluation programs to provide State personnel with the needed experience in evaluating license applications and inspecting licensed facilities prior to the consummation of an agreement with the AEC. The report also cites the need for additional guidance to the States which would set out: First, the main information necessary in license applications necessary to support the issuance of licenses; and second, areas which could be covered during the inspections of various types of licenses.

I would like to point out that one of the objectives of section 274 of the Atomic Energy Act is to increase the knowledge of the States and their capabilities with regard to this control of limited amounts of radioactive materials. I would also like to point out that, as of this time, 36 States have not availed themselves of this opportunity. Until such time as all the States have demonstrated sufficient competence in this highly important area, I believe that the Congress should be hesitant to confer additional authority upon the States to control the radiation in the effluent from nuclear reactors without careful consideration.

The Podell amendment is well intentioned but it is unnecessary. Not only is it unnecessary but would be a dangerous departure from a procedure that has proven to be 100-percent effective.

Mr. Chairman, we are dealing with a very complicated matter. It is a matter which is not susceptible to easy interpretation. I can assure my colleagues in the House that there are no monsters on the Joint Committee on Atomic Energy. We have held hearings on radiation standards and we have 10 or 15 of those volumes; they would stack probably this high [indicating] if we had them all in here, and we have watched this very carefully ever since the program started because we realize the danger of it.

Let me just pose one statement of fact: We have been operating nuclear reactors in the United States since before Hiroshima and Nagasaki—and that was back in 1945—and there has never been one case where the workers or the public have been radiated or damaged by radiation in any of the civilian reactors. In none of those commercially licensed reactors has there been one case of radiation injury. That is since 1945, some 27 years. We have over 100 nuclear submarines that are now in operation and in the small confines of those submarines in each of them we have 100 or more of our servicemen living in them, and they sleep within 10, 15, or 20 feet of the reactor. These are powerful reactors. They are not the little research reactors that we have in some of the universities; these are powerful reactors. There has never been a case of radiation injury in any of those places. Why? Because of the standards and the criteria which have been laid down which do not permit enough radiation to harm these people. That is the reason. Who promulgated those regulations? The Atomic Energy Commission promulgated those regulations and those rules, and the Atomic Energy Commission did it under the oversight of the Joint Committee on Atomic Energy. They did this job. And I feel that the apprehensions that are being expressed are unnecessary.

Let me go back further. In 1959 we said that if the States wanted to come in and participate in the monitoring of radioactive substances and radiation exposures, and things like that, they could do so. We passed a statute right on the floor of this House agreeing that we could do it, under the scrutiny of the Atomic Energy Commission, so that they would not make unwise regulations or rules which would be dangerous, although they might think that they would be along the line of safety.

How many States have taken advantage of that statute? Twenty-four of the 50 States have taken advantage, and have set up small atomic regulatory bodies in their States. Some of the States are coming to us and asking the Federal Government now to take over the expense of it, because they realize not only are they inadequate to do the job, but it is expensive and it is duplicative of what the Federal Government is doing. Twenty-six of the States have not even shown an interest in regulating radiation exposure. There are some things that one cannot turn over to the States.

We would not turn over to the States the price of airplane fares from here to Los Angeles. Would there be a different fare as it passed over each State? Of course not. If it is in interstate commerce do you turn it over to the States? Of course not. This is a nation, this is not a little back-alley locality. We cannot deal with national problems by local regulations. So this does not lend itself to local regulations.

The gentleman from Minnesota said something about the situation in Minnesota. That was the case, I believe, of the Northern States Power Co. against Minnesota. They sought to set different radiation standards. They went to the U.S. Court of Appeals, and the Eighth Circuit Court held that the Atomic Energy Commission Act of 1954, as amended, preempted the power of the individual States to set radiation standards. Why did they find that way? Because it was the law of the land, and this Congress has reaffirmed it time and time again. So my friends are well motivated.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. HOLIFIELD. But they are not well informed on the background of this matter. I assure the Members that we on the Atomic Energy Committee feel very deeply our responsibility. It is our lives and our children and our grandchildren that are involved in this matter.

I happen to have 15 grandchildren. Do the Members think I would be standing up here arguing for something that would be unsafe to those 15 grandchildren? Of course not.

It is a matter of being informed in the subject matter and doing the thing that is safe for the Nation. We cannot do it by States or by cities or by counties, because in the event of the release of effluents into a river—in New England it might go through six States—in the event that there was a nuclear accident of some kind, the gaseous clouds might cover a number of States. We do not think that those things will happen. They have not happened, and there is a redundancy of safety built into these reactors that have kept them from happening.

So we are fooling with a very dangerous amendment here which my friends do not understand as to the extent of the danger. I just say that this amendment is not a proper amendment. It should be defeated.

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

Mr. Chairman, the gentleman in the well (Mr. HOLIFIELD) who has been associated with the nuclear atomic energy field for so many years, has done an outstanding job in his work in the House, and contributed so much to the progress of nuclear power in the Nation. However, I must take this opportunity to oppose the gentleman from California and rise in support of the amendment of the gentleman from New York to allow States to set stricter standards than the Atomic Energy Commission for the discharge of radioactive effluents from atomic and nuclear powerplants. Scientists have agreed that there is no safe limit to radiation or exposure to radiation.

As my colleagues will remember, last year when the House considered the Water Pollution Control Act, I offered an amendment similar to the one offered by my colleague, the gentleman from New York (Mr. PODELL). At that time I urged my colleagues to recognize the rights of States to have a voice in dealing with the public health and environmental effects of the mammoth nuclear powerplants that have begun to proliferate and litter our landscapes. Today no State should be expected to accept the grave risks of these plants. We are not talking about the risks of explosion; we are not talking about the risks of implosion. What we are talking about are the long-term risks of the effluents that come from these plants.

I might at this point say that there are some effluents that come from these plants that have a half-life of 10,000 years. It is not just our grandchildren we are worried about, but we are worried about future generations.

The amendment offered by the gentleman from New York would simply give the States a voice in deciding what kinds and amounts of radioactive wastes may be discharged from nuclear powerplants into areas. I might remind my colleagues that numerous States have already petitioned to do this, and the National Governors Conference as far back as 1969 adopted a policy which holds that the States have and must retain the authority to establish additional environmental controls as required by special conditions.

I also wish to clarify this amendment would in no way allow States to jeopard-

ize the lives of people by setting standards lower than those set by the AEC. Rather, it lends itself to the formulation of higher, safer standards.

In addition, I should like to respond to those proponents of nuclear power who are concerned that this amendment will enable States to impose such restrictive standards as to effectively exclude nuclear facilities within their borders. The fact of the matter is that there are already many other ways in which a State government, if it so desired, could curtail expansion of nuclear power generating capacity. It can refuse to issue certificates of convenience and necessity for construction and operation of new powerplants. State public utility commissions can forbid use of expensive nuclear power by their rate determinations.

This amendment we are considering does not give any new or unique power to the States; it simply reaffirms the full range of their present authority under our federal system.

Mr. Chairman, the perils of nuclear power are far too grave and too intricately related to the health and safety of a State's citizenry for the State to be excluded from having a say in setting emission standards.

It is one of the fundamental State's rights to provide for the well-being of its citizenry. By adopting this amendment we would reaffirm this right and act in the best interest of every American.

Mr. Chairman, I urge adoption of this amendment.

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

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

Mr. HOSMER. Mr. Chairman, if the gentleman is worried about radiation and wants to protect the public from radiation, I suggest to the gentleman there is a wide open field in the instances of man-made radiation that are being used in the medical, dental, and other fields throughout the country, where we have had a terrible time trying to get the States to do anything about them. Finally we had to pass a Federal law to require certain standards, and the law does not go into effect for a while, so if the gentleman wants to really hit an area where the people need protection, I suggest he go in and make the people take care of their X-ray machines.

Mr. WOLFF. I think the gentleman is entirely correct in what he has said. It is what he has not considered that troubles me.

There is one point he fails to mention, and that is we have enough radiation already, and we do not need added radiation to inflict upon our citizenry.

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

Mr. Chairman, will the gentleman from Illinois, the distinguished chairman of the joint committee, answer a question? In the gentleman's discussion he indicated there were at least two bills which do attempt to do the same thing that the Podell amendment does which is now pending before this committee. The gentleman from California (Mr. HOLIFIELD) indicated that there had been many hearings on safety, and so on. Can the gentleman tell us today whether he has had definite hearings scheduled on those two bills?

Mr. PRICE of Illinois. At the moment we do not have hearings scheduled, but undoubtedly before the year is over we will touch on this subject again, as we do every year, and we have reports on these two bills from the Department of Justice and the Atomic Energy Commission and they recommend against both bills.

I might also say we have already started comprehensive safety hearings and we are going to get more details now that we have the authorization bill behind us. We started the hearings in the latter part of January. We had a recent hearing on it and we will go into more detail on the comprehensive safety matter.

Mr. FRENZEL. I thank the gentleman. The reason why I raise the question is that the gentleman from California (Mr. HOSMER) indicated this amendment came late in a day, on a Monday afternoon, when people were not able to evaluate it, and suggested that perhaps it was something being slipped in.

I would like to advise the gentleman I have authored amendments which had a similar effect to the Podell amendment, and the gentleman from Minnesota (Mr. FRASER) also has done so. We have never been able to get a hearing from this committee. I think it is appropriate that the House consider this amendment on its merits today, but all of us would feel a great deal better if there were definite hearings scheduled on any one of these bills.

Mr. PRICE of Illinois. Mr. Chairman, if the gentleman will yield, I am surprised to hear the gentleman say he has not been able to get a hearing. We have had hearings on substantially the same bills previously submitted.

Mr. FRENZEL. I appreciate the opportunity to appear before the committee, and yet I do not recall that the committee's attention was ever directed to one of these bills specifically.

Mr. PRICE of Illinois. Mr. Chairman, maybe it was not the same number on the bill but it was the same subject matter.

Mr. FRENZEL. Is it the gentleman's intention, or is there a possibility, that there will be hearings on the bill which was offered by my colleague, the gentleman from Minnesota?

Mr. PRICE of Illinois. If the gentleman requests a hearing it will certainly be given a hearing.

Mr. FRENZEL. I would appreciate getting another hearing.

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

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

Mr. WOLFF. I appreciate the gentleman yielding.

Mr. Chairman, I might say the Chairman is right. He did hear a bill I introduced, very similar to this, 2 years ago.

Mr. FRENZEL. I thank the gentleman from New York.

Mr. Chairman, I urge the committee to adopt the Podell amendment.

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

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

Mr. PODELL. Mr. Chairman, is the gentleman aware that the following States in 1972 filed amicus curiae briefs with the court in the Minnesota case, they were that interested: Arkansas, Delaware, Iowa, Illinois, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Dakota, Pennsylvania, Utah, Vermont, Virginia, West Virginia, Wisconsin, and the territory of Guam? Is the gentleman aware that each one of these States thought that it was so important to the State, their particular State, that they actually filed a brief in the Minnesota case?

Mr. FRENZEL. Mr. Chairman, we were pleased to have their help.

Mr. Chairman, In support of the Podell amendment. I have long been a vigorous supporter of the right of each State to establish more stringent regulations than those set by the Atomic Energy Commission. I have introduced a series of bills, all of which seek to give the States more self-regulation rights.

My own State, Minnesota, was engaged in a long court case which was finally decided unfavorably. It only sought to give its citizens a greater degree of protection than the AEC thought necessary.

The Podell amendment is not identical to any of my suggestions, but it is similar to several of them. I endorse its principle and concept enthusiastically. Those of us who have repeatedly voted in favor of the concept of the new federalism, especially where it concerns money, cannot allow Congress to say "poppa knows best" with respect to the safety of our citizens.

I am very concerned that this amendment will fail because of the complicated nature of this committee's jurisdiction. Amendments of this kind are traditionally not accepted. If the Podell amendment fails, I am sure it will be because the Members will feel it is too complicated and too few hearings have been heard on it.

I know that the Members of this body will be pleased to hear that the Joint Atomic Energy Committee may schedule hearings on an almost identical bill authored by my colleague from Minnesota (Mr. FRASER). These vitally needed hearings will provide an excellent background both for consideration of the Fraser bill and for future consideration of such amendments as the one offered by the gentleman from New York today. I would like to establish very strongly that any vote in the House today should not and must not jeopardize the hearings of the bill of the gentleman from Minnesota.

In conclusion, while I strongly support the Podell amendment, I submit that a possible defeat will be due to a lack of hearings rather than a rejection of the concept. I hope the fate of this amendment will not have any effect on the schedule of the Joint Atomic Energy Committee.

Mr. ECKHARDT. Mr. Chairman, I rise to speak against the amendment.

Mr. Chairman, I am most reluctant to appear here in a field in which the Atomic Energy Committee is particularly conversant, and I would not do so but for the fact that the committee upon which I sit, the Committee on Interstate and Foreign Commerce, has had an overlapping concern with the question of powerplant siting. I think the nature of that concern needs to be elucidated in considering the amendment.

I am further most reluctant to speak against my colleague on that committee, whose amendment is before us at the present time, and with Members of this House, particularly from the State of New York, whom I consider among those most concerned with the question of pollution.

However, I think I need yield to no one with respect to my concern about conservation and about clean air and about clean water. I will say this: There will come a time when we are going to have a deal with this question of powerplant siting. That will include consideration of the location of powerplants. We must consider the question of providing less "stops" with respect to determination of where powerplants may be located. We must subordinate the question of local interest to that of national interest in this entire field.

Mr. Chairman, I am in favor of giving a stronger voice to those concerned with pollution. I am in favor of giving a stronger voice to those who are concerned with conservation. I am concerned with giving a stronger voice to those who would protect the environment, but I am not in favor of doing this on a State-by-State basis.

What happens if a State, which I shall call the State of "Euphoria," wants to keep itself pristine pure from environmental contamination, but in so doing it requires a neighboring State to pollute the environment in that State in order to afford electricity, perhaps, to the State of Euphoria's own cities? Can we possibly treat this as a local concern?

This is not just a question involving atomic energy. When we finally reach this problem—and we really have reached it but we simply have not grappled with it—when we finally do grapple with the problem, we are going to have to concern ourselves with this question of atomic energy. We are going to have to be concerned about questions like thermal pollution. We are going to have to be concerned with every other aspect of the generation of electricity in the United States. It seems to me that if we should pass this amendment, we would be setting up in advance of the confrontation of the general question an additional barrier.

Therefore, I would urge that we not act on this matter on the floor of this House by amendment. If the matter is to be seriously considered, it should be considered with the deepest seriousness before the main committee and before the Committee on Interstate and Foreign Commerce on which I sit.

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

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

Mr. PODELL. Mr. Chairman, is it not a fact that the gentleman from Texas and I serve on the Committee on Interstate and Foreign Commerce, and last year we had hearings on powerplant siting?

Mr. ECKHARDT. That is correct.

Mr. PODELL. Does the gentleman recall how many days upon days we sat on hearings on powerplant siting?

Mr. ECKHARDT. Eight days, I believe.

Mr. PODELL. Did the committee sit and try to arrive at a conclusion?

Mr. ECKHARDT. The committee sat and tried to arrive at a conclusion, but it came a good long way from reaching one.

Mr. PODELL. It was unable to do so. It is this Member's opinion that the committee could sit for another 80 days and still not arrive at a conclusion on that same measure. That is one of the reasons why this Member feels each State must assert for itself its own responsibility for the health and safety of its people.

That is why this Member asks only for stricter standards. We would not seek to abolish the jurisdiction of the Atomic Energy Commission. We would only say in those instances when a State desires—and it is purely permissive—it may enforce stricter standards.

I certainly feel the gentleman from Texas is entirely correct that one day in the next 10 years we are going to have to decide powerplant siting.

Mr. HANSEN of Idaho. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with respect to the advisability of individual States having the authority to set more comprehensive nuclear plant emission standards, I suspect that the gentleman offering the amendment is not up to date with what has been transpiring in the past several years both in terms of the AEC's attention to the design of nuclear plants and, indeed, to the actual emissions from operating plants.

Initially AEC regulations applicable to emission rates with respect to nuclear facilities were such that an individual living at the site boundary fence 24 hours a day, 365 days a year could receive a radiation dose equivalent to the Federal Radiation Protection Guide—500 millirem per year. Annual surveys conducted at existing nuclear plants had revealed that most facilities found that they could keep emissions well below this level, many in the range of 1 to 5 percent of the allowable rate.

In June of 1971, the Commission proposed an amendment to its regulations establishing light water reactor design objectives which would keep releases of radioactive materials "as low as practicable." This has been interpreted to be such that boundary doses be held to 1 percent of the still applicable Federal Radiation Protection Guide.

Obviously there is no need for the States to attempt to further regulate these miniscule releases. It would result in duplication and confusion within a State, as well as among neighboring States.

I oppose the amendment.

Mr. KOCH. Mr. Chairman, I rise in support of the Podell amendment.

Mr. Chairman, I am somewhat surprised by some of the arguments that have been presented on the floor in opposition to the amendment.

The distinguished chairman of the committee, in indicating why there was no need for the amendment said that only 26 States had taken advantage of the existing section of the law which does not give them the right to make this decision but which would have some input into the decision. He thought that showed a lack of interest.

If 26 States are willing to deal with something which does not give them power at all, would it be surprising if more States took the position, "If we really had power we would indeed participate in the decision to be made." I believe that is exactly what would happen.

In addition to that, what shocks me even more, because I have such high regard for the distinguished gentleman from Texas (Mr. ECKHARDT) is that he takes the position this amendment is not to the advantage of the country and that we ought not to permit the States to deal with this on a local basis.

Why do we permit States to deal with the slaughter of chickens and beef on a local basis? That is to say, the Federal Government has minimum standards, but when one wants to import from one State to another State can have higher standards to protect its people.

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

Mr. KOCH. I am delighted to yield to the gentleman from Texas.

Mr. ECKHARDT. It is because there are not a series of some 40 or 50 chicken slaughtering houses which must act in concert with each other to supply all of the chickens of the United States and to continue to produce the complete supply under something like a monopoly situation.

Mr. KOCH. I understand that argument, but I do not believe it holds true in this case. There is even a broader area involved.

I have never heard the gentleman from Texas opposing the situation applying to an ordinary steam generating plant or a conventional plant generating electricity, which comes from coal or oil, which are presently under the jurisdiction of the States and any State can have higher standards than might apply in other States. I have never heard the gentleman say that Con Ed in New York, which provides energy not simply for the city of New York, but is part of a grid, should be required to build only according to Federal standards.

Would the gentleman say that he wants every electric generating producer in this country to be subject solely to Federal minimum standards, or would he allow the State of Texas to have a higher standard?

Mr. ECKHARDT. If the gentleman will yield further, we did precisely the same thing with respect to preempting the field with respect to automobile emissions, with one exception.

Mr. KOCH. Where was that?

Mr. ECKHARDT. The State of California.

Mr. KOCH. The State of California. Why was that?

Mr. ECKHARDT. Because the State of California had been a leader in the field before the Federal act was enacted.

Mr. KOCH. Mr. Chairman, if the State of New York, thought itself to be a leader in this field, and does not want atomic energy plants that do not meet higher than Federal standards, should it be compelled to give way to the gentleman's acceptance of lower Federal standards?

Mr. ECKHARDT. The standards should not be set on whether a State thinks it is a leader in the field; it should be on whether it is actually a leader in the field.

Mr. KOCH. Mr. Chairman, let us pursue that.

In my judgment, this bill does exactly that, because, at least as I read this bill, it says that the State standards cannot be less than the Federal standards; they have to be more stringent.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield further?

Mr. KOCH. Yes, I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, it does not strictly say that.

Mr. KOCH. I think it does.

Mr. ECKHARDT. It says that the standard must not be prohibited by the Federal standard. It does not say that the State standard must be more restrictive.

Mr. KOCH. Mr. Chairman, would the gentleman withdraw his objection to the Podell amendment if the language were clearer or if the leigslative history made is clear that the standards under the amendment had to be higher if they were to come into effect, higher than the Federal standards?

Mr. ECKHARDT. No, sir.

Mr. KOCH. Then the gentleman's opposition to the amendment really makes a debater's point.

In further explanation of my support for this amendment, I would just like to make a few more remarks.

With the proliferation of nuclear power plants, it is desirable that States wanting to do so become involved in considering the adequacy of safety standards set by the AEC relating to projects in their respective states. In my opinion, States such as New York, which are particularly concerned about the discharge of radioactive effluents, ought to be able to establish additional, more restrictive environmental standards if those States do not consider the AEC Federal standards to be adequate safeguards. The AEC has not demonstrated infallibility in these decisions.

It is estimated that within the next 20 years at least 164 new sites will be needed for nuclear plants. Critical decisions will have to be made in the next few years as to the kind and quantity of wastes that may be discharged into the local environment. Certainly the States are in the best position to determine their own special environmental needs, and they are, in addition, fully capable of making use of the available expertise needed to set stricter regulatory standards.

A year ago, in April 1972, however, the Supreme Court ruled that the Federal Government under the Atomic Energy Act has sole authority to regulate radioactive wastes. Thus, with this ruling, Minnesota's laws setting more stringent standards were in effect erased by the AEC's regulatory authority.

This amendment would firmly establish the right of States to impose regulations more restrictive than those set by the AEC, and I urge my colleagues here in Congress to join in support of this essential legislation.

Mr. ECKHARDT. Mr. Chairman, I am opposed to it on two grounds, and I say this to this body: It would be worse in two respects than what I would consider the necessary criteria for support of the amendment.

Mr. RONCALLO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from the great State of New York, a State whose peace, tranquillity and well-being will be significantly affected by the outcome of this legislation.

I see no overriding public interest in denying the States the right to set standards stricter than the minimal ones set down by the AEC. Without such an overriding interest, I believe that the best government is that closest to the people. I have supported this concept with respect to airport curfews; I have supported it on health standards for meat; and I support it here on radiation exposure hazards. These are the people that are going to have to live with these facilities in their backyard—not the AEC and not us here in Washington.

I agree completely that we need to explore alternative sources of energy, but at the same time, we must be mindful of the environment and the health and safety of future generations. There are extra costs involved in greater protection, but they are minimal compared with the high costs of nuclear facility construction and operation. The point is that greater protection from radiation hazards are within the present state-of-the-art.

There are always trade-offs: efficiency against safety, progress against the environment, guns against butter. The people of the individual States should have the right to decide where this trade-off should be balanced, using the national AEC standards as a minimum. I sincerely hope that this amendment will pass, and that we will return this unneeded centralized power to the States.

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

I know it is considered a great idea to give the States the right to impose stricted standards than the AEC imposes. The obvious reaction is: What in the world could be wrong with that?

There are several things wrong with it.

In the first place, it is based on a totally false premise that the various States have the competence and the staff to do a better job, or to do a job that even remotely approaches the quality of work that has been done by thousands of scientists working for the Atomic Energy Commission and under contract for the Atomic Energy Commission during the last 25 years.

I think it is safe to say, Mr. Chairman, that there is no subject in human history that has ever received the intense, thoroughgoing scientific research that this subject of radiation safety has received under the direction of the Atomic Energy Commission. These standards which are set by the Atomic Energy Commission and reinforced by those of the International Agency for Atomic Energy. After all, other nations are concerned with radiation safety, and confirm our standards which are in effect in every State.

Mr. Chairman, the question was raised a few moments ago in the debate about whether or not the AEC has imposed stricter standards during recent years.

As a matter of fact, the standards have repeatedly been made more strict. I worked in a radiation laboratory for some 20 years. During that time, standards were made stricter on several occasions. Several years ago, the Atomic Energy Commission came to the conclusion that even though it was the considered opinion of responsible scientists studying research information on this subject, that the standards were completely adequate the way they were.

Nevertheless, standards were reduced, not by the factor of 10, but by the factor of 100. We now operate our nuclear power plants under these more restrictive standards because it is practical to do so; but in addition, Atomic Energy Commission has now required that the plants be operated with emissions "as low as practicable," and there is no way to get lower than that.

Incidentally, in the State of Minnesota the expert for the State who set their standards originally recommended some which were less restrictive than AEC standards.

Mr. Chairman, the second point is that there is a misconception that the various States are somehow in competition with the Atomic Energy Commission. This is not true. About half of the States, the agreement States, as we call them, under legislation enacted by the Congress, have programs where these States are voluntarily carrying out monitoring and controlling programs, enforcing AEC radiation standards and controlling all affairs dealing with nuclear and radiation problems in their States, except those having to do with licensing and operation of nuclear reactors.

The next misconception is that introduction of emission in the air and production of energy is an intrastate matter having impact only within the originating State. That may have been true in 1920, but it is not true today. Two weeks ago when New York City had to cut its

voltage back by 7 volts, we cut the voltage back here in Washington, D.C., so that we here in Washington could send energy across the various State borders into New York City, so New York City would not have to cut back more than 7 volts.

The entire west coast, where I live, is made up of interstate regional power pools connected with interties that are 1,000 miles long, such as the one running from the Bonneville Power Administration in the State of Oregon to Los Angeles.

For any State to assume it has the right to dump its environmental problems into another State, while benefiting from cheap, clean imported energy is unconscionable, and should be rejected by this body.

Finally, the gentleman from New York says his amendment would simply permit the States to set stricter standards. That is exactly what it does, and certainly it sounds attractive. It is very much like saying that we will have air quality standards that will meet a certain level whether or not we have the technology to do so. It is similar to saying that we will have all of the water in this country bathtub pure; but this is not possible. The fact is that what the amendment does is to give every State a hunting license and gives every environmental group, well intentioned or not, an opportunity to exert pressure to set standards so low that a nuclear reactor cannot be operated in that State.

I suggest this is an unconscionable approach and should not be supported.

Finally, the gentleman stated it is impossible for national standards to meet the individual needs of each State. Ladies and gentlemen, that is nonsense. There are no environmental conditions that do or may exist anywhere in this country that have not already been taken into account by a factor of at least 100 times under the existing standards established by the Atomic Energy Commission.

Mr. Chairman, this amendment should be rejected.

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

The CHAIRMAN. The Chair will count.

Forty-five Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device and the following Members failed to respond:

[Roll No. 276]

Abdnor	Diggs	Michel
Adams	Dingell	Mills, Ark.
Alexander	Fisher	Moss
Anderson, Calif.	Flynt	Nichols
Ashbrook	Ford, William D.	Owens
Badillo	Fraser	Reid
Beard	Gray	Rooney, N.Y.
Bell	Green, Oreg.	Rosenthal
Blatnik	Gross	Runnels
Bolling	Gubser	Steiger, Wis.
Breaux	Hanna	Teague, Tex.
Burlison, Mo.	Hébert	Thompson, N.J.
Carey, N.Y.	Horton	Wilson, Charles H., Calif.
Chisholm	Jarman	Young, Alaska
Clark	King	
Danielson	Long, Md.	
Derwinski	Melcher	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, 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. 8662, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 385 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

PARLIAMENTARY INQUIRY

Mr. PRICE of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PRICE of Illinois. Mr. Chairman, will the Chair state the number of amendments on this bill which are at the Clerk's desk?

The CHAIRMAN. There is one amendment pending and there are three amendments at the Clerk's desk.

Mr. PRICE of Illinois. Mr. Chairman, the Committee hopes to dispose of the pending amendment and any other amendments as quickly as possible.

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

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

RECORDED VOTE

Mr. PODELL. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 266, not voting 31, as follows:

[Roll No. 277]

AYES—136

Abzug	Frey	Pike
Addabbo	Fulton	Podell
Andrews, N. Dak.	Gibbons	Quie
Armstrong	Gilman	Randall
Ashley	Grasso	Rangel
Aspin	Green, Pa.	Rees
Bafalis	Grover	Reuss
Barrett	Gude	Riegle
Bennett	Gunter	Rinaldo
Bergland	Hanrahan	Rodino
Biaggi	Harrington	Roe
Biester	Harsha	Rogers
Bingham	Hawkins	Roncallo, N.Y.
Bowen	Hays	Rosenthal
Brademas	Hechler, W. Va.	Roy
Brasco	Heckler, Mass.	Roybal
Brotzman	Helstoski	Ryan
Brown, Calif.	Holtzman	Sarbanes
Buchanan	Horton	Saylor
Burke, Calif.	Howard	Schneebeli
Burke, Fla.	Hungate	Schroeder
Burton	Jarman	Seiberling
Carey, N.Y.	Johnson, Colo.	Skubitz
Carter	Karth	Smith, N.Y.
Chappell	Kastenmeier	Stark
Clay	Koch	Steele
Cohen	Kyros	Steelman
Collier	Leggett	Steiger, Ariz.
Conable	Lent	Steiger, Wis.
Conte	McClory	Stokes
Conyers	McDade	Studds
Coughlin	McSpadden	Symington
Delaney	Mallary	Thone
Dellums	Mazzoli	Vander Jagt
Drinan	Metcalfe	Vanik
Dulski	Mezvinsky	Vigorito
du Pont	Minish	Waldie
Evans, Colo.	Mink	Whalen
Fascell	Mitchell, Md.	Wiggins
Fish	Mitchell, N.Y.	Wolff
Flood	Moakley	Wyatt
Ford, William D.	Nedzi	Wydler
Fraser	Nelsen	Yates
Frenzel	Nix	Young, Fla.
	Obey	Young, Ga.
	O'Hara	Zwach

NOES—266

Abdnor	Guyer	Perkins
Alexander	Haley	Pettis
Anderson, Ill.	Hamilton	Peyser
Andrews, N.C.	Hammer-schmidt	Pickle
Annunzio	Hanley	Poage
Archer	Hanna	Powell, Ohio
Arends	Hansen, Idaho	Preyer
Baker	Hansen, Wash.	Price, Ill.
Bevill	Harvey	Price, Tex.
Blackburn	Hastings	Pritchard
Boggs	Heinz	Quillen
Boland	Henderson	Railsback
Bray	Hicks	Rarick
Breckinridge	Hillis	Regula
Brinkley	Hinshaw	Rhodes
Brooks	Hogan	Roberts
Broomfield	Holifield	Robinson, Va.
Brown, Mich.	Holt	Robison, N.Y.
Brown, Ohio	Hosmer	Roncalio, Wyo.
Broyhill, N.C.	Huber	Rooney, Pa.
Broyhill, Va.	Hudnut	Rose
Burgener	Hunt	Rostenkowski
Burke, Mass.	Hutchinson	Roush
Burleson, Tex.	Ichord	Rousselot
Butler	Johnson, Calif.	Runnels
Byron	Johnson, Pa.	Ruppe
Camp	Jones, Ala.	Ruth
Carney, Ohio	Jones, N.C.	St Germain
Casey, Tex.	Jones, Okla.	Sandman
Cederberg	Jones, Tenn.	Sarasin
Chamberlain	Jordan	Satterfield
Clancy	Kazen	Scherle
Clark	Keating	Sebelius
Clausen, Don H.	Kemp	Shipley
Clawson, Del	Ketchum	Shoup
Cleveland	Kluczynski	Shriver
Cochran	Kuykendall	Shuster
Collins, Ill.	Landgrebe	Sikes
Collins, Tex.	Landrum	Slack
Conlan	Latta	Smith, Iowa
Corman	Lehman	Snyder
Cotter	Litton	Spence
Crane	Long, La.	Staggers
Cronin	Long, Md.	Stanton, J. William
Culver	Lott	Stanton, James V.
Daniel, Dan	Lujan	Steed
Daniel, Robert W., Jr.	McCloskey	Stephens
Daniels, Dominick V.	McCollister	Stratton
Davis, Ga.	McCormack	Stubblefield
Davis, S.C.	McEwen	Stuckey
Davis, Wis.	McFall	Sullivan
de la Garza	McKay	Symms
Delienback	McKinney	Taylor, Mo.
Denholm	Macdonald	Taylor, N.C.
Dennis	Madden	Teague, Calif.
Dent	Madigan	Teague, Tex.
Devine	Mahon	Thomson, Wis.
Dickinson	Mailliard	Thornton
Dingell	Mann	Tiernan
Donohue	Maraziti	Towell, Nev.
Dorn	Martin, Nebr.	Treen
Downing	Martin, N.C.	Udall
Duncan	Mathias, Calif.	Ullman
Eckhardt	Mathis, Ga.	Van Deerlin
Edwards, Ala.	Matsunaga	Veysey
Edwards, Calif.	Mayne	Waggonner
Eilberg	Meeds	Walsh
Erlenborn	Melcher	Wampler
Esch	Milford	Ware
Eshleman	Miller	White
Evins, Tenn.	Minshall, Ohio	Whitehurst
Findley	Mizell	Whitten
Flowers	Mollohan	Widnall
Foley	Montgomery	Williams
Ford, Gerald R.	Moorhead, Calif.	Wilson, Bob
Forsythe	Moorhead, Pa.	Wilson, Charles H., Calif.
Fountain	Morgan	Wilson, Charles, Tex.
Frelinghuysen	Mosher	Winn
Froehlich	Murphy, Ill.	Wright
Fuqua	Murphy, N.Y.	Wylie
Gaydos	Myers	Wyman
Gettys	Natcher	Yatron
Giaimo	Nichols	Young, Ill.
Ginn	O'Brien	Young, S.C.
Goldwater	O'Neill	Young, Tex.
Gonzalez	Parris	Zablocki
Goodling	Passman	Zion
Griffiths	Patman	
Gubser	Patten	
	Pepper	

NOT VOTING—31

Adams	Chisholm	Michel
Anderson, Calif.	Danielson	Mills, Ark.
Ashbrook	Derwinski	Moss
Badillo	Diggs	Owens
Beard	Fisher	Reid
Bell	Flynt	Rooney, N.Y.
Blatnik	Gray	Sisk
Bolling	Green, Oreg.	Talcott
Breaux	Gross	Thompson, N.J.
Burlison, Mo.	Hébert	Young, Alaska
	King	

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ABZUG: Page 5, after line 25, add the following new subsection:

"(f) It is the sense of Congress that the President of the United States (1) should propose an immediate suspension on underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing, and (2) should set forth promptly a new proposal to the Government of the Soviet Union and other nations for a permanent treaty to ban all nuclear tests."

Ms. ABZUG. Mr. Chairman, today we seem to be closer than ever before to a comprehensive test ban treaty. I need not tell the Members of this House how essential it is to continued life on this planet to get nuclear weapons under control once and for all. The threat of a holocaust seems far from us today, but it is never really absent. Any crisis is possible as long as we do not have international agreement.

The important thing I wish to express today is that we have, I think, an obligation to express our view and the sense of this House to the President with respect to the testing of nuclear weapons.

Such experts as Ambassador Averell Harriman, our negotiator for the partial test ban treaty of 1963, which, as you will recall, was an atmospheric test ban, think the time is ripe to expand the ban on atmospheric tests to underground testing. This would fulfill our pledge made a decade ago to end for all time the testing of nuclear weapons and could be the single most important element in reinforcing the Nonproliferation of Nuclear Weapons Treaty and reduce the chance of the spread of nuclear weapons to other nations.

Now, the objection that has always been raised to making a comprehensive test ban treaty has been the fact that there has to be inspection, on-site inspection.

The Senate Committee on Foreign Relations, after hearing expert testimony, recently concluded such substantial progress in verification and detection has been made that the United States and the Soviet Union could conclude an agreement without on-site inspection.

Indeed, in the Nixon-Brezhnev agreements which have recently, in the last week been expressed to limit such an important thing as strategic offensive arms, it was stated that national technical methods of verification will be used to assure compliance with any accord that they may finally reach. This means that each nation will use its own methods of verification which are mainly through satellite reconnaissance photography and various electronic devices, with no on-site inspection.

Bearing this in mind, the Senate Committee on Foreign Relations reported out Senate Resolution 67 which also urged that the United States move promptly and judiciously toward a comprehensive agreement. It essentially used the same words that I am suggesting to the House today in my amendment. There is obviously no need whatsoever to continue testing if we are prepared to enter into agreements which limit the strategic nuclear weaponry. The agreements that have been entered into in the past week suggest that there can be cooperation for peaceful energy. These are not involved in any way in the amendment I am proposing. I am talking about the testing of nuclear weapons. I am merely suggesting that the atmospheric test ban treaty which we now have on the books should ultimately become a comprehensive test ban treaty, and that it would be appropriate to amend this bill to recommend moving forward toward a test ban treaty.

We have been lucky so far, but we really do not know, and it may take generations to determine what the effects of radiative fallout actually are. We know that in connection with the Amchitka test, millions of fish, sea otters and other wildlife were killed. We were simply very lucky that many human beings were not killed also.

But, Mr. Chairman, I believe we cannot continue to accept these casual gambles with the ecology, with the lives of our citizens and those of other nations. Nor should we continue to gamble with the peace in the world.

True security of this Nation lies not in overkill and instruments of destruction, but in the health and well-being of our citizens, the soundness of our economy, and the way in which we can create reduction in world tensions.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the proposed amendment to delete funding for the U.S. nuclear weapons test program.

I would bring to your attention the fourth principle agreed to June 21, 1973, by the President of the United States and the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Brezhnev, on an agreement for "Basic Principles of Negotiations for Further Limitation of Strategic Offensive Arms." The fourth principle states that limitations on strategic offensive arms must be subject to adequate verification by national technical means. This would mean that a complete test ban, as a means of limiting strategic arms, would have to be policed by national means alone with no onsite inspection permitted.

I support a verifiable comprehensive test ban, which also has been stated to be the objective of the administration. However, we are not in a position at this time to verify a comprehensive test ban by national means alone. I would like to point out that I held extensive hearings in October 1971 and my subcommittee issued a report entitled "Status of Current Technology To Identify Seismic Events as Natural or Man-Made." It was concluded then, and the conclusion still holds that we have no valid method for verifying by national means alone that a comprehensive test ban is being fully observed.

Of even greater importance to the requirement of continued testing is the fifth principle of the same agreement which reads and I quote:

The modernization and replacement of strategic offensive arms would be permitted under conditions which will be formulated in the agreements to be concluded.

As those of us familiar with the nuclear weapons program have said many times, unless we can modernize individual weapon systems as well as replace them from time to time, we cannot maintain confidence in their capabilities. It is obvious from principles four and five that the leaders of our Nation and of the Soviet Union are in agreement that nuclear testing is a means of keeping world conditions stable because we expect that our deterrent forces will respond as predicted, if necessary.

I oppose this amendment which is designed to force the United States to unilaterally stop testing nuclear weapons as not being in our national interest.

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

Mr. Chairman, as I understand the amendment that has been proposed by the gentlewoman from New York, it is that: one, have the President propose an immediate suspension of nuclear testing; and two, have him set forth that new proposal to the Government of the Soviet Union and other nations for a permanent Test Ban Treaty.

Negotiations toward a comprehensive Test Ban Treaty have been conducted since the limited Test Ban Treaty was agreed to in 1963. I know of no reason why, if the United States should unilaterally cease nuclear weapons testing, it might by some means cause other states, which also possess nuclear weapons, to cease testing.

During our weapons hearings, the commitee members were in general agreement that there are unique advantages associated with the nuclear testing program. As long as the SALT agreements permitted qualitative improvements to existing weapons and the development of new weapons, it would have been sheer folly for the United States to stop that phase of the weapons development program which assures a workable system. Nuclear testing provides an opportunity to study and evaluate nuclear effects. Without an understanding of nuclear effects it would not be possible to reduce the collateral damage associated with some nuclear weapons and to review and evaluate the effectiveness of certain warheads. Nuclear testing provides confirmation on the reliability of the U.S. stockpile of nuclear warheads. Such reliabilty becomes all the more essential when one considers possible limitations resulting from future SALT agreements. Nuclear weapons technology, contrary to the belief of the uninformed and unknowledgeable, is not a mature field and not one that lacks fruitful areas of investigation. For example, precision guided munitions delivery systems open

a new field for nuclear development. This was pointed out in the joint committee's authorization report. Such guided munitions coupled with low yield nuclear warheads which would be designed for minimum collateral damage could significantly increase the deterrent impact of our tactical nuclear forces.

To indicate that the Soviets are in agreement with this concept of modernization, I would like to point to the fifth principle of the agreement signed June 21 by the President and by Secretary General Brezhnev concerning further limitations of strategic offensive arms. The fifth principle allows for modernization of individual weapons systems as well as their replacement; thus, both sides, over time, can retain confidence in their capabilities. It is further stated that the conditions for introducing more modern systems and replacing old ones will be carefully negotiated. The exact language of the fifth principle reads as follows:

The modernization and replacement of strategic offensive arms would be permitted under conditions which will be formulated in the agreements to be concluded.

Those familiar with what is necessary to maintain stability and detente in the world between the two nuclear superpowers have stated many times that it is confidence in one's weapon systems, not doubt, which provides stability.

In conclusion, I would like to state my belief, and that of millions of Americans, in the old adage about self-preservation requiring that one keep one's powder dry. In this day and age, the powder is our nuclear deterrent and we will keep it dry only by keeping it modern and by convincing possible antagonists that it could be used if necessary.

I should like to reiterate to the House that this business of arms control and disarmament by negotiation and by agreement is, indeed, quite a delicate procedure. It is the kind of thing that has to be done skillfully by those in charge of negotiations, and it is definitely not the kind of thing that lends itself to second-guessing and over-the-shoulder advice and back-seat driving from the Congress of the United States. It is a delicate thing that requires that we not sling a sledge hammer around while we are going about it.

As has been mentioned, the seven principles that Brezhnev and Nixon agreed to last June 21 are those that take these two formerly adversary nations steps further down the road to agreements which will eventually insure that peace between them is protected and preserved. But if we try to come in with some thing like this, from the outside, a reiteration of well worn suggestions that have been kicking around the international conference tables for years and years and have gotten no place, obviously that is not going to be a bit of help in this magnificent effort that is being made by President Nixon to bring about a more peaceful world by the process of enforceable arms control and disarmament agreement, or a series of them.

For that reason I suggest and urge and plead for the defeat of this well-intentioned but ill-advised move.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG).

The question was taken; and on a division (demanded by Ms. ABZUG) there were—ayes 12, noes 82.

So the amendment was rejected.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ABZUG: Page 5, after line 25, add the following new subsection:

"(f) The Commission shall not grant or renew any license permitting the Trustees of Columbia University in the City of New York to operate or fuel any nuclear reactor within the City of New York. Any such license currently outstanding, is hereby revoked, effective immediately upon the enactment of this Act."

Ms. ABZUG. Mr. Chairman, this amendment is addressed to a safety problem which affects my district and which in one form or another affects other congressional districts throughout the country. The amendment in effect would prohibit Columbia University from operating a nuclear reactor, whose safety is as yet unproven, at its campus in the middle of densely populated Manhattan Island.

Community opposition to the Triga II pulsing nuclear reactor goes back nearly a decade, to the time when it was first proposed. In addition to many citizens in the community at large, organizations seeking to prevent the fueling and operation of this reactor include the Riverside Democrats, the Morningside Renewal Council, and Planning Board No. 9

In April 1971, the AEC trial board recommended the denial of Columbia's application for the reactor permit on the ground that there was insufficient evidence that the reactor could be operated safely. I understand that in the nearly 30 years since the AEC was created, this is the first denial on such ground. Regrettably, the AEC appeals board reversed the decision of the trial board and the community is near the end of its available legal remedies in its effort to protect itself.

This Triga II reactor, while smaller than some others, pulses up to 250,000 kilowatts of atomic power once every 6 minutes. At the time of the pulse, the reactor is as powerful and as dangerous as a substantially larger one. While in operation, the reactor continually releases a stream of radioactive Argon 41 into the atmosphere. This isotope, while having a half life of only a few hours, can easily be breathed into the lungs and become absorbed into the bloodstream within that time. It is especially dangerous to infants and fetuses, who may receive it from the blood of their mothers, because of their small mass and relative lack of resistance. The Argon 41 particles are to be released into the atmosphere from a stack which is not even as high as the apartment building across the street, and can immediately blow down onto the sidewalk or into nearby apartments.

In our conversations and discussions about this matter, President McGill of Columbia University has conceded in talks that siting the research reactor on the campus was a mistake and that there was no academic justification for it. Although Dr. McGill has said it is not likely that the reactor will be put into operation, he is averse to making such an announcement publicly. We are seeking to deny Columbia the right to fuel this reactor.

The disposal of spent fuel from the reactor is another problem. Present plans call for the spent fuel to be taken through the community in a casing that is tested to withstand auto crashes at speeds only up to 30 miles per hour. What is to happen to our community if someone traveling at 40 miles per hour runs into a truck carrying this still-deadly atomic waste?

Columbia has yet to demonstrate any public benefit resulting from this reactor, let alone grounds for placing it in the midst of Manhattan instead of in an area of lower population density. Students have access to reactors at locations in New Jersey and out on Long Island, and nearby hospitals can obtain any needed isotopes commercially at reasonable cost.

Mr. Chairman, I am not opposed to the peaceful application of atomic energy, but we do have a responsibility to see to the security of our citizens and their homes and their neighborhoods. We should not permit this reactor to be placed in the center of so densely populated a community in the absence of evidence that it is safe and in the absence of evidence that it is academically required or feasible.

Mr. Chairman, I think we have to begin thinking about what will be beneficial to the development of peaceful energy, but also not harmful to the people and citizens in so doing. This is an expendable reactor. I would urge the support of this amendment from my colleagues.

Mr. HOSMER. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, I wonder if the gentlewoman from New York realizes that one of these reactors which she has been talking about has been operating over 7 years on the Bethesda Naval Hospital grounds without danger to anybody?

Ms. ABZUG. Mr. Chairman, that may be the situation here. I have not judged it, but I am coming from an academic community in which many scientists are in disagreement. Since it is not operative and since, as I said, it is not academically justified and since there is an amount of risk, I think we should try to act to protect the people.

Mr. HOSMER. Mr. Chairman, just to get things back into perspective with respect to Triga reactors, I think it should be pointed out that there are 60 or more reactors utilized for university research and teaching purposes throughout this country, many of these have been in operation since 1957. There is one at

Bethesda which has been operating for years with respect to the Triga reactor, there are reactors of this type operating at the Universities of Arizona, Illinois, Michigan, and Idaho. All of these reactors operate at less than one megawatt thermal power steady state conditions. The Triga reactor can be operated in a special mode which permits short bursts of a fraction of a second which are controlled by the inherent stability of the reactor design. There is no need for public concern off campus. In the history of operation of these reactors no problem has been created with respect to public health and safety. It is noteworthy that these reactors are located within or adjacent to the physics or nuclear engineering classrooms. It appears to me that if the people of Morningside Heights have objection to the operation of the Columbia reactor, they should have the right to express this objection, and I believe that they have had this opportunity before the AEC licensing board and in the courts where this matter now rests. There will be no loading of fuel or reactor operation until the case is properly disposed of.

I believe if the trustees of Columbia University wish to provide a nuclear reactor for education of the students there, they should have the right to seek a license from the Commission to do so. I do not believe that this Congress should arbitrarily legislate that Columbia University may not have a research and education type reactor while other universities throughout this country are free to operate these reactors routinely for the benefit of their students. That is why I opposed the amendment proposed last year by the gentlewoman from New York (Ms. ABZUG) and why I oppose it again this year.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

As I recall, the gentlewoman from New York offered a similar amendment to last year's AEC Authorization Act. That amendment was rejected.

At the present time, the matter of a license which would authorize the operation of a Triga Mark II research reactor at Columbia University is under review by the U.S. Court of Appeals for the Second Circuit. An Atomic Safety and Licensing Appeal Board had found that the operation of this reactor presented no significant safety or environmental problems and that all the requirements necessary for the issuance of a license had been met. The intervenors in these regulatory proceedings, the Morningside Renewal Council, Inc., and the Riverside Democrats, Inc., filed a petition for review of this decision with the court of appeals. Pending the outcome of this appeal, no license would be issued by the AEC without giving the parties 30 days' notice in which they could file an injunction. The case was argued on March 12, 1973, and the parties are presently awaiting a decision.

The administrative procedures established under the Atomic Energy Act for protecting the health and safety of the public have proven to be more than adequate. Moreover, the rights of the public in the administrative process are further protected by the availability of judicial review.

At the present time there are over 115 research reactors operating in this country. Over 50 of these research reactors are on university campuses. There is no reason for singling out the research reactor on the Columbia campus for special treatment. The determination of the safety of these reactors should be left to the expertise available in the administrative process and the protection afforded by the judicial review. For these reasons, I oppose the amendment.

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

Mr. Chairman, the gentlewoman from New York stated that this reactor was designed so as to release radioactive argon into the atmosphere in a crowded city neighborhood. Is that correct?

Mr. PRICE of Illinois. Mr. Chairman, I do not think it is possible for any release of any radioactive material outside of the building it is in or outside of the reactor itself. I do not think it is possble.

Mr. SEIBERLING. The gentlewoman from New York referred to a stack which would go into the atmosphere at an elevation lower than the apartment house across the street. Is that so?

Mr. PRICE of Illinois. Mr. Chairman, I do not think it is possible for any emission to come from that stack which would be harmful to anyone.

Mr. SEIBERLING. Is the gentleman saying that there will be no emissions, or they will not be harmful?

Mr. PRICE of Illinois. It is possible there could be, but certainly they would not be radioactive to the extent that there would be any public safety problem.

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

Mr. SEIBERLING. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, this radioactive argon which the gentlewoman from New York brought up in these reactors is contained. It is not allowed to get out into the atmosphere. It is contained until it deteriorates and loses its radioactivity, which is wthin a matter of hours.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING

Mr. RONCALIO of Wyoming. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO of Wyoming: Page 1, line 9, before the period insert the following: ", and not to exceed $800,000 for applications of underground explosives (Plowshare) under the applied energy technology program category (with any additional authorization otherwise contemplated for applications of underground explosives (Plowshare) being available instead for controlled thermonuclear research)"

Mr. RONCALIO of Wyoming. Mr. Chairman, I will say to my colleagues that I have inserted in the CONGRESSIONAL RECORD on two occasions in the past week, and have circulated to congressional offices, the detailed, factual material which I hope will be accepted in support of my amendment.

This is not much of an amendment. We are dealing with an authorization today that will exceed $2.4 billion. Out of the $2.4 billion I am before the Members asking that a specific, minute amount of $3.8 million not be spent for Plowshare, and that instead it be spent to help on thermonuclear research so that we can get to fusion, which is the ultimate answer to all of the problems of the energy crisis.

To spend the money on the Plowshare program is to waste the money.

Using the AEC's own figures, from the Livermore Laboratory, from those tremendous technicians who know what they are doing, we can see this is a waste of money.

The AEC has estimated that 100,000 barrels of tritiated, radioactive water will be biproduced from each nuclearly stimulated well. There will be enormous disposal problems. With 5,680 wells to be so stimulated, that is 568 million barrels, or about 55,000 acre-feet of tritiated water that must be dispensed of.

I can guarantee that most of that will be in Wyoming. Some of it will be in Idaho. Some it it will be in Colorado.

These wells will have a three to six kiloton device in each one, and that will bring on a great deal of water contamination.

As to the water contamination, on ground water, that has entered Gasbuggy through a defect in the well casing. There is speculation that the water is now entering the Rulison Cavity. That means that strontium-90 will be present, and once dissolved will have 1,500 years of life.

As to this mixing of aquifers, let me say to those Members who come from Texas that they may be interested in hearing this.

It is a sad commentary, on this day of our Lord, June 25 in the year 1973, that there are more Members of the House of Representatives out in the ante-rooms listening to John Dean on television than there are on the floor of the House today.

Let me say to the Members from Texas that they have an aquifer at San Antonio which is 80 miles long and 25 miles wide, with the freshest, sweetest water in the world. I can visualize what that State delegation would do if somebody proposed an underground nuclear stimulation around that aquifer. Yet we have a problem of 5,680 wells throughout the Rocky Mountain West.

On the reinjection of tritiated water, the U.S. Geological Survey's study demonstrates the correlation between injection of water into deep formations and ground movement, and this constitutes a danger to the entire Colorado River Basin. That is the talk of the physicists, and the talk of the chemists, of the dedicated men of research talking about the Colorado River Basin.

On the uranium supply, my friends, the use of uranium in devices would detract considerably from the required

uranium resources for the reactor program. There is already a lag in uranium exploration and extraction. The AEC projects it will require 120,000 tons of uranium annually by 1990, yet only 13,900 tons were produced in 1972. We cannot afford this detraction from the reactor program.

Even if they bring this stuff into the fields and blow it up we will have absolutely no return. They are on the fifth well, coming up, and they have not got 1 cubic foot of commercial gas yet, not 1 cubic foot.

Permeability is not achieved. Many of the men who have worked with the oil companies have told me this, the geologists, that at the great depth with the pressures created the fractures will not remain open but will be forced closed again. There will be no long-term permeability. The glazed chimney with closing fractures. Conventional hydrofracturing induces sand or other propping agents into fractures to hold them open.

None of the companies did that in the past 8 years. They sat on their backsides and waited for nuclear power, and nuclear power did not come.

On Rulison economics, the University of Colorado study showed that Rulison cost over $11 million and produced only $1.5 million worth of low-quality, radioactive gas. That is wasted and unusable.

On the economics of nuclear-stimulated gas, that does not hold up. My arguments sustain that.

As to energy expended in nuclear devices, approximately 4 billion Btu's of energy are released with each kiloton of explosive yield.

Mr. Chairman, if we keep this up, in 1 year's detonation of these fields involved, we will be expending more energy than would be generated by electricity in this whole Nation last year. These are facts that I wish we would give some thought to. The conventional methods and alternatives have been diminished and set back because of these tests.

Experts on hydraulic fracturing state that fracturing treatments can now reach more than a thousand feet out, 500 to a thousand feet from producing wells.

Mr. Chairman, I submit to the Members that if this program is carried out, we still will need $800,000 with the Plowshare program, in contrast with what should be spent for hydraulic systems and other systems available for getting at the gas immediately.

Mr. Chairman, here is one additional matter:

The transfer would result in a mere $3 million over to the Geothermal Nuclear program that my colleague, the gentleman from Washington (Mr. McCORMACK) received for this year, and in this way it can go in the direction where the money can ultimately do us some good.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. RONCALIO of Wyoming. Lastly, Mr. Chairman, I would like to say that even though Wagon Wheel is as good as dead—actually it is as dead as a doornail—this program cannot do a capable job either. Even though Wagon Wheel is as dead as a doornail, these arguments must be made to our people, that we cannot allow $1 to be spent for this purpose, and we cannot allow this Plowshare program to develop. It has been a false God. It has been a bad, bad sign. I submit that you cannot build any Panama Canals through atomic energy with this program, you cannot get natural gas by this device, and we should use the money for fusion and fusion research and get the figures on this program and get on with the things that have to be done instead of wasting our time as we have.

Mr. HOSMER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment which would delete the funding for the Plowshare program. The Plowshare program is dedicated to the application of underground nuclear explosions for the recovery of natural resources. The Plowshare effort in recent years has been directed almost entirely toward developing technological options which could be used to help alleviate our Nation's current and predicted energy shortages. The recovery of natural gas from deep, tight, underground formations, gas which is generally considered unobtainable economically by conventional stimulation methods, has been the objective of three experiments. The latest of these experiments, Rio Blanco, the third was detonated on May 17, 1973, in western Colorado. Production testing of this well is scheduled for later this year.

The need for additional natural gas from U.S. resources is obvious to all in this Chamber. About 300 trillion cubic feet of gas underlying certain sections of the Rocky Mountain area, which do not now seem obtainable by other means, may be made recoverable through nuclear detonation stimulation. The technology is now undergoing feasibility evaluation. Future experiments should be dedicated to the study of economic feasibility.

Despite the obvious potential value of nuclear gas stimulation research to make available another energy option, there are those who would deny the United States the opportunity to even investigate the experimental feasibility, let alone the economic feasibility. It has been stated by opponents of the Plowshare program that water is entering the chimney of the Rulison Plowshare experiment which was conducted in September 1969 in western Colorado. The statement is completely incorrect. The AEC and its associate in the project, CER—Geonuclear, have definitive proof that water has not and is not entering the Rulison cavity, sometimes called the chimney. The proof is that the measured concentrations of tritium in chimney water, which is formed at the time of detonation has remained constant during the testing of the well. An influx of new water in the chimney would result in reduced tritium concentrations. The concentrations have not changed.

I bring up this question of water entering the chimney because it is probably the point most generally argued in opposition to Plowshare. All kinds of horror stories are raised which envisage water pouring into the Plowshare chimneys, becoming contaminated, and then being spread throughout the West. This is science fiction, not fact.

Another argument used against the Plowshare program is that the tests are uneconomical since the value of the gas produced would not pay for the costs. In the Rulison test in 1969 and the Rio Blanco test in 1973, two gas stimulation experiments, the majority of the expense was borne by civilian energy companies. If companies like Austral Oil and Equity Oil are willing to spend their funds on experiments to search for ways of developing new sources of clean fossil fuels, I think they should be commended and not castigated for trying to maintain the self-sufficiency of these United States in an energy hungry world.

The joint committee has recommended that $800,000 be added to the $3.8 million requested for the Plowshare program. This $800,000 would be used for hydrofracturing studies and experiments in those same areas where nuclear stimulation experiments have been done. This will be a vivid demonstration of "putting your money where your mouth is" in terms of comparing hydrofracture, as recommended by some of our colleagues, to nuclear cracking and stimulation. I strongly recommend that the total funding of $4,600,000 be authorized for the Plowshare program.

Mr. Chairman, the gentleman from Wyoming (Mr. RONCALIO) has said so many things in opposition to this amendment that it is a little hard in 5 minutes to try and assemble them and put them together.

In essence, what the Plowshare program is, is this: Just as the name implies, it is an effort to hammer the violent warlike atom into a peaceful atom that will benefit this country and take care of some of its needs. Of course, we know today that one of the basic and vital needs of the country is additional sources of energy, and one of the programs of Plowshare, as has been indicated, is the stimulation of the production of gasoline from shale formations which are not porous and, therefore, do not permit the gas to flow through once a well is drilled.

Mr. Chairman, nuclear or conventional stimulation will increase the area from which gas can flow and thereby enlarge the amount of gas that can be recovered.

Now, Mr. Chairman, in the Rulison operation, there have been no leaks. Incidentally, the gentleman from Wyoming (Mr. RONCALIO) said it has leaked, but it has not leaked. The AEC has made no bones about this, because it has not leaked, because the concentration of tritium in the water at Rulison which was created when the device went off has not diminished in any way, shape, or form. Therefore, the proof is positive. The gentleman is completely in error in what he tried to tell us.

Mr. Chairman, this is the type of thing that we have had to combat when we

have come up with these kinds of advanced efforts to do some good for the country.

Now, I want to emphasize that there is no intention or no reason for large numbers of shots to go off. By the conventional stimulation, by just pushing, under pressure, large amounts of water linked with a gelatinous sand that will create these kinds of cracks that you get with the nuclear type of stimulation, by a combination of these two techniques, using one in areas where you can and using the other in areas where you cannot use the conventional techniques, we can combine and in a synergistic fashion make a field that will today not produce gas and energy for the good of the country into a field that does produce gas and energy for the good of the country.

Mr. RONCALIO of Wyoming. Will the gentleman yield?

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

Mr. RONCALIO of Wyoming. The gentleman said that I am in error when I talk about foolproof development. I used the figures of Livermore with regard to foolproof development. They said that, and they are not my figures.

Mr. HOSMER. Those figures were made several years ago before conventional stimulation was one of the things that came across the board. They used old figures.

Mr. Chairman, I urge that this amendment be defeated as have been the others and that the bill be passed without amendment.

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

Mr. Chairman, I rise in support of the amendment of my colleague from Wyoming.

There seems to be a lot of Plowshare activity going on full fledged in my State of Colorado. I do not think any of us want to prevent the United States from finding new sources of energy. We all want new safe sources of energy.

This is not an antienergy vote. The question is how to expend the public funds most effectively in order to find the best sources and the safest sources in the most rapid manner we can. We are in an energy crisis. Plowshare activities have not proven profitable or productive. There are better more efficient ways to spend the public's money. Therefore I commmend the gentleman from Wyoming, and I yield back the balance of my time.

Mr. LUJAN. Mr. Chairman, I rise in opposition to the amendment. I reluctantly rise to oppose the amendment offered by my good friend from Wyoming.

I, too, was very concerned about the thing that the gentleman from Wyoming talked about and whether we should continue with this project or go ahead and forget all about it.

Just a short time ago I took the opportunity to visit Rio Blanco at the time the shot was set off. The gentleman proposing the amendment and I, along with some other people, were in a helicopter a few hundred feet up in the air away from the wellhead and so close, in fact, that we felt the shock wave as it came through. Within an hour we were at the wellhead in the place where the explosion had taken place.

I must say, not really meaning it, I was a little disappointed, as a matter of fact, in that it looked no different than any other piece of ground I had ever seen. I expected to see some great cracks in the earth or crevices created by this explosion.

Mrs. SCHROEDER. Will the gentleman yield?

Mr. LUJAN. I yield to the gentlewoman.

Mrs. SCHROEDER. You are aware of the fact that in Rio Blanco there will be many more explosions and the fact that that explosion you witnessed did not release gas commercially?

Mr. LUJAN. I do not know at the moment that there are going to be other explosions. The Wagon Wheel project was cut out. But I do know, or at least I think it will be possible to get some gas and it will be tested shortly for radioactivity. The Rulison gas many people think is ready to be sold commercially. Until such time as they have an opportunity to test the Rio Blanco gas—and I understand applications are being held off—it is possible it will be quite feasible to sell the Rulison gas commercially now.

Mrs. SCHROEDER. I understand there will be many many more nuclear explosions before there will be any commercial production at Rio Blanco.

Mr. HOSMER. Will the gentleman yield?

Mr. LUJAN. I yield to the gentleman.

Mr. HOSMER. There are definitely no plans at the moment for any explosions whatsoever. We are still in the process of getting a final analysis out of Rulison and out of Rio Blanco. There will be, once these two experiments have been analyzed, no doubt further experiments or actual production that would be planned. The whole game here is not to play with explosive nuclear devices but to produce devices and put them together with some geology that can do something for the energy situation. So, of course, we will go ahead with it and we will go ahead with it only if it is productive and only if it can be done without a nuclear risk to the general public if it is done.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. PRICE of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, reference was made to many more programs. This program was the whole program. It has been a research and development program. It has been going on for about 5 or 6 years. There have been only three test shots, and so far as I know there is no immediate plan for another test shot, there could be later on, and possibly there will be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. UDALL) 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. 8662) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

Mr. GERALD R. FORD. 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 398, nays 4, not voting 31, as follows:

[Roll No. 278]

YEAS—398

Abdnor	Casey, Tex.	Edwards, Calif.
Addabbo	Cederberg	Eilberg
Alexander	Chamberlain	Erlenborn
Anderson, Ill.	Chappell	Esch
Andrews, N.C.	Clancy	Eshleman
Andrews, N. Dak.	Clark	Evans, Colo.
Annunzio	Clausen, Don H.	Evins, Tenn.
Archer	Clawson, Del	Fascell
Arends	Clay	Findley
Armstrong	Cleveland	Fish
Ashley	Cochran	Flood
Aspin	Cohen	Flowers
Bafalis	Collier	Foley
Baker	Collins, Ill.	Ford, Gerald R.
Barrett	Collins, Tex.	Ford, William D.
Bennett	Conlan	Forsythe
Bergland	Conte	Fountain
Bevill	Corman	Fraser
Biaggi	Cotter	Frelinghuysen
Biester	Coughlin	Frenzel
Bingham	Crane	Frey
Blackburn	Cronin	Froehlich
Boggs	Culver	Fulton
Boland	Daniel, Dan	Fuqua
Bowen	Daniel, Robert W., Jr.	Gaydos
Brademas	Daniels, Dominick V.	Gettys
Brasco	Davis, Ga.	Giaimo
Bray	Davis, S.C.	Gibbons
Breckinridge	Davis, Wis.	Gilman
Brinkley	de la Garza	Ginn
Brooks	Delaney	Goldwater
Broomfield	Dellenback	Gonzalez
Brotzman	Dellums	Goodling
Brown, Calif.	Denholm	Grasso
Brown, Mich.	Dennis	Green, Pa.
Brown, Ohio	Dent	Griffiths
Broyhill, N.C.	Devine	Grover
Broyhill, Va.	Dickinson	Gubser
Buchanan	Diggs	Gude
Burgener	Dingell	Gunter
Burke, Calif.	Donohue	Guyer
Burke, Fla.	Dorn	Haley
Burke, Mass.	Downing	Hamilton
Burleson, Tex.	Drinan	Hammer-schmidt
Burton	Dulski	Hanley
Butler	Duncan	Hanna
Byron	du Pont	Hanrahan
Camp	Eckhardt	Hansen, Idaho
Carey, N.Y.	Edwards, Ala.	Hansen, Wash.
Carney, Ohio		Harrington
Carter		

Harsha	Miller	Shipley
Harvey	Minish	Shoup
Hastings	Mink	Shriver
Hawkins	Minshall, Ohio	Shuster
Hays	Mitchell, Md.	Sikes
Hébert	Mitchell, N.Y.	Sisk
Hechler, W. Va.	Mizell	Skubitz
Heckler, Mass.	Moakley	Slack
Heinz	Mollohan	Smith, Iowa
Helstoski	Montgomery	Smith, N.Y.
Henderson	Moorhead, Calif.	Snyder
Hicks	Moorhead, Pa.	Spence
Hillis	Morgan	Staggers
Hinshaw	Mosher	Stanton, J. William
Hogan	Murphy, Ill.	Stanton, James V.
Holifield	Murphy, N.Y.	Stark
Holt	Myers	Steed
Horton	Natcher	Steele
Hosmer	Nedzi	Steelman
Howard	Nelsen	Steiger, Wis.
Huber	Nichols	Stephens
Hudnut	Nix	Stokes
Hungate	Obey	Stratton
Hunt	O'Brien	Stubblefield
Hutchinson	O'Hara	Stuckey
Ichord	O'Neill	Studds
Jarman	Parris	Sullivan
Johnson, Calif.	Passman	Symington
Johnson, Colo.	Patman	Symms
Johnson, Pa.	Patten	Talcott
Jones, Ala.	Pepper	Taylor, Mo.
Jones, N.C.	Perkins	Taylor, N.C.
Jones, Okla.	Pettis	Teague, Calif.
Jones, Tenn.	Pickle	Teague, Tex.
Jordan	Pike	Thomson, Wis.
Karth	Poage	Thone
Kastenmeier	Podell	Thornton
Kazen	Powell, Ohio	Tiernan
Keating	Preyer	Towell, Nev.
Kemp	Price, Ill.	Treen
Ketchum	Price, Tex.	Udall
Koch	Pritchard	Ullman
Kuykendall	Quie	Van Deerlin
Kyros	Quillen	Vander Jagt
Landgrebe	Railsback	Vanik
Landrum	Randall	Veysey
Latta	Rangel	Vigorito
Leggett	Rarick	Waggonner
Lehman	Rees	Waldie
Lent	Regula	Walsh
Litton	Reuss	Wampler
Long, La.	Rhodes	Ware
Long, Md.	Riegle	Whalen
Lott	Rinaldo	White
Lujan	Roberts	Whitehurst
McCloskey	Robinson, Va.	Whitten
McCollister	Robison, N.Y.	Widnall
McCormack	Rodino	Wiggins
McDade	Roe	Williams
McEwen	Rogers	Wilson, Bob
McFall	Roncalio, Wyo.	Wilson, Charles H., Calif.
McKay	Roncallo, N.Y.	Wilson, Charles, Tex.
McKinney	Rooney, Pa.	Winn
McSpadden	Rose	Wolff
Macdonald	Rosenthal	Wright
Madden	Rostenkowski	Wyatt
Madigan	Roush	Wydler
Mahon	Rousselot	Wylie
Mailliard	Roy	Wyman
Mallary	Roybal	Yates
Mann	Runnels	Yatron
Maraziti	Ruppe	Young, Fla.
Martin, Nebr.	Ruth	Young, Ga.
Martin, N.C.	Ryan	Young, Ill.
Mathias, Calif.	St Germain	Young, S.C.
Mathis, Ga.	Sandman	Young, Tex.
Matsunaga	Sarasin	Zablocki
Mayne	Sarbanes	Zion
Mazzoli	Satterfield	Zwach
Meeds	Saylor	
Melcher	Scherle	
Metcalfe	Schneebeli	
Mezvinsky	Sebelius	
Milford	Seiberling	

NAYS—4

Abzug	Holtzman	Schroeder
Conyers		

NOT VOTING—31

Adams	Chisholm	Michel
Anderson, Calif.	Conable	Mills, Ark.
Ashbrook	Danielson	Moss
Badillo	Derwinski	Owens
Beard	Fisher	Peyser
Bell	Flynt	Reid
Blatnik	Gray	Rooney, N.Y.
Bolling	Green, Oreg.	Steiger, Ariz.
Breaux	Gross	Thompson, N.J.
Burlison, Mo.	King	Young, Alaska
	Kluczynski	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Owens.
Mr. Rooney of New York with Mr. Gross.
Mr. Kluczynski with Mr. Michel.
Mr. Breaux with Mr. Ashbrook.
Mr. Blatnik with Mr. Young of Alaska.
Mr. Mills of Arkansas with Mr. Bell.
Mr. Burlison of Missouri with Mr. Beard.
Mr. Adams with Mr. Badillo.
Mr. Anderson of California with Mr. Fisher.
Mr. Moss with Mr. Peyser.
Mrs. Green of Oregon with Mr. Derwinski.
Mr. Gray with Mr. Conable.
Mrs. Chisholm with Mr. Danielson.
Mr. Flynt with Mr. Steiger of Arizona.
Mr. Reid with Mr. King.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1994) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $1,740,750,000 not to exceed $128,800,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Projects 74–1–a, additional facilities, high level waste storage, Savannah River, South Carolina, $14,000,000.

Project 74–1–b, replacement ventilation, air filter, F chemical separations area, Savannah River, South Carolina, $5,200,000.

Project 74–1–c, calcined solids storage and plant safety improvements, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, $3,000,000.

Project 74–1–d, cooling tower fire protection, gaseous diffusion plants, $3,300,000.

Project 74–1–e, new purge cascade, gaseous diffusion plant, Oak Ridge, Tennessee, $5,900,000.

Project 74–1–f, plant liquid effluent pollution control, gaseous diffusion plants, $8,000,000.

Project 74–1–g, cascade uprating program, gaseous diffusion plants (partial AE and limited component procurement only), $6,000,000.

Project 74–1–h, transuranium contaminated solid waste treatment development facility, Los Alamos Scientific Laboratory, New Mexico, $1,650,000.

(2) ATOMIC WEAPONS.—

Project 74–2–a, weapons production, development, and test installations, $10,000,000.

Project 74–2–b, acid waste neutralization and recycle facilities, Y–12 Plant, Oak Ridge, Tennessee, $1,700,000.

Project 74–2–c, high energy laser facility, Lawrence Livermore Laboratory, California, $20,000,000.

Project 74–2–d, national security and resources study center (AE only), site undesignated, $350,000.

(3) REACTOR DEVELOPMENT.—

Project 74–3–a, Liquid Metal Engineering Center (LMEC) facility modifications, Santa Susana, California, $3,000,000.

Project 74–3–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $2,000,000.

Project 74–3–c, emergency process waste treatment facility, Oak Ridge National Laboratory, Tennessee, $1,300,000.

Project 74–3–d, modifications to reactors, $2,000,000.

Project 74–3–e, modifications to TREAT facility, National Reactor Testing Station, Idaho, $2,500,000.

(4) PHYSICAL RESEARCH.—

Project 74–4–a, accelerator and reactor improvements, high energy physics, $1,700,000.

Project 74–4–b, accelerator and reactor improvements, medium and low energy physics, $600,000.

(5) PHYSICAL RESEARCH.—

Project 74–5–a, computation building, Stanford Linear Accelerator Center, California, $2,900,000.

(6) BIOMEDICAL AND ENVIRONMENTAL RESEARCH.—

Project 74–6–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $1,300,000.

(7) GENERAL PLANT PROJECTS.—$47,825,000.

(8) CONSTRUCTION PLANNING AND DESIGN.—$1,000.000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $172,300,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (5), (6), and (8) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project authorized under subsections 101(b), (1), (2), (3), and (4) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

(e) The total cost of any project authorized under subsections 101(b) (5), (6), (7), and (8) shall not exceed the estimated cost set forth for that project by 10 per centum unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954 as amended.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1), project 71–1–e, gaseous diffusion production support facilities, the figure "$72,020,000" and substituting therefor the figure "$105,900,000", (2) striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$34,400,000" and substituting therefor the figure "$172,100,000", and (3) striking from subsection (b)(9), project 71–9, fire, safety, and adequacy of operating conditions projects, various locations, the figure "$69,000,000" and substituting therefor the figure "$193,000,000".

(b) Section 106 of Public Law 91–273, as amended, is further amended by adding the following sentence at the end of the present text of subsection (a) thereof:

"Notwithstanding the foregoing, authorization of additional appropriations for the conduct of Project Definition Phase activities subsequent to the execution of the aforementioned cooperative arrangement, in the amount of $2,000,000, is hereby authorized.".

(c) Section 101 of Public Law 92–314 is amended by (1) striking from subsection (b)(1), project 73–1–d, component test facility, Oak Ridge, Tennessee, the figure "$20,475,000" and substituting therefor the figure "$26,675,000", and (2) striking from subsection (b)(5), project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, the figure "$56,000,000" and substituting therefor the figure "$125,000,000".

SEC. 106. RESCISSION.—(a) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–5–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $2,000,000.

(b) Public Law 92–314 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73–1–i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8662) was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, with regard to rollcall No. 273, I was detained on official business and did not return until after the vote was taken.

Had I been present, I would have voted "aye."

Also, Mr. Speaker, on rollcall No. 274, I was again detained on official business and did not return until the vote was taken.

Had I been present, I would have voted "no."

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 542, WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 456 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 456

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President. After general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Nebraska (Mr. MARTIN) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 456 provides for an open rule with 3 hours of general debate on House Joint Resolution 542, a resolution concerning the war powers of Congress and the President.

The joint resolution provides that the President make a formal report to the Congress whenever, without a declaration of war or other prior specific congressional authorization, he takes significant military action, by either the commitment of U.S. Armed Forces to hostilities outside the United States, the commitment of combat-equipped U.S. forces to any foreign nation, or the substantial enlargement of combat-equipped U.S. forces already in a foreign nation.

House Joint Resolution 542 also denies to the President the authority to commit U.S. Armed Forces for more than 120 days without specific congressional approval.

The Committee on Foreign Affairs does not expect any new costs as a result of enactment of this legislation.

Mr. Speaker, the framers of the Constitution were explicit in their desire that the ultimate warmaking powers be in the hands of the Congress, the representatives of the people.

This is a salutary proposal. I commend the distinguished Committee on Foreign Affairs, after long deliberations on the subject, for bringing forth this resolution to be considered by the House.

I therefore urge the adoption of House Resolution 456 in order that we may discuss and debate this very important measure, House Joint Resolution 542.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as the gentleman from Florida has explained, House Resolution 456 provides for an open rule and 3 hours of debate on House Joint Resolution 542, the war powers resolution of 1973.

The resolution directs the President to consult with the Congress before and during the commitment of U.S. forces to hostile situations.

This resolution requires the President to report to the Congress within 72 hours whenever, without specific congressional authorization, he commits U.S. forces to hostile situations, or places, or substantially increases U.S. forces on foreign soil.

Section 4(b) provides that within 120 days after the report is submitted the President is to terminate any commitment of U.S. troops covered by the report unless Congress specifically authorizes the commitment.

Congress is also allowed to order the President to disengage from combat operations at any time before the 120-day period ends through passage of a concurrent resolution. Generally a concurrent resolution does not require a signature by the President.

I should like to analyze very quickly and briefly, Mr. Speaker, some of the provisions in this joint resolution.

First of all, it requires the President to report within 72 hours to the House and Senate in respect to hostile action by the U.S. military. Then the resolution sets forth five different reasons which the President must report in writing explaining his actions.

One of these is as follows: The estimated financial cost of such commitment or such enlargement of forces.

Mr. Speaker, it is virtually impossible for the President or any other individual to make an estimate as to the cost of future activities in this area. This is just one of the weaknesses in this bill.

Then it provides in section 4(b) that within 120 calendar days after a report is submitted or is required to be submitted, pursuant to section 3, the President shall terminate any commitment or remove any enlargement of the Armed Forces overseas.

Mr. Speaker, I note that the bill says:

Within 120 calendar days after a report is submitted or is required.

Evidently the authors of this legislation are not sure the President will comply with it. Evidently the authors of this bill are not sure that the President constitutionally has to respond to this action by the Congress itself, because they

have put in the phrase, "or is required to be submitted."

Mr. Speaker, let us take a look at section 4(c). It states as follows:

Notwithstanding subsection (b), at any time that the United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of the Congress, such forces shall be disengaged by the President if the Congress so directs by concurrent resolution.

The Commission on Rules, Mr. Speaker, has held extensive hearings on the impoundment legislation. This legislation on which we have held our hearings was authorized by the gentleman from Texas (Mr. MAHON), the chairman of the Committee on Appropriations. Senator ERVIN, one of the foremost authorities in Congress on the Constitution, testified before our committee.

The bill of the gentleman from Texas (Mr. MAHON) has a similar provision in regard to a concurrent resolution countermanding the impoundment of funds by the President. It states that if the funds are impounded and the Congress acts within 60 days, with a concurrent resolution, the funds would immediately be released.

Mr. Speaker, I questioned Senator ERVIN on this point. Let me read from the colloquy I had with Senator ERVIN on the day that he testified. This is Mr. Martin speaking:

Senator, the legislation which we have before us today provides for a concurrent resolution to be passed by the Congress if we wish to override or disagree with impoundment of funds. I would like to quote from Jefferson's Manual in regard to the House:

"A concurrent resolution is binding on neither House until agreed to by both. Since not legislative in nature it is not sent to the President for approval."

Then I proceed as follows:

Then I would like to quote from Cannon's Precedents of the House:

This is volume 7, page 150:

"A concurrent resolution is without force and effect beyond the confines of the Capitol."

Then I proceed as follows:

Then I would like to quote from section 7, article I of the Constitution, which I think you referred to, and it states as follows:

Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary, except on the question of adjournment, shall be presented to the President of the United States and before the same shall take effect shall be approved by him or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives.

The legislation we have before us providing for a concurrent resolution does not provide nor give to the President the power to veto. It seems to me it is in violation of Cannon's Precedents of the House and the Constitution itself.

Senator ERVIN. It is because it has legislative effect. That is what it is designed to have. You cannot pass a resolution which is not subject to the Presidential veto which has legislative effect. This certainly has legislative effect.

Mr. MARTIN of Nebraska. Then, in your opinion, the President would have the power to veto a concurrent resolution action by the Congress?

Senator ERVIN. That is right. That would be the second time he would have a chance to veto the same proposition really.

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 2 additional minutes.

Consequently, Mr. Speaker, you can see that section 4C does not have much substance as far as the Constitution is concerned and as far as Senator ERVIN'S testimony before our committee on impoundment legislation is concerned.

Mr. FRELINGHUYSEN. Will the gentleman yield to me on that point?

Mr. MARTIN of Nebraska. I yield to the gentleman.

Mr. FRELINGHUYSEN. As a member of the Committee on Foreign Affairs, I would like to congratulate the gentleman for pointing out some of the weaknesses in the language and provisions of the joint resolution.

With respect to the concurrent resolution proposal, the pros and cons and the wisdom and constitutionality of that provision were discussed in the committee. It should be pointed out at the outset of this discussion—and I hope we have a reasonable discussion—that the reason for the concurrent resolution was an awareness on the part of the proponents that if a joint resolution were the mechanism with which to express disapproval, the President would have to participate.

This is a deliberate attempt to bypass the necessity of an operation which would be legislative in effect. The assumption is a situation which involves a President who would be presumably in an opposite camp, opposing what the Congress is trying to do. It is this aspect of the resolution which disturbs me most of all. The feeling is that there has to be independence from the President with respect to these judgments. However, the very confrontation which is being invited by sections 4B and 4C are likely to provoke a situation involving the basic constitutionality of what is being attempted. It surely is not eliminating any of the problems that presently exist with respect to the relationship between the executive and the legislative branches.

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 2 additional minutes.

I yield further to the gentleman.

Mr. FRELINGHUYSEN. The colloquy between you and Senator ERVIN points up the weaknesses of the concurrent resolution.

But I do want to point out a concurrent resolution is proposed for a specific reason, namely, to avoid the necessity for Presidential involvement in the process of expressing disapproval of a Presidential action.

Mr. MARTIN of Nebraska. I appreciate the gentleman's remarks, and I believe he is exactly right. I think this will raise more constitutional questions than we have at the present time.

Mr. WOLFF. Will the gentleman yield?

Mr. MARTIN of Nebraska. I yield very briefly to the gentleman.

Mr. WOLFF. I refer the gentleman to the committee report. I am also a member of the Committee on Foreign Affairs, as was the gentleman who preceded me. In the report the use of a concurrent resolution is discussed at length. It evidences how, during World War II, this device was used on the Lend-Lease Act, the Price Control Act, the War Labor Act, and so forth. So that the device of concurrent resolution has been used in the past constitutionally and effectively.

Mr. FRELINGHUYSEN. Will the gentleman yield again on that point?

Mr. MARTIN of Nebraska. I yield to the gentleman.

Mr. FRELINGHUYSEN. I might say the illustrations used in the committee report with respect to concurrent resolutions involve powers granted by the Congress to the President during a time of hostilities with the proposal that those powers can be terminated by concurrent resolution. Here we are talking about the constitutional power of the President. This is an attempt to deny or abrogate that power.

So the situation with respect to the concurrent resolutions developed during a war-time period is quite different from their attempt to curtail Presidential power over the disposition of troops as the Commander in Chief.

Mr. MARTIN of Nebraska. I appreciate the gentleman from New Jersey pointing that out.

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

Mr. MARTIN of Nebraska. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I think that the gentleman from Nebraska (Mr. MARTIN) is rendering a service in pointing to the concurrent resolution provision on the war powers legislation now before us. I assume, however, that the gentleman has no objection to the form of the rule that is now pending. Am I correct on that point?

Mr. MARTIN of Nebraska. I am not objecting to the rule. I want the House to be able to work its will, and to debate this matter carefully and they will have 3 hours in which to do that.

Mr. FINDLEY. I appreciate the clarification, because there is quite an extensive set of precedents which support the use of concurrent resolutions. The precedents go well beyond those cited in the committee report; they are very extensive. We have broad scholarly support for this position. But, Mr. Speaker, I think it would be more appropriate for me to reserve discussion on that until we are in the Committee of the Whole in order to have a more extended time to debate it.

Mr. MARTIN of Nebraska. I would suggest that the gentleman from Illinois withhold his remarks on these matters until we are in the Committee of the Whole.

Mr. DU PONT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Delaware.

Mr. DU PONT. Mr. Speaker, I do not want to prolong the debate on the rule, but I do think the gentleman from New Jersey misstates the constitutional argu-

ment very seriously as to what power is delegated by whom. The war power rests in the Congress, and that is why we can use a concurrent resolution, and the Presidential power is not involved when it comes to war making. I will expand on that further when we get into the general debate during the Committee of the Whole. But I do want to add that the gentleman from New Jersey (Mr. FRELINGHUYSEN) was here and voted for the Gulf of Tonkin Resolution—I am sorry, I do not know whether the gentleman voted for or against the Gulf of Tonkin Resolution—but the gentleman was here when the debate was going on on the Gulf of Tonkin Resolution which included a concurrent resolution repealer, and there was no debate in the House of Representatives as to whether that was constitutional or not. So, we have plowed this ground many times before, and I do not think we have a prima facie case so far as constitutional interpretation is concerned.

Mr. MARTIN of Nebraska. Mr. Speaker, I would hope that this debate would be deferred until after the rule is adopted.

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

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of the rule.

Mr. Speaker, I think the House Foreign Affairs Committee is to be commended on bringing to this body what is basically a sound and strong war powers bill. I have felt for some time now that the Congress must take affirmative action to in this area, especially in view of our tragic Vietnam experience. On May 23 of this year I introduced my own war powers bill, H.R. 8066, the Defense Emergency Procedures Act of 1973.

Like the Zablocki bill, my bill would require prior consultation between the President and Congress on committing American forces overseas, would require that President to make a full report in writing to the Congress when forces are committed, and would provide procedures whereby the Congress could approve or disapprove that action. Unlike the Zablocki bill, my bill would have terminated the President's authority to use troops without specific authorization after 90 days instead of 120 days, would require that early termination of the President's authority could only be achieved by enactment of a bill or joint resolution rather than by passage of concurrent resolution, and would have established a new Joint Committee on National Security to consult with the President on decisions to commit troops and to advise the appropriate committees of Congress with respect to related legislation.

While a good part of our debate will be consumed today and on Wednesday in discussing the proper mechanics of a war powers bill, the truly important aspect of this whole exercise, it seems to me, is that the Congress is now willing to face up to its war powers responsibilities under article I of the Constitution by prescribing certain guidelines and procedures for the Congress and the President to follow in those situations in which we are committed to hostilities without a clear declaration of war. Such situations were not anticipated to be a problem when our Constitution was originally written, but with the advent of the nuclear age, the so-called undeclared war has become more the exception than the rule due to both modern diplomatic and technological realities and developments. These same realtities and developments have given rise to the strong chief executive in the conduct of foreign policy and response to international military crises.

But the protracted conflict in Indochina and its consequences have given us good cause to reassess the wisdom in arrogating so much power to one person without the participation of the legislative branch in decisions which may involve a major and prolonged commitment. In my testimony before the House Foreign Affairs Committee in July of 1970 on war powers legislation I noted the growing unease and alarm pervading the general public and the Congress over this imbalance between the President and Congress. To quote from that testimony:

> This sudden upsurge of concern, of course, is not difficult to explain: it is the direct product of a long, bitter, divisive war which has been almost exclusively an Executive undertaking. If the traumatic Vietnam experience teaches us anything, it is that such heavy commitments of American blood and treasure must have strong democratic sanction if they are to be sustained, they cannot be entered into by stealth, dissumulation, and deliberate ambiguity on the part of the Executive . . . We simply cannot afford to undertake another major commitment in which we begin to falter in midcourse because of public confusion over the purposes and legitimacy of Executive initiated actions.

I think those words ring just as true today and explain the basic need for the type of legislation which we are today considering. The time has come to right that imbalance in a responsible manner and to reinvolve the Congress in the war making process. I think the American people fully expect this of us and I think we owe it to the American people after what we have just gone through.

Mr. MARTIN of Nebraska. Mr. Speaker, I support the rule, and urge its adoption.

Mr. FISH. Mr. Speaker, today we are debating not only a piece of legislation but a principle. We are called upon to determine whether or not the institution of the Congress has the will to recapture its proper constitutional role with respect to warmaking.

The history of a President engaging in military operations without direct congressional authorization can be traced back to Andrew Jackson. But these occurrences have become frighteningly common since World War II, spurred by the cold war, and the expansion of our defense role throughout the world. As Henry Steele Commanger has noted:

> Five times in the past ten years Presidents have mounted major military interventions in foreign nations without prior consultations with the Congress.

It is not necessary to belabor the sad history of this country's involvement in Indochina. Had our recent history been different, this legislation would still be needed. It will assure deliberation over our purpose militarily and it will provide the mechanism for insuring unity if that purpose is warranted. The time has come for Congress to reaffirm and clarify its powers regarding the commitment of U.S. forces to any armed conflict, as the framers of the Constitution so clearly intended. We are not assuming in this bill an initiative or a prerogative of the executive. Rather, we are implementing our function which is to oversee government.

As reported by the House Committee on Foreign Affairs, House Joint Resolution 542 does not restrict the President's flexibility to deal with an emergency military situation. This is important. As Commander in Chief he has the responsibility to repel an attack on the United States. Wisely, the bill speaks only to commitments to hostilities abroad. It requires that the President report to Congress within 72 hours after he commits U.S. Armed Forces to hostilities abroad, where there has been no prior specific congressional authorization. Furthermore, the resolution states that unless Congress enacts a declaration of war or a specific authorization for use of U.S. Armed Forces within 120 days after the submission of the report, then the President must terminate all such activities.

Mr. Speaker, it is important that the House of Representatives accept the principle of war powers legislation. The procedures for a congressional role contained in this resolution are reasonable, workable, and acceptable. It is an implementation of the Constitution not a change in our basic law.

I strongly urge the House to act favorably on the war powers resolution. The national interest requires Congress to share responsibility with the executive at the onset of all wars. We owe it to ourselves and to the American people whom we serve.

Ms. ABZUG. Mr. Speaker, I join in appealing to my colleagues to follow up their historic vote of May 10 by approving today a total ban on the use of any funds to finance American bombing in Cambodia and Laos.

When the House took its unprecedented action last month it was responding to the overwhelming desire of the American people to end once and for all U.S. military intervention in Indochina.

Our vote was limited to a denial of a request by the Department of Defense for "transfer authority" to use funds to pay for military activities in and over Laos and Cambodia, but the significance of our action was clear to the entire world. For the first time this body had acted in a decisive way to say no to the administration's policy of massive terror bombing in a distant and tiny Southeast Asian land.

During the debate last month there were some expressions of concern that a stand by the House at that point might undercut Henry Kissinger in his negotiations in Paris. The Paris talks have come and gone, and we have heard Mr. Kissinger's declaration that there is nothing in the new agreement that commits

the United States to cease the Cambodian bombing.

We also have heard the testimony on June 18 of James R. Schlesinger, the proposed new Secretary of Defense, who defended the bombing as necessary. He also made the arrogant claim that the bombing in Cambodia lies within the constitutional authority of the President, a statement for which there is no basis in fact. Mr. Schlesinger also held out the possibility that the administration might decide to resume bombing in Vietnam under certain circumstances, presumably without any authorization from Congress.

Clearly, if this House leaves it up to the administration to decide when to end the bombing, that day may not come until all of Cambodia is turned into a wasteland. It is already on the way to becoming that. In April, a near record of 54,725 tons of bombs were dropped on Cambodia, the equivalent of two and one-half Hiroshimas. Observers reported that because of the escalated Cambodian bombing, the "devastation of the countryside and the movement of refugees have reached unprecedented levels." Civilians, including children, are being slaughtered. Hospitals and schools are being bombed, reportedly by the Cambodian air force under the direction of American commanders.

A report in April by a study mission representing the Senate Judiciary Subcommittee on Refugees presents a tragic portrait of a tiny nation, caught in a civil war, undergoing agonizing punishment from the skies, with men, women, and children the victims of bombs dropped by American Air Force men who do not even see the havoc they create. Inevitably, of course, some American planes have been shot down and new American prisoners of war are being created, but what happens to them pales in comparison to what is happening to the people of Cambodia.

The Senate subcommittee report points out that in the 3 years since the United States invaded Cambodia—ostensibly to end the war in Vietnam—at least one-third of Cambodia's population, some 2 million people, have fled the bombing and battle in the countryside. It has become a nation of refugees. Thousands of civilian casualties have been reported. Orphans number some 260,000. Over 50,000 war widows have registered with the government.

And the report said:

> Nowwhere is the tragedy in Cambodia better seen than in the gaunt faces of the thousands of hungry children our Subcommittee mission saw—little bodies thrown together in makeshift camps, the human debris of the bombing and war.

This once rich rice-exporting land now imports 75 percent of the rice it consumes. War damage to civilian and government installations totals over $2 billion. Nearly 45 percent of the hospital facilities have been destroyed. Over 40 percent of the roads are destroyed or damaged. More than one third of the bridges are out. These are the blessings American air power has brought. And presiding over this destruction of a nation is the feeble, discredited, and unpopular Lon Nol regime.

No end to the bombing is in sight unless we act. Henry Kamm of the New York Times reports that there is "no likelihood that the Cambodian armed forces can reach a level of competence that will make the use of American air power less needed." About the only act of independent self-defense Lon Nol has reportedly been able to mount was his regime's recent arrest of astrologers who had predicted his ouster.

We have a choice today. We can vote to accept the Eagleton amendment and thus end the unimaginable suffering of the Cambodian people. Or we can stand pat any say, Yes, last month we voted to limit funds for bombing, but only until the end of June, and after June the administration has our blessing to continue its unconstitutional, cruel, and wanton bombing of a nation that in no way affects our security or represents any threat to our people or Government. We are voting today to prohibit the use of transfer funds for this kind of activity. How could we then turn around and permit the use of other funds for it?

I do not believe we can do that. I do not believe that we can welcome the detente and hopes for world peace represented by the Brezhnev visit and at the same time continue this policy of madness in Indochina.

We have, in this House by our vote, the power to save human lives. We have the power to save billions of dollars by stopping the bombing. We have the power—and the duty—to reassert our constitutional authority to make and unmake war.

Let us choose to make peace.

Mr. MITCHELL of Maryland. Mr. Speaker, I rise today in support of House Joint Resolution 542, although, to be honest, there are parts of the bill which should be unnecessary, although unfortunately they are not. I am referring to the consultation and reporting clauses of the bill. It seems to me that it should have been the natural state of affairs for the executive branch, as it sought to concentrate more and more of the powers of troop commitment, hostility escalation and arms provision in its own domain to grant Congress the token respect of periodic reports and occasional conferences.

However, the last few decades of Executive activity in this area are surprisingly devoid of any consideration of the constitutionally invested authority of Congress to make the vital decisions of troop and materiel commitment to conflict areas. Therefore we find ourselves in the almost embarrassing position of having to legislate two points which should have been the simplest products of courtesy and logic.

Moreover, I do not understand what possible objections there could be to the requirement that the President file a report within 72 hours, stating the nature and scope of a major action to be taken in the name of the American people. Certainly, the President has adequate staff to prepare such a report. We are assuming that he has sufficient evidence to substantiate the need for the action or it should not be taken. As for the basic concept of accountability which is being broached by several of my colleagues, this is not even a question for discussion. It was decided several hundred years ago in the constitutional conventions which formed this Government that each branch of Government and every elected official within each branch, was to be directly accountable to the people.

Certainly much has changed since that time, but if you start to talk about changing the basic principle of accountability then you had better realize that you are talking about changing, and sacrificing, the entire democratic structure of our Government.

However, it is the congressional action section of the bill which provides the meat of the legislation and thus is the greatest subject of controversy. The question here is not what type of say we want in the manipulation of this country's vital resources, the most vital of which is still her man, and woman, power, but if we want any say at all. The degree of our control is a matter which will be decided by the dictates of the individual situations. Whether or not we have any say at all, is a question to be solved by us here, this week, in our passage of a war powers resolution.

But to pass a war powers resolution without a meaningful congressional activity clause is, well, to simply go on passing—passing by your responsibility to the thousands of people whose multiple voices are combined in your one voice, passing by your responsibility to the thousands of young men who may, in the future, have to fight and die for a decision made in the White House, passing by your responsibility to the Constitution which assumes, that as a Congressman, you want a meaningful say in the foreign affairs of your country.

There are two objections voiced against the stipulation of a 120-day period during which time Congress may halt action and after which time action will be automatically halted unless otherwise stipulated by congressional ruling. These two objections are, basically, that the President will in time of crisis, launch an unusually hostile attack, feeling "pushed" by the 4-month limit.

The other is that a peace settlement will be put off until the end of the 4-month period at which time the United States will lose whatever bargaining power she had. The reasonings behind these two objections, generally put forth by the same people, are mutually annulling. The first idea assumes the possibility of a phenomenally rapid escalation; the second, of an equally phenomenal deescalation. Now, in the wake of our 10-year involvement in Vietnam, this argument takes on a particular significance. During that time, two very powerful, yet very different Presidents told us time and again of the need for time.

For 10 years, it was more time that they needed. If we had to make the distinction, some would argue that it took us 5 years to escalate and 5 years to deescalate. And that was merely for an undeclared war in an area the size of New Jersey. It is hard then for me to view with any alarm objections made, based on the possibility of substantive

escalation or deescalation within a 4-month period.

Again, I stress the fact that we are here to discuss a war powers resolution, not a war courtesy resolution. The power in this resolution lies in the congressional action section. If we refuse to accept that section, we are just wasting our time here today.

If the third section is the congressional ability clause, then the fourth is certainly the congressional responsibility clause. By outlining a definite time sequence to be followed, it insures that Congress will act with the same effectiveness, in terms of thoroughness and speed, that we are demanding of the executive branch. It emphasizes our contention that we are not afraid to accept the rigors of crisis situations. It emphasizes, too, that as large a body as Congress is, it will not accept the characterization of a lumbering bear whose cumbersome nature and slow movements impede, rather than expedite, the course of government, and I am including here the activities which result from our commitments abroad.

Another source of disagreement seems to be the question of whether or not a war powers resolution should cover our present commitments. I assume that this is a point of contention since Mr. Dennis' substitute bill specifically exempts our present commitments in crisis areas. The question as I see it is: Are we going to pass a bill saying, "Yes, we are going to be effective—tomorrow," or "Yes, we will be effective today."

Let me stress the fact that House Joint Resolution 542 does not tie the President's hands. It merely slows them up to the point where we can see what they are doing. There is a carefully inserted provision in the bill which allows for the necessity of an instantaneous decision in the case of nuclear attack. However, in the wake of General Secretary Brezhnev's visit it should be obvious that the administration itself seeks an emphasis on detente legislation and no longer on legislation a la Joseph McCarthy.

It is still true that the best philosophy of postattack recovery is preattack restraint. And the best assurance of preattack restraint is the proper filtering of decisions through both the branches of Government responsible for making them.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending resolution, House Joint Resolution 542.

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

There was no objection.

WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

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 joint resolution, House Joint Resolution 542, with Mrs. GRIFFITHS in the chair.

The Clerk read the title of the joint resolution.

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

The CHAIRMAN. Under the rule, the gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 1½ hours, and the gentleman from California (Mr. MAILLIARD) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

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

Madam Chairman, the resolution which we are considering today, House Joint Resolution 542, gives this Congress a historic opportunity to correct the imbalance in warmaking powers, which through the practice of recent years have swung too heavily to the President. I think it was very succinctly stated in the opening statement, the opening sentence, indeed, of our first witness during the hearings in this session of Congress. It was the Senator from New York, Senator JAVITS. I think he put the issue in perspective, and I quote:

> There is no longer any serious argument as to the existence of a constitutional crisis over the exercise of the nation's war powers.

The pertinent question is what will the Congress and the President do about this crisis? The defacto concentration of plenipotentiary war powers in the hands of the President has subverted the letter and the spirit of the Constitution. The issue of war powers is undoubtedly one of the most complex and challenging we will ever face. It involves important and intricate constitutional questions which go to the very heart of our democratic system.

The legislation before us deals with a democratic control over that most vital of national decisions: the declaration to go to war. The issue of war powers is a subject that, as I said, is subject to delicate constitutional consideration. In the final analysis, however, the question is quite simple: whether we do or do not believe in our Constitution, whether or not we believe in the unlimited power in this area, and whether this unlimited power should rest with one man—the President of the United States, whether or not we believe in the checks and balances system of the legislative and executive branches, whether or not we believe in ourselves and the oath of office we took.

Madam Chairman, at the conclusion of the debate on this issue of war powers, I am confident our colleagues will decide the question on its merits. That is as it should be. The basic question is whether House Joint Resolution 542 is a practical, equitable, and effective legislative answer to the problem of how this Nation's warmaking powers should be exercised and by whom.

In an effort to help answer that question, allow me to outline briefly some of the background and history of this legislative proposal, as well as the intent and effect of the provisions. As the Members know, this House has passed warmaking powers three times, in the last Congress twice.

Madam Chairman, in the 91st Congress House Joint Resolution 1355 passed the House by a vote of 280 to 39 on November 16, 1970. The Senate failed to act.

In the 92d Congress House Joint Resolution 1 was introduced and passed the House by a voice vote on August 2, 1971. The Senate passed its own version and a parliamentary snarl ensued, and the House was required to act again to pass its version, and it did, by a vote of 344 to 13 on August 14, 1972. In this, the 93d Congress, 30-some bills and resolutions were introduced, and a listing of the sponsors of the bills appears on pages 2 and 3 of the report by the committee on this war powers resolution. This fact certainly is ample evidence that the subject has deep interest.

Hearings were held and the subcommittee has gone into depth in its study and consideration of all the bills introduced in this session of Congress. After 4 days of markup in the subcommittee and 3 more days in the full committee, we reported the bill, Madam Chairman, that is before us for consideration. Throughout that extensive effort our primary objective was to find a workable and equitable solution which would reaffirm the constitutionally given authority of Congress to declare war.

Given that goal of restoring the balance between the executive and the legislative branches intended by the Founding Fathers, the committee was at the same time very sensitive to the President's constitutional war powers. For example, we were determined to avoid any approach defining or codifying the war powers of the President. Such an action would draw rigid lines between the Congress and the President in the area of warmaking powers.

We were also highly cognizant of the President's right to defend the Nation against attack without prior congressional authorization in extreme instances such as nuclear attack or direct invasion. On the basis of the deepened understanding provided in the hearings and from observations over the recent years, it became increasingly evident that the problem did not center on such extreme circumstances. Rather the main difficulty involved the commitment of the U.S. troops, Armed Forces, exclusively by the President without congressional approval or adequate consultation with the

Congress in overseas areas, in foreign countries.

I have gone into both the background of the issue and the complexity of the constitutional questions which governed the committee in an effort to show the challenge we faced. Clearly the problem demanded a balanced and delicate solution and a solution was born of consensus. I believe House Joint Resolution 542 represents that solution. As a consensus I believe House Joint Resolution 542 meets also the test as demonstrated by the subcommittee's vote of 9 to 1 and the full committee's favorable vote of 31 to 4 with one Member voting "present."

Briefly, the legislation does the following:

Directs the President in every possible instance to consult with the leadership and appropriate committees of Congress before, and regularly during, the commitment of U.S. Armed Forces to hostilities or situations where hostilities may be imminent;

Requires that the President make a formal report to Congress whenever, without a declaration of war or other prior specific congressional authorization, he takes significant action committing U.S. Armed Forces to hostilities abroad or the risk thereof, he places or substantially increases U.S. combat forces on foreign territory;

Provides for a specific procedure of consideration by Congress when a Presidential report is submitted;

Precludes the President from committing U.S. Armed Forces for more than 120 days without specific congressional approval, while also allowing the Congress to order the President to disengage from combat operations at any time before the 120-day period ends through passage of a concurrent resolution;

Stipulates a specific congressional priority procedure for consideration of any relevant bill or resolution which may be introduced. In this connection, Madam Chairman, I wish to reassure you and the other members of this distinguished committee that these provisions of House Joint Resolution 542—Sections 5 and 6—are in no way intended to bypass or otherwise violate your proper jurisdiction. First and foremost, these two sections are intended as so-called antifilibuster provisions. Their purpose is to protect the interests of Congress.

Specifies that the measure is no way intended to alter the constitutional authority of the Congress or the President, or the provisions of existing treaties; and

Provides that the resolution would apply to those commitments which are in progress on the date of its enactment into law.

In conclusion, I can assure you, Madam Chairman, that House Joint Resolution 542 is the result of much serious thought, comprehensive review, and many hours of careful deliberation. In short, it fulfills our determined objective of providing a means whereby the President and the Congress can work together in mutual respect and maximum harmony toward their ultimate, shared goal of maintaining the peace and security of the Nation.

Madam Chairman, I urge the adoption of the war powers resolution without amendment.

Madam Chairman, in an effort to give every Member an opportunity to discuss this very intricate legislation, I will withhold a detailed explanation for others of the subcommittee and the full committee to pursue the debate, and we shall all on the committee attempt to try to reply to the intricate questions and the pointed questions that may be asked of us.

Mr. FINDLEY. Madam Chairman, will the gentleman yield?

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

Mr. FINDLEY. Madam Chairman, I have had the great pleasure of working closely with the gentleman from Wisconsin on the subject of war powers now for a least 3 years, perhaps longer, and I have had a chance to witness firsthand the diligence with which he has approached the problem, his patience, his willingness to listen to all viewpoints, his determination to see it through, until we finally get a proper war powers bill on the statute books.

It has not been an easy task. I know that his efforts are largely responsible for the fact that on two previous occasions this body did approve a war powers bill. His efforts are also largely responsible for the fact that despite the fact that these two initiatives did not lead to a law, he nevertheless had the determination to bring the subject back out, to work out a different approach. I certainly commend the gentleman.

I think his efforts will be considered in the light of history as a great contribution to the longtime efforts which many people have been involved in, to try to establish a proper relationship between the legislative branch and the President in this most vital of all fields of government action.

Mr. ZABLOCKI. Madam Chairman, I thank the gentleman from Illinois for his very generous and kind remarks. I would be remiss if I did not call the attention of our colleagues to the fact that the gentleman from Illinois has indeed contributed much to the consideration of war power resolutions over the years.

The reporting section was drawn entirely as a result of his efforts, as well as section 4(c) which has come under question and debate earlier.

Madam Chairman, as he has in the subcommittee and in whole committee, I know that when we discuss the legislation in detail, he will most adequately defend his position and that of the committee.

I also wish to commend the chairman of the Committee on Foreign Affairs (Mr. MORGAN) for his wise counsel and assistance. I also wish to thank the members of the subcommittee for their help, and for the contribution of the other cosponsors of the resolution.

Mr. ICHORD. Madam Chairman, wil the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Madam Chairman, I want to commend the gentleman in the well for the leadership which he has demonstrated and exerted in this legislation.

When we deal with the subject of war powers, we are in the area of shared powers of the Congress and of the President. It is almost impossible to draw a precise line where the power of the President begins and the power of the Congress ends, and vice versa.

However, I think that the committee and the gentleman have done a very good job in this respect. Even more important than defining or limiting powers is the act of setting up a mechanism whereby both the Congress and the President can exercise their shared powers.

However, I do have a question on page 3, section 4(b), wherein it is stated:

(b) Within one hundred and twenty calendar days after a report is submitted or is required to be submitted pursuant to section 3, the President shall terminate any commitment and remove any enlargement of United States Armed Forces with respect to which such report was submitted, unless the Congress enacts a declaration of war or a specific authorization for the use of United States Armed Forces.

I would like to ask the gentleman, and this is what concerns me about the wording of the legislation: Does the gentleman believe that the Gulf of Tonkin Bay resolution would satisfy this requirement of a specific authorization for the use of U.S. Armed Forces?

Mr. ZABLOCKI. Madam Chairman, the direct reply to that question is "yes." The Tonkin Gulf resolution would satisfy the provisions of that section, of this resolution, section 4(b).

I might say to the gentleman from Missouri that Presidents in recent years and over the history of our country have assumed certain warmaking powers, and the Congress was silent too often. Our intentions in this legislation are to bring us into the formation of policy. Therefore, we have provided for, in a section of the proposal for consultation to the extent possible. We have provided for the President to report to us. Specific congressional actions will follow, thereby taking care of some of the concerns of many that the Congress may not act. Therefore, the congressional priority procedure was included in the legislation.

Section 4(b) would require affirmative congressional action within 120 days. I cannot imagine that at a time when the President commits troops a resolution would not be introduced by one Member of Congress in either body which would require either the affirmation, the approval of the President's action, or a resolution disapproving it.

Therefore, the very introduction of a resolution would trigger the legislative procedure by which the Congress would thereby be required to act. House Joint Resolution 542 provides for affirmative action.

Mr. ICHORD. I believe I understand the gentleman in the well, but I am still concerned about the extreme difficulty we get into as a free Nation when we are involved in an undeclared war. Regardless of how one has felt about the war in Vietnam, one of the main difficulties was that the Government of the country had defined certain objectives but did not have the body of law to protect the objectives of the U.S. Government. That is, we had so many acts on

the part of many citizens both within and without the country which, in a time of declared war, would have been treason. Never again do I want this Nation to become involved in another undeclared war.

We are still not solving the problem as to how we protect the aims and objectives of the Government if we do not have a declared war.

Mr. ZABLOCKI. From the testimony we received during the hearings I believe it can be assumed that declared wars are probably something for the pages of history.

I might say to the gentleman, with the reporting requirements and the consultation required of the President, I believe the Congress will be in a much better position to deal not only with the commitment of troops but also with the problem the gentleman from Missouri raised.

Mr. ICHORD. I agree with the gentleman that I believe it would be better than having nothing at all, but I am still concerned about our getting involved again in an undeclared war situation.

Mr. ZABLOCKI. I might say to the gentleman from Missouri that we are all concerned about that development. Therefore, this legislation is before us today, not only to allay our concern but also to bring about a solution to the problem.

Mr. YOUNG of Florida. Madam Chairman, this is too important an issue to be discussed before an empty House. I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Twenty-five Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 279]

Adams	Diggs	Murphy, N.Y.
Addabbo	Edwards, Calif.	Nichols
Alexander	Esch	Nix
Anderson, Calif.	Eshleman	Owens
	Evans, Colo.	Patman
Anderson, Ill.	Evins, Tenn.	Pepper
Archer	Fisher	Peyser
Ashbrook	Flynt	Powell, Ohio
Ashley	Fraser	Railsback
Badillo	Gray	Rees
Baker	Green, Oreg.	Reid
Beard	Gross	Riegle
Bell	Gubser	Roe
Bergland	Hansen, Wash.	Roncalio, Wyo.
Bingham	Harvey	Rooney, N.Y.
Blatnik	Hawkins	Rooney, Pa.
Boland	Hays	Rosenthal
Bolling	Hébert	Runnels
Bowen	Heckler, Mass.	Sandman
Breaux	Hogan	Sikes
Broomfield	Hunt	Steiger, Ariz.
Burke, Calif.	Johnson, Pa.	Stubblefield
Burlison, Mo.	Jones, Ala.	Sullivan
Byron	Karth	Symms
Carney, Ohio	King	Teague, Calif.
Cederberg	Kluczynski	Teague, Tex.
Chisholm	Koch	Thompson, N.J.
Clark	Kuykendall	Thomson, Wis.
Clay	Landrum	Tiernan
Conable	Mathias, Calif.	Van Deerlin
Conyers	Meeds	Whitten
Coughlin	Michel	Widnall
Crane	Mills, Ark.	Wyatt
Danielson	Minshall, Ohio	Wydler
Davis, Ga.	Mitchell, Md.	Yates
Davis, Wis.	Mizell	Young, Alaska
Delaney	Moorhead, Pa.	Zion
Derwinski	Moss	Zwach

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 542), and finding itself without a quorum, she had directed the Members to record their presence by electronic device, whereupon 320 Members recording their presence, a quorum, and she submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRWOMAN. When the point of order that a quorum was not present was made, the gentleman from Wisconsin (Mr. ZABLOCKI), had the floor and had consumed 19 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. DENNIS. Madam Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I should like to join with my colleagues who have complimented the gentleman from Wisconsin for his pioneering effort in this very difficult and important field. I join unreservedly in that compliment, even though I, unfortunately, do not agree with the gentleman's bill. I do agree with the gentleman's intent on the subject of war powers, but there are certain features of the gentleman's bill which give me great concern.

When we rose here a minute ago, the gentleman from Missouri had been talking with the gentleman about section 4 (b). That section gives me great concern, too, because that section says that the President must make a report of committing troops to combat when there has been no declaration of war, and that then within 120 days, after that report has been submitted, his authority to conduct the hostility expires, unless the Congress in the meantime has affirmatively acted either to declare war or to otherwise approve the action taken.

Mr. ZABLOCKI. Or disapprove.

Mr. DENNIS. That is right, but if it is disapproved, of course, it would expire. The point I am making is that under the gentleman's bill there is no question but what the very important policy determination of whether hostilities should continue or not can be decided by our inaction. In other words, if we do not do a thing in the Congress, when the 120 days have expired, we have thereby made the fateful decision that the hostilities commenced by the Executive should end.

I submit to the gentleman that we should have the authority—and the gentleman's bill I know grants that—to require the Executive under those circumstances to terminate his action, but it seems to me only fair and proper that if we want to take an important step at that time, we should be required to take some vote affirmatively to terminate.

As the gentleman knows, I, myself, have a war powers bill before the Congress which so provides. Under my bill if there has been no declaration of war or any attack on the United States—the bill does not apply in those two cases—and the President, nevertheless, commits troops to combat, he must make a report to us, and within 90 days, under my proposal, we must vote it up or down. We have to vote, but we do not make him stop unless we vote it down.

I cannot help but suggest to the gentleman—and I am very, very sincere about this—that if we are going to take such an important step and determine such important policy, we should do it by an affirmative vote, not just by letting 120 days drift by without acting, which then automatically ends the authority to conduct the hostility.

Mr. ZABLOCKI. May I say to the gentleman from Indiana very sincerely that we certainly appreciated the impact the gentleman made in this area of discussion when he testified before the subcommittee. Certainly we are fully cognizant of his interest and the legislation he has introduced, and we gave it full consideration.

Let me point out, however, where the gentleman's proposal does not, indeed, return the balance in the war powers area, as does the provision of section 4(b) that within 120 days Congress must act affirmatively.

Indeed, if it might not be able to pass any legislation, such a situation could, I might add, develop because, as in the gentleman's bill, if the Congress would pass legislation disapproving the President's commitment of troops and if it were a bill or a joint resolution the President could veto it. If the President would veto the bill it would take a two-thirds vote of Congress to override. Under the provisions of section 4(b) if the President vetoes and there is not sufficient strength to override, then a resolution of disapproval is not enacted and after 120 days the commitment of troops must cease. This could not happen under the gentleman's proposal.

As for the gentleman from Indiana's proposal, I further humbly submit that it gives the President more power than he has now. Indeed, the President in the gentleman's proposal could veto a congressional bill of disapproval. If we did not have a two-thirds majority the troops could remain.

We have given this matter some consideration. If we want to bring in meaningful legislation we must close all these little loopholes in war powers legislation.

Mr. WOLFF. Madam Chairman, will the gentleman yield?

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

Mr. WOLFF. Madam Chairman, I would say so far as the Congress not declaring war, this is an action in itself because the full power—and I do not agree with those who say it is shared power—to declare war resides in the Congress of the United States. I quote John Marshall:

> The war powers being by the Constitution vested in the Congress, the actions of that body alone can be resorted to as our guide.

The mere fact that the Congress does not declare war is in itself an affirmative action.

Mr. ZABLOCKI. We do intend to complete the general debate tonight, Madam

Chairman. We have a heavy schedule for the entire week. This is important legislation. We would want every Member of the Congress to be here for the debate and we will have a further opportunity on Wednesday when we read the bill for amendment under the 5-minute rule. We must finish the debate tonight and I hope we will not have any interuptions. I want to make the announcement that we will finish debate whatever the hour. Within the 3 hours, we will hear everybody's views and try to answer the questions.

Mr. DENNIS. Madam Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Indiana for a question.

Mr. DENNIS. I am sure the gentleman has given my bill the utmost consideration, there is no question about it in my mind, and I wish the gentleman had arrived at a different solution, but under my bill as the gentleman knows, if there has been a declaration of war or attack on this country the bill does not apply at all, and the bill further says that we in Congress must be consulted first except in emergencies.

It is only in emergency that the President is going to be able to commit troops without consulting us, under the terms of my bill, but if he does that then it just seems to me if we want to call him off and end it, it is only in an emergency situation where he can do it at all, and it ought to be incumbent on us to tell him our views and to vote them, and we should not decide a question like that just by letting 120 days go by and not doing anything.

I would say to the gentleman, in my humble opinion under the legislative setup in the Constitution, we cannot pass a binding law and completely circumvent the Executive as the gentleman tries to do with his resolution, if we try to act to stop the war. If our action is going to have the binding force of law, it has to be reported to the Executive. We cannot avoid the problem of the veto because it is built into the constitutional scheme.

Mr. ZABLOCKI. Madam Chairman, this resolution is, as I said, a double-barreled attempt to deal with the issue of war powers in a legislative manner.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

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

Mr. FRELINGHUYSEN. Madam Chairman, I wonder if I misheard what the gentleman said. Did I understand the gentleman to say that a decision had been made in subcommittee against positive action by Congress to upset a Presidential determination to use troops? Did he describe that decision as, "We must close all these little loophopes?"

Is the gentleman suggesting that the President's authority to commit troops overseas is a "little loophole" that Congress must close? I wrote down what I thought I understood the gentleman to say. I can hardly believe my ears, if he is describing the situation that is presented to us by 4(b) as simply an attempt by his subcommittee to close "little loopholes" now available to our Chief Executive.

Mr. ZABLOCKI. Madam Chairman, that is not the interpretation at all. If we are going to reassert our constitutional obligation and responsibility, and bring balance in the warmaking powers area, it is necessary that we take such steps and enact such legislation wherein a veto will not negate the outcome a majority of Congress wishes to bring about. In so doing, I point out to the gentleman, 4(b) closes that "little loophope" of a veto that the President can use in vetoing actions of the majority of the Congress or the majority of the people of the United States. The President could veto and it would require two-thirds of Congress to overrule him. That is what I was referring to.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I am glad the House is considering this war powers resolution, but I do very much regret that a matter as important and precedent setting as this should be debated so late with so few Members to hear the debate.

But, Members of this body ought to have the opportunity to discuss this resolution, and this is one of the reasons I voted in the Foreign Affairs Committee to report the resolution, even though I have considerable misgivings about it.

Madam Chairman, I want to join those who have commended and complimented the distinguished chairman of the subcommittee. As ex officio member of that subcommittee, I attended as many of the hearings and as much of the markup as I could, and he certainly gave full attention to the rather delicate and complicated problems that are involved here.

Members will recall that on three prior occasions the House has passed legislation concerning war powers. Twice in the 92d Congress we approved the language of House Joint Resolution 1, which contained sections calling upon the President to consult with the Congress before involving the Armed Forces of the United States in conflict, and then report to the Congress all actions taken without specific prior authority by the Congress.

While I supported these resolutions and still strongly support the consulting and reporting provisions of the resolution before us, I must say that I have reservations—serious reservations—over some of the operating provisions that have been added to this year's bill. In particular, I am concerned, as others who have already spoken have expressed their concern, over section 4(b), through which the President can be forced to act as a result of the failure of the Congress to act.

Under section 4(b), the President will be required to terminate any commitment and to remove any enlargement of the U.S. Forces with respect to which a report would be required and had been submitted to Congress, unless the Congress enacts a declaration of war or some specific authorization for the use of the U.S. Armed Forces. The effect of 4(b) would be to permit the exercise of congressional will through inaction.

Surely the Congress ought to exercise its powers in a positive way by voting "yes" or "no."

There are some other sections that we ought to look at very carefully. Section 4(c) provides that the Congress can by a concurrent resolution force the President to disengage U.S. Forces when they are engaged in hostilities without a declaration of war or other specific authority. The constitutionality has been questioned by many people, and there are many distinguished lawyers, of which I cannot claim to be one, who suggest that such a concurrent resolution cannot be made binding on the President since it does not comply with the constitutional requirement that anything with legislative effect be presented to the Chief Executive for his approval or disapproval.

Madam Chairman, I could discuss the provisions of this resolution at great length, but I believe we know already from the debate what the principal and significant points are, over which we should be concerned. The gentleman from Wisconsin (Mr. ZABLOCKI) has already discussed the joint resolution very effectively. Other Members are interested in expressing their views.

In conclusion let me say that when the time comes I expect to support the efforts of two members of our committee, the gentleman from Alabama (Mr. BUCHANAN) and the gentleman from Ohio (Mr. WHALEN) to amend section 4(b) to correct the shortcomings I have described and basically to conform pretty much to the provisions that are in the bill which was introduced by the gentleman from Indiana.

I would urge support of this amendment. I believe then we would have a good measure. If the amendment could be adopted I would vote "yea" on final passage. As it is, I have very serious reservations.

I should like also to mention in passing that I expect to offer what I feel will be a perfecting amendment to provide for contingencies, when the President may have to continue hostilities after he has been directed to cease them in order to disengage our forces with reasonable safety. There is such a provision in the Senate bill. I do not know whether it was discussed in subcommittee, but it would seem to me it is almost essential to have some mechanism by which, if the Congress should act positively, or after 120 days, if the automatic provision remains in the bill, the President could take action. If the 120 days are up and he has to undo whatever he has done it would seem to me certainly we would want to let him have authority to let the troops fight their way out with maximum safety, instead of just having a pell-mell automatic dropping of guns and leaving.

I suppose one could say it was implied. I believe the Senate was wise to include the provision. If under those circumstances he certifies to the Congress that this is the situation and in order to safely withdraw from hostilities the hostilities must go on for a given period of time, this would give him legal authority to do it.

I do not agree with too much of the

Senate bill, but I believe this is one provision we should copy.

Mr. SKUBITZ. Madam Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Kansas.

Mr. SKUBITZ. On page 4 are we really saying that the President shall terminate any commitment and remove any enlargement of U.S. Armed Forces unless the Congress enacts a declaration of war or a specific authorization for the use of U.S. Armed Forces, on the basis of something similar to the Gulf of Tonkin Resolution?

Mr. MAILLIARD. That is precisely what we are saying, yes.

Mr. FINDLEY. Madam Chairman, will the gentleman yield?

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

Mr. FINDLEY. I thank the gentleman.

I appreciate very much the gentleman mentioning the possibility of a perfecting amendment. I noticed the language in the Senate bill, and I felt that it was not necessary, that it was understood. Nevertheless, I am sure the gentleman is sincere in presenting this as a problem which has to be faced.

As a courtesy to the Members of this body, I wonder if the gentleman would read the language into the RECORD at this time, so that it would be in the printed RECORD and therefore we could examine it in advance, for consideration on Wednesday?

Mr. MAILLIARD. I will say to the gentleman that I may be able to do that before the debate is over. The Senate language does not apply directly to our joint resolution. It had to be rewritten, and I do not have the text yet.

Mr. ZABLOCKI. Madam Chairman, I yield 8 minutes to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Madam Chairman, the issue of war or peace has troubled mankind since the creation.

Time and time again throughout history, that awesome question has confronted every nation. The way in which nations have answered that question has often determined their fate and affected the lives of millions of people—for better or for worse.

Sometimes the answers brought forth turmoil and terror. Kingdoms were lost, empires crumbled, and democracies were subjugated by dictatorships.

In other cases, the answers have resulted in democracy—as in the American Revolution—and have brought about the defeat of vicious aggression—as in World War II.

Always unwelcome, this question of war or peace is probably the most significant and far-reaching question any nation is ever compelled to face up to. In a democracy, surely the question is not to be answered by one man alone.

Consequently, our debate today, establishing responsibie guidelines relative to the war powers of the Presidency is a crucial one. The manner in which we settle it will have long-lasting effects on the future of democracy in our country.

Our Founding Fathers very wisely divided up the powers of the Federal Government, defining and limiting the powers of each of the three branches, and limiting overall power as well, knowing that unlimited government is tyranny.

The Congress, and only the Congress, was given the constitutional authority to declare war. But, as we have all observed, down through many years this power has been dangerously eroded.

No President, however sincere and dedicated, ought ever to have unlimited power to commit our Nation to war, without the express approval of the Nation through its duly elected, locally responsible representatives, in the Congress of the United States.

America must profit by the sorrowful lessons learned on the mainland of Asia during the course of the past three decades.

Congress never declared war, nor did it take other clear-cut affirmative action during the Korean police action. It never formally declared war during the Vietnam conflict, although the Gulf of Tonkin Resolution was looked upon by many as having produced that effect.

As a result, confusion and uncertainty throughout the Nation has existed about the purpose and objectives of our military commitment. As the costs in men and treasure escalated, disunity and dissension, confusion and frustration, and fears and doubts increased.

Such a situation just must never be allowed to develop again.

We must make every effort to prevent our Nation from ever again embarking on full-scale war without the full moral sanction and support of the American people.

In practical effect, this means that without further delay, we the elected representatives of the people of the United States must act. We must never let ourselves become involved in another war without appropriate affirmative action by the Congress.

That is the purpose and effect of the measure before the House today—House Joint Resolution 542, the War Powers Resolution of 1973.

This landmark measure simply reaffirms congressional responsibility under the Constitution. It would require the President to act within constitutional limits, in any commitment of U.S. forces abroad.

The resolution calls for prompt Presidential consultation with the Congress in any such situation. It provides a procedure for consideration by Congress, when U.S. forces are committed, and it requires a withdrawal of those forces if congressional approval is not forthcoming in 120 days.

This resolution was shaped by the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am a member.

It is the fourth such resolution on war powers to be reported by that subcommittee in the last 3 years. Moreover, it is the most comprehensive and strongest measure to be reported.

After careful study and consideration of the voluminous testimony before the subcommittee on the issue of war powers, I am convinced that the proposal we are debating today neither takes away from, nor adds to the constitutional rights or powers of the President.

In other words, the constitutional authority of both the President and the Congress are left intact. We couldn't change their respective powers, if we tried to, not by legislation.

What the resolution does do, however, is require the President to use his constitutional authority in a responsible manner, when he deems it necessary to involve the United States militarily overseas.

At the same time, House Joint Resolution 542 places a burden on the Congress to act responsibly in addressing itself to such situations.

Some Members have expressed uneasiness about the mechanism provided in section 4(b) of the resolution, which would require that any commitment of U.S. Armed Forces to military action must end after 120 days, if Congress has not acted affirmatively to endorse the President's action.

I believe this section to be the key to effective war powers legislation. Perhaps the period for congressional action should be shorter or longer—30 days, 60 days, 90 days, or 120 days as provided by this measure. On that, reasonable men may differ—and compromise.

There can be no compromising, however, on the issue of affirmative action as provided in section 4(b). The people of the United States must at some point be permitted to have their voices heard through their elected representatives in the Congress.

Opponents of the provision have suggested that we run the risk of requiring the President to disengage from combat abroad simply as a result of congressional inaction.

Such a view demeans the seriousness with which the Congress conducts its responsibilities in issues of war and peace. The attitude proceeds from a kind of "worst case analysis" which overlooks the totality of the war powers resolution and the political environment which would prevail if events triggered its procedures.

Under the resolution, the President would be expected to consult with congressional leaders before making decisions which would send American fighting men abroad into combat.

Under the resolution, the President would be required to report to the fullest extent possible on objectives and scope of the commitment he had undertaken.

Without question, legislation calling for an affirmation of the President's action would be introduced into the Congress, probably immediately after the commitment.

After all, it takes only one Member of either body—1 out of 535—to drop in such a bill or resolution of support for the President.

Once that single bill is introduced, the procedures which require congressional action would be set in motion, and a final vote would have to be taken in both Houses before the 120-day period ends.

Under these circumstances, it is impossible to see Congress not acting at all. It must act and it will act.

I, therefore, urge that this body reject any attempts to delete section 4(b)—a deletion which would destroy the heart of the resolution.

Madam Chairman, I have stood with three Presidents on the need for protecting the American commitment in Vietnam. Once our forces were fighting there, once our honor had been committed, I believed we had to see the conflict through.

This was particularly impressed upon me during a study mission to the Far East in 1969. Our group met with the distinguished Prime Minister of Singapore, Lee Kuan Yew.

He impressed upon us that the United States as the "bulwark of freedom"—those were his very words—could not leave Asia under conditions of defeat, surrender, or disgrace. His words were, indeed, convincing.

At the same time I have supported our Vietnam commitments, however, I have had grave misgivings about the lack of consultation and cooperation between the Executive and the Congress about the conflict in Southeast Asia.

The Congress has not been permitted to play the role in these hostilities which the Constitution mandates. Consequently, we must have more concrete guidelines for both the President and the Congress, if we are to avoid repetition of past mistakes.

Madam Chairman, we are pondering matters of great significance today. The outcome of these deliberations may well affect future decisions on war and peace for this Nation.

Let us hope and pray that we will never again be forced to make such decisions. Recognizing the possibility of such decisions in the future, however, let us be prepared to reach a national consensus on a course of action before the Nation has become irretrievably committed.

That is the purpose of the war powers resolution of 1973. I urge its adoption.

Mr. MAILLIARD. Madam Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Madam Chairman, I feel constrained to begin by expressing regret that we should be discussing one of the most important pieces of legislation to be considered this year at so late an hour. No necessity compels us to do so. I might point out that it is now 12 minutes past 7 and I am the fourth speaker on this proposal. I regret that this should be the case because I sense a feeling among proponents that we should not debate the issue at all. In fact, during the quorum call just now I was asked if I would not submit my remarks for the RECORD. If I would do so, it was suggested that others who were planning to speak would do likewise. It is my opinion that what is involved in this legislation is too important for us to treat this so casually.

Quite obviously there are men and women with good intentions who are supporting this joint resolution. But as I said when I appeared before the Committee on Rules, good intentions do not make good legislation. My misgivings about this particular joint resolution, as it is now phrased, are monumental.

While I respect my colleague, the gentleman from Wisconsin (Mr. ZABLOCKI) I do not agree with him—in fact, I emphatically disagree—that this is a practical solution.

I do not think it is effective. I do not think it is fair. I do not think it is equitable. Above all I do not think it is workable. I do not think it is sensitive to the President's constitutional war powers. I do not think it is a delicate solution. I do not think there has been any subversion of the letter or spirit of the Constitution which makes this ill-advised effort in order.

Likewise I disagree with my eloquent friend, the gentleman from North Carolina. I do not think it will avoid the repetition of past mistakes. In fact, I can see nothing that would justify the resolution as written except a compulsion for self-assertion on the part of Congress.

I know that Members of the House have all received letters concerning this resolution, some urging support for the measure as it came out of committee, and others urging major changes in its language.

My purpose here tonight is to examine briefly the reasons for the resolution. What is it that we seek to accomplish? What is the mechanism proposed to achieve these goals? And even more importantly, what is the likely result should this resolution as written be enacted?

In recent years many Americans in Government as well as in private life have voiced concern over what they see as a diminution of the historic role of Congress as the final arbiter of war and peace. The proponents of House Joint Resolution 542 would have us believe that this measure addresses itself to that problem and helps correct it. In fact, nothing could be further from the truth.

The obvious spot to look to determine the purpose of the legislation is the report of the committee and, I might say, the statements of the proponents.

Let us look at the report. On page 3 it asserts that the Cambodian incursion of May 1970, caused many Members to be disturbed by the lack of consultation with Congress. Another reference on page 5 is to the commitment of U.S. Forces exclusively by the President without congressional approval or adequate consultation with the Congress.

Madam Chairman, if all that were involved in this resolution were the importance of emphasizing the necessity for adequate consultation and reporting by the executive to Congress, I would be for it, as I have been in favor of previous war powers resolutions.

Mention has been made by several Members with respect to the fact that the House has acted favorably in previous years on war powers resolutions, but this resolution is quite different from what we have approved before. What we have approved previously was basically to underscore the necessity of Congress getting updated and adequate information so it could play its historic constitutional role.

In another place, on page 5 the committee's aim was "to reaffirm the constitutionally given authority of Congress to declare war." The report also declares on page 4:

> To restore the balance provided for and mandated in the Constitution, Congress must now reassert its own prerogatives and responsibilities.

In his letter to Members, the chairman of the Committee on Foreign Affairs (Mr. MORGAN) talked of balance, and the gentleman from Wisconsin has also talked of balance. Dr. MORGAN said:

> There is growing opinion in and out of Congress that in recent years the balance of war-making powers in practice has swung too heavily to the President.

Certainly I do not argue over the need for any President to consult closely with Congress, especially on matters involving the use of our troops. There is a need for him to report fully and frequently on the nature of threats to peace or the reason for an outbreak of hostilities.

For this reason I fully support the approach of section 3 of House Joint Resolution 542. However, I agree with the gentleman from Nebraska (Mr. MARTIN) that it is unwise to include in those requirements an extension of the financial cost of a commitment of troops. The information would be of little value to us in deciding whether the initiative taken by the President was good, bad, or indifferent, and it might well be of substantial help to an enemy in determining the depth of our commitment of troops overseas.

I should point out in another place in the committee report, at the top of page 9, in commenting on section 3, it states that compliance "will provide the Congress with adequate information on which to base its deliberations and possible actions" regarding the President's commitment of forces. I agree with that statement. But if information furnished under section 3 will provide an adequate basis for action by Congress, why is there any need for the unfortunate language of section 4?

The gentleman from Wisconsin (Mr. ZABLOCKI) has attempted to provide an answer. He said it is to correct an imbalance. If there is an imbalance that requires a reassertion of our right to declare war, I do not see why that should be necessary. Surely no one has ever doubted that the Constitution specifically grants Congress that important power.

And I doubt very much, though I wish it were the case, that the gentleman from Wisconsin is correct in saying that declared war is something for the pages of history. Time alone will tell, but I assume if we are to prove anything by this exercise, it is to remind us that we have the inescapable obligation of declaring war if circumstances so indicate. So why is there now need to reassert this particular power of declaring war? And just what are the other powers which must be reasserted to restore balance? And why must these unspecified powers be reasserted at this particular time?

The gentleman from Pennsylvania (Mr. MORGAN) says approval of House Joint Resolution 542 will express our "willingness"—this is his expression—to accept responsibilities in the war powers which were "intended" by our forefathers. Surely he does not mean that Congress has delegated or could delegate other powers given to us by the Constitution.

And has Congress shown itself unwill-

ing? And what is the meaning of the cryptic statement that Congress must reassert responsibilities which were "intended" by our Founding Fathers? At this late date is the Foreign Affairs Committee trying to spell out the intentions of those who wrote the Constitution? If so, just what responsibilities did the Founding Fathers intend to give Congress?

The proponents of this legislation consider section 4 the core, or the key, as the gentleman from North Carolina put it, of the proposal. The provisions of section 4 in my opinion lie at the heart of the problem. They taint the entire effort.

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

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

Mr. STRATTON. Madam Chairman, I congratulate the gentleman from New Jersey for the very reasonable and sensible analysis he is giving of this legislation. His contribution in the committee report was outstanding and I think his contributions in connection with the debate on this legislation have been outstanding. We are legislating here, and I hope to have something to say myself on that point in a few minutes, in a highly charged, emotional atmosphere where fact is fiction and fiction is fact, and I think the gentleman from New Jersey is one of the few sound heads in the Congress today on this subject. We can all feel what the temper of the House is, but the remarks of the gentleman are going to ring true in years to come.

Mr. FRELINGHUYSEN. I thank the gentleman from New York for his compliments.

My real regret about the nature of this debate is that it seems to have been taken casually by too many Members. I have no intention of calling attention to the fact that there are relatively few Members on the floor, but I would hope we are going to have a discussion, pro and con, of some of the unwise provisions of this bill before the debate concludes. I do not know whether it is supposed to be a threat that we may be here until midnight, but I think it is unfortunate that we should have begun the debate after 6 o'clock and that we have come such a short way into the debate by almost 7:30.

In any event, the framers of the Constitution, as I was saying, had flexibility in mind when they deliberately refrained from closely defining the responsibilities of the legislative and the executive branches with respect to the power to make war. Section 4(a) and section 4(b), on the other hand, seek to develop a mechanism under which the President and the Congress would necessarily have to follow a rigid series of procedures.

Section 4(b), in the words of the committee report, seeks "to deny the President the authority to commit U.S. Armed Forces for more than 120 days without specific approval"—by Congress, of course. This termination of our involvement in hostilities and the enforced withdrawal of our forces is unconditional. It must be done without regard even to the safety of our Armed Forces.

Let us examine the reasons given for this language. Unquestionably, a basic purpose must be to force Congress to reassert itself; that is, declare war, specifically support the President or specifically oppose him. In simple terms, its purpose is to goad Congress to discharge one of its fundamental responsibilities.

Somehow, it seems to me sad and unjustified that there should be this feeling that Congress is weak kneed, that we are reluctant or even incapable of action, that we must be reminded of the urgency of fully considering the implications of hostilities in which our own troops are involved.

But, perhaps section 4(b) needs to be read again. It aims, the committee report says, "to deny the President the authority" to commit our forces for more than 120 days. This is an extraordinary proposition. Especially as this denial will occur if there is a failure to act on the part of Congress. The language tacitly assumes that the President, as Commander in Chief, has the power under the Constitution to commit our troops in times of crisis.

If he has that power, and I hope there is no argument on that point, how can that power be denied him? How can it be abrogated by the passage of a fixed time schedule? The gentleman from North Carolina says there is no power taken away from anyone under this proposal, that nothing is given to Congress or taken away from the President. Well, what is this attempt to deny the authority to the President except an attempt to deny a power which he has under the Constitution as Commander in Chief?

Mr. DENNIS. Madam Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Madam Chairman, I was going to ask the gentleman from New Jersey if the President, as Commander in Chief, has a constitutional right in the case of an emergency such as an attack upon the United States, to deploy troops, perhaps on the high seas or even in Europe, and I think he does have that constitutional right. How can we say that that constitutional right expires at the conclusion of 120 days because we do not reaffirm it by a vote in this body?

Mr. FRELINGHUYSEN. Madam Chairman, to answer the gentleman's question, I consider as a practical matter, if there is authority in the President to take these actions, the lapse of a time period could not deprive him of that power.

We should be pragmatic about what we are discussing. The proponents of this resolution realize that inaction is the strongest weapon Congress has. We have had Vietnam as a problem for 10 years, and until today we did not take any positive, direct action with respect to winding down that war.

The CHAIRWOMAN. The time of the gentleman has expired.

Mr. MAILLIARD. Madam Chairman, I yield 1 additional minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Madam Chairman, the fact of the matter is that there is little likelihood in many cases that Congress will move in any direction, so the deliberate intent of this resolution is to have congressional inaction kick off a key change in national policy. I think this is objectionable. I think it is unconstitutional. Our past record underlines the basic responsibility of Congress, as the gentleman has pointed out earlier, at the very least, positive action by Congress should be required if there is to be a change in the national course begun by the President under his constitutional authority as Commander in Chief.

Mr. DENNIS. Madam Chairman, if the gentleman will yield again, in the time remaining, I wonder if the gentleman has any thought on the different but equally interesting subject as to whether, had this resolution been in force at the time we got into Vietnam, it would in fact have done anything to prevent that involvement?

Mr. FRELINGHUYSEN. Madam Chairman, I am glad the gentleman asked me that question. If I had more time, I would be glad to answer at length. It would not. I was here when we passed the Tonkin Gulf resolution. Had a President of the United States said, "The best way to defend the people, I believe, and to protect our security is to declare war," we would have declared war.

The conclusion, Madam Chairman, let me say that this attempt to limit the President's ability to defend the United States—by failure of Congress to take affirmative action—strikes me as inexcusably irresponsible. Proponents argue that a fixed time period allows Congress the necessary time to become knowledgeable about the nature of the crisis and then to decide whether to support him or not. But, are we in Congress so impotent that we must attempt to transform our inability to act into a positive policy action? Does commonsense not tell us this is a dangerous course?

It must be obvious, moreover, that if the President can exercise his authority with reasonable assurance only for the 120-day period that he will act differently than he would if he faced no such deadline. Could we in Congress seriously expect that a President would merely stand by to await the ponderous inaction of Congress to undermine his considered course of action? To win support for his actions, he might hurriedly accelerate the fighting, he might "go for broke" when he otherwise would move more deliberately. He might turn a relatively minor affair into a situation calling for the upholding of national honor. Similarly, an enemy might avoid coming to terms with our Government, in the hope that with the passage of time the President's authority would expire.

This 120-day limitation, it seems to me, represents an attempt to deal with an unforeseeable future situation, almost surely of critical importance to our Nation's security, in a way which might well jeopardize our national interests. Its strict definition, in advance, of our mode of operations, would have the effect of upsetting, and quite possibly destroying, the flexibility by which successful policy decisions are reached.

Hard as it is to believe, section 4b as now written could create a situation in which no one in the U.S. Government—neither the President, nor the Congress—would have the responsibility for handling a national security crisis. The section provides that if the Congress fails to act—fails neither to approve or disapprove the deployment of forces abroad to meet a security crisis—then the President is enjoined from continuing the deployment.

In other words, let us assume that at some time in the future a situation arises which threatens American security. The President meets it by deploying U.S. forces abroad. He reports that action to the Congress. The Congress is unable either to approve or disapprove the Presidential action. After 120 days, regardless of the situation and regardless of the threat to the United States, the President is enjoined from continuing to act to meet the situation in his best judgment. The threat to U.S. security continues, and there is no one in the U.S. Government willing and legally able to take the responsibility for making the decisions necessary to meet the crisis.

It is one thing for the Congress to insist upon being able to participate in the decision to deploy forces abroad. But, surely it is altogether another thing to say that if the Congress is unable or unwilling to make a decision, then the President also should be legally required to share that paralysis. Must Congress, in its desire to "assert itself," leave this country incapable of taking the steps necessary to meet some future threat to the security of our people? Surely not. Yet that is exactly what section 4(b) would do.

The manifold constitutional and national security problems created by the 120-day provision of section 4(b) are compounded by section 4(c). This section provides that hostilities and deployments initiated by the President may be terminated by Congress alone at any time within the 120-day period by means of a concurrent resolution. Concurrent resolutions, of course, do not carry the weight of law. Previous legislative use of a concurrent resolution—primarily during the Second World War—provided for the recall of additional powers granted the Executive by Congress. In contrast, its use in House Journal Resolution 542 simply represents a bald effort to terminate existing constitutional authority. Under such a theory, Congress could decide tomorrow that henceforth it could negate by concurrent resolution any legislation it has ever passed.

Furthermore, it is doubtful that this provision could ever be workable. As Presidents have throughout our history, it is predictable that a Chief Executive will ignore a concurrent resolution if he does not agree with it. It seems to me particularly unwise to invite him to do so at a time of national crisis.

Sections 4 (b) and (c) do not aid in clarifying a twilight zone of authority between Congress and the President. Rather, they succeed in raising a host of new problems. In the past decade the United States has gone through a searing experience in Indochina. During that period the executive branch proved to be less than forthcoming in its relationship with Congress.

I, for one, desire, indeed expect, the Executive to report fully and consult closely with Congress, particularly during times of crisis. For that reason, I wholeheartedly support the reporting and consulting approach to warpowers legislation. The role of Congress would be enhanced by legislation which would spell out the circumstances under which complete information would be provided promptly. At that point Congress can best be able to decide what legitimate, and constitutionally appropriate, steps it should take.

I should like now to digress. Our role in the war in Indochina—the obvious motivating force behind House Joint Resolution 542—is virtually at an end.

Had House Joint Resolution 542 been on the books 10 years ago it would not have changed the role of Congress in that conflict, or in its resolution. It would have given us no powers we did not already possess, nor would have given us the wisdom to know what course to take. It is almost certain, had a 120-day deadline been in effect at the time of the incident in the Gulf of Tonkin that Congress would have voted approval of President Johnson's decisions, or indeed have made a declaration of war. That kind of action would not have made our struggle in Vietnam any easier, in fact, it would have tied us more tightly to the massive involvement which followed.

In trying to discover a more effective role for Congress to play—particularly in times of national crisis—we should not be tempted to embrace anything that appears at first glance to contain "strong" provisions. House Joint Resolution 542, while certainly insuring an important role for Congress, so perverts the warmaking process that there could be confusion and confrontation within our system at a time of major crisis. We should recognize the truth of what Justice Goldberg once said, "The Constitution is not a suicide pact." The war power, we should remember, is the power to wage war successfully.

Mr. ZABLOCKI. Madam Chairman, I yield 5 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Madam Chairman, as I said a moment ago in the colloquy with the gentleman from New Jersey (Mr. FRELINGHUYSEN), I believe this debate is taking place today in a kind of Alice in Wonderland situation, where we are really forgetting what the true facts are. We are setting up some fictions; we are setting up some straw men, and then we are knocking them down.

I do not know whether I can get my remarks in in 5 minutes, but I believe there are some things that ought to be said in this debate and ought to be in the RECORD to be read.

One of them certainly is the concept that we got into Vietnam because this Congress was unable or unwilling to act; that somehow or other the President slipped this war over on us when we were not looking and we are only now getting around to retrieving the "balance of power" between the House and the White House.

That, of course, is utter hogwash. Anybody who was here in Congress during the long time of the Vietnam war, under President Kennedy, President Johnson and President Nixon, knows that this House repeatedly supported the action that was taken. There is no question about that.

I was here at the time of the Tonkin Gulf resolution, along with the gentleman from New Jersey, and this House could hardly restrain ourselves from rushing to put that measure through and send it on the way to the Senate by a unanimous vote. In fact, there were only two who voted against it in both Houses, and both of them failed to return to the Senate the next time they were up for reelection.

So there is no question about the fact that the Congress had plenty of opportunity to repeal the war if we had wanted to, and this thing was not slipped over because of some failure on the part of the Foreign Affairs Committee to devise proper legislation to equal out the balance of power.

Oh, there has been a lot of talk in this session about the need for Congress reasserting its control and taking away some of the powers the White House has stolen from us. Well, the one area where there is no question about our authority to control is in appropriations, in the budgetmaking process. We have got the purse strings, all right, and no constitutional lawyer would ever dispute that fact. But there are a lot of constitutional lawyers who have trouble in trying to decide exactly where the President's powers as Commander in Chief end and the congressional power to declare war begins.

One can get lawyers on both sides of that issue, and we could argue until the cows come home on it. But here we are, 3 or 4 days away from the beginning of fiscal year 1974, a year when we are supposed to be asserting the independence of the Congress, and the authority to exercise our powers. And yet we have still not even come up with an alternate budget to the one the President has proposed for 1974 back in January.

There have been a few Members of the other body who have devised an alternate congressional budget of their own. But I have been urging the leadership of the House, "If you do not like the President's budget"—and I do not like it too much myself—"then let us come up with an alternate budget." But we still have not gotten it. And we are dragging our feet in developing budget control legislation. We are still back today in the old business of passing individual appropriation bills without knowing what they are likely to add up to.

So the one authority we have the clearest and most certain ability to exercise we refuse to exercise; but here we are trying to take away the powers of the President as Commander in Chief under certain dubious interpretations of constitutional distribution of power.

Of course, everybody knows what we are really doing here. We are trying to repeal the Vietnamese war. And we are doing it after that war has come to an end, or very largely to an end. It was an

unpopular war; there is no question about it. I do not believe it has been especially popular in my district. But I have stuck with it because I believe it was in keeping with all our efforts since World War II to create a world of stability and free of aggression. I stuck with President Kennedy. And I believed that just because we changed from President Kennedy to President Johnson was no reason to change my opinion that our commitment over there was proper, so I did not change my mind under President Johnson, and I did not change it later on when President Nixon became President and continued a policy carried on under three previous Presidents.

But it is an unpopular war, no doubt about that, and now has finally gotten out of the way. Let us not forget that the Congress continued to support this war at every opportunity, including under President Nixon. But now, that it is finally over, we are going to try to square ourselves with the voters by repealing the Vietnam war by putting this legislation on the books.

Actually, as the gentleman from Indiana (Mr. DENNIS) pointed out, if it had been on the books at the time it would not have done any good anyway.

Madam Chairman, just to show that I am not choosing up political sides here tonight, let me say that this reminds me of another futile action, equally futile and equally ridiculous, and equally based on a fiction. That is the 22d amendment to the Constitution, which was an attempt to repeal the third and fourth terms of President Franklin Delano Roosevelt years after he was in his grave. The Republicans could not defeat him, so when the finally got control of Congress, they tried to constitutionally amend those third and fourth terms out of existence. They did it all right, but they lived to regret it when President Eisenhower became President, because if he had not been mortal he might still be our President. The Rebublicans regretted that amendment in 1960 and we will live to regret this bill if we pass it in the form it has come out of the committee.

The CHAIRWOMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

Mr. ZABLOCKI. Madam Chairman, I yield the gentleman 1 additional minute.

Mr. STRATTON. Madam Chairman, I thank the distinguished gentleman for yielding me another minute.

The thing that disturbs me most about this legislation is that it is based on the assumption that somehow the people of the United States are going to elect a devil and put him in the White House and, therefore, we have got to watch him and tie him up with legislative restrictions. But this bill is not going to prevent that kind of individual in the White House from getting us into trouble, because he would still be the Commander in Chief of the Armed Forces and he would still have at his fingertips the nuclear button. And if he really wanted to get us into war, if he really wanted to get us into trouble, he could always push that button and no legislation—certainly not this legislation—would ever prevent that.

We simply cannot pass a law to prevent everything that we do not like. This Government of ours could never have functioned as long as it has if there had not been some element of mutual understanding and mutual respect between all three of the branches. And not even this legislation is going to repeal that very necessary part of a functioning democracy.

Actually, Madam Chairman, this effort to try to set some kind of outside control over the Nation's military activity is nothing new. I served back in 1941 as a congressional secretary here and I can remember that one of the more famous House Members then was a gentleman from Indiana, Louis Ludlow. Louis Ludlow was the author of the Ludlow amendment, which was designed to keep America out of war especially another world war, simply by requiring a national referendum before we could go to war. Think what might have happened on December 7, 1971, if we could not have moved at Pearl Harbor until after a national referendum had been held.

What we would really be doing if we were to pass this legislation is undermining the proper power of the President to speak for the country in foreign affairs. Think, for example, what might have happened during the 1962 Cuban missile crisis had President Kennedy been restricted by this kind of legislation. Would Khrushchev have taken President Kennedy's threats to invade Cuba seriously if this legislation had been on the books?

And in that connection, incidentally, let me say to my Democratic friends who are supporting this legislation so strongly that we ought not to overlook the fact that some day we may have a Democratic President in the White House again—in fact that is likely to be the case. I would say, before this legislation would actually make much difference in our foreign affairs. Do you really want to hamstring a new Democratic President as he tries to provide some worldwide leadership in building a peaceful and stable world?

Actually the real effect of this legislation, if it passes, will be to undermine our deterrent power rather than enhance it, because a great deal of deterrent power depends on keeping the enemy guessing about just what we are likely to do. This bill would remove a significant portion of that element of predictability.

Likewise, this legislation would certainly impair our current treaty commitments, especially in connection with our NATO Alliance in this new year of Europe." Surely this is not the time to give one more body blow to one of our most successful measures of foreign policy—our NATO Alliance.

The fact is this legislation will not make us more secure. It will simply force our enemies or our competitors, if you wish to call them that to shift their tactics just a little bit. Instead of attacking us directly, as the Japanese did at Pearl Harbor—and thereby turned a strongly anti-war Nation overnight into a strongly pro-war Nation—a future potential enemy would simply nibble away at our rights and interests, and perhaps even our territory, bit by bit the old salami technique, and never so dramatically as to precipitate a strong and obvious majority in the Congress.

This of course is what Hitler did successfully for 3 years in Europe, in the Rhineland, in Austria, and in Czechoslovakia. And it is what some people believe some Soviet leaders would like to be able to do in Western Europe, to bring about the "Finlandization" of that contingent, weaken its will to resist, and nibble away at its territory and its interests.

So I do not support this legislation, Madam Chairman.

I am especially disturbed over the provision of this bill which other speakers have referred to, which permits inaction on the part of Congress to override and rescind an action of the President.

If we are not to undermine the credibility of our country and our vital deterrent power, I believe the legislation should be amended to require positive action of disapproval on the part of Congress to override the President. The gentleman from Indiana (Mr. DENNIS) has offered an amendment along these lines, I would support his amendment, and if it is not successful shall myself offer a simpler amendment along the same lines. We have a precedent for this action in the Reorganization Act, and I believe something like it would be far more acceptable than the present wording of the bill.

Mr. MAILLIARD. Madam Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Madam Chairman, I have already paid my compliments to the distinguished chairman of the subcommittee which brought this bill before us today. I would like also to compliment several other members of the Committee on Foreign Affairs. The gentleman from Pennsylvania (Mr. MORGAN), the chairman, rendered great service to this body when he sent a "Dear Colleague" letter to all of us outlining his views, and I think eloquently so.

Also, on the Democratic side my colleague, the gentleman from Florida (Mr. FASCELL) nearly 4 years ago dropped into the hopper a war powers bill. This by coincidence happened within a few days of when I introduced my first proposal. I also compliment the gentleman from Minnesota (Mr. FRASER) and the gentleman from New York (Mr. BINGHAM).

Over these years I have certainly learned a lot about this bill. I do not pretend to be an expert at this point, but I have learned a lot from the discussion and the deliberations and the consideration now of three different bills which have come to the floor.

Madam Chairman, I also want to pay my compliments to two Republican first-term members of the Committee on Foreign Affairs, the gentleman from Pennsylvania (Mr. BIESTER) and the gentleman from Delaware (Mr. DU PONT). Both of them have contributed greatly to the deliberations of the subcommittee.

It is very clear to me after the experience of the past 4 years that our

Founding Fathers deliberately left some aspects of the war powers relationship very unclear.

Both the Congress and the President were given the tools for warmaking. These powers were in parallel to a surprising extent, and it may well be that our forefathers deliberately set the stage for a struggle between the Congress and the President in this very imporant field. In any event, the struggle has certainly ensued, and the debate here this evening is a part of that struggle. Regardless of what we do with this resolution in this Congress, I dare say the struggle will continue in some form and no doubt will continue as long as the Republic survives.

The President has obvious advantages. He has the opportunity for very swift action, even secret action. He has the unified branch of the Government. He is the one ultimately who makes the decision. No cumbersome parliamentary procedure is required for the President to reach a decision of policy, whether it applies to war policy or otherwise. He can act with dispatch.

He also has vast resources at his disposal which are much greater and much more effective than those available to the Congress to rally public opinion behind a course of action.

If we were to adopt a very strict reading of the Constitution and the minutes of the debates of the Constitutional Convention as kept by James Madison, we would probably be considering here a bill which would prohibit the President from doing anything with military force beyond the borders of the United States unless he had advance approval of the Congress. That would be pretty close to what I deem to be the intent of at least the majority of those who took part in the formation of the Constitution. But it is obvious that that procedure has not been regarded as proper by most of the Presidents throughout history, and in my view it does not accord with modern day necessities.

Almost every President in this century has seen at least one situation in which he felt a necessity to act, without in advance getting policy approval of the Congress. Was he acting in an unconstitutional and unlawful manner when he did this? How can anyone really decide, because the Supreme Court traditionally shies away from any ruling which settles issues of war powers between the Congress and the President.

Those of us sitting here in this body might well argue that President Kennedy exceeded his authority when he sent 18,000 troops to Vietnam—I think it was in 1962—and shortly thereafter converted them into combat forces. Where was his authority for so acting? Well, he did not have the necessity for finding an authority, because Congress made no reaction and expressed no approval or disapproval of what he had done. But still the cloud hangs over that decision.

I think this bill approaches the problem in a very rational manner, recognizing that there will be certain circumstances in which future Presidents will act without getting advance authority from the Congress in committing forces beyond our borders, but it provides a couple of, I think, very reasonable and very rational safeguards.

It provides, first of all, that the President may not continue this course of policy to which the Congress has not yet assented beyond 120 days. No President is going to want to be left high and dry and any President deciding on a course of action, whether it be the commitment of military forces in a foreign field or engaging in hostilities there, is going to think carefully before he gets himself in a position from which he may have to retire after 120 days. He is going to think carefully before making the fundamental decision, and then, once he has made that decision and set in train the sequence of events which will eventually terminate with the expiration of that period, he will surely use that time interval to try to sell his position to the Congress. He will not want to be left high and dry.

The other safeguard that this joint resolution puts into the statute is the authority of the Congress, which I say is a very reasonable and proper application of its war powers under the Constitution, to require the President to disengage from hostilities at any time by a simple majority of both Houses.

That is the concurrent resolution approach.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. FINDLEY. I am glad to yield to my friend from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

In his defense of the 120-day provision the gentleman seems to be suggesting that a President as Commander in Chief would take a decision to commit troops lightly really unless there were language that he could commit troops only for a period of 120 days.

Mr. FINDLEY. No. That interpretation is not justified. Under the terms of section 4, I think he would be much more careful in making a decision. I do not want to suggest that any President would take lightly the commitment of military force any place in the world, but there are degrees of care and reflection.

Mr. FRELINGHUYSEN. The gentleman suggests that the President would use the time to sell his position. This may well be one of the weaknesses of the proposal, because a President may escalate hostilities in order to sell the country on the advisability of the course of action he is undertaking.

In other words, it may have quite the opposite effect from what the gentleman is assuming. This proposal may well keep a President from making a wise decision with respect to commitment, or it may have him make an over commitment in order to emphasize the gravity of the situation.

Mr. FINDLEY. I argue exactly the opposite.

Mr. FRELINGHUYSEN. I know the gentleman does.

Mr. FINDLEY. The certainty, absent congressional approval, which would confront the President that on the expiration of the 120-day period he would have to withdraw any enlargement of his forces, disengage them from hostilities, would surely cause him to exercise the most extreme care before he made a fundamental commitment.

Furthermore, he would also be impelled to great care by the knowledge that at any point from the first day forward a majority vote of both Houses could direct him to disengage from that commitment.

I might add, Madam Chairman, that I would be glad to keep on yielding here to the Members, but I know the constitutionality of the concurrent resolution exists as an issue, and I suspect from what the gentleman from Wisconsin has said, time will run short before we know it. So, I would like to take a little time at this point to deal with that and related questions.

The war powers resolution of 1973 contains the machinery to assure more effective participation by Congress in future national decisions involving war and peace. First, in section 3 it requires the President to report to Congress any time he commits Armed Forces to hostilities outside the United States; commits Armed Forces equipped to combat to the territory, airspace, or waters of a foreign nation; or substantially enlarges the number of Armed Forces equipped for combat already located in a foreign nation. This provision is virtually identical to one which passed the House overwhelmingly in each of the last two Congresses.

While it is highly important that Congress be involved intimately in decisions which actually engage our forces in military hostilities, it is also essential that we be similarly involved in decisions which place our forces in circumstances where armed conflict may later develop.

The decision to place U.S. Armed Forces in foreign areas where hostilities may subsequently break out could well have greater and graver implications than a subsequent decision authorizing such forces to continue—or discontinue—their engagement in actual hostilities.

Certainly, the political, psychological, and emotional factors present when the earlier decision is made would be much more conducive to thoughtful, objective deliberation than later when guns are blazing. On the later occasion, our forces and our flag would be under attack. Concern would center on the safety of our forces and the broad—and important—questions of national honor, prestige, and influence. At that juncture, the wisdom of our presence could not receive the same dispassionate consideration that would have been possible earlier.

Most Americans, I would judge, today believe the United States acted unwisely when it first placed forces equipped for combat in South Vietnam. They would like to turn the calendar back and not have them there at all, regardless of the consequences for the South. But, primarily because our forces and our flag were under attack, many of these same people opposed a quick departure of our forces, and as today's votes show clearly, many Congressmen still support the bombing of Cambodia.

Unfortunately, the Congress did not deal directly and promptly with the ques-

tion as to whether the initial commitment of forces equipped for combat to Vietnam was either constitutional or in the national interest.

Congress was never called upon to grant specific approval in connection with the stationing by President Kennedy of 16,000 troops equipped for combat in Vietnam in 1962, troops which were initially identified as military advisers but soon were given direct combat responsibility.

While we cannot turn the calendar back, hopefully we can profit from this experience. You can establish rules which will enhance the likelihood that in similar future circumstances—before fighting breaks out—Congress will receive promptly a formal written report from the President detailing and justifying the steps he has ordered. Upon such a report, hearings could be expected. Congress, if it deemed such advisable, could pass judgment on the wisdom, propriety, constitutionality, and necessity of the action reported.

Under sections 2 and 3 of the war powers resolution, the President must give attention to a detailed report to Congress at the very time he ponders a decision to commit military forces to foreign territory or to enlarge substantially forces already there. At the very least, this would remind the President and his advisers forcibly and before the commitment is made of congressional responsibility and authority in this area.

As a practical matter, this reporting requirement should also cause the President to consult directly with the legislative branch before making the final decision on force commitment.

Had Senate Joint Resolution 1 been law, it would have required a prompt, written detailed report on:

The Berlin airlift following the blockade of that city in 1948.

The intervention of U.S. troops in Korea in 1950.

The enlargement of our forces in Europe in 1951.

The sending of reinforcements to Berlin after the German border was closed in 1961.

The deployment of our troops in Thailand in 1961–62.

The various troop build-up stages in Vietnam through August 1964, when Congress approved the Gulf of Tonkin resolution.

The sending of Marines to the Dominican Republic in 1965.

The bombing of Laos in early 1971.

Present activities over Cambodia.

These are some of the major events since the end of World War II involving American troops in which neither prior nor subsequent congressional approval was sought by the President.

Each of these force movements was undertaken without specific prior authorization of the Congress. Each involved armed conflict or the definite risk thereof. Most importantly, several of the instances would not have invoked the provisions of the war powers bill sponsored by Senator JAVITS and widely endorsed in the U.S. Senate, while each would have required a report to Congress under House Joint Resolution 542.

Had this reporting requirement been in effect in 1962 when the number of U.S. advisers in Vietnam was raised from 700 without combat gear to 16,000 equipped for combat, President Kennedy would have been required to explain promptly and in writing to Congress the circumstances necessitating his decision, the constitution or legislative provisions under which he took such action, and his reasons for not seeking specific prior congressional authorization.

This reporting requirement of itself might have caused sober second thoughts by the President. It might have caused him to reconsider. If he went ahead, the report on the action would have provided Congress with a formal document on which to hold hearings.

Certainly the consideration of the report in 1962 would have been in circumstances more favorable to objectivity than existed when the Gulf of Tonkin resolution was passed in 1964.

To be sure, this procedure provides no guarantee that the Congress will undertake an examination of the report, but the basic information and opportunity would be at hand.

Reports would be required within 72 hours, with the modest exceptions listed, whenever forces equipped for combat are sent to foreign areas for any purpose.

Would the reports be so numerous as to bog down both the executive and legislative branches? Based on past history, the answer must be "No." Reports would be required only when the original force commitment is made, or when forces are substantially enlarged. Additional reports would not be required as personnel and equipment are rotated.

"Substantially" is open to varied definitions, but, I do not feel, admit of too much flexibility or is overly vague. A thousand additional men sent to Europe under present circumstances clearly would not "substantially enlarge" our 300,000 men already stationed there. A thousand men sent to Guantanamo Bay, Cuba, to "beef up" a 4,000-man contingent there would indeed be "substantial."

During consideration by the committee of the resolution, a question was raised as to the necessity and wisdom of requiring the President to include within his report "the estimated financial cost of such commitment or such enlargement of forces." Some thought "that information would be of no particular value to Congress," forgetting that when it was costing us more than $25 billion a year to fight the Vietnam war, that fact seemed quite important to most Americans who were beset by problems of inflation and poverty caused by the incredible expense of that war.

Some also questioned whether the financial information also "might be extremely revealing to an enemy." Yet, they raised no similar objection to the requirement that the President include in his report "the estimated scope of activities." Nor do they worry that in any case, the President will be required to outline the costs of a military commitment in the next defense or supplemental appropriations bill.

The aim of the reporting requirement is to facilitate the fulfillment by Congress of its responsibility for committing the Nation to war, and also its responsibility to "provide for the regulation of its Armed Forces."

Congress can hardly regulate the Armed Forces as the Constitution requires if it does not even know where they are or where they are being sent.

This expanded reporting requirement would place congressional influence far closer to the points and moments of great decision. It would require the President and his advisers to give thorough consideration to the judgment and reaction of Congress, as well as to the relevant provisions of laws, treaties, and the Constitution, to which they must turn for authority. Consideration of legal justification would become part of the decisionmaking process—not a subsequent exercise of small importance in which State Department lawyers handcraft a legal garment to cover the subject long after the military action has been decided upon and undertaken. And the Congress, charged under the Constitution with the power to commit the Nation to war, would be better equipped to fulfill its responsibility.

If enacted, House Joint Resolution 542 will establish for the first time in our history a formal statutory relationship between the President and the Congress with respect to the stationing of military forces on foreign territory.

For the first time the President will be required to inform the Congress promptly and in detail as to what he is doing with military forces abroad and why.

Second, the war powers resolution provides that within 120 days after receiving this report, the Congress must specifically authorize the commitment of troops reported by the President or the troops must be withdrawn.

Third, within the 120-day period, Congress may by concurrent resolution order the disengagement from hostilities of American troops committed without specific congressional authorization.

This latter provision is the safety valve of the resolution. It serves the dual function of permitting the President maximum flexibility to commit troops for a relatively long period of time—120 days. At the same time, it permits the Congress to fulfill its constitutional responsibility to decide by majority vote whether the Nation shall continue at war.

Some objections have been made to the use of a concurrent resolution for this purpose. An examination of 200 years of American history, as well as the writings and opinions of the most prominent constitutional and legal minds of this century convinced me, and presumably the Foreign Affairs Committee that the use of a concurrent resolution to terminate hostilities is both constitutional and wise policy.

Use of a concurrent resolution to disapprove Presidential action is hardly new. Beginning in the 1930's, Congress regularly incorporated provisions for a legislative veto in legislation authorizing the President to effect a reorganization of agencies in the executive branch of the Government. All of the dozen or so Reorganization Acts of this century have contained a provision that disapproval

of the President's plan by either House of Congress would preclude the President from putting his plan into effect.

In the last decade five different reorganization plans submitted to Congress by the President have been vetoed by simple resolutions, three times by the House. On June 15, 1961, the House vetoed President Kennedy's plan to reorganize the Federal Communications Commission. On July 20, 1961, the House vetoed the President's plan to reorganize the National Labor Relations Board. On February 21, 1962, the House vetoed the President's reorganization plan for the Housing and Home Finance Agency. Many members of this body were present for these votes, as well as several more recent votes approving reorganization plans, and I do not recall even a whisper of criticism of this procedure as being unconstitutional.

The precedents for use of a simple or concurrent resolution go far beyond reorganization plans. According to the Library of Congress:

Most of the important legislation enacted for prosecution of World War II provided that the powers granted to the President should come to an end upon adoption of a concurrent resolution to that effect.

Among the examples that the Library cites were:

Lend-Lease Act of March 11, 1941.

First War Powers Act of December 18, 1941.

Emergency Price Control Act of January 30, 1942.

Stabilization Act of October 2, 1942.

War Labor Disputes Act of June 25, 1943.

Other precedents where the effect of law is achieved by resolutions not submitted to the President include:

Amendments to the Constitution.

To set aside suspensions of the deportation of aliens by the Attorney General under authority vested in him by the Alien Registration Act of 1940.

To disallow or set aside dispositions of federally owned property, including obsolete vessels owned by the Department of the Navy and surplus rubber plants.

To reject executive agreements with other nations providing for the exchange of atomic energy materials.

To override a Presidential determination not to abide by an import duty increase recommendation of the Tariff Commission.

To effectuate allocations of highway aid to the States recommended to Congress under the Federal Highway Act of 1956.

To terminate foreign aid to a given country.

Two precedents are particularly significant and relevant to the war powers bill. The Middle East resolution and the Gulf of Tonkin resolution both provided for the commitment of U.S. forces to hostile action, and both provided for the termination of that commitment by concurrent resolution.

The use of concurrent resolutions for such purposes has also been cited approvingly by the Supreme Court. In 1941, in the case of Sibbach against Wilson & Co., the validity of the Rules of Civil Procedure for the district courts of the United States was challenged. The Court stated:

Moreover, in accordance with the Act, the rules were submitted to the Congress so that that body might examine them and veto their going into effect if contrary to the policy of the legislature.

The value of the reservation of the power to examine proposed rules, laws and regulations before they become effective is well understood by Congress. It is frequently, as here, employed to make sure that the action under the delegation squares with the Congressional purpose . . . That no adverse action was taken by Congress indicated, at least, that no transgression of legislative policy was found.

In addition to the dozens of precedents, most legal authorities agree that the Congress may use a concurrent resolution as a means of checking Presidential decisions. The most eminent constitutional lawyer of the century, Prof. Edward S. Corwin, has written:

It is generally agreed that Congress, being free not to delegate power, is free to do so on certain stipulated conditions. Why, then, should not one condition be that the delegation shall continue only as long as the two houses are of the opinion that it is working beneficially . . . To argue otherwise is to affront common sense.

Prof. Louis Henkin, of the University of Pennsylvania and Columbia University, author of a recent book entitled "Foreign Affairs and the Constitution," agrees. Speaking of the use of concurrent resolutions he states:

By the devices described, Congress is not repealing or modifying the original legislation but is exercising power reserved in that legislation. Surely Congress should be able to recapture powers it delegates to the President without the consent of the agent.

The Senate Foreign Relations Committee has been considering a bill which would permit the Congress by concurrent resolution to repeal Executive agreements. Testifying in favor of the constitutionality of this approach have been: former Supreme Court Justice Arthur Goldberg; Prof. Richard Falk of the Woodrow Wilson School at Princeton; and Prof. Henry Field Haviland, Jr., director of the Fletcher School of Law and Diplomacy at Tufts University.

Prof. Raoul Berger of Harvard University, who testified before the National Security Subcommittee on the war powers bill and who reviewed section 4 (c) containing the concurrent resolution approach, has written:

Of course, I vastly prefer your concurrent resolution approach to the view that a presidential war may be terminated only by joint resolution, which requires the concurrence of the President. The latter approach represents still another abdication. . . .

Several attorneys general have also supported the constitutionality of the legislative veto, beginning as early as 1854. In that year, Attorney General Cushing stated:

Of course, no separate resolution of either House can coerce a Head of Department, unless in some particular in which a law, duly enacted, has subjected him to the direct action of each; and in such case it is to be intended, that, by approving the law, the President has consented to the exercise of such coerciveness on the part of either House.

In 1949, a memorandum prepared by the Department of Justice found the two-House form of the veto to be definitely constitutional.

One of the notable exceptions to this overwhelming preponderance of legal opinion in favor of the use of concurrent resolutions for this purpose is former Attorney General and now Secretary of State William P. Rogers. In 1958, he delivered an opinion to President Eisenhower that the concurrent resolution might be so used only if a two-thirds vote were required. Thus, it is not surprising that today, as Secretary of State, he takes a dim view of the legislative veto, despite the weight of historical precedent and legal opinion against his position.

The use of a concurrent resolution to require the President to disengage U.S. troops from hostilities is also wise policy.

This resolution recognizes that often the President has assumed the power to engage U.S. forces in hostilities, going far beyond what can be justified on the basis of his Commander in Chief function, and in the absence of any specific delegation of authority by Congress. Realizing that certain circumstances might make such an assumption of power necessary and desirable, the committee does not attempt to preclude the President from acting in such circumstances.

In the Senate, the Javits bill which passed that body last year, takes just the opposite approach. The Senate Foreign Relations Committee has spelled out four circumstances only in which the President may employ U.S. troops in hostilities without first coming to Congress for approval.

The House Foreign Affairs Committee felt it would be unwise to draw such rigid lines between the President and Congress, or to define in advance all of the circumstances under which the President could act. To do so might prevent the President from acting in a crisis situation. It might cast doubt upon our U.S. defense commitment at home or elsewhere in the world.

In order to preserve the maximum amount of flexibility in the war powers resolution, the Foreign Affairs Committee does not attempt to preclude the President from acting in a circumstance where he determines that the need for action is immediate and precludes prior congressional authorization. Realizing that the standards are vague, the House bill requires the President to explain and justify to Congress why he has assumed the power to commit troops to hostilities. If Congress approves of the assumption of power, it may ratify it. If it does not approve, it may let the powers lapse after 120 days, or terminate them sooner by concurrent resolution.

The point is that the Constitution delegates the authority to declare war to the Congress, not to the President. It is Congress which must raise armies and navies, make rules governing them, call forth the militia, and organize and pay for it all. The President's only constitutionally specified power is that of Commander in Chief, which is hardly a mandate for Presidential warmaking.

The war powers resolution would in no way inhibit the President from using troops to defend the United States or repel attacks. Congress may by concurrent resolution order disengagement of U.S. troops from hostilities only when

they "are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of the Congress." Thus, if there is an attack upon the United States itself, a concurrent resolution would not be appropriate. And I might add surely, no Member of Congress would wish to disengage our troops under such circumstances.

Finally, if the House in its wisdom decides to retain section 4(b) requiring that Congress act within 120 days to ratify the commitment of troops, then it would be logically inconsistent for the House to delete section 4(c) or to require a joint resolution of disapproval.

Under section 4(b), after 120 days the Congress may by inaction force the President to terminate a commitment and disengage troops engaged in hostilities abroad. It would be ironic indeed if the Congress could require the President to disengage our troops by inaction, but could not require the President to disengage those same troops by passing a concurrent resolution as provided for in section 4(c).

Section 4(c) of the war powers resolution provides a means of preserving congressional authority and augmenting congressional control in an area that presently is not subject to effective control through Congress' traditional oversight powers. It strengthens the checks and balances which the Founding Fathers put at the base of our political system. And, at the same time, it preserves essential flexibility to the President.

No attempt is made to equate the process by which amendments to the Constitution are proposed and section 4(c) of the war powers resolution. The constitutional amendment procedure is cited as one example of a resolution which is not submitted to the President for signature, as section 7 of the Constitution would seem to explicitly require, but which nevertheless has the effect of law.

The amendment procedure simply states:

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of the Constitution, when ratified by the Legislatures of three fourths of the several States. . . .

The Constitution does not state whether the President shall sign a resolution proposing an amendment, and therefore the explicit requirement of section 7 of the Constitution would seem to require that the President sign constitutional amendments. As early as 1798, the Supreme Court decided in Hollingsworth against Virginia that a Presidential signature was not required, section 7 of the Constitution notwithstanding.

Thus, although the ratification by three-fourths of the State legislatures might be analogous to a Presidential signature, it cannot be squared with the explicit constitutional requirement that "Every order, resolution, or vote—shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him."

Again, the exceptions are legion.

Hinds Precedents is anything but conclusive upon the question of whether such a concurrent resolution must be presented to the President for signature. In chapter XCII, Hinds states:

> *"In general,* orders, resolutions, and votes in which the concurrence of the two Houses is necessary must be presented to the President on the same conditions as bills" (emphasis added).

He then goes on to say:

> Although the requirement of the Constitution seems specific, the practice of Congress has been to present to the President for approval only such concurrent resolutions as are legislative in effect.

Thus Hinds acknowledges that there are exceptions.

Hinds stopped compiling his precedents in 1907. Since then, as noted in the response to question one, literally dozens of bills have specified that Congress may by concurrent or simple resolution take legislative action. Hinds would today have a whole new body of precedents to compile.

No example has been found wherein the Congress used a concurrent resolution to repeal the President's authority under the five bills cited above. However, Congress has five times in the last decade used a simple resolution to repeal the President's authority to carry out certain reorganization plans he has proposed.

President Franklin D. Roosevelt asked his Attorney General to prepare a memorandum questioning the constitutionality of section 3(c) of the Lend-Lease Act of 1941, which provided for Congress to terminate the delegation of powers contained in the act by a concurrent resolution. The memorandum was never made public and was found in Roosevelt's private papers after his death. Roosevelt signed the Lend-Lease Act without a whisper of dissent. Thus, it can hardly be said Roosevelt's private dissent on this one section of the act negates 200 years of constitutional history.

The attempt by Roosevelt to reserve the judgment upon the effectiveness of repeal by concurrent resolution by means of a written dissent—private or public—while signing the bill into law at the same time is of no force for yet another reason. Returning to Hind's precedents, in paragraph 3492 we find that in 1842, President Tyler signed a bill and filed with it his reasons for doing so:

> Mr. John Quincy Adams, of Massachusetts, said that this message was a novelty in the history of the country. The Constitution required the President, if he approve a bill, to sign it and not accompany his signature with reasons. After dwelling on the dangers of the precedent Mr. Adams moved that the message be referred to a select committee.

The report of that committee referring to the President states:

> No power is given him to alter, to amend, to comment or to assign reasons for the performance of his duty. His signature is the exclusive evidence admitted by the Constitution of his approval, and all addition of extraneous matter can, in the opinion of the committee, be regarded in no other light than a defacement of the public records and archives.

Thus, while the Roosevelt memorandum is an interesting historical footnote, it is neither constitutional nor relevant to the subject under consideration. If Roosevelt felt that the concurrent resolution was unconstitutional, then according to the Constitution he should have vetoed the Lend-Lease Act so stating. Anything less was null and void.

It is a fact that Congress repealed the Gulf of Tonkin resolution with an amendment to the military sales bill, rather than acting upon the concurrent resolution passed by the Senate. This was a matter of convenience, not of constitutional principle. The record does not show any support whatsoever for inferring that the House acted as it did out of fear that a concurrent resolution was insufficient. What is clear is that the Senate obviously felt that a concurrent resolution was sufficient to repeal the Gulf of Tonkin resolution.

The "necessary and proper" clause of the Constitution states:

> The Congress shall have power . . . to make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . . .

The war powers resolution is a joint resolution which must be signed into law by the President in order to have effect. If the "necessary and proper" clause is held to preclude the use of concurrent resolutions such as in 4(c), then it must also be held to prohibit the use of concurrent and simple resolutions for virtually all purposes I have enumerated. Such a result would be absurd and obviously at variance with the intentions of the Founding Fathers and 200 years of constitutional history.

The CHAIRMAN. The time of the gentleman has again expired.

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

The CHAIRMAN. The Chair will count.

Forty-two Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 280]

Abzug	Broomfield	Diggs
Adams	Brown, Calif.	Dorn
Addabbo	Burke, Calif.	Drinan
Alexander	Burlison, Mo.	Dulski
Anderson, Calif.	Butler	Edwards, Calif
	Byron	Eilberg
Anderson, Ill.	Carey, N.Y.	Esch
Archer	Casey, Tex.	Eshleman
Arends	Cederberg	Evans, Colo.
Ashbrook	Chamberlain	Evins, Tenn.
Ashley	Chisholm	Fish
Badillo	Clark	Fisher
Baker	Clawson, Del	Flynt
Barrett	Clay	Ford,
Beard	Collins, Ill.	William D.
Bell	Conable	Forsythe
Bevill	Conyers	Fraser
Biaggi	Corman	Frey
Bingham	Crane	Froehlich
Blatnik	Daniel, Dan	Fulton
Bolling	Danielson	Fuqua
Bowen	Davis, Ga.	Gettys
Brademas	Davis, Wis.	Gray
Breaux	Derwinski	Green, Oreg.
Brooks	Dickinson	Green, Pa.

Gross	Moorhead, Calif.	Shriver
Gubser	Moorhead, Pa.	Sikes
Guyer	Mosher	Sisk
Hanna	Moss	Smith, N.Y.
Hansen, Idaho	Murphy, N.Y.	Stanton, James V.
Hansen, Wash.	Nedzi	Stark
Harsha	Nelsen	Steed
Harvey	Nichols	Steiger, Ariz.
Hastings	Nix	Steiger, Wis.
Hawkins	O'Hara	Stephens
Hays	Owens	Stubblefield
Hébert	Patman	Stuckey
Heckler, Mass.	Perkins	Sullivan
Hillis	Peyser	Symington
Hogan	Pickle	Symms
Horton	Pike	Teague, Calif.
Howard	Poage	Teague, Tex.
Hungate	Powell, Ohio	Thompson, N.J.
Hunt	Preyer	Thomson, Wis.
Hutchinson	Railsback	Thornton
Johnson, Pa.	Rangel	Tiernan
Jones, Ala.	Rarick	Treen
Karth	Rees	Ullman
King	Reid	Van Deerlin
Kluczynski	Rhodes	Vander Jagt
Koch	Riegle	Vanik
Kuykendall	Robison, N.Y.	Vigorito
Kyros	Roe	Whitehurst
Landrum	Roncalio, Wyo.	Whitten
Leggett	Rooney, N.Y.	Widnall
Lehman	Rooney, Pa.	Wiggins
Long, Md.	Rosenthal	Wilson, Bob
Madigan	Runnels	Winn
Martin, Nebr.	Ruth	Wright
Mathias, Calif.	Ryan	Wyatt
Meeds	St Germain	Wylie
Mezvinsky	Sandman	Yates
Michel	Satterfield	Yatron
Mills, Ark.	Scherle	Young, Alaska
Minshall, Ohio	Schneebeli	Young, S.C.
Mizell	Shipley	Zion
Montgomery		

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution House Joint Resolution 542, and finding itself without a quorum, she had directed the Members to record their presence by electronic device, whereupon 236 Members recorded their presence, a quorum, and she submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair would like to advise the Members that 1 hour and 36 minutes of time remain, and 100 Members are a quorum.

Mr. MAILLIARD. Madam Chairman, I yield 8 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Madam Chairman, I rise in support of House Joint Resolution 542, a bill which I believe offers the Members of this body an opportunity to reassert the powers authority vested in them by the Constitution. As a member of the subcommittee which drafted the bill, and as one of its sponsors, I believe it is a strong bill, a good bill, and one that deserves passage.

When the subcommittee began their extensive deliberations on war powers legislation, I will be frank to admit that I was skeptical about our ability to draft a bill which effectively reasserted the warmaking powers of the Congress but which also retained sufficient flexibility to comport with the design of the Constitution. As the hearings and markup sessions concluded, I was convinced that the committee had not only drafted a workable bill, giving Congress an effective role in warmaking powers but that passage of the bill is essential if the Congress is going to fulfill its constitutional obligations.

The need for this legislation does not simply arise out of the tragic involvement in Southeast Asia. I think the war in Vietnam represents the culmination of a historical decline in the assertion of congressional prerogatives in warmaking authority. In the early days of the Republic, the executive and the Congress worked in close cooperation with one another, often resulting in the President deferring to the opposition, to an active Congress. By World War II the Executive made commitments abroad totally independent of the will of the Congress; after World War II, in Korea, the Dominican Republic and Southeast Asia, the warmaking powers had shifted completely from the Congress to the Executive after the fact. Absent any positive action by the Congress, there is little evidence to suggest this trend will reverse. Continued acquiescence by the Congress, can only lead to a domination by the Executive in warmaking authority in direct conflict with the intent of the framers of the Constitution. While it is naturally more expedient to conduct warmaking functions through the Executive alone, the drafters of the Constitution consciously avoided concentrating in the Executive the authority to unilaterally lead the country to war. In retrospect, this country has moved too far from this ideal. We can no longer allow the institutional advantages of the Executive to become justification for further erosion of congressional warmaking power.

Much will be heard in debate today about the Constitution, about what that Constitution says or does not say about the war powers of the Congress. I would like to address myself to that specific question.

I believe that the Constitution gives to the Congress, not to the Executive but to the Congress, the power to commit the United States to a cause of war. Debate during the Constitutional Convention made it very clear that the delegates felt that the risk of economic and physical sacrifice during a war, and the serious legal and moral consequences that flow from the use of force against a foreign sovereign, were sufficiently grave that the elected representatives of the people should express their approval of such action.

Of course the practice has been very different from the theory; we have seen an almost total erosion or perhaps abdication of congressional input into foreign policy decisions. The Executive has been preeminent.

All Members of this body have heard the arguments in support of expanded Executive power. I think most of the arguments are based on Executive practice rather than on the letter and spirit of the Constitution itself. Both the Constitution and the notes taken at the Constitutional Convention add great weight to the argument that Congress, not the President, was to be vested with the dominant role in warmaking powers. I think it is significant that the Constitution contains six express grants of warmaking and related authority in article I, section 8, clauses 11, 12, 13, 14, 15, and 16. In comparison there is only one such grant of authority for the President under article II, section 2, which vests him with the powers of Commander in Chief of the Armed Forces.

The notes made by both Hamilton and Madison at and after the Constitutional Convention support the theory that the Congress was preeminent in the field of warmaking. The American Constitution was going to avoid the European example of giving to the Executive broad powers to unilaterally commit the Nation to war. Even though Hamilton argued that foreign policy was inherently an Executive function, implementation of that policy must depend on the independent authority of the Congress. Against this background, I find unpersuasive arguments that cite the Commander in Chief clause as the basis for the grant of broad, independent warmaking authority. On the contrary, I think the limited references to the President's authority make him, as Hamilton stated, "The first general and admiral of the confederacy."

At the very least the Constitution and its legislative history show that Congress and the President were intended to be partners in warmaking. The weight of evidence suggests that Congress was intended to be the dominant partner, retaining the independent authority to commit the Nation to hostilities.

The practice of the Executive, however, has resulted in a total reversal of the letter and spirit of the Constitution. As Members of Congress sworn to uphold the Constitution, we have a duty to protect and exercise the powers granted to us by the Constitution. We have a clear choice of action. We can condone that reversal that has taken place and allow the practice of history to dominate the express provisions of the Constitution. That choice, I believe, would effectively abandon the ideal proposed by the drafters of the Constitution. Our alternative is to reverse the trend of history, and restore Congress to a position of partnership in shaping warmaking policy. House Joint Resolution 542 is, in my estimation, a bill which closely reflects the intent of the Constitution, and would set in motion the machinery necessary for making Congress an effective force in shaping the Nation's armed policy abroad.

First, House Joint Resolution 542 would give the Congress the ability to fulfill its constitutional responsibilities for warmaking powers. The consultation provisions and the reporting requirements will give the Congress the intelligence necessary to carry out the obligations mandated by the Constitution. In the past, the Congress has not had adequate information to effectively direct foreign policy decisions, particularly when complex issues about directing a war were at issue. By requiring the President to keep the Congress abreast of significant changes in our foreign policy posture, the Congress will be able to impact the policy at each stage of development. This stands in sharp contrast with the present practice of coming to Congress after the commitments have already been made.

Second, section 4 gives Congress the capacity to exert greater control over the Executive's commitment of Armed Forces abroad. I think the heart of this section is subsection C which provides that the Congress may direct, by concurrent resolution, the President to disengage from hostilities. I think this procedure is fully consistent with the Constitution. If the President was going to abide by the letter of the Constitution he would have to have the support of a majority of both Houses of Congress. In fact, a simple majority in one House could block a declaration of war. Therefore, if a President acts without the prior consent of the Congress, it logically follows that a simple majority of both Houses should be able to direct him to disengage from hostilities. We have simply reversed the chronology of the legislative process because the Executive decided to act prior to congressional authorization. It has been argued that if the Congress passed a bill requiring the President to disengage Armed Forces abroad, the President could veto it and both Houses of Congress would have to pass it by two-third vote before it became binding. I do not think that the framers of the Constitution intended to create this obstacle to withdrawing the Nation from a course of war when the President acted unilaterally. To remove any doubt about procedure, section 4(c) should be enacted to reaffirm the ideal that the Congress and the President are partners in warmaking. I think that is wholly appropriate that when the majority of both Houses disagrees with a course of action, then the President no longer has the authority to act unilaterally. Without the approval of both Houses of Congress there can be no valid warmaking power.

In another sense this bill conditionally delegates to the President the provisional authority to commit Armed Forces abroad. In the context of modern diplomacy, I think that such a grant is a necessary expedient. It recognizes the need to give the President flexibility in protecting national security. At the same time, however, Congress retains its right to withdraw that conditional delegation of authority.

Unfortunately, we have little judicial precedent to look to for guidance. I want to point, however, that as Members of Congress we are sworn to uphold the Constitution. We ourselves have the ability to make precedent. While I have heard objections that this bill contains provisions of dubious constitutionality, I do not see how a return to the letter and spirit of the Constitution could be considered questionable. We are not creating any new policies here; we are simply trying to reverse the persistent erosion of our constitutional obligations. In fact, I have serious doubts about the exercise of Presidential authority that we have witnessed in the last 50 years. Critics of this bill refer to Presidential powers which I see as supported only by the gloss of practice. Nowhere in the Constitution do I see a requirement that two-thirds of both Houses are required to make a President disengage from hostilities that he initiated unilaterally, without prior consent of Congress. Perhaps that is the direction that our history has taken us: However, I am not ready to abandon the letter and spirit of the Constitution for the interpretation by the gloss of practice.

I urge the Members to read this bill in the context of the checks and balances embodied in the Constitution. The drafters intended to safeguard the Nation against unchecked Executive decisions to commit the country to a trial of force. While institutional advantages have caused the Congress to delegate its responsibilities in foreign policy and warmaking authority, this should not obviate the need for requiring safeguards from the body most directly representative of popular sentiment. I can think of no decision that is more important to bring before the people than the commitment to war. Such a decision involves a risk of great economic and physical sacrifice that should not be incurred without approval from the people and their elected representatives. The very act of war entails moral and legal consequences so significant that an expression of popular approval should be required. I believe that House Joint Resolution 542 provides that Members of this body with the instrument that will insure the awesome decision to go to war will be brought directly before the body most directly of the people, a result that was intended by the Constitution.

DETAILED ANALYSIS OF THE CONSTITUTIONAL BACKGROUND OF HOUSE JOINT RESOLUTION 542

It has been frequently contended that the powers conferred on the Congress by article I, section 8 and those conferred on the President in article II, section 2 are logically incompatible. While there is an apparent conflict over the delegation of warmaking authority, there is ample evidence to show that the drafters of the Constitution intended to give the Congress the primary responsibility for making war, consciously avoiding the pattern of broad authority enjoyed by the monarchs of that period.

Because article I, section 8 is the only instance where warmaking powers are expressly mentioned, constitutional scholars have attached great significance to the amendment that changed clause 11 from the power to "make war" to the power to "declare war." Some have suggested that the change was designed to restrict the role of Congress to a more formal or ceremonial function, implying that the substantive responsibility lay with the Executive. The debate was not well reported, but there is strong evidence that the amendment was in no way intended to weaken congressional prerogative. This view is reinforced by the notes of both Hamilton and Madison. Hamilton later wrote in the Federalist that the Executive normally had the power to embark on war, but in the United States this power was deliberately reserved for the legislature. There is additional evidence, supporting the contention that the change in wording was designed to relieve Congress from the day-to-day responsibility for conducting war. The most expansive views that is supportable is that the wording would make clear that the President had the authority to repel sudden attacks.

In contrast to this evidence supporting congressional preeminence in warmaking authority, the Executive has only been given express authority to be the Commander in Chief of the Armed Forces. This is hardly a persuasive grant of broad authority in contrast to the specific grants conferred upon the Congress. A strict reading of that clause would make the President, as Hamilton termed it, the "first general and admiral of the Confederacy." The President's authority, however, has been considerably expanded by the interpretation of article II, sections 1 and 3, which give the President executive power and require him to take care that the laws be faithfully executed. This has been construed to mean that the President has the power to enforce the laws of the United States by any means he finds necessary—In re *Neagle*, 135 U.S. 1—and in practice this has meant that he has the power to maintain internal order and repel sudden attack.

Analysis of this legislative history suggests that the framers never intended troops to be used outside the country without congressional consent. Since neither a standing army or navy was thought necessary by the framers any military venture would have by necessity required congressional authorization of the expedition by raising troops or calling up the militia. Even where troops were available for foreign deployment, the Executive came to the Congress during the Nation's first 25 years under the Constitution. Despite this intent and early practice, rapid expansion of Presidential use of power abroad took place. The expansion began with the theory that the duties of the President included the power to protect U.S. citizens and property abroad. By the end of the 19th century, the power had expanded to the point where the executive power included a great variety of interests defined as foreign policy objectives.

Concurrent with this development of foreign policy powers, the President was recognized to have the inherent power to conduct the national defense. Foremost in the minds of those who recognized the importance of such powers was the fear of a territorial invasion. In the modern context, however, global confrontation gave rise to the notion of linking the national interest to extra-territorial security interests. This recent expansion of power leads the power of the President into collision with the warmaking powers of the Congress. While it is well recognized that the President must still be left with the power to judge in the first interest whether a given event constitutes an imminent threat to our survival and demands a response which leaves no time to seek the Congress acquiescence in that decision. This limited discretion falls far short of the assumption that the President, because of his defensive powers, may act unilaterally whenever the interest jeopardized is labeled as a "vital security interest." The authority for the unilateral acts taken by the Presidents in the last 20 years rest on questionable constitu-

tional grounds, and at minimum represents policy which the Congress must seek to curtail.

Early American history indicates that the result we have reached today was by no means inevitable. We have endowed increasing amounts of authority in the President yet this seems to be based in expediency rather than necessity.

In the first 125 years of the Republic, there was genuine cooperation between the President and the Congress, often resulting in deference to the legislative will regarding the initiation of foreign conflicts. At one point Jefferson refused to permit the American naval commanders to do more than disarm and release enemy ships guilty of attacks on the United States until he had received congressional approval for the First Barbary War. Congress took an active role in opposing executive action—Pierce in Cuba, Seward in Alaska, and Grant in Santo Domingo, and the Executive acquiesced.

Between 1900 and 1945, close cooperation between the Executive and the Congress became the exception rather than the rule. The trend gained full momentum under Theodore Roosevelt. He acted unilaterally in South America and in the Orient, when he sent several thousand troops to the Boxer Rebellion. Franklin Roosevelt continued the practice of bypassing the Congress by exchanging 50 destroyers for British bases in the Western Atlantic, by occupying Iceland and Greenland and by ordering the Navy to convoy ships carrying lend-lease supplies to England.

We entered a period of almost total acquiescence by the Congress in the 1950's and 1960's. The broad blanket of national security interest provided the basis for a bipartisanship support which led us through the cold war. Formosa, Korea, Lebanon, Cuba, the Dominican Republic, and the initiation of the war in Southeast Asia were all Presidential decisions.

Understandably, the shift to Presidential hegemony in warmaking authority did not occur without reason. The executive branch proved to be institutionally superior to the Congress for conducting wars and even for initiating them. The Executive has the advantage of unity of office and purpose as well as the command of a vast intelligence network. The Executive also has the ability to act quickly and in secret, two attributes not commonly associated with the Congress. This, however, is not to suggest that Congress should not still be the ultimate repository of warmaking powers. To the contrary if the framers had decided that expediency and secrecy were the premium qualities in warmaking, they would have vested the power in the President. Instead they decided that warmaking must necessarily involve popular approval, and the power should lie with the Congress. We must not substitute expediency for the wisdom of the framers in establishing their ideal of government.

If Congress has not been adequate as the body to make warmaking decisions, then the institution must be changed to meet the need. Unfortunately history shows that we have too easily cast off constitutional duties to the Executive, because of its institutional superiority. We must reform our institution so that it meets the demands of the times and enables us to implement the duties delegated to us under the Constitution.

I believe that House Joint Resolution 542 makes the necessary institutional changes so that Congress may once again, effectively and responsibly discharge its warmaking powers and duties. First, the bill will enable the Congress to have the ability to participate in warmaking decisions. Under the reporting provisions of the bill, Congress will be provided with a steady flow of information about our foreign policy posture position abroad, especially as it related to potentially hostile activities. This will be an important factor in making sure that the Congress will not be confronted with a situation that is so well developed that the events themselves have dictated future courses of action. Too often in the past Congress has been handed a fait accompli and given little choice but to approve and finance the action. I think the consultation provision and the broad reporting requirements will arm the Congress with the means to become a responsible partner in foreign policy.

Beyond the reporting provisions which will give the Congress the ability to carry out its warmaking responsibilities, section 4 of House Joint Resolution 542 is the fulcrum which will give the Congress the legislative leverage to assert its warmaking authority. The bill not only provides a time limit on a President's commitment of troops without prior congressional authorization, but it provides for the termination of such commitment by concurrent resolution passed by both Houses of Congress. This is at the heart of the bill and embraces a policy which I think accurately reflects the intention of the framers of the Constitution. Because questions have been raised about its constitutionality, I would like to discuss this mechanism in some detail.

As the committee report notes, the use of a concurrent resolution to veto executive action has become a common legislative device in the last 40 years. The report covers this aspect adequately, and I would only point out that the Gulf of Tonkin resolution, which provided for termination of authority by concurrent resolution was passed with no debate over that particular provision, nor was there any question about its constitutionality when it was signed into law by President Johnson.

I think the theoretical basis for this procedure is well-founded and based in the Constitution. The Constitution grants to the Congress warmaking powers, and under recognized constitutional precedent, the Congress may delegate authority with which it has been vested. Congress may also retract that which it delegates; this is the legal justification for the disapproval of reorganization plans by simple resolution. House Joint Resolution 542 makes such a provision grant of authority by giving the President the power to commit troops abroad without prior consent of Congress. He does so, however, under the condition that Congress may retract that authority by majority vote of both Houses. This does not run counter to article 1, section 7, because Congress has simply delegated power in advance and since they are the source of that power, the moment the power is terminated by concurrence of both Houses, the President's provisional authority has been terminated. The essence of this argument is supported by Harvard's well-known constitutional law expert, Paul Freund. I wrote him a letter requesting his opinion of the constitutionality of section 4(c) and I am enclosing the text of his reply at this point in the RECORD:

JUNE 12, 1973.

Hon. PIERRE S. DU PONT,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DU PONT: I am glad to respond to your letter of June 1, inviting an expression of my views on the validity of section 4(c) of H.J. Res. 542, providing that a concurrent resolution of both Houses of Congress may require the President to disengage military forces from action outside the territory and territorial waters and airspace of the United States, where the commitment of armed forces was made without prior authorization of Congress.

During the past thirty-five years Acts of Congress have not infrequently provided that in administering the Act operative legal effect is to be given to a concurrent resolution or to the action of one House. This practice has brought forth discussion in and out of Congress on the constitutional aspects of the subject. A survey of pertinent legislation and commentary as of 1953, is contained in Ginnane, "The Control of Federal Administration by Congressional Resolutions and Committees," 66 Harv. L. Rev. 569 (1953).

The present question, however, lies in a narrow compass. It is well to indicate that it does *not* involve the situations listed below, each of which raises distinct questions:

1. Disapproval of executive action by one House, or by a Committee or other agency.

2. Disapproval by concurrent resolution of executive action in a matter over which the President has paramount constitutional power—e.g., the appointment of executive or military officers.

3. Disapproval by concurrent resolution of executive action in a matter committed by Act of Congress to the executive—e.g., the Reorganization Act of 1939 and its successors.

4. Termination of statutory authority by concurrent resolution. See Robert H. Jackson, "A Presidential Legal Opinion," 66 Harv. L. Rev. 1353 (1953).

The present question arises in a field where the legislative and the executive branch each has its constitutional responsibilities, the Congress (by ordinary legislation) to declare war, the President to act as Commander in Chief. The President, it may be premised, has emergency powers to protect American interests abroad by commitment of armed forces, but the plenary power to engage in continuing hostilities is vested in Congress. Congress may authorize the continuance of the Presidential action through ordinary legislation. If, on the other hand, Congress is unwilling to prolong the emergency action into a state of war it may assert its authority for that purpose. The most appropriate medium for such assertion by Congress is a concurrent resolution. In this way it makes clear that one crucial element in the lawmaking process necessary for the making of war is lacking—the approval of Congress.

My conclusion is that, on the substantive premises of the bill, the provision respecting a concurrent resolution is a valid and appropriate measure, and does not raise constitu-

tional issues of the kind mooted in connection with other categories of legislation.

With kindest regards,

Sincerely yours,

PAUL A. FREUND.

The concurrent resolution mechanism is also supported by logical analysis of the legislative process. For example, if the President were faced with a situation where no emergency existed and he came to the Congress for authorization this would comport with the intention of the Constitution. The Congress would proceed to consider either a declaration of war or antecedent authorization for use of Armed Forces abroad. Under the normal process the majority of one House could block the authorization and the President would lack the authority under the Constitution to proceed unless some extraordinary national security issue were at stake. Yet if the President decides to act unilaterally, under extraordinary circumstances, the Congress would have to vote by majority of both Houses to require disengagements. The opponents to section 4(c) then would argue that the Congress would have to vote by two-thirds if the President decided to veto the measure. The result is logically inconsistent. What it boils down to is that if the President goes to the Congress as he was supposed to under the Constitution a simple majority of one House can defeat his actions. Yet if the President acts unilaterally, without prior consent from Congress, in a manner not expressly recognized in the Constitution, but accepted as an extraordinary power, then the House must vote by two-thirds in each House to terminate his actions. This is an unreasonable obstacle to congressional assertion of power. It also would encourage the President to act first, because it takes far more opposition in Congress to defeat his actions.

The concurrent resolution is fully consistent with the design of the framers. Since war powers were expressly given to the Congress, logically all war power must flow from Congress. The President's authority then must be delegated by the Congress. Once the majority of both Houses withdraw that delegation of authority, his provisional authority has expired and he must accede to the will of Congress.

Mr. DENNIS. Madam Chairman, will the gentleman from Delaware (Mr. DU PONT), yield?

Mr. DU PONT. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Madam Chairman, may I ask, does the gentleman believe that if the Congress passes a concurrent resolution under section 4(c) calling for the ceasing of hostilities, that resolution has the force and effect of law binding upon the President?

Mr. DU PONT. Yes, sir, I do, because we have the warmaking power to start with, and we are carving out of that an exception and we are giving the President the right to conduct warmaking operations until such time as the two Houses by a simple majority agree we should not do it.

Mr. DENNIS. If the gentleman will yield briefly, I would like to point out to him that Professor Corwin, in discussing article I, section 7, clause 3 of the Constitution which says every order, resolution, or vote in which the concurrence of the Senate and the House may be necessary shall be presented to the President, he states that means every resolution or order which is to have the force of law. "Necessary" here, he says, means necessary if a resolution is to have the force of law. A concurrent resolution is merely for a housekeeping matter for the Congress. The gentleman says this resolution has the force of law.

Mr. DU PONT. I do not believe when the Congress is carving out an exception that that rule applies. I would cite a letter I have which I will make a part of the RECORD from Professor Freund of the Department of Constitutional Law at Harvard University, which states in response to a specific question about 4C:

My conclusion is that, on the substantive premises of the bill, the provision respecting a concurrent resolution is a valid and appropriate measure, and does not raise constitutional issues of the kind mooted in connection with other categories of legislation.

So, in conclusion, I believe it is constitutional to have a delegation of power to the President taken back by a simple concurrent resolution, and I believe that is the heart of the bill.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. DU PONT. I yield to the gentleman.

Mr. FRELINGHUYSEN. The gentleman suggests that a delegation of power by the Congress can be rescinded by a concurrent resolution. The gentleman from Illinois also talked about delegation of power by the Congress to the President. However, I thought that what we are talking about is the constitutional authority of the President as Commander in Chief to commit troops overseas. Is the gentleman contending that the President has this power only because Congress in some way delegated it to him?

Mr. DU PONT. I do not know of anything in the Constitution that talks about the power of the President to commit troops overseas.

Mr. FRELINGHUYSEN. No one suggest the Constitution spells that out in one way or another. The gentleman is not answering my question. I am asking if he is suggesting the President's authority, and his decision to commit troops overseas, is unconstitutional unless the Congress specifically delegates that power to him, or specifically authorizes that use of troops before he makes the decision?

Mr. DU PONT. No. I am saying when the President commits troops or commits the Nation to a course of war he has an obligation to get congressional approval for that course. I think the Constitution is pretty clear on that.

Mr. ZABLOCKI. Madam Chairman, I yield such time as he may require to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Madam Chairman, I rise in support of House Joint Resolution 542 and am proud to be a cosponsor of this legislation which provides that the United States not be taken into any future war except a purely defensive action for a limited period of time unless the war has been declared by Congress.

I do not think that we should permit our Nation to be engaged in another war unless the war has a sufficient degree of public support to cause Congress, in its collective judgment, to vote a declaration of war. In my opinion, the President should not be permitted to conduct a future war at his own discretion. Congress should specify and assert its proper constitutional responsibility to share in committing our nation to war.

I believe that this procedure is in line with the Constitution which empowers Congress to declare war and empowers the President to respond to sudden attacks and to conduct the war once it has been declared.

Mr. BELL. Madam Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Madam Chairman, many times throughout the history of our country American troops have been committed to combat without the formal approval of the U.S. Congress. Indeed, after World War II U.S. troops have been involved in two major conflicts without any formal declaration of war. It seems to me, therefore, that one of the important problems confronting the Congress as we enter this post-Vietnam era is to enact war powers legislation which would accomplish two things:

First, as suggested by the distinguished chairman of the subcommittee (Mr. ZABLOCKI) we need a vehicle which would redress the imbalance in the warmaking power. At the present time, without a declaration of war, the President has taken this opportunity of committing American troops without the possibility of congressional rejoinder.

Congress, of course, has seen fit not to use its appropriation powers in response, at least, up until today.

Second, we need a bill which would give to the Congress an opportunity to express its views on the important question of war or peace, life and death of American servicemen.

I think that the measure which was brought out by the subcommittee headed by the gentleman from Wisconsin (Mr. ZABLOCKI) goes a long way toward meeting these objectives. I, therefore, would like to add my compliments to the gentleman from Wisconsin (Mr. ZABLOCKI) and to the members of the gentleman's subcommittee for the very fine work that they have done.

I do believe, however, that the measure which is before us is defective. Its principal defect, insofar as I am concerned, is found in section 4(b). Section 4(b), as has already been discussed, permits the Congress by inaction to arrive at a major policy decision regarding the most significant matter confronting the U.S. Congress—the question of war or peace. I think that is wrong.

I think it is wrong for three reasons: First, as written section 4(b) perpetuates an imbalance in the warmaking power. It merely shifts shoes from one foot to the other, from the President to the Congress.

Second, it perpetuates the tendency on the part of Congress to abdicate its re-

sponsibilities in dealing directly with the major issues confronting our country.

And, third, it may deny to the Members of Congress the opportunity to voice their views on this major question of war or peace, life and death of American servicemen.

In the light of this deficiency, therefore, I intend at the appropriate time this Wednesday to offer an amendment to section 4(b).

Madam Chairman, I would like to read this amendment for the record, so that the Members of the House will have an opportunity to review it in the days ahead.

The amendment reads as follows:

Within 120 calendar days after a report is submitted or is required to be submitted by the President pursuant to section 3, the Congress by a declaration of war or by the passage within such period of a resolution appropriate to the purpose, shall either approve, ratify, confirm and authorize the continuation of the action taken by the President and reported to the Congress, or shall disapprove, in which case the President shall terminate any commitment and remove any enlargement of the United States armed forces with respect to which such report was submitted.

Madam Chairman, I feel that this amendment, if adopted, will do two things. First, it will provide balance to the warmaking powers. It will assure equality between the President and the Congress. Second, it will give the Congress an opportunity to voice its opinion, to express its views—one way or another—with respect to the question of war or peace.

I therefore hope that this amendment will be adopted at the appropriate time.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

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

Mr. FRELINGHUYSEN. Madam Chairman, I would like to commend the gentleman from Ohio for his statement, and to ask the gentleman if the gentleman is not fearful that proponents of this measure may not feel that inaction by Congress is a key to what they consider a way of bringing balance?

I would guess there has been inaction, and inaction characterizes Congress in a number of areas, that it is felt that the only way to reverse national policy is by having something happen if Congress does not act. That is the thing that makes me fearful of the prospect for success of what the gentleman from Ohio is arguing. If the effort is to underline the necessity of Congress to face up to its own responsibility, how could we be against it? But if it refuses to face up to its responsibilities, to say they approve or disapprove, then we get a change by the passage of time. There is an important principle involved, recognizing that it is an issue the Congress is reckoning with.

Mr. WHALEN. I would agree with the gentleman that if the present language is retained in section 4(b), it would, in my opinion at least, mean that Congress is not facing up to its responsibilities. We hear a great deal of talk these days about Congress reasserting itself. Certainly I think we are just going from one extreme to the other. What I seek to do through this amendment is to provide balance.

Mr. DU PONT. Madam Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Delaware.

Mr. DU PONT. Under the gentleman's amendment if both Houses acted to either approve or disapprove, it is very clear what would happen. What would the gentleman's opinion be if one House passed a resolution of approval and the other House either defeated that resolution or passed a resolution the other way? Would the President then be able to carry on, or would he have to withdraw?

Mr. WHALEN. I am afraid I am unable to answer the gentleman's question at this time. I have studied this question in considerable depth, and I get different sets of answers. One might equate it with a declaration of war, where failure to declare war in one House would mean that there is no war declaration. On the other hand, I have received advice that it is necessary that both Houses must agree.

Let me say this. I intend to research this further, and at the time the amendment is introduced, I would hope to have a more specific answer.

Mr. FINDLEY. Madam Chairman, would the gentleman yield for a question?

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

Mr. FINDLEY. The gentleman is using the word "resolution." Does that mean a concurrent resolution or a joint resolution?

Mr. WHALEN. I use the word "resolution" advisedly. This may be either a joint resolution or a concurrent resolution, to be decided at the time that such report is submitted to Congress. Specifically, then it could be either a joint or a concurrent resolution.

Mr. FINDLEY. If section 4(c) remains in the bill, as I trust it would, this provides for termination of hostilities by concurrent resolution. Then would not the presumption be that the reference to the resolution in the preceding subparagraph would also have the same meaning?

Mr. WHALEN. I do not think so. The resolution is intentionally flexible. It gives to the appropriate committees the opportunity to handle it either in terms of a concurrent resolution or a joint resolution, whichever they see fit.

Mr. FINDLEY. It seems to me the lack of precision leaves the status of war authority, therefore, too much up in the air.

Mr. BIESTER. Madam Chairman, will the gentleman yield?

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

Mr. BIESTER. I should like to ask a question concerning the gentleman's proposed amendment. In the event that both Houses took action by a majority, would that bind the President, even though he might disagree with it? In other words, would it be subject to a veto in which both Houses would have to marshal a two-thirds majority, to restrain the President from continuing the action he initiated?

Mr. WHALEN. If it were a concurrent resolution, it would be, in my opinion, that it would bind the President. It would not be subject to a veto. If it were a joint resolution, it would, of course be either accepted or rejected by the President.

Mr. BIESTER. Is it the intent of the gentleman in proposing the amendment that the language 'resolution" means a concurrent resolution? In other words, does the gentleman intend by this amendment to make limitation possible by majority rule of the Congress or by a two-thirds vote?

Mr. WHALEN. I have responded to the gentleman from Illinois that this would be decided at the time the report required by Section 3 was submitted to the Congress. This would be determined by the appropriate committees as to whether it would be a concurrent resolution or a joint resolution.

Mr. BIESTER. I thank the gentleman.

Mr. ZABLOCKI. Madam Chairman, I yield 5 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Madam Chairman, we have several choices. One which has been suggested is to do nothing. I find that suggestion very difficult to live with. I think all Members of Congress find it extremely difficult to live with, too. The Congress in recent years has three times by action decided we ought to do something and has previously adopted three resolutions.

This debate is not a new one. It has been raised for a long time. I can remember many campaigns, as other Members can also, in the last 18 years in which the principal issue or a major issue was the fact that the President had exceeded his authority and had involved the American people in warfare. I do not need to itemize those for the Members, whether it was Korea, Vietnam, or some other action.

So Congress has been concerned and, one way or another, we want to speak and say something. We can debate the constitutional issues, and we should—what it means for the Congress to declare war and what the powers of the President are as Commander in Chief of the Army and Navy. By the way, I have been very curious about whether he is Commander in Chief of the Air Force and the Department of Defense. I will leave that question for another time.

But the Constitution is really quite explicit that the President is Commander in Chief of the Army and Navy.

Madam Chairman, over 160 times, for one reason or another, the manpower of this country has been committed to war. This has occurred because of, in spite of, or without regard to the gray area that exists between the constitutional responsibilities and prerogatives of Congress declaring war and the Executive acting in his own capacity as Commander in Chief.

It has been suggested that we do not need to take the kind of action proposed in this resolution because we have the power of the purse and therefore we could stop the President. I humbly submit to the Members that is impossible.

Unless we bring down the entire Government there is no way by stopping any current appropriation that we can do that, or to go back and pick up past appropriations which the President has the power to spend. If the President claims he is exercising his right under the Constitution and spends the money, we have no choice. We may have a clear-cut, beautiful issue and we would be presented with the question whether we want to impeach our Chief Executive; but we do not stop the war that way and we do not stop expenditures. If the Chief Executive claims or exercises the power as the Commander in Chief without a declaration of war by the Congress to push the button on the atom bomb, the fact that we cut off his money will not stop him from pushing the button. Furthermore the issue would be moot.

Another choice we have is that we can adopt the pending resolution, as controversial as it may be in the minds of some. The constitutional questions are important and should be debated although it seems to me the committee has made it quite clear in its reiteration of the well recognized principle of law that no congressional act can modify the Constitution. What is important is the fact that the Congress speaks on the issue of war and peace by the determination reflected in the pending resolution.

However, let us assume for a moment the pending resolution is unconstitutional because it is a denial or a mitigation or in some way attempts to modify the power of the President under the Constitution—of course we cannot do that. The President has certain powers under the Constitution. If he claims and exercises his right under the Constitution contrary to the intent of this bill, he has to do it in the face of the expressed intent and will of the Congress of the United States. He can do it; he can disregard the will of Congress but he will have to swallow very hard to do it. Some people allege Presidents have been disregarding the expressed will and intent of the people either as expressed by the people themselves or by their Representatives in the Congress, so we would not be faced with a new issue but at least for the first time this resolution would have on the statute books the expressed will of Congress.

I want to get to the third alternative which has been recommended today. It has been suggested that the Congress should act affirmatively, and the way we do that is to amend 4(b) of the pending resolution. The truth of the matter is if we examine that proposition very carefully and amend section 4(b) of this resolution, we would be doing nothing but reiterating the powers which Congress already has. The issue would be more clearly presented by an amendment to repeal section 4(b) or to vote against the bill.

Because the truth of the matter is, if the Congress can act any time it wants to anyway, and we amend section 4(b) to eliminate the 120 day requirement and state that there must be an affirmative vote of the Congress, we are saying that we do not want to vote on the issue now, but wait until sometime in the future, then we will vote. Of course, we have that right anyway.

So, what do we say if we amend 4(b) as suggested? Answer: Nothing.

A vote for this resolution is a vote for specific congressional action now.

The time to act affirmatively is now on this resolution. We are saying in a very limited and careful way that Congress wants to be consulted at the very beginning if it is at all possible; then we would expect the President to terminate under those very limited conditions set forth in the resolution unless the Congress again positively acts again.

So under the pending resolution Congress would be required to act twice.

That is an affirmative action now, not only some affirmative action in the future. This resolution does not tie the right of the Congress to act affirmatively again if it so desires by a very simple priority procedure whereby any single member can offer a resolution that must come to the floor.

It seems to me that we have given Congress two opportunities instead of one to act on the matter. So I say that what is involved here is primarily the principle of the Congress stating right now in this resolution how it feels on future commitments of U.S. forces by the President.

We have been struggling with this issue a long time. This committee has worked very hard over many years. I commend the distinguished gentleman Mr. ZABLOCKI from Wisconsin and the members of his subcommittee who together with the chairman of the full committee the distinguished gentleman from Pennsylvania (Dr. MORGAN) brought this bill to the floor of the House on four occasions.

Madam Chairman, as a cosponsor, I rise in strong support of House Joint Resolution 542, the War Powers Resolution of 1973. Again I reiterate that the chairman of the Subcommittee on National Security Policy and Scientific Developments, Congressman ZABLOCKI, is to be commended for his leadership and perseverence in pursuing this vital legislation.

The need for legislation to clarify the respective responsibilities of the Congress and the President under the Constitution to initiate, to conduct, and to conclude armed hostilities with other nations became clear to me in May of 1970 when U.S. Armed Forces were committed to combat in Cambodia without prior congressional consultation or authorization. In response to the clear need for an affirmative statement of the congressional responsibility in committing U.S. combat forces I had drafted a bill, H.R. 17598, which I introduced on May 13, 1970. I hoped that this proposal would serve as a vehicle for a reappraisal of the war powers issue and a catalyst for a discussion of the vital constitutional issue involved.

Chairman ZABLOCKI concurred with the critical need for a review of the respective congressional and executive powers and held extensive hearings during the summer of 1970. Out of those hearings came the first war powers resolution, House Joint Resolution 1355.

The 1970 resolution reaffirmed the constitutional right of Congress to declare war and stated the sense of Congress that the President should consult with Congress "whenever feasible" before sending U.S. troops into conflict. The proposal also directed the President to report to Congress whenever he committed troops into combat, sent combat-ready troops into foreign territory or enlarged the number of U.S. troops in another nation "without specific prior authorization by Congress."

The House passed the resolution by an overwhelming majority in November of that year, but the Senate failed to act.

In 1971 the chairman reintroduced the War Powers Resolution and I was pleased to join as a cosponsor again. The new resolution, House Joint Resolution 1, deleted the phrase "whenever feasible," and declared it the "sense of Congress that the President should seek appropriate consultations with Congress before involving" U.S. forces in armed conflict. The resolution passed the House again, by voice vote.

Legislation passed by the Senate last year differed markedly from the resolution adopted twice by the House. Efforts in conference to resolve the major differences between the two proposals were unsuccessful, and the issue was left unresolved.

The resolution we are considering today is by far the best proposal submitted to this House for our consideration. It is well balanced and achieves, I believe, the objective we have all sought—namely, to define the relationship within which the Chief Executive and the Congress could separately and collectively exercise their respective constitutional responsibilities and preserve the peace and security of the Nation.

In addition, I believe it represents a significantly less rigid position vis a vis the Senate proposal, and its approval may make possible enactment of effective legislation. It is imperative that this be done.

A key to the pending resolution is the provision for prior and ongoing consultation by the President with the leadership and appropriate committees of the Congress. This is of course essential. There is, in my judgment, no matter of such a sensitive nature that it could not be entrusted to Members of the Congress. And we must have the benefit of full knowledge if we are to exercise our role in the most responsible way.

I have urged throughout our committee's consideration that the strongest possible provision be made requiring consultation. It serves a twofold purpose. Not only do we have the benefit of all the facts, but I believe, we as Members of Congress could make a significant contribution to the Executive's judgment.

The resolution clearly recognizes, as it must, that in some instances military action absent a declaration of war may be taken. In any such instance involving the commitment of U.S. forces to hostilities outside of the United States, commitment of combat-equipped forces to any foreign nation, or the substantial enlargement of combat-equipped U.S. Forces already in a foreign nation, the President is required to submit within 72

hours to both Houses a written report clearly setting forth the circumstances necessitating his action, the authority under which he took that action, and the anticipated scope and cost of the action.

Unlike the legislation passed last year by the Senate and reported again this year by the Foreign Relations Committee, House Joint Resolution 542 does not seek to define those kinds of action which can be taken absent a declaration of war. To do so, in my mind, would further expand the President's authority as Commander in Chief. Under the House proposal, it is up to the President to justify his action and cite the statutory or constitutional authority under which he acted. To specifically define his authority as S. 440 seeks to do, would give the President statutory authority he does not now have. House Joint Resolution 542 avoids this, and in addition specifically states that the proposal does not add to any existing powers of the President.

A significant change in House Joint Resolution 542, not included in proposals considered by the House previously, would terminate within 120 days authority for the continued commitment of U.S. Forces unless the Congress takes specific action to declare war or authorize the continued use of the Armed Forces.

The other body has proposed that emergency authority exercised by the President shall terminate within 30 days unless the Congress acts to authorize its continuation.

I have argued that such a requirement would place the Congress in the position of ratifying, in a pro forma manner, action taken by the President. A call by the President to protect the national security, and "rally round the flag," would build strong sentiment and emotion that I can scarcely imagine that the Congress would not quickly act to authorize action.

On the other hand, I believe that a 120-day period may be a sufficiently lengthy time to allow emotions to subside and to permit a careful study of all facts in proper perspective. The Congress and the country could then be able to make a rational decision on whether the impending action warrants the continued commitment of the U.S. forces.

It is important that there be some boundary of the discretionary authority which the President must have. I think the proposal embodied in House Joint Resolution 542 meets the objections of emotional ratification, and provides that boundary.

This bill's applicability to the ongoing conflict in Southeast Asia is vital. It is because of our military involvement there, and the extremely broad interpretation of Presidential "Commander in Chief" powers to continue and expand that involvement, that has led to this debate and all those that have preceded it.

The House has again today reiterated its opposition to further military involvement in Southeast Asia, and the bombing of Cambodia and Laos. Despite the "end" of the Vietnam war, the signing of two peace agreements, and the clear message of the people and the Congress, however, the President continues the bombing, with no authority. The administration has made it clear that regardless of whether the Congress denies funding for the bombing, funds will be made available.

It is such a situation we must guard against. We must never again let our country go to war, piece by piece, as we have done in Southeast Asia.

The responsibility belongs in the Congress to insure against that possibility. The responsibility, under the Constitution, of committing U.S. troops to armed conflict is one shared by the legislative and executive branches of Government. The balance between the two branches has swung heavily to the executive and we must act now to restore it.

I urge your strong support of House Joint Resolution 542.

Mr. MAILLIARD. Madam Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Madam Chairman, running through the course of this debate has been the recurring theme that Congress ought act to affirm and fulfill its constitutional responsibilities in the event of military action initiated by the President. In the face of a presidential emergency action, Congress should stand up and speak out in approval or disapproval.

I find it very hard to understand, therefore, why it would not be a good idea to not only require the reporting and the consultation as this bill will do, by the President with the Congress but also to mandate action by the Congress itself, as the amendment which will be offered by the gentleman from Ohio (Mr. WHALEN), and a similar amendment offered by me in the committee would do.

Congress has a responsibility under the Constitution, and a responsibility to the American people to take definite, positive action in such a situation. Yes, this our prerogative, and Congress must act in response to the Presidential action; up or down; yea or nay.

This is positive action, and I would submit it is preferable action to the provision of the present bill in section 4(b), which would simply say that if Congress does nothing at all, a major policy decision is made thereby.

There has been reference made to the requirements of section 5 in this resolution as to what shall be required and in case a resolution is presented on this subject. May I refer to the language of the bill, section 5(a):

SEC. 5. (a) Any resolution or bill introduced pursuant to section 4(b) at least forty-five days before the expiration of the one hundred and twenty-day period specified in said section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Senate Foreign Relations Committee, and *one such resolution or bill* shall be reported out by such committee, together with its recommendations, not later than thirty days before the expiration of the one hundred and twenty-day period specified in said section.

There may be 50 differing resolutions offered. The bill says that they shall be referred to the Committee on Foreign Affairs in the House and to the Committee on Foreign Relations in the Senate, and that one such resolution or bill shall be reported out by such committee. Who shall decide what resolution or bill shall be reported out by the committee, of the many which may be offered? Who shall determine that the chairman of the Foreign Relations Committee of the other body will bring the same kind of resolution as the chairman of the Committee on Foreign Affairs might? They might be entirely opposite resolutions.

How can we be sure that we will not get into a confused state by the differing actions of these committees in the two bodies, so that we shall end up with the 120 days expired and no action taken by the Congress, so the President would be forced to withdraw the troops, although it might be not in the national interest to do so?

I would suggest that as written this joint resolution in this and other respects is a defective resolution.

I would further suggest in my own humble opinion it is not very easy to spell out the war powers of the President or what they may or may not be except by amendment to the Constitution, which this body and the people together could do if we saw fit to do it and could agree on the spelling out of the powers.

I would agree that we could cut the money off, as others have suggested, to stop an action. I would say to my friend from Florida that nothing would preclude the President from pushing the button on the 119th day under this measure, if he proposed to push the button for a nuclear holocaust, God forbid.

I would say, however, Madam Chairman, we have the opportunity to make this joint resolution a better joint resolution. We have the opportunity to make it one which will mandate the Congress to act, not to evade action or legislate by inaction.

Mr. KEMP. Madam Chairman, will the gentleman yield?

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

Mr. KEMP. I appreciate the gentleman yielding. I agree with the gentleman's statement that it is difficult to rigidly define those areas constitutionally in which the Commander in Chief is going to be allowed to be Commander in Chief.

My question is, would it not perhaps preclude the possibility of successful quiet diplomacy if in fact this is brought to a vote in the Congress within 120 days, on an issue that might very well be resolved, as I say, through quiet diplomacy; that is, the visit by the President to the 6th Fleet at the time of the Soviet-backed Syrian invasion of Jordan a few years ago?

Are not some of the successes of this administration and previous administrations in international affairs better handled at a quiet level, rather than exacerbated by bringing them to a head?

Mr. BUCHANAN. I would say to my friend that I would assume when the President commits American forces to some kind of combat situation that the situation is somewhat exacerbated already, and it would hardly seem an appropriate time for quiet diplomacy.

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

Mr. MAILLIARD. Madam Chairman, I yield the gentleman 2 additional minutes.

Mr. BUCHANAN. I thank the gentleman for yielding additional time.

Is my friend from New York suggesting that he thinks the present section 4(b) is a better provision than that we would offer?

Mr. KEMP. I have not made up my mind. That is what I stated. I am listening to the debate.

There is a very definite influence of the 6th Fleet or the 7th Fleet. Incidentally, it did not bring about a war in the Mideast. It was one of those areas in which the President made a successful maneuver.

Once a President either activates or visits the 6th Fleet or the 7th Fleet, in the Formosa Straits, he has taken, at least as I understand it, some type of action which might prevent war or bring on war. But it has been successful in many instances.

Mr. BUCHANAN. May I say to my friend that the chances are very great in many instances this could be handled within the 120 days. Congress would have 120 days to act up or down.

I would also say that the President might, by quiet diplomacy, convince the Congress of the rightness of his cause, to give him approval of his action.

That is provided for in the amendment which permits approval as well as disapproval. I would hope that would be the case in such instances. I would further note the language of the Whalen-Buchanan amendment provides for the action it mandates either by declaration of war or the passage of a resolution appropriate for the purpose. Again, this could be a resolution specifically approving a specific and limited action by the President or such broader approval or disapproval the Congress might in its wisdom grant. Congress would be free to act according to its best judgment, but would be required to take definite action on what would surely be an issue of the first priority in an area in which in my judgment the Constitution itself mandates the Congress to assume responsibility and exercise authority.

Mr. ZABLOCKI. Madam Chairman, will the gentleman yield?

Mr. BUCHANAN. I am glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. But the provisions in section 4(b) and 4(c) do not preclude the Congress from giving similar approval in an expeditious manner, approving the President's commitment of troops or whatever action he has taken.

Mr. BUCHANAN. Yes. I am glad the gentleman mentioned that for the sake of legislative history.

I would say what we seek to do is to mandate action by the Congress. I think this is what the American people want of us, that we act and not fail to act, that we accept our responsibility and not evade it.

Mr. ZABLOCKI. Madam Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Madam Chairman, I rise to ask first a few questions.

I would like to know how the bill would have been interpreted in a situation which is not at all a modern day situation and perhaps is one from which we may extract the heat of passion today. I shall pose the question to the gentleman from Wisconsin (Mr. ZABLOCKI) rather in the nature of a hypothetical question than in the nature of an historic fact, because the historic facts may be somewhat in dispute.

Madam Chairman, in 1914 the United States was engaged in certain difficulties with Mexico. Several U.S. sailors were arrested in Tampico. At that time Vittoriano Huerta was the rather dictatorial President of Mexico, and there was a revolution going on in that country. We had originally given him clandestine support but we had gotten tired of him—he was pretty dictatorial—and we were more or less favorable to Carranza.

So on April 14 certain U.S. troops seized the Port of Vera Cruz in order to prevent a German merchantman from bringing arms to Huerta.

Madam Chairman, would that in the gentleman from Wisconsin's opinion, be one of the acts referred to in section 3(1) on page 2, that is "committing the U.S. Armed Forces to hostilities outside the territory of the United States, its possessions and territories"?

Mr. ZABLOCKI. Yes, it would.

Mr. ECKHARDT. Then, had that occurred, the procedures involved in the remainder of section 3, that is, the President's requirement to give 72 hours' notice to the Speaker and other authorities and to give the circumstances and the constitutional and legislative provisions under which the authority existed, would have had to be carried out, I assume. And then congressional action would be provided under section 4.

Madam Chairman, the thing that troubles me is the language under section 8(c) providing that nothing in this act "shall be construed as granting any authority to the President with respect to the commitment of U.S. Armed Forces to hostilities or to the territory, airspace, or waters of a foreign nation."

It would seem to me that the application of section 8 of the act would recognize that President Wilson's act was illegal in the first place.

Now, is the gentleman saying that because of the provisions of section 3, he is acting legally until he is called on to remove the troops, although he would have been acting illegally, as I read the language under section 8(c)?

Mr. ZABLOCKI. Madam Chairman, the reason for section 8(c) is to make clear that the resolution does not add any additional powers to the Executive. I should add that resolution does not detract any power from the President when he acts under the Constitution as Commander in Chief.

In the specific case of President Wilson, to which the gentleman from Texas (Mr. ECKHARDT) refers, President Wilson requested authority to use the Armed Forces 2 days before they were actually landed, and Congress passed a joint resolution giving him such authority the day after they landed.

Mr. ECKHARDT. But do I not recall that Admiral Mayo, commander of the American Fleet, when the sailors were arrested in Tampico, issued an ultimatum to the Mexican Government of Huerta that they give a salute to the American flag or else action would be taken?

There was not any authority for that at the time, was there?

Mr. ZABLOCKI. The President ordered the fleet to move, but, as I understand it, he then came to the Congress to ask permission to act.

Mr. ECKHARDT. Under this act, could the President act first and then report immediately afterward?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZABLOCKI. I yield to the gentleman 1 additional minute.

Mr. ECKHARDT. Could the President have acted without prior authority so long as within 72 hours he reported it to the Congress in a situation of the type I have described?

Mr. ZABLOCKI. Yes, but the resolution does not add to the President's power. And under 4(b) the President could continue the commitment for 120 days unless Congress took positive action approving or disapproving.

Mr. ECKHARDT. Since my time is very short, I would say if that be true, then I think this act purports to expand the President's constitutional authority and give him authority to act, at least during that 120 days, far beyond the provisions of the Constitution.

The best discussion of the President's authority I think is in Hamilton's Federalist paper 69 wherein he says:

> The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same as that of the king of Great Britain——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ZABLOCKI. I yield the gentleman 1 additional minute.

Mr. ECKHARDT. He continues:

> But in the substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces as First General and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies, all of which by the Constitution under consideration, would appertain to the legislature.

I submit that the action of Wilson in that case, if it were permitted for 120 days, would have utterly destroyed Huerta, because by July he had had to resign, the customhouse at Vera Cruz having been at that time commandeered or at least restricted by American forces in that area.

Mr. BELL. Madam Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Madam Chairman, we are debating here this evening probably the most fateful and important matter that either this Congress or any other Congress is likely to debate. The fact that we are forced to do it at 9 o'clock in the evening and to largely empty benches is not merely unfortunate, it is outrageous. This is not only an important question we are debating, but it is an old one which has been with us more or less

throughout the history of the Republic and it is one on which it is very difficult to draw legislation, because it inevitably involves constitutional questions. It has a long and interesting history which might be discussed if we had time.

The gentleman from Wisconsin and the majority of the committee have produced a bill here for which we can thank them whether we agree with them or not, because it raises a topic for debate which ought to be debated and considered in this Congress.

In spite of the work which has gone into that bill by the distinguished committee, the distinguished chairman and the distinguished subcommittee chairman, for all of whom I have the very greatest respect, I submit to you that there are at least four serious and, I think, fatal drawbacks to House Joint Resolution 542.

One is the matter which we have discussed at considerable length here today, that which has the Congress set vital policy in this vital field, not by doing something, but by failing to do anything. I feel that is a very great weakness in this bill. And of course I would support the amendment to be offered by the gentleman from Ohio (Mr. WHALEN). But, as I will discuss with you in a moment, I have a bill of my own on this subject, which is a complete bill, and which, if the parliamentary situation permits, I shall offer as a substitute, that will likewise care for that same situation, in the same way, and also do certain other things.

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

Mr. DENNIS. I will be happy to yield to the gentleman from New York.

Mr. STRATTON. Madam Chairman, I just want to say to the gentleman that I think his bill is an excellent bill, and I certainly would support it if the gentleman offers it, and if the parliamentary situation does not prevent its acceptance, then I have a similar version which I intend to offer at the proper time.

I think what the gentleman from Indiana wants to do is to require positive action by the Congress as being the proper way to proceed. And I commend the gentleman for his efforts.

Mr. DENNIS. I thank the gentleman from New York for his assistance and support.

The second thing which I feel is a serious drawback to the committee bill is this matter of providing that if we wish to discontinue hostilities which have been instituted, we can do it by a concurrent resolution. I do not want to belabor the point unduly, but I think this is something which, if it means anything, if it is going to restrain the executive, has to have the binding force of law. I submit to the Members that all the authorities say that if we are going to do something which has the force of law, something which is legislative in character, then we have to go through the normal legislative process, which, for better or worse, requires presentiment to the executive. I think there may be an amendment offered on that subject.

Thirdly, the committee bill applies to existing hostilities. And while that is not as important as it would have been while the Vietnamese war was in progress, I still think it is better to look calmly toward future actions rather than try to deal in this legislation with something in which we are already involved. We do not know what we will be involved in when and if the measure is ever adopted. We may be in a war in the Middle East, for instance, by the time this becomes a law, and under this committee bill it applies even though the hostilities started before this bill was passed.

Mr. WOLFF. Madam Chairman, if the gentleman will yield, does the bill provide for a specific war, or is it for all wars?

Mr. DENNIS. Of course it is for all wars. But the point I am making is that the committee bill says it applies to those which are presently existing. So I suggest it might be wiser to make it apply only to wars which come into being after the statute has been enacted.

Mr. WOLFF. It does not say presently existing wars; this says wars that are in progress at the time of passage.

Mr. DENNIS. Presently in progress at the time of passage, so they have to be presently existing, they started before the passage of the resolution.

Mr. WOLFF. So we should disregard that war, then?

Mr. DENNIS. It would not disregard it under this bill. What I am saying to the gentleman from New York is that I think it would be a wiser measure if we did not try to apply it to something which is already in progress when we passed it.

The gentleman may disagree with me, but that is a matter of opinion.

The fourth problem—and this is a point which I cover in my bill and which is not covered in the committee bill, and which I think is a very important point in my bill—I provide that not only must we vote approval or disapproval within 90 days after the initial commitment of troops, if there has been no declaration of war, or no attack on this country.

But also the President must make periodic reports, if we approve in the first instance, of the progress of affairs, of the progress of hostilities, if any, at intervals not to exceed 6 months; and within 30 days after each one of those subsequent 6-months reports we must again vote approval or disapproval. In no case, under my bill, do we stop the action unless we vote disapproval, but we do have a recurring opportunity to do that, a continuing oversight of the situation; and in each case, both the first time within 90 days and thereafter every 6 months, within 30 days, we are required to vote. We have to act. If and when we disapprove, then the President has to call off the troops.

My bill also does not apply to hostilities which might be existing before it became law, and it does not affect existing treaty obligations, whatever they are, which I do not attempt in the bill to define.

I am going to suggest to the Members that a bill to be successful in this field has to be one which provides for congressional participation, which also does not hamstring the Executive, and which allows flexibility and action on the part of both of them. I have made a very serious effort, I will say to the committee, to draw that kind of a bill.

I would also like to suggest that I suppose we are trying to adopt a measure which will be passed into law and which might stand some possibility, even, of overriding a possible Executive veto. I suggest to the Members that the bill I have drawn has a better change to pass and a better chance, if that situation should arise, to sustain itself against any possible Presidential veto than does the committee resolution.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

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

Mr. FRELINGHUYSEN. I should like to commend the gentleman for his statement, because he does underline some very serious weaknesses of the proposal as it is written. I think it also should be emphasized that the gentleman from Texas underlines another weakness which is very dimensional, and that is the extent to which the proposal perhaps inadvertently may expand Presidential authority far beyand what is presently understood to be the limits of his constitutional power. So we have both a contraction and an expansion. We have limitations imposed on him and in an arbitrary and probably unconstitutional way.

I think all of this is reason for the general concern about the wisdom of what has been proposed.

Mr. DENNIS. I agree with the gentleman from New Jersey, and I will say any legislation in this field is extremely difficult. I came to the conclusion only somewhat reluctantly, and after a great deal of study, even that anything should be attempted, but I believe there has been sufficient erosion of congressional power to justify the effort, providing we can do something with which we have a chance to live, something which can actually operate, something which merely gives the Congress—and that is all I am doing—a tool to use rather than the meat ax approach of the appropriation process, I propose a measure which will permit us to go ahead, and to discharge our function in this field under the Constitution.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. ZABLOCKI. Madam Chairman, I yield 1 minute to the gentleman from Texas.

Mr. MILFORD. Madam Chairman, I am strongly in favor of a war powers resolution that would once again return to the Congress its constitutional power to declare war or combat actions.

I am strongly against House Joint Resolution 542, in its present form. This resolution is dangerous to this Nation, as it is drafted.

War or combat actions—in any Nation—come about only as a last resort. With modern-day weapons, all-out war of the World War II variety will probably never occur again. I think it is obvious to all that no country could win a nuclear war.

Therefore, I do not believe that this Congress shall ever again be assembled

for the purpose of declaring war in the sense written in our Constitution.

Combat actions are another story. The limited war is a distinct possibility, indeed, a probability. The world is seeing many of these limited action combat engagements. In all probability, there will be many more before the world learns that we can live together without killing each other.

House Joint Resolution 542, in its present form, does not face up to the realities of limited wars. This resolution demands that the President consult with the Congress. I strongly agree with this provision. He should consult with the Congress.

However, House Joint Resolution 542 does not provide for a practical way for the President to communicate with the Congress. This failure negates the value of a war powers act.

Wars are conducted as a result of data accumulated from highly classified intelligence information. Wars are conducted on the basis of supersensitive involvements that have a vital effect on the nations concerned. These are not matters that one can print in the CONGRESSIONAL RECORD.

Therefore, in House Joint Resolution 542 we are saying, "Mr. President, by law you must come over here to Congress and tell us all of our national secrets before you can take actions that might be vital to our survival." This is ridiculous.

On the other hand, as I stated earlier, I think it is vital that the President should consult with the Congress before committing this Nation to a combat action.

House Joint Resolution 542 does not provide a vehicle for responsible congressional communications. The lack of such a vehicle is the prime reason why the President has been unable to report to the Congress on the Vietnam and Cambodian operations.

No individual Member, no committee, nor the leadership structure has the necessary intelligence and information to make a decision to commit or not commit troops into a combat action. That information is available only to the administration.

As presently structured, the administration has no congressional committee or organization with which it can share super-secret information responsibility. Sure, the President can go to the Foreign Relations Committee or Armed Services Committee and give them a briefing. However, under present House rules, individual Members—at their own discretion—can print it in the papers the next day.

Obviously, that is no way to run a war. An army must have only one commander. It cannot have 536, particularly when 535 of them do not have access to the classified data necessary to make reasonable decisions.

Since the olden days of declared wars, the United States has become dependent upon other nations for its survival. Our energy imports are a good example of our dependence upon others. No longer can we say that actions in other lands are none of our business. Seemingly immaterial spats between small nations in other parts of the world, may sometimes have a vital bearing on our survival.

It is very important that this Nation have the ability to respond rapidly and decisively, under these circumstances. As a practical matter, the President could not consult sensibly with the Congress under the present provisions of House Joint Resolution 542.

In order to give the President a practical means of carrying out the desires of all Members of Congress, we have got to establish a responsible vehicle for the President to communicate with in the Congress.

This vehicle could consist of a select committee of responsible Members that are nominated by the Speaker and elected by the House. This select committee must be prohibited, by law under penalty of prison, from revealing the classified information provided by the President. Having been elected by the House, these committee members would represent the sense of the Congress. In this manner the President would have a valuable input that is not now available to him.

I had considered trying to introduce an amendment to House Joint Resolution 542, that would establish such a committee. After consideration, I decided that this would be unwise. Being a new Member, I did not feel that I had the experience to author such an amendment. Furthermore, it should be carefully drawn by committee action, rather than the dubious means of a floor amendment.

Therefore, at the appropriate time, I hope there will be a motion to recommit this bill to committee with the hope that this vital factor will be added. By the addition of a responsible War Powers Committee, both the Congress and the President will be better equipped to make the awesome decision to use or not use American troops in a combat action.

When the motion to recommit is made, I would hope each of you would support it.

Mr. MAILLIARD. Madam Chairman, I have no further requests for time.

Mr. ZABLOCKI. Madam Chairman, I yield 5 minutes to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Madam Chairman, as I rise today to speak in support of the War Powers Act of 1973, I am aware of the gravity of this bill and its implication for our Nation and, indeed, for the entire world. It is because of the significance of this piece of legislation that I wish to commend the thoughtful and incisive work of Chairman MORGAN and Chairman ZABLOCKI who chairs the subcommittee and the members of the National Security Policy Subcommittee. Theirs was no easy task, for in this bill we see the lessons of history, the immortal concepts imbedded in the American Constitution, and the results of intensive and emotional debates on our national structure of government that have raged over the last several years.

Yet the fact that this proposal has been the subject of deep controversy within and without the organs of government should not urge us to the shelter of further procrastination and inaction; indeed that should be the very cause of our present determination to act responsibly and pass this bill. It is no secret that our branch of government, the Congress of the United States has come under increasing criticism from our people for having abdicated its full role in many substantive areas of Federal policymaking. Nor are we unaware that in many quarters the legislative arm is viewed if not quite with contempt, then certainly with something less than the minimal respect due to the body which forges the policies that guide our Nation's destiny. This sorry state is partially of our own making, for many times we have sought refuge in our own self-doubts, and we have yielded to Executive who have told us that we do not share the wisdom, or the foresight, or the concern for the general well-being of our people that the Executive can assert.

With this viewpoint I cannot disagee more vigorously. But of much greater significance, the very Constitution of this land, which each and every one of us takes a solemn oath to protect and defend, paints a strikingly different picture. It would hardly be necessary for me to read the words of that brilliant instrument to my colleagues to show our role in the operation of our National Government; nor do I desire to lecture on the meaning of separation of powers as it applies to the division of responsibility between the President and the Congress. Rather, I will focus in on the war power, as it is described in the articles on the President, and on the Congress. Article II, section 2, defines the powers of the Executive with respect to the military operations of the United States:

> The President shall be the Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; . . . To the Congress, the Constitution assigned numerous legislative war powers, among them, in article I, section 8, "To declare war."

The very words of the Constitution would seem to present the case quite clearly—the Congress is to declare the wars in which our Nation is to engage, and the President is to be the military commander of our forces in fighting those wars. It might be argued that this approach is too simplistic; that there are too many variations and unpredictable situations that can arise to adhere too closely to this scheme. Indeed it might be argued that the founders could not have meant that there should be no flexibility in this arrangement, for there would be too much danger from our enemies to cast such a rigid die. And to a certain extent this is true. Yet if we look to history—if we look to the words and the writings of those who forged the United States of America from the 13 Colonies, we will see very clearly what the original intent was, and where there was room for reasonable men to differ.

Alexander Hamilton, one of the drafters who most strongly supported the concept of a powerful executive, defended the proposed Constitution in the "Federalist Papers" with great vigor. In his discussions of the war powers, he com-

pared the role of the new American Federal Executive with the then Governor of New York and the powers of the King of England by writing:

The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the union. The King of Great Britain and the Governor of New York have at all times the entire command of all the militia within their several jurisdictions. In this article therefore the power of the President would be inferior to that of either the monarch or the governor.

The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the Supreme Command and Direction of the Military and Naval Forces, as First General and Admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the constitution under consideration, would appertain to the legislature.

When Hamilton wrote those words, he was at the same time arguing for a strong executive in matters involving the conduct of war—that is, he was well aware that the President must have full authority to direct the military operations of the Nation in conflict. But in distinguishing from the powers of the King, he was clearly saying that role of the Commander in Chief was a military one, not a policy role. This view was seconded by Madison in the same series of writings, who states quite bluntly:

Every just view that can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, the fundamental doctrine of the constitution, that the power to declare war, including the power of judging the cause of war, is fully and exclusively vested in the legislature; that the Executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war.

Again, as though guiding our own deliberations, the founders denied the authority of the Commander in Chief to bring the Nation into a war, but rather looked only to his power to guide the Nation once the Congress had so directed. This historic interpretation is quite different from the situation in which we have found ourselves over the last two or three decades, where proponents of the Presidency seem to be claiming that the power of the Commander in Chief is what he himself defines it to be in any given circumstance. This is simply not the intent or the content of the Constitution under which we operate.

In Madison's words again:

Those who are to conduct the war, cannot in the nature of things be proper or safe judges, whether a war ought to be commenced, continued or concluded.

Mr. Gerry of Massachusetts commented in the Constitutional Convention, he "never expected to hear in a republic a motion to empower the Executive alone to declare war." And indeed that motion was wisely defeated by an overwhelming margin.

In no way, of course, does the constitutional scheme inhibit the Executive, as Commander in Chief and as head of the Government, from acting to repel attacks on American soil, to defend American troops from attacks overseas. But what the Constitution does prohibit, is the President acting unilaterally to begin hostilities. This country has separated the military from the civilian function, and indeed has subjugated the military to the civilian authorities, for precisely that reason.

This view was specifically upheld by the Supreme Court of the United States, in the 1850 case of Fleming against Page, which bluntly held that when the President assumed the role of Commander in Chief, "his duty and his power are purely military." The theory that the Commander in Chief has large powers first appeared during the Civil War, but this was justified, as Lincoln repeatedly said, by the emergency of rebellion and invasion. Indeed, it was Congressman Abraham Lincoln who perhaps most clearly delineated the reasons for strictly inhibiting the role of the Executive as Commander in Chief, when he said:

Allow the President to invade a neighboring nation whenever he shall deem it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose . . . kings have always been involving and impoverishing their people in wars, pretending, generally, if not always that the good of the people was the object. This, our constitutional convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the constitution so that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our presidents where kings have always stood.

I can find few better words to concisely express the critical need for our action on the War Powers Act of 1973 that is now before us. If Presidents have accumulated unto themselves the powers that are rightfully ours, then we must put a halt to that practice, for preserving and protecting the Constitution is what we are sworn to do.

It is surely not enough to state that Presidents have acted in such and such a manner in the past; indeed that very argument was made and rejected in the steel seizure cases before the Supreme Court 20 years ago. The accretion of power beyond the strict confines of constitutional definition does not change the Constitution and does not alter our form of Government. Mere repetition does not make a mode of procedure proper and acceptable, nor, most emphatically, does it make that procedure part of the Constitution. Ours is not an elective dictatorship. It is a government in which all elected officials have carefully limited powers. As long as the Constitution reads as it does, and as long as we believe that the framers understood the actions they took, then it is our duty to retain the power to declare war, restate it as we must in this resolution, and not allow the Executive, any Executive, to take that power unto himself.

People have argued this concurrent resolution is not binding upon the President—what we are saying here is that the Constitution is binding and the President is bound by the Constitution.

Mr. ZABLOCKI. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Madam Chairman, I have some reservations about the resolution as it stands, and I am going to suggest some amendments.

Madam Chairman, the war powers resolution before us seems to me to grant war powers to the President which are those of the Congress under the Constitution; and which should stay there. I would prefer instead to have a more modest proposal.

For instance, section 2 could read:

The President shall consult with the leadership and applicable committees of Congress before substantially enlarging United States Armed Forces in any foreign nation; or before placing any United States Armed Forces in any foreign nation where none had been immediately prior to such placement.

Then all of page 2 could be stricken down to line 19 and that could be amended to read "Sec. 3. The President upon doing any of the things set forth in Sec. 2 shall submit within seventy-two."

Then at page 3 line 1 add after the semicolon the word "and". Then strike lines 2 and 3 of page 3; and at line 4 thereof strike the letter "E" and replace with "D." Strike lines 9 through 25 at page 3.

Strike lines 1 through 12 on page 4.

Strike line 14 on page 4, and substitute the following:

SEC. 4. Any resolution or bill introduced to terminate the utilization of United States armed forces as above described. Strike lines 15, 16, 22 and 23 of page 4. Strike the word "section," line 17, said page. Strike line 21, page 4 and substitute the following mendations, within thirty days.

Strike lines 5, 6, and 7, page 5, and substitute "and shall be reported within fifteen days. The resolution or bill so reported." Strike lines 12 through 25, page 5, and lines 1 through 14, page 6.

Renumber sections 8, 9, and 10 to read sections 5, 6, and 7. At line 8, page 7, strike "3" and substitute "2".

Madam Chairman, as the measure stands before us unamended, it clearly grants to the President power to involve our country in war. Although I presume Congress can legally grant that power, since it can declare war itself, I think there is great wisdom in not granting these war powers to the President. If the bill remains unamended, I therefore intend to vote against, as I have previously done on similar proposals in the past.

Mr. ZABLOCKI. Madam Chairman, I yield such time as he may consume to our Chairman, the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Madam Chairman, I rise in support of House Joint Resolution 542, the War Powers Resolution of 1973.

As you know, I have been chairman of the Committee on Foreign Affairs since 1959.

During that period, few—if any—bills have had more thorough study than the measure which is before us today.

In fact, a major portion of House Joint Resolution 542 already has been debated and approved by the House no less than three times.

In the present Congress—despite past

House approvals—we once again gave the question of war powers very careful consideration.

The subcommittee chaired by the gentleman from Wisconsin, (Mr. ZABLOCKI) once again held extensive hearings on the many war powers bills and resolutions which were referred to the Committee on Foreign Affairs.

There were some 37 proposals. Each one of them was given careful consideration in the formulation of the measure which is before us today.

During 6 days of hearings, the subcommittee heard 16 witnesses, including eight Members of this body.

The subcommittee subsequently considered all suggested approaches to war powers and after four long sessions came up with the draft which was introduced as House Joint Resolution 542.

The full Committee on Foreign Affairs devoted three full sessions to perfecting the subcommittee version. The result is—I believe—a measure which represents a consensus of views on how Congress should legislate in this vital area.

Madam Chairman, since I have been in the Congress, the United States has participated in two major conflicts. Each one of those conflicts has raised important constitutional problems concerning war powers.

On June 25, 1950, North Korean troops crossed the borders of South Korea triggering the Korean war.

On June 27, President Truman announced that he had ordered U.S. air and ground forces to give the Korean Government troops cover and support. Following a United Nations resolution calling on members to stop this aggression, President Truman ordered American ground troops to repel the North Korean attack.

Congress was not called upon to declare war at the time of the invasion in Korea.

At that time it was believed by many in the executive branch, and in the Congress, that by becoming a member of the United Nations, the United States was obligated by U.N. commitments, including commitments to international police actions, and that it would be within the power of the President alone to see that those commitments were carried out.

Although the Congress did not formally accept this position, neither did it as a whole contest the right of the Executive to respond to the call of the United Nations Security Council.

Some members, however, were outspoken in their view that power of Congress had been usurped. Among them was the great Republican Senator from Ohio, Senator Robert Taft.

As the war continued into 1951 and 1952, Senator Taft's views gained more and more support.

Some of you may recall that the Korean conflict came to be called "Truman's War." Unfair as that may have been, the phrase reflected that this was a Presidential war since Congress had not declared it or given specific authorization to the hostilities.

In more recent years, the Vietnam war has provided the basis for similar criticisms. The legal authority of the President to deploy American Armed Forces into hostilities in Indochina has been under constant attack.

Many of us have believed that the Gulf of Tonkin resolution—with its broad and strong wording—provided authority to the President to conduct hostilities in Vietnam.

The present administration, however, has said that its authority for continued pursuit of the conflict was not derived from the Gulf of Tonkin resolution.

Because there has been doubt and confusion over the right of the President to conduct large-scale military actions in Vietnam without specific prior approval from Congress, national disunity over the war was accelerated.

Today, a similar situation exists with regard to the continued bombing in Cambodia.

Many observers believe that continuation of those operations requires that the President ask the Congress for specific authorization. Once again there is confusion and the Nation is divided.

As the result of our country's experience in Korea and Vietnam, one lesson should be clear by now to everyone:

Congress must play its rightful role in warmaking—not only to satisfy the demands of the Constitution—but also for the practical reason of creating the national unity and purpose which are necessary for the success of our national effort.

Our national security, no less than our national heritage, demands that Congress fully participate in the decision to go to war.

In a statement before a House Foreign Affairs subcommittee last year, the Hon. McGeorge Bundy, a former Assistant for National Security Affairs to both Presidents Kennedy and Johnson—stated that the most serious foreign policy problem facing the United States is the breakdown of effective relations between the executive branch and the Congress.

He noted that the breakdown was most conspicuous—and damaging—with regard to the Vietnam conflict.

I believe we all recognize the need for re-creating a good working relationship between the White House and the Congress on vital foreign policy and security issues.

Congress must not play a junior partner role where decisions involving the commitment of American troops is involved. Neither should we attempt to force such a secondary role upon the President.

Our objective must be to foster a cooperative relationship which will prevent the discord over war powers which has plagued the Nation for a number of years.

House Joint Resolution 542 fulfills that objective. The resolution does not attempt to impose precise and inflexible definitions of the war powers on either the President or the Congress.

The resolution does not attempt to describe specific conditions in which the President may or may not deploy troops—for that, too, would introduce elements of rigidity into our national security system.

Rather, this resolution sets forth a procedure for insuring that whenever a significant number of American forces are deployed into combat for a significant length of time by the President, the Congress must give its assent.

Passage of this resolution and its acceptance by the President would open a new era in the relations between the Congress and the Executive in dealing with the war powers of this Nation.

Therefore, I urge this body to give its approval to House Joint Resolution 542—as reported from the Committee on Foreign Affairs.

Mr. TIERNAN. Madam Chairman, I rise to speak in favor of House Joint Resolution 542 which will place significant restraints on the President's ability to commit U.S. Armed Forces abroad without prior congressional approval.

In the past 20 years we have seen a growing willingness by our Presidents to bypass congressional approval of involvement of American Armed Forces in undeclared conflicts. At the same time, there has been a continuing usurpation of congressional power by the Executive.

Both the 91st and 92d Congresses attempted to deal with these problems by considering war powers legislation. Both times I argued vigorously that the Congress should act to prevent any further erosion of the congressional power to make war. Unfortunately, the House and Senate were never able to agree on a formula to limit the President's power to involve the United States in "undeclared wars."

It is my sincere hope that the House of Representatives will approve House Joint Resolution 542 and that the Senate will follow Senator FULBRIGHT's suggestion to adopt similar language.

If we are to "preserve, protect, and defend the Constitution of the United States," we must act now. Too many times the Congress has shirked its duty and abandoned its authority to declare war through inaction or by underwriting the illegal actions of a President by enacting resolutions which give him a carte blanche in the area of military operations overseas.

Today we must realize our responsibility under the Constitution and our duty to the American people to preserve our democracy by once-and-for-all limiting the President's ability to wage aggressive undeclared wars.

As written, House Joint Resolution 542 would allow the President to preserve the security of the United States in case of a national emergency. I agree that the President must have the power to defend the United States in case of an attack. But I believe that no single man should have the power to commit our lives and resources to the future Vietnams of the world.

The intent of our Founding Fathers is clear. Article I, section 8, of the Constitution specifically gives to the Congress the power to declare war and make rules for the regulation of Armed Forces. The writings of Jefferson, Madison, Monroe and others make it perfectly clear that no warmaking power is given to the President.

Lincoln reiterated this when he said:

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure.

We in Congress do not seek to reclaim our right to declare war because we are any wiser than the President. We do so first and foremost because the future of our democratic form of government, as envisioned by our Founding Fathers and established by the Constitution, is at stake. Second, it is my belief that Congress would use this authority more sparingly than the President, as one man, would. For war is the most crucial issue anyone can deal with, and it should not and cannot be easy to initiate.

Open debate by the Congress may bring up risks otherwise overlooked or alternative courses never considered. It substitutes the experience of many voices for that of one at a time when no objection is too small. And it may well serve to secure the consent of our citizenry, certainly a vital factor as the Vietnam war has so painfully proved. The President reaches his decision to go to war through private processes, inaccessible to the individual citizen, Congress provides that accessibility. Without the moral sanction of the American people, the consequences of war are no less destructive here in our own country than where the bombs are falling. Only by returning to the dictates of the Constitution can we guarantee that we will never again go to war without the support of our citizens.

The war power resolution is the most important consideration on which we will undertake during this Congress. I urge every Member of this body to vote in favor of this measure.

Mr. PODELL. Madam Chairman, the time has come for the Congress of the United States to reassert its position of equality with the executive branch. For too long, have we allowed ourselves to be exploited as a rubberstamp for Presidential supremacy. This legislation, House Joint Resolution 542, which severely limits the circumstances under which the President can commit U.S. troops abroad without congressional approval, can be the first nail in the coffin of congressional complacency.

The Constitution gives the Congress the power to declare war. Clearly, it was the intention of the framers of our government to employ the collective wisdom of both the executive and legislative branches, before committing our Nation to armed conflict. Yet, today we are told that a declaration of war would probably mean nuclear holocaust. We have been forced to swallow an expansive set of national commitments which have escaped the careful consideration of this body. The founders of our Government placed a grave responsibility on the shoulders of Congress and we can not shrink from it and still fulfill our duties of office.

This legislation would not in any way inhibit the ability of the Commander in Chief to respond to a direct threat to the security of our Nation. It would only ensure that the Congress be given the maximum opportunity to advise and consent in all hostilities. Our Nation cannot afford any more errors of judgment in our foreign policy. One small mistake could easily drag us down into the quagmire of overbroad commitments and entangling hostilities.

If there is one lesson that can be learned from the events of the sixties, it is that no one man should be allowed to monopolize our foreign policymaking process. Full public discussion, whenever feasible, is an essential ingredient in the working of a democracy. Certainly, the recent agreements signed by the world's two major nuclear powers amplifies the need, and increases the opportunity, for reasoned debate. The Presidency is often an isolated and lonely office. It is the duty of Congress to make sure the will of the people is heard and adhered to.

Some of the most significant provisions of this legislation are those that deal with the obligation of the executive to keep both the Congress and the American people promptly informed of all commitments abroad. Overclassification and excessive secrecy have plagued our Nation throughout the last decade. Both the legislative and executive branches must learn to cooperate in pooling their research and analysis, since information is the key to any rational foreign policymaking.

How many more billions of dollars must this Nation spend before Congress is willing to assert its authority? How many more lives must be lost? This Nation cannot afford another Vietnam while Congress retreats from its constitutional responsibilities. The time to act is now. I urge all my colleagues to join me in support of this long overdue legislation.

Mr. PARRIS. Madam Chairman, I would like to take this opportunity to comment upon what I consider to be a very serious, and indeed dangerous, fault in the legislation which we have before us. Specifically, I refer to section 4(b) of House Joint Resolution 542, which in actuality denies to the President of the United States the authority to commit U.S. Armed Forces into combat without specific congressional approval.

According to section 4(b) as it is now worded, it is required that pursuant to section 3 of the bill, within 120 days after a report is submitted or required to be submitted, the President shall terminate any commitment and remove any enlargement of U.S. Armed Forces with respect to which such report was submitted, unless the Congress either enacts a declaration of war or a specific authorization for the use of our Armed Forces.

I would like to respectfully submit to my colleagues that the Congress cannot and probably would not "clear its throat" in 120 days unless language is written into this bill which would require some affirmative congressional action in that time period.

Under the Constitution, the power "to make war" is jointly shared by the legislative and executive branches of our Government. For this reason I firmly support legislation which would strengthen and enhance the flow of information to and between both branches, so that both may wisely exercise their constitutional responsibilities in case of impending or present foreign crises. Section 4(b) goes beyond this objective, in strengthening the warmaking powers of the Congress at the expense of those of the Executive.

It is my understanding that a number of amendments to House Joint Resolution 542 will be offered to delete this objectionable provision, substituting language which would require some type of affirmative congressional action within a specific time period after the submission of the President's report on his action in committing U.S. Armed Forces.

Specifically, I would like to direct my colleagues' attention to H.R. 8898, legislation introduced by my friend Mr. REGULA, which I have cosponsored, and which I understand may be offered all or in part as a substitute to House Joint Resolution 542. According to the provisions of this bill, if, in the case of a national emergency, the President should commit U.S. Armed Forces into combat, the President would submit to Congress within 24 hours a report of his actions. Congress would then be required to then take affirmative action, within 90 days after the receipt of the President's report, either approving or disapproving this commitment of U.S. Armed Forces. If the Congress should approve his actions, the President would nevertheless be required to report back to the Congress at 6-month intervals on the progress of the hostilities in question. In the event of congressional disapproval, the Armed Forces would be required to be withdrawn as expeditiously as possible. Lastly, but most important, in the event the Congress failed to take any action to either approve or disapprove the President's action, this would in fact constitute approval of the commitment of U.S. Armed Forces.

I support the provisions of H.R. 8898, and I hope my colleagues will do likewise in the upcoming debate on House Joint Resolution 542.

Mr. BINGHAM. Madam Chairman, House Joint Resolution 542, the "war powers resolution of 1973" of which I am proud to be a cosponsor, is of major importance. It reflects successful efforts by the Foreign Affairs Committee, and especially the subcommittee which originated the legislation, to achieve a compromise bill supported by an overwhelming majority of the committee's members.

I especially want to compliment the chairman of the subcommittee, Mr. ZABLOCKI, for his outstanding leadership in this regard.

House Joint Resolution 542 is superior in a number of respects to its sister bill in the Senate, S. 440, which shares the same laudable purpose—of defining the powers of the President to engage in military hostilities abroad without a congressional declaration of war.

For one thing, S. 440 yields to the temptation to try to define future circumstances in which a President can commit U.S. Armed Forces to hostilities without prior congressional authorization. This raises a double-edged problem. If we give a President broad blanket authority to send troops into battle when-

ever he judges that there is an imminent threat to the United States, or its forces or citizens anywhere, as provided by S. 440, we are giving the White House what could become a blank check. On the other hand, if we try to spell out more restricted circumstances in which a President could take action, how do we know that we may not be unduly tying his hands in some unforeseeable future crisis which genuinely threatens our national security?

In my own proposed war power bill (H.R. 5669) I avoided this unnecessary effort to foresee all situations in which the President might have legitimate need to use troops. I am happy that House Joint Resolution 542 also avoids this possible pitfall.

In this and other respects I feel that House Joint Resolution 542 is reasonable and responsible legislation which would go far toward reasserting the Congress constitutional power in this area. I strongly urge its adoption.

I will reserve further comments on the substance of the resolution until we reach the amendment stage on the bill.

Mr. BURKE of Florida. Madam Chairman, I must rise in opposition to the passage of House Joint Resolution 542, the war powers resolution of 1973, because I honestly feel that it is a mistake to attempt to draw rigid lines between the President and the Congress in the area of warmaking. Furthermore, even if this action was desirable, it should not be done by a joint resolution of Congress, but instead by a constitutional amendment. In my humble opinion and in the opinion of many lawyers, most of the important provisions of House Joint Resolution 542 would probably be declared unconstitutional.

The term "war powers" may be defined as the authority inherent in national sovereignties to declare, conduct, and to conclude armed hostilities with other nations. The U.S. Constitution reserves the following powers expressly to the Congress in article 1, section 8:

11. To declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years;

13. To provide and maintain a Navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16. To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by this constitution in the Government of the United States, or in any department or officer thereof.

The war powers of the President are however expressed in article II, section 2, which states:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

Our Founding Fathers wisely left an element of flexibility in the authorities of Congress and the President, and this has enabled Presidents to employ the power which this flexibility has allowed to encourage peaceful resolvements of potentially dangerous situations.

Although I support the constitutional grant giving authority to the Congress to declare war, nevertheless, at the same time, I support more the President's right to defend our Nation against attack or even possible attack without prior congressional authorization.

We must give the American voter and the American system of elections full credit for selecting in most instances able men to be our Presidents.

Madam Chairman, the President must have the confidence and support of the American people in order for him to be elected to office. His actions as President are similarly subject to public opinion. It is most ironic that House Joint Resolution 542, which is before us today, and was constructed with an eye toward the unfortunate experiences in the mid-1960's, would not have prevented our steadily deepening involvement in Vietnam had it been on the books since 1789. Except perhaps by hindsight, there is no reason to believe that the Congress would not have acted through the mechanism set forth in House Joint Resolution 542, had it been in effect at the time of the Gulf of Tonkin incident, to declare war, if this had been the action requested by President Johnson.

Yet today we are trying to close the barn door after the horse is already out, with this war powers legislation, but what we are likely to do is to splinter the door into fragments so that passage either way through the door is dangerous and the control of the horse is impossible.

Constitutional powers should not be tampered with lightly. Our system of government has worked well for almost 200 years, and I honestly feel that history will reflect that the action being contemplated by the House today, would work to the detriment of our system of government and against the best interests of the American people in the future.

Specifically, section 4 (b) and (c) of House Joint Resolution 542 are in my opinion against the best interests of the United States. Section 4(b) provides that the President at the end of 120 days, without regard even to the immediate safety of our Armed Forces, must terminate any involvement of U.S. Forces in hostilities outside the United States, and withdraw newly dispatched combat forces from the area of any foreign country unless the Congress by that time has enacted a declaration of war or specifically authorized the use of our Armed Forces. Section 4(c) provides that hostilities and deployments may be terminated by Congress alone at any time within the 120-day period, by means of a concurrent resolution having no force of law.

As a practical matter we all know that the Congress does not always move as quickly as it should and a legislative deadlock might develop thereby making it necessary to withdraw troops already committed to combat after 120 days. My colleagues, this is a chaotic way to conduct military actions, or for that matter to conduct a government. It is highly undesirable for Congress through its own inaction to be able to determine whether a course of Presidential action should be continued.

Under present law, if the Commander in Chief orders our forces to deploy or to engage in hostilities, Congress may effect such action if it wishes, by use of constitutionally granted powers. But seeking to provide that a concurrent resolution shall have the force of law, we are embarking on an extremely dangerous and probably unconstitutional course of action.

Decisions of war and peace by the United States should not be developed by confrontation between the Congress and the Executive, but rather it should be developed by a maximum amount of cooperation between the two branches. I therefore urge that you recognize that this is bad legislation before us today and it should be defeated. It is my opinion that the constitutional authorities presently in existence are sufficient allocations of the war powers between Congress and the executive branch.

Mr. HOLIFIELD. Madam Chairman, I intend to vote for passage of the war powers resolution of 1973, and I commend the Committee on Foreign Affairs for once again bringing this important measure before the House.

In my view, the war powers resolution does two things:

First, it helps to fill a long existing constitutional void.

Second, it more clearly defines the warmaking powers of the President and guarantees the participation of the Congress in the foreign policy of this country—especially where that policy is enforced by the use of military power.

I want to emphasize that the Congress, not just the other body, has a constitutional role in foreign policy. This House has for too long refused to assert its powers and has, too often, confined its foreign policy role to the appropriations process.

As written, our Federal Constitution is silent in numerous instances with respect to the exercise of congressional, judicial and Presidential powers. Those who drafted the Constitution could not possibly have foreseen the growth of a technological society, or the great complexities of our foreign relations in a nuclear age. During crisis after crisis we have been left floundering in a thicket of controversy over "inherent powers," "assumed authority," and claims of usurpation of the powers of one branch of Government by another.

The constitutional voids and gray areas having to do with the warmaking powers became apparent very early in our national history, and we have had to deal with international situations continuously from 1798 until now without constitutional or statutory guidance.

For example, the hearings of the Foreign Affairs Committee on the war powers resolution list 199 instances where the United States has engaged in mili-

tary action abroad without a declaration of war—from the naval war with France in 1798 to the Jordanian-Syrian crisis of 1970.

Contrasted with these 199 instances of Presidential action—supported by the Congress—the Congress has declared war only 5 times.

Both declared and undeclared wars have resulted in great criticism and distrust of both the Presidency and the Congress. As a result, our democratic processes of government have often become strained and distorted, as they are today.

I believe it is now time to end this distortion and confusion which has plagued us for so long, by defining the roles of Congress and the President with respect to undeclared wars. Our position in the world and our relationships with other governments make such action mandatory.

Early this year, the State Department furnished each of us with a 420-page document listing the treaties and agreements which we have in force with dozens of other countries.

Many of these treaties and agreements, which we in the House had no part in making, call for military action by the United States. Without doubt, if we are to carry out our solemn agreements with other nations, while serving our own best interests, an undeclared war or the commitment of troops abroad will be necessary in the future.

In fact, we would not want to take the grave step of formally declaring war in most cases because of the grave international implications involved in such a step.

The resolution before us is not addressed to any particular war or military action. It does not criticize, nor is it aimed at any President. It does not affect the President's flexibility in dealing with any future international crisis.

These are the things that the resolution will do:

It assures that the Congress—including the House at long last—will be fully consulted and will decide whether to commit the lives of those we represent to a foreign conflict.

Also, the Congress will be provided, at long last, with sufficient information to permit it to intelligently exercise its constitutional duties and prerogatives in these situations.

Most importantly, passage of this resolution will apply the rule of law to these future Presidential actions in the foreign policy area.

The 43 California Members of this House represent more than 10 percent of the young men who would be called upon to fight an undeclared war. Our constituents would be called upon to pay a high share of the costs of such a war. And the odds are that more of our constituents would be buried in the course of any such war.

For no other reasons than these, California's people are entitled to their voice in these matters through their elected representatives.

But there are better reasons for supporting the war powers resolution. These are:

The preservation of representative government in all facets of our national life;

The preservation of the Congress and of this House as the representatives of the will of the people; and

The preservation of the rule of law versus the rule of men.

In conclusion, let me say that I have no desire to inhibit any President or future Congress in the ability to move in our own national interest. If I believed that this resolution would do so, I would not support it.

This resolution will not inhibit the President or the Congress. It merely assures that we, the elected representatives of the people, will help decide whether future foreign military operations are in fact in the national interest.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This measure may be cited as the "War Powers Resolution of 1973".

Mr. ZABLOCKI. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 542), concerning the war powers of Congress and the President, had come to no resolution thereon.

POULTRY CRISIS

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

Mr. KAZEN. Mr. Speaker, I rise to call attention to a crisis facing poultry growers and processors in my south Texas district, and to warn that their problem looms from one end of the country to the other. I was in my district over the weekend, and I talked to poultrymen who are drowning and gassing young chickens because they see no way to recover the money it would cost to feed them. They are destroying eggs because they cannot now expect to provide fryers and broilers to the Nation's markets at a break-even point, let alone gaining a reasonable return for their labor and investment.

There is a strong possibility that chickens and eggs will disappear from the retail markets of the Nation. Every one of us knows that the family budget is being strained these days. With some reluctance, we have recognized the need for controls. But the goal is to stop the rise in the cost of living, not to eliminate a major source of protein in our daily diets.

I have communicated my concern to the President. I have told him that the June 1 to 8 base period for price controls is striking the poultry industry with burdens it cannot sustain. In that period, retailers were pushing chickens in their stores as "loss leaders," but they cannot continue those losses, so they are canceling orders to the poultrymen at a time when feed ingredient prices are the highest in history.

I have urged the President, for action, by Executive order which will save the poultry industry and protect the family food shoppers of the country.

I shall counsel with other Members from districts where poultry production and processing is important to the economy, but I also call on every Member of this House to become concerned in this problem because it is one that vitally affects the entire Nation. An adjustment of price controls is essential if we are going to continue to have poultry and eggs in our retail stores and on our dinner tables.

IMPOUNDMENT LEGISLATION REPORTED BY RULES COMMITTEE

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

Mr. MADDEN. Mr. Speaker, on last Thursday, June 21, the Rules Committee reported H.R. 8480, the impoundment control bill to the floor of the House which will be considered by the membership after the Fourth of July recess.

This legislation, if enacted into law, will require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding and to establish for the fiscal year 1974 a ceiling on total Federal expenditures.

The Rules Committee held nine public hearings and took testimony from many Members of Congress, Government departments, and also from Senator SAM J. ERVIN, JR., who is the sponsor of an impoundment bill reported by the Senate some weeks ago.

Members of the House and Senate have been receiving many complaints regarding the impounding of funds on legislation and various programs enacted into law by the Congress during the last dozen years. I know the Members of Congress when they return home over the Fourth of July recess will receive plenty of protests from the public and various organizations on the curtailment and in some cases complete abatement of legislative projects enacted into law by the Congress. The curtailments and impoundments have also halted or greatly reduced urban renewal projects, housing, pollution, education, and other programs passed by the Congress.

Mr. Speaker, I ask unanimous consent to include with my remarks excerpts from the New York Times of yesterday, Sunday, June 24, 1973, setting out the astounding conditions existing in New York, New Jersey, and Connecticut, caused by cuts of funds in health programs. The facts set out in these articles as reported by health officials in this area are similar to what is taking place all over the Nation, especially in urban centers.

[From the New York Times, June 24, 1973]

HEALTH OFFICIALS SAY NIXON'S CUTS WOULD HURT POOR—PROPOSED REDUCTIONS IN AID CALLED THREAT TO VITAL MEDICAL PROGRAMS

(By Martin Tolchin)

WASHINGTON, June 23.—Health officials in New York, New Jersey and Connecticut warned today that President Nixon's proposed cuts in funds for health programs, estimated at $1.2-billion, would curtail and terminate vital health services to the urban poor.

MAJOR REDUCTIONS

Dr. Franklin M. Foote, Connecticut's Commissioner of Health, typified the dismay of health officials in the tristate area. "It's going to hurt the things we're doing in the field of prevention and community preventive programs, and two programs in our bigger cities, aimed at low-income disadvantaged groups, are going to be curtailed," he said.

How deeply will the cuts be felt? "If it happens to be your child who gets a case of measles because of lack of immunization, and he becomes mentally retarded, you would consider it a serious thing," Dr. Foote said.

The major reductions in the proposed Federal health budget are in the areas of health manpower grants and contracts (from $673.5-million in 1972 to $440-million in 1973 to $382-million for the coming year); preventive health services (from $88-million to $157-million to $125-million); health manpower construction (from $161-million to zero).

The proposed cuts have created a pervasive feeling of despair in medical circles in New York, according to local health officials.

"The magnitude of the Federal research cuts is creating a gloomy concern about the future of the medical profession in New York City," said Gordon Chase, the city's Health Services Administrator. He estimated that the cuts would cost the city's eight medical schools and 161 hospitals up to $50-million.

CONCERN ABOUT FUTURE

"New York State's the principal medical center of the nation," said Senator Jacob K. Javits. "The cuts mean that we will curtail the future medical capability of our country."

In the tristate area, the cutbacks in Federal funds for both research and programs are viewed with despair.

"The Federal cutbacks is a matter of great seriousness to this department and one which will have its principal effects on research and direct services to the urban poor," said Kearney L. Jones, the New York State Health Department's director of financial and administrative services.

CITY LISTS THE EFFECTS IT EXPECTS FROM CUTS

The city's Health Services Administration said President Nixon's proposed cutbacks in Federal health funds would probably result in the following:

Reduction in the city's maternal and child health services by $8.5 million.

Layoffs of 10 to 20 per cent of the faculties of the city's eight medical schools.

Termination of 17 medical residencies at Montefiore Hospital and curtailment of nursing education at Beth Israel Hospital.

Elimination of the X-ray technician training program at Bellevue; loss of $1 million in scholarships for nurses and technicians at Kings County.

Curtailment of the outpatient department at Mount Sinai Hospital and ambulatory care at Gouveneur Hospital.

Curtailment of graduate health-planning programs at Columbia University and New York University, as well as the Columbia University School of Public Health and administrative programs in health care at Columbia, N.Y.U. and the City University.

FEDERAL FINANCING OF HEALTH PROGRAMS

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

Mr. OBEY. Mr. Speaker, the Health Service and Mental Health Administration is turning into a policymaker's wonderland.

First it proposed that in order to qualify for HSMHA support now, health services delivery projects must be able to prove they can do without such support later. They must be able to show in advance that they can become self-sustaining community-based operations. I want to commend the gentleman from Florida (Mr. ROGERS) for alerting the Congress to this vicious, callous bureaucratic misinterpretation of congressional intent policy, which applies to family health centers, health maintenance organizations, migrant farm worker projects, and others for alcoholism and drug abuse.

Now HSMHA is proposing that effective July 1, fees be charged for the training of public health personnel conducted by the Center for Disease Control. The estimated "fee range" per student day for laboratory courses would be $35 to $100 for example, and would apply to all public health training courses given by CDC for Federal, State, and local agencies, private industries, universities, and others.

I include these new regulations as they were published in today's Federal Register:

[Department of Health, Education, and Welfare, Public Health Service]

CENTER FOR DISEASE CONTROL

(Direct Training—Fees; Notice of Proposed Rulemaking)

Section 311(b) of the Public Health Service Act (42 U.S.C. 243(b) authorizes the Secretary of Health, Education, and Welfare to train personnel for State and local health work.

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, proposes to amend subchapter E of chapter I, title 42, by adding a new part 65, as set forth below. Part 65 would establish a new policy with respect to the training of public health personnel conducted by the Center for Disease Control, Health Services and Mental Health Administration, beginning July 1, 1973, by requiring generally the payment of fees to meet training costs. The notice contains a proposed range of fees, the precise amounts to be determined on the basis of the estimated costs related to the conduct of a particular course. A waiver provision is also included, essentially, to assure the maintenance of a sufficient number of qualified public health workers necessary to carry out disease control functions of critical regional and national concern.

Written comments are invited. Inquiries may be addressed and data, views, and arguments relating to the proposed regulations may be submitted in writing, in triplicate, to the Regulations Officer, Center for Disease Control, Building 1, room 204, 1600 Clifton Road NE., Atlanta, Ga. 30333.

Budgetary considerations require the effective date to coincide with the start of the new fiscal year. Accordingly, notice is also given that relevant material must be received on or before July 9, 1973, to be considered. All comments received in response to this publication will be available for public inspection during normal business hours at the foregoing address. It is proposed to make the regulations effective July 1, 1973.

Dated June 1, 1973.

HAROLD O. BUZZELL,
Administrator, Health Services and Mental Health Administration.

Approved June 20, 1973.

CASPAR W. WEINBERGER,
Secretary.

PART 65—FEES FOR DIRECT TRAINING

Sec.
65.1 Establishment of fees.
65.2 Definitions.
65.3 Schedule of fees.
65.4 Application procedures.
65.5 Payment procedures.
65.6 Refunds.
65.7 Waivers.

Authority.—Sec. 501, 65 Stat. 290; 31 U.S.C. 483a.

§ 65.1 Establishment of fees.

Except as otherwise provided in § 65.7, effective July 1, 1973, a fee shall be charged for all students receiving direct training conducted by the Center for Disease Control.

§ 65.2 Definitions.

(a) "CDC" means the Center for Disease Control.

(b) "Direct training" means all public health training conducted directly by CDC through courses for employees or representatives of State and local governmental agencies, other Federal agencies, international agencies, private industries, universities, other non-CDC agencies and organizations, and private individuals.

§ 65.3 Schedule of fees.

(a) Following are estimated fee ranges:

[*Fee per student day*]

Classroom courses	$25–$75
Homestudy courses	6– 15
Laboratory courses	35–100

(b) The fees specified in paragraph (a) of this section are based upon an analysis of the cost of previous courses and are, therefore, subject to revision. Fee ranges are given to indicate that fees may vary according to course design and facility location, i.e., whether a student attends a headquarters course or a field course. Up-to-date fee schedules for regular training courses will be available from the CDC headquarters offices and will be published in an addendum to the CDC Training Bulletin (available on request) and, when necessary, a general notice will be published in the FEDERAL REGISTER. The fee for special training efforts will be based upon the training requirements agreed upon between the requester and CDC.

§ 65.4 Application procedures.

Specific training information, including application procedures, may be obtained from CDC headquarters offices and the CDC Training Bulletin. Applications for enrollment in direct training courses shall be made on form HSM 319–A (CDC) and submitted to CDC. Requests by organizations for field courses and special training efforts should be made in writing to CDC at the following address: Center For Disease Control, Attention: Training, Atlanta, Ga. 30333.

§ 65.5 Payment procedures.

Upon notification of acceptance in a direct training course, applicants shall submit payment of fees as follows:

(a) Federal agency applicants shall submit a letter identifying the agency and office to be billed, the agency order number, and any code number or other necessary billing information.

(b) State and local agency applicants shall provide similar billing information or submit check payable to the Center for Disease Control.

(c) All other applicants shall submit a check payable to the Center for Disease Control prior to the commencement of the course.

§ 65.6 Refunds.

Fees may be refunded in full provided (1) notice of withdrawal is received no later than 10 days before commencement of the training and (2) the withdrawal does not result in cancellation of a course because of insufficient funds to produce the training. Fees will be refunded when an application is not accepted, when a course is oversubscribed, or when a course is canceled.

§ 65.7 Waivers.

(a) CDC may waive the fee requirement when such waiver is judged to be in the public interest. Requests for waiver shall accompany completed applications for training or shall be submitted by organizations during arrangements for training. Waiver requests shall be submitted in writing and must include (1) an explanation of the relationship of the applicant's job to the training desired and (2) a justification for waiver of the fee, which explains how the training relates to the achievement of national goals of concern to CDC and why a waiver is needed.

[FR Doc.73-12675 Filed 6-22-73;8:45 am]

INDEPENDENCE FOR THE BAHAMAS

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

Mr. FASCELL. Mr. Speaker, 2 weeks from tomorrow the islands where Christopher Columbus 481 years ago first set foot on the "new world" will finally achieve their full political independence. I refer, of course, to the Bahama Islands which are scheduled to become independent from Great Britain on July 10. I have asked for a special order to address the House on July 10 to mark Bahamian Independence Day and as chairman of the Subcommittee on Inter-American Affairs I would like to take this opportunity to invite all of you to join me in making remarks on that occasion.

Today, Mr. Speaker, I would like to note a memorial to Congress from the House of Representatives of my own State of Florida urging Congress to extend our congratulations to the Bahamas on the celebration of their independence.

The text of the resolution sponsored by Representative Gwendolyn S. Cherry and approved by the Florida House reads as follows:

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES URGING CELEBRATION OF THE BAHAMA ISLANDS INDEPENDENCE DAY, JULY 10, 1973

Whereas, on October 12, 1492, Christopher Columbus landed in the Bahamas on an island he christened San Salvador, now known as Watling Island, and

Whereas, in 1629 the English King Charles I granted Sir Robert Heath, attorney general of England, territories in America, including "Bahama and all other Isles and Islands lying southerly there or neare upon the foresayd continent . . .", and

Whereas, Captain William Sayle landed on the abandoned islands in July of 1647 with seventy prospective English settlers, but the colony did not prosper, and

Whereas, John Wentworth was appointed the first governor of the Bahamas in 1671, and Captain Woodes Rogers was appointed the first Royal Governor in 1718, and

Whereas, the United Kingdom Emancipation Act came into force in the islands in 1834, the first step toward freedom and equal rights for the inhabitants of the islands, and

Whereas, the colony achieved full internal self-government in January 1964, and

Whereas, the Bahamas make notable contributions to the economic life of the Caribbean area through the production of wood products and salt, and through the fishing and tourist industries, and

Whereas, the Bahamas will enjoy full independence on July 10, 1973, free from foreign rule to chart her own course in world affairs, now, therefore,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is hereby urged to extend by appropriate means to the government and people of the Bahama Islands official congratulations upon the celebration of Independence Day in the Bahamas, July 10, 1973, and that necessary steps be taken that the people of the United States may officially partake in the observance of said day.

Be it further resolved that copies of this memorial be dispatched to the President of the United States, the Prime Minister of the Bahamian government, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

LEGISLATIVE SUMMARY

Urges Congress to offer official congratulations to the people of the Bahamas on the celebration of their Independence Day, July 10, 1973.

FEEDING THE WORLD AT EXPENSE OF THE AMERICAN CONSUMER

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

Mr. NICHOLS. Mr. Speaker, the purpose of my taking the well is to call to the attention of the Members of this body the seriousness of what could very well amount to a critical shortage of food in the immediate months ahead. Many of my colleagues who have rural districts are aware of the extraordinary action taken by the U.S. Department of Agriculture last Thursday when they asked the Chicago Board of Trade to limit the normal operation of future trading of soybeans and soybean meal. The reasons for suspending trading on soybeans were based on reports that there will be only an estimated 40 million bushels of beans available in the entire United States on September 1. This is only a 2-week supply.

The severe shortage came about because of the unprecedented large sale of soybeans to Japan and Russia. As a result of the scarcity of beans, the commodity brokers have actually traded in both beans and meal and the price of these commodities has risen rapidly.

My concern, Mr. Speaker, is that the broiler producers, the cattle feeders and the hog growers throughout America are thoroughly disillusioned as to what the future may hold and they hesitate to plan. Many, in fact, are suspending operations which certainly point out to me the very real possibility of a food shortage this fall.

Last week, I received a call from Miller Poultry Co. of Piedmont, Ala., which is one of the largest broiler producers in my State. This firm—based on the average consumption of chicken by Americans—produces enough broilers annually to feed more than 300,000 Americans. The president of the company, Mr. Charles Miller, told me that within the past 2 weeks, he has sold to the egg breaking plants more than 1,200 cases of eggs which would normally go into his incubators for hatching purposes. He received 47 cents per dozen for those eggs which cost him approximately $1 per dozen to produce from his breeding flocks. Dr. Miller also told me that he elected to destroy some 50,000 day-old baby chicks rather than place them with his broiler producers who would normally feed them out for the market. He will have no eggs in his incubators this week which means that the chickens which would normally go to food chains in Washington, Chicago, and New York in August and September will not be available. Why is Mr. Miller having to take this action? A year ago, he was paying $115 per ton for 49 percent bulk soybean. Now he is paying $460 per ton—a 400 percent increase in the short period of 12 months. That is reason enough.

Mr. Speaker, this is not an isolated case. The same situation exists in many segments of agriculture. I have repeatedly called these facts to the attention of the Secretary of Agriculture and I have joined with other concerned colleagues of this Congress in asking that a moratorium be placed on future exports of soybeans until we determine what we may expect from the new crop.

While I am pleased that America is producing enough to feed the less fortunate nations around the world, I am nevertheless convinced that it would be tragic if we should be so shortsighted that we fail to take care of our domestic requirements. The exorbitant high price of soybean meal can mean only one thing—a further increase in the price of food to the American consumer. I think that this is a rather expensive way to improve our relations with foreign countries. What we are doing is feeding the world at the expense of the American consumer.

HOW TO SETTLE OUT OF COURT

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

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues, the following newspaper articles outlining the Nation's first televised Better Business Bureau voluntary arbitration hearing that took place within my congressional district.

It should be significant to all those who are concerned about the consumer that the Better Business Bureau is endeavoring, through the mechanism they established in Santa Barbara, to resolve consumer-business problems that occur in the marketplace. I would like to commend Mr. Leonard Kummer, president and tribunal director of the Better Business Bureau of the Tri-Counties, Inc., and Mr. John E. Greene, executive director, for their unique approach to consumer-business problems.

The articles follow:

BBB ARBITRATION: HOW TO SETTLE OUT OF COURT

(By Chet Holcombe)

The nation's first public arbitration hearing was conducted here yesterday by the Santa Barbara Better Business Bureau as a pilot case to demonstrate such a voluntary effort to settle a consumer complaint without need of lawyers, courts or any other expense.

Under the glare of network television floodlights, and with radio and newspaper reporters noting every word, Lawrence D. Cohn, a businessman serving as arbitrator, heard the 1½-hour dispute at the community room of Santa Barbara Savings and Loan Assn., 1035 State St.

A couple of dozen persons, mostly from the news media, heard Mrs. John H. Peters Jr., 3954 Carol Ave., bring her complaint against the Furniture Guild, 89 S. Patterson Ave. It was the second local BBB arbitration, the first to be public.

Mrs. Peters, surrounded by her family, charged that twice the fabric on her living room furniture had failed to give satisfactory service despite "guarantees" by the store's salesman and manager. Thomas Gates, the store manager, denied this, saying the fabric had given normal wear, was not guaranteed, and had already been replaced once. He said a whole new set of a chair, love seat and sofa, had already been substituted for the original set.

Cohn, an account executive with the Financial Advisory Clinic, decided that the furniture company was not obligated to replace the furniture or fabric. He ruled that the Furniture Guild would pay for the cleaning and protective spraying of the fabric.

Robert Love, General manager of the store, said afterwards that he was satisfied with the verdict. But he was taking it a step farther, giving Mrs. Peters the right to choose any new set of living room furniture with any fabric. "The point shown here is that the customer got to see that she received, through arbitration, full satisfaction," Love added.

Mrs. Peters declared that she was happy with the hearing. "It reveals to all persons that they have a fair chance to air their complaints against merchants to a third party, free of charge, with no lawyers nor courtrooms required," she said.

The events, observed by James Keating of the California Department of Consumer Affairs, Sacramento, and Dean Determan, Washington, D.C., counsel for the National Council of the Better Business Bureaus, and other BBB officials, began with an inspection by all parties of the three pieces of furniture under dispute at the Peters' modest home. Lights, cameras and recorders were there.

Then the parties went to the hearing room downtown.

Leonard W. Kummer, BBB tribunal director, explained that the names of five persons from among 89 local citizens on the master list of arbitrators were submitted to both parties. Of the five, the disputants agreed on Cohn, and he was sworn in earlier.

John Greene, Better Business Bureau general manager, made the hearing arrangements, and Mrs. Anne Milliken served as notary, swearing in all participants and witnesses, who agreed that the voluntary arbitration would be binding and that it would be public.

Mrs. Peters explained that she and her husband, a carpenter, bought the three pieces of furniture on July 15, 1972, and, the fabric began to shed and fade, although she understood the salesman, James Johnstone, to say that the furniture and the fabric were "the finest" and "guaranteed."

Her husband explained that the first complaint was made last Aug. 29, and the new furniture was delivered last Jan. 19. Again in April, a complaint was made, and on May 3 a factory representative came to the house and said the wear on the furniture was normal. And the store refused to replace the fabric again. Peters said, however, that Ray Gonzales, store service manager, had promised to replace the fabric with more expensive polyester. A friend, Mrs. Lela Pelton, criticized the fabric. Peters' mother, Mrs. Madeline Peters of Jackson, Calif., told of seeing the fabric of the first furniture "in bad shape."

Gates, the store manager, said that through a breakdown in communication, his word to Gonzales that the store could not replace the fabric the second time with more expensive fabric was not passed on to Mrs. Peters. When the second furniture was delivered in January, she was disappointed.

However, the store did not hear from her again until April, Gates said. Gonzales said he had asked Gates about the request for the new fabric, which Gates turned down—but Gonzales did not so notify Mrs. Peters.

Pat Callahan, a representative of De Lux Furniture Co. of Los Angeles, testified that the fabric is a moderately priced, rough, burlap-type linen, which gives good service under normal wear conditions. He read a laboratory report from the Apollo Chemical Co. in North Carolina, certifying tests by the Slater Fiber Testing Bureau of New York City, which showed the fabric to be "100 percent satisfactory."

Laurie Jacobson, of the Jacobson Furniture Co., called as an expert witness, said the test, of course, was not with the exact material on Mrs. Peters' furniture, although it was similar material. He said that no furniture store can guarantee any fabric, although the wood and upholstery can be guaranteed. He questioned the "sales pitch" made by the store, but noted that the fabric had been given a protective spray, which normally should protect it for two years.

James Johnstone, the salesman, said he had been on the job two months when he sold the furniture to Mr. and Mrs. Peters and did not remember the "exact case." "Normally, under those conditions," he said, "I do not make guarantees on the fabric, only to say that the customer's satisfaction is guaranteed. I would not have said it was our best quality, selling for $500. I know that herculons, vinyls and polyesters are better and more expensive."

Love, the general manager, agreed with Johnstone's remarks, and added that "we do not authorize salesmen to promise anything about the fabrics, but, on the first time around, we guarantee all our merchandise."

Then Cohn recessed the hearing for 15 minutes. He came back to announce his ruling.

ARBITRATION HEARING GETTING FULL EXPOSURE

The initial arbitration hearing held here last Saturday by the Better Business Bureau of the Tri-Countries, as an example of the new free informal method of solving customer complaints open to business, is getting full news media exposure.

Tonight Los Angeles TV Channel 4 will air film taken of the hearing during the 5 p.m. news show, while the "Today" morning program will use portions of the film "sometime this week" out of New York.

Channel 11, Los Angeles, carried a filmed report on Saturday night, while KFWB–AM radio, Los Angeles, broadcast it live on the air Saturday morning. The Los Angeles Times, as well as the News-Press and Radio Stations KTMS and KIST, covered the 1½-hour hearing.

In addition, Channel 3, KEYT (ABC) a local Santa Barbara station carried the Arbitration Hearing.

THE BREZHNEV VISIT

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

Mr. SIKES. Mr. Speaker, the Brezhnev visit is a credit to the leaders of both countries. We are talking with each other. When people talk, there is a prospect for resolving differences amicably. Between Russia and the United States there are many differences. Primarily these arise from a difference in philosophy of government, not differences between people. Russians and Americans always have gotten along well together when the opportunity was presented.

These are the two great superpowers. One has a government of controlled enterprise, the other a government of free enterprise. There is a basic struggle to determine which concept will prevail in the world of the future. There have been apprehensions that this could only be determined by war. Now the prospects are that the future will be determined through peaceful means.

There was a measure of agreement between Mr. Nixon and Mr. Brezhnev. It is a helpful sign. The true tests still lie ahead. One measure is in what will happen in Indochina. Understandably, Mr. Brezhnev cannot dictate to North Vietnam. Red China is also very much in the picture there. But the fact remains that Russia is the principal supplier to North Vietnam, and Russia can have a very strong influence there if Mr. Brezhnev chooses.

There is nothing in the Washington agreements to indicate a strong effort by Russia to bring peace in Indochina. In reality there is nothing in the agreements to indicate an abandonment of any of the Communist aims for world domination. The Communists simply are making it clear they prefer to achieve their goals through trade and diplomacy.

We should not go overboard in Russia's behalf because Brezhnev was nice to our President during the discussions. We still need to keep our powder dry and our guard up. Communism is still communism, and communism seeks to control the world. None of this takes away from the fact that Brezhnev's visit to Washington and Nixon's proposed visit to Moscow are hopeful signs for growing accord on many matters of concern to both nations and to the world. These things strengthen the prospects for eventual peace.

THE SPECIAL CONSTITUTIONAL POWER AND DUTY OF IMPEACHMENT BY THE HOUSE OF REPRESENTATIVES

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

Mr. McCLOSKEY. Mr. Speaker, I have taken this special order tonight to speak in favor of House Resolution 431, introduced by my colleague from California (Mr. STARK). That resolution would direct the four agencies now investigating the Watergate incident to submit to the House Judiciary Committee any information necessary and pertinent to the issue of Presidential misconduct.

In support of the resolution, I should like to continue the discussion of the constitutional history and concept of impeachment which was begun on June 6, 1973. In view of the lateness of the hour, I will not repeat that portion of my comments on June 6 which were cut short by the lack of a quorum. Those comments are set forth in full at pages 18397 through 18402 of the CONGRESSIONAL RECORD of June 6.

On that date, I sought to discuss the concept first advanced by the gentleman from Michigan (Mr. GERALD FORD) 3 years ago when he said that the House of Representatives, in impeachment matters, serves both as prosecuting attorney and grand jury. These are two separate functions. The first is investigatory; the second deliberative and judicial. The function of the prosecuting attorney is to ascertain whether probable cause exists that an individual may have committed an indictable offense. The function of a grand jury is to then discover whether a majority of its members believe the defendant to be guilty of such offense. Only if the second condition is met does an indictment become a reality. This would also be the case with an impeachment by the House of Representatives.

In my earlier remarks, I suggested only the first step by the House, the initiation of the investigatory procedure. It was my belief then, and that belief is stronger today, the facts have been presented to the House and to the public at large which would put an ordinary prosecuting attorney on notice that there is probable cause to believe that an impeachable offense has occurred.

Since the House is the only body in our system of government which can act with respect to Presidential misconduct, I suggested that the House has a corresponding duty to investigate when facts showing probable cause were presented. Since making that suggestion, a number of Members have advanced further recommendations. A resolution, House Resolution 380, has been introduced by two of our colleagues, the gentleman from Florida (Mr. PEPPER), and the gentleman from New York (Mr. RANGEL), calling for the appointment of a select committee of investigation. House Resolution 431, which I support today, directs that there be submitted to the House Judiciary Committee any information necessary and pertinent to impeachment which may be ascertained by the special prosecutor appointed by the Attorney General, the chairman of the Senate select committee, the Attorney General, and the Director of the FBI.

The gentlewoman from New York (Ms. ABZUG) joined by the gentlewoman from California (Mrs. BURKE) and the gentleman from California (Mr. DELLUMS) has urged that the House initiate its own inquiry or that a committee be established or designated to maintain liaison and receive information from the special prosecutor and the Senate select committee. The gentleman from Maryand (Mr. MITCHELL) has concurred that there is a duty on the House to now act in some way to learn the facts.

The gentlewoman from Colorado (Mrs. SCHROEDER) has suggested that the President voluntarily appear before the Senate select committee, as did our first Republican President Abraham Lincoln, under similar circumstances over a century ago. The gentleman from California (Mr. LEGGETT) has affirmed the propriety of Presidential testimony to the Congress.

The Senator from Michigan (Mr. GRIFFIN) and others have suggested that the President hold a press conference to answer questions fully and candidly in the manner of a British Prime Minister before Parliament.

The gentleman from Virginia (Mr. DANIEL) has suggested that the House await the resolution of court proceedings before acting. The gentleman from Florida (Mr. YOUNG) and the gentleman from Michigan (Mr. O'HARA) has properly expressed the hope that any discussion in the House be restrained and prudent, and that we avoid trial by hearsay and innuendo.

The gentlemen from Ohio (Mr. SEIBERLING) and the gentleman from New York (Mr. ROSENTHAL) have raised questions as to what, if any, procedure should be followed.

The gentleman from South Carolina (Mr. DAVIS) is concerned that the money to report our discussions of this subject might be better spent for day care centers, and the gentleman from Indiana (Mr. LANDGREBE) has said that the subject is so important as to require a quorum.

The gentleman from Michigan (Mr. CONYERS) has said:

> It is time that the House began to face the fact that it alone must resolve the issue for the American people. In saying this, I am not necessarily suggesting that impeachment proceedings be instituted now.

I agree with both of these statements by the gentleman from Michigan: That the House has a duty to resolve the issue of Presidential misconduct, and that impeachment itself is not yet the issue before us.

In this I agree also with the letter circulated by the gentleman from New York (Mr. CAREY) and the gentleman from Pennsylvania (Mr. ROONEY) joined in by a number of our colleagues, asking that further discussion of the actual remedy of impeachment be withhold pending investigation by the Judiciary Committee.

The letter, dated June 12, 1973, states in part:

> Until the Judiciary Committee has completed preliminary action in the form of a study, investigation or hearing, it is inappropriate for the House to proceed, in even the semblance of a body convened, to discuss the issue of impeachment of the President of the United States.

I quite agree. Let us forebear from discussion of the second step, impeachment until the first step, the investigation, is completed by an appropriate House committee.

But let us get that investigation under way. The desire to protect the President from unfair prejudgment or untimely prosecution should in no way deter us from a full and fair investigation of the facts and circumstances which may or may not establish that an impeachable offense has occurred.

To fail to investigate in the face of facts showing probable cause of an impeachable offense would be to shirk our constitutional responsibility.

Such failure could well lead to an increasing public suspicion that we Members of the House, being politicians, are now joining in the very type of coverup of the political misdeeds of fellow politicians which the political operatives of the White House staff and Committee to Reelect the President have accomplished for so long a period of time.

It is no secret that the people at large, at this stage of our history, if not since the inception of the republic, tend to consider all politicians of dubious veracity and honesty. With such a substantial number of our highest governmental officials now being fired or indicted, resigning, claiming the fifth amendment, or going to jail, how could it be otherwise.

We Members of the House probably need to face the fact that all of us are, by definition, also members of the political profession. To paraphrase H. L. Mencken, the public may, and often does, conceive of all professions as "conspiracies against the public." When one member of a profession is under public challenge, whether it be the legal, medical, engineering or news gathering profession, it is only too common to see the profession close ranks to protect one of their own in order to mistakenly seek to promote public confidence in the profession itself. I doubt that the public is fooled, particularly in today's circumstances and in view of the widely held public disdain for politicians in general. If we are to restore public faith in the political profession, it is incumbent on us to remove any doubt that we are dragging our heels in the ascertainment of the truth about one of our own.

Another result of continuing failure on our part to at least set up a House procedure to receive, catalog, and evaluate the evidence against the President can be to unduly prolong the tortuous and difficult period which the Nation must endure until this matter is finally resolved.

There is much to do on the part of Congress. The argument that we should put Watergate behind us and get about our business is a valid one. It is properly emphasized by the letter from Messrs. CAREY and ROONEY to which I have alluded earlier.

How then can we justify the additional delay of waiting until all court and Senate proceedings are completed before even beginning a task that only the House can perform? When the gentleman from Virginia (Mr. DANIEL) suggests that we wait until the court proceedings are terminated, what amount of time is he thinking about?

The first events of Watergate were discovered on June 17, 1972, over a year ago. Because of deception, delay, and perjury, the first criminal trials did not commence until January, and only in the last few weeks has the Special Prosecutor begun the long and painful process of investigation and criminal litigation to force out the ultimate truth.

The Senate committee investigation

was authorized nearly 5 months ago, but it may be weeks before their task is finished.

These successive delays in achieving a final resolution of the issue can only continue to divert our attention as legislators from the monumental problems which face the Nation; such delays will further confuse the other countries of the world who look to us for leadership; for us to add to the delay before final disposition of this matter also delays the return of a full confidence on the part of the American people that their Government is back on track, operating honestly and with competence.

For all of these reasons, I think it worth repeating the words of the distinguished gentleman from Michigan (Mr. CONYERS):

> It is time that the House began to face the fact that it alone must resolve for the American people the issue of presidential misconduct.

Three years ago we did exactly that when the other distinguished gentleman from Michigan (Mr. GERALD R. FORD) made his celebrated charges against Justice Douglas. The House Judiciary Committee investigated the facts and allegations and duly reported its conclusion that Justice Douglas was innocent of any impeachable offense on the basis of the facts presented.

So also can it be with the President if the far graver facts and circumstances thus far admitted by him turn out to be less than the elements necessary to find him guility of an impeachable offense. What are the facts which thus far indicate probable cause that the President has committed an impeachable offense? I have prepared this address without reference to the testimony which John Dean has given to the Senate Select Committee earlier today, and I will omit any mention of that testimony.

I would like also to omit in this discussion any evidence that would not be admissible in a court of law.

In my remarks of June 6, I discussed three felonies, the elements of which appeared to have been met by the facts of Presidential conduct or by the President's own admissions. These were the felonies of accessory after the fact, (title 18, U.S.C. section 3) misprison of felony (title 18, U.S.C. section 4) and obstruction of Justice (title 18, U.S.C., sections 1505 and 1510).

Essentially these crimes involved the President's knowledge of criminal conduct on the part of members of his own White House Special Investigations Unit, Mr. Liddy and Mr. Hunt, the concealment of that knowledge, and the taking of active steps to prevent the apprehension, prosecution, and conviction of those individuals and others who might have participated in the criminal conduct involved.

They did not include those additional crimes which may have occurred in connection with campaign tactics, fundraising, the handling of the Ellsberg trial, or Watergate and its subsequent coverup, with respect to which the involvement of the President, if any, is still only the subject of suspicion or speculation.

On June 7, 1973, however, a wholly new issue was raised, that of the July 15, 1970, decision memorandum, of the President.

In that decision memorandum, the President of the United States concedes that he authorized, knowingly and deliberately, the violation, not just of the legal rights of American citizens, but of their constitutional rights.

In so doing, he violated not only his oath, but his duty to see that the laws are faithfully executed.

Article II, section 1 requires of the President:

> Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

One of the provisions of the Constitution which the President has sworn to preserve, protect and defend is the fourth amendment which reads:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

What did the President do on July 15, 1970, with respect to the peoples' right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures?

The answer is that he deliberately elected to authorize the violation of the rights protected by the fourth amendment. He did so after carefully considering the fact that the actions he was authorizing were illegal. The recommendations the President received and considered before authorizing illegal conduct were explicit in defining the illegality involved.

Let me quote from those recommendations made to the President:

> Mail coverage recommendation: Restrictions on legal coverage should be removed.
>
> Also, present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.
>
> Covert coverage is illegal and there are serious risks involved. However the advantages to be derived from its use outweigh the risks.
>
> D. Surreptitious entry recommendation: Present restrictions should be modified to permit procurement of vitally needed foreign cryptographic material.
>
> Also, present restrictions should be modified to permit selective use of this technique against other urgent security targets.
>
> Rationale: Use of this technique is clearly illegal: it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion.

The President's response has been admitted by him in his speech of May 22, 1973. In that speech he stated that on July 23, various agencies of Government were notified by memo of the options he had approved.

Those options were again explicit. Let me quote from the decision memorandum itself:

> TOP SECRET DECISION MEMORANDUM
> THE WHITE HOUSE,
> *Washington, D.C., July 15, 1970.*
>
> TOP SECRET
>
> (Handle via Comint Channels Only)
>
> Subject: Domestic Intelligence.
>
> The President has carefully studied the special report of the Interagency Committee on Intelligence (ad hoc) and made the following decision: . . .
>
> 3. Mail Coverage: Restrictions on legal coverage are to be removed, restrictions on covert coverage are to be relaxed to permit use of this technique on selected targets of security interest.
>
> 4. Surreptitious Entry: Restraints on the use of surreptitious entry are to be *removed*. The technique is to be used to permit procurement of vitally needed foreign crytographic material and *against other urgent and high priority internal security targets*. (emphasis added)

From the President's own admission, it therefore seems clear that in this memorandum decision dated July 15, 1970, and published to the agencies involved on July 23, 1970, the President was directly granting to the intelligence agencies of the U.S. Government and particularly the FBI, the authority and implicit direction to conduct acts which were not only illegal, but were unconstitutional. Only because of the objections of the Director of the FBI, J. Edgar Hoover, was the President's order subsequently rescinded.

The incredible nature of the President's action cannot be overstated. He deliberately and knowingly violated his oath of office to protect, preserve and defend the Constitution.

In light of such conduct, what is the duty of the House of Representatives, whose Members also take an oath to support the Constitution?

Do we wait for action by the Justice Department or Senate?

Do we not owe at least the duty to inquire into the President's conduct subsequent to July 15 1970, in view of his admitted actions on that date?

We know that a year after authorizing illegal activity by the FBI, the President created his White House Special Investigations Unit, apparently to do that which the FBI had expressly refused to do. The inference that the primary purpose of the Unit to accomplish illegal surveillance is not an unreasonable one.

The Special Investigations Unit conducted at least one buglary, that of the psychiatrist's office in southern California; several of its members were subsequently involved in the breaking and involved in the breaking and entering of the Watergate.

The President on May 22 said he "neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics," but significantly, the President did not say that he never authorized nor encouraged the type of illegal conduct performed by the members of the Special Investigations Unit.

The silence of the President on this point thus far is deafening. This provides yet another reason to support House inquiry. Also, where before we could perhaps rely on the presumption that the President would speak the truth, we can no longer grant this presumption with confidence.

I have spoken before of historic California jury instructions with which the President, a California lawyer, was presumably once familiar.

One of those instructions contains this language:

A witness willfully false in one material part of his testimony is to be distrusted in others.

We know now, again by the President's own admission, that he was willfully false in his prior statements about the Watergate coverup. He first said that he had ordered a full investigation. He then admitted that he had directed his aides to prevent a full investigation. His latter instructions were faithfully carried out. Deception and coverup are not ordinarily the distinguishing characteristics of innocence. When they are also characteristics of Presidential conduct, even their discussion is painful.

Why, then, should we prolong the difficulties of this discussion unduly? A year after Watergate, the issue is still very much before us, partly because the processes of legislative inquiry waited until the conclusion of the first judicial inquiry, the trial of the first seven Watergate defendants.

Then, too late, we found that secrecy and deception by the President had prevented a fair and complete judicial ascertainment of the full truth about Watergate.

If we wait again to commence a House investigation, we could add months to the time required to finally resolve the matter.

There would seem to be no harm in adopting a resolution such as that offered by the gentleman from California (Mr. STARK) to ask the agencies presently investigating the Watergate affair to submit to the House Judiciary Committee any information necessary and pertinent to Presidential misconduct.

If and when such evidence should become persuasive of guilt of an impeachable offense, the distinguished members of the Judiciary Committee will no doubt speedily advise the House.

To commence our investigation now would also help meet the duty so properly spelled out in the letter of the gentlemen from New York (Mr. CAREY) and Pennsylvania (Mr. ROONEY):

By the maintenance of a continuum in our government, we can prove that no action of any individual or group of individuals in any part of the system can stall or stagnate our effecting the people's will through the Congress.

I would, therefore, recommend that we enact House Resolution 431 without delay, that the House be on record that we will give immediate and careful attention to such evidence as may be adduced by the several bodies not looking into the conduct of the administration since July of 1970.

That is not to prejudge the President's guilt, nor is it to even suggest that the evidence will be indicative of such guilt. Hopefully the evidence will indicate that no guilt exists, that the circumstances which now point to the President's guilt can be satisfactorily explained. What adaption of House Resolution 431 will do, however, is make it clear that the House of Representatives is meeting its own constitutional responsibilities, that we reaffirm the principle that we are a government of law, not of men, and that we will subject our highest leader to the same test of that principle as we would any other citizen of a nation which seeks justice for all.

CONGRESS CANNOT LEGISLATE PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, today the House agreed to the Eagleton amendment with its prohibitions on the expenditure of funds to support directly or indirectly combat activities in, over, or from off the shores of Cambodia or in or over Laos by U.S. forces. My vote reflects my sincere belief that this amendment would undermine our efforts to achieve a lasting peace throughout Indochina and calls into question our determination to maintain agreements anywhere in the world, at a time when our President and Mr. Kissinger have made such great progress toward reducing tensions through negotiations.

Mr. Speaker, there is no question that we all share the same desire to achieve a lasting peace. Our differences lie in the way to achieve that peace I submit, we are closer to a lasting peace today, not because of weakness but because of our determination to be credible.

It is tempting to withdraw from our obligations as a world power and turn inward to our own problems. It is a temptation which has been yielded to by ourselves and by others in the past and each time has brought disaster.

To succumb to the lure of isolationism brings, as Chamberlain found to his sorrow, not even "peace in our time."

Hegel once said:

The only thing we learn from history is that no one ever learns from history.

Mr. Speaker, we cannot afford the luxury of not learning from the lessons of history.

History clearly shows that the road to peace lies in the possession of adequate force and in the recognition by an aggressor, or by a potential aggressor, of a Nation's determination to use that force if necessary.

Through the signing of the January 27 peace agreement the United States obtained the honorable withdrawal of American military forces, the return of our POW's, and provided the people of South Vietnam with the opportunity to decide, by political means, their future destiny.

That peace agreement was won and our prisoners returned—not through begging and dealing from weakness as some would have had us do—but because the President did not hesitate to take firm action and because the Congress stood firm behind the President throughout his crucial negotiations. Our vote today will not end the war, it will mean more war in Cambodia and an invitation to North Vietnam to further trespass on the terms of the Paris agreement with regard to Laos and South Vietnam.

What would Congress do if North Vietnam uses Cambodia from which to attack Thailand, our SEATO signatory and ally? One shudders to think of the far-reaching implications of this action. From Southeast Asia to the Middle East, our credibility is the first line of defense against potential aggression. If no one believes in our word or in our agreements, we will have ushered in an era not of negotiations but of trepidation and self-doubt not worthy of a world leader.

Is air power an important tool in enforcing compliance?

A returned POW, Air Force Colonel Risner, described the effect of the B-52 raids in North Vietnam in bringing the peace settlement:

We knew they were B-52's and that President Nixon was keeping his word and that the communists were getting the message.

We saw reaction in the Vietnamese that we had never seen under the attacks from fighters. They at last knew that we had some weapons they had not felt, and that President Nixon was willing to use those weapons in order to get us out of Vietnam.

Air power helped lead to the cease-fire in Laos 2 weeks after the Paris signing. What about our MIA's?

There are no more tragic victims of war than the families of MIA's. These families are destined to continue their life never fully knowing whether their loved one may still be alive in some far off corner of the world.

Mr. Speaker, the only way to help these more than 1,300 American families get a satisfactory accounting of our MIA's is to allow the President the discretion to continue as necessary to force the North Vietnamese to live up to the terms of the Paris agreement with its section on prisoners of war and missing in action. On one hand some would prohibit the President from using the "stick" of airpower, on the other hand the "carrot" of any aid to North Vietnam is also prohibited. I ask the question, What do we tell the people who want a full accounting of our MIA's? several of which live in western New York, and two, Bob Rousch and Don Lyon are friends of mine.

The fear has been stated by my colleagues that the bombing in Cambodia could be the first step in drawing us into another morass like Vietnam. This is simply not possible under present law.

As stated in section 7(a) of the Special Foreign Assistance Act of 1971:

In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of U.S. ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

The Foreign Assistance Act of 1971 contains further restrictions, limiting our mission in Phnom Penh to a maximum of 200 U.S. employees and 85 third-country nationals paid with U.S. funds.

So, under law there can be no U.S.

ground troops in Cambodia, no U.S. advisers and no possibility of paid third-country military forces.

President Nixon has strictly abided by these limitations which Congress has passed and there is no possibility of an expanded war—another Vietnam—without the consent of Congress.

As President Nixon has stated, our actions in Cambodia are "not aimed at renewing the war." Our only objective is "to preserve and strengthen the peace."

And, on May 8 of this year Secretary Rogers said:

We will not slide into another Vietnam. We will not introduce American ground forces. We are not committed to any particular Cambodian government. Our only purpose is to insure that the Paris peace agreement is observed.

We are providing air support in Cambodia—at the request of the Cambodian Government—to force the North Vietnamese to live up to section 20 of the January peace agreement which stipulates that—

The parties participating in the Paris Conference on Vietnam shall strictly respect the 1951 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, and shall respect the neutrality of Cambodia and Laos.

They will 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 materiel.

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 international affairs.

These provisions are clear and the text of the joint communique issued at the conclusion of meetings in Paris between Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs, and Le Duc Tho, representative of the Democratic Republic of Vietnam, June 13, 1973, reiterates Article 20 as follows:

(13) Article 20 of the Agreement, regarding Cambodia and Laos, shall be scrupulously implemented.

On January 28, 1973, the day the Vietnam cease-fire went into effect, President Lon Nol ordered his forces to cease all offensive activities and urged the enemy to follow suit. He repeated his willingness to enter into direct negotiations to turn a de facto cease-fire into a more definitive settlement.

The United States welcomed these measures, suspended our own combat air operations in support of the Khmer forces, and hoped that the North Vietnamese and the Khmer insurgents would respond favorably. Unfortunately, then—and since—the Communist side rebuffed this gesture and all other efforts by the government to inaugurate contacts with a view to ending the fighting.

Instead, Hanoi to date has chosen to pursue its aggression in Cambodia. Indeed, since the Vietnam and Laos settlements, Communist military operations in Cambodia have reached new levels. Widespread attacks have continued chiefly against the important lines of communications and the population centers.

The only objective of our assistance to Cambodia is the full implementation of the Vietnam accords and an end to the fighting in Cambodia which threatens the peace in Vietnam and ultimately throughout all Southeast Asia. The bombing will cease tomorrow if the North Vietnamese will only abide by the provisions of the treaty which they signed.

In a June 20, 1973, letter to the editor which appeared in the Washington Post, His Excellency Um Sim, Appointed Ambassador of the Khmer Republic noted that—

The figure of 5,000 North Vietnamese troops on Khmer soil as published by The Post is too low. According to our intelligence sources, the estimated strength of the North Vietnamese troops is put at no less than 45,000, one-third of which is involved in combat support of the Khmer insurgents.

Contrary to the stipulation in the Paris Peace Agreements requiring the withdrawal of all foreign forces from the Khmer Republic, soon after the agreements were signed, new North Vietnamese activities on Khmer territory could be observed: Not only was there no evidence of North Vietnamese withdrawal but enemy movements back and forth in the border areas were on the increase and new troops and war material were flowing into the Khmer Republic from Lower Laos through the Ho Chi Minh trail. Therefore, the North Vietnamese are blatantly violating the Paris Peace Agreements as well as the independence, sovereignty, neutrality and territorial integrity of the Khmer Republic. Furthermore, their presence in our country represents a threat to us and to the peace and stability of the region.

Former Under Secretary of State, Eugene V. Rostow, made some excellent points in a recent New York Times article which I would like to quote at this time:

In the light of first principles, the action of the House of Representatives in cutting off funds for bombing in Cambodia must be considered constitutionally irresponsible. At a particularly inappropriate moment, it would reduce the possibility of fulfilling policies to which the nation has been committed by the cooperative decisions of five Presidents and every session of Congress since President Truman's time.

It is often said that Congress has never consented to military activities in Cambodia or Laos. This is simply not true. After the SEATO Treaty was ratified, Presidents Eisenhower, Kennedy, Johnson and Nixon, with full and repeated bipartisan support from Congress, decided to act under that treaty to protect South Vietnam against armed attack from North Vietnam. Unless Congress and the President should abrogate the SEATO Treaty, that policy continues to be the foundation for the nation's course in the area.

It is manifestly impossible to assure the security of South Vietnam if hostile forces operate against it from sanctuaries in Cambodia and Laos. This was the premise of the Geneva Agreement of 1962, through which the Soviet Union promised us that North Vietnamese troops would withdraw from Cambodia and Laos. Many believe that the Vietnam misery stems from Kennedy's failure to insist on the fulfillment of that agreement. The 1962 promise was repeated by North Vietnam in the January cease-fire agreement and endorsed by the major powers who signed the Act of Paris of March 2.

At this tense and precarious moment in the Indochina conflict, indirect nibbling at our long-standing policy in the area is peculiarly inappropriate. Having fully and repeatedly authorized the goals of that policy, Congress should not now deny the President the best available means to make our policy good.

In the Paris agreements of January and March, 1973, the President has achieved a settlement which, on paper at least, satisfies the purposes for which President Eisenhower and the Senate of his day made the basic commitment to protect the territorial integrity and political independence of South Vietnam. The Paris cease-fire agreements—fully within the President's authority—do not alter the underlying position of the United States in Indochina, as a matter either of international or of constitutional law. They do, however, provide a new and important basis for our continued action.

It has been the fundamental rule of our foreign policy since Truman's time that we cannot allow unilateral change in the relationship between the United States and the Soviet Union to be achieved by force.

In an age of nuclear bipolarity, that rule is even more essential to the possibility of detente, and then of peace, than it was when it was announced in 1947. Congress has many powers. But it cannot legislate the end of the cold war.

Mr. Speaker, I include at this point in my remarks the section concerning the scope of Presidential authority which was included in the minority views contained in the conference report on the Second Supplemental Appropriations Act:

SCOPE OF PRESIDENTIAL AUTHORITY

Withdrawal of existing Congressional authority for air combat operations in Cambodia could well provoke a Constitutional crisis and would contravene the authority of the President to effectuate the provisions of Article 20 of the Paris Agreements.

Prior to January 27, 1973, there was little question that the President had the authority to use the means at his disposal to bring the conflict in Southeast Asia to a conclusion and, as we are all aware, the means used have been military, political and diplomatic in character.

The lower and intermediate federal courts regularly dismissed actions based on challenges to this authority and the Supreme Court has regularly found no error in these decisions.[3]

The legal rationale underlying this authority of the President to prosecute the

[3] See *Massachusetts* v. *Laird*, 451 F. 2d 26 (C.A. 1); *Luftig* v. *McNamara*, 252 F. Supp. 819 (D.D.C.), affirmed, 373 F. 2d 664 (C.A. D.C.), cert. denied, 387 U.S. 945; *Mora* v. *McNamara*, 387 F. 2d 862 (C.A. D.C.), cert. denied, 389 U.S. 934; *Velvet* v. *Nixon*, 415 F. 2d 236 (C.A. 10), cert. denied, 396 U.S. 1042; *Davi* v. *Laird*, 318 F. Supp. 478 (W.D. Va.) *United States* v. *Holmes*, 387 F. 2d 781 (C.A. 7), cert. denied, 391 U.S. 936; *Ashton* v. *United States*, 404 F. 2d 95 (C.A. 8), cert. denied, 394 U.S. 960; *Kalish* v. *United States*, 411 F. 2d 606 (C.A. 9), cert. denied, 396 U.S. 835; *United States* v. *Bolton*, 192 F. 2d 805 (C.A. 2); *Mottola* v. *Nixon*, 464 F. 2d 178 (C.A. 9); *Orlando* v. *Laird*, 443 F. 2d 1039 (C.A. 2), cert. denied, 404 U.S. 869; *Da Costa* v. *Laird*, 448 F. 2d 1368 (C.A. 2), cert. denied, 405 U.S. 979; *Atlee* v. *Richardson*, 347 F. Supp. 689 (E.D. Pa.), affirmed per curiam ——— U.S. ———, Mar. 20, 1973, reported at 41 L.W. 3524); *Mitchell* v. *Laird*, ——— F. 2d ——— (C.A. D.C.), (decided Mar. 20, 1973, Doc. No. 71-1510).

Vietnam hostilities may be summarized in the following way.

First, the President's power to use the Armed Forces of the United States does not depend on a formal declaration of war.

The power to declare war is set forth in article I, section 8 of the Constitution. The pertinent language reads:

"The Congress shall have power . . . To declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water . . ."

The text of the Constitution itself demonstrates that the framers were aware that there could be hostilities without a formal declaration of war; otherwise, there would have been no need for them to authorize Congress separately to grant letters of marque and reprisal, clearly a hostile action.

Accordingly, the Supreme Court has recognized from the earliest years of the existence of this nation that a state of war may legally exist without a formal declaration of war.[4]

Secondly, under the Constitution, the power to conduct undeclared hostilities belongs to the President and Congress exclusively. Although there have been, of course, numerous differences of opinion within the Congress concerning the President's policies on ending the war, at no time in the past has Congress manifested an intention to terminate the authority of the President to bring the war to a close pursuant to those policies. Thus, Congress has consistently rejected proposals to withdraw congressional authority by cutting off appropriations for the war. And neither the repeal of the Tonkin Gulf Resolution nor the passage of Section 601 of the Armed Forces Appropriation Authorization Act of 1972 was intended as a termination of authority for these policies.[5]

In addition to initial Congressional authorization for the war and subsequent Congressional participation in the process of ending the war through a negotiated settlement, the President also has certain constitutional authority under Art. II of the Constitution. While the scope of this authority is widely debated, there is little question that substantial Constitutional authority is allowed the President, apart from express Congressional powers.

It can thus be seen that heretofore there was no occasion for an adjudiction of the proper scope of the Constitutional powers of the President as opposed to those of the Congress in the conduct of the conflict in Southeast Asia. In fact, the two branches have been content to jointly exercise full Constitutional authority, without a delineation of their respective shares of that total authority.

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 existing authority to use military, political and diplomatic means to fully terminate the conflict must also continue. The mere signing of the Paris Agreement on a plan for terminating the conflict could not in itself terminate such authority of the President or, in any way, change the authority or responsibility of the Congress.

The withdrawal of all U.S. Armed Forces from South Vietnam and the return of all U.S. prisoners has not created a fundamentally new situation in which new authority must be sought by the President from the Congress to carry out air strikes in Cambodia or Laos. The issue more accurately stated is whether the constitutional authority of the President to continue doing in Cambodia what the United States has lawfully been doing there expires with the withdrawal of U.S. armed forces for Vietnam and the return of the American prisoners despite the fact that a cease fire has not been achieved in Cambodia and North Vietnamese troops remain in Cambodia contrary to clear provisions of the Agreement. In other words, the issue is not whether the President may do something new, but rather whether what he has been doing must automatically stop, without regard to the consequences even though the Agreement is not being implemented by the other side.

The Agreement signed on January 27, 1973, represented positive action consistent with U.S. objectives. Article 20 of the Agreement recognizes the underlying interrelationship in all the countries of Indochina and requires the cessation of foreign armed intervention in Laos and Cambodia. The importance of this article cannot be overestimated, because the continuation of hostilities in Laos and Cambodia and the presence there of North Vietnamese troops threatens the right of self-determination of the South Vietnamese people, which is guaranteed by the Agreement.

It should be self-evident that unilateral cessation of our United States air combat activity in Cambodia without the removal of North Vietnamese forces from that country would undermine the central achievement of the January Agreement. Since the President was fully empowered to enter into this Agreement, his powers under Article II of the Constitution must be construed to be adequate to prevent a self-defeating result.

To construe the President's authority otherwise is to suggest that the Constitution which has permitted the United States to negotiate a peace agreement—a peace that guarantees the right of self-determination to the South Vietnamese people as well as the return of United States prisoners and withdrawal of United States armed forces from Vietnam—is a Constitution that contains an automatic self-destruct mechanism designed to destroy what has been so painfully achieved.

By placing intended prohibitions on Presidential alternatives in this area, the Congress would withdraw its support as a basis of the President's authority to conduct air combat operations in Cambodia and Laos and provide a clear confrontation between the President and Congress.

This raises the question of the scope of the President's Article II powers in opposition to Congressional powers under Article I.

One must recognize that the scope and application of the President's powers under Article II of the Constitution are rarely free from dispute. Thus, the Congress is granted the powers "to provide for the common defense", "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water", "to raise and support armies", "to provide and maintain a navy", "to make rules for the government and regulations of the land and naval forces", and to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . ."[6] On the other hand, the Constitution provides that "the executive power shall be vested in a President," that he "shall be a Commander-in-Chief of the army and navy of the United States," and that "shall take care that the laws be faithfully executed."[7] The President is also given the authority to make treaties with the advice and consent of two-thirds of the Senate, to appoint ambassadors with the advice and consent of the Senate, and to receive ambassadors and other public ministers.

The proceedings of the Federal Constitutional Convention in 1787 suggest that the ambiguities of this division of power between the President and the Congress were deliberately left unresolved with the understanding that they were to be defined by practice. There may be those who wish the framers of the Constitution would have been more precise, but it is submitted that there was great wisdom in realizing the impossibility of foreseeing all contingencies and in leaving considerable flexibility for the future play of political forces. The Constitution is a framework for democratic decision and action, not a source of ready-made answers to all questions, and that is one of its great strengths.

This was most recently and instantly recognized by the Supreme Court in March of this year when it summarily affirmed the District Court's opinion in the case of *Atlee v. Richardson, supra.* In short, it is simply impossible to receive legal assurance of the scope of the President's Article II powers since to do so would require the adjudication of a "political question" which is beyond the judicial power conferred by Article III of the United States Constitution.

Thus, the Committee's action in this regard raises the spectre of a severe Constitutional confrontation between two branches of our government which earlier operated as partners in this effort.

Mr. Speaker, we are once again facing a critical test of our national will and it is a test we must not fail. What is at stake is not simply the fate of a small Southeast Asian country. What is at stake is our Nation's credibility as a world power.

Walt W. Rostow, a key foreign policy aide to Presidents Kennedy and Johnson, has said in his latest book, "The Diffusion of Power":

With hindsight, I would judge Kennedy's failure to move promptly and decisively to deal with the violation of the Laos Accords the greatest single error in American policy in the 1960's; for before too long he and his successor were confronted with the "waning situation" a good many of us had feared might emerge in Vietnam. By our failing to enforce the Laotian agreement with military force, then, Laos became a corridor for North Vietnam, a corridor which Hanoi used to shovel troops into South Vietnam.

Mr. Speaker, it seems to me the result of the congressional decision to destroy President Nixon's ability to move promptly and decisively to deal with violations of the Vietnam cease-fire, could

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[4] *Bas v. Tingy,* 4 U.S. (4 Dall.) 37, 39, 43 (1800) See also *Prize Cases,* 67 U.S. (2 Black) 635, 668, 1863), where it is said that "war may exist without a declaration on either side."

[5] E.G., See Section 502 of the Armed Forces-Military Procurement Act, of 1971, Pub. L. 91-441, 84 Stat. 905, 910; Section 838 of the Defense Appropriation Act of 1971, Pub. L. 91-668, 84 Stat. 2020, 2036-2037; Sections 501 and 505 of the Military Procurement Appropriation Act, 1972, Pub. L. 92-156, 85 Stat. 423, 427-429; Section 738 of the Defense Appropriation Act of 1972, Pub. L. 92-204, 85 Stat. 716, 734; Sections 601 and 602 of the Military Procurement Appropriation Act, 1973, Pub. L. 92-436, 86 Stat. 734, 737-738; Section 737 of the Defense Appropriation Act, 1973, Pub. L. 92-570, 86 Stat. 1184, 1202-1203; and Sec. 7 of the Special Foreign Assistance Act of 1971 (Pub. L. 91-652, Jan. 5, 1971, 84 Stat. 1942).

[6] U.S. Constitution, art. I, sec. 8.

[7] U.S. Constitution, art. II, secs. 1 and 2.

be the undoing of all our efforts to prevent Indochina from falling to the Communists.

If we are not credible in Southeast Asia, if we treat the Paris agreement as a scrap of paper to be violated at will by the Communists, we cannot expect to be credible in our negotiations in Europe, in the Mideast or anywhere in the rest of the world. The achievement of important agreements with the Russians on SALT, trade, and troop reductions depend crucially on their assessment of U.S. strength of will and commitment. A failure by the United States to deal with the blatant violations of article 20 of the Paris agreement would call into question the U.S. credibility and determination to enforce negotiated agreements which underlie the generation of peace we all seek.

Mr. Speaker, I think it is particularly fitting on this day to close with the words that Alexander Solzhenitsyn wrote in his acceptance statement upon his award of the 1970 Nobel Prize for literature:

> The spirit of Munich has by no means retreated into the past: It was not merely a brief episode. I even venture to say that the spirit of Munich prevails in the 20th Century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles. The spirit of Munich is a sickness of the will of successful people; it is the daily condition of those who have given themselves up to the thirst after prosperity at any price, to material well-being as the chief goal of earthly existence. Such people—and there are many in today's world—elect passivity and retreat, just so as their accustomed life might drag on a bit longer, just so as not to step over the threshold of hardship today—and tomorrow you'll see, it will all be all right.

ONLY IF ATTACKED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STEELMAN), is recognized for 10 minutes.

Mr. STEELMAN. Mr. Speaker, it is my personal philosophy that the United States should go to war only if our shores are attacked or there is a clear threat to our national security. In retrospect, Vietnam met neither of these two tests, but it is of no value to dwell on past mistakes, we must now go forward to build a stable peace in the world.

The United States made two mistakes in Vietnam—the first was going there to fight at all and the second was not fighting to win once we got there.

The Cambodian operation has all the potential of becoming another Vietnam—in the money that the United States is spending, the American casualties, the potential for prisoners of war and men missing in action and the further domestic discord in our own country. Cambodia is not worth another American life nor another American dollar.

I have supported the administration in its policy toward Southeast Asia until now. However, the spending of additional millions of dollars for bombing in Southeast Asia seems to be economically and humanistically unwise, and totally against the will of the people.

Six weeks ago I supported the administration by voting for more funds for its Cambodian bombing policy. I did this so National Security Advisor Henry Kissinger could complete his Paris negotiations with the North Vietnamese and also because the monsoon season would arrive within 6 weeks to further improve the position of the Government of Cambodia.

The Cambodian people have not rallied around their Government and the accords recently reached in Paris are apparently unacceptable to both sides. I do not expect the agreement to resolve fully the Southeast Asian situation.

Therefore, today I voted against appropriating more money for Cambodian and Laotian bombing raids. We have done our part, paid too high a price and it is time to turn our attention to pressing domestic concerns.

IMPROVING THE APPROPRIATIONS PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, today I insert in the RECORD the fourth of five articles which I have had prepared as a discussion of the Federal budgetmaking process. The first of these articles appeared in the CONGRESSIONAL RECORD on Wednesday, June 20. They have been appearing in the RECORD on a daily basis since that time.

IV: IMPROVING THE APPROPRIATIONS PROCESS

The 1974 budget recommendations submitted to Congress by the President propose an unusually large number of program cuts.

These have spurred a sharp clash between the President and Congress.

Although total spending would be $19 billion higher than the previous year, some 100 programs are ticketed for termination or curtailment. In effect, the President is trying to roll the budget back to the pre-1960 era, undoing many of the domestic commitments launched by Presidents Kennedy and Johnson.

Meanwhile, even in the post-Vietnam era, President Nixon continues to recommend large increases in defense spending. The $5.5-billion hike proposed for defense is the largest single increase in the 1974 budget, and defense continues to be the largest single item in the budget—some $85 billion for fiscal 1974. Spending is $30 billion higher than in 1964, before the large scale involvement in Vietnam.

Today, the President's meat axe is aimed at domestic programs. Particularly hard hit are aid for rural areas and cities, as well as health programs. Rural America long has been one of the neglected areas of the United States, with inadequate economic investment and job opportunities, declining and aging populations, and inferior public facilities. Over the years, the federal government has come to the aid of rural citizens by bringing electric and telephone service to the countryside, supporting the construction of water and sewer facilities, encouraging farmers to engage in efficient environmental and conservation practices, and assisting businesses in locating in depressed areas. Now the President proposes to put an end to many of these worthwhile endeavors. Rural electrification loans are to be made more costly and difficult to obtain, water and sewer grants to be converted into loans which have to be repaid, the Economic Development Administration which operates primarily in rural areas is to be disbanded.

Fortunately, the President's budget is only a recommendation that must undergo the careful consideration of Congress. Congress desires to practice economy and to discontinue programs which have outlived their usefulness. But such action requires a program by program determination, not the wholesale abandonment of commitments to our rural people. Congress has moved to keep the funds available for rural environment assistance and it has reached a compromise with the White House that will enable communities to obtain rural electrification loans. There is a strong likelihood that economic development will be kept alive and that efforts to raise the economic capabilities of small communities will be continued.

Our cities also have been victimized by the President's budget. The President has proposed to end a dozen or more community development programs and to replace them with a single program—called special revenue sharing—which would award lump-sum federal grants to states and cities. Such familiar programs as model cities and urban renewal would be eliminated. The President argues that his approach would give local governments more discretion and flexibility in spending their federal dollars; however, the Congress has grave reservations about several aspects of the proposal. For one thing, it now appears that the consolidated program will have less money than the separate activities funded individually. Moreover, funding for special revenue sharing is to be delayed a full-year with the inevitable result that the federal "pipeline"—money in transit—will be drained. Furthermore, financial support for certain cities will drop sharply, especially for those now participating in model cities.

The President's budget message boasts that health spending will reach an all-time high in 1974. That is true because of the mandates of medicare, medicaid and other health programs enacted by Congress—not because of initiatives by President Nixon. Quite the contrary, his 1974 budget cuts back on a number of major health programs. The honor roll of programs the President doesn't like includes hospital construction, which since its start in 1946, has led to the building of thousands of new facilities across the country. More than 50 regional medical centers would be closed on the grounds that they haven't delivered the expected improvements in the treatment of cancer, heart disease, and other illnesses.

The opposite reasoning is used to justify a proposal to end federal support of 500 community mental health centers. The argument is that these have proved so successful that they ought to be turned over to local governments.

The budget also proposes to reduce medicare benefits for the elderly, requiring them to pay a much higher share of doctor and hospital charges. Poor people who happen to be adults no longer would qualify for dental care because, the Administration says, people don't die from cavities or diseased gums.

The cruel logic in the health budget is applied to dozens of other programs. Special federal efforts to provide summer jobs for teenagers are to be ended, as would a program to assist the unemployed. With unemployment still at the five-percent level, and much higher in the ghettos and among youth, this is not the right time to drop programs that make it possible for persons out of work to climb back to self-sufficiency.

Nor is this the time to call a sudden halt to federal housing programs. Without consulting Congress, the President in January of this year, imposed an 18-month suspension on most housing activities, particularly those designed to give some hope to poor people. Federal aid to libraries is to be reduced to zero, presumably because all Americans are

wealthy enough to purchase books without going to the library.

In short, 1974 is the year in which the budget declares that our cities are safe and rebuilt, the war on poverty is ended, that jobs and good housing are available for all, that illness has been conquered, and that libraries and general literacy need no encouragement. It would be funny—except that all these strange decisions are entrenched in the President's budget.

The feeling in Washington is that the final product will look substantially different from what the President recommended. Congress will not turn away from the aged or the sick, from the poor and from the young.

This does not mean that Congress will go on a spending spree. Rather, Congress will do the job given it by the Constitution—to set America's policies and priorities. Within the overall spending level, whether proposed by the President or imposed by law, Congress will shift 1974 funds to give greater emphasis to the domestic needs of our people.

AN OPEN LETTER TO MR. BREZHNEV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, I include an open letter to Mr. Brezhnev on his departure from America on June 25, 1973:

WILL THE INTERESTS OF 3 MILLION SOVIET JEWS BE LOST TO THE COMMERCIAL INTERESTS OF U.S. BUSINESSMEN?

(By ROBERT F. DRINAN, Member of Congress)

Mr. LEONID I. BREZHNEV,
Communist Party Secretary,
Moscow, U.S.S.R.

DEAR MR. BREZHNEV: I wish that I could be more satisfied and more gracious in this letter written to you on the day of your departure after a stay of one week in the United States. I had hoped for many pronouncements during your days here. I read with the utmost care every statement which you made and every single accord which you signed.

I feel compelled to write about my disappointment that nothing very clear, convincing or promising was said by you or your associates during your days in the United States with respect to the status or the emigration of Jews from the Soviet Union.

On Sunday, June 17, 1973 I participated in an extraordinarily moving rally of more than 10,000 people on the West Steps of the United States Capitol. These thousands of American citizens wanted you to hear their anguished plea for freedom for the three million Soviet Jews. The speakers at this event and particularly Senator Henry M. Jackson made it very clear that they did not want to block the implementation of U.S.-Soviet trade agreements but that at the same time they felt compelled by their convictions and their conscience to use the enactment of these agreements to strike a blow for the freedom of emigration for those Russian Jews who desire to go to Israel.

You are quoted, Mr. Brezhnev, as stating that the education tax has now been waived except for young people who receive government scholarships and have not yet gone to work. You are also quoted as contending that 90% of the visa applicants were granted visas. You also indicated that Jewish emigration would be maintained at the level of 30–40,000 persons per year.

Senator Hubert H. Humphrey made notes at the four hour luncheon indicating that you had cited figures showing that of the 61,000 Jews who last year applied to leave the Soviet Union, 60,200 applications were granted. Senator Humphrey also said that you reported that of 11,400 applications for Jewish emigration received in the first 5 months of 1973, 10,000 were granted.

I am sure that you are aware that these statistics have been challenged by those who are best informed about the problems of Soviet Jews. Senator Jackson put it this way on the Senate floor on June 20, 1973: "What the Brezhnev numbers cover up is an organized system of repression in the Soviet Union that terrorizes and intimidates those who wish to emigrate to the point where they are afraid to apply . . . applicants are brutally harassed and mistreated by the Secret Police, and many have been sent to the infamous labor camps, to prison and to mental institutions."

The undeniable fact is that American Jewish leaders can count at least 116,000 applications by Soviet Jews which have not been acted upon. Your statement that 60,-200 persons have been given permission to leave does not harmonize with the verified fact that only 32,000 have actually left the USSR.

I expect to vote on behalf of the Jackson-Vanik amendment next month. But even if that particular amendment becomes law it will not preclude the use of a new set of devices which have been invented to prevent educated Jews from applying to leave Russia or to stop them from leaving after they have applied for an exit visa.

One of those devices is a character reference. A Russian citizen must attach to his application to leave a character reference from his employer. Not infrequently the employers of Jews take the occasion of the application for an exit visa to request fellow employees to furnish evidence of negligence or personal misconduct on the part of the Soviet Jew who desires to leave Russia.

Another device to make it more difficult if not impossible for many educated Jews to leave Russia is the state secrets law which holds that no one who has ever been given access to secret information can leave the country for five years.

These devices are in addition to the chief deterrent, namely the fact that those who apply to leave usually lose their job.

Despite all of these devices and deterrents it is astonishing that more than 100,000 of Russia's three million Jews have asked to leave their country.

On May 21, 1973 I spoke on the phone with a Russian Jew who lives in Moscow. On that day I wrote to His Excellency Ambassador Anatoly F. Dobrynin with a request for information about the status of the application made by this Soviet Jew to emigrate to Israel. This man had applied to leave Russia in July, 1971. He immediately lost his job. This individual has his doctorate in metallurgy and did distinguished work in that field. This individual has submitted his application some 5 or 6 times over the past two years. The only possible explanation which has been offered to him for the denial of his application which has been offered to him for the denial of his application is the false allegation that he has done classified work and is therefore not permitted to leave the U.S.S.R. This learned scientist assured me that all of his writings have been published in learned periodicals and that he was never at any time involved in secret or classified work.

Ambassador Dobrynin has not seen fit to even acknowledge my letter of May 21, 1973. I have written on several occasions to Ambassador Dobrynin about other cases of Russian Jews and on no occasion has your Ambassador ever had the courtesy to reply to my inquiries.

In May and June of 1972 I spent several days in Israel talking to a large number of recently arrived Soviet Jews. I feel that I am relatively well informed about the long history of oppression of the Jewish people in the USSR.

I obtained the impression from your comments about Soviet Jews during your past week in America that you felt that this problem was unimportant and irrelevant to the East-West trade agreements which you are seeking. As far as I have read, however, you did not again assert that the problem of Soviet Jewish emigration is one that relates only to the internal affairs of Russia.

It seems probable that in the next month Congress will be asked to extend a variety of preferential trade arrangements, including most-favored-nation treatment, to your nation. As you are well aware, the economic benefits of increased Soviet-American trade lie heavily in the favor of the Soviet Union, at least in the immediate future. But even if the United States were to gain considerable commercial advantage from U.S.-Soviet trade, I would hope that the United States would use the considerable economic leverage available to seek moral and political concessions from your country so as to extend the frontiers of freedoms. Such moral action is in my judgment demanded when the question relates to the fundamental right to emigrate—a right which your great nation has endorsed in the United Nations Universal Declaration of Human Rights. Nonetheless, this is a right which is being consistently denied your citizens in both overt and convert ways.

There are larger questions of basic human rights and freedoms involved. While Soviet Jews may be the foremost victims of the policies of domestic repression carried out by your government, they are hardly the only victims. All Soviet peoples suffer from the denial of free speech, the denial of freedom of information, the refusal of the right to practice religious beliefs, and the lack of consent of the governed. While you have commendably liberalized the foreign policy of the Soviet Union—to the extent that you now joke with and offer cocktail toasts to former arch-enemies—it is true nonetheless that this liberalization of Soviet policy abroad has been accompanied by a fierce acceleration of oppression at home.

There is no one, Mr. Secretary, in either of our nations who does not want a detente now and always. For too long both of our great nations have labored under the harsh shadow of the Cold War. You are to be praised for your contribution to the great improvements in Soviet-American relations that have occurred in recent years. But the differences between our countries cannot be erased through cosmetic improvements in relations, and, I believe, will never truly be bridged unless the government of the Soviet Union respects the basic human rights and freedoms of its citizens, and agrees to those principles which unite the civilized community of nations. For this reason I will continue to urge that Congress and the President of the United States view Soviet-American trade, in particular, from a stance that links economic concessions on our part with political responses on your part. Even if you do not choose to view Soviet Jewish emigration as a moral issue, as I do, I will seek to have you feel its impact in political and economic terms, which I am sure you can understand.

I wish to remind you, Mr. Brezhnev, that the American government has acted in behalf of Soviet Jews before—first in 1869 when President Ulysses S. Grant intervened with Czarist authorities to seek the prevention of the contemplated expulsion of 20,000 Jews from an area of Southwestern Russia. 10 other American Presidents, according to Dr. William Korey, Director of the B'nai B'rith United Nations office, have "intervened directly or indirectly on behalf of Russian Jewry during the last 100 years."

On at least four occasions Congress itself acted to help Russian Jews, first in 1879 when the House of Representatives adopted a res-

olution criticizing Czarist policies denying Jews the right to own real estate.

On another occasion the Congress terminated an 80-year old Russian-American commercial treaty. This action was taken on December 6, 1911, as an effort largely sparked by the desperate plight of Russian Jews. Then as now the American Secretary of State argued for the "quiet diplomacy" approach!

I wish to reiterate that I stand firmly in favor of continuing improvements in Soviet-American relations. I welcome the detente. But I am prepared to see the growth of the detente delayed for a short period, if necessary. The United States must, in fairness to itself, to the treaties which it and the Soviet Union has already placed their signatures upon, to the U.N. Declaration of Human Rights, and for the basic decency of Jews in the Soviet Union, insist that the commercial benefits of Soviet-American trade not be placed above the basic moral rights of the people of your nation.

INTRODUCTION OF THE TRADE IMPROVEMENT ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK), is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, the House Ways and Means Committee is presently entering its second week of executive session deliberations on H.R. 6767, the Trade Reform Act of 1973. It is expected that the committee will complete its work by about July 19 and report out a bill for consideration by the House of Representatives prior to the August recess.

This trade bill will probably be the most important legislation considered by the 93d Congress. It has the potential for enormous impact on our economy and on the entire world's economy and system of international monetary transactions. It is imperative that this legislation be most carefully studied, considered and debated by every Member of Congress and by the entire Nation.

EXCESSIVE GRANT OF AUTHORITY TO EXECUTIVE

Not only does this legislation have the potential for enormous economic impact, but it is important in terms of the growing debate over the balance of powers in our system of government. The principal legislation being considered by the committee, H.R. 6767, is the administration-backed bill. It provides enormous, unprecedented grants of authority for the President to eliminate or to establish tariffs and quotas. The administration has said that this bill is only a 5-year authority. But under various sections of this bill, sections such as 403, the Congress is giving the President permanent, less controls over imports and—as it follows—exports.

The House will be spending 2 days this week debating the war powers resolution—a bill designed to restore the role of Congress in international affairs and military commitments. It is ironic that in this same week, the House Ways and Means Committee will be proceeding with H.R. 6767, a bill which gives away congressional control and oversight of international trade, abandons one of the oldest and originally most important powers of the House of Representatives—the taxing power provided by tariff and customs duties, and further gives up congressional control over the direction and course of the American economy.

This bill, H.R. 6767, must be thoroughly rewritten. Controls over the powers of the Executive must be established.

THE NEED FOR SELF-EXECUTING LEGISLATION

This bill must also be made self-executing and self-enforcing. The present language of H.R. 6767 invites political pressure and political corruption. It is a tool that can be used for or against particular industries and regions of the country. In recent years we have seen campaign pledges and contributions apparently influence the level of textile imports, increase dairy price supports, and affect regulations on the flammability of rugs.

Regardless of time, regardless of administration, regardless of party, it is bad legislation which gives enormous discretion to a few individuals to bestow fantastic economic benefits on selected industries and special friends.

OTHER IMPROVEMENTS NEEDED IN H.R. 6767

In addition to amending this legislation to provide guidelines and controls over executive discretion and to make it more self-executing, this proposal, H.R. 6767, must be overhauled to correct a number of basic structural flaws.

INTERNATIONAL TRADE POLICY

Title IV deals with international trade policy management and is a sweeping delegation of authority to the President to prevent or to control excessive balance-of-payments surpluses and deficits. Three times since the summer of 1971, the world monetary markets have been convulsed by currency crises. The first crack in the post World War II system was the dollar crisis of August 1971, when the dollar's value was changed for the first time since the Bretton Woods Agreement of 1944. The following summer saw a severe sterling crisis in England. This January and February, the dollar again came under pressure, billions flowed into the central banks of the stronger European currency countries and into the Bank of Japan—but the inevitable devaluation could not be resisted. The Treasury Department indicates that support of the value of the dollar cost the United States about $400 million in 1971, but only about $4 million this past February—though an appropriation of $2.2 billion was required after that devaluation to provide for contingent obligations of the United States to the various international banks and monetary funds.

I recite these facts to point out that the world appears to have entered a series of monetary convulsions. Some would say that the dollar is still under so much pressure that we are, in fact, in a third dollar crisis.

The problem is—title IV does little or nothing to help solve these problems. It is more of the same old discredited policies of the past. This title gives the administration dictatorial powers to cut off trade or increase trade—either on a worldwide basis or with specific foreign nations. This title does not provide for flexibility or the possibility of flotation—a form of which has really worked quite well for the last several months and which has successfully served Canada for some 15 years and Brazil for the past 5 years. Instead, title IV takes the world back to the system of fixed rates, with all the resulting pressures and distortions that that system can create—but with the new distortions in trade manipulation provided by title IV.

INADEQUATE TRADE ADJUSTMENT ASSISTANCE

Title II of H.R. 6767 provides for company and worker assistance in industries adversely affected by imports. This title is also woefully inadequate. Special benefits for older workers who are displaced from their jobs as a result of imports are eliminated. The subsistence allowance for workers who travel to another town or city for a retraining program is $5 per day—the same subsistence amount allowed 11 years ago in the Trade Expansion Act of 1962. Under the administration's bill, the average worker in every State except Alaska would receive less under the administration's adjustment assistance formula than he would under the 1962 Trade Expansion Act formula. Not only would he receive less, but the duration of his benefits would be, in general, cut in half. Finally, the worker displaced from his job because of imports would be offered job retraining assistance under the administration's proposed manpower revenue sharing plan—yet this is a plan which provides for severe cutbacks in the level of job retraining funds.

FREEDOM OF EMIGRATION

The provisions providing for the extension of most favored nation trading status—increased trade with the Soviet Union and other State-controlled economies—fail to include the requirement that such nations permit freedom of emigration. The administration's bill omits this requirement, despite the clearly stated concern of the Congress on this issue—a concern expressed in the House by a freedom of emigration amendment sponsored by the chairman of the Ways and Means Committee and myself and which is cosponsored by an unprecedented 282 Members of the House and by 77 Members of the other body, led by the junior Senator from Washington, Mr. JACKSON.

The administration's bill, H.R. 6767, is totally lacking in an adequate, self-enforcing consumer protection section. The national security clauses are—once again—toothless, and there is no attempt to provide for some limitations on import market penetration and the resultant destruction of basic American productive capacity.

As I said previously, Mr. Speaker, it is obvious that this trade legislation must be extensively overhauled and amended.

INTRODUCTION OF NEW LEGISLATION: H.R. 8943

In an effort to provide some alternative and compromise language, I have just introduced legislation, H.R. 8943, entitled "The Trade Improvement Act of 1973." This is a comprehensive bill, considerably more extensive and more detailed than the administration's proposal.

It is not my expectation that this bill will be accepted or adopted in whole. But it is my hope that some of the language and the concepts contained in this bill

will be accepted as amendments and as part of the effort to improve the quality of the final trade bill considered by this Congress.

The core of the legislation which I have introduced is H.R. 6767, the administration bill. But I have tried to go through the various provisions of that legislation and eliminate or at least place limitations on the excessive grants of power which it gives to the Executive.

Another major source for the ideas contained in my bill is the Trade Expansion Act of 1962, updated, as well as some of the provisions of the trade bill of 1970—a bill which failed to be enacted into law. The worker and company adjustment provisions are drawn from legislation, H.R. 8723, recently introduced by Congressman DONALD FRASER and myself. I have also drawn some provisions—principally tax provisions—from the language of the Burke-Hartke legislation. Finally, I am hopeful that there is a good portion of new ideas in this legislation, drawn from suggestions and concepts which came out of the committee's public hearings.

In short, this is a compromise bill. It is a bill which drops the worst features of other legislation and brings together some of the best proposals from a wide variety of sources.

MAJOR PROVISIONS OF H.R. 8993:
BASIC AUTHORITY

Title I of the legislation provides for the basic negotiating authority for the President in both tariff and nontariff barrier questions for a 5-year basis. Unlike the administration bill, however, H.R. 8943 places limits on how much the President can lower or increase tariff barriers. In this respect, it is similar to the 1962 and 1970 trade acts. In addition, under the administration bill, the President appears to have a great deal of discretion as to negotiating away nontariff barriers and wide latitude on whether or not to seek congressional approval of NTB negotiations and agreements. The legislation which I have introduced would require that all NTB agreements be submitted to the Congress and all such agreements may be vetoed by the passage of a simple resolution by either Chamber.

ADVERSE MARKET PENETRATION

Title II of H.R. 8943 deals with fair and unfair import competition as well as the issue of excessive and adverse market penetration. In essence, the provisions of this title are similar to titles II and III of H.R. 6767 and require action on the part of the President to make determinations in the case of workers and firms injured by imports. It requires actions by the President in countervailing duty and antidumping cases. In addition, this title contains a new provision which puts forth the concept of adverse market penetration and the need for the maintenance of necessary industrial production. Under this provision, the President is directed to determine when foreign market penetration becomes unreasonable and threatens the industrial health of a major sector of the American economy. Once such a determination is made, he is empowered to impose controls on further market penetration.

COMPREHENSIVE TRADE ADJUSTMENT ASSISTANCE

Title III of H.R. 8943 is the Trade Adjustment Assistance Act introduced by Representative DONALD FRASER and myself on June 15. This bill provides for comprehensive and adequate assistance to firms, workers, and communities who have been adversely affected by imports. This legislation is described in detail in the June 15 CONGRESSIONAL RECORD on pages 19862 through 19864.

INTERNATIONAL MONETARY ADJUSTMENTS

Title IV of H.R. 8943 is similar to the administration's proposal for new authority to deal with surplus and deficit balance of payments problems—with several important exceptions. First, it limits the President's authorities for unilateral action in a number of important ways. Second, it provides language which encourages a more flexible range of exchange rates rather than set and fixed exchange rates.

MFN AND FREEDOM OF EMIGRATION

Title V of the legislation which I have introduced is similar to the language in the Trade Reform Act and provides for the extension of most-favored-nation treatment to the Soviet Union and Eastern bloc countries. The major change in my proposal is the inclusion of what is known as the Mills-Vanik-Jackson amendment or the freedom of emigration amendment. There can be no extension of most-favored-nation status, indeed, there will probably be no trade bill if the freedom of emigration language is not included.

GENERALIZED PREFERENCES

Title VI of H.R. 8943 parallels the administration bill, but with an important change. Under the administration bill, if tariffs are reduced for a lesser developed country, they must be reduced to zero. There is no middle ground, no partial preference authority. My proposal allows the President to provide a range of preferences to assist these nations in their growth and industrial development.

CONSUMER PROTECTION

Title VII of my proposal is a totally new title which provides for the suspension of import restrictions and tariff duties during periods of abnormal inflation. In addition, it provides for mandatory export controls when the consumer price index of an exported item increases at a rate significantly above the rate of increase of the total Consumer Price Index. In addition, this title provides for complete repeal of the Meat Import Quota Act of 1964 as well as the elimination of tariff duties on imported meats. The President has recently announced his support for the elimination of these tariff duties, and, given the worldwide shortage of meat, continuation of the Meat Import Quota Act is absolutely senseless.

NATIONAL SECURITY

Title VIII is a new national security title that provides some teeth to the previous national security sections—sections which have been all but useless. In particular, this section provides for the development of a national defense register of articles which are essential for the defense of the United States in case of war—articles which we must be capable of producing ourselves.

TAX REFORM

Title IX is a strong international tax reform section which fills in the many gaps left by the administration's extremely weak tax "reform" proposals. In addition to providing for repeal of the Western Hemisphere Trade Corp. deduction and the DISC provisions, this title changes the foreign tax credit to a deduction, eliminates deferral on taxation of foreign income, removes certain rapid depreciation tax advantages on investments abroad, and provides several other smaller changes in the tax code. The need for reform in the taxation of international income is increasingly obvious. Last year, I made a study of America's largest 100 corporations. Out of 45 corporations for which data was available for tax year 1971, 5 paid no taxes on $382 million in taxable income. At the present time, my staff and I are in the process of up-dating this study and it appears that the results of this study for tax year 1972 will be even more dramatic—and will involve phenomenally low tax rates for a large number of multinational corporations. In most cases, these multinational corporations have been able to use special tax provisions on their foreign income to offset or reduce their U.S. Federal corporate tax rate. This type of abuse must be eliminated.

ADDITIONAL PROVISIONS

Title X, the final title of this new proposal, is similar to title VII of the administration bill in that it contains various miscellaneous "roundup" provisions and definitions. But in my proposal, this title also includes new sections which—

First, provide for greater coordination of American trade, investment, and international monetary policy.

Second, prohibit Export-Import Bank guarantees and loans at below commercial market or subsidized rates;

Third, prohibit trade and transportation to and from the United States by SST's until it is certain that they pose no environmental dangers;

Fourth, embargo trade with countries that fail to cooperate in international drug control or environmental protection efforts;

Fifth, provide for the amendment or termination of the Canadian-American Automotive Parts Agreement of 1965—an agreement in which the United States has not received adequate reciprocity;

Sixth, provides for studies on the role of multinational corporations in currency speculations, the creation of an Organization of Oil Importing Countries, and investigations of the impact of oil imports on the future balance of payments of the United States;

Seventh, places controls on the export of American job-producing technology;

Eighth, and requires the Treasury Department to work for the collection of foreign debts owed the United States.

It is obvious that a good bill is needed. It is obvious that compromises are needed. I am hopeful that this legislation which I have introduced will help the committee and the Congress develop a

better bill, one that brings together the best from many sources.

THE SUMMIT IN RETROSPECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, yesterday, Secretary Brezhnev concluded his visit to the United States amid celebrations and fanfare. This visit will probably be long-remembered as a turning point in the history of East-West relations. It would seem that, after 28 years, the Cold War has finally ended.

The number and kind of agreements signed demonstrate that the Soviet Union is quite anxious to reap the benefits of detente. Not the least of these benefits will be the opportunity to share in the fruits of American technology.

However, the Soviet Government must realize that, if it is truly committed to the idea of detente, there can be no one-sided deals. It is not truly detente if the Soviet Union only takes, and the United States only gives. In that respect, the Soviet Union must show its commitment to the principles of detente by acting in consonance with certain basic moral principles.

That means that the restrictions on foreigners in the Soviet Union will have to be eased. It means that there must be no harassment of Western ideas, for the free flow of ideas between Russia and the United States is a key element of this much talked about détente. And it means that the Russians will have to make some positive showing that the restrictions placed on Jews are being ended.

We keep hearing that the exit tax has been suspended, that more and more Jews are being permitted to leave Russia now than ever before. However, there is little tangible proof of these assertions. And further, there are reports coming from the Soviet Union of increasing numbers of arbitrary refusals of permission to emigrate.

It is sad to have to repeat the same thing so many times, but in this case it is necessary to make sure that my point is taken. It is still a dangerous thing to be a Jew in Russia, particularly if you are a Jew who wants to leave for Israel. The newest game the Russian officials are playing is refusing to grant visas on the false ground of "national security." More often than not, the security excuse is one that has been drummed up to give a patently arbitrary refusal the cloak of legitimacy, in response to pressure from concerned people in the United States. The Russians are aware that they are being carefully scrutinized and they are taking great pains not to antagonize the United States.

It has been said before, and will be again, that the Russians need us more than we need them. Everything they hope to buy from us under the new trade agreements also has a market here at home. Almost every agreement signed by Nixon and Brezhnev will make little or no direct impact on the world political situation, and will not in and of themselves bring the world closer to real peace. For all of Secretary Brezhnev's good-humored posturing, we must not forget that he is the head of a government that imprisons dissenters in insane asylums and harrasses those who wish to express their Jewish identity.

I hope that my colleagues will not be so completely won over by Secretary Brezhnev's good humor that they will forget that a genuine détente requires both sides to make many accommodations.

Mr. Speaker, I have attached a list of Jewish citizens of the Soviet Union who have applied for exist visas and have been denied for "national security reasons." This list illustrates better than any words I could choose just what it means to be a Jew in Russia today. I hope that my colleagues will study this list carefully, and learn the painful lesson it teaches:

PERSONS DENIED EXIT VISAS ON FALSE GROUNDS OF "NATIONAL SECURITY"

David Azbel, born in 1911. ScD, professor Specialist of chemical equipment and technology. Many works published in USSR and abroad. Has been teaching at the USSR Polytechnical College by correspondence. No secret work performed. Applied in April 1972. Motive of refusal: "Your mother-in-law stays in the USSR. We will not break up your family."

Anatole Galperin, born in 1930, mathematician. Worked in econometrics and planning in civilian industry. No secret work performed. No secret publications. Since 1972 works in a bank. Applied in November 1971. Wife doesn't work.

Evsei Ratner, born in 1899; ScD, professor (retired for 5 years). Biologist, specialized in plant physiology. Never performed any secret work nor participated in any secret publications. Practically all his relatives, including his only daughter and granddaughter live in Israel; six refusals. Last reason given: "We don't feel like letting you go." His wife, Ktizia is 69.

Benjamin Levich, born in 1917; ScD, professor, corresponding member of the Academy of Sciences of the USSR. Specialist in theoretical physical chemistry. Has not been engaged in any classified work since 1950. All his scientific findings have been widely publicized since then in Soviet and foreign journals. Applied in March 1972. Dismissed after that from Moscow University and demoted in the Institute of Electrochemistry of the Academy of Sciences. Son, Alexander Levich; born in 1944, corrosion engineer. Worked in a plumbing and sewerage institute. Dismissed after applying for visa (February 1972). Does unskilled work. No secret work ever performed. Son, Evgoeni Levich, born in 1948; ScD (in 1969). Specialist in theory of processes occurring in stars. Has never done any classified work. All his papers have been published in Soviet or western scientific journals. Applied in March 1972. Recently seized by force and sent to Arctic Circle as an army private. Wife (Tanya, translator of fiction is now out of work.

Anatole Libgober, born in 1949. Specialist in abstract mathematics. Worked in a college. Applied in January 1972. Since then works as a repairman in redecorating apartments. No secret work ever performed, no secret publications.

Kirill Khenkin, born in 1916. Philologist (Licencie es Lettres, Paris University, specialized in comparative literature). Since 1945, a radio journalist and translator at Radio Moscow, lat rea translator of French classical fiction and literature in social sciences. No secret work performed. Applied in September 1972. Visa granted in November 1972. Visa cancelled without explanation in December 1927. Since then out of work. Refused to take back Soviet citizenship (Israeli citizenship granted in April 1973), wife, Irina, born 1937. Former journalist. Since 1968 a free lance screenplay writer.

Michael Babel, a specialist in energetics. Since 1967 a designer of current converters in civilian industry. No secret work performed, no secret publications. Applied in January 1972. Dismissed in June, same year, and works outside his specialty. Wife, Helen, a designer in engineering industry. No secret work performed. Out of work since March 1971.

Solomon Inditsky, born in 1912. Engineer in a plant of electromechanical equipment until February 1972. Retired since then.

Valery Panov, (Leningrad), born in 1939. Star dancer of the Kirov Ballet Company, State prize winner, Artist Emeritus of the RSFSR. Wife, Calina Bogozina, prima ballerina. Both dismissed from work.

Leonid Tarasiuk, born in 1927. Master of Science, art critic. Worked, before dismissal at the Hermitage Museum of Leningrad. Refusal of visa confirmed recently on the grounds of "state interest."

Vladimir Slepak, born in 1927, Radio-Engineer. From 1957 to 1969 worked in a research Institute dealing with television. Has not worked in his field since April 1969. Applied for visa in April 1970. Visa refused in July 1970. Presently out of work. A family of four. Wife, Maria, a retired physician.

Valery Krijak, born in 1939. Mechanical engineer. From 1966 to 1972 worked on designing of equipment for automobile repair plants and cars for municipal use. Applied in February 1972. Visa refused in June 1972. Works as an elevator mechanic. Wife, Valeria, born in 1938, an engineer-metallurgist. From 1963 to 1972 worked as an inspector of and keeping of precious metals in jewelry stores, dental clinics, etc. Applied in February 1972. No secret work performed.

Isaak Dymshitz, born in 1926. Mechanical engineer. From 1962 to 1970 was designing heating appliances of general industrial use. Then, until 1972, a designer of sales equipment. Applied in October 1971. Since February 1972 a night watchman and postman. No secret work ever performed.

Hirsh Toker, born in 1931, an electrician worker. Since 1966 works in a button plant. No secret work performed.

Benjamin Gorokhov, born in 1928. A screenplay writer. Applied in October 1972. No secret work performed.

Boris Einbinder, born in 1940. Physicist. Specialist in theoretical physics. From 1967 to 1971 worked as a research scientist at the Institute of Physical Chemistry of the Academy of Sciences. No secret work performed, no secret publications, no access to classified material. Applied for visa in December 1971. Since then a private tutor. Wife, *Marianne*, a clerk until 1970. Presently out of work.

Levi Libov, born in 1932. Master of Science in metallurgy. Until 1969 worked in a factory, then until July 1971 in the Institute of Rare Metals. Applied for visa in 1971, being dismissed became plumber and repairman. No secret work performed, no secret publications.

Leonid Koshevoi, born in 1932, a designer of supplementary telephone equipment. No secret work performed, no secret publications. Applied in November 1972. Wife, *Irina*, born in 1937, engineer in telephone and telegraph communications. At her place of work, compiled public data on patents in this field. Took no part in secret work. No secret publications. Applied in November 1971, refusal in February 1972.

Victor Polsky, born in 1930, Master of Science, an engineer physicist. Worked on developing X-ray equipment for civil industry and medicine. No secret work, no secret publications. Applied for visa in November 1970; dismissed in March 1971. Teaches privately. Wife, *Helen*, born in 1935. Engineer in radiotechnology. 1960–1970—designer of supple-

mentary equipment. No secret work performed, no secret publications. Out of work since 1970.

Iona Koltchinski, 21. Applied for a visa after graduating from high school. Reapplied later. No answer—but two years later in a hard labor camp where he was made to perform his military service.

Yuri Miloslavski, born in 1947 (Kharkov). Poet and journalist. Has worked as an actor in a puppet theater, then as an local announcer and journalist of a factory newspaper. Has been refused permission to leave and told that he could not apply again before 1976 because of "secrecy considerations." Wife, *Irina*, 26, graduated last year from Kharkov University. Out of work.

Vladimir Mash, born in 1925. Doctor of Economics, professor. Since 1963 worked in the Central Economic-Mathematical Institute of the Academy of Sciences developing econometric methods from planning computation in civil industry. No secret work performed, no secret publications. Applied in April 1972.

Eitan Finkelstein (Vilnius), born in 1942. Engineer-physicist, ScD. Worked in the Institute of Technical Physics. For seven years has performed occasional jobs. Applied in 1970.

Vitaly Rubin, born in 1922, Master of Science, specializes in History and Philosophy of ancient China. Worked for the Institute of Information and the Institute of Oriental Studies of the Academy of Sciences. Applied in February 1972, refused in July 1972. Presently is secretary to a blind man to whom he reads.

Dina Beilina, born in 1939. Mechanical engineer. Worked from 1962 to 1972 on nonclassified problems of automation-mathematics: description of technological processes in chemical industry. Has not worked since 1972. Applied in January 1972.

Joseph Begun, born in 1929, electrical engineer, Master of Science. 1968–1969, research fellow at the Radiotechnical Institute. 1969–1971, mathematics instructor in the College of Agricultural Engineers. Since April 1971, private tutor. Applied for visa in April 1971, refusal in August 1971.

Grigory Svetchinsky, born in 1940, chemical industry automation engineer, works at the Chemical Machine Building College, working out automatized laboratory plants for the study of microbiological processes. No secret work performed. Since May 1971 up to February 1973, out of professional work. Applied for visa in June 1971, refusal in October 1971.

Pavel Abramovich, born in 1939, radio engineer. In 1968–1970 at Research Institute, worked out elementary logical schemes. In 1970–1971, computer maintenance. Since November 1971 a private tutor. Applied for visa February 1971; refusal in April 1971. Wife, *Marta Balashinskaya*, born in 1940, electrical engineer. Up to 1970 worked in the Research Institute of Applied Physics; on photoelectric apparatus. No classified publications. Since September 1970, out of work.

Nathan Faingold, born in 1930, radio engineer up to 1967, since then an artist. Applied for visa in November 1971, refusal January 1972. His wife a school teacher out of work.

Vladimir Roginsky, born in 1939, physicist, Master of Science. During 1965–1968, theoretical physics instructor at Moscow Physiotechnical College. During 1968–October 1971, research fellow in the theoretical department of the Institute of Theoretics and Experimental Physics. Studying abstract problems of elementary particles, having no applied value. Never participated in classified studies; all his works published. Scientists from Western countries worked in the same department. Since October 1971, private tutor. Applied for visa in November 1971, refusal February 1972. His wife is a school teacher, out of work.

Victor Faermark, born in 1941, profession: chemical technology, specialization—physical chemistry. Worked at the Moscow Electronic Machine Building College on study of gas transport reactions. Applied for visa in November 1971, refusal in December 1971. Now secretary. Wife, Calina Sinyavskaia, 24, English teacher—out of work.

Vladimir Shakhnovski, born in 1941, mathematician. Worked as an engineer at Moscow University, programming for computers. Since May 1971, laborer in a shop. Applied for visa in December 1972, refusal in April 1973.

Alexander Luntz, born in 1924, mathematician, Master of Science. Up to November 1972 worked in the Institute of Electronic Computers. Theoretical works on mathematical statistics, numerical methods and applications in medicine cybernetics. Had no clearance. Since November 1972 private tutor. Applied in January 1973, refusal in April 1973. Wife out of work.

Susanna Figner, born in 1916, engineer on electrical measurements, up to December 1971 in the Institute of Semiconductor Apparatus Constructing. Working on maintenance of standard equipment. Now a clerk in a hospital. Applied for visa in February 1971, refusal in June 1972.

Victor Mandeltzweig, born in 1939, physicist, Master of Science. During 1962–February 1972, worked in the Theoretical Department of the Institute of Theoretical and Experimental Physics, studying abstract problems, having no application. Never took part in classified works and never used classified documentation. All works published. Western scientists worked in the same department. Applied for visa in February 1972, refusal in April 1972. Now a private tutor.

Vitali Raevsky, born in 1930, engineer-technologist in physical chemistry. Master of Science. From 1967 to 1970 worked in the State Research and Designing Institue. Since 1970 and up to now, in the Laboratory of Chemical Packaging. Has no secret publications. Applied for visa in February 1972, refusal in April 1972.

Mark Nashpitz, born in 1948, dentist. Up to May 1972, worked in a hospital. Now out of work. Applied for visa in February 1971, refusal in April 1971.

Mosei Belfor, born in 1939, engineer in electronics. From 1968 to 1971 no classified work. Since 1971 does unskilled work. Applied for visa in December 1971, refusal in February 1972.

Alexander Lerner, born in 1913, ScD, specialist in cybernetics, professor. Worked at the Institute of Controls of the Academy of Sciences on the theory of large scale systems and on mathematical methods in medicine. No classified work since 1960. Now out of work. Applied for visa in November 1971, refusal December 1971.

Boris Tzitlyonok, born in 1944, a factory worker. Up to 1969, worked at the Moscow plant of electromechanical apparatus, assembling electrical motors, described in any reference book. Never had access to classified material. Since 1969 works in a shop, unloading trucks. Applied for visa in May 1971, refusal in November 1971.

Yuli Kosharovski, born in 1941, radio engineer. Since 1968, worked as an engineer in Research Institute of Labour Hygiene and Professional Diseases. Work is classified. Since 1971, laborer in shops. Applied for visa in 1971, refusal in March 1971.

Vladimir Prestin, born in 1934, electrical engineer. Up to April 1969, worked at the Research Institute of Computer Techniques, taking part in constructing computers, for industry. Since then, no work in his field. Now a clerk at a repair office. Applied in November 1970, refusal in March 1971. His wife is out of work since July 1970.

Ilya Korenfeld, born in 1923, mechanical engineer in machines and tools. From 1966 to 1971, worked on completing equipment for new plants. Now, metal craftsman. Applied for visa in March 1971, refusal in May 1971. His wife is out of work.

Victor Brailovsky, born 1935, electrical engineer. Up to 1973, at the Institute of Control Computers—worked out mathematical algorithms, programing and solving applied problems. Applied for visa October 1972, refusal January 1973. Now a private tutor. Wife, *Irina*, born in 1936, mathematician, Master of Science. Up to 1973 worked at the Computer Centre of Moscow University. No classified work, no access to secret information. All the results published in open press. Since 1972, common computer programmer.

Alexander Voronel, born in 1931, ScD, physicist, professor. Worked as a head of a department at the Research Institute of Physical Technical and Radiotechnical Measurements, and professor of Moscow Physical Technical College. Worked out experimental and theoretical studies on condensed state physics. All the works published have no applied or military significance. Up to 1969, had formal classification corresponding to his post without using it and was deprived of it. Out of work now. Applied for visa in May 1972, refusal in August 1972. His wife is a writer.

Isaak Poltinnikov, Novosibirsk, born in 1921. Physician-oculist; worked as a physician in the army up to March 1971. Didn't take part in secret works. In 1972 deprived of officer rank and of a pension. His wife (born 1923) and daughter are physicians, now out of work. Applied for visa in January 1972.

Alexander Roisman, born in 1923, mechanical engineer. For six years hasn't been using clearance. Worked as a furniture designer. His wife is a physician. Applied for visa in May 1972, refusal in March 1973; since 1972 out of work.

Grigori Teitelbaum, born in 1923, profession: magazine photographer. Up to November 1971 worked as a special correspondent of the "Turist" magazine, making postcards and photobooks for children. Now unemployed. War: disabled person, gets a pension of 34 rubles. Applied for visa in March 1972. Wife a teacher of domestic science, unemployed since 1971.

Michail Rigik, born in 1941, engineer on technology of semiconductor materials. From September 1968 to February 1971 worked at the production of semiconductor integrated circuits. From January 1971 never dealt with closed works. From February 1971 worked as an engineer in design office, dealt with automation of Petroleum pump stations. Applied for visa in October 1972, refusal in January 1973. In October 1973, was dismissed. Now unemployed. His wife, Olga Kazakevich, a teacher, doesn't work.

Mark Novikov, born in 1919, electrical engineer, deals with photoelectronics. Worked as a qualified worked up to 1971 at the Institute of Space Research of the Academy of Science, working out the installations for receiving the luminous radiations. Applied for visa in February 1972, refusal in June 1972. At present, works as an electrician.

Jakov Pisarevski, born in 1937, engineer-electrician on automation and telemechanics. From 1967 works in the field of television broadcasting, using the materials of open character. Applied for visa in November 1971, refusal in February 1972. From April 1972, unemployed. Wife is a designer, unemployed since 1970.

Ida Nudel, born in 1931, economist, works from 1954. From 1968 to January 1972, worked at a project for the Institute of Biosubstantiation of Construction. In January of 1972 was dismissed. Applied for visa in November 1971, refusal in December 1971. At present, a simple worker.

Izabella Novikova, born in 1943, electromechanic engineer. From 1968, worked at the plant of electromechanical apparatus. Description of this apparatus was published in open press. From May 1971, doesn't work as

a qualified worker. Applied for visa in November 1971, refusal in January 1972.

Stella Goldberg, born in 1932. Applied for visa in July 1970, refusal in September 1970. Has son of 5 years of age; mother-in-law (pensioner). Profession—a pianist.

Riva Feldman, a school teacher for the past 5 years, before that worked in the kindergarten. At present, unemployed. Son, *Vladimir*, worked as an elevator worker, now unemployed. Son, *Ephym*, before 1970 worked as a cook. In 1970–72, served in the army. At present, an elevator work. Applied for visa in March 1971, refusal in May 1971.

Arkadi Rutman, born in 1949, graduated from the Institute of Culture in 1970; the conductor of the orchestra of Russian instruments. 1970–71, served in the army. From November 1971 to May 1972, the cultural organizer in the boarding school of the recipients of a special pension. From June 1972, works at Moscow society of musical orchestras. Applied for visa in November 1972. Refusal in February 1973.

Solomon Shmidt, born in 1916, a technician, power specialist. From 1971 to now, works at a trust, connected with power equipment. Never worked with secret documents. Applied for visa in March 1972, refusal in October 1972. He lives in the town of Podlipki. Motivation for his refusal was the following: ". . . could hear the talks of people working at different enterprises in Podlipki." His son, born 1952, was dismissed from the Institute in 1972. Wife, born in 1924, is a planner.

Victori Apidus, born in 1921, mechanical engineer, last place of work: automobile and automotor Research Institute. Candidate of technical science, was never classified, has 40 published works, also abroad. Applied for visa in August 1972, received permission in October; then the visas were detained. In November 1972, refusal "on state grounds." At present, unemployed. Wife, Henrietta Shoolyanskaya, architect. Has two daughters. Early and in present time, works at "Moscow Project Bureau—I." Never classified.

THE RETIREMENT OF FRANK E. BATTAGLIA

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, it is with regret that I have learned of the impending retirement of a great friend of the Congress. One who has served it so well as Dean of the Corps of Official Reporters of Debates of the House of Representatives. I refer to Frank E. Battaglia, who will soon complete 30 years of service which of course entitles him to retirement benefits.

From my observation of Frank, he is indeed a highly dedicated person possessive of great competence, mild manners, and blessed by a delightful personality; all characteristics which tend to describe him as a top caliber citizen who has served our Nation in an exemplary manner.

In the way of background, Frank was born and raised in New York City, worked his way through several years of the City College of New York, Fordham Law School, New York City, and utilized the skill in several secretarial jobs while attending night school: He attained the skill for verbatim shorthand reporting as a result, and subsequently worked as a freelance shorthand reporter in practically every court in New York City. He took depositions in several States in the Northeast section of the country.

Frank decided to come to Washington, D.C., after hearing of the need for shorthand reporters, where he reported for various Government agercy hearings, subsequently confining his work as a freelance reporter to congressional committee hearings. He was appointed as an Official Reporter of Debates of the House of Representatives in 1943 by the Honorable Sam Rayburn.

In recognition of Frank's love for the House of Representatives, I know that retirement, despite its joys, does not come easy for him. But again, knowing him as I do, I am confident that this adjustment will be a good one, I pray that the years ahead will provide him with an abundance of God's choicest blessings, good health, and happiness. Certainly he has indeed earned the gratitude of the entire Congress.

WORDS OF CAUTION

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I want my colleagues to know of an experience I am having with the Department of Housing and Urban Development. We have heard a great deal about the relaxation of tension between the White House and Congress through the initiation of a more open policy of communication by the executive branch. The President himself alluded to this at the time he signed into law a bill which would continue for 1 year a wide variety of Federal health programs.

For those who view this as the end of the long, dark night of executive isolation from Congress, I have words of caution.

We are all aware of the arbitrary and probably illegal, impoundment of Federal housing and community development funds and the termination of a whole host of programs sponsored by the Department of Housing and Urban Development.

Caught up in that action was an application submitted by the city of Norwich, N.Y., for participation in the Federal public housing program. Since 1969, Norwich has been working to receive Federal support for some 90 units of housing for its elderly citizens.

Despite the fact that Norwich has twice come down to the wire on approval for its housing, the Department has now taken the position that its high and mighty moratorium on housing programs has doomed the Norwich effort again.

I have studied the record, and while I still feel that the moratorium is an arbitrary and capricious act on the part of the Secretary, I also feel that there is merit to processing the Norwich application even under the terms of the moratorium.

I have been trying for 2 weeks to pass this message on to the Secretary of Housing and Urban Development. Locked up in his air-conditioned ivory tower down at L'Efant Plaza, the Secretary fails to return phone calls. I have been trying to call the coach, and the water boys call me back.

If there is isolation, if there is bad feeling, if there is tension, between Congress and the executive branch, we have to look no further than similar acts of discourtesy and disrespect for Congress—and for the people. It is no insult to me that the Secretary will not respond. It is an insult to the people of Norwich in whose behalf I am attempting to call.

Secretary Lynn would do well to look to his relations with the Congress, unless his mandate is to deliberately antagonize Congress and continue to develop as lousy a relationship as possible with Members of the majority side of the House. I serve on the Banking and Currency Committee, the body which authorizes the programs of the Department of Housing and Urban Development.

I intend to continue to press the Secretary to meet with me and with citizens from Norwich in an effort to rescue their senior citizens housing program. I am convinced that the Department made a mistake in its handling of the Norwich application, and I would like to see that mistake rectified.

RETIREMENT OF PRESIDENT EAMON DE VALERA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today it is my great pleasure and deep honor to congratulate the oldest head of state in the world, President Eamon De Valera of the Republic of Ireland, on his nearly 60 years of exemplary service and devotion to the Emerald Isle, on the day of his deserved retirement, after 14 years in the office of the Presidency.

President De Valera, born, I am proud to state, in my constituency on October 14, 1882, at Lexington Avenue and 51st Street, was foremost among those instrumental in the independence struggle for Ireland, both in fighting and in diplomacy. Yet "Dev" as he is universally called, had the foresight and ability to lead the Ireland of the martyrs, of the Easter Rising and the Black and Tans, into the modern, prosperous country it is today. As the head of state, President De Valera has led Ireland this very year into membership into the European Economic Community displaying the statesmanship of a nationalist who realized his country's aspirations could only be met through transcending narrow state boundaries in a wider international framework.

President De Valera was able to combine in a rare synthesis the energies and skill of the fighter the qualities of the diplomat, and the wisdom of the statesman. As the New York Times today said:

Most of the great figures of modern Irish history—Wolfe Tone, Daniel O'Connell, Charles Parnell, Padraic Pearse, James Connolly and Michael Collins—failed, and usually were martyred in the process. Mr. De Valera suceeded and survived. By doing so, he managed to transform heroic Ireland into what is, with all its deficiencies and backwardless—a living, functioning country.

Today, we honor this native son of the sidewalks of New York the George Washington of his country, our own son and Ireland's Eamon De Valera As a comment on a great career, we can all say: "Well done."

PRISON REFORM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the reform of our prison system deserves continuing attention. Unfortunately, however, the loudest cries for such reform are usually heard following prison disturbances. Out of sight, out of mind too often applies to prison reform.

Progress is being made, however, in the Senate where Senator BURDICK'S Subcommittee on National Penitentiaries is working on a family furlough bill which will permit prisoners to visit their homes up to 31 days a year. The concept of family visitation is one which I have pressed since March 1972 when I introduced the first family visitation bill. Such legislation allows for the family contacts and conjugal relationships which are so important if we are to rehabilitate an individual during his incarceration. It is significant to note, too, that Norman Carlson, Director of the Bureau of Prisons also supports this concept and has testified before the Subcommittee on National Penitentiaries to that effect.

Legislation, especially in the prison reform area, is slow in realization. And so in the interim we must continue to monitor the administration of the prisons under current laws. With that thought in mind, I would like to bring to the attention of our colleagues some correspondence that I have had which relates to one aspect of family visitation. The problem was brought to my attention by the Fortune Society which is doing exemplary work in the area of prison reform. I am pleased to report, at least from the most recent letter that I have received from Norman Carlson, that the situation has been remedied. The correspondence follows:

THE FORTUNE SOCIETY,
New York, N.Y., April 3, 1973.

Congressman EDWARD KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: We are enclosing for your consideration a letter from a Federal prisoner, Mr. ———.

We would hope that your office would make inquiry into this situation. Of particular interest is the attempt to pit Gentile against Jew by stating that any protest by Jewish inmates will result in Protestant prisoners being denied their visitors.

It is an old prison attempt to divide prisoners—Black against White, Gentile against Jew, etc.

None of this seems to have anything to do with rehabilitation. What better form of imposing new values than to permit a Jewish man to share a Passover Seder with his wife, girlfriend, or sister?

When the four questions are asked at the Atlanta Passover Seder they may find some startling new answers.

Thank you for your consideration of this matter.

Cordially,

DAVID ROTHENBERG,
Executive Director.

———

ATLANTA, GA.,
March 28, 1973.

DEAR DAVID: Naturally I have a problem, so here I go again.

The Jewish Community was informed today by Mr. Rigsby, Associate Warden, that we will not be permitted female guests at our Passover Seder:

When asked why, no reason was given. I brought to his attention that a Protestant group (yoke fellows) are permitted and have in attendance female guests: (10–12 in attendance).

When I brought out the fact that this is not right, and is discrimination, he said "If you bring this to a court action, I will put a stop to the "yokefellows" having female guests, now if you want that, go ahead and file."

So, what he is saying is, it is alright for the Protestants to have guests (female) and we are not and if we cause a scene, he will stop all groups of having female guests, and it will be our fault.

How about a little help in this area David—Is it because I'm a Jew, that I am not permitted to talk to a female, the Rabbi's wife, or wives of our invited guests.

Seems we Jews need another miracle David—

Shalom,

——— ———.

———

ATLANTA, GA.,
March 28, 1973.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I am undoubtedly wearing out your complaint department, but when my rights and religious affiliations are curtailed, my Jewish blood starts to boil.

I, (the other members) was informed, that we could not have female guests at our Passover Seder. This information was told to me (personally) by Mr. Rigsby, Associate Warden.

I brought out the fact that the Protestant group, "Yoke fellows" are permitted, and do have numerous female guests at their functions.

Mr. Rigsby admitted this fact and stated that if we (the Jewish Community) created any scene, or court action, he would have no alternative, but to stop all female guests from entering the institution.

He left me with the impression that if we created a scene, it would be the Jewish Community's fault if female guests were stopped, as he wouldn't allow any group in the future this privilege.

In other words, if I were Protestant, I could have female guests, but since I am a Jew, I cannot.

I, along with others in our community, would indeed, desire to bring this matter into the Courts, as there are many decisions that would put our cause in the courts favor.

But, we are hesitant, as we do not want to be blamed, if other female guests are forbidden entrance to the institution.

There is no valid reason, none, that this institution could give for denying the Jewish Community female guests.

I have been a federal prisoner almost two years, and I have never in my life, between Leavenworth and Atlanta, seen such discrimination.

It's even a crime to be a Jew in the federal prison system.

Shalom,

——— ———.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 6, 1973.

NORMAN CARLSON,
Director, Federal Bureau of Prisons,
Washington, D.C.

DEAR MR. CARLSON: Please find enclosed the letter which I have received from David Rothenberg and his enclosure from ———.

Subject to your existing procedures, I would appreciate your comments on this situation. There has been a great deal of problems in many institutions regarding the practice of religion. In that the practice of religion is one of the basic rights of the United States, I hope that when you have investigated this case, you will find that no group is experiencing preferential treatment.

Your interest in this inquiry is appreciated.

Sincerely,

EDWARD I. KOCH.

———

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 6, 1973.

DAVID ROTHENBERG,
Executive Director, the Fortune Society,
New York, N.Y.

DEAR DAVE: I have contacted Mr. Carlson regarding your latest letter and enclosure from Mr. ———. I will be in touch with you as soon as I have received a response. The issue of the practice of religion and the problems incurred within the prison system, is one that is of great concern to me and I will do what I can to see that this case is resolved to the satisfaction of all concerned. I have notified Mr. ——— of my interest in his case.

Sincerely,

EDWARD I. KOCH.

———

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 6, 1973.

——— ———,
Atlanta, Ga.

DEAR MR. ———: David Rothenberg of the Fortune Society has forwarded your letter to me. I have contacted the Director, Mr. Carlson and I will be in touch with you as soon as I have received a reply. Please be assured that I will do what I can to see that this problem is resolved to your satisfaction.

It is a pleasure to be of assistance.

Sincerely,

EDWARD I. KOCH.

———

U.S. DEPARTMENT OF JUSTICE,
BUREAU OF PRISONS,
Washington, D.C., May 22, 1973.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: The following responds to your letter of April 6, 1973, and the attached letters from the Fortune Society and Mr. ———, who is at the United States Penitentiary, Atlanta, Georgia. The letters received have asked that you investigate a situation that occurred at Atlanta and would appear to be Anti-Semitic in nature.

Mr. ——— is serving a five-year term for violation of the National Motor Vehicle Theft Act. He was sentenced on February 14, 1972, and is eligible for parole at the discretion of the United States Board of Parole. He had an initial parole hearing on May 16, 1972, but was not paroled. The Parole Board will further consider him for parole in March 1974. If not paroled then, or at a subsequent hearing, he is scheduled for mandatory release on June 12, 1975, less any adjustment for extra good time.

The Atlanta staff advises that the Jewish men were not permitted to have females attend a Passover Seder that was held in the staff dining hall at Atlanta. This disapproval was based on the fact that any

female guest would have to go through the main portion of the institution to reach the staff dining hall. To have permitted female guest to travel the only available route to the staff dining hall would have left open the possibility of a disturbance, or at a minimum, the possibility of exposing any female guest to possible embarrassing comments by men in the population.

The Yoke Fellows, a non-denominational group, had female guests at three of their quarterly meetings. These guests were wives of outside sponsors of this particular activity. The meetings held by this group were held in an area not located within the central part of the institution and to which the degree of access could be strictly controlled. On March 16, 1973, it was decided that no more female guests would be permitted at the Yoke Fellows meetings This decision was based on two facts. The attendance of female guests had been arranged by a chaplain without the knowledge of the Associate Warden responsible and also without the knowledge of the Warden. Secondly, at the last quarterly meeting a well endowed female guest was the object of some very unfavorable remarks and to preclude further incidents of this nature it was decided that no more female guests would be permitted to attend religious functions being carried on within the institution.

The foregoing action should not be viewed as termination of a long standing practice of permitting female guests to attend various religious functions but should be viewed in the light that an undesirable situation which should not have developed in the first place was corrected. Furthermore, there have been no denial to any Jewish inmate to the right to practice his religious convictions. The Passover Seder was held and those Jewish inmates desiring to attend were able to do so. It is our policy to support all legitimate religious groups as far as conditions permit. We do not believe that because women cannot attend religious services or functions that it is a denial of a right to practice one's religious beliefs or convictions.

Thank you for your interest in this matter. If we can be of further service, please contact us.

Sincerely,

NORMAN A. CARLSON, *Director.*

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1973.

Mr. NORMAN A. CARLSON,
Director, Bureau of Prisons, Department of Justice, Washington, D.C.

DEAR NORMAN: I would like to call to your attention correspondence I have had with your office, and in particular, the most recent letter dated May 22nd, signed for you by Ray Gerard. In my opinion the response is most unsatisfactory and I cannot believe it reflects your personal point of view, particularly since you are one of the major supporters of my legislation to provide conjugal and family furloughs. That legislation is predicated on the need to try to maintain some female companionship for prisoners. To take the position that you will now ban all female guests on the basis that "To have permitted female guest to travel the only available route to the staff dining hall would have left open the possibility of a disturbance, or at a minimum, the possibility of exposing any female guest to possible embarrassing comments by men in the population" astonishes me.

Such a statement assumes that prisoners as a group are animals. Don't you think that if prisoners really understood that the attendance of females—their wives, sisters and sweethearts—at religious or other functions were subject to their good behavior under those social circumstances, they in fact, would do everything possible to keep that privilege? I do.

There will, of course, be an occasion when some prisoner who would be a boor on the outside as well as on the inside, will engage in some "very unfavorable remarks," but should such an isolated incident so adversely affect the whole prison population? I think not.

All of us, yourself included, are constantly talking about the reform of the prison system—to remove the barbarism—to deal with the homosexual assaults occasioned by loss of female companionship, and finally, to develop prison programs which would permit work leaves during the day and the operation of half way houses. Does it make any sense to take a backward step, which this rule does in my judgment, when it prevents female guests from attending the few functions heretofore permitted at the Atlanta Prison?

My interest in this matter far transcends the initial communication which related to possible anti-semitism. It would appear that what is involved is not anti-semitic, but anti-human. I urge you to reconsider the directive.

Please do let me know your decision in this matter.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT OF JUSTICE,
BUREAU OF PRISONS,
Washington, D.C., June 20, 1973.

Hon. EDWARD I. KOCH,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN KOCH: Thanks for your telephone call concerning our letter to you of May 22, 1973.

I want to apologize for the confusion that our earlier letter caused. In talking with Warden Henderson at Atlanta, he informs me that females are permitted to come into the institution in order to participate in entertainment and religious programs for the institution population.

The incident referred to in our May 22 letter resulted in the decision not to allow female guests to attend such programs if they are not active participants. As recently as last Sunday, a Salvation Army group which included female participants visited the institution and participated in a religious program. Such participation will be continued in the future.

If you have any further questions, please feel free to contact me.

Sincerely,

NORMAN A. CARLSON, *Director.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1973.

DEAR MR. ———: I am enclosing for your information a letter received from Norman Carlson dated June 20, 1973 which hopefully resolves the problem which you raised in your letter of March 28, 1973.

Do please let me know if the situation as reported by Mr. Carlson is otherwise. I know that directives are sometimes not applied by those executing them in the way the administrators intend them to be. And I am certain Mr. Carlson would like to be apprised if that were the case here. Hopefully the situation is now resolved in a way that all of us can consider a just and humane resolution.

All the best.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1973.

DAVID ROTHENBERG,
Executive Director,
The Fortune Society,
New York, N.Y.

DEAR DAVE: I am enclosing a letter dated June 20, received from Norman Carlson which I hope resolved in a reasonable and humane way the matter of visitation by female guests at the Atlanta prison.

Sincerely,

EDWARD I. KOCH.

THERE CAN BE DIVERSITY IN EDUCATION

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the American ideal of freedom of choice is presently being threatened by severe financial pressures. The alternative of nonpublic education on the elementary and secondary levels is subject to rising costs and, hence, increased tuition. Increased tuition produces deflated enrollments. In the State of New York, alone, more than 800,000 children would flood the public schools if the nonpublic schools were to close. This would place a major additional burden upon the taxpayers and produce utter chaos in the schools.

The tenet of church-State separation does not intend to exclude educational diversity in this country. In my opposition to the granting of direct aid to parochial and other private schools, I seek to preserve the stated principle, yet insure, through a tax credit system, the existence of alternatives.

In the interest of continuing to make available the option of a nonpublic education, as well as keeping reasonable levels of taxation for the maintenance of our public school system, I urge the passage of tax credit legislation. This legislation would provide to the parents of children in nonpublic school a tax credit for a portion of the tuition which they pay. The proposed bill would allow those paying tuition to take a tax credit of 50 percent or $200, whichever is the lesser. Such credits would sustain the fundamental right of parents to select the form of education they desire for their children.

Parents of nonpublic schoolchildren pay a double tax. They support, without debate, the public educational systems of their communities. In light of soaring costs, the Congress must ease the pressure on these families. If the nonpublic schools were to close, there would be an influx of at least 5,000,000 students into the public system at the estimated cost of $858 per child. For the financial and educational well-being of all Americans, I strongly advocate the enactment of tax credit legislation.

THE SUMMIT MEETINGS

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

Mr. GERALD R. FORD. Mr. Speaker, President Nixon and Soviet Communist Party Chief Leonid Brezhnev last weekend concluded a series of meetings at the summit which produced a number of steps toward world peace. Observers of these summit meetings must conclude that the fruits of the Nixon-Brezhnev conference constitute historic advances

in the quest for what Mr. Nixon calls "a generation of peace."

The United States and the Soviet Union last Friday agreed formally to consult each other whenever there is a risk of nuclear war and to refrain from any "threat or use of force" that would jeopardize world peace. Furthermore, in this "Agreement on the Prevention of Nuclear War," the two nations joined in an alliance against nuclear confrontation, pledging that they would work together to maintain world peace and to avoid serious international confrontations.

Earlier last week—on Thursday—President Nixon and Soviet Leader Brezhnev signed a Declaration of the Seven Principles, which promises to pave the way for a second Strategic Arms Limitation—SALT—Agreement. The guidelines are similar to the joint United States-Soviet pronouncement in May 1971 that broke the impasse in the stalled SALT I negotiations.

The Seven Principles Agreement commits the United States and the U.S.S.R. to conclude a treaty limiting offensive nuclear weapons by 1974; pledges both nations to a permanent limitation on strategic nuclear weapons; and broadens the SALT II talks to include qualitative improvements in offensive nuclear weapons. It also commits both sides not only to the limiting of such weapons but also to an actual reduction of strategic weapons.

Mr. Nixon and Mr. Brezhnev also signed an agreement calling for increased cooperation in developing peaceful uses of atomic energy—the first such practical agreement between the United States and the U.S.S.R. on a working level. Both sides are seeking a breakthrough that might result in the development of a nuclear reactor producing pollution-free electrical energy.

Mr. Speaker, as the summit meetings concluded Mr. Brezhnev invited Mr. Nixon to visit Moscow next year and Mr. Nixon accepted. That 1974 summit might well be the occasion for signing of a broad treaty limiting offensive nuclear weapons, just as the 1972 summit in Moscow saw the signing of the treaty limiting defensive nuclear weapons.

Mr. Speaker, there is no question but that the summit meetings we have just witnessed have strengthened peaceful relations between Washington and Moscow and have been most fruitful and productive. As we continue to build on this foundation, we can look forward to peace not only for this generation but beyond.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. O'NEILL requests leave of absence for Mr. DANIELSON for today and June 26, on account of illness in family.

Mr. GERALD R. FORD requests leave of absence for Mr. GROSS, for today and tomorrow, on account of a death in the family.

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. VEYSEY) to revise and extend their remarks and include extraneous material:)

Mr. STEELMAN, for 5 minutes, today.

Mr. FASCELL, for 30 minutes, on July 10, and to revise and extend his remarks.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 15 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. VANIK, for 15 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. HUNGATE, for 30 minutes, June 26, 1973.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL, and to include extraneous material.

Mr. PRICE of Illinois to include extraneous matter with his remarks today on the Podell amendment in the Committee of the Whole.

Mr. HUNGATE and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,615.

(The following Members (at the request of Mr. VEYSEY) and to include extraneous material:)

Mr. HANSEN of Idaho.

Mr. RONCALLO of New York in four instances.

Mr. DERWINSKI.

Mr. QUIE in three instances.

Mr. BROYHILL of Virginia.

Mr. HUBER in two instances.

Mr. GROVER.

Mr. BOB WILSON of California in two instances.

Mr. FRENZEL in three instances.

Mr. COHEN.

Mr. KEATING.

Mr. TALCOTT in three instances.

Mr. KEMP.

Mr. WYMAN in two instances.

Mr. WYATT.

Mr. FISH.

Mr. ABDNOR.

(The following Members (at the request of Mr. GINN) and to include extraneous material:)

Mr. EVINS of Tennessee.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. LONG of Louisiana in five instances.

Mr. SARBANES in five instances.

Mr. MITCHELL of Maryland.

Mr. MOLLOHAN.

Mr. DRINAN in three instances.

Mr. HARRINGTON in four instances.

Mr. HICKS.

Mr. WILLIAM D. FORD in two instances.

Mr. ROE in three instances.

Mr. HAWKINS.

Mr. BINGHAM in three instances.

Mr. WALDIE in three instances.

Mr. CULVER in six instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 9. An act to consent to the Interstate Environment Compact; to the Committee on the Judiciary.

S. 268. An act to authorize the Secretary of the Interior, pursuant to guidelines established by the Executive Office of the President, to make grants to assist the States to develop and implement State land use programs and to coordinate land use planning in interstate areas; to coordinate Federal programs and policies which have land use impacts; to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands; to make grants to Indian tribes to assist them to develop and implement land use programs for reservation and other tribal lands; to encourage research on and training in land use planning and management; and for other purposes; to the Committee on Interior and Insular Affairs.

S. 433. An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 95. Joint resolution relating to the taking of the 1974 Census of Agriculture; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5157. An act to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island; and

H.R. 5857. An act to amend the National Visitor Center Facilities Act of 1968, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5157. An act to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island.

H.R. 5857. An act to amend the National Visitor Center Facilities Act of 1968, and for other purposes.

H.R. 7357. An act to amend sections 3(e) and 5(1)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes.

ADJOURNMENT

Mr. BENNETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 26, 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:

1070. A letter from the Mayor-Commissioner, the District of Columbia, transmitting a draft of proposed legislation to amend the Horizontal Property Act of the District of Columbia; to the Committee on the District of Columbia.

1071. A letter from the Secretary of Health, Education, and Welfare, transmitting the Annual Report of the National Institute on Alcohol Abuse and Alcoholism for fiscal year 1972, pursuant to section 102(1) of Public Law 91–616; to the Committee on Interstate and Foreign Commerce.

1072. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of May 1973, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1073. A letter from the Acting Secretary, the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize the President to enter into agreements establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security systems of other countries; to the Committee on Ways and Means.

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. 8547. A bill to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand; with amendment (Rept. No. 93–325). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Select Committee on Crime. Report on Organized Criminal Influence in Horseracing (Rept. No. 93–326). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. H.R. 8947. A bill making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93–327). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 636. Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes (Rept. No. 93–328). 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. EVINS of Tennessee:

H.R. 8947. A bill making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes.

By Mrs. BURKE of California:

H.R. 8948. A bill to direct the Secretary of Transportation to make an investigation and study of the feasibility of a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles, and San Diego in the State of California; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY of Ohio:

H.R. 8949. A bill to amend title 38 of the United States Code relating to basic provisions of the loan guaranty program for veterans; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Georgia (for himself and Mr. STEPHENS):

H.R. 8950. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. DENT (for himself and Mr. GAYDOS):

H.R. 8951. A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percent of the nonvoting securities or more than 5 percent of the voting securities of any issuer whose securities are registered under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 8952. A bill to amend title 39, United States Code, to provide that proposed changes in postal rates and classes shall not be effective unless approved by Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS:

H.R. 8953. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. KYROS:

H.R. 8954. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHMAN (for himself, Mr. SARBANES, Mr. HECHLER of West Virginia, Mr. FULTON, Mr. EILBERG, Mr. HELSTOSKI, Mr. BINGHAM, Mr. ROSENTHAL, Mr. SHIPLEY, Mr. DIGGS, Mr. CONYERS, Mrs. COLLINS of Illinois, and Mr. KOCH):

H.R. 8955. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes; to the Committee on Ways and Means.

By Mr. McSPADDEN:

H.R. 8956. A bill to amend title 5 of the Housing Act of 1949, to broaden the categories of families eligible to purchase homes on certain lands developed by public and private nonprofit organizations, and for other purposes; to the Committee on Banking and Currency.

By Mr. MEEDS:

H.R. 8957. A bill to provide for the Secretary of the Department of Health, Education, and Welfare to assist in the improvement and operation of museums; to the Committee on Education and Labor.

H.R. 8958. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the disposal of certain excess and surplus Federal property to the Secretary of the Interior for the benefit of any group, band, or tribe of Indians, to the Committee on Government Operations.

By Mr. ROBISON of New York:

H.R. 8959. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Commitee on House Administration.

By Mr. ROBISON of New York (for himself, Mr. STEIGER of Wisconsin, Mr. ANDERSON of Illinois, Mr. BRASCO, Mr. BROWN of California, Mr. DELLUMS, Mr. DENT, Mr. FRENZEL, Mr. HARRINGTON, Mr. MOSHER, Mr. REES, Mr. STARK, and Mr. WON PAT):

H.R. 8960. A bill to establish within the Peace Corps a special program to be known as the Vietnam assistance volunteers program; to the Committee on Foreign Affairs.

By Mr. ROBISON of New York (for himself, Mr. STEIGER of Wisconsin, Mr. ANDERSON of Illinois, Mr. ADDABBO, Mr. BUCHANAN, Mr. CLEVELAND, Mr. DERWINSKI, Mr. HANSEN of Idaho, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mr. KEMP, Mr. KING, Mr. MAILLIARD, Mr. RHODES, Mr. RONCALLO of New York, Mr. SMITH of New York, Mr. WARE, Mr. BOB WILSON, and Mr. WHITEHURST):

H.R. 8961. A bill to establish within the Peace Corps a special program to be known as the Vietnam assistance volunteers program; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL:

H.R. 8962. A bill to amend the Foreign Assistance Act of 1961 to require an annual report to the Congress concerning expenditures for U.S. participation in the North Atlantic Treaty Organization; to the Committee on Foreign Affairs.

By Mr. STARK:

H.R. 8963. A bill to amend title 18 of the United States Code to prohibit the manufacture, sale, purchase, transfer, receipt, or transportation of handguns and handgun ammunition, in or affecting interstate and foreign commerce, except for, to, or by, certain pistol clubs, law enforcement officers, and members of the military; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself, Mr. ROBISON of New York, Mr. ANDERSON of Illinois, Mr. BUCHANAN, Mr. CLEVELAND, Mr. DERWINSKI, Mr. HANSEN of Idaho, Mr. HECHLER of West Virginia, Mr. KEMP, Mr. KING, Mr. MAILLIARD, Mr. MOLLOHAN, Mr. RHODES, Mr. RONCALLO of New York, Mr. WARE, Mr. WHITEHURST, and Mr. BOB WILSON):

H.R. A bill to confer U.S. citizenship on certain Vietnamese children and to provide for the adoption of such children by American families; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself, Mr. ROBISON of New York, Mr. ANDERSON of Illinois, Mr. ADDABBO, Mr. BROWN of California, Mr. DELLUMS, Mr. DENT, Mr. FAUNTROY, Mr. FRENZEL, Mr. HARRINGTON, Mr. HASTINGS, Mr. MOSHER, Mr. REES, Mr. SMITH of New York, Mr. STARK, Mr. WON PAT):

H.R. 8964. A bill to confer U.S. citizenship on certain Vietnamese children and to provide for the adoption of such children by American families; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 8966. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for amounts paid for planting, raising, and harvesting a vegetable garden; to the Committee on Ways and Means.

By Mr. YATRON (for himself and Mr. MOAKLEY):

H.R. 8967. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. RANGEL (for himself, Ms. ABZUG, Mr. CONYERS, and Mr. ROYBAL):

H.R. 8968. A bill making appropriations for the Office of Economic Opportunity for the fiscal year ending June 30, 1974; to the Committee on Appropriations.

By Mr. COLLINS of Texas:

H.J. Res. 637. Joint resolution proposing an amendment to the Constitution of the United States to prevent forced busing and to prevent federally required job quotas; to the Committee on the Judiciary.

By Mr. FISH:

H.J. Res. 638. Joint resolution to authorize and request the President of the United States to issue a proclamation designating October 14, 1973, as "German Day"; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. HECHLER of West Virginia, Mr. MITCHELL of Maryland, Mr. BROWN of California, Mr. KOCH, Mr. RANGEL, Mr. BINGHAM, Mr. HARRINGTON, Mr. MCCLOSKEY, Mr. MOAKLEY, Mr. ROSENTHAL, Mr. BADILLO, Mr. DELLUMS, Mr. WALDIE, Mr. REES, Mr. STOKES, and Mr. ROYBAL):

H. Res. 465. Resolution to provide the House of Representatives with pertinent information with respect to the possible grounds for impeachment of the President of the United States; 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. SHOUP:

H.R. 8969. A bill for the relief of Jung Sup Shin; to the Committee on the Judiciary.

By Mr. SNYDER (by request):

H.R. 8970. A bill for the relief of William T. Owens; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

264. By the SPEAKER: Memorial of the Legislature of the State of Utah, relative to Federal assistance to aid the low- and moderate-income people to obtain adequate housing; to the Committee on Banking and Currency.

265. Also, memorial of the Legislature of the State of Florida relative to accounting for servicemen missing in Southeast Asia; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

244. By the SPEAKER: Petition of the 24th Saipan Legislature, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to amending the Micronesian Claims Act; to the Committee on Foreign Affairs.

245. Also, petition of Frank T. Richardson, chairman, Research and Development Committee, Board of Public Transportation of Morris County, N.J., relative to recommendations for the railroad passenger service; to the Committee on Interstate and Foreign Commerce.

246. Also, petition of Girard Luck and others, San Francisco, Calif., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ENERGY SAVING TIPS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Monday, June 25, 1973

Mr. JAVITS. Mr. President, the developing shortage of gasoline, heating oil, and electricity poses a serious problem to the constituents of New York and to the citizens of the United States as a whole. The possibility that the supply of energy may be curtailed has created a deep feeling of anxiety among the American people. As an individual, the citizen believes there is little he can do to alleviate the energy crisis.

I do not believe that the American citizen is powerless. If we make a concerted effort—as individuals and as a society—I believe we can have a positive effect on the effort to conserve energy.

With this goal in mind, Concern Inc., a public service organization, has published a pamphlet containing energy saving tips for the consumer. I ask unanimous consent that excerpts from this pamphlet be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

WAYS TO CONSERVE ENERGY

TRANSPORTATION

Moving people and freight accounts for about 25% of the energy consumed in the United States. Half of this amount is used by automobiles.

Larger cars with more powerful engines consume more fuel than small ones. For example, a car weighing 5,000 lbs. uses over twice as much fuel as one weighing 2,000 lbs. Other features such as air conditioning and automatic transmission contribute to fuel consumption.

Buy a car no larger or more powerful than you need, without unnecessary features.

Walk and ride bikes. Half of all automobile trips now cover less than 5 miles.

Ride public transportation where available.

Organize car pools.

Encourage the building of better public transportation systems in your community.

Have your car periodically maintained and keep it tuned up.

Good driving habits can cut your fuel consumption in half.

Speeding is a costly consumer of fuel. The average car driven between 75 and 80 miles per hour will consume almost twice as much fuel per mile as the same car driven at 50 miles per hour.

On the road, accelerate smoothly and ease into stops.

Do not race the engine.

Instead of idling the engine to warm it up in winter, drive slowly for the first quarter mile.

Do not leave your engine running longer than 3 minutes while waiting.

HEATING AND COOLING

To conserve energy in heating

Consider making changes and improvements in your own home. If you follow these recommendations you can save 50% on your fuel bill.

Install or increase insulation.

1. Where winters are moderate use:

3½" ceiling and wall insulation for gas heat.

6" ceiling and 3½" wall insulation for electric heat.

2. Where winters are severe use:

6" ceiling and 3½" wall insulation for gas heat.

9" ceiling and 3½" wall insulation for electric heat.

3. Check attic floor insulation. 6" is adequate.

Weatherstrip and caulk windows and doors.

Install storm windows and doors. Check for other air leakage, particularly in the attic.

Where glass area is large, install double pane or insulating glass.

Have furnace checked once a year and change filters frequently.

To Cut Use of Energy in Heating:

Close damper in fireplace when not in use.

Lower thermostat for sleeping. We suggest 60°.

By lowering the daytime setting of your thermostat by 1° you use 3% to 4% less fuel. By lowering it 5° you use 15% to 20% less fuel.

Insulate your body—wear a sweater.

Discourage over-heating of public buildings, particularly schools and libraries. Pressure managers of public buildings to conserve energy.

To conserve energy in cooling

Insistence on good architectural design in your own community can substantially reduce energy needs for cooling.

All buildings should have windows that open.

Encourage the design of buildings with less glass.

Shade windows from direct sunlight. Preferably shade them from the outside with trees, window vines, shutters that close, awnings or roof overhangs.

Close light-colored draperies to the sunlight. This can reduce heat gain by 50%.

Follow tips in Heating Sections on insulation and air leakage.

To Cut Use of Energy in Cooling:

Illuminate less.