on H.R. 13613 be jointly referred to the Committee on Commerce and the Committee on Government Operations. A companion bill, S. 707, was jointly referred to those two committees.

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

ORDER FOR RECOGNITION OF SENATOR BEALL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the distinguished Senator from Wisconsin (Mr. PROXMIRE) completes his remarks tomorrow, under the order previously entered, the distinguished junior Senator from Maryland (Mr. BEALL) be recognized for not to exceed 15 minutes.

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

ORDER TO TRANSACT ROUTINE MORNING BUSINESS TOMORROW; AND RESUMPTION OF CONSIDERATION OF S. 3044

Mr. ROBERT C. BYRD. Mr. President, following the completion of the remarks of the Senator from Wisconsin and the Senator from Maryland tomorrow, I ask unanimous consent that there be a period for the transaction of routine business of not to exceed 15 minutes, with statements herein limited to 5 minutes each; and that following the conclusion of morning business, the Senate resume the consideration of S. 3044.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NO YEA-AND-NAY VOTES TOMORROW, OR ON MONDAY BEFORE 3:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, the distinguished majority leader earlier today indicated that there would be no yea-and-nay votes tomorrow and that any votes that may be ordered on amendments tomorrow or on Monday will not occur earlier than the hour of 3:30 p.m. on Monday.

I ask unanimous consent that any vote which may be ordered on amendments or motions, or otherwise, tomorrow, and that any votes that may be ordered up until the hour of 3:30 p.m. on Monday, not occur before the hour of 3:30 on Monday.

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

Mr. ROBERT C. BYRD. Senators will thereby be informed that there will definitely be no rollcall votes tomorrow, and no rollcall votes on Monday until the hour of 3:30 p.m.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at the hour of 10 o'clock a.m.

After the two leaders or their designees have been recognized under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 15 minutes. He will be followed by the Senator from Maryland (Mr. BEALL) for not to exceed 15 minutes.

There will then ensue a period for transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

At the conclusion of the period for routine morning business, the Senate will resume the consideration of the unfinished business, S. 3044.

There will be no yea-and-nay votes tomorrow. Action may be taken on that bill if it is by voice votes; but if any rollcall votes are ordered, they will be put over until Monday and will occur beginning at 3:30 p.m.

ADJOURNMENT

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 adjournment until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and at 4:46 p.m. the Senate adjourned until tomorrow, Friday, April 5, 1974, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 4, 1974:

OVERSEAS PRIVATE INVESTMENT CORPORATION

The following-named persons to be members of the Board of Directors of the Overseas Private Investment Corporation for terms expiring December 17, 1976:

Gustave M. Hauser, of New York. (Reappointment)

James A. Suffridge, of Florida. (Reappointment)

CONFIRMATIONS

Executive nominations confirmed by the Senate April 4, 1974:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

James L. Mitchell, of Illinois, to be Under Secretary of the Department of Housing and Urban Development.

NATIONAL CREDIT UNION BOARD

James W. Jamieson, of California, to be a member of the National Credit Union Board for a term expiring December 31, 1979.

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1980:

Galen B. Brubaker, of Virginia.

Dennis S. Lundsgaard, of Iowa.

(The above nominations were approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Thursday, April 4, 1974*

The House met at 12 o'clock noon.

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

Let us come boldly to the throne of grace, that we may obtain mercy and find grace to help in time of need.—Hebrews 4: 16.

O Lord, our God, in the beauty and glory of a new day, we lift our hearts unto Thee ere we set our faces toward the tasks that confront us. We would quiet our souls in Thy presence and rest in the promise of Thy sustaining strength and Thy steadying power.

Amid all the voices that clamor for our attention may we listen to Thy still, small voice which alone can help us to be true to our faith, to keep up our courage and to let love live in our lives.

By Thy grace may we not add to the dissension of our day by any ill will on our part, but may we widen the areas of good will by the influence of our own good will, knowing that only with Thee can we face the present and the future unafraid.

We pray for France in the loss of her President. May the comfort of Thy spirit abide in the hearts of her countrymen. Together make us strong in Thee and in the spirit of Christ our Lord. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

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

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. 12678. An act to amend the Emergency Petroleum Allocation Act of 1973, to establish the Federal Energy Emergency Administration, to require the President to roll back prices for crude oil and petroleum products, and for other purposes.

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. 6186) entitled "An act to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends re-

ceived by a corporation from insurance companies, banks, and other savings institutions."

INQUIRY INTO THE MILITARY ALERT INVOKED ON OCTOBER 24, 1973

Mr. MORGAN, from the Committee on Foreign Affairs, reported the following privileged resolution (H. Res. 1002, Rept. No. 93-970) which was referred to the House Calendar and ordered to be printed:

H. RES. 1002

Resolved, That the Secretary of State is directed to submit to the House of Representatives within ten days after the adoption of this resolution the following information:

(a) The text of all diplomatic messages in the possession of the Secretary of State or the Department of State received from Leonid Brezhnev, General Secretary of the Presidium of the C.P.S.U. Central Committee of the Union of Soviet Socialist Republics, or from any other official of the Union of Soviet Socialist Republics, to the President of the United States, which were delivered on October 24 or 25, 1973.

(b) The text of diplomatic messages sent by the President of the United States, and in the possession of the Secretary of State or the Department of State, as replies to any of the diplomatic messages referred to in paragraph (a).

(c) A list of actions, communications, and certain readiness measures taken by the Soviet Union which were referred to in the following statement made by the Secretary of State on October 25, 1974: "And it is the ambiguity of some of the actions and communications and certain readiness measures that were observed that caused the President at a special meeting of the National Security Council last night, at 3 o'clock antemeridian, to order certain precautionary measures to be taken by the United States".

(d) A list of the precautionary measures taken by the United States, including the initiation of a defense condition status numbered 3, which were taken by the United States and referred to by the Secretary of State in the statement of October 25, 1973, referred to in paragraph (c).

(e) A list of all meetings attended by the Secretary of State on October 24 and 25, 1973, at which the conflict in the Middle East, and the actions of the Soviet Union referred to in paragraph (c) were discussed, and the times of all such meetings, the names and positions of all other individuals attending each of such meetings, and the decisions arrived at in the course of each of such meetings.

(f) The date and time of the decision, made in October 1973, to order a defense condition status numbered 3, and the name of the person or persons making that decision.

DISCLOSURE OF INCOME AND TAXES

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

Mr. BROWN of California. Mr. Speaker, today, when our attention is focused on the tax problems of the President, it would seem to be an appropriate time for me to disclose my annual income, taxes paid, and net worth, as I have each year that I have been in Congress.

My income consists of my congressional salary of $38,722.08—eleven-twelfths of $42,500, because I was not in office during 1972—plus $915 in honorariums and $5 in stock dividends. In addition, I have reported as income the amounts received from various sources for the operation of my congressional office, and for official travel. This amounts to $8,465 and was more than offset by the costs of travel and office operations. After deducting adjustments to income, my adjusted gross income—form 1040, line 15—was $49,906. After deducting exemptions and itemized deductions, my taxable income—form 1040, line 48—was $27,856, on which I paid a Federal income tax of $7,048, and California State income tax of $1,370.

Copies of both my Federal and State income tax returns are available for public inspection in my office during office hours.

My net worth is approximately $30,000, and consists largely of an equity in my home, furniture, automobile, and several unimproved lots in my former congressional district in California. I also own one share of General Motors stock, which has declined substantially in value during the past year. In addition, I have a vested interest in the California State legislators retirement system and in the congressional retirement system.

While I am embarrassed to admit it, my net worth has declined each year since I was elected to Congress in 1962, when it was approximately $100,000.

DENOUNCING THE ANTI-SEMITIC REMARKS OF ATTORNEY GENERAL WILLIAM B. SAXBE

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

Mr. DRINAN. Mr. Speaker, I was shocked and saddened to read in the New York Times this morning a statement by Attorney General William B. Saxbe which must be deemed to be anti-Semitic. In discussing the long defunct Attorney General's list of subversive organizations Mr. Saxbe stated that subversive organizations now are of a different nature than they were in the McCarthy era. One of the reasons for this change, Mr. Saxbe stated, is "because of the Jewish intellectual, who was in those days very enamored of the Communist Party."

Mr. Speaker, I spoke at length earlier today with the two top aides to Attorney General Saxbe. I was told that the words about the alleged closeness a generation ago of Jewish intellectuals to the Communist Party must be understood in the context in which Mr. Saxbe spoke. I was also told that Mr. Saxbe did not mean to say what he said. It was alleged by one spokesman for the Attorney General that the Times' account was "garbled." But no offer of a retraction or even a clarification was forthcoming. I made it clear to the spokesman for the Attorney General that, in the absence of a repudiation of the statement in question, I could not in conscience be silent about the incredible utterance of Mr. Saxbe.

Mr. Saxbe's statement is objectionable because he erroneously implies that many if not most Jewish intellectuals in the first 10 years after World War II were "very enamored of the Communist party." Mr. Saxbe compounded his error by stating that "some of these" were American and some foreign. Consciously or otherwise the Attorney General left the impression that Jewish intellectuals were disproportionately present in the International Communist Party during the McCarthy era.

An allegation of this nature against Unitarians or Hungarians or any other religious or ethnic group would be as outrageous as Mr. Saxbe's accusation of Jewish intellectuals. The Attorney General does not perpetrate a stereotype; he seeks to create one. He worsens that stereotype by stating that at the present time "worldwide trends are more toward terrorism" and that as a result "We're dealing with a different type of person." By this comparison Mr. Saxbe, advertently or inadvertently, implies that the terrorists of today are ideologically similar to those Jewish intellectuals who, 20 years ago, were allegedly "very enamored of the Communist Party."

The SPEAKER. The time of the gentleman from Massachusetts (Mr. DRINAN) has expired.

DENOUNCING THE ANTI-SEMITIC REMARKS OF THE ATTORNEY GENERAL, WILLIAM B. SAXBE

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

Mr. RONCALIO of Wyoming. Mr. Speaker, I yield to the distinguished gentleman from Massachusetts.

Mr. DRINAN. I thank the gentleman from Wyoming for yielding to me.

Mr. Speaker, I want to say simply in conclusion that I refrain from elaborating on the insidiousness of the observations of the Attorney General. I had hoped that prior to my speaking here today he would have repudiated his statements.

I seriously looked for that objective but nothing less than a complete repudiation by the Attorney General of his statements will suffice.

THE JUDICIARY COMMITTEE SHOULD COMPLETE IMPEACHMENT DELIBERATIONS

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

Mr. VIGORITO. Mr. Speaker, most Americans, whether they be in sympathy with President Nixon or not, are asking why the House Judiciary Committee is taking so long in completing its inquiry on possible impeachment of President Nixon. They want the committee to finish its work without delay and make a report to the House of Representatives, recommending either a vote for or against impeachment.

In my opinion, these feelings by Americans are justified. The Judiciary Committee is currently in its fifth month of deliberation on the several impeachment resolutions offered in the House in 1973. The long process has been due in part to delays caused by the administra-

tion in refusing to hand over documents needed by the committee to complete its work.

On the other hand, I would hope that the committee staff, made up of more than 100 competent individuals, is working as quickly and effectively as possible to get the job done.

Because of the administration's delays and the moderate to slow pace in which the committee is conducting the impeachment inquiry, the target date to report an impeachment resolution to the House floor on April 30 will not be met. In fact, the end of the inquiry is still not in sight.

While I am asking the committee to complete its work quickly, I am not doing so because I feel that impeachment is not justified. I have not determined whether the President should or should not be impeached. Since I will serve as a grand juror when the committee's recommendation and report comes before the House, I have tried to keep an open, fair, and objective mind on the impeachment question.

I would like to urge the Judiciary Committee to compete its task with haste. The past 5 months have been long and difficult for this country. The House must resolve the impeachment question quickly so it can turn its full attention to a good and sound legislative program for the remainder of 1974.

TORNADOES IN THE UNITED STATES

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

Mr. WINN. Mr. Speaker, I have in my hand, as many people are aware, and as are many Members of the House, information dealing with the results of the recent tornadoes. Over 100 tornadoes have hit this country in the last 24 hours. At the last count at 10 o'clock this morning over 320 people were killed as a result.

Last year I introduced H.R. 9811 and circularized that bill for support from my colleagues. Of the 30 members of the Committee on Science and Astronautics 27 cosponsored that bill. Of the entire House 55 Members have also cosponsored that bill.

I would like to inform my colleagues that as of this afternoon I will again send a "Dear Colleague" letter on H.R. 9811 and urge their support in asking for $10 million to study "short-term" weather phenomona. Day before yesterday the Committee on Science and Astronautics voted $2 million for an investigation to see if we could do something about the problems of short-term weather phenomena in this country. I am asking this body to adopt this resolution which calls for an expenditure of $10 million.

I hope that NASA and NOAA will put aside their petty grievances so as to get along with the business of solving some of the problems—problems that killed over 320 people in the last 24 hours.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman yield?

Mr. WINN. I will be glad to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I concur wholeheartedly with the remarks just made by the distinguished gentleman from Kansas, Mr. WINN. The bill proposed by the gentleman is an important one—and if there ever was a timely moment, this is it.

The tornadoes which struck in my home State of Kentucky yesterlay and in a dozen other areas of the country have caused unreckoned damage, and the loss of life has been extremely heavy. In my State, we do not yet know the death toll, and hospitals in many areas are hard pressed to care for the casualties.

A definitive, reliable study of short-term weather phenomena is long overdue, and the $10 million price tag on H.R. 9811 is modest indeed, compared to the enormous cost of yesterday's storms. The House ought to act promptly to approve this legislation. The country will reap the benefits of the "windfall."

Mr. WINN. Mr. Speaker, I thank the gentleman from Kentucky for his support.

ANNUAL REPORTS OF THE SIX RIVER BASIN COMMISSIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–281)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

I am happy to transmit herewith the annual reports of the six river basin commissions, as required under section 204(2) of the Water Resources Planning Act of 1965.

The act states that commissions may be established, comprised of State and Federal members, at the request of the Governors of the States within the proposed commission area. Each commission is responsible for planning the best use of water and related land resources in its area and for recommending priorities for implementation of such planning. The commissions, through efforts to increase public participation in the decisionmaking process, can and do provide a forum for all the people within the commission area to voice their ideas, concerns, and suggestions.

The commissions submitting reports are New England, Great Lakes, Pacific Northwest, Ohio River, Missouri River, and the Upper Mississippi. The territory these six commissions cover includes all or part of 32 States.

The enclosed annual reports indicate the activities and accomplishments of the commissions during fiscal year 1973. A brief description of current and potential problems, studies, and approaches to solutions are included in the reports.

RICHARD NIXON.

THE WHITE HOUSE, *April 4, 1974.*

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. O'NEILL. 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. 142]

Ashbrook	Gray	Reid
Badillo	Gude	Rodino
Bevill	Hamilton	Rooney, N.Y.
Blackburn	Heckler, Mass.	Rose
Blatnik	Hillis	Runnels
Brown, Ohio	Hogan	Ruth
Carey, N.Y.	Holifield	Sandman
Carter	Huber	Shriver
Chamberlain	Jones, Ala.	Sisk
Chisholm	Jones, Tenn.	Snyder
Clancy	Kazen	Stark
Clark	Kluczynski	Stephens
Conlan	Lehman	Stokes
Conyers	Lujan	Stubblefield
Crane	Luken	Stuckey
Davis, Wis.	Maraziti	Teague
Dennis	Martin, N.C.	Udall
Devine	Mazzoli	Waldie
Diggs	Michel	Wiggins
Dingell	Mizell	Williams
Dorn	Mollohan	Wilson, Charles H., Calif.
Ford	Peyser	Wilson, Charles, Tex.
Fraser	Pickle	
Frenzel	Poage	
Gettys	Rees	

The SPEAKER pro tempore (Mr. MILLS). On this rollcall 360 Members have recorded their presence by electronic device, a quorum.

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

PERSONAL EXPLANATION

Mr. DULSKI. Mr. Speaker, I missed two rollcall votes on Monday, April 1, 1974. Had I been present, I would have voted "yea" on rollcall No. 124, and "nay" on rollcall No. 125.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT TO FILE A PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATION BILL

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the legislative branch appropriation bill for fiscal year 1975.

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

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

There was no objection.

CONFERENCE REPORT ON H.R. 12253, EDUCATIONAL FUNDING AND GUARANTEE LOANS

Mr. PERKINS. Mr. Speaker, pursuant to the unanimous consent previously obtained, I call up the conference report on the bill—H.R. 12253—to make certain appropriations available for obligation and expenditure until June 30, 1975, 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 pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 2, 1974.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) is recognized for 30 minutes. The gentleman from Oregon (Mr. DELLENBACK) is recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, the conference report before us is supported by all members of the conference committee both in the House and in the Senate.

The report deals with two matters of greatest urgency. The first relates to those provisions of the report which will allow local school districts to carry over into the next school year unused funds appropriated for this school year.

Ordinarily school districts could do this under provisions in the General Education Provisions Act. However, that section has expired and thus this legislation is necessary to allow a carryover of funds.

The conference report, as was the case in the original House bill, will also allow school districts to carry over into the next school year education funds which had been impounded by the administration from the fiscal year 1973 appropriation. These funds were not released until earlier this year and school districts do not conceivably have the time to make the wisest expenditure of them during the remainder of the school year.

Therefore it is necessary to allow these funds to carry over also.

The House originally passed the substance of these provisions on January 28 by unanimous consent. The provisions in the conference report do not differ in any significant way from the bill then approved.

It was my hope that we would have been able to enact this carryover authority—which the administration supports—some time ago. It is imperative that we act favorably today in order to give school districts adequate notice of the funding situation.

The second aspect of the conference report makes a major improvement in the guaranteed student loan program. Under our agreement, insured loans with interest subsidy benefits will be far more accessible to students from families with adjusted incomes of less than $15,000.

Under our agreement students from this income category are automatically eligible for interest subsidy payments on insured loans of up to $2,000 a year. The existing requirement for needs tests which are paper-consuming and time-consuming and which have frequently been unrealistic in their outcome, has been eliminated.

Thousands of students who presently find immense difficulties in securing an insured loan will now find the program much more accessible. The cutoff point is an adjusted family income of less than $15,000. A gross income of $20,000 for a family of four translates into an adjusted family income of $15,000.

Let me cite an example. A family of four—a mother, father, and two children—with a gross income of $19,000 will qualify as under an adjusted family income of $15,000. This is as follows. A reduction of $3,000 is allowed for personal exemptions, that is the number of members in the family times $750. An additional reduction of $1,900 is allowed in terms of the standard 10-percent personal deduction allowance. This means a total of $4,900 is subtracted from the gross figure of $19,000 with the result that there is an adjusted family income of $14,100. Students in such a family will automatically qualify for interest subsidy without regard to any needs test.

In our work on this legislation, the chairman of our Higher Education Subcommittee, our colleague from Michigan (Mr. O'HARA), has labored tirelessly and demonstrated great leadership. I should like to compliment the gentleman. I should also like to compliment at this point our colleague from Indiana, JOHN BRADEMAS, and the ranking minority member of the committee, Mr. QUIE, and the ranking minority member of the subcommittee, Mr. DELLENBACK, for their efforts and work on this bill. The working out of this agreement has not been easy, and all of these gentlemen are to be complimented for their hard work and cooperative attitude.

Mr. DELLENBACK. Mr. Speaker, I will be glad to yield to my colleague, the chairman of the subcommittee, the gentleman from Michigan (Mr. O'HARA) if he would care to speak first on the matter.

Mr. Speaker, I am pleased to join my colleagues in supporting this conference report and recommending its approval by the House.

We have been monitoring the guaranteed student loan program for several months and feel that the changes recommended in the conference report will be of significant benefit to students of moderate- and middle-income families in financing their postsecondary education this coming year.

The problems that beset the guaranteed loan programs are many. Generally, this conference report addresses only one—the requirement for a needs test. The subcommittee chaired by the hard-working gentleman from Michigan (Mr. O'HARA) will soon launch a series of hearings to investigate these problems in a more comprehensive manner.

But we should make it clear that the changes described in the statement of conference managers concerning the needs test will take effect 45 days after enactment. And although our committee will soon be discussing many possible options for revising this program, the amendments in this conference report will be the law at least until June 30, 1975.

Mr. Speaker, anyone who studies these amendments will discover that they are, indeed, quite complicated. I believe the conference report clarifies some of the confusing language of the past. But it may be helpful to explain just how the amendments would affect the administration of the program.

Right now all students applying for interest subsidies, regardless of family income, are subjected to some form of needs analysis. Most schools use the professional services of the College Scholarship Service or the American College Testing program to perform this analysis. This procedure often takes several weeks and therefore, delays the processing of a loan application.

Another consequence of the required formal needs analysis has been a drop in loan volume for the total program. We have received many suggestions as to why the volume has dropped in many areas of the country although it has actually risen in some. The current economic situation is partly to blame. Some lenders have simply reached what they feel is the ceiling on the amount of total loans outstanding they can carry. Many schools and lenders have been unwilling to adjust the results of the formal needs assessment along lines that are clearly spelled out in the program instruction. And there are other reasons.

But we have received enough testimony to convince us that dropping the needs test requirement for at least a good share of today's college students would be a good thing. Under these amendments, any student whose adjusted family income is less than $15,000—which amounts to $20,000 gross for a family of four—and who requests and obtains a loan of $2,000 or less will be automatically eligible for in-school interest benefits on the loan. No needs test is required.

If the same student requests a loan of more than $2,000—the maximum potentially covered by interest subsidy is $2,500 in any one year—the educational institution would be required to complete an analysis of the student's ability to contribute toward his own education. For dependent students, this would include an analysis of the parents' income and assets as well as their own. If the result of such a needs analysis showed that a student needed more than $2,000, the institution would add to the student's application form the information relating to that determination of need and a recommendation to the lender of whatever amount was needed, which amount would not exceed $500.

When a student asks for more than $2,000 in a subsidized loan, but the formal-needs analysis does not result in a need beyond $2,000, then the student's application would be treated as if he had asked only for $2,000. That is necessary in order not to penalize the student who does ask for more than $2,000. The amendments would protect, in effect, his right to a $2,000 loan without the influence of a needs analysis.

Mr. Speaker, although the provisions in the law would be reworded to conform with the amendments proposed in the conference report, the way in which applications would be processed for subsidized loans for students with adjusted

family incomes of $15,000 or more would not be changed. For all of these students, a formal-needs analysis is required which could result in a determination of need by the institution and a recommendation for a subsidized loan of a specific amount but not exceeding $2500.

I would like to remind by colleagues that these amendments in no way affect the ability of lenders to make guaranteed student loans that do not receive Federal interest subsidies while students are in school. We hope that lenders will continue to make the so-called nonsubsidized 7-percent loans to students of any income level.

Finally, I would like to say how happy I am that the extension of the Tydings amendment seems finally near enactment. I would personally have preferred treating the guaranteed student loan amendments in separate legislation, but the other body chose to delay the enactment of the noncontroversial Tydings amendment by tacking on to the House bill the more controversial student loan amendments. I only hope that this delay has not adversely affected the decisions of schools in spending Federal education moneys this year or in their plans for next year.

Mr. Speaker, I urge the adoption of the conference report.

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

Mr. DELLENBACK. I will be glad to yield to my colleague from Iowa.

Mr. GROSS. How much does this liberalize spending and in what amount?

Mr. DELLENBACK. The basic question will still be what the banks will actually do. What this does is not increase the amount of spending per se because the banks are perfectly free to make all the loans under the present procedure that they could make under this amendment. It makes it considerably easier and cuts down on the time of processing and, therefore, it gets us into a situation where we think there will be additional loans. However, this does not make possible additional loans which would not already be possible. It deals with the procedure that will aid the lenders in determining whether or not they will make the loans.

Mr. GROSS. Does this not raise the upper limit of family income? Does it not raise the upper limit of income for the purpose of obtaining a loan?

Mr. DELLENBACK. No, it does not. It merely deals with the question as to whether or not the needs test will be automatic and required for every loan, or whether the needs test will not apply to students whose adjusted family income is less than $15,000. We actually find after going through 6 weeks of processing that in almost all such instances these families come out with a determination of need. This merely says that because of the fact that requiring the needs test under these cricumstances is taking a great deal of time, and it is slowing up the process for the institution, the student, and the lender, that we are moving into a situation where we will assume the need in that instance where the income is no more than $15,000.

If the family income is more than $15,000, before any subsidy is provided there must be a needs test. So it does not change the upper limit at which one will qualify, it merely details the mechanism and presumes the need in a situation where, after weeks of work, they are finding, in almost every instance, there is a need.

Mr. GROSS. Mr. Speaker, if the gentleman will yield still further, in view of the terrible record that is now being compiled of defaults on student loans, I would hope that the Committee on Education and Labor would proceed most cautiously with any liberalization of this program.

Mr. DELLENBACK. Mr. Speaker, I would say to the gentleman from Iowa (Mr. GROSS) that the question of the growing rate of defaults is one which has sorely troubled the subcommittee. It is one of the things we have to expressly discuss, in terms of looking at it very cautiously as we move forward in the weeks ahead in looking at the whole question of student assistance.

Mr. GROSS. I thank the gentleman for yielding.

Mr. DELLENBACK. Mr. Speaker, I thank my colleague, the gentleman from Iowa, for his comments.

Mr. Speaker, I now yield to my colleague, the gentleman from California (Mr. BELL) such time as the gentleman may consume.

Mr. BELL. Mr. Speaker, I rise in support of the conference report on H.R. 12253, a bill to extend the availability of Federal education funds at the local level and to expand the interest subsidy provisions of the guaranteed student loan program for students with family incomes of under $15,000. Although this later provision is important and will make college attendance easier for hundreds of thousands of young men and women and their families, I believe that the first part of the bill is the most critical.

Since 1970 local school districts have had the option of carrying Federal funds over from 1 fiscal year to the next in order to facilitate the best use of the Federal dollars. I know from my own school people in Los Angeles and from the State education department in Sacramento that this has been one of the best provisions ever written into Federal law since it stops the senseless obligation of funds at the close of a fiscal year. This has been particularly important in recent years since HEW appropriations bills have been signed into law rather late.

This year this measure is particularly important since the so-called Tydings amendment expires on June 30. Although it is extended in H.R. 69, which passed the House last week, it now seems clear that that bill will not be signed into law until middle or late June thereby not giving schools enough leadtime to know that they will be able to carry funds over until fiscal 1975. Enactment of the measure now assures good planning and should prevent hasty financial decisions.

In addition we are, of course, faced with the fact that in December the President released some $500 million in 1973 impounded education funds. This measure also assures that schools will have until June 30, 1975, to spend those dollars.

In summary, Mr. Speaker, I feel that this is a good bill; and I urge its support.

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

Mr. DELLENBACK. Mr. Speaker, I will be happy to yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Speaker, I thank the distinguished gentleman from Oregon for yielding, and I join in his very helpful comments on the legislation before us. His very kind words reflect the remarkable way in which we have been able to carry out the work of this subcommittee with a total absence of unnecessary partisanship—even in areas, where there are greater policy gaps than here between the administration and most of the members of the subcommittee.

Since March of 1973, when the Education Amendments of 1972 went into full effect, there has been a substantial decline in the number of guaranteed, interest-subsidized, student loans being made. There are a number of reasons for this decline, and this legislation makes no claim to coping with all of them. But one problem stands out with particular prominence.

Because of the requirement, in the 1972 amendments, that any applicant for a guaranteed, subsidized loan must demonstrate his "need," and because of the very steep system of needs analysis used by most institutions of postsecondary education, young people whose families have taxable incomes in excess of $10,000 are very likely to find themselves ruled ineligible for interest benefits on such loans on the grounds that they cannot show "need."

While this technically does not rule them out of consideration for unsubsidized guaranteed loans, it is a fact, which remains unchanged by the 1972 amendments, that banks are simply not interested in making unsubsidized guaranteed student loans, and eligibility for such loans is largely an unfulfilled promise.

The proposal before the two Houses to cope with this problem took the same form, differing in detail. In both Houses, unanimous agreement was secured to a proposal removing the needs analysis requirement for students from families with adjusted family incomes below $15,000. For a family with two kids, this means a taxable income of $20,000. In the Senate version, any prospective borrower in this income bracket could obtain a subsidized loan without needs analysis, up to the existing statutory loan limit of $2,500, while in the House version, only those borrowing $1,500 or less could qualify. The conference did what a causal observer might have predicted, and split the difference, permitting students from families with adjusted incomes below $15,000 to borrow up to $2,000 without needs analysis.

The conferees also agreed without hesitation to a provision of the House bill which extended for 1 more year the authority of the Secretary of HEW to set a special allowance—up to 3 percent—payable to lenders above and beyond the 7-percent interest rate on such loans.

The conferees agreed to make the new legislation effective 45 days after its en-

actment into law with respect to loan guarantees made on or after that date. Assuming that this legislation can secure speedy approval in the Senate and is signed quickly by the President, it should mean that middle-income students will be able to qualify for guaranteed, interest-subsidized loans as early as the summer session of this year.

There are a few points about the intent of the conferees which I believe should be mentioned at this point in order to clarify for the administrative agencies, the purpose of H.R. 12253.

One of the knottiest problems has been what to do about the student who asks to borrow above $2,000, and who comes within the below $15,000 adjusted family income category. The conferees intend that such a student undergo needs analysis, but that the results of such analysis shall only be taken into account with respect to a loan which is over $2,000. The first $2,000 would not be affected by the results of needs analysis, the remainder is. The Office of Education, the guarantors, the student aid community, the bankers, are earnestly asked to take careful note of this statement of the legislative history, because in a time of escalating costs, more and more students are finding themselves in this very situation.

Another point which I believe to be significant is the intention of the conferees to enable the Office of Education, the guarantors and other persons involved in this program to carry out this new provision of law with a minimum of new regulations and new forms. To the extent existing forms can be used, with modified instructions, they should be used. To the extent existing regulations are not contrary to the letter and spirit of H.R. 12253, they should not be changed. H.R. 12253 was enacted to reduce the barriers—paper and procedural—between students and the money they need to go to school. If the administrating agencies should needlessly use the enactment of the new law to provide new procedures and complex new forms in excess of those absolutely necessary, it would be greeted with disapproval by the conferees and the members of the two committees.

Mr. Speaker, on several occasions in the consideration of this legislation, and in a number of public appearances when I have been talking about student assistance, I have pledged that as chairman of the Special Subcommittee on Education, I will do whatever is in my power to complete legislative action, this year, on a wholly new title IV of the Higher Education Act. During the course of this conference, I had occasion once again to reiterate that pledge, and to make it more specific. As I said at the beginning of these remarks, H.R. 12253 does not cure all the ills of the guaranteed loan program. There are pending before the committee other proposals, other problems with GSLP, and other questions, about the shape of student assistance in the immediate future. In recognition of the deep interest of all the members of the subcommittee, on both sides of the aisle, in solving these problems, and in response to their generous cooperation in making possible the enactment of this one approach to this one question, I have assured my colleagues, and I assure the House today, Mr. Speaker, that the guaranteed loan program will be at the top of the agenda this spring in the subcommittee's hearings, and in our development of new legislation.

Central to that review of the entire student assistance program, and particularly to the new look we will be taking at the loan program is the fact so eloquently set forth by the Detroit News in a recent editorial, where that newspaper pointed out that—

> . . . through tinkering that has often been unfair, the scholarship and loan systems have been denied to hundreds of students who would have qualified for such aid a decade or more ago. Here in Michigan, for example, a fully-employed auto worker makes too much money—according to the bureaucrats—to qualify his son for a student aid loan. And that is patently ridiculous.

Ridiculous it is, and I hope that the legislation we are enacting today will be only the first step away from some of the outrageous examples we have seen in the immediate past of the results of misapplied and overstringent needs analysis techniques being utilized to withhold student assistance and hold back student aid funding, rather than to see that those who in fact need it, get it.

We have the ability, Mr. Speaker to develop a student assistance system that can, again quoting from the Detroit News, help, "bright young people who ask us for the opportunty to develop their minds and skills without impoverishing their parents in the process." We can see that those who need help can get it without restorting to systems that seem to be categorized by the desire to make the receipt of assistance a kind of confession of failure. We can, so to speak, devise a student aid program that will not require its beneficiaries to smear ashes on their forehead or wear yellow armbands. And we can do so within budgetary limits that reasonable men will accept.

While our distinguished colleagues in the other body were understanding unable to commit themselves to action on student assistance in this session, they do share our hope that a new title IV may be developed, and may be ready to put in place before the present law expires, and we are exploring parliamentary techniques which will encourage expeditious action by the Senate on whatever new legislation we can develop as soon as such action can prudently be taken.

I ask unanimous consent that the entire text of the Detroit News editorial appear at the end of these remarks.

Mr. Speaker, to take account of all those whose cooperation and hard work has made this conference report possible would take a good deal of time and space in the RECORD. But I do want to call to the attention of the House that we have worked on this proposal from the beginning in a spirit of nonpartisanship and cooperation. The gentleman from Minnesota (Mr. QUIE), the gentleman from Oregon (Mr. DELLENBACK), the gentleman from Indiana (Mr. BRADEMAS), and, of course, my distinguished chairman, the gentleman from Kentucky (Mr. PERKINS), all worked hard and constructively to enable us to present this unanimous report to the House. If, and they, deserve your support.

[From the Detroit News, Mar. 26, 1974]

MIDDLE INCOME FAMILIES HIT: COLLEGE COSTS ZOOM

The cost of a college education will take another leap upward this fall—rising on a national average of 9.4 percent. With the increase, the cost of keeping a student on campus will have gone up 34.8 percent in four years.

Something tragic is happening. Quite rapidly, higher education is becoming one of our most serious national calamities. At the center of the problem is the use of the nation's human resources. The country seems to be failing young people.

The College Entrance Examination Board surveyed 2,200 educational institutions and plotted the rate of increase in costs for this fall. It found the price for one academic year for a student living on campus in a four-year private college will average $4,039 next fall, up $346 from this year.

More alarming still is the statement of the board that next fall the cost of maintaining the commuting student living at home will be almost as great as for the student who goes away from home to live on campus. This development strikes hard at families of moderate income trying to put a student through on their resources.

At the same time, through tinkering that has often been unfair, the scholarship and student loan systems have been denied to hundreds of students who would have qualified for such aid a decade ago. Here in Michigan, for example, a fully employed auto worker makes too much money—according to the bureaucrats—to qualify his son for a student aid loan. And that is patently ridiculous.

It is becoming clear that something must be done to help middle income families get their children through college, when those children merit higher education on the basis of their scholastic standing.

Student aid loan systems must be overhauled. We cannot permit inflation to run up costs to the student and, in the same breath, leave income ceilings where they were years ago if those ceilings are to be used to deny a loan.

We must explore innovative ways to get around the family's education bill. Antioch College in Yellow Springs, Ohio, has developed one alternative, the cooperative program. Arrangements are made with industry and students alternate between academic and work experience terms. During work semesters, they earn while they get worthwhile practical experience in their field of study.

Berea College, in Berea, Ky., requires that its student work in college-owned craft shops and a hotel for a specified number of hours per week. They earn and learn and their products are sold to pay some of the bills. Far from being a sweatshop, Berea has inspired an enthusiasm in its students not often seen today.

Antioch and Berea tell us that there are alternatives waiting to be developed by people who really want to attack the cost of education. We can no longer afford to pass them by.

Neither can America, as a nation, afford to ignore the plight of bright young people who ask us for the oportunity to develop their minds and skills without impoverishing their parents in the process.

Mr. DELLENBACK. Mr. Speaker, I appreciate the remarks of my colleague, the gentleman from Michigan (Mr. O'HARA).

Mr. Speaker, I cannot allow this moment to pass without commending the chairman of the subcommittee, Mr. O'HARA, for his truly strong leadership on an urgent problem. We have other urgent problems still ahead, and we are

looking forward to continuing that same type of strong leadership, and the same type of cooperation that the gentleman from Michigan (Mr. O'HARA) has shown so very well in these recent months.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE) the ranking member on the full committee.

Mr. QUIE. Mr. Speaker, I, too, want to join my colleagues on the conference committee in support of this conference report, which I think is a good agreement. It guarantees the continuation of the student loan program, and makes some needed changes to make certain that students can have money available for this coming school year. The guaranteed loan amendment will be for at least 1 year. The subcommittee, under the chairmanship of the gentleman from Michigan (Mr. O'HARA) and the ranking minority member, the gentleman from Oregon (Mr. DELLENBACK) worked out this compromise on the guaranteed student loan program so that we can have time to work out a final determination on how this program can work best in the future.

Mr. Speaker, perhaps of utmost importance is the first section of the bill, and I urge my colleagues to look at that section in particular.

It could be more important to a school administration than anything we do besides H.R. 69. It is important not because it authorizes or appropriates vast new sums or because it creates new and additional categorical programs. Its importance rests on the fact that this legislation will guarantee that local districts will have adequate time to plan how to use Federal funds and then will have adequate time to obligate those funds without the pressures of getting every penny spent by June 30 or face the loss of the money.

Although this principle is always important—being able to carry Federal funds over from 1 year to the next—this measure is particularly important this year since in December the administration released over $500 million in education funds which had been impounded in fiscal year 1973. Since those funds were released in December and in some cases have not yet reached the program recipients, it is clear that local school districts would be hard pressed to make wise expenditures of these funds, in addition to the regular 1974 appropriation, if they were forced to do so by June 30, 1974. Therefore, the first portion of the bill which is now before us as a report of the conference managers makes those released 1973 funds available for obligation by recipients until June 30, 1975, and, in addition, makes fiscal 1974 funds available until that same date. This latter practice, written into law in 1970 and known informally as Tydings amendment, is a well established practice and, in my view, has contributed greatly to the wise and thoughtful expenditure of funds at the local level.

I urge support of the conference report.

Mr. DELLENBACK. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. TOWELL).

Mr. TOWELL of Nevada. Mr. Speaker, I, too, would like to associate myself with the remarks made by the gentleman from Oregon (Mr. DELLENBACK) and with the remarks of my other colleagues serving on the conference committee on this important piece of legislation.

This bill originally was worked on by my fellow colleagues on the Education and Labor Committee, and we now have arrived at a piece of legislation which will go a long way toward alleviating undue delays, paperwork, and, therefore, hardship for tens of thousands of young men and women enrolled in our universities throughout the country. In recent years it became apparent that with the rapidly increasing cost of a university education and general inflation even those families with moderate incomes could no longer wholly finance the higher education of their sons and daughters. Therefore, we have, in this legislation, eliminated the needs test for those families with a taxable income of $15,000 or less.

While additional study and legislation is needed to correct our national student loan program, this one step was certainly long overdue; and I wholeheartedly support the conference report and urge its adoption.

Mr. DELLENBACK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of this conference report and associate myself with the remarks of the gentleman from Oregon (Mr. DELLENBACK) and the gentleman from Michigan (Mr. O'HARA).

The interim modification of the guaranteed student loan program, as stated by the previous speakers, will be of substantial help to the middle-income families in financing education for their youngsters desirous of acquiring a college education.

It has been often stated, "If you're poor assistance is available, if you're rich you can adequately take care of yourself and your own but if you're in the middle-income group nothing is available." Middle America represents the backbone of our Nation and it is high time that consideration be given to their concerns and the economic crunch they find themselves in.

In changing the circumstances under which a needs analysis is required it will help the institution to determine what amount, if any, in excess of $2,000 for an academic year the student would be eligible for.

As the committee continues to monitor the student loan program the updating revisions can be anticipated.

However, time is of the essence if we are to be helpful to the aforementioned students from middle-income families. The lending institutions and those involved in the processing of the loans need the flexibility and lead time prior to the pending enrollment period of the fall semester.

I commend the committee for its timely responsiveness and their continued interest in and surveillance of the student loan programs that are so essential to our overall postsecondary education program. On behalf of Mr. and Mrs. Middle America we thank you.

I urge adoption of this conference report.

Mr. KEMP. Mr. Speaker, I rise in support of the conference report on H.R. 12253.

The bill contains two very important provisions. First, it allows school districts to carry over Federal funds from fiscal year 1974 to fiscal year 1975. In addition, the bill allows released fiscal year 1973 impounded education funds to also be obligated by school districts through fiscal year 1975.

The important feature of this section is that it will permit school districts to plan for the better and more efficient expenditure of Federal dollars. It is a good provision and one that is very widely supported by the education community.

The second major portion of the conference report will be of great assistance to middle-income students in financing their postsecondary education.

This amendment would drop the requirement of a formal needs test for any student whose adjusted family income is less than $15,000. For a family of four, this amounts to a gross income of $20,000. A student who wanted to borrow more than $2,000 in 1 academic year would be required to submit information about his financial circumstances, as would a student whose adjusted family income exceeded $15,000.

Mr. Speaker, I am confident these amendments are fair and necessary. Under the current procedures, many students were not able to secure any loan because of the formal needs test. Because loans are normally repaid by the student—not his parents—access to a student loan should not be conditioned on parental income. This amendment moves us away from the situation where a parent's income denies a student getting a loan. Therefore, I support wholeheartedly this conference report.

Mr. BRADEMAS. Mr. Speaker, I am pleased to join the distinguished chairman of the Committee on Education and Labor, Mr. PERKINS, and the distinguished ranking minority member of the committee, Mr. QUIE, in strongly recommending that the House approve the conference report on H.R. 12253.

Before speaking about the substance of the measure, I want also to commend the chairman of the Special Subcommittee on Education, Mr. O'HARA, and the ranking minority member of the subcommittee, Mr. DELLENBACK, for their diligence and industry in developing a bill that could, despite the inherent difficulty of the subject matter involved, win broad bipartisan support.

I do not, of course, refer to that part of the bill which extends the so-called Tydings amendment, enabling local education agencies to carry over fiscal year 1974 funds, and fiscal year 1973 funds that had been illegally impounded and only lately, under court order, released by the President.

There was little disagreement in either the House or Senate on this mat-

ter, and I am happy that other parts of the bill on which the two Houses disagreed could be resolved promptly in order that local school systems could receive this much needed authority to expend tax dollars wisely and without undue haste.

The principal issues in disagreement concerned the operation of the federally guaranteed student loan program, and more specifically, its subsidized loan component.

Mr. Speaker, since 1965 the federally guaranteed student loan program has been the principal focus of Federal efforts to help middle-income families meet the ever increasing costs of postsecondary education.

An important part of this program has been the availability of an interest subsidy for families who, while usually unable to qualify for grant assistance, would have difficulty meeting interest payments on an education loan while their son or daughter was still in school.

Until 1972 Federal interest subsidy benefits on loans up to $1,500 annually were automatically made available to students whose families had an adjusted gross income under $15,000 per year. Students who met this family income standard, and who borrowed money from participating private lenders, such as banks and credit unions, could qualify for the interest subsidy simply by requesting it when they applied for the loan.

The program worked well for 7 years. But by 1972 it became apparent that neither a loan of $1,500 nor an adjusted family income of $15,000 were what they had been at the time of the inception of the program in 1965. During the interim, both the cost of college and the cost of living had skyrocketed, and many students from middle-income families were having an increasingly difficult time meeting the costs of an education at the college or university of their choice, even with a federally subsidized loan.

In the Education Amendments of 1972, therefore, Congress liberalized the loan program in two respects: First, we raised the annual loan ceiling to $2,500, more accurately to reflect the tuition and other charges in effect at both public and private institutions of postsecondary education; and second, we made it possible for families with adjusted incomes over $15,000 to participate in the interest subsidy program provided that need for a loan in the amount applied for could be demonstrated.

Certain other changes were made in the 1972 law. The principal one was the addition of a new "needs analysis" requirement with respect to all students applying for interest subsidy benefits.

But this new requirement was not intended to apply to students with adjusted family incomes less than $15,000 under the same conditions as it applied to students with adjusted family incomes over $15,000.

Two distinctions were made: First, students with adjusted family incomes under $15,000 were presumed to have need—the function of the needs analysis was only to facilitate some informed communication between the institution and the lender before the loan was made. Second, the recommendation of the educational institution to the lender was not intended to be binding. Lenders, after inspecting the recommendation of the institution, were free to increase or decrease the amount of the loan actually made as seemed appropriate to the individual circumstances of the student and his family.

The situation of the student from a family with an adjusted income over $15,000, however, was to be markedly different. If the institution determined that the student did not need a loan, the lender was foreclosed from superseding that judgment.

Mr. Speaker, the Statement of Managers which accompanied the conference report on the Education Amendments of 1972 is helpful on this point:

The conference substitute contains features drawn from both the Senate and House amendments. Under it a student would be eligible for an interest subsidy if his adjusted family income is less than $15,000. . . . In the case of students whose adjusted family income is over $15,000, the school may determine that he in (sic) in need of a loan to attend the institution. If it so determines, it shall provide the lender with a statement evidencing the school's determination of the amount of his need and a recommendation as to the amount of the subsidized loan.

Mr. Speaker, those of us who served on that committee of conference believe that our intention was quite clear, especially since we took the trouble to write two separate subparagraphs into the law to define eligibility for the interest subsidy with respect to students whose adjusted family incomes were above, and below, $15,000 per year, respectively.

Unfortunately, however, the Office of Education treated the new statute as an invitation to impose a strict needs test on all students applying for the interest subsidy, without regard to family income.

On July 18, 1972, 25 days after the Education Amendments of 1972 went into effect, the Office of Education published in the Federal Register proposed regulations which treated all students essentially alike, and without regard to the "above $15,000, below $15,000" distinction we had so laboriously written into the law and the statement of managers.

Members of both the House and Senate were outraged by the Office of Education's cavalier disregard for the intent of Congress, and on July 28, 1972, I along with four other members of the committee of conference, sent the following letter to the Commissioner of Education:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 28, 1972.

Hon. SIDNEY P. MARLAND, Jr.,
Commissioner of Education,
Washington, D.C.

DEAR COMMISSIONER MARLAND: We are writing to you with respect to an interim regulation affecting the interest subsidy provisions of the Guaranteed Student Loan Program, which was filed last week and published in the Federal Register of July 18, 1972.

Having compared the regulation to the relevant provisions of the statute, we must tell you that in our view the regulation seriously misconstrues the law, and, if left unchanged, will effect a substantial change in Federal student aid policy that we as Members of the Committee of Conference on the Education Amendments of 1972 did not intend.

The regulation in question purports to give effect to Section 132C(a) of the recently approved Education Amendments of 1972, and states in part:

"(b) In connection with a loan issued after June 30, 1972, in order for a student to be eligible for payment on his behalf by the Commissioner of a portion of the interest on such loan . . . the eligible institution at which the student has been accepted for enrollment or which he is attending . . . must, prior to the making of such loan, (1) determine, pursuant to paragraph (c) of this section, the loan amount needed by the student, if any, and (2) recommend that the lender make a loan in the amount so determined."

In our view this regulation would not be objectionable if it governed only the eligibility to receive interest benefits of students whose adjusted family incomes exceed $15,000, since in essence it merely restates the three elements of subparagraph II of Section 428(a)(1)(C) of the statute, as amended. These elements are: (1) that the institution has determined the student is in need of a loan; (2) that the institution has determined the amount of the loan of which the student is in need; and (3) that the institution has recommended to the lender that it make a loan in the amount of such need.

The comparable statutory provision running to students whose adjusted family income does not exceed $15,000, however, contains only two of these three elements, omitting the requirement that the institution has determined the student is in need of a loan.

This omission was intended by the Conferees to have meaning. Our intent was to create a presumption of need in favor of students whose adjusted family income does not exceed $15,000, and not to change existing law in this respect.

The statement of the managers that accompanied the legislative provisions of the Conference Report supports this conclusion:

"The conference substitute contains features drawn from both the Senate and House amendments. Under it a student would be eligible for an interest subsidy if his adjusted family income is less than $15,000. The student's school will furnish the lender with a statement concerning its determination of the amount of the student's need for the loan and a recommendation as to amount of the subsidized loan. In the case of students whose adjusted family income is over $15,000, the school may determine that he is in need of a loan to attend the institution. If it so determines, it shall provide the lender with a statement evidencing the school's determination of the amount of his need and a recommendation as to the amount of the subsidized loan."

You will note that the statement of managers describes in absolute terms the eligibility to receive interest benefits of students with adjusted family incomes of less than $15,000. Further, the statement of managers clearly indicates that the only issue to be addressed by the educational institution under such circumstances is the amount of the student's need, and the amount of the loan it will recommend.

Thus, on the strength of the language of the statute, as well as the statement of managers that accompanied it, we feel that the only reasonable construction of the recently enacted amendments is one which recognizes a clear distinction between the eligibility requirements applicable to a stu-

dent with an adjusted family income of less than $15,000, and those applicable to a student with an adjusted family income in excess of $15,000. Indeed, unless Section 132C when read in its entirety is construed as having this meaning, our action in writing two separate eligibility provisions could at best be regarded as a frivolous exercise. It was not.

You will appreciate that the above analysis has more than academic interest, since it bears directly on a question to be addressed in subsequent regulations, i.e., the basis on which the payment of interest benefits may be made on loans in excess of the recommendation of the educational institution.

The regulation here addressed implies—and the form (OE 1260) intended to implement it flatly states—that "if the educational institution makes no recommendation for a loan . . . , the loan is not eligible for the Federal interest benefits."

Again, in our view such a result would not be objectionable if it applied only to the eligibility to receive interest benefits of students whose adjusted family income exceeds $15,000, for there an institutional determination of need is a prerequisite to any further consideration of a student's application.

When applied to students whose adjusted family income is less than $15,000, however, such a rule would have the effect of allowing the educational institution to overcome the statutory presumption of need on the part of such students, thus exercising a power Congress did not grant, and working a substantial change in previously existing law.

This result was not our intent. We intended to leave existing law substantially unchanged with respect to students with adjusted family incomes of less than $15,000, adding only the requirement that the educational institution have some input into the judgment reached by the lender before the loan is made. This input was not intended to be conclusive, and students with adjusted family incomes of above and below $15,000, respectively, were not intended to have to proceed on the same footing.

It follows from this conclusion that if the Office of Education is to administer the loan subsidy program in the manner intended by Congress, substantial changes must be made in the regulation promulgated last week. Such changes should reflect the intent of Congress that students with adjusted family incomes of less than $15,000, and students with adjusted family incomes in excess of $15,000, not be treated the same, and that the former be accorded a presumption of need, as was the case under previous law.

It is our understanding that, pursuant to Section 139 of the recently enacted Education Amendments, the Office of Education will submit proposed permanent regulations, guidelines, and application forms issued in connection with the subsidized loan program, to the Committee on Labor and Public Welfare of the Senate, and to the Committee on Education and Labor of the House of Representatives, at least thirty days prior to such regulations, guidelines, and application forms taking effect. We trust that copies of the relevant documents will be transmitted as soon as possible since the immediate plans of millions of college students, and thousands of colleges, universities and lending institutions, are dependent upon the matter being resolved without delay.

In the meantime we hope the information contained in this letter will be useful to you in revising the regulation issued last week. We appreciate that the Office of Education has had to move with considerable speed in implementing the changes made by Congress in the subsidized loan program, but know you will agree that this and all programs created by statute must be administered in accordance with the intent of Congress, without exception.

Best wishes.

Sincerely,

CARL D. PERKINS,
Chairman, House Committee on Education and Labor.

CLAIBORNE PELL,
Chairman, Senate Subcommittee on Education.

JOHN BRADEMAS,
Member, House Committee on Education and Labor.

JENNINGS RANDOLPH,
Ranking Majority Member, Senate Committee on Labor and Public Welfare.

HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Committee on Labor and Public Welfare.

The Commissioner was apparently taken aback by this strong expression of congressional displeasure, for it was subsequently agreed that the proposed regulations would be withdrawn, and new ones drafted more accurately to reflect the will of Congress.

But in the meantime the clock was running and the entire guaranteed student loan program had been turned into a shambles. Loan volume dropped off sharply as lenders waited to see what the new rules would be, and Members of Congress were deluged with complaints from angry parents who were unable to secure loans for their children's educational expenses.

The result was that just before the August 1972 recess, Congress suspended operation of the new amendments to the guaranteed student loan program until March 1, 1973.

The old program, it was felt, was better than no program at all, and especially since the Office of Education showed few signs of coming up with regulations that at the same time both satisfied its own policy goals and managed to comply with the law.

This remedy was, of course, a short-term one. And its weakness was amply demonstrated when the following winter the Office of Education came up with new regulations that, while marginally in compliance with the new law, were so complicated that many lenders simply withdrew from participation in the program or limited their student loan activities to regular customers.

The chairman of our subcommittee, the gentleman from Michigan (Mr. O'HARA) has eloquently summarized our experience with the program since March 1, 1974, and I shall not take the time to repeat what he has said.

But let us be clear on what is being done here today in the conference report on which we are about to vote.

We have restored students whose adjusted family income is less than $15,000 to the same situation which existed prior to enactment of the Education Amendments of 1972, except that:

First. The educational institution will be required to submit to the lender a statement of the student's estimated costs and other financial aid; and

Second. The ceiling on loans for which the student is automatically entitled to an interest subsidy is set at $2,000 in any 1 year.

The first change merely enacts what was the administrative practice prior to 1972, and the second is intended to make adjustment for inflation which has occurred since 1965.

Students whose families have adjusted incomes over $15,000 will remain in the same situation as presently exists.

With respect to both classes of students, the maximum amount of loans which may qualify for an interest subsidy in any one year, or for that matter for a Federal guarantee, remains at $2,500.

Mr. Speaker, I would point out that with this new revision of the law, we have sought to set out in fine detail precisely how Congress intends this program to be administered. Indeed—and I say this for the benefit of the Commissioner of Education and his staff—we have included in the Statement of Managers of the bill language which is intended to guide the Office of Education in the actual construction of the forms it utilizes to carry out the program.

The language to which I refer follows:

If a student with an adjusted family income of less than $15,000 applies for a loan which would cause the total amount of subsidized loans to exceed $2,000 for an academic year, a needs analysis is required. Conferees which to stress that the needs analysis is to help the institution determine what amount, if any, to recommend in excess of $2,000. For the purpose of such recommendation, the $2,000 loan for which the student is eligible for a subsidy shall be treated as a contribution from the student's resources. The results of a needs analysis are in no way intended to affect the student's automatic eligibility for a subsidized loan of up to $2,000 for the appropriate academic period. In fact, when such a needs analysis shows no need for an amount in excess of $2,000, the information relating to the needs analysis should not be made a part of the student's application and that application would be treated as if the requested loan was for $2,000.

This language means that in the event a student whose adjusted family income is less than $15,000 applies for a loan of more than $2,000, the education institution is to perform a needs analysis, the end product of which is to address only the amount of the loan requested which exceeds $2,000.

I am well aware that there is concern that "you cannot apply a needs analysis only for the excess," but frankly I am not persuaded that this difficulty is insurmountable.

For if it is impossible to perform a needs analysis the end result of which concerns only the excess over $2,000, I suggest that this lack of capacity is largely attributable to the forms currently used for this program, and not, as Justice Holmes liked to say, to some immutable "brooding omnipresence in the sky."

Needs analysis is merely a technique, intended to fulfill a service function, and its end product should be capable of modification as demanded by changes in public policy. I hope I never see the day when Congress is prevented from working its will because our doing so "will cause trouble with forms for the Office of Education."

Before closing, Mr. Speaker, I would

like to make one further point. There have been suggestions during the last 2 weeks that a 30-day effective date, as suggested in the Senate bill, or even a 60-day effective date, as suggested in the House bill, provides insufficient time for the Office of Education to implement the changes made in the statute.

The committee of conference, however, compromised on 45 days, and in my judgment that is sufficient time. For we must recall that in 1972, when the Office of Education saw some changes in the law it believed it could put to good use in furthering the administration's program, only 25 days were required to issue new regulations.

Mr. Speaker, if the Office of Education responds to this change in the law with the alacrity it demonstrated at the time of the adoption of the Education Amendments of 1972, we should be well on the road toward implementation of the new law a full 20 days prior to the effective date of the act.

Hopefully, by that time, this program can again begin to operate on a stable basis, and perform the function Congress intended to fulfill—the provision of loans to students who need them to go to college.

Mr. DELLENBACK. Mr. Speaker, we have no further requests for time.

Mr. PERKINS. Mr. Speaker, we have no further requests for time.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of this conference report.

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

There was no objection.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. DELLENBACK. 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 pro tempore. 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 376, nays 1, not voting 55, as follows:

[Roll No. 143]

YEAS—376

Abdnor	Arends	Biaggi
Abzug	Armstrong	Biester
Adams	Ashley	Bingham
Addabbo	Aspin	Blatnik
Alexander	Badillo	Boggs
Anderson, Calif.	Bafalis	Boland
	Baker	Bolling
Anderson, Ill.	Barrett	Bowen
Andrews, N.C.	Bauman	Brademas
Andrews, N. Dak.	Beard	Brasco
	Bell	Bray
Annunzio	Bennett	Breaux
Archer	Bergland	Breckinridge
Brinkley	Guyer	Natcher
Brooks	Haley	Nedzi
Broomfield	Hammer-schmidt	Nelsen
Brotzman		Nichols
Brown, Calif.	Hanley	Nix
Brown, Mich.	Hanna	Obey
Broyhill, N.C.	Hanrahan	O'Brien
Broyhill, Va.	Hansen, Idaho	O'Hara
Buchanan	Harrington	O'Neill
Burgener	Harsha	Owens
Burke, Calif.	Hastings	Parris
Burke, Fla.	Hawkins	Passman
Burke, Mass.	Hays	Patman
Burleson, Tex.	Hébert	Patten
Burlison, Mo.	Hechler, W. Va.	Pepper
Burton	Heinz	Perkins
Butler	Helstoski	Pettis
Byron	Henderson	Peyser
Camp	Hicks	Pike
Carney, Ohio	Hinshaw	Podell
Casey, Tex.	Hogan	Powell, Ohio
Chappell	Holifield	Preyer
Chisholm	Holt	Price, Ill.
Clark	Holtzman	Price, Tex.
Clausen, Don H.	Horton	Quie
	Hosmer	Quillen
Clawson, Del	Howard	Railsback
Clay	Hudnut	Randall
Cleveland	Hungate	Rangel
Cochran	Hunt	Rarick
Cohen	Hutchinson	Regula
Collier	Ichord	Reuss
Collins, Ill.	Jarman	Rhodes
Collins, Tex.	Johnson, Calif.	Riegle
Conable	Johnson, Colo.	Rinaldo
Conte	Johnson, Pa.	Roberts
Corman	Jones, N.C.	Robinson, Va.
Cotter	Jones, Okla.	Robison, N.Y.
Coughlin	Jordan	Rodino
Cronin	Karth	Roe
Culver	Kastenmeier	Rogers
Daniel, Dan	Kemp	Roncalio, Wyo.
Daniel, Robert W., Jr.	Ketchum	Roncallo, N.Y.
	King	Rooney, Pa.
Daniels, Dominick V.	Koch	Rose
	Kuykendall	Rosenthal
Danielson	Kyros	Rostenkowski
Davis, Ga.	Lagomarsino	Roush
Davis, S.C.	Landrum	Rousselot
de la Garza	Latta	Roy
Delaney	Leggett	Roybal
Dellenback	Lent	Ruppe
Dellums	Litton	Ruth
Denholm	Long, La.	Ryan
Derwinski	Long, Md.	St Germain
Dickinson	Lott	Sandman
Diggs	McClory	Sarasin
Donohue	McCloskey	Sarbanes
Downing	McCollister	Satterfield
Drinan	McCormack	Scherle
Dulski	McDade	Schneebeli
Duncan	McEwen	Schroeder
du Pont	McFall	Sebelius
Eckhardt	McKay	Seiberling
Edwards, Ala.	McKinney	Shipley
Edwards, Calif.	McSpadden	Shoup
Eilberg	Macdonald	Shuster
Erlenborn	Madden	Sikes
Esch	Madigan	Skubitz
Eshleman	Mahon	Slack
Evans, Colo.	Mallary	Smith, Iowa
Evins, Tenn.	Mann	Smith, N.Y.
Fascell	Maraziti	Spence
Findley	Martin, Nebr.	Staggers
Fish	Martin, N.C.	Stanton, J. William
Fisher	Mathias, Calif.	
Flood	Mathis, Ga.	Stanton, James V.
Flowers	Matsunaga	
Flynt	Mayne	Steed
Foley	Meeds	Steele
Ford	Melcher	Steelman
Forsythe	Metcalfe	Steiger, Ariz.
Fountain	Mezvinsky	Steiger, Wis.
Fraser	Milford	Stratton
Frelinghuysen	Miller	Studds
Frey	Mills	Sullivan
Froehlich	Minish	Symington
Fulton	Mink	Symms
Fuqua	Minshall, Ohio	Talcott
Gaydos	Mitchell, Md.	Taylor, Mo.
Giaimo	Mitchell, N.Y.	Taylor, N.C.
Gibbons	Mizell	Thompson, N.J.
Gilman	Moakley	Thomson, Wis.
Ginn	Mollohan	Thone
Goldwater	Montgomery	Thornton
Gonzalez	Moorhead, Calif.	Tiernan
Goodling		Towell, Nev.
Grasso	Moorhead, Pa.	Treen
Green, Oreg.	Morgan	Udall
Green, Pa.	Mosher	Ullman
Griffiths	Moss	Van Deerlin
Gross	Murphy, Ill.	Vander Jagt
Grover	Murphy, N.Y.	Vander Veen
Gubser	Murtha	Vanik
Gunter	Myers	Veysey
Vigorito	Wilson, Bob	Yatron
Waggonner	Wilson, Charles, Tex.	Young, Alaska
Walsh		Young, Fla.
Wampler	Winn	Young, Ga.
Ware	Wolff	Young, Ill.
Whalen	Wright	Young, S.C.
White	Wyatt	Young, Tex.
Whitehurst	Wydler	Zablocki
Whitten	Wylie	Zion
Widnall	Wyman	Zwach
Wiggins	Yates	

NAYS—1

Landgrebe

NOT VOTING—55

Ashbrook	Gettys	Pritchard
Bevill	Gray	Rees
Blackburn	Gude	Reid
Brown, Ohio	Hamilton	Rooney, N.Y.
Carey, N.Y.	Hansen, Wash.	Runnels
Carter	Heckler, Mass.	Shriver
Cederberg	Hillis	Sisk
Chamberlain	Huber	Snyder
Clancy	Jones, Ala.	Stark
Conlan	Jones, Tenn.	Stephens
Conyers	Kazen	Stokes
Crane	Kluczynski	Stubblefield
Davis, Wis.	Lehman	Stuckey
Dennis	Lujan	Teague
Dent	Luken	Waldie
Devine	Mazzoli	Williams
Dingell	Michel	Wilson, Charles H., Calif.
Dorn	Pickle	
Frenzel	Poage	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Ashbrook.

Mr. Kluczynski with Mr. Chamberlain.

Mr. Teague with Mr. Conlan.

Mr. Stark with Mr. Brown of Ohio.

Mr. Carey of New York with Mr. Frenzel.

Mr. Mazzoli with Mr. Cederberg.

Mr. Pickle with Mr. Davis of Wisconsin.

Mr. Conyers with Mr. Gray.

Mr. Dent with Mr. Blackburn.

Mr. Dingell with Mr. Clancy.

Mr. Rees with Mr. Dennis.

Mr. Reid with Mr. Crane.

Mr. Stokes with Mr. Sisk.

Mr. Stubblefield with Mr. Devine.

Mr. Jones of Tennessee with Mr. Carter.

Mr. Bevill with Mrs. Heckler of Massachusetts.

Mr. Dorn with Mr. Gude.

Mr. Charles H. Wilson of California with Mr. Hillis.

Mr. Waldie with Mr. Michel.

Mr. Stuckey with Mr. Shriver.

Mr. Hamilton with Mr. Huber.

Mrs. Hansen of Washington with Mr. Pritchard.

Mr. Jones of Alabama with Mr. Lujan.

Mr. Luken with Mr. Snyder.

Mr. Gettys with Mr. Williams.

Mr. Kazen with Mr. Runnels.

Mr. Lehman with Mr. Stephens.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 12565, DEPARTMENT OF DEFENSE SUPPLEMENTAL AUTHORIZATION FOR APPROPRIATIONS FOR FISCAL YEAR 1974

Mr. McSPADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1026 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1026

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. 12565) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons and research, development, test and evaluation for the Armed Forces, and to authorize construction at certain installations, and for other purposes, and all points of order against section 401 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. It shall be in order to consider the amendment recommended by the Committee on Armed Services now printed on page 4, lines 12 through 17 of the bill notwithstanding the provision of clause 4, rule XXI. 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 pro tempore (Mr. MILLS). The gentleman from Oklahoma is recognized for 1 hour.

Mr. McSPADDEN. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1026 provides for an open rule with 2 hours of general debate on H.R. 12565, a Department of Defense supplemental authorization for appropriation bill for fiscal year 1974.

House Resolution 1026 provides that all points of order against section 401 of the bill for failure to comply with the provisions of clause 4, rule XXI of the Rules of the House of Representatives—prohibiting appropriations in a legislative bill—are waived.

House Resolution 1026 also provides that it shall be in order to consider the amendment recommended by the Committee on Armed Services now printed on page 4, lines 12 through 17 of the bill notwithstanding the provisions of clause 4, rule XXI of the Rules of the House of Representatives.

H.R. 12565 authorizes appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons and research, development, test and evaluation programs for the Armed Forces, and for construction at certain military installations. The new authorization proposed in the bill is $1,142,049,000.

Title IV of the bill provides for an increase in the military assistance service funded program for Laos and South Vietnam for the fiscal year 1974 from $1,126,000,000 to $1,600,000,000—an increase of $474,000,000. Title IV also provides for a waiver of the provisions of section 718 of Public Law 93–238, which prohibits enlistment of new personnel during the fiscal year 1974 when the enlistment will cause the percentage of non-high school graduate enlistments of the service concerned to exceed 45 percent of the total new enlistments for the entire fiscal year.

Mr. Speaker, I urge the adoption of House Resolution 126 in order that we may discuss and debate H.R. 12565.

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

Mr. Speaker, I agree with the statements which were just made by the gentleman from Oklahoma (Mr. McSPADDEN). I hasten to point out there was some dispute in the Committee on Rules as to whether this rule should be reported as requested, and by a vote of 8 to 5 the rule was reported.

There seems to be a little dispute between the Committee on Appropriations and the Committee on Armed Services. I might say at this point that I voted to support the rule, and I urge its adoption by the House so that the House can proceed with consideration of the bill and the amendments that were put into the bill.

Mr. Speaker, if we do not have a waiver as provided for by the Committee on Rules, one Member of the House can strike out on a point of order two very important amendments put into this bill by the Committee on Armed Services.

I know that the committees of this Congress are very jealous of their jurisdictions, and having served on the Committee on Rules for several years, I know that the Committee on Appropriations quite frequently comes before the Committee on Rules for waivers of points of order when it is authorized in an appropriation bill. We usually grant those waivers as requested in order to expedite the business of the House.

So it is here, Mr. Speaker, only in reverse. The shoe is on the other foot. We have an authorization committee appropriating.

There does not seem to be too much controversy as to the need for the funds or the amount of the funds involved. It is just a question of procedure and jurisdiction.

Now, we can vote down this previous question and permit a rule to be adopted which will strike out points of order to these provisions. Should we do this, we are going to have to travel the same ground again very soon. It seems to me that the House has enough work to do without going over the same ground twice. I think this legislation can be thoroughly and completely debated under the rule provided and the House can work its will.

Certainly the rule that we have provided will prevent amendment to the amendments inserted by the Armed Services Committee. If we vote down the previous question, the House will not be able to amend those amendments as they will be stricken.

Mr. Speaker, I hope that the House will sustain the Committee on Rules and support this rule.

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

Mr. LATTA I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank my friend for yielding. This is the old story all over again, as I understand the gentleman, of the pot calling the kettle black.

Mr. LATTA. I would say that is a good way to express it.

Mr. GROSS. I am glad we agree. I thank the gentleman for his agreement.

Mr. LATTA. We are usually in agreement.

Mr. GROSS. I am sorry, Mr. Speaker. I did not hear the gentleman's reply.

Mr. LATTA. The gentleman from Iowa and the gentleman from Ohio are usually in agreement.

Mr. GROSS. That is right. Mr. Speaker, this rule points up the procedure that we will probably go through again this year, as we have increasingly in recent years, of waiving points of order because legislation has not been authorized.

I am just as much opposed to waiving points of order on this bill as I will be later on in this session to waiving points of order on appropriations because no authorization bills have been passed.

Mr. Speaker, let us have evenhanded treatment and let it begin here now. I cannot think of a better day than this to begin by voting down this rule and stopping the business of waiving points of order.

Mr. Speaker, I thank the gentleman.

Mr. LATTA. Mr. Speaker, perhaps I should correct my previous statement relative to our agreeing with one another.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, due to a family commitment, I was not able to participate yesterday in the Rules Committee consideration of this rule; so perhaps I am least justified in now complaining about the rule. Nevertheless, as a member of the Rules Committee and as one who has, on several previous occasions, staunchly defended the rules of this body, I feel I have a special obligation to offer some observations on this rule.

Mr. Speaker, the rule before us protects sections 401 and 402 against the point of order that they are in violation of clause 4 of rule XXI. That rule states quite simply that, and I quote:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations.

And so on.

The chairman of the Appropriations Committee (Mr. MAHON), in a letter to the chairman of the Rules Committee, dated March 29, 1974, makes the point that these two provisions relating to limitations on aid to Vietnam and recruitment of non-high school graduates, clearly constitute violations of clause 4

of rule XXI because they would supersede legitimate limitations adopted on the fiscal 1974 defense appropriations bill passed by this body last November 30.

The chairman of the Armed Services Committee, on the other hand, feels this special rule is justified because of the urgency of the aid request and the recruitment situation. He further points out that no new money is involved in raising the ceiling on the Vietnam aid limitation since the Pentagon has informed him that sufficient funds are available from previous actions taken by the Congress.

Mr. Speaker, I wish to join in the efforts of the gentleman from Texas (Mr. MAHON) to defeat the previous question so that he may offer an amended rule which would delete these special waivers. That does not necessarily mean that I am opposed to any alteration in the limitations now in effect. But there is a right way and a wrong way to go about this and the right way, it seems to me, is to allow the Appropriations Committee to consider these questions in conjunction with a supplemental appropriations bill. And, I might add, the chairman of the Appropriations Committee has assured me that all due consideration will be given to the request of the Defense Department, and that is the plan to bring such a bill to the floor next Wednesday.

Mr. Speaker, it seems to me that this is a reasonable and responsible alternative, one which protects the legitimate interests of the Appropriations Committee and the orderly processes of this body, while at the same time making provision for the expeditious consideration of the Defense Department request.

In conclusion, I would like to point out to my colleagues that the rule now before us sets a most unusual precedent and one which clearly contravenes the spirit of the congressional budget reform bill which recently passed this body and the other body. In that bill, we clearly recognized that one of our biggest problems is not necessarily irresponsible spending actions taken with respect to appropriations bills—the Appropriations Committee actually has a rather responsible fiscal track record—but rather our tendency to run-up a huge tab via the backdoor. Consequently, we provided in the budget reform bill for the eventual return of control over backdoor spending to the Appropriations Committee.

While I recognize that the claim is made here that no new appropriation or new money is being obligated in section 401—that sufficient funds are already available due to previous actions taken—the fact remains that the precedent being set here today represents another foot in the backdoor, one which other committees will be tempted to use in circumventing the clear position of the Congress as reflected in previously adopted appropriations ceilings. In my opinion, setting such a precedent here today would signal the first retreat from our overwhelming vote for fiscal responsibility in the budget reform bill.

I therefore urge my colleagues to vote down the previous question and vote for a new rule to revere this dangerous precedent, and to reaffirm the orderly procedures of this body and our commitment to fiscal responsibility.

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

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

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

Mr. Speaker, I find myself on the horns of a dilemma. I have listened with care to the argument the gentleman from Illinois has made. If the rule is adopted as is, as presented to the House by the Committee on Rules, it is fair, is it not, to assume that an amendment could be offered by the Committee on Appropriations to modify the two particular portions in question?

Mr. ANDERSON of Illinois. The gentleman from Wisconsin is correct, it could be done under that procedure.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, I happen to believe that the Committee on Armed Services was correct in its decision on section 402 to take action to repeal the decision of the Committee on Appropriations on a limitation, thus I must say to my colleague, the gentleman from Illinois, that while I do not like to find myself in the position of supporting a waiver of the rules, in my judgment the House can take action on these two issues during consideration of the bill, so I believe it would be better, therefore, to adopt the rule as is.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LATTA. I yield 2 additional minutes to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman for yielding me this additional time.

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

Mr. ANDERSON of Illincis. I yield to gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I agree with what the gentleman from Wisconsin (Mr. STEIGER) has said, that such an amendment will be offered at the appropriate time to strike out that part of the bill is correct.

Mr. ANDERSON of Illinois. I think the gentleman is correct. I would simply conclude by saying, however, that unless I am incorrect I think the same opportunity would be available on Wednesday next, when we will consider a supplemental request for funds, and at that time it would be possible, I believe, for the gentleman from Wisconsin (Mr. STEIGER) to address himself to the problem, and I know of the gentleman's concern for an all-volunteer army, and about not doing anything to interfere with the recruitment rates, and all the rest. But I would really insist that the rules of this House, if they are to have any merit at all, ought to be observed.

Mr. LATTA. Mr. Speaker, if the gentleman will yield, is the gentleman inferring that the Committee on Rules has gone outside its authority and outside of the rules of the House in granting this waiver?

Mr. ANDERSON of Illinois. No, not at all; that is not my statement, I will say to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I stand here as a member of the Committee on Rules to say there is a right way and a wrong way to do things, but the gentleman does not really mean a right way or a wrong way; the gentleman means it is his way or their way.

Mr. ANDERSON of Illinois. No. I still insist in my original language. I think there is a right way, and that is to consider this matter in the defense supplemental appropriation bill next Tuesday, not under a waiver to waive the normal procedure on clause 4, rule XXI, at this time.

Mr. LATTA. But that is the gentleman's opinion.

Mr. ANDERSON of Illinois. That is my opinion, and I think that is the right way, in my opinion. The gentleman from Ohio, of course, is entitled to think otherwise.

Mr. LATTA. I thought we ought to have that on the record because, as far as the rules of the House are concerned, we are proceeding under the rules.

Mr. ANDERSON of Illinois. I agree, it is obviously up to all Members of this body to pass judgment on the rules that the House Committee on Rules has written, and decide, on a vote on the previous question, whether or not they want to amend the rule.

Mr. LATTA. Since we have gotten that point cleared up, I would like to raise one other point. The gentleman from Illinois said that this would set a precedent. As a matter of fact we waive points of order quite frequently.

Mr. ANDERSON of Illinois. It would set a precedent, I think, in another regard on this question of backdoor spending. In effect I think this is an example of the tendency of the Congress to engage in backdoor spending.

Mr. McSPADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I made the first motion in the Committee on Rules yesterday after we had heard the distinguished gentleman from Louisiana (Mr. HÉBERT) describe the reasons why he had asked for the particular rule that is now before the House. The motion that I made was in effect the motion that would be in effect if the previous question is voted down and if Mr. MAHON'S amendment to the rule is adopted. I did this in conjunction with a letter that Mr. MAHON had sent to the Committee on Rules members.

Mr. MAHON made the same case in that letter that I assume he will make when he speaks later in connection with the amendment that he would like to offer. Frankly, I was rather surprised when there was serious controversy over my motion and a substitute was offered, because, while it is perfectly true that the House is operating within its rules, and the Committee on Rules did nothing really unusual, it is more unusual to authorize a waiver of points of order for appropriations on a legislative bill than it is if the contrary or the reverse were

the situation. Quite often we will waive points of order against authorizations. Quite often we will waive points of order against matters that are not germane so that the House will have an opportunity to deal with a situation that it would not otherwise be able to deal with.

But fairly clearly in the sequence of events which is taking place here now, the House could in an orderly fashion deal with these problems at another time more appropriately. There was a time when there was not a Committee on Appropriations and we dealt with everything all at one time. The authorizing committee authorized and appropriated, and that was the end of that.

But as has been said, that led to a situation that resulted in a new act, the Budget Accounting Act, and its inability to work perfectly led us last year to propose and to pass by an enormous majority a budget reform bill not unlike the one that relatively recently passed the Senate.

On next Tuesday we will go to conference with the Senate on that budget reform bill. I do not know exactly how I would explain to anybody, if the House began to do this really quite unusual thing, of deciding that we were going to let the authorizing committee come in under a rule provided by the Committee on Rules and start appropriating.

The real point here is not who is right and who is wrong; it is whether we are going to deal with these matters in such a way that the Members have a reasonable opportunity to know what is happening. It is terribly important, it seems to me, for us to maximize the opportunity for the Members of the House to deal with matters in a customary, orderly, normal procedure.

I do not believe that any of the steps that we have been trying to take with regard to impoundment, with regard to budget reform, with regard to a variety of other things, are assisted by this kind of rule. Frankly, I was amazed when I realized that a majority of the Committee on Rules, for their own good reasons—and I do not criticize the majority at all—decided that they wanted to take this really quite unusual approach.

I intend to support the effort of the gentleman from Texas (Mr. MAHON) to vote down the previous question, and I intend to support his amendment to the rule, and I am not at all sure of what I am going to do about the substantive matters that will be involved when the bill comes up, but I think in the interest of crderly procedure and consistency we should vote down the previous question and we should amend the rule.

Mr. LATTA. Mr. Speaker, I reserve the balance of my time.

Mr. McSPADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I hope I may have the close attention of the Members.

This problem is not as complex perhaps as it might appear. It is true that the Appropriations Committee requests rules on many occasions not for the purpose of invading the authority or jurisdiction of other committees but for the purpose of expediting the work of the House. For example, on the supplementary appropriation bill, since this authorization will not have passed the Senate and been signed by the President, we will have to ask next week for a rule waiving points of order, so we can bring the bill to the floor. Those are the kinds of waivers that we request from time to time. They are in the interest of the House.

Now, if we should invade the jurisdiction of other committees, the Rules Committee is invited to strike us down at any time. But that is not the problem here.

Very simply, here in my hand is the appropriation law under which we operate this year, and this appropriation law says that $1.126 billion shall be available for obligation for support of South Vietnam to keep their forces up, and that is $1.1 billion-plus which is involved in this bill.

On page 4 of the Armed Services Committee bill it is proposed that we raise the authorization for South Vietnam from $1.1 to $1.6 billion. I have no fault to find with raising the authorization. That is certainly within the purview of the Armed Services committee.

But then, beginning on line 9, the bill which the Members are asked to consider repeals the existing law with respect to appropriations and provides $474 million that cannot be spent for Vietnam under existing law. If we pass this bill today, which is an authorization bill and an appropriation bill, we will then provide $474 million additional dollars for obligation.

It is in effect a simple appropriation on an authorization bill. I do not know that this has ever happened before. I have never before written a letter to the Rules Committee on a matter of this kind. I was surprised that the rule was adopted.

So I hope each of the Members will understand that we are not opposing the Armed Services Committee authorization bill that is up for House consideration and decision today. We are just opposing the appropriation within the authorization bill of $474 million.

How can we defend that? Why should the Committe on Armed Services move to repeal the law which was enacted by the Congress in the appropriation bill?

There is also a feature with respect to recruits which I will not take the time to discuss at the moment.

I hope we may proceed in an orderly way.

The orderly way is when the vote comes on the previous question, we should vote in the orderly way to vote down the previous question and then in the orderly way I will be on my feet and simply propose that we knock out the part of the rule as follows, "* * * and all points of order against section 401"—that is the section I have been referring to—"of said bill for failure to comply with the provisions of clause 4, XXI" I will propose to knock that out of the rule.

That is the only change we would make with respect to page 4, section 401. So it seems to me all Members, regardless of how they feel about Vietnam, whether or not they want to go along with the Armed Services Committee and provide $474 million additional for Vietnam, will agree that it is all right for the authorization but let us not appropriate the funds today but let us debate the appropriation bill Wednesday of next week. I tell the Members frankly that we propose to decrease that amount somewhat.

Yes, we propose to decrease that amount somewhat, but it is perfectly in line for the House to authorize it; but let us not appropriate and authorize in the same bill.

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

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

Mr. HÉBERT. As I understand the gentleman to say that the only motion he will make will relate to section 401 and that is the appropriation?

Mr. MAHON. It is section 401 and 402, to which I mean to refer.

Mr. HÉBERT. I did not want that suspended, because the gentleman will recall that I agreed to do exactly what the gentleman was saying, if he lets the other section alone. I thought the gentleman had changed his mind.

Mr. MAHON. No, no. We have an All-Volunteer Army. It is costing us plenty. We are entitled to first-class people who can do a good job in the service because they are paid reasonably well.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McSPADDEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. MAHON. Mr. Speaker, we said in the appropriation bill last year that no money could be expended to recruit people in excess of 45 percent who are non-high school graduates. The Marines have a goal of 65 percent high school graduates, but we permit them to go down to 55 percent.

All women who are recruited have to be high school graduates.

In the Air Force, 95 percent of the recruits are high school graduates.

So for our money, we are trying to get the best trained and the most trainable men we can. We do not want to repeal that proviso which helps make sure that men in the service can have pride in their service. We do not want to put people in the service who are not qualified to do their jobs.

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

Mr. MAHON. I really do not have the time.

Mr. LATTA. I will yield the gentleman 1 minute, if he will answer a question.

Mr. MAHON. I will be glad to yield.

Mr. LATTA. In regard to the statement the gentleman just made about the recruits, I think it is important to point out that the Marine Corps and the Army are finding it difficult to fulfill their requirements on enlistees under this present limitation that the committee placed on the legislation last year; so if we want to give them the enlistments, and I think we do want to do that, we have to do exactly the opposite of what the gentleman is saying we should do.

Mr. MAHON. This applies only up to

June 30. High schools will be closing out about May. Recruiters will have a good opportunity to get additional recruits in late May and the month of June.

The people—by and large—that are giving us trouble in the services are the people who are the nonhigh school graduates. The Navy has released 5,000 men in the last year in order to help improve the situation. We ought to be able to get 55 percent of the recruits who are high school graduates.

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

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

Mr. ADDABBO. I want to compliment the gentleman in the well for putting aside his personal feelings. I know the gentleman's personal feelings as far as additional aid is concerned and he is putting ahead of that the appropriations principle involved in this matter.

It is the intention of the gentleman to ask that the previous question be voted down, and if the previous question is voted down, then the gentleman will offer an amendment to the rule which will strike out that portion permitting the waiver of points of order.

Mr. MAHON. Therefore, points of order would not be waived and a point of order would be made; but a point of order would not lie against raising the authorization for Vietnam.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I trust that I can also get the other two or three minutes which the gentleman from Oklahoma was going to yield to me. I take this time, Mr. Speaker, because I think it is important, before we vote, that we have a little understanding of the substantive issues involved in this controversy. We are confronted here with a monumental jurisdictional problem between two of the great giants of this House. As Members can appreciate, this is a painful matter, but I think we ought to realize, apart from the jurisdictional problem—and I do not want to get involved in that—and apart from all the procedural problems, basically we are dealing here with a couple of very important substantive matters relating to the armed services and to the future security of the Nation.

Before we undertake to strike down the rule which has been offered by the Rules Committee, we should recognize the difficulty that it is going to get us into. I think the gentleman from Ohio (Mr. LATTA) put it very clearly when he said that in spite of some of the deficiencies jurisdictionally which may have cropped into the legislation for which this rule is being offered, the sensible procedure for us is to work out these difficulties under this present rule so that we can get this legislation out today, rather than rejecting the rule and then having to go through a lot of other procedures that will take more time.

After all, the legislative procedures of this House involves not just appropriations, as the gentleman from Illinois (Mr. ANDERSON) has suggested, but also involve authorizations. It does not do us any good to have the appropriation bill come up next Tuesday if we do not have a proper authorization on the books in advance of that time.

This is an urgent matter, this supplemental defense authorization bill, for one reason: Because of the events of the Middle East war last October. I had the honor to lead a subcommittee of 21 members to Israel and Egypt last November, while that war was in progress, and we came back deeply impressed with the lessons that have to be learned by our own Armed Forces.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. McSPADDEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, we came back deeply impressed with the fact that there are important lessons that need to be learned by our Armed Forces to protect ourselves. That is basically what is in this authorization bill, money for more tanks and more ammunition, for example because of what we saw on the plains of the Sinai Desert; money for fuel facilities to provide a little oil for any U.S. naval carrier operating in the Indian Ocean, where the Soviets already have too many anchorages, port facilities, and everything else.

So let us not reject making that kind of decision simply because of the jurisdictional questions that have arisen. There are two basic substantive issues involved here. One of them is the fact, as the gentleman from Ohio (Mr. LATTA) said a moment ago, that the Marine Corps and the Army simply cannot get enough enlistees today to meet their quotas. One of the reasons they cannot is that under the present law, 55 percent of enlistees have to be high school graduates.

Admittedly, if you get non-high school graduates who happen to fall into category 4, the real low ones, that is, they do create problems admittedly. But there is no proof that simply having a high school diploma in one's hand automatically guarantees that a man is going to be able to qualify for Admiral Rickover's nuclear program. It may well be that there are a lot of youngsters who have not actually graduated from high school, who can still pass the military IQ test high enough so that they can make a positive contribution to the armed services. All our committee wants to do is remove the present limitation so that the Army and the Marine Corps can get those enlistees now. If we have to wait until the 1975 defense appropriation bill goes through, then we will be waiting until September or October. We simply cannot afford to let our Army and Marine Corps sink to such level, since in that case they could not provide the security which we need for our safety and for deterring aggression.

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

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from Texas.

Mr. FISHER. Mr. Speaker, the gentleman is aware of the fact that under the constraint imposed by the amendment put in the appropriations bill, this 55-percent provision, that the Marine Corps is facing a 6,000-man shortfall in its recruiting due directly to that?

And there will be more than that in the next fiscal year. Damage to the Marine Corps is extremely serious.

Mr. Speaker, is the gentleman also aware of the fact that the Secretary of the Army stated that four out of every five of the non-high-school graduates make good soldiers? And that misfits are screened out during the training cycle?

Mr. STRATTON. Mr. Speaker, I certainly thank the gentleman for that contribution. He is absolutely correct.

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

Mr. LATTA. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, it ought to be emphasized again that, if we do not do anything now to correct that situation with this bill, we will not be able to get around to it, as I understand it, until next September or October.

Now, the other problem involved here is equally simple and equally important, regardless of how one may feel about Vietnam.

The North Vietnamese—and this is an open secret—have been violating the peace agreement out there at a tremendous rate. They have even constructed a virtual interstate highway from Hanoi to Saigon down inside South Vietnam itself, and they have gotten all kinds of supplies down that highway to renew their military attacks. If we are going to prevent the renewal of actual fighting out there, then we must get some weapons over to the South Vietnamese to help them deter that renewed aggression from the north.

But to do this requires an increase in the Vietnam ceiling. One ceiling is an authorization ceiling, and the other ceiling is an appropriation ceiling.

Our committee raised the authorization ceiling. Perhaps we went too far, because we recognized that if this repeal is going to become effective, the appropriation ceiling would have to be raised as well, and so we included that action in our bill. The chairman of our committee, however, has already offered to remove that section from the bill.

I understand that if the previous question is not voted down, there will be an amendment offered to do just that.

Mr. Speaker, let us not get confused. If we want to prevent armed aggression from being renewed in South Vietnam—and that is the kind of thing that could draw us back in there again—we need to give the South Vietnamese the weapons and armaments they need to deter that serious threat from the north which, with Russian help, the North Vietnamese can inflict on South Vietnam. It is just that simple.

So let us not lose sight of the forest for the trees. Let us address ourselves to these substantive questions. Let us consider the bill under this rule and get the job done today.

Mr. McSPADDEN. Mr. Speaker, I yield

5 minutes to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I am strongly opposed to House Resolution 1026 as reported by the Rules Committee and wholeheartedly support the efforts of the gentleman from Texas (Mr. MAHON) to vote down the previous question and amend the rule. Mr. Speaker, on December 5, 1973, this House, by the overwhelming vote of 386 to 23, passed H.R. 7130, the Budget and Impoundment Control Act of 1973. It is utterly beyond my comprehension how any Member who supported that milestone legislation can today vote "yes" on the previous question. The passage of H.R. 7130, endorsed as it was by an overwhelming bipartisan majority, was the product of over a year of hard work and effort on the part of some of the most able and committed Members of this body. Senior members of the Appropriations and Ways and Means Committees, despite the burdens of their regular duties, for weeks and months labored long and late to produce H.R. 7130. This measure was further perfected by the House Rules Committee, which gave its unanimous approval. The action of the Rules Committee yesterday, therefore, in reporting House Resolution 1026, which in effect permits the Committee on Armed Services, in violation of clause 4, rule XXI, to bring an appropriation bill to the floor of the House, is nothing short of mystifying.

Mr. Speaker, was the action of the House in passing H.R. 7130 a mere charade? The purpose of the budget reform legislation, as I understand it at least, was to enable the Congress to effectively manage this Nation's fiscal affairs. Its primary purpose was to equip the Congress with at least some management tools, which are mandatory if the legislative branch of this Government is to function effectively as a coequal branch of the Government with the executive. I was happy to note that a couple of weeks ago the other body saw fit to follow the House's lead in passing H.R. 7130 by the unanimous and, if I may say so, astounding vote of 80 to 0.

Mr. Speaker, there are those who have stated that, if we pass House Resolution 1026, we will be reneging on what we promised the American people but last December. Mr. Speaker, as serious as that is, what this resolution proposes today goes far beyond that in retrogression. We would be doing nothing short of liquidating the Budget and Accounting Act of 1921 and the congressional reorganization which accompanied that legislation. Let me tell you what the situation was before 1921. We had an Appropriations Committee, but its authority was crippled. The Military Affairs Committee, the Naval Affairs Committee, the Agriculture Committee, the Rivers and Harbors Committee—all of them had the right to report their own appropriations. Congressional chaos and complete domination of the budgetary process by the executive was the result. It was worse than chaos. The Appropriations Committee and the subject matter legislative committee, for all practical purposes, had dual jurisdiction over the appropriations. Sam Rayburn, who served in the House at that time, once told me that it was the regular practice in the case of those departments having large appropriations, for example, the Army or the Navy, to deliberately split their appropriations so they would not look so large. The regular appropriation for the Navy would be handled by the Naval Affairs Committee, while supplemental or deficiency bills for the Navy would be handled by the regular Appropriations Committee. There was no coordination between the two committees, and the executive departments would play one committee off against the other and write their own tickets exactly the way they wanted.

No, Mr. Speaker, what the Armed Forces Committee proposes to do here today, is not "business as usual," pre-budget reform bill style. What it is advocating is a return to the anarchy and chaos of our pre-1921 budget setup. A return—not to yesterday—but rather a retrogression to the fiscal dark ages. I urge a "no" vote on the previous question.

Mr. LATTA. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I listened very attentively to the remarks just made by the majority leader. It leads me to the conclusion that he has been away from the Committee on Rules too long. We miss him and his words of wisdom. Let me say with regard to the statement made by the gentleman from New York (Mr. STRATTON) if this rule is agreed to and the previous question is not voted down, the distinguished chairman of the Committee on Armed Services will propose an amendment to strike out the appropriating section 401. All that will remain in dispute is the question of section 402 dealing with whether or not we will have full strength in the Army and the Marine Corps. That is what is involved here. There is nothing in this bill about the impoundment of funds as suggested by the distinguished majority leader. I do not know how that subject crept into the discussion.

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

Mr. LATTA. I will be happy to yield to the gentleman.

Mr. O'NEILL. That was the title of the act that we passed last December in the House.

Mr. LATTA. What does that have to do with this bill?

Mr. O'NEILL. If we have a need for more marines, let the committee bring the legislation in. The duty of this committee is to authorize, and not to appropriate. Let them bring in an authorization and then get a supplemental as quickly as we can if there is an emergency on this matter.

Mr. LATTA. Mr. Speaker, I thought I had yielded to the gentleman for the purpose of explaining the relevance of the impoundment of funds question but he did not choose to do that. Let me say, Mr. Speaker, to reemphasize the fact that if this rule is adopted as presented by the Committee on Rules there will be but one question to be resolved; that is, whether or not we have full strength in the Marine Corps and the Army. The Vietnam money question will be mute and there is no question about the impoundment of funds.

So if Members are for the full strength of the Marine Corps and the Army, then they will vote to support the previous question. It is as simple as that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McSPADDEN. Mr. Speaker, I would ask the gentleman from Ohio if the gentleman has any further requests for time?

Mr. LATTA. I have one other speaker.

Mr. McSPADDEN. Mr. Speaker, I would say to the gentleman from Ohio that we have only one other speaker, and I would like to yield the balance of my time to the chairman of the full Committee on Armed Services, the gentleman from Louisiana (Mr. HÉBERT), but before I do, would the gentleman from Ohio like to proceed first?

Mr. LATTA. Mr. Speaker, let me say that I would be happy to yield extra time to the distinguished chairman of the Committee on Armed Services if the gentleman should need it.

Is the gentleman from Oklahoma inferring that the gentleman from Louisiana (Mr. HÉBERT) may need additional time?

Mr. McSPADDEN. No; I do not believe so. I merely said that the distinguished chairman of the Committee on Armed Services, the gentleman from Louisiana (Mr. HÉBERT) is our last speaker, and that we are going to yield the balance of our time to that gentleman.

I am asking does the gentleman from Ohio have another speaker whom he would like to proceed with?

Mr. LATTA. Yes.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, methinks the Committee on Appropriations protesteth too much. How often has it been that the Members of this House have seen the Committee on Appropriations come to the Committee on Rules and ask a waiver of points of order?

What does section 718 of the defense appropriation bill for fiscal year 1974 do except to legislate on an appropriation bill? That is what it is: to interfere with the Committee on Armed Services' legitimate interests in the field of whether or not there ought to be some kind of a limit placed on non-high-school graduates.

I must say in all honesty to the House and to the Members of this House that I do have a dilemma. I do not like to waive points of order, yet I think it is clear that what has happened is that the armed services in this case, in this instance, is exercising a legitimate function to come in and request that the House work its will on the question of

whether or not there ought to be a debate on the issues contained in sections 401 and 402 of this bill.

If the previous question is voted down, the substance of the debate is removed, because then a point of order is simply made, and the House never has a chance to debate whether or not the Committee on Armed Services is correct or incorrect in its decisions.

Well, I support the Committee on Armed Services. I think the rule presented by the Committee on Rules is absolutely correct. I think it does give the House a chance to do what it ought to do, which is to legitimately consider whether or not the Committee on Appropriations was correct in putting a limitation on the number of non-high-school graduates. I do not believe they were. I believe that was inappropriate. I believe it was unwise. It hurts the Army and the Marine Corps most especially. Four out of five non-high-school graduates are proving themselves in the military.

So I urge, Mr. Speaker, for the sake of our attempt to make sure that the volunteer military concept works well, that we go along with the Committee on Armed Services; that we do not vote down the previous question, but sustain the Committee on Rules.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, the section to which the gentleman in the well has addressed himself is section 718 of Public Law 93–238, which was a valid limit on an appropriation bill. It came to this floor, and the Committee on Appropriations did not seek a waiver of points of order.

Mr. STEIGER of Wisconsin. On that one it did not. Of course, the gentleman is technically correct, but I think substantively is wrong. That section was drafted artfully to meet that objection regarding an authorization in an appropriation bill. As a fact, section 718 clearly infringes on the authorizing function of the Armed Services Committee.

Mr. McSPADDEN. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Louisiana, the chairman of the full Committee on Armed Services (Mr. HÉBERT).

The SPEAKER pro tempore. The gentleman from Louisiana will be recognized for 9 minutes.

Does the gentleman from Ohio wish to yield additional time to the gentleman from Louisiana?

Mr. LATTA. Mr. Speaker, I would be happy to. I yield an additional 5 minutes to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I probably will not need all the time.

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 14 minutes.

Mr. HÉBERT. Mr. Speaker, I really am quite amused at the debate going on here today, as I have been some times in the past. Let us get the record clear, and understand exactly what we are talking about.

I asked for the waiver of points of order before the Committee on Rules yesterday purely in the routine fashion that any chairman would ask, acting on instructions to get a bill to the floor of the House.

I was very gratified and appreciated very much the fact that the Committee on Rules did send the bill here waiving these two particular points of order. It amuses me a great deal to hear the protestations made, particularly by the Committee on Appropriations, which maybe should be named the ex-Committee on Appropriations, in the manner in which it takes over so many committees of the House in putting legislation on appropriations.

Of course, I have talked to my distinguished friend, the gentleman from Texas (Mr. MAHON), whom I am devoted to and for whom I have a great deal of affection. I offered him the proposition to forget this part or take it out concerning the alleged revenue or contributory appropriation, if he would just leave the legislation, which was a bold, daring, barefaced invasion of the Committee on Armed Services, as relating to the personnel of the Marines and the Army. There is no doubt about that being an invasion of our prerogatives and our rights. He refused to do so. So, having refused to do so, I have no alternative but to seek to protect my committee in my own way, which I did.

I am very frank to say that I am going to keep the Committee on Appropriations honest from now on, as long as I am in this House. I will assign a staff member from my committee to read every appropriation bill that comes out, and if it infringes upon the Committee on Armed Services, I am going to write the same type of letter that the gentleman from Texas wrote, using his exact words in objecting to its being considered as an invasion, and asking that the waiver not be granted. So we will not have any problems with the Committee on Appropriations any more.

As to the situation in which we find ourselves here now, the gentleman from Texas (Mr. MAHON), has indicated that we are appropriating money. We are not appropriating one red cent of money. We are not appropriating any money. We are merely setting a new ceiling, and in all deference to my beloved friend, the gentleman from Boston—who has such a command of beautiful words and stirring phrases—we are not violating any law; we are merely changing a law. I am sure he would not contend when we amend a law, that is violating a law. We merely bring the law into being as necessary. I can understand his great talent and his rhetoric, but do not be misled by that. We are not doing one bit of appropriating, and we are not violating the law.

Let us now come down to what the situation is. Parenthetically, let me say this: That all of this discussion that we are talking about here now could have been done under the rule. Under the rule, which is an open rule, any Member of the body would have had an opportunity to offer the language that would be offered in striking down a point of order. He could have offered it anytime he wanted to when it came up. He would have an opportunity to decide whether we are going to have a strong Marine Corps and Army or we are not going to have them. Everybody in this House knows how I feel about the Volunteer Army, but I have never been accused of taking anything away from them to make the Volunteer Army work.

The Marines have come to me, and the Army has come to me, and said: We need this language; we need this change if we are going to accomplish our position in defending this country. We cannot wait for 2 more months or 3 more months. We want it now.

I will believe the Marines anytime. They do our fighting, and if they say that they need them, in my book they need them, and it is going to be up to this body to vote the previous question so that this cannot be amended and start over.

However, in preparation, and if the previous question is sustained, I intend to offer this motion. I will read it to the Members to show that everything is removed except the question of the personnel. The amendment I will offer will be this. It will reduce the ceiling of $1,600,000,000 recommended by the Committee on Armed Services to the new figure of $1,400,000,000. I intend to reduce that figure by $200 million.

The second point will delete entirely the language of section 401(b) which is the controversial language involving the ceiling in the appropriations of Public Law 93–238.

Can I be fairer? Can I offer more? Can I be more cooperative? I do not think I can. I am giving everything in an effort to have harmony here but, also, I must protect my own committee and protect the interest of this country by giving to the Marines and to the Army the funds they must have to defend this country, this Nation.

Mr. LATTA. What the gentleman is telling the House is exactly what I said previously, that we have only one matter of dissension between the Committee on Appropriations and the Committee on Armed Services, and that is something which lies strictly within the jurisdiction of the Armed Services Committee, and that is whether we maintain the strength of the Marine Corps and the Army and have the means to defend the country.

Mr. HÉBERT. That is exactly correct. This a gray area, but in order to compromise I am perfectly willing to admit this in the interest of the gentleman from Texas, but we do have to maintain the strength of the military, and the gentleman from Texas refused my offer.

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

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

Mr. MAHON. Mr. Speaker, the able chairman and my devoted friend, the gentleman from Louisiana, says this bill does not provide for an appropriation. I believe we would agree that under the bill as it is written and now before us, it raises the amount of money available for commitment and ultimate ex-

penditure in Vietnam from $1.1 billion to $1.6 billion and therefore it enables the Defense Department to obligate $474 million in support of Vietnam that it could not obligate otherwise, so this is, as I interpret it, freeing up money for expenditure, and it is in a real sense an appropriation for Vietnam.

The funds are already available to the Defense Department, but they are not available for obligation to Vietnam. But this bill would make them available for Vietnam when, as a matter of fact, the money is not provided otherwise.

We would expect the provision on the high school graduates which we put in the appropriation bill last year to be debated in the consideration of the appropriation bill next week. The House will be able to modify or repeal the provision if it so desires.

Mr. HÉBERT. I will say to my friend, the gentleman from Texas, he certainly has succeeded in building up the Army and the Marines, and he has done such a great job that they are coming back to us and screaming that they cannot do it under the provisions that were put in the appropriation bill. So that is a complete success? It is a complete failure. If we accept that as success, fine.

But the money for Vietnam is available now. We are not appropriating any new money. All it does is open the door where the money can go through in the Vietnam situation. So we are not appropriating any money, we are not doing anything to take away from the Appropriations Committee its rights.

I am going to offer the amendment after the previous question is ordered striking out section 401(B), and all I am asking the gentleman on the Appropriations Committee to do is to allow the Armed Services Committee to deduct the figures for the armed services by whatever trick—maybe "trick" is a hard word and perhaps "whatever adroit maneuver" would be a softer term—so as to control the personnel, which is strictly within the realm of the Armed Services Committee. We are trying to do away with that and meet the issue right head on.

I think that the issue is well known. I hope that the previous question will be sustained and we can get along with the business of the day and get on with the consideration of the bill.

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

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

Mr. GROSS. In the impending battle between these two old and dear friends, the gentleman from Texas and the gentleman from Louisiana, the gentleman from Iowa in closing out his time in the House would like to volunteer as a referee.

Mr. HÉBERT. The gentleman from Louisiana would accept the offer to referee, but the gentleman from Iowa has already stated a position.

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

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

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 268, not voting 51, as follows:

[Roll No. 144]

YEAS—113

Arends	Gubser	O'Brien
Armstrong	Hansen, Idaho	Parris
Baker	Hébert	Pepper
Beard	Hicks	Pettis
Bennett	Hinshaw	Peyser
Biaggi	Hogan	Pike
Boggs	Holt	Powell, Ohio
Bray	Horton	Price, Ill.
Brinkley	Hosmer	Price, Tex.
Broyhill, Va.	Hudnut	Quillen
Burgener	Hunt	Randall
Burke, Fla.	Hutchinson	Sandman
Butler	Ichord	Satterfield
Byron	Jones, N.C.	Sebelius
Chamberlain	Jones, Okla.	Spence
Clawson, Del	Kemp	Staggers
Collins, Tex.	Ketchum	Steiger, Ariz.
Conable	King	Steiger, Wis.
Daniel, Dan	Kuykendall	Stratton
Daniel, Robert W., Jr.	Lagomarsino	Symms
Davis, S.C.	Landgrebe	Taylor, Mo.
Delaney	Latta	Teague
Derwinski	Long, La.	Thomson, Wis.
Dickinson	Lott	Treen
Downing	McClory	Waggonner
Duncan	McSpadden	Walsh
Erlenborn	Madigan	Wampler
Findley	Mallary	White
Fish	Mann	Whitehurst
Fisher	Martin, N.C.	Wilson, Bob
Flowers	Mathis, Ga.	Winn
Frelinghuysen	Mayne	Wright
Froehlich	Mitchell, N.Y.	Wydler
Gilman	Mollohan	Young, Alaska
Ginn	Montgomery	Young, Ill.
Goldwater	Murphy, N.Y.	Young, S.C.
Grover	Murtha	Young, Tex.
	Nichols	Zion

NAYS—268

Abdnor	Cleveland	Green, Pa.
Abzug	Cochran	Griffiths
Adams	Cohen	Gross
Addabbo	Collier	Gude
Anderson, Calif.	Collins, Ill.	Gunter
Anderson, Ill.	Conte	Guyer
Andrews, N.C.	Corman	Haley
Andrews, N. Dak.	Cotter	Hammer-schmidt
Annunzio	Coughlin	Hanley
Archer	Cronin	Hanna
Ashley	Culver	Hanrahan
Aspin	Daniels, Dominick V.	Hansen, Wash.
Badillo	Danielson	Harrington
Bafalis	Davis, Ga.	Harsha
Barrett	de la Garza	Hastings
Bauman	Dellenback	Hawkins
Bell	Dellums	Hays
Bergland	Denholm	Hechler, W. Va.
Biester	Dent	Heinz
Bingham	Diggs	Helstoski
Blatnik	Donohue	Henderson
Boland	Drinan	Holifield
Bolling	Dulski	Holtzman
Bowen	du Pont	Howard
Brademas	Eckhardt	Hungate
Brasco	Edwards, Ala.	Jarman
Breaux	Edwards, Calif.	Johnson, Calif.
Breckinridge	Eilberg	Johnson, Colo.
Brooks	Esch	Johnson, Pa.
Broomfield	Eshleman	Jordan
Brotzman	Evans, Colo.	Karth
Brown, Calif.	Evins, Tenn.	Kastenmeier
Brown, Mich.	Fascell	Koch
Broyhill, N.C.	Flood	Kyros
Buchanan	Flynt	Landrum
Burke, Calif.	Foley	Leggett
Burke, Mass.	Ford	Lent
Burleson, Tex.	Forsythe	Litton
Burlison, Mo.	Fountain	Long, Md.
Burton	Fraser	McCloskey
Camp	Frey	McCollister
Carney, Ohio	Fulton	McCormack
Casey, Tex.	Fuqua	McDade
Chappell	Gaydos	McEwen
Chisholm	Giaimo	McFall
Clark	Gibbons	McKay
Clausen, Don H.	Gonzalez	McKinney
Clay	Goodling	Macdonald
	Grasso	Madden
	Green, Oreg.	Mahon
	Maraziti	Rangel
	Mathias, Calif.	Rarick
	Matsunaga	Regula
	Meeds	Reuss
	Melcher	Rhodes
	Metcalfe	Riegle
	Mezvinsky	Rinaldo
	Michel	Roberts
	Milford	Robinson, Va.
	Miller	Robison, N.Y.
	Mills	Rodino
	Minish	Roe
	Mink	Rogers
	Minshall, Ohio	Roncalio, Wyo.
	Mitchell, Md.	Roncallo, N.Y.
	Mizell	Rooney, Pa.
	Moakley	Rose
	Moorhead, Calif.	Rosenthal
	Moorhead, Pa.	Rostenkowski
	Morgan	Roush
	Mosher	Rousselot
	Moss	Roy
	Murphy, Ill.	Roybal
	Myers	Ruppe
	Natcher	Ruth
	Nedzi	Ryan
	Nelsen	St Germain
	Nix	Sarasin
	Obey	Sarbanes
	O'Hara	Scherle
	O'Neill	Schneebeli
	Owens	Schroeder
	Passman	Seiberling
	Patman	Shipley
	Patten	Shoup
	Perkins	Shuster
	Podell	Sikes
	Preyer	Skubitz
	Pritchard	Slack
	Quie	Smith, Iowa
	Railsback	Smith, N.Y.
		Stanton, J. William
		Stanton, James V.
		Steed
		Steele
		Steelman
		Studds
		Sullivan
		Symington
		Talcott
		Taylor, N.C.
		Thone
		Thornton
		Tiernan
		Towell, Nev.
		Udall
		Ullman
		Van Deerlin
		Vander Jagt
		Vander Veen
		Vanik
		Veysey
		Vigorito
		Ware
		Whalen
		Whitten
		Widnall
		Wiggins
		Wilson, Charles, Tex.
		Wolff
		Wyatt
		Wylie
		Wyman
		Yates
		Yatron
		Young, Fla.
		Young, Ga.
		Zablocki
		Zwach

NOT VOTING—51

Alexander	Gettys	Reid
Ashbrook	Gray	Rooney, N.Y.
Bevill	Hamilton	Runnels
Blackburn	Heckler, Mass.	Shriver
Brown, Ohio	Hillis	Sisk
Carey, N.Y.	Huber	Snyder
Carter	Jones, Ala.	Stark
Cederberg	Jones, Tenn.	Stephens
Clancy	Kazen	Stokes
Conlan	Kluczynski	Stubblefield
Conyers	Lehman	Stuckey
Crane	Lujan	Thompson, N.J.
Davis, Wis.	Luken	Waldie
Dennis	Martin, Nebr.	Williams
Devine	Mazzoli	Wilson, Charles H., Calif.
Dingell	Pickle	
Dorn	Poage	
Frenzel	Rees	

So the previous question was not ordered.

The Clerk announced the following pairs.

On this vote:

Mr. Reid for, with Mr. Stark against.

Until further notice:

Mr. Thompson of New Jersey with Mr. Ashbrook.

Mr. Rooney of New York with Mr. Dennis.

Mr. Alexander with Mr. Cederberg.

Mr. Bevill with Mr. Conlan.

Mr. Carey of New York with Mr. Devine.

Mr. Stubblefield with Mr. Blackburn.

Mr. Kluczynski with Mr. Carter.

Mr. Hamilton with Mr. Davis of Wisconsin.

Mr. Conyers with Mr. Gray.

Mr. Jones of Tennessee with Mr. Crane.

Mr. Stokes with Mr. Dingell.

Mr. Mazzoli with Mr. Frenzel.

Mr. Charles H. Wilson of California with Mr. Brown of Ohio.

Mr. Jones of Alabama with Mrs. Heckler of Massachusetts.

Mr. Sisk with Mr. Clancy.

Mr. Stephens with Mr. Hillis.

Mr. Gettys with Mr. Lehman.

Mr. Stuckey with Mr. Lujan.

Mr. Pickle with Mr. Luken.

Mr. Dorn with Mr. Huber.

Mr. Rees with Mr. Kazen.

Mr. Waldie with Mr. Martin of Nebraska.

Mr. Shriver with Mr. Snyder.

Mr. Williams with Mr. Runnels.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAHON: On page 1, beginning in line 9, after the word "purposes", insert a period and strike out "and all points of order against section 401 of said bill for failure to comply with the provisions of clause 4, rule XXI and are hereby waived."; and

On page 2, beginning in line 5, after the period, strike out the sentence beginning on line 5 and ending on line 9.

The SPEAKER. The gentleman from Texas is recognized for 1 hour on his amendment.

Mr. MAHON. Mr. Speaker, it should not require a great deal of time to dispose of the amendment which I have offered. The authorization bill which provides needed funds for defense is not heavily involved in the amendment which has been sent to the Clerk's desk. All of the funds remain in the bill which have been recommended by the Committee on Armed Services, for the Army, the Navy, and the Air Force, except that in the general provisions of the bill we do not waive points of order to sections 401 and 402, that is the import of the amendment I have offered. Therefore, when this bill is read for amendment, I expect to make a point of order against all or parts of sections 401 and 402.

The general provisions are subject to a point of order without the rule. The action by the Committee on Armed Services in raising the amount of money available to be obligated in South Vietnam from $1.26 billion to $1.6 billion is subject to a point of order. It is up to the House to work its will with respect to the amount of additional money to be authorized for South Vietnam. I am not complaining about the authorization, I object to providing additional obligational authority in an authorization bill.

The appropriation bill for the Defense Department and other agencies is scheduled for House consideration next Wednesday. At that time the House can work its will with respect to appropriations or obligational authority for South Vietnam. Also the House can take whatever action it wishes to take with respect to the language involving the educational requirements for new recruits.

In other words, this whole matter will be before the House next Wednesday, according to the schedule, and at that time we will decide how much money will be available in an appropriation bill, and that is where the issue ought to be decided. The authorization ought to be in the current bill. We do not propose to knock out the authorization provisions.

There has been some talk about our insistance that there be at least 55 percent of the new recruits in the services who are high school graduates. Well, in the bill coming up on next Wednesday this provision, which is in the armed services bill today, this provision, identically, will be in that bill. It will be subject to amendment. If anyone wishes to change the percentage of high school graduates or knock out the provision altogether, there will be an opportunity to do so. It is just a matter of the House working its will on the appropriation bill next week.

With respect to qualifications of military personnel we are just trying to have a highly efficient armed force. Quality is what we want, not just warm bodies.

So I think I am making my point here. We have no desire to disturb the regular authorization bill, and next week when we have up the appropriation bill we can do what we like with respect to additional obligational authority for Vietnam.

I see my distinguished friend, the gentleman from Louisiana (Mr. HÉBERT) is on his feet. I yield to the gentleman from Lousiana.

Mr. HÉBERT. Mr. Speaker, I would ask the gentleman from Texas to yield for an amendment.

Mr. MAHON. I yield for a question.

Mr. HÉBERT. The gentleman does not yield for an amendment?

Mr. MAHON. No, I do not yield for an amendment.

Mr. HÉBERT. I just wanted to ask the gentleman. I told the gentleman I was going to keep him honest.

Mr. MAHON. No problem. Mr. Speaker, if there is any uncertainty about my amendment that I could help clear up, I would be delighted to do so. Otherwise I am inclined to move the previous question.

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

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

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas (Mr. MAHON).

The amendment was agreed to.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT FRIDAY, APRIL 5, 1974, TO FILE A REPORT ON THE SECOND SUPPLEMENTAL APPROPRIATION BILL, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Friday, April 5, 1974, to file a report on a bill making further supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

Mr. MINSHALL of Ohio reserved all points of order.

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

There was no objection.

DEPARTMENT OF DEFENSE SUPPLEMENTAL AUTHORIZATION FOR APPROPRIATIONS FOR FISCAL YEAR 1974

Mr. HÉBERT. 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. 12565) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations, and for other purposes.

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

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. 12565, with Mr. ROSTENKOWSKI 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 Louisiana (Mr. HÉBERT) will be recognized for 1 hour, and the gentleman from Indiana (Mr. BRAY) will be recognized for 1 hour.

The Chair recognizes the gentleman from Louisiana.

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

Mr. Chairman, the bill before the committee today is one recommended and supported by the Department of Defense.

It will provide a supplemental authorization for Department of Defense appropriations for fiscal year 1974.

The new authorization proposed in this bill is $1,142,049,000. The amount requested by the Department of Defense was $1,257,455,000. The amount approved by the committee and recommended for enactment therefore represents a reduction from the amount requested by the Department of Defense in the amount of $115,406,000.

The new authorization proposed in this bill is $1,142,049,000, distributed as follows:

Title I (procurement)	$999,300,000
Title II (R.D.T. & E.)	109,883,000
Title III (construction)	32,866,000

In the interest of providing a better understanding of the departmental request, here is a brief summary of title I (procurement), broken down into various categories:

Title I—Procurement

	Millions
Middle East payback	140.3
Augmented force readiness	327.2
Increased airlift capability	167.4
Accelerated modernization	339.6
Strategic program changes	24.8
Total	999.3

A detailed breakdown of these various categories appears on page 7 of the committee report. However, for purposes of placing this into proper perspective, I will briefly review each of these categories and the authorization provided therein.

MIDDLE EAST PAY BACK, $140.3 MILLION

The category "Middle East pay back" funds the incremental costs of replace-

ment of equipment provided to Israel. The sale of equipment under the military assistance program (MAP) did not generate sufficient dollars to replace this equipment in U.S. inventories at today's higher prices.

AUGMENTED FORCE READINESS, $327.2 MILLION

This category "Augmented force readiness" involves items to improve force readiness worldwide that are not necessarily related to the Middle East war. Major programs include: Additional spares and repair parts, new simulators, electronic countermeasure (ECM) equipment, additional missiles, aircraft modifications, and tactical drones.

INCREASED AIRLIFT CAPABILITY, $167.4 MILLION

This category is comprised of three programs:

First. C–5 and C–141 spares, $108.9 million. The program will provide additional spares to permit a substantial increase in the utilization rate of these aircraft during an emergency.

Second. Engineering and drawings for stretched C–141, $40 million. This program will lengthen the body of the C–141 aircraft to provide increased cargo stowage area.

Third. Design of modification and tooling for wide-body cargo convertible aircraft (CRAF), $18.5 million.

ACCELERATED MODERNIZATION, $339.6 MILLION

This category generally includes increases to ongoing programs. The intent is to increase the inventory of these items at a faster rate than was originally planned. The request includes increased procurement of: P–3 and KC–130 aircraft, the TOW missile, Army tracked combat vehicles, and aircraft modifications.

STRATEGIC PROGRAM CHANGES, $24.8 MILLION

This category requests procurement of long leadtime material in support of construction of the second and third Trident submarines. The Navy has stated that failure to provide the $24.8 million as a supplemental request will jeopardize current delivery schedules for the third Trident submarine.

In summary, the committee recommended approval of a total of $999,300,000 in authorization for title I of the bill for the procurement of hardware and weapon systems.

TITLE II—R.D.T. & E.

Title II of the bill is concerned with research, development, test, and evaluation. The amount requested by the departments and defense agencies amounted to $217,489,000. The committee was of the view that time did not permit a detailed review of each of the hundreds of projects involved in this title of the bill and, therefore, deferred without prejudice any action on the requests of the departments except for the authorization required to meet classified civilian employee pay raises and wage board increases not previously provided in the fiscal year 1974 budget in the amount of $108,908,000; and one classified project in the amount of $975,000, for a total authorization for this title of $109,883,000.

TITLE III—CONSTRUCTION

Title III of the bill is concerned with military construction. The departmental request of $32,866,000 was approved in its entirety by the committee.

The request consists of two items: first, the expansion of base facilities on the island of Diego Garcia in the Indian Ocean in the amount of $29 million, and second, an authorization in the amount of $3,866,000 in support of military family housing. This latter item also essentially represents wage increases not previously budgeted by the Department in fiscal year 1974.

I am acutely aware that some Members of the Congress are not persuaded of the necessity of expanding our facilities on Diego Garcia. However, I feel these Members are either uninformed or have not correctly analyzed the circumstances which indicate the critical need for this action. Therefore, let me suggest that those who question the need for this action read that portion of the committee report dealing with Diego Garcia which begins on page 12 and extends through page 16.

Very briefly, unless we are willing to forfeit to Soviet influence and domination the entire Indian Ocean area and all the nations which border on that great ocean, we must in our national interest provide a modest naval support facility on Diego Garcia. It is a prudent, precautionary move to insure that we will have the capability in the future to operate our forces in an area of increasing strategic importance to the United States and its allies.

TITLE IV—GENERAL PROVISIONS

Title IV contains two sections, both controversial. The first would increase the ceiling on the amount of funds that can be obligated in support of our military assistance service funded program for Laos and South Vietnam in fiscal year 1974 from the $1,126,000,000 now established in law to $1,600,000,000.

The department in making this request pointed out that the reduction made by the Congress in the proposed fiscal year 1974 program seriously crippled its ability to continue to provide the South Vietnamese with the war materials which are essential to the maintenance of that country's independence.

Deputy Secretary of Defense Clements, in his appearance before the committee, pointed out that the department's request does not involve any additional funds; what is requested is the authorization to spend up to the requested level of $1.6 billion.

Secretary Clements stated that the present ceiling is insufficient to permit the department to provide the South Vietnamese with the ammunition, petroleum products, and other war materials that are necessary to enable them to resist continued North Vietnamese military pressure and violations of the cease-fire agreement.

It is for these military reasons as well as recognition of our long tradition of assisting our friends and allies to defend themselves from oppression that we have approved the departmental request.

I, personally, find it inconceivable that anyone would deny this essential assistance to the South Vietnamese who have over the past year, without American troops, demonstrated to the world their great determination to remain a free and independent sovereign nation. I am happy that the vast majority of the members of the Committee on Armed Services concur in this view. I trust that the overwhelming majority of the Members of the House will join the Armed Services Committee in expressing and demonstrating our firm and continued support for this noble people.

The second item in this title is concerned with an amendment proposed by the committee which, if enacted into law, will nullify a legislative provision in last years' fiscal year 1974 appropriation law which prohibits the use of funds for the enlistment of non-prior-service personnel when such elistments will cause the percentage of non-high school graduates enlisting in the services to exceed 45 percent.

It is neither sound nor fair to deny enlistments to potentially successful non-high school graduates when recruiting shortfalls are occurring.

The Congress has opposed the continuation of the induction authority and insisted on establishing an all-volunteer force environment. Yet, notwithstanding this policy determination by the Congress, we have in an appropriation bill imposed a severe restriction on recruitment.

I am aware of the rationale that contends that this provision is designed to improve the quality of our volunteers. The fact of the matter is that the military services select the best qualified among the available non-high school graduates. Over 85 percent of non-high school graduates enlisted this fiscal year had qualifying test scores which rank them in mental groups I to III, which is average, or above average.

I am advised by the Secretary of Navy and by the Commandant of the Marine Corps that failure to waive this provision in the appropriations bill will result in a recruiting shortfall for the Marine Corps of approximately 12,000. The Army will also suffer a recruiting shortfall as a consequence of this provision of somewhere between 10,000 and 20,000 recruits.

It is for this reason that the committee elected to exercise its legislative jurisdiction and recommend elimination of this unfortunate action of the Congress.

CONCLUSION

The communication sent to the Congress requesting this legislation advised that its submission was made necessary as a result of a number of serious unforeseen problems which had come to light as a result of the Middle East conflict. These problems involved military readiness.

Stated another way, departmental witnesses have emphasized that this additional authorization for appropriations is necessary to provide the military with the increased readiness to respond to war crises situations.

The crisis in the Middle East has demonstrated to the department that our reaction capability is considerably less than the optimum. None of us knows what tomorrow may bring in the way of a

new crisis and, therefore, prudence requires us to support efforts to overcome any inadequacies which may now exist in our military capability.

I solicit your support of this legislation which, in the last analysis, is designed to overcome, in the shortest possible time, readiness deficiencies in our Defense Establishment.

Mr. LEGGETT. Mr. Chairman, will the chairman yield for a question?

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

Mr. LEGGETT. Mr. Chairman, the gentleman indicated that he intends, if I recall his statement, to ask for a reduction amendment to the committee bill from $1.6 billion to $1.4 billion at the appropriate time; is that correct?

Mr. HÉBERT. That is correct; yes, sir.

Mr. LEGGETT. Will that leave them an additional amount to be spent during the current fiscal year, which is $274 million more than we talked about in the committee?

Mr. HÉBERT. This amount is the amount of money on hand and after discussing it in the full committee, it is the amount that is available and can be spent. We reduced it to $1.4 billion to coincide with the amount that is available.

Mr. LEGGETT. Is it not a fact that if we do reduce the amount to $1.4 billion, it also allows the flexibility which Senators talked about on their side that, in fact, rather than reduce the amount by some $200 million we would be increasing the item, so there would be available expenditures of $640 million for the defense of Vietnam.

Mr. HÉBERT. I cannot answer a question anticipating what the Senate may or may not do.

Mr. LEGGETT. The Senate subcommittee has already done it.

Mr. HÉBERT. I do not care whether it has done it. It has not come to us.

Mr. LEGGETT. I was asking the gentleman for a professional analysis of what would happen if his reduction took place and the modification took place that the Senators are talking about.

Mr. HÉBERT. The gentleman is asking me to reply to a question which is not a fact. The subcommittee has done such and such, the full committee might do something else and the Senate itself might do something else; so unless we have the facts before us, I cannot answer such a question.

Mr. LEGGETT. Let me ask, considering that we are concerned with facts and the Department of Defense made a very strong plea to justify the $1.6 billion that is in the bill as a firm commitment that they made to avoid a bubble in the pipeline, why is the gentleman now suggesting that we modify this amount by $200 million?

Mr. HÉBERT. I am not suggesting we modify it. Because of further investigation and discussion with the Department of Defense, we learned that they can live with this figure. As the gentleman will recall, he was present at the time of the hearings in the committee, this was a flexible figure of $1.6 billion, in order to give flexibility to the Department of Defense in case an unexpected emergency arises.

It was sort of an open area. We are now tightening that area.

Mr. LEGGETT. Is it the intent now to take away the flexibility?

Mr. HÉBERT. We have taken away that flexibility in spending that which we have on hand at the moment.

Mr. LEGGETT. Is the Department of Defense sending letters to the committee supporting the reduction from $1.6 billion, to $1.4 billion?

Mr. HÉBERT. I do not know that the Department of Defense is sending letters to the committee.

Mr. LEGGETT. I thank the chairman.

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

Mr. Chairman, traditionally supplemental requests have been presented to the Congress when an event, unforeseen or incalculable by the administration, creates a problem of such magnitude that the administration could not accommodate its consequences within the authority and capability ascribed to it by the Congress.

I think we will all agree that the Middle East war was just such an unforeseen event. True, we in the Congress appropriated $2.2 billion to pay for the material required but this supplemental addresses not just the payback of costs associated with material provided to Israel but a whole gamut of items which are needed to overcome deficiencies uncovered or whose presence was reiterated as a result of the action in the Middle East. Many administration spokesmen have emphasized that although we had been working in many of the deficiency areas in order to overcome them, the war highlighted anew that we needed more emphasis on several points such as:

Advanced warning and its assessment, and the ready forces available to take advantage of it;

Larger inventories to offset the heavy attrition of equipment and supplies that can result from modern, intense conventional conflict;

Balanced, mutually supporting forces, that is, not just tanks and aircraft, but infantry, antitank weapons, artillery and ground air defenses as well;

Defense suppression weapons, equipment and tactics; and

A warm production base with sufficient reserve stocks in hand.

To address these problems we are considering this supplemental request. Many have said, "Why can it not wait until fiscal year 1975." I think that the answer to that is twofold. Primarily, the items covered by the supplemental are additional increments of weaponry that we approved in the fiscal year 1974 budget or fixes to those items. If we approve these supplemental requests at this time, procurement lot quantities can be increased to take advantage of large lot buying and to enable contractors to set up the most efficient production capacity and economic rate. Additionally, fixes can be incorporated into contracts at a point in the production cycle that will create a minimum of disruption. Secondarily, the track record of the Congress in completing its action on the Defense Department requests in a timely manner has not been overwhelming in the recent past. True some of the delay can be attributed to actions or inactions on the part of the administration, however our own culpubility cannot be mitigated. The two factors then lead one to the inescapable conclusion that allowing this request to lie fallow until action on the fiscal year 1975 budget request is a sure-fire approach to insuring delay and disruption in the production lines of needed material and a certain diminution of our forces capacity to react to crisis.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the distinguished committee chairman for giving me this time.

We the Members of this distinguished body pass legislation daily. Often because of the crush of legislation we do not have the time to examine the climate in which the legislation is raised and regrettably we cannot often make a prognosis concerning the long-term impact of the legislation. On this bill, on this monstrous defense supplemental authorization, it is crucial that we look at the climate in which this legislation is spawned and also that we critically examine the long-range implications of the legislation.

Despite all of the press agentry concerning the Chief Executive's peace initiatives, in reality we in America are witnessing the resurgence of an arms-race mentality and a cold-war philosophy rationale in this country. Détente with the Union of Soviet Socialist Republics is being matched with cries for more money for the military. We now have the largest Department of Defense budget ever known in America's history.

Rapprochement with the People's Republic of China is matched with an outburst of cries for more money, more money for the Army, the Navy, the Marines, and the Air Force. The old ugly specter of a cold war once again is with us, and once again are asking another generation of Americans to live under the psychic trauma of a cold-war national policy. Once again we are beginning to create a climate in which every night Americans will go to bed asking themselves the same question: "Will the bomb be dropped tonight?" "Will the button be pushed by mistake?" "Will the world destroy itself tomorrow?"

A whole generation of Americans lived through that kind of torture, and now we are setting the stage for the resumption of that torture but this time on a new generation of Americans.

We must consider the long-range aspects of this legislation. The Korean war ended on July 27, 1953. Now 21 years later, Americans are still paying

taxes for our "military presence" in Korea. Our "delicate secret commitments" which brought the Korean war to a theoretical end, prevented American citizens from knowing about a seemingly unending political/military commitment to South Korea. Shall we still be paying in 1984, in 1994?

Our Secretary of State, Mr. Kissinger who "excels" at the art of secret, personal diplomatic negotiations did not tell us that the price for "ending the war in Vietnam" was an unending commitment of money, material, and perhaps manpower to South Vietnam. Will American citizens be paying for this fancy dan diplomacy in the year 2020, in the year 2040? I do not care how we attempt to evade it or rationalize it, this bill, H.R. 12565, becomes a part of that never-ending commitment of money, material, and perhaps manpower to the Government of South Vietnam.

Mr. Chairman, I entreat you to weigh soberly the words I have said. I entreat you not to take action to revive the cold-war-arms-race philosophy and posture. I entreat you not to saddle generations yet to be born with a tax burden made totally burdensome because of an open end, unending commitment to the Government of South Vietnam.

Mr. Chairman, I implore you to defeat this monstrous bill, H.R. 12565.

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

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

Mr. PIKE. Mr. Chairman, I think it is already obvious that some progress has, indeed, been made. We are going to have, during the reading of the bill, a point of order which strikes out the $1.6 billion in the appropriation bill and then we are going to have an amendment offered by the distinguished chairman of the Committee on Armed Services which reduces the sum of $1.6 billion in aid to Vietnam in the authorized amount to $1.4 billion. I am delighted at this progress which has been made, and I am delighted that the chairman of the Committee on Armed Services is going to offer that amendment.

However, I submit to you the reason why this progress has been made and the reason why these things are going to happen is not so much that we have suddenly found within the week since this bill was reported out that we do not need this money, but, rather, that we have suddenly found the American people do not want to pay this money. The American people are not in the mood to abandon South Vietnam, but they are in the mood to question how much money they should pay for the support of the war effort in South Vietnam. Under the parliamentary situation as it now exists and as it is expected to exist after the chairman of the Committee on Armed Services has offered his amendment to reduce the increase from $474 million authorized to a $274 million increase, I am going to offer an amendment to strike out that section thereby removing any increase whatsoever.

I do not honestly think that the American people at this particular point in time want to send an additional $274 million, in this fiscal year which has about 3 months to go, in South Vietnam for military assistance. I do not know what the answer to this question is, but I represent a relatively conservative district, and I have not had any great outcry from people saying, "Mail more money to South Vietnam."

I think the American people are just delighted that the war there is over, but I think they would be intrigued if they knew the facts about what South Vietnam is spending in its own defense and what America is spending in defense of South Vietnam. The facts are very hard to come by. You may have seen the story in the paper 2 days ago when the Senator from Massachusetts (Mr. KENNEDY) tried to get some information out of the State Department, and the State Department checked with the Ambassador to South Vietnam, and the American Ambassador to South Vietnam replied to the State Department to this effect: "I think it would be the height of folly to permit KENNEDY the tactical advantage of an honest and detailed answer to the questions of substance raised in his letter." He did not say that the questions were frivolous, and he did not say that they were not important, but he said that we should not give him an honest answer. Well, we have some of this information in our hearings on page 39. In 1971 South Vietnam spent over $1,315,000,000 in its own defense.

Mr. Chairman, that figure of $1,315 billion that they spent in 1971 went down to $579 million in 1972; $599 million in 1973; and is budgeted at only $474 million total for the year in 1974. That, oddly enough, happens to be exactly the amount of money that they wanted in the supplemental for us to add to our expenditure this year. While their defense expenditures are going rapidly down, why should our expenditures for South Vietnam be going rapidly up?

I do hope that when we vote on the up-or-down issue, and we are going to have an opportunity to vote on it, for more aid to South Vietnam in this fiscal year, that the additional item is not agreed to.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman and Members of the Committee, I take this time to advise the House that I will be offering an amendment when the bill is read under the 5-minute rule. I support the bill in its entirety, with one exception, and that is in regard to the payback provisions in replacing weapons that we have taken out of our own inventory and given to Israel under the $2.2 billion emergency bill.

The House will recall that at the end of last year we appropriated $2.2 billion worth of emergency aid to the Nation of Israel. In this bill there is an item of $140.3 million which involves the increased replacement costs. We have sent only $1 billion worth of goods to Israel, but what the Defense Department is trying to do in this bill is to obtain another $140.3 million, which represents the increased cost of replacement for those goods sent to Israel out of our inventory.

To me this is unconscionable. We have sent them only $1 billion. We have $1.2 billion more to send. There is a possibility, but I would say not much likelihood, of the war in the Middle East coming to an end, and we would never have to send the additional $1.2 billion. For that reason I think that the Department of Defense is very premature in trying to get $140.3 million at this time.

So, Mr. Chairman, under the parliamentary situation, I will be offering an amendment to the first committee amendment eliminating $19.2 million of the incremental cost and then I will later offer an amendment to the bill taking out the remainder of the $140.3 million.

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

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

Mr. LEGGETT. Mr. Chairman, I want to commend the gentleman from Missouri on his proposed amendment.

We have, by a very strong vote in this House, appropriated $2.2 billion for the Middle East. Fortunately, that effort was ended after we had spent only about $1 billion. There is, as I understand—and I may not be correct, because I do not have the exact figures—but there is about $1.2 billion left. Therefore I am wondering if the gentleman's amendment would include a broad statement that would provide that in addition to the funds authorized to be appropriated under section 101 of this act, there are authorized to be made available by transfer during fiscal year 1974 to the Department of Defense, out of any unexpended funds appropriated under the heading "Emergency Security Assistance for Israel" in title IV of the Foreign Assistance and Related Programs Appropriations Act, 1974, the following amounts—and then we would refer to $63 million for the Army, Navy, and Marine Corps and $33.9 million for the Air Force, and a similar amount for the other services that we can take out by your amendment?

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from California.

Mr. LEGGETT. I thank the gentleman for yielding.

I realize that the gentleman has not seen this language, but is that generally what he had in mind?

Mr. ICHORD. I have not had the opportunity to look at that language of the gentleman from California. I should like to have the opportunity to discuss it with him. I do not know exactly what he is aiming at at this time.

Mr. LEGGETT. Very good. I hope the gentleman can explain that on his amendment.

Mr. Chairman, I am not going to take a long time to debate the total merits of this bill at this time. I voted against the

supplemental bill in committee and failed to write dissenting or separate minority views. I think this is the first time in the history of the committee that I voted against the bill, and I think almost the first time that I failed to note separate and concurring or minority views.

One of the important things that I think this House has to relate to is the matter that the gentleman from New York discussed a moment ago. That is the question of spending $29 million for Diego Garcia. The facetious answer to that is, "Let us give him a visa and let him come into the country." As a practical matter, Diego Garcia is not in the mainstream of anything that we have sacred in the Indian Ocean. It is a right that we have got in the British-held Chagos Islands, which are about 1,200 miles from the nearest other land. If we draw a 1,200-mile radius circle, we do include part of Ceylon, which is against our program to improve this base; and we include part of the tip of India, and they are against our improving this base.

Considering the fact that the Soviets have land facilities, noted in the committee report, as practically on top of the Arabian Gulf and all over this area, I think we really mislead ourselves talking about the Soviets' naval capability in the Indian Ocean. They have a fierce land capability there, and we might well talk the same way about protecting American interests around Vladivostok. It just so happens that the Soviets have got a base at Vladivostok and we do not, because that is where their land territory takes them.

I am going to present, I hope, some interesting arguments on why we should go slowly on the $29 million. The committee report takes 3 or 4 or 5 pages to explain why we are expanding our base in Diego Garcia. I think that that is the best explanation that I have seen so far of committee action, but I think we need to take further and more aggressive action than holding hearings on this matter. I will offer an amendment at the appropriate time.

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

Mr. BRAY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I rise at this point to address a question to the chairman of the Committee on Armed Services. I should like to ask the distinguished chairman of the committee whether or not this authorization bill contains any funding provisions that might finance rumored plans of the U.S. Army for transferring the U.S. Army Ordnance School away from Aberdeen Proving Ground, in Harford County, Md.

Mr. HÉBERT. No, absolutely not.

Mr. BAUMAN. I thank the chairman. I have discussed this previously with the chairman and I am pleased to have his assurances that there is no funding contained in this legislation for any transfer of the Army Ordnance School away from Aberdeen Proving Ground which is located in my congressional district in Harford County, Md.

On December 15, 1973, the Secretary of the Army submitted to the Secretary of Defense a number of alternate proposals, one of which suggested the consolidation of Army ordnance training at Huntsville, Ala., and Fort Eustis, Va. To date, in spite of numerous requests by the entire Maryland congressional delegation in both bodies, the Army and the Defense Department have failed to provide full information on this proposal.

A general hearing was held before the Military Construction Subcommittee of the House Committee on Appropriations on March 8, 1974. Although that hearing was to have produced some definitive answers to the many questions the Army's recommendations have raised, no such answers were provided.

The ordnance school has been located at Aberdeen since 1917 and employs nearly 5,000 civilians and military personnel. It would seem only logical to me that if the Army is to propose consolidation of its ordnance training facilities, this should be done at the historic home of Army Ordnance, Aberdeen Proving Ground.

I again state my appreciation for the statement by the gentleman from Louisiana and therefore will support the final passage of this legislation.

Mr. HÉBERT. Mr. Chairman, I yield to the gentleman from Georgia such time as he may consume in order to make an extremely important announcement from Georgia, although it happened in Ohio.

(By unanimous consent, Mr. FLYNT was allowed to proceed out of order.)

HENRY AARON TIES BABE RUTH'S HOME RUN RECORD

Mr. FLYNT. Mr. Chairman, I thank the gentleman from Louisiana for yielding to me in order that I might announce to the House that this afternoon in the National League opening game in Cincinnati in the first inning Henry Aaron tied the world's home run record formerly held by Babe Ruth by hitting his 714th major league home run.

Atlanta Braves outfielder, Hank Aaron, today earned a very special place among baseball's immortals when he smashed a home run which cleared the left field fence in the opening game between the Atlanta Braves and the Cincinnati Reds.

Mr. Chairman, I congratulate Henry Aaron on tying Babe Ruth's home run record.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the amendment to hold the ceiling on MASF funding at the $1.126 billion ceiling that was set by Congress last year.

As you know, the MASF program was begun in 1966. It was designed to provide DOD with the greatest flexibility in supplying military aid to South Vietnam; accordingly, little congressional oversight was provided for in this program.

We are asked today to continue a policy that was begun 8 years ago, a policy of blindly accepting DOD's requests for money without substantial justification or explanation as to how this money is used.

I had asked the House Armed Services Committee to make an aggressive attempt to assess the military aid situation in South Vietnam since the signing of the cease-fire agreement. The reason for this request was an alarming General Accounting Office report to me on the MASF program. The GAO stated that the Pentagon's quarterly reports to Congress on the MASF program did not reflect the full value of Defense contracts in South Vietnam and that further investigations in Vietnam and Hawaii were needed before a complete analysis could be made. The GAO went on to say that in 1971 the Pentagon reported that $1.5 billion had been provided in military assistance to Vietnam, but GAO estimated that the Pentagon had provided about $1.9 billion in military assistance—a $400 million difference.

In an attempt to get an accurate picture of present spending in South Vietnam, I submitted a list of 38 specific inquiries on the MASF program to DOD witnesses on the first day of hearings on H.R. 12565, the supplemental bill we are considering today. On the second day of hearings, the bill was marked up. That was over 2 weeks ago. This morning, the Pentagon finally provided the committee with answers to all my inquiries. Obviously, no Member of this House has had time to assimilate this information.

Mr. Chairman, I doubt if anyone in Congress has an accurate picture of actual spending in Vietnam. We cannot continue this reckless course. We must hold DOD accountable.

As a first step, we can hold the Pentagon to the ceiling approved by Congress last year. We must not let them come in through the back door by way of this supplemental. I urge my colleagues to support this amendment.

Ms. ABZUG. Mr. Chairman, I oppose this supplemental request. It is wrong as a whole and in each of its parts. It is an insulting rejection of the will of Congress and a cynical manipulation of the public.

After a study of the defense budgets for fiscal years 1974 and 1975, the staff report of the Joint Economic Committee of Congress pointed out that—

> . . . manipulations create the illusion that this year's defense budget is the same size as last year's and that baseline defense costs are going down. The reality is that the 1975 defense budget is substantially higher than the 1974 defense budget and baseline costs are going up. . . . To make a supplemental request for new weapons when there is no emergency, as was done this year, is abnormal and creates a misleading impression about the relative size of the 1974 and 1975 defense budgets.

Further, the supplemental request corresponds to the amount cut by Congress from the 1974 budget. By this sleight-of-hand the Pentagon expects to gain covert congressional approval of its original request. There are sufficient unobligated funds to cover any supplemental emergency needs including any incremental costs of replacing equipment provided to Israel. Granted that Congress has exerted little control over the military in the last few decades, that time is gone. Once more Congress is demanding civil-

ian control over proliferating military spending and adventurism. Defeating this supplemental request would be one way of showing that we are no longer mere puppets of the Pentagon.

We must ask the Defense Department, what is the hurry? Where is the crisis that justifies another $2.8 billion—"to achieve the desired readiness level." Ready for what? Supposedly we are not at war and are headed for negotiations toward a peaceful world.

We are not being threatened in any part of the world except by our own shortsighted policies. We should be reducing our expenditures for arms, not increasing them.

What possible conclusion can other nations draw if we approve additional millions for "force readiness"? What conclusions would we draw if the Soviets or the Chinese expanded their offensive programs? Every indication is that defensive and not offensive weapons are being produced by our potential foes. Why must we give them new reason to fear us?

These ever-growing requests for weapons are coupled with ominous new approaches that could be considered aggressive by other nations: in Indochina, in the Indian Ocean, and in our nuclear strategy.

We are spending three times as much for military aid to South Vietnam and Cambodia as for economic aid—violating both the letter and spirit of the Paris Peace Agreement. The money we give the Thieu regime is increasing, not decreasing, after the pullout of our troops. The American Embassy in Saigon is the largest we maintain anywhere in the world—142 employees at a cost of $7 million a year, from State Department funds, not counting the marine guards paid by Defense.

Ammunition and aircraft are the major components of the MASF program. During the first quarter of fiscal 1974, we spent almost $300 million on RNV forces. Much of it is used for "H and I fire"—for harassment and interdiction. An area suspected of sheltering Vietcong is shelled indiscriminately—to the dismay of the inhabitants of peaceful villages. The anger of the South Vietnamese turns on President Thieu—and the United States. Such random harassment and shelling of civilian areas was reported in February by James Markham in the New York Times, and last week in the Washington Post. Government forces are said by officials to be "outshooting the enemy 20 to 1"—with a fantastic waste of ammunition.

Aircraft left in Vietnam would be useless without the maintenance work conducted by Americans under DOD contracts. Incidentally, they receive up to $1,000 a week—while Vietnamese in comparable jobs get $10 to $35 a month. Obviously this does not make friends for the United States.

The computer system which encompasses 10 million Vietnamese is also run by U.S. civilians, according to the conservative report of the American Security Council. Police officers continue to meet regulaarly with CIA officials and speak of American political advisers.

This was not the role that the Congress and the American people contemplated when we thought we were ending the war in Indochina. Yet title IV, section 401 of this bill simply restores to President Thieu the funds that Congress cut last year. To delete these funds would indicate once again that we are not prepared to subsidize an endless war. It is high time that we insist that Thieu observe the cease-fire agreement, free his political opponents, and conduct real elections with free choice. It is a safe bet that his dictatorial regime would fall—but if the Vietnamese themselves do not want it, why should we? The only benefit accrues to those generals who are lining their pockets—while the people sustain 120,000 casualties since the so-called cease-fire.

Senator McGovern has said it is time that we stop being Thieu's puppet. I heartily concur.

This bill also contains funds for expanding our activities in the Indian Ocean—a highly dangerous and provocative step. We have maintained a small communications base on the island of Diego Garcia for some years. Now we are being asked to allow that island to become a full-fledged military base. This can only alarm the Soviets and cause India to reconsider Soviet requests for comparable bases in the area.

This is one region in which we have been successful in avoiding confrontation. Soviet and American ships alike have respected each other's rights. Now the excuse given for the buildup is that the Soviets might try to cut off our supply of oil there. This is highly improbable, when it would be so much easier and less costly to cut it off at the source if that were their intent. According to Retired Rear Adm. Gene LaRocque and other informed witnesses, there is no sign that the Soviets are expanding their operations in the Indian Ocean.

Before we give DOD another $2.8 billion dollars, we should be told more specifically what kinds of new weapons are being bought, researched and developed, and what kinds of "classified" military installations and facilities considered. We should examine them in the light of our overall foreign policy, particularly our changing nuclear strategy.

Heretofore we have had a grizzly policy of "mutual assured destruction" which meant that each side could wipe out the others' major cities in a nuclear strike. Thus each was hostage to the other and neither side was apt to strike first.

Now we are about to retarget our missiles to hit military objectives in the Soviet Union. That at first appears to be more humane, more within the rules of warfare, than the killing of civilian populations. Actually, it is a disguise for the ability to strike first. Soviet hawks can be expected to interpret it as an intention to strike first. They will then urge that Russia protect itself by also developing a first-strike capacity. Soothing diplomatic words and clicking glasses will not gloss over the reality of expanded bases, retooled armies and retargeted missiles.

For these reasons, I urge that we deny the present supplemental request and begin a thorough congressional examination of our worldwide military stance.

Mr. VANIK. Mr. Chairman, I am opposed to the legislation before the House today. This is not the way in which we should be considering major increases in the military procurement budget. By permitting the Department of Defense to continually seek supplementals—and most supplementals do involve Department—we encourage the Services to treat their budget requests lightly. An attitude is developed in the Department of Defense that if they do not get the funding they want or the programs they desire, they can come back to the Congress in a couple of months for a supplemental. In addition to encouraging an attitude of budget laxity, the continual budget requests lead to a numbers game, in which it is almost impossible to determine what the true level of military spending is from one year to another.

My most serious objection to this legislation, however, is the provision of $29 million for the "upgrading" of the naval base on Diego Garcia in the middle of the Indian Ocean. This seems like a small action and a relatively small appropriation. Yet it is a move fraught with far-reaching and momentous consequences. The development of a naval base in this area of the world is a major foreign policy and military strategy decision which should be debated at length and with the utmost care. It cannot and should not be considered as one part of a larger bill in a single day's debate. It is a bold entrance into what could become a massive commitment.

The development, maintenance, and protection of a major military base halfway around the world will commit the American taxpayer to hundreds of millions—and eventually billions—of dollars in additional defense expenditures. New fleet tankers and supply ships will be required to maintain the base. The Navy will probably use the establishment of the base as justification for creating a new nuclear carrier task force designed to operate in the far reaches of the Indian Ocean.

What is this money being spent for? I believe that we are taking over this base—one of the last remnants of the old British imperialism—to protect American oil company investments in the oil sheikdoms of Arabia. Once again the American taxpayer is being asked to support the cost of gunboat diplomacy to protect the interests of certain corporations—corporations which pay little or nothing in Federal taxes—corporations which were actually used by the Arab States last fall to enforce the oil embargo against the 6th Fleet.

The Pentagon does not say so, but the fact is that the need for this base results from the proposed deepening of the Suez Canal to a depth of 63 feet. It may seem ironic, but the day following Secretary of State Kissinger's first visit to Egypt following the October War, the Interior Minister of Egypt announced the plans for a deepened canal and tunnels beneath it to connect the Sinai to Egypt. I fear that a massive commitment was made by the American Government to spend hundreds of millions of taxpayer

dollars to dredge the canal and remove the wrecked shipping.

The Soviet Union becomes the principal beneficiary of these expenditures. Its fleets can move from the Mediterranean to the Indian Ocean and Asia. It is because we deepen the canal with American dollars—it is because our Navy even now is removing mines from the canal—that we must defend its eastern approaches with a naval base at Diego Garcia. It is also obvious that the base is important to protect the American investments in the Persian Gulf, which produce oil at costs which peril the economies of those nations who must buy it. I am uncertain whether it is so important to protect a resource priced out of our reach.

Mr. Chairman, in addition to the questionable motives for the establishment of the base in the middle of this distant ocean, the move is of very questionable military wisdom. It is argued that the base is needed to "show the flag" and "match the Russian presence." Yet the "flag" can be shown—as it is now—by periodic port visits by a relatively small nuclear frigate task force. In fact, the presence of a major military force in the Indian Ocean might have an adverse counterimpact, reminding many of the nations of the region of the former British, French, and Dutch colonial activities. In addition, in the advent of a major conflict, a military base perched on a small island is a sitting duck to hostile missile and aircraft attack. In fact, the Navy's entire drive for carriers has been based on the argument that stationary bases are too vulnerable.

The commitment in this proposal may not seem large—but at this moment we are uncertain whether we are planting a good seed or a cancer. We should in any event defer action until we more plainly see.

Mr. HARRINGTON. Mr. Chairman, I rise in opposition to H.R. 12565, the $1.14 billion defense supplemental authorization bill. This bill, the first supplemental authorization for the Department of Defense since 1967, is in my view a monumental collection of errors that should be defeated.

While there are many objectionable features to this bill, which I believe the Pentagon is using as a tactic to obscure the real magnitude of their funding jump this year, two parts of the bill stand out as being particularly worthy of defeat—the $29 million proposed for expansion of the base at Diego Garcia and the $474 million in additional appropriation authority proposed for the Thieu regime in South Vietnam.

I am hopeful that the House will defeat the previous question on the rule providing for the consideration of this bill, so as to allow for the raising of points of order against the provisions in title IV raising the ceiling on aid to South Vietnam from $1.12 billion to $1.6 billion. Apart from my view that any military assistance to the South Vietnamese Government is a great error, this particular provision is objectionable as it applies to an appropriations bill even though it is in an authorization bill. It should be struck from the bill.

Mr. Chairman, Congress should take the opportunity presented today to stop the efforts of this administration to have the American people foot the bill for the continued fighting in Vietnam. Unless we draw the line now, we will be committing our Nation to a never-ending exercise of support for a corrupt and dictatorial regime that has made a mockery of the Paris Peace Accords—agreements made at the pain of thousands upon thousands of American dead and billions upon billions of U.S. dollars spent. We should be ending our support for the Thieu regime, not deepening it, as we will be doing if we pass this bill with another $474 million in it for Saigon.

Earlier this fiscal year the Congress was asked to approve $1,126,000 for military aid to Indochina—most of which has apparently gone to South Vietnam. Now, even before the fiscal year is over the Pentagon has come back to Capitol Hill asking for more money—$474 million—for what we would be led to believe are our "gallant allies in South Vietnam." Pentagon claims to the contrary, $474 million is a huge increase in our aid. It is just under half again as much as DOD's request in the last session. Apart from the fact that passage of this additional spending authority will enable DOD to reprogram funds for the current fiscal year, we will be virtually commiting ourselves to appropriations of the full $1.6 billion in the coming—1975—fiscal year, if not more. In a time of high inflation, how can we ask the taxpayers to sink more money down this tired rathole?

Unless we want to go on record as supporting the Thieu regime for many years to come, we should stop this folly right now. It should be clear that our military assistance programs have contributed to the perpetuation of hostilities in South Vietnam. Sure of our help, President Thieu has not been given any "incentive" to reach an accord with the Communists. Counting on the military might might to forestall any political settlement—confidence he could not maintain without U.S. support—Thieu has gone so far to take offensive actions, with aircraft and artillery, into territory held by the NLF. Such attacks are open and blatant violations of the cease-fire and peace agreements.

General Thieu also refuses to hold general elections, as required by the agreements. He refuses to give his opponents access to the press, or opposition parties permission to run candidates, or hold meetings without interference from the police.

Rejection of the supplemental "Military Assistance Service Funded" authority from this bill would, I believe, enhance the chances for genuine peace in Vietnam. It would be a signal to Thieu that the United States will not support him indefinitely and unquestioningly. It will force the South Vietnamese military to cut down its senseless offensive activities, now being paid for by the U.S. taxpayer.

While no one can entirely absolve the North Vietnamese or the Vietcong for at least a share of the blame for the failures of the peace accords, we should not overlook documented violations by our South Vietnamese ally. For example, last month the Washington Post reported that, contrary to the cease-fire agreement, South Vietnamese troops had attacked Communist positions across the Cambodian border. And, contrary to chapter 7 of the agreement, large numbers of American personnel still serve as "advisers" to the South Vietnamese forces. The GAO has shown that $40.4 million in tax dollars is being used for salaries of American military personnel—a situation I believe to be a clear violation of the agreement.

Unfortunately, there is more. By the terms of its agreement, replacement of military equipment is to be done on a 1-for-1 basis, using comparable equipment. However, recently the Pentagon announced its replacement of Saigon's F–5A fighters with new F–5E's. The F–5E is a far more sophisticated aircraft, which is more than 140 knots faster than an F–5A, carries more advanced avionics, and has a much greater tactical ordnance capability than the obsolescent F–5A version. To further suggest U.S. complicity in the calculated violation of the peace agreement, aircraft reconnaissance missions over Vietnam, flown in American aircraft by American pilots, are violations of articles 2, 4, and 20 of the agreement.

Approval of this request for another $474 million will only make matters worse, and continue U.S. support for the disintegration of a peace already invisibly thin.

We should consider another aspect of our debate today. Do we want to give President Nixon a signal that we would support American military intervention in South Vietnam if the situation there became really grave—as is occasionally hinted at by the Defense Department. I would hope, after all the lives lost, that we would have learned the lesson that there is no such thing, in Indochina, as limited military involvement. Even the suggestion of renewed U.S. bombing is totally unacceptable, and we should send a message to the President, through our defeat of this legislation, that we will not tolerate any violation of either the intent or the letter of the War Powers Act, that we will not budge from the enacted prohibitions against further U.S. involvement, and that we will not be led down the garden path to tragedy again. We should reject this $474 million, and we should end military assistance to South Vietnam.

Mr. Chairman, I should also wish to comment on the proposal to spend $29 million to upgrade our communications facilities at Diego Garcia into a major naval base.

I have severe reservations to this proposal. The Congress has been told that this project is relatively minor and that it is intended to improve services for occasional activities by the 7th Fleet in the Indian Ocean. This account is at some variance with a realistic account of the import of the Diego Garcia base. In fact, such a base may well provoke a naval arms race in an area heretofore largely nonmilitarized. It may introduce superpower rivalry in a region where the local

governments had carefully sought neutrality.

There are many reasons suggested for increasing our presence in the Indian Ocean. We are told of the need to improve our ability to protect shipping from our Persian Gulf ally, Iran, We are told we need to match claimed Soviet naval buildups in the Indian Ocean. We are told of a need to enhance the influence of the United States in the region. Upon close examination, I do not believe these arguments hold water.

Apart from the fact that Iran, which is expanding its military at a prodigious rate with the latest and most exotic hardware—much of which is made in America—is more than able to take care of itself, it is very difficult to determine just where the threat lies to shipping in the Indian Ocean. Further, what threat exists currently will certainly be exacerbated if, by setting up a major base, we raise the stakes of cold-warriorship in the region.

We should not be misled by the Navy's claim that the improvements to be made at Diego Garcia are minor. In fact, it appears that what has been proposed would convert the base from an acceptable servicing installation for most types of ships in the 7th Fleet to a major base capable of supporting even B–52 strategic bombers and carrier attack forces. Before we make this kind of commitment—which involves an entirely new policy toward a critical area of the world—we need a great deal more congressional scrutiny than will ever be forthcoming from the committee responsible for this legislation.

A major base at Diego Garcia would do more than worsen tensions with the Soviet Union. Our allies are not enthusiastic about the proposal at all. Both New Zealand and Australia have indicated serious reservations. And, of course, the states in the region are almost uniformly displeased. The Prime Minister of India, Indira Ghandi, termed the proposal "a nuclear base with no ostensible objective," and the Indian Foreign Minister described the position of the Indian Government as "total disapproval."

Further the Diego Garcia plan represents a serious incongruency with the whole thrust of our recent movements in foreign policy. It seems contrary to the so-called Nixon doctrine. It seems hardly consistent with the policy of détente with the Soviet Union.

Most important, the expansion of the Diego Garcia base is a major foreign policy initiative that should not be taken without the most careful review in the Congress. We should delete the $29 million in this bill for this naval base.

Mrs. HOLT. Mr. Chairman, the defense supplemental authorization bill which is before us today is a vital piece of legislation if we are to maintain the readiness and modernization of our Armed Forces.

We are aware of deficiencies in our military force readiness as a result of last October's Midwest war. The passage of this supplemental authorization will enable us to correct these deficiencies in a timely manner.

While I am in general support of the provisions of H.R. 12565, I am greatly concerned about section 301 which authorizes an appropriation of $29 million to expand naval facilities on the island of Diego Garcia. Currently, the United States operates a communications facility on this British-owned Indian Ocean island. The adoption of section 301 of the supplemental authorization will authorize funds for the transformation of this communications facility to a support facility and entail an extension of the airstrip and a deepening of the channel.

This proposed action represents an important change in U.S. strategy in the Indian Ocean area. I do not intend to deliberate the merits of the expansion of Diego Garcia, but rather to address myself to the desirability of including this proposal in a supplemental authorization request. It is my contention that the ramifications of this action are of sufficient magnitude to require far more study, and I feel that it should properly be included in the regular DOD fiscal year 1975 budget request. It is only through this means that we will be able to give this proposal the scrutiny it deserves.

In addition, it must be remembered that we do not have a firm commitment from the British Government to proceed with this project and there is considerable opposition from many of the neighboring countries to this proposal.

Mr. Chairman, I urge that consideration of an authorization for the expansion of Diego Garcia be deferred until we take up the fiscal year 1975 DOD budget request. This will afford us the opportunity to carefully investigate the policy implications, and better assess international reaction to this project.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to H.R. 12565 which authorizes supplemental funding for the Department of Defense. This bill contains two provisions whose effect will be on the one hand to prolong U.S. involvement in a war that the majority of our people have long since repudiated and on the other expand U.S. influence in a manner which invites an involvement similar to Vietnam.

Title IV of the bill would raise the ceiling on military spending for South Vietnam under the military assistance service funded program from $1.126 to $1.6 billion. The $474 million increase sought by DOD is the exact amount that Congress cut from the program during the last session. There have been no significant changes in the endless war in Vietnam to justify this increase.

The Pentagon seems to be taking a cavalier attitude toward Congress. It agrees to cut a particular program only with the intention of seeking the same amount in the form of a supplemental a few months later. If we allow this ploy to be perpetrated, we will be encouraging other agencies to take the same tact. This can only undermine the budgetary reforms that the Congress is attempting to institute.

Second, the GAO has indicated that there have been discrepancies in the reports DOD has filed concerning the MASF program. This program was established 8 years ago to give DOD flexibility in supplying the needs of the Vietnam war The program was established with little congressional oversight. A GAO audit indicated that in 1971 the Pentagon spent $1.9 million in MASF even though its report to Congress stated its expenditures as $1.5 million. Similar discrepancies in later reports are currently being investigated. The requested increase cannot stand a tough scrutiny on its own merits. However, it is even more deeply disturbing that these funds should be for a program that has been the subject of official abuse.

Lastly, the weapons that this bill authorizes will be used to prolong the life of a regime that has denied the basic civil liberties to its people. The Thieu regime refuses to permit free elections, censors the news, and violates various sections of the Paris peace agreement. I do not believe that we should be continually pouring the treasure of this country into a regime that uses our money to repress the basic civil liberties that we revere.

H.R. 12565 also contains a $29 million authorization to turn Diego Garcia into a full-fledged naval base. At present, this small atoll in the Indian Ocean is a communications base. The DOD would have us believe the authorization will be used only for minor improvements. But the truth is that the island will be turned into a base capable of handling our largest ships.

This authorization represents a major change in our foreign policy in the Indian Ocean. The DOD is attempting to downgrade the significance of this authorization. Thus, they have refused to give any concrete explanation for the need to expand this base. I do not believe that we should be making major foreign policy decisions through subterfuge or sleight-of-hand maneuvers.

The import of the base at Diego Garcia should be fully investigated before we commit ourselves to a military presence in the now quiet Indian Ocean.

It has been vaguely hinted that the improvements of this facility are necessary to expand U.S. influence in that area. There seems to be an unspoken fear that the Soviets are about to try to exert influence in the Indian Ocean. But our own friends in Australia and New Zealand are against our proposed expansion.

There has also been speculation that the action is being taken to protect the oil companies' investments in the Middle East. Although these reports are unconfirmed, I do not think that the American people would want our foreign policy dictated by what is felt to be good for the oil companies. The events of the past few months have clearly indicated that these companies are supernationals who do not have allegiance to any particular country.

Finally, there has been some mention that this country has to protect the country of Iran. However, that country has been purchasing vast amounts of war materiel from the United States and seems quite capable of managing its own affairs.

These disparate reasons and speculations attempting to explain the need for the expansion of Diego Garcia confirm

my feeling that this expenditure has not been thought out, or that the Congress is not privy to the entire rationale. There is little doubt that the Soviets will view this as a major foreign policy change, and we may expect a predictable reaction. This can only lead to an arms race in an area that will cost the American taxpayers billions in additional weaponry. It appears as though this is yet a further step in the decline of détente that looked so promising just a year ago.

Mr. HÉBERT. Mr. Chairman, I have no further request for time.

The CHAIRMAN. Pursuant to the rule the Clerk will now read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. In addition to the funds authorized to be appropriated under Public Law 93-155 there is hereby——

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

The CHAIRMAN. Evidently a quorum is not present.

The call will be taken by electronic device.

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

[Roll No. 145]

Adams	Fulton	Pepper
Ashbrook	Gettys	Pickle
Bevill	Gray	Poage
Blackburn	Griffiths	Quie
Blatnik	Gubser	Quillen
Boland	Hamilton	Railsback
Brown, Ohio	Hanna	Rees
Carey, N.Y.	Hansen, Wash.	Reid
Carney, Ohio	Hawkins	Roberts
Carter	Heckler, Mass.	Rooney, N.Y.
Chisholm	Hillis	Runnels
Clancy	Huber	Shriver
Clark	Jones, Ala.	Shuster
Collins, Ill.	Jones, Tenn.	Sisk
Conlan	Kazen	Snyder
Conyers	Kluczynski	Staggers
Crane	Landrum	Stark
Davis, Ga.	Lehman	Steed
Davis, Wis.	Lujan	Steele
Dellums	Luken	Steiger, Wis.
Dennis	McEwen	Stephens
Derwinski	McFall	Stokes
Diggs	McSpadden	Stubblefield
Dingell	Macdonald	Stuckey
Dorn	Madigan	Teague
Drinan	Martin, Nebr.	Ullman
Edwards, Calif.	Mazzoli	Waldie
Evins, Tenn.	Melcher	Williams
Flowers	Minshall, Ohio	Wilson,
Ford	Mollohan	Charles H.,
Fraser	Murphy, N.Y.	Calif.
Frelinghuysen	Nelsen	Wyman
Frenzel	Parris	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 12565, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 336 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

authorized to be appropriated during fiscal year 1974 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $22,000,000; for the Navy, $219,200,000; for the Air Force, $445,000,000.

Missiles

For missiles: for the Army, $84,400,000; for the Navy $28,600,000; for the Marine Corps, $22,300,000; for the Air Force, $39,000,000.

Naval Vessels

For naval vessels: for the Navy, $24,800,000.

Tracked Combat Vehicles

For tracked combat vehicles: For the Army, $113,600,000.

Other Weapons

For other weapons: For the Army, $8,200,000.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title I of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

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

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS) for 5 minutes.

(By unanimous consent, Mr. HAYS was allowed to speak out of order.)

AN INTERESTING ENCOUNTER AT THE CONGRESSIONAL HOTEL

Mr. HAYS. Mr. Chairman, I will not take 5 minutes to explain this.

I had hoped to be able to speak to the gentleman from New Jersey (Mr. RODINO) but he came in and apparently left before I could get hold of him. What I am about to tell the Members about I do not blame him for in any way, but it does concern him.

About 10 or 15 minutes ago I had occasion to go over to the Congressional Hotel on an errand. I was going up to the Computer Section, which is under my committee, and I pushed a button for the elevator. The elevator came down from the fourth or fifth floor, and two young men were on it drinking pop. I stepped back for them to get off. They had some papers under their arms.

Well, they did not get off the elevator, so I got on, and pushed my button for the floor, and I said, "Where are you gentlemen going?"

They said, "What's it to you?"

I said, "What are you doing, just riding up and down on the elevator?"

One of them said, "That's right, buddy, just riding up and down on the elevator."

I said, "Who do you work for?"

And one of them said, "We work for the Judiciary Committee on the impeachment investigation."

I said, "Well, that is interesting, because I understand you are coming before my committee next week asking for another million dollars."

He said, "Who are you?" I told him, and he said, "Why, I'm sorry; I did not know who you were."

And I said, "That's pretty obvious. I am just another taxpayer, and one of the reasons why we have to pay so much taxes is because we have so many arrogant little jerks" only I used a more emphatic word—"like you around here drawing big salaries." And I want to tell you, ladies and gentlemen, if you ever run into anybody—and we have got so many employees on my committee that I cannot be supervising them all the time—and if you run into any of them like that let me know and they will not be here very long.

I just want to say to you I think that is one of the troubles around here and some of these people had better shape up.

I got off at the second floor then to tell Mr. Doar about it, and the policeman there told me I could not see Mr. Doar unless I had an appointment. Well, do you want to bet whether I saw him or not? And I told him about it and he said he was sorry.

I said "Mr. Doar, according to the newspapers you have 42 lawyers working over here and 30-some on the committee, and I would suggest that with 70-some lawyers on this we will never get to a resolution in that case; why the hell do you not put one of them to supervising your staff." I think it is about time that some of the surplus people around here are either put to work or put out to pasture without pay.

The CHAIRMAN. The Clerk will report the first committee amendment.

COMMITTEE AMENDMENT

The Clerk read as follows:

Committee amendment: 1. On page 2, line 10, delete "$84,400,000", and substitute in lieu thereof "$76,600,000".

AMENDMENT OFFERED BY MR. ICHORD

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

The Clerk read as follows:

Amendment offered by Mr. ICHORD: In lieu of the figures inserted by the committee amendment insert "$57,400,000."

Mr. ICHORD. Mr. Chairman and members of the Committee, I am compelled to offer my amendment in two parts because of the parliamentary situation: this amendment which will strike $19.2 million from Army missiles representing a difference between the cost and the replacement cost of spare parts and spare missiles sent to Israel out of the Army inventory. At a later point I will offer an amendment taking out the balance of the $140.3 million which is in this bill that I consider absolutely reprehensible for the Department of Defense to ask for at this time.

I offer this amendment, Mr. Chairman, as one who takes a back seat to no one in this chamber for supporting a strong national defense. I recognize that article I, section 8, of the Constitution specifically provides that the Congress shall have the power to raise and support armies and to provide and maintain a navy. I submit to the Members of the House it is the primary responsibility, of this House to maintain a strong national defense; but that does not mean we have to rubber-stamp everything that comes over from the Department of Defense.

Here is what has happened: We appropriated $2.2 billion in aid for Israel. That appropriation passed this body overwhelmingly, but to this date we have only supplied $1 billion worth of aid to Israel.

Much of that was taken out of existing inventory. But what is the Department of Defense doing here? We have $1.2 billion left to send. We have not spent the $1.2 billion. Yet they are here trying to get an extra $140.3 million, representing the difference in costs of those items taken out of inventory and the replacement cost.

At least we should wait until the entire $2.2 billion is sent over to Israel. We have only roughly sent—and we have not gotten an accounting of how much they have sent as yet—one of the generals appearing before the committee said that they had spent roughly $1 billion—so I think it is absolutely reprehensible for the Department of Defense to try to load down this bill at this point with another $140.3 million when we do not even know if we are going to send the other $1.2 billion to Israel. So the least we can do, in order to be responsible with the taxpayers' money is to delete this $140.3 million at this time, and then appropriate it if we actually need that to replace those items in the inventory of the Army, the Navy and the Air Force.

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

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

Mr. LEGGETT. Mr. Chairman, I am a little confused as to some of the gentleman's amendment. I have not seen it but, as I understand it, this amendment would take out of title I $140 million at this time?

Mr. ICHORD. Both amendments together; this particular one which is offered as an amendment to the committee amendment, will take out only $19.2 million, representing the difference in the cost and the replacement cost of spare missiles and spare missile parts taken out of the Army inventory. I will then offer an amendment later which will take the remaining balance of the $140 million out.

Mr. LEGGETT. Mr. Chairman, I would ask unanimous consent that both of the gentleman's amendments be considered en bloc.

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

There was no objection.

AMENDMENTS OFFERED BY MR. ICHORD

The CHAIRMAN. The Clerk will report the other amendments.

The Clerk read as follows:

Amendments offered by Mr. ICHORD: Page 2, line 8, by striking out the figures $219,200,000 and inserting in lieu thereof the figures $155,600,000; striking out the figures $445,000,000 and inserting in lieu thereof the figures $411,100,000.

On page 2, line 16 and 17, strike out the figures $113,600,000 and inserting in lieu thereof the figures $90,200,000.

On page 2, line 19, strike out the figures $8,200,000 and insert in lieu thereof the figures $8,000,000.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. LEGGETT, and by unanimous consent, Mr. ICHORD was allowed to proceed for 5 additional minutes.)

Mr. ICHORD. Mr. Chairman, I thank the gentleman from California for facilitating the offering of this additional amendment at this time.

I would direct the attention of the Members to page 7 of the report, and the Members can easily ascertain what both of these amendments, considered en bloc, will do.

On page 7 of the report we show included in this bill for the Navy $53.3 million for A–4M Skyhawk aircraft, and $10.3 million for F–5E aircraft. For the Air Force, $30 million for C–130H aircraft, and $3.3 million for spares and repair parts, plus $600,000 for common ground equipment, and on down, a total of $140.3 million, representing the difference in the cost and the alleged replacement cost of goods sent to Israel out of existing inventory.

This amendment will reduce the amount of the appropriations to the Army, the Navy, and the Air Force by $140.3 million.

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

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

Mr. GROSS. I thank the gentleman for yielding.

My understanding is the Senate subcommittee has already adopted an amendment to accomplish the purpose of your proposal.

Mr. ICHORD. The gentleman is correct. The Senate has already taken this $140.3 million out of the bill.

Mr. GROSS. I wish to commend the gentleman for this proposed saving. I can see a bill coming before the Congress in the near future to provide for a large amount of disaster relief as a result of the cyclones and tornadoes yesterday that resulted in the deaths of some 300 persons. I cannot think of a better way to save, at least on paper at this time, $140,300,000.

I suggest to the gentleman from Missouri, in view of his excellent amendments, that he invite the distinguished chairman of the House Committee on Armed Services and the ranking minority member of the committee to accept his amendment.

Mr. ICHORD. I hope that the distinguished chairman of the committee will at least see fit not to fight the amendment too hard.

I yield to the gentleman from California.

Mr. LEGGETT. I thank the gentleman for yielding.

To be more particular, is it not a fact that all of these items have been delivered to Israel under appropriate authorization already, so that Israel is not in any way deprived of emergency capability in any way, shape, or form? Are we not talking about bookkeeping in the defense and military accounts?

Mr. ICHORD. Right, but if we do not delete this matter, the Army and the Navy and the Air Force are going to have another $140.3 million to throw around some place—I do not really know where. It is not going to injure Israel at all.

Mr. LEGGETT. As a practical matter, if we authorize this amount, and then some years later, should we try to find out how much we spent for the Middle East war, someone might look at the $2.2 million to try to find out whether we spent it, figuring that the amount that had been spent was our total obligation, when it fact there is $140 million here that we are sneaking in the back door. The fact is that all of this ought to be in one account, readily exposed to the American public for the Israeli nation so that we know where we are and where we have been.

Mr. ICHORD. It is just an accounting entry, but it does involve money. The Army, the Navy, and the Air Force could have transferred these at replacement cost rather than at cost, but they transferred it at cost, and now they want to come back and get another extra $140.3 million. That is very smooth, if they are permitted to do it.

Mr. LEGGETT. As I understand, the reason that the Department of Defense did not ask to reprogram this is because they have some hangups about reprograming this kind of money. But considering the fact that the administration is composed of the Department of State and the Department of Defense, has the gentleman anticipated that there would be any real problem for transferring these funds for accounting purposes from one Department to another?

Mr. ICHORD. It is the intention of the gentleman from Missouri that they be able to do that, because we have $1.2 billion worth of armaments that we appropriated for that have not yet been sent to Israel, so there is no difficulty at all.

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

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

Mr. STRATTON. Mr. Chairman, this might be referred to as the anti-Israel amendment. I am strongly opposed to it.

I want to point out, first of all, exactly what is involved here. The items that were made available to the State of Israel during the October war came in some cases from the inventory of the U.S. Armed Forces. The U.S. Armed Forces in this bill are scheduled to receive funds to replace those items.

The items that were supplied to Israel in October might be referred to as 1970 model "clunkers."

They were older planes and older tanks that had some mileage on their speedometers. To replace them today the Army is getting the new, up-to-date, modern, streamlined 1974 models, probably with all the emission equipment added. And the difference between the cost of the old items that were made available, the book value of the items made available to Israel in October, and the new items we have to buy to replace them, represent the dollar amounts involved in this bill, a total of $140 million.

The amendment offered by the gentleman from Missouri would do two things. First of all, as offered, this amendment simply cuts out the money that is earmarked the U.S. Armed Forces to replace these items. Under the Ichord amendment our forces will not be able to get this money and, therefore, they are going to suffer the loss of all of the items

that were made available to Israel last October.

If this kind of amendment prevails, the Army might be a little bit reluctant in any future emergency to make items available out of its inventories to Israel.

The gentleman from Missouri has said it is his intention that this money should be turned over to the Army from the $2.2 billion of military assistance funds that we authorized last December for assistance to Israel. But there is no authority in his amendment for that transfer. He has not included such authority in this amendment. I think there is grave doubt that there would be any legal authority for the State Department to turn this money over to the Defense Department in any bookkeeping transaction in the amount of $140.3 million.

Second, Mr. Chairman, the gentleman from Missouri is, I think, not quite current with the situation as it exists with regard to the State of Israel. When our subcommittee visited Israel and Egypt last November, and the gentleman from Missouri was a member, the situation was that we had made at that time about a billion dollars available to Israel in weapons. However, just the other day the press reported, in connection with negotiations that were going on between Dr. Kissinger and Israeli Defense Minister Moshe Dayan, that as of the present time we have now made about $1.4 billion of this $2.2 billion available to Israel and it was contemplated according to these press accounts—and this money after all is handled by the foreign aid program, so it does not come to our committee—that another $700 million will now be made available to the State of Israel, presumably in connection with the negotiations that Mr. Dayan was conducting.

So what we are doing, if we suggest that there is a lot of money for Israel lying around that is not going to be used for such assistance, and we arbitrarily undertake to take out $140 million because it will not be needed, is that we are jeopardizing our negotiations with Israel and jeopardizing possibly the very delicate disengagement negotiations presently under way between Israel and Syria. And if Members are not concerned about Israel and the Middle East, let us not forget that the lifting of the Arab oil embargo depends on progress that is made between Israel and Syria over disengagement on the Golan Heights. And I think it would be the height of irresponsibility for us to interfere with this money now in any way.

I do not know what negotiations are going on, but it may well be that any additional sums in the $2.2 billion aid bill may be going to be used in connection with these overall negotiations, too; so I think we are playing Russian roulette with our own safety and with the safety of the State of Israel if we try to interfere further with these assistance funds.

Second, and most importantly, what the gentleman from Missouri is doing is denying to the Armed Forces the needed replacements for the material they gave to Israel last fall, and is offering no legislation to get it from any other source.

Mr. ICHORD. Is the gentleman seriously contending that the Army does not have authority to use the remaining $1.2 billion to absorb the increased replacement cost?

Mr. STRATTON. That is my understanding, that is what I have been advised, that without the appropriate authorization in legislation, this transfer could not be made.

Mr. ICHORD. Let me state to the gentleman, this is purely a bookkeeping entry as far as keeping track of it. They could have transferred it out of inventory and replaced it, as well as the loss.

Mr. STRATTON. What authority is the gentleman referring to? The money we gave last December was provided for assistance to Israel, not for assistance to the Army or the Navy?

Mr. ICHORD. We gave $2.2 billion to Israel. Now the gentleman from New York has given a different figure than we were given in the committee. In the committee I asked General Kjellstrom how much had been supplied and he said roughly $1 billion; that would leave $1.2 billion.

Mr. STRATTON. That was last November. The gentleman knows from our trip that the Israelis were not satisfied with what they received up to that time. We had not then even replaced what they lost in the war; and General Zur was over here in January trying to get more help; so the figure has apparently gone up now to $1.4 billion.

Mr. ICHORD. That is the point I am making. We have never been furnished an accounting of what has been given.

Mr. STRATTON. That is because it is outside the authority of our committee. It is within the authority of the Committee on Foreign Affairs and the Committee on Appropriations.

Mr. ICHORD. Assuming we have transferred $1.4 billion to Israel. How much more is the gentleman going to come back and ask for?

Mr. STRATTON. All I know is that the press accounts indicated, as a result of negotiations with Moshe Dayan, that it was planned there would be an additional $700 million made available from that fund. That brings the total up to $2.1 billion and so there is only $100 million left to play with.

Mr. Chairman, I oppose the amendment.

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

To classify the Ichord amendment as anti-Israel is to oppose this amendment without thinking very much about it.

Now, I supported all of the Israel bills and amendments. I have contributed, I think, my share from my personal funds. I do not think I am anti-Israel in any way, shape or form; but to say that we have to tremble in our boots or jeopardize the negotiations because the Israeli cushion of the amounts we have authorized and appropriated is down to some $800 million or $1 billion, is not logical. The last information our committee got is that of the $2.2 billion, about $1 billion or half a billion dollars had been committed. Now, to this date, since this is our military equipment, but handled through other accounts, our committee has not had an accounting for this money.

To say what we are asking for here is just some incremental amounts of money that were not otherwise available is not really a fair statement, because we are asking for $53 million for 24 A–4's; as I recall A–4's are selling for about $2.5 million apiece.

We are asking $10.3 million for five F–5E's and $2 million is the going price for those; six C–130H's at $30 million, that is, $5 million apiece.

These are in part incremental costs, but in large part this is the replacement difference between the items transferred out of the military by the military services to Israel.

Now, the Department of Defense, rather than seeking a proper bookeeping entry and getting the money out of the $2.2 billion that we have appropriated and authorized to do this job, they are doing it in this rather sloppy fashion. I asked this specific question in the committee and got back a rather sloppy response that we could read into the record, but it would not be particularly helpful.

Now, the Senate has also rejected this matter. They have developed an amendment over there on their subcommittee which would not be germane to our bill, since this is not a MASF bill for anything other than Vietnam.

They have got a section 102, which I hope will be passed by the full Senate committee and will be passed on the Senate floor, and I would hope that we would agree to the Ichord amendment and then agree to the Senate amendment after it goes to conference.

This section is very simple. Section 102, authorization to transfer funds.

In addition to the funds authorized to be appropriated under section 101 of this act, there are authorized to be made available by transfer during the fiscal year 1974 to the Department of Defense out of any unexpended funds appropriated under the head, "Emergency Security Assistance for Israel in Title IV of the Foreign Assistance and Related Programs Appropriations Act of 1974," the following amounts: Aircraft; aircraft for Navy and Marine Corps, $63.6 million. For the Air Force, $33.9 million. For missiles for the Army, $19.2 million. Tracked combat vehicles; for tracked combat vehicles for the Army, $23.4 million. Other weapons for the Army, $200,000.

Now, this is the proper way to handle the Middle East effort, not fragmentize it and not in bits and pieces. Let us have it all in one bill. It is not going to jeopardize negotiations between Mr. Kissinger and the people we support, or the Soviets and the people that they support. We have got plenty of cushion here. We have got plenty of time to resolve things. The war over there is not hot, so let us support Mr. ICHORD'S amendment, scale down this bill by about $140 million and move on to other things.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment.

Mr. Chairman, would the gentleman from California tell me why, if this amendment were passed and so many difficulties were going to be laid in the path of the Army being reimbursed, why should the Army in a future emergency,

when it is asked to come to the aid of Israel or some other country, why should it be willing to do it and travel this thorny path in getting reimbursed?

Mr. LEGGETT. Mr. Chairman, if the gentleman will yield for an answer to that, there is no thorny path at all. The gentleman will recall who the commander in chief of the Army is. That is General Abrams. The gentleman will recall who General Abrams' Commander in Chief is. That is the President of the United States. So, they will do exactly as they are told. There is no problem here.

The thing is, if the President wanted this or if we had full integration of our resource management, the recommendations would have been to adopt the Senate procedure here, and then we know exactly what is left in the Vietnam account and we have got a proper accounting. The way things are now, we are asked to go ahead and reimburse the Army and we do not even know where we have been and where we are going.

Mr. Chairman, we have plenty of cushion. The Army can go ahead and ask for this reprograming; there is no problem with it at all. I am sure they are going to get full authority; the Senate defense subcommittee has already approved the reprograming.

Mr. LONG of Maryland. Mr. Chairman, I would like to proceed with another question. I have read the amendment, and it certainly is unenlightening. I was wondering why we could not have an amendment which simply says that the Army should explain what it did with the funds it has already transferred? This amendment strikes me as being punitive, and I think the Israelis will regard this as a punitive amendment.

Mr. LEGGETT. Mr. Chairman, it is not punitive at all. The Israelis have already got the equipment. How we handle this on our side is our problem.

Mr. LONG of Maryland. For the simple reason that they are looking down the road and realize that there are going to be other events like this, and they will have to be helped in a hurry and they are going to be wondering how they are going to get it.

Mr. LEGGETT. Mr. Chairman, I do not think that follows at all.

Mr. LONG of Maryland. Mr. Chairman, I have talked to these people and the general feeling is that these problems are very important psychologically.

They are important psychologically to the people of Israel, who are having a very hard time. They are operating in a very austere situation, and they do need some encouragement.

It is also important psychologically to the Syrians and the Arabs, who will regard this as something of a rebuff to Israel.

Can the gentleman assure us that this is not true?

Mr. LEGGETT. Mr. Chairman, let me explain this to the gentleman now.

The Senate committee did yesterday exactly what the gentleman from Missouri (Mr. ICHORD) is trying to do today. It was reported in the newspaper this morning.

Now, can the gentleman assure us that there was no psychological setback because of the reporting of that accounting procedure?

Mr. LONG of Maryland. Mr. Chairman, we do not get these psychological setbacks quite that fast. After all, they do not travel at the speed of light.

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

Mr. LONG of Maryland. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, does the gentleman not agree, since the Israelis did not get the advantage of the new 1974 models and since they only got 1970 "clunkers," that it is a little unfair to ask them now to pay 1974 prices for 1970 "clunkers" of their own limited aid funds.

Mr. LONG of Maryland. Mr. Chairman, I agree with the gentleman entirely on that point, but I do not understand the relationship of the point to the gentleman's amendment.

Mr. STRATTON. That is basically what the Ichord amendment would do. It would require the Israelis to pay new model prices for the old models they got last October.

Mr. LONG of Maryland. I understand the gentleman's point. Is he not asserting that this is an anti-Israeli amendment?

Mr. STRATTON. Mr. Chairman, this amendment is designed to hurt Israel, as the gentleman pointed out earlier.

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

Mr. LONG of Maryland. I yield further to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I would like to ask a question of the gentleman from New York, who has been answering so many questions.

The gentleman said we gave them six C–130's. What did we charge them for the six C–130's?

Mr. STRATTON. We charged them the book value.

Mr. LEGGETT. Which is what amount?

Mr. STRATTON. Mr. Chairman, if the gentleman from Maryland will yield further, that is the original purchase price less depreciation. We gave them F–4's, for example, some were earlier model C's and B's, and now we have to set replacements in E's and F's, and the increase represents several million dollars per copy. I do not have the actual figure at my fingertips.

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

Mr. Chairman, I would like to have the attention of the gentleman from New York (Mr. STRATTON). Is it not the fact that we gave Israel F–4's, the latest model F–4's?

Mr. STRATTON. Mr. Chairman, if the gentleman will yield, we did give them some of the new ones, that is true. But some of them were also taken out of our inventory.

Mr. GROSS. Were they "clunkers"?

Mr. STRATTON. Not the new ones; they were not "clunkers." However, I am talking primarily about the tanks, for example, and the missiles. The tanks we gave them were certainly not new.

Mr. GROSS. Mr. Chairman, we gave them F–4's with such sophisticated equipment that not even our own Air Force pilots have been checked out completely on those planes. Is that not correct?

Mr. STRATTON. Actually there are no F–4's in this bill, Mr. Chairman, I will say in reply to the gentleman from Iowa. I am simply trying to point up the kind of situation we are dealing with.

The tanks we gave them were not new ones, and tanks are covered in this bill. If we are going to have enough tanks for our own forces in Europe and enough to supply the Israelis with what they want, then we are going to have to get our tank production lines going faster. We gave the Israelis tanks which were built 3, 4, and 5 years ago. Now we must go back to Chrysler and tell them to get that line going and get new models produced

Mr. GROSS. Mr. Chairman, I understand what this bill is all about, but there is some $1,200,000,000 unexpended of the $2.2 billion that Congress made available for arms to Israel.

Mr. STRATTON. The gentleman is not correct.

Mr. GROSS. Just a minute.

The gentleman said hearings were held before this subcommittee last November. There were hearings before the Committee on Foreign Affairs this spring, and we were told that approximately $1 billion of the $2.2 billion had been committed to the resupplying of Israel which would leave some $1,200,000,000 which has not been expended.

Mr. STRATTON. Well, the latest figure is somewhat different.

Mr. GROSS. This is not going to do any damage, and the gentleman knows it. The gentleman deals in fiction, not fact, when he says this is an anti-Israeli amendment.

Mr. STRATTON. Mr. Chairman, if the gentleman will yield and let me reply, I will attempt to answer his question.

Mr. GROSS. Mr. Chairman, I yield to the gentleman.

Mr. STRATTON. Mr. Chairman, as the gentleman well knows, as a member of the distinguished committee on which he serves, the $2.2 billion was to provide for additional asistance to Israel, not just what we gave at the time of the October war. They wanted more materiel to replace their losses, and what we supplied them as of November had not been enough to replace their losses and to makeup for what the Russians had given to Egypt. And so we are probably going to have to adjust the figure for that.

Mr GROSS. Just a minute now before you take all my time. Just a minute. I doubt that either side you want to take in the Middle East would ever be satisfied with the amount of arms we give them We were peddling arms to both sides before the war last October and the gentleman knows it and he knows that today the United States is the biggest arms peddler in the Middle East to both Israel and the Arab countries.

Mr STRATTON. I hope we will give them enough to deter any additional aggression in that area.

Mr ICHORD. Will the gentleman yield to me?

Mr GROSS. I yield to the gentleman.

Mr. ICHORD. The gentleman was

talking about being supplied in an amount of $1 billion. That figure was furnished in our own hearings from the general who testified on this matter.

Mr. GROSS. And I expect it was the same general who appeared before the Committee on Foreign Affairs and gave the committee about the same figure.

Mr. ICHORD. In March of 1974 and he said it was roughtly $1 billion.

Mr. GROSS. I believe that is correct.

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

Mr. Chairman, I was wondering if the gentleman from Missouri (Mr. ICHORD) would respond to a question. Certainly I cannot believe that the gentleman from Missouri would offer an amendment that seems to have been depicted as an anti-Israel amendment.

Mr. ICHORD. That is quite true. I would not offer such an amendment. I think we could better characterize this amendment as the anticlunker amendment rather than an anti-Israel amendment as characterized by the gentleman from New York.

Mr. PODELL. As the gentleman from Missouri well knows, of the $2.2 billion that was authorized to be appropriated by this Congress, except for the equipment that had been turned over to Israel during the October war, not one penny of that $2.2 billion has been spent or turned over to Israel as yet. They have received no funds at all. Why these funds have not been turned over and what is holding them up I do not know the answer to but the fact of the matter is they have not been turned over. Is the gentleman aware of that?

Mr. ICHORD. If the gentleman will yield further, what was turned over as I understand it was armaments—planes, tanks, and missiles out of existing inventory.

Mr. PODELL. This was during the time of the conflict that the Government sent over equipment out of its own stockpile.

Mr. ICHORD. I think there has been a considerable amount of material sent over after the conflict out of the pipeline.

Mr. PODELL. That is not correct. There is no equipment that has been taken out of the current appropriation that we have authorized in the House last year of $2.2 billion that has been sent to Israel.

Mr. ICHORD. I will answer the gentleman if he will yield further that we authorized $2.2 billion; $1 billion to date is all that has been sent. The $2.2 bilion covered the previous transfers also, if that is the point.

Mr. PODELL. Only so much of that as they received in the October conflict. It would appear to me, and we are talking about bookkeeping measures here, that if we cut the military budget here, as the gentleman from Missouri indicates, under the guise of purely cuting certain fat in the budget, eventually our friends such as Israel would suffer.

Mr. ICHORD. We are not cutting the $2.2 billion for Israel.

Mr. PODELL. No; I know that but out of this budget that is before us today, if we cut $146 million, this $146 million is arrived at as a result of the disparity in price today as against last year. Is that not correct?

Mr. ICHORD. The military, the Department of Defense, says that it is the difference between the cost of the items sent to Israel and the replacement cost which is higher today. We have no real breakdown on those figures.

Mr. PODELL. It would strike me that where the pot is 100 percent and you subtract any piece of it, along the line somebody has to suffer and somehow while it is not the intention of the gentleman from Missouri, eventually Israel will suffer because of the disparity in price.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield to me?

Mr. PODELL. I yield to the gentleman.

Mr. PRICE of Illinois. There is certainly a lot of confusion on the floor right now. Proponents of this amendment are talking as though we have given all of this equipment to the Israelis. Actually we have not given them any equipment.

The funds we are talking about in this bill are for the replacement in our own inventory of equipment that we transferred to the Israelis, for which they are indebted to us, and will pay for. We are not talking about giving anything to the Israelis.

The $2.2 billion that is being talked about is grant-in-aid, or loans.

There is much confusion here so much that I suggest that the amendment offered by the gentleman from Missouri (Mr. ICHORD) should be voted down.

Mr. ICHORD. Mr. Chairman, will the gentleman yield for a further explanation?

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

Mr. ICHORD. Mr. Chairman, I thank the gentleman from New York for yielding to me.

If the gentleman from Illinois will check the committee report of the bill appropriating $2.2 billions the expressed intention was to forgive the cost of those materials already sent. Is that not correct? It is true the additional $1.2 billion can either be loans or grants.

Mr. PODELL. I agree with the gentleman from Missouri that the additional moneys are to be loans, and grants, but none of the additional moneys have been turned over.

The CHAIRMAN. The time of the gentleman has expired.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri (Mr. ICHORD).

The question was taken; and on a division (demanded by Mr. ICHORD) there were—ayes 19, noes 48.

Mr. LEGGETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendments were rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: Page 1, strike line 3 and all that follows thereafter down through line 19 on page 2, and insert the following:

TITLE I—PROCUREMENT

SEC. 101. In addition to the funds authorized to be appropriated under Public Law 93–155 there is hereby authorized to be appropriated during fiscal year 1974 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, tracked combat vehicles, and other weapons authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Navy, $63,600,000; for the Air Force, $33,900,000.

Missiles

For missiles: For the Army, $19,200,000.

Tracked Combat Vehicles

For tracked combat vehicles: For the Army, $23,400,000.

Other Weapons

For other weapons: For the Army, $200,000.

Mrs. SCHROEDER. Mr. Chairman, from time to time certain requests by the executive branch fly in the face of express congressional direction. Others perpetrate a hoax upon the Members of Congress and the American people. Still others represent fiscal and procedural irresponsibility.

Rarely does a single proposal do all three. But that is the case with the defense supplemental authorization for fiscal year 1974 pressed upon us by the Pentagon. My amendment to H.R. 12565 simply deletes $859 million which has absolutely no place in a supplemental of this nature. The funds would be deleted without prejudice. Worthwhile projects could be considered as part of our fiscal year 1975 authorization process—precisely where they belong. That way a measure of integrity will be restored to the Pentagon's requests, and, far more important, to our own processes.

Let me begin by dispelling one myth that seems to permeate our consideration of this bill—that the authorizations contained in H.R. 12565 are somehow made necessary by last October's war in the Middle East. That war was a tragedy for those who fought it and very nearly a tragedy for the whole of mankind. But the Pentagon seems to have viewed the October war as a private rainbow and this bill as its pot of gold.

We need not participate in this deception. We need not ratify this illusion. Of the $1.14 billion in H.R. 12565, only $140.3 million, a mere 12 percent, relates to that war in any way. Another $113 million or so is needed to bring certain civilian R. & D. workers at DOD into parity with their peers. Beyond that, every dime in this authorization ought to have been part of DOD requests for fiscal year 1975. The presence of this money in a fiscal year 1974 supplemental distorts the true increases in obligational authority sought by the Pentagon and short-circuits those

processes by which requests are considered at the committee and subcommittee level.

Ironically, H.R. 12565 comes to the floor at a time when we in Congress have addressed ourselves to the need to reestablish control over budgetary matters. Both this House and the Senate have approved the creation of a Congressional Office of the Budget. The time is not very distant when we will be establishing our own expenditure guidelines and making certain that individual appropriations conform to these guidelines.

Laudable as this effort is it will amount to little if we lack the self-discipline to make our decisions stick, if we adopt the deceptions of the executive branch and make them our own, if we go to the American people and tell them that tomorrow's expenditures were really spent yesterday.

There is no other way to view the $859 million my amendment would delete from this bill. Not a dollar of this sum would today be before the Members of this House had last October's war not been fought and not a dollar of this sum relates in any way to that war. There could be no plainer example of a military shell-game.

The $24.8 million requested by the Pentagon for accelerated funding of the Trident program is one relatively small but interesting example. In trimming $240 million from the Pentagon's request for Trident last year we specifically placed the Navy on a 1,1,1 deployment schedule for the 3 initial years of the program. Now DOD tells us a 1,2,2 schedule is preferable. We have in effect been overruled by executive fiat and are now asked to acquiesce through the fictitious device of a fiscal year 1974 supplemental authorization allegedly made necessary by the October war in the Middle East. I challenge any Member of this House to explain what that war had to do with the Trident program.

The remaining items covered by my amendment include augmented force readiness at $327.2 million; increased airlift capability at $167.4 million; and accelerated modernization at $339.6 million. We are told that the need for certain of the items in each category was made manifest during the October war. That may well be the case. Military planners frequently perceive new needs. Who is to say what particular event or events stimulated their perception.

The point, though, is that there is a very reliable process by which these perceived needs are translated into authorizations and appropriations. That process involves the submission of budgetary requests to the Congress and hearings on these requests by subcommittees with developed expertness in particular areas. And since we have already held extensive hearings on Pentagon requests for fiscal year 1975 and expect to report a bill to the floor in approximately 6 weeks, there is certainly no emergency that justifies the truncated route adopted here.

Finally, Mr. Chairman, it is particularly noteworthy that some $108.6 million in parallel research and development funding on weapons systems was deleted by the full committee at the request of the gentleman from Illinois who chairs the R. & D. Subcommittee. I commend the gentleman from Illinois for his insistence on procedural regularity and lament only the fact that others on the committee did not guard their prerogatives with similar tenacity. The full House now has a chance to assert its own sense of responsibility. I urge you not to let it slip by.

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

Mr. Chairman, I truly must confess that I am totally confused. The gentlewoman from Colorado just voted to strike out $140 million in the amendment offered by the gentleman from Missouri. Now she wants to vote for it and take out the money to buy the other weapons. It is a rather confusing situation that I do not understand.

Here is another thing I cannot understand about the arguments she made about the committee "not going into detail." The gentlewoman should know that every item we considered was considered by the committee, the full committee acting as a subcommittee. Every item was justified line-by-line, item-by-item, piece-by-piece. Everybody had an opportunity to ask every question they wanted to in connection with this matter.

It is rather startling and shocking and confusing—and I do not know what other adjectives to use—to find such a difference of opinion from one breath to the next. This would merely cut the entire bill and take out everything. We would have no bill; $800 million.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding.

I would like to explain why I did not take out the Middle East payback in my amendment. The reason was I felt Middle East payback would be proper in last year's, fiscal year 1974's, budget. My amendment asks the question whether or not some of these items should properly be in fiscal year 1975's budget instead of as a supplemental to fiscal year 1974's authorization. We are in the middle of the fiscal year 1975 markup. We stopped everything for 2 days and marked up this billion dollar bill. I really feel the committee should look at this billion dollar supplemental, using the subcommittee expertise.

Mr. HÉBERT. Will the gentlewoman explain why she voted to take it out just a few minutes ago?

Mrs. SCHROEDER. When we look at fiscal year 1974, I voted to take it out as a supplemental, but I think it is justified as a fiscal year 1974 supplemental and the items in my amendment are not clearly justified in a supplemental so I moved to strike them without prejudice.

Mr. HÉBERT. Within a few minutes you changed your mind.

Mrs. SCHROEDER. No, no. My amendment is basically a procedural one. What I am questioning is whether some of these items addressed by my amendment do not belong in fiscal year 1975. I think a supplemental should be justified by an emergency, some strong reason should be given as to why we have to change the present fiscal year authorization. As I said, the last supplemental authorization that we had in front of the committee, was in 1967 during the Vietnam war when there was an emergency because the war expanded so much more rapidly than anyone anticipated. I do not feel such an emergency is present now. The Middle East war was in October and it took the Pentagon until March to get these "emergency" items over here. Less than 12 percent of these items relate directly to the Middle East war.

The reason that I did not include the Middle East payback in my amendment is because I think it is justified as a supplemental for the war. The war was an unforeseeable event that occurred in fiscal year 1974.

Mr. HÉBERT. In other words the gentlewoman is against the supplemental bill.

Mrs. SCHROEDER. I am against the new weapons procurement portion of the supplemental until we have hearings to find out whether they belong in the supplemental or the 1975 budget.

Mr. HÉBERT. We had hearings.

Mrs. SCHROEDER. We had full committee hearings but I think we ought to have subcommittee hearings where a great deal of committee expertise lies.

Mr. HÉBERT. The chairman of the committee always tries to please the gentlewoman from Colorado. I realize it is a difficult task but I will continue to try to please her.

Mr. Chairman, I oppose the amendment.

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

Mr. Chairman, the gentlewoman has presented an amendment which I think does not really look at the facts that have transpired with regard to the naval portion of this. The naval portion is $28 million. I rise in opposition to her motion to strike this $24.8 million and therefore against her amendment as it now stands.

Last year the subcommittee approved and the House concurred in the construction of three Trident submarines per year. The Appropriations Committee removed $240 million from the shipbuilding and conversion Navy program, thus setting a building rate of only one Trident submarine per year. However, in so doing the Appropriations Committee said:

> In approaching this reduction the committee in no way desired to detract from those long leadtime items whose procurement is necessary for the timely production of submarines 2 to 11. The committee therefore directs that the Department of Defense review the rate of production that would result from reduction of $240 million and ask additional funds in a supplemental request if necessary.

In accordance with that direction and

invitation the Department of Defense has reviewed the production rate of Trident and asked for these additional funds this year. Accordingly it now asks an additional $24.8 million in these long leadtime items. We had hearings this year as in years gone by. We have held extensive hearings on the submarines and shipbuilding in general and on this item in particular.

The one main reason for the increasing shipbuilding costs is the continual shift in shipbuilding programs. Here we have a prize example of it where we go from one a year to two a year and three a year.

I can say that the Trident program has been the subject of considerable study. I would like to introduce into the RECORD at this point a letter from Admiral Rickover on this matter. The letter reads as follows:

NAVAL SHIP SYSTEMS COMMAND,
Washington, D.C., March 18, 1974.

MR. FRANK SLATINSHEK,
Chief Counsel,
House Armed Services Committee.

DEAR MR. SLATINSHEK: In our telephone conversation this morning you asked that I furnish you an explanation of the need for the $24.8 million TRIDENT funding in the FY 1974 supplemental budget.

The $24.8 million is necesary to procure long leadtime items such as turbines, turbine generator sets, other engine room components, and hull steel for the second and third TRIDENT submarines. Funds to procure these items were included in the FY 1974 Department of Defense Authorization Act, but not appropriated.

A total of $281 million was authorized in FY 1974 for advance procurement of TRIDENT long leadtime items ($83 million for the second, third, and fourth submarines, and $198 million for the fifth, sixth, and seventh submarines). However, action by the Appropriations Committees reduced the advance procurement funding to $41 million for the second, third, and fourth submarines.

In their report the Senate Appropriations Committee stated:

"In approving this reduction, the Committee in no way desires to detract from those long leadtime items whose procurement is necessary for the timely production of submarines 2 through 4. The Committee therefore directs that the Department of Defense review the rate of production that would result from the reduction of $240 million and seek additional funds in a supplemental request if necessary."

The TRIDENT FY 1974 supplemental request is consistent with the direction from the Senate Appropriations Committee. Procurement in FY 1974 of all the items to be funded by the TRIDENT supplemental request will reduce the delivery schedule risk for the second and third submarines. These items will be procured through either exercise of existing options, re-negotiation of expired options, or new procurement. FY 1974 procurement will result in lower cost to the Navy.

Sincerely,

H. G. RICKOVER.

Mr. Chairman, I would conclude by saying if the gentlewoman does not believe the committee has had hearings on this matter, I suggest she check her calendar and she will see the subcommittee gave notice of hearings, and she was given notice of the hearings which we did hold, and we had Admiral Rickover over before us. We had hearings on two separate occasions, on the 13th and 19th of March, I believe. Hearings have been held. Full hearings were held.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will yield, I think he misconstrued my concern expressed in the amendment. I am very proud of the Seapower Subcommittee I serve on. You, Mr. Chairman, do a good job.

Mr. BENNETT. We do a good job I believe; and you do, too.

Mrs. SCHROEDER. Also in this supplemental is a request to speed up and accelerate our program of modernizing ships. I think our committee should look at the Seapower requests and deal with them, as we are now on every Seapower item that is coming up in fiscal year 1975. I realize we did that in 1974; we looked at Trident ship modernization and other programs, but we are dealing with the 1975 budget now and I think we should also have the supplemental request in front of our subcommittee to consider as a final piece of the puzzle. In other words, we need all Seapower authorizations in front of our subcommittee to have the full picture. We had no subcommittee hearings on this supplemental.

Mr. BENNETT. There is not a puzzle here because we have had full hearings on this looking forward to this particular bill. Whatever may be said about the rest of the lady's amendment, the part dealing with the Trident is improper. We have had the hearings.

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

Mr. BENNETT. I yield to the gentleman from Florida.

Mr. SIKES. I feel very strongly the amendment should be defeated. We are confronted with an emergency situation. That is why the request is before us. We do have an emergency situation. We learned some important lessons from the war in October. We learned that a frightening number of weapons; airplanes and tanks, munitions and supplies are used up at a very fast rate in modern combat. We found that the weapons which we were making available to Israel left us very short for our own stocks in many areas.

Now, this authorization helps to replace weapons in our own inventory and it helps to recoup supplies to Israel stocks in some areas where we have found our war reserves are much too low. This is an emergency matter and, of course, the amendment should be defeated.

Mr. BENNETT. I appreciate the contribution of the gentleman from Florida.

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

Mr. Chairman, I rise merely to commend the gentlewoman from Colorado for her courage in offering the amendment she has. It is a little broad-gaged and I am personally unable to support it. I think the gentlewoman's amendment is not totally without merit, inasmuch as about a dozen Members of our counterpart body over on the other side in the subcommittee have struck out of this item some $550 million, not quite as much as the gentlewoman's amendment addresses itself to; but at least some very bright Members in the other body who are very much concerned with emergency procurement do not think this is really so much of an emergency.

We have a number of things to which we are addressing ourselves in this bill. Unfortunately, we do not really have the temper or the patience to review each and every item; but I have a question about the Trident acceleration. There is only $25 million in this and we are talking about a $13.5 billion program that has escalated over the past year.

I am not going to argue about taking $25 million out of the supplemental bill. The other body was concerned that we were starting some new programs in this bill that we really have not heard much about today.

The item we have on page 18 where we say $66.3 million to include the design, prototype, and test of a modification to lengthen the C–141—sure, it is $66 million; but has anybody said how much this program is going to cost? I think it is somewhere between $500 million and $1 billion; so that is what the $66 million is buying us into.

The aircraft program is also included in that, the reserve air fleet, the study updating that and reorganizing that program. How much for that program? They tell me from $800 million to $900 million. That is what this $66 million is buying us into on an emergency basis.

We got the hearing report this morning on the supplemental and while it is 272 pages, if we take out the charts and graphs and inserts and supplementals and things like that, we really do not have the kind of hard-gut testimony in these items that I would like to see our committee have.

I think the Department of Defense has seized on the Middle East confrontation to try to ram through $200 million of R. & D. items and we wisely cut those out in the committee because we thought we were accelerating that too much and we gave them an opportunity to go before the subcommittee and prove that in the regular way.

I think that on all these items, particularly totally reorganizing the C–141 fleet, giving $6 million to every major air carrier in the United States for each of their 747 aircraft to put a nose-loading capability on it and a new tank platform, taking out all the civilian seats and things like that, that is kind of a radical program. I know the other body is concerned about it and I know our committee is going to be very much concerned about this item. I may be for it, but I have real hesitance in this kind of a program.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. PRICE of Illinois. The gentleman knows there is hardly anything new about the program in the supplemental bill.

Even the newer Members have at least a year and a half to become acquainted

with all these programs. There is nothing new about any program here.

Mr. LEGGETT. Mr. Chairman, I would like to commend the gentleman because he is the one who felt the Department of Defense overstepped itself in asking for R. & D. assistance with very little backup. The gentleman said, "Let us chop this out," and the committee unanimously rose up and joined him. I want to commend him for that effort.

Mr. PRICE of Illinois. Mr. Chairman, those are all new projects that had not been before the committee, but the gentleman will notice that I did request that the funds they requested, because of the increased costs of salary, wages, and so forth, that they be included in full in the R. & D. section.

Mr. LEGGETT. That is in the next title.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. In addition to the funds authorized to be appropriated under Public Law 93–155, there is hereby authorized to be appropriated during the fiscal year 1974, for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army $55,043,000;

For the Navy (including the Marine Corps), $67,828,000,

For the Air Force, $83,766,000, and

For the Defense agencies, $10,852,000.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 3, delete "$55,043,000" and substitute in lieu thereof "$35,898,000".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 5, delete "$67,828,000" and substitute in lieu thereof "$38,538,000".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 6, delete "$83,766,000" and substitute in lieu thereof "$29,466,000".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 7, delete "$10,852,000" and substitute in lieu thereof "$5,991,000".

The CHAIRMAN. The question is on the next committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II? If not, the Clerk will read.

The Clerk read as follows:

TITLE III—MILITARY CONSTRUCTION

SEC. 301. (a) The Secretary of the Navy may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $29,000,000.

(b) There are authorized to be appropriated for the purpose of this section not to exceed $29,000,000.

SEC. 302. In addition to the funds authorized to be appropriated under Public Law 93–166, there is hereby authorized to be appropriated during the fiscal year 1974, for use by the Secretary of Defense, or his designee, for military family housing, for operating expenses and maintenance of real property in support of military family housing, an amount not to exceed $3,866,000.

SEC. 303. Authorizations contained in this title shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1974 (Public Law 93–166), in the same manner as in such authorizations as if they had been included in that Act.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 301 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 Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. LEGGETT

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

The Clerk read as follows:

Amendment offered by Mr. LEGGETT: Page 3, lines 9 through 16, strike out "section 301" and renumber the following sections.

Mr. LEGGETT. Mr. Chairman, my amendment would delete funds for construction of naval support facilities on the British-owned Indian Ocean island of Diego Garcia. This seemingly modest request would in reality vitally and irreversibly affect future U.S. policy, commitments, and relationships in the Indian Ocean. I do not believe that the abbreviated review procedure for this supplemental request has provided the information or comment on which I or any of my colleagues can base a reasoned and objective decision.

If the Congress is serious in its resolve to exercise a responsible and independent voice in the making of foreign policy, we cannot acquiesce in the pro forma processing of such important policy questions. No reason has been cited requiring urgent action. I, therefore, urge that we delete this request and require that it be subjected to the orderly and comprehensive review of the regular authorization/appropriation process which can form the basis for a proper exercise of congressional responsibility.

At first glance the Diego Garcia expansion proposal may seem restrained and moderate. All that is asked is $29 million in fiscal year 1974 to be followed by $3.3 million in fiscal year 1975 to expand the present "austere communications facility" on the island into a "modest support facility." This is said to be needed to provide more economical logistic support for an expanded level of U.S. naval activity in the Indian Ocean. A larger and more active U.S. presence is said to be called for, first, to protect vital oil shipments from the Persian Gulf; second, to assure access to international sea lanes; third, to balance the growing Soviet naval presence in the area; and fourth, to illustrate and underpin our influence in the region.

Perhaps it was because the request seems inconsequential that the Armed Services Committee of which I am a member gave it only cursory review before reporting out this bill. Or perhaps it was because the amounts involved seem relatively so small in the megaworld of defense expenditure. Whatever the reason, the issue has not been given the scrutiny required. I believe that a brief review of the situation and its implications will make clear that momentous policy consequences are involved in this decision and that serious questions concerning its wisdom and impact must be answered before a proper decision can be reached.

It is important to realize that the "modest facility" we are asked to authorize will include more than 600 full-time personnel; anchorage and bunkering facilities for full carrier task groups; and a lengthened 12,000-foot runway with support and staging capabilities for our most advanced military aircraft. Whatever we call it, the Diego Garcia expansion will create a major U.S. naval base and for the first time place an important permanent U.S. military presence in the heart of the Indian Ocean.

Plans for a new base on Diego Garcia are nothing new. Navy activists bent on establishing U.S. naval dominance in all the oceans of the world have been promoting such a posture since the early 1960's. Just such a proposal as this was turned down in the Congress when it was included in the fiscal year 1970 DOD request. In the intervening years the Congress has been assured time and again by administration spokesmen that with the lesson of Vietnam firmly in mind we do not intend to become directly involved again in maintaining peace around the globe, but will rely henceforth primarily on regional states to insure regional security.

Now, with not even a nod to the past, we are presented with an apparent reversal of these policies. We have been presented with incomplete and untested argumentation which begs the overarching policy considerations and which we are asked to accept without question.

We are told, for example, that the facility is to support an expanded U.S.

naval presence in the Indian Ocean. But I, for one, have not been told what that level of activity is expected to be. Since last October we apparently have had a carrier task group regularly in the area as well as the flagship and two destroyers of the Middle East force stationed at Bahrain in the Persian Gulf. If this is to be the level of our ordinary presence there, the effects will reverberate outside as well as within the area. What will the impact be on our readiness elsewhere? What requests will we be receiving to fill the gaps in other areas left by the new expansion? These are questions we must ask and have answered before we commit ourselves to the move, not after.

We are told that the expanded presence is necessary to protect passage of vital oil supplies from the Persian Gulf. But we are not told where the threats to these shipments are expected to come from nor how the proposed move will deter or be used to meet them. Isn't our naval presence currently based in the Persian Gulf protection enough? Again we need answers.

We are told that our access to international sea lanes needs this greater protection. But we are not told what threats to our free passage we have experienced or foresee? Is a permanent regional base and regular presence needed, or would not the periodic visits of the past still do the job? Again we need the facts to decide.

We are also told that we need new military muscle in the Indian Ocean to support our regional influence. If this is true, why is it that the great majority of the littoral states including close allies like Australia have roundly condemned the plans for a new base, while not one regional country has come out publicly in favor of it? Surely a close look at the impact of the move is required before we move ahead blandly and blindly in the face of this opposition. With the new British Government now reviewing the Diego Garcia arrangements, ordinary prudence dictates delay.

Finally we are told most emphatically that we must move to balance a rapidly growing Soviet presence which far exceeds our own in naval vessels and shore facilities and which we can expect to grow even more once a shorter lifeline for the Soviets through the Suez Canal is restored. But the evidence presented by the administration is unavoidably one-sided and incomplete, and we have not had the opportunity to develop an objective appraisal of the situation.

Without belaboring the camparisons offered on ship-days and shore access let me cite just a few troubling uncertainties. With a carrier task group in the Indian Ocean the United States far outweighs and outguns present Soviet capabilities there. With a support base on Diego Garcia we would have a logistic capability which seems to offer far more solid support than the politically insecure and inherently uncertain collection of bits and pieces of anchorage and access which we largely suppose the Soviets now have.

Will our expanded presence serve to balance big power presence in the Indian Ocean or will it be the next step in an accelerated area arms race? And would the Uniited States move serve as a handy excuse to justify an even greater Soviet presence and as a lever for the Soviets to pry increased shore rights out of reluctant riparians? Must the reopening of the Suez Canal presage an expanded Soviet presence, or might it not relieve pressures within the U.S.S.R. for a larger residual presence and extensive shore support by offering more ready and rapid access for Soviet vessels?

These are but some of the questions we must explore if we are to weigh our options in advance. Even more fundamental is the question of a negotiated arms limitation agreement covering the area. What are the prospects for such an arrangement with the Soviet Union? What have we done to pursue this goal and what could we do? Unless we have a clear view of the arms limitations picture it would be folly to act. One thing about the Diego Garcia expansion is certain—if the expansion precedes negotiations, the minimum base toward which we might hope to reduce a mutual presence will be that much higher, and the prospects for success that much farther away.

Mr. Chairman, we have heard a good deal about legislative oversight in the recent proposals for congressional reform. But there are two kinds of oversight, and I am afraid the Congress has become known more for what it overlooks than for what it has looked over.

It would be an oversight of the worst kind for this House to concur in the establishment of this major new naval base without demanding that the questions surrounding an important extension of U.S. power be fully aired and answered. Worse, it would be an abdication of responsibility and a sad retreat from the new and independent role in foreign policy that the 93d Congress proudly staked out for itself over a Presidential veto in the War Powers Act.

It was little less than contemptuous for this administration to present the Congress with a major policy initiative in the guise of a modest facility expansion and, with no hint of emergency, to expect that we would hand carry the request through in a supplemental authorization virtually unexamined. I urge my colleagues to demonstrate that we meant what we said in passing the War Powers Act in voting for this amendment.

The CHAIRMAN. The time of the gentleman from California (Mr. LEGGETT) has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 5 additional minutes.

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

Mr. HUNT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, this bill, as I have already indicated, is very largely the result of lessons that the U.S. military and our Armed Services Committee learned from the Middle East war, and, believe it or not, one of those lessons concerns the island of Diego Garcia.

I recognize that perhaps many people, including the gentleman from California (Mr. LEGGETT) even though he is a member of our committee, might not have heard before of Diego Garcia. Therefore, I have had this chart prepared so that the members of the committee can understand exactly what the situation is.

Incidentally, this is not a new commitment we are asking for in Diego Garcia, in spite of what you may have read in some of the "Dear Colleague" letters that have been going around. Congress appropriated money for an American base at Diego Garcia, right down here in the center of the Indian Ocean, as long ago as December 1970, and it expanded that appropriation in 1971 and again in 1972. Nor does the proposal for $29 million for Diego Garcia represent any great "escalation of the war" in the Indian Ocean, as some have charged. What is involved here is simply a desire for putting a little "gas station," if you will, down here in the center of the ocean so that any American ships operating in this very large and strategic ocean might be able to get some fuel once in a while. The fact of the matter, Mr. Chairman, is that this is a very important area of the world. We all recognize that fact, particularly following the Middle East war, because here are located the oilfields of the Persian Gulf, and the Soviet Union is very much interested in this entire area. The Soviet navy has in fact been very active since 1968 in the Indian Ocean, and at the present time the major Soviet naval presences in the Indian Ocean are represented by these hammer and sickle seals. For example, the Soviets have a base up here in Iraq at Umm Qasr, and another base down here at the facilities of the old British naval base in Aden, in South Yemen; they have a base in Somalia, and another at Socotra, and they are constructing a major airfield at Mogadiscio, in Somalia. In addition they have two major anchorages, one in the Seychelles and one at Mauritius, and they are also in the process of helping the Bangladesh establish a harbor in Chittagong.

We do not know now just what that harbor will include, but if it is being built by the Soviets you can be sure their ships will be able to use it anytime they want to.

When the Middle Eastern war broke out we recognized, in addition to the substantial increase in Soviet ships that developed in the Mediterranean, that there was also a substantial increase in Soviet ships operating in the Indian Ocean. Therefore we sent a U.S. carrier task force, that is, one carrier with its accompanying escort ships, into the Indian Ocean to check on the Soviets, and to deter any hostile moves they might make. Unfortunately, our small task force operating in this vast area had no shore fueling facilities available to it. There was no "gas station" for them to pull into to refuel, in other words. Our ships had tankers, but those tankers would have to travel all the way from the western part of the ocean, if we were operating there, and go all the way back at least to Bangkok, and perhaps to Subic Bay in the Philippines in order to replenish. So all we are asking for here is to give us enough storage facilities at Diego Garcia so that any American carrier or destroyers operating in the Indian Ocean can stop there to refuel. What is

so bad about that when the Soviets have all of these other places for their use? Is it not right and is it not justifiable that we should be able at least to get a little fuel in this one little spot in this strategic area in the world?

Now as a further result of the Israeli war we know the Suez Canal will soon be opened. President Sadat told us in November he could get it cleared in 4 months.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. STRATTON. I think that is probably an exaggeration; it might be 6 months, but as soon as the canal is clear you are going to have the Soviet fleet coming down into the Indian Ocean, and if you think you have a lot of Soviet ships in here now you will see two or three times the number of Soviet ships and submarines operating here after that event.

Now the other thing we want to do in Diego Garcia under this bill is to extend the runway enough so that our land based antisubmarine warfare reconnaissance planes can fly around the ocean a bit and keep track of the Soviet submarines in the area.

That is all that is being asked. That is all that this proposal involves.

There is one other thing, however, that might also be helpful, as another lesson from the Middle Eastern war of last October. Members are well aware of the fact that if it had not been for Portugal and the Azores, we never would have been able to carry out that fantastic October airlift to Israel. It is quite possible that in the future, with the difficulties presently going on in Portugal, the Azores base might be denied to us. So, how do we then provide an airlift to the Middle East if any new emergency should occur? Well, we can go through the back door from Bangkok to Diego Garcia provided the airstrip there is long enough to permit the C–5A's to land, and then they can fly from there up to Tel Aviv, or wherever else we may want to go.

So there are the things that this bill would provide, and what is the reason we want them so urgently in the supplemental? Because we need them now. We do not know when there might be another emergency airlift required to the Middle East. We do not know when next we might be confronted with an enormous increase in Soviet ships in the Indian Ocean area. If we put this in the supplemental we can get it settled now and get construction underway. If we deny this we delay construction by 6 or 7 months until the appropriation bill comes out in September, or October, or November. If we do that we might as well cede the Indian Ocean to the Soviet Union by default.

I think this makes good, sound sense. I think it is a wise provision for the future. I can well remember, although most of the Members here are too young to do so, but I can remember the days when this Congress voted against fortifying Guam. They said then we did not need any fortifications out there so far from Tokyo. So we were told we did not need any fortifications in Guam. And a lot of the Members here, including the gentleman from Florida, know how America was caught when the avalanche came because we had not fortified Guam.

So let us put this little fueling station down there, let us make space available for our antisubmarine planes, and let us try at least to maintain a balance of forces in the Indian Ocean.

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

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

Mr. SEIBERLING. Mr. Chairman, I would like to ask the gentleman from New York how it is expected that the planes are going to get from Diego Garcia to Israel when they have to cross Arab territory, no matter which way they go?

Mr. STRATTON. They can fly over the water spaces, over the Red Sea.

Mr. SIKES. Mr. Chairman, if the gentleman would yield, Israel is not on the Indian Ocean; that is a different story. Our aircraft reach Israel through other, nearer bases.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. STRATTON was allowed to proceed for 3 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield further?

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

Mr. SEIBERLING. Mr. Chairman, I would like to ask the gentleman a further question.

The implications of expanding this base at Diego Garcia could be rather serious in terms of producing a counter-escalation. Is is not possible that this kind of a move may produce a similar move on the part of the other party?

Mr. STRATTON. Absolutely not, because we know that this is just an attemp to try to match the Soviets in a small way, because we cannot match ship by ship what the Soviets are doing in the area.

Make no mistake about it, the Indian Ocean is an important and strategic area.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. PRICE of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think that the gentleman from Ohio misunderstood the gentleman when the gentleman mentioned the fact that there would be antisubmarine type aircraft located there. It is not planned to have any strategic aircraft there; it was the necessity of having to go as far as Israel.

Mr. STRATTON. No, only the airlift planes would in an emergency be able to fly from Diego Garcia to Israel.

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

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

Mr. BROOMFIELD. Mr. Chairman, I wish to rise and congratulate the gentleman from New York (Mr. STRATTON) on his excellent statement. I feel that this is an extremely important facility, and that this is a very modest request. I wish to join with the gentleman in this important statement.

Mr. Chairman, for over a generation, the United States has maintained a minimal permanent presence in the Indian Ocean. However, since the Middle East war, the United States has found it advisable to maintain a more frequent and regular presence in that area than in the past. This is due to the Soviet Union's significantly increased ability to introduce additional forces quickly into the Indian Ocean, while our own ability to project our presence into that area has significant limitations.

There can be no doubt that Soviet military and political activity in the Indian Ocean area reflect Moscow's continuing efforts to increase its influence and power. Countries in which the Soviets are particularly active include Tanzania, Somalia, South Yemen, Iraq, Afghanistan, and India. In addition to increasing its influence in the Indian littoral, Moscow's apparent objectives include a reduction of Western influence, prevention of the expansion of Chinese influence, and the encouraged development of "progressive" governments. Two of these goals—to reduce Western presence and to encourage "'progressive" governments—have been a part of Soviet policy since the mid-1950's.

Recent events in the Middle East have demonstrated that what happens in the Indian Ocean area is closely related to the well-being of the rest of the world. Events there are especially important to our interest in Europe, in Asia, and more basically, in maintaining a worldwide balance conducive to peace and stability. If we are adequately to protect our worldwide interest and commitments, we must have the capability of deploying our military power in the Indian Ocean area. To that end, the proposed support facilities at Diego Garcia are essential.

Effective deployment of a U.S. naval presence in the Indian Ocean presently taxes our logistics support capabilities to the limit. It requires us to reduce our ability to support our forces in other important areas such as the Western Pacific. It involves serious uncertainties as to the security of supply lines and bunkering facilities. If we are to insure that growing Soviet power in the Indian Ocean area is properly balanced by our own, we must have a basic logistics support facility in that region.

Let us not dismiss as insignificant the increase in Soviet capabilities in the Indian Ocean. Since 1968, the U.S.S.R. has steadily built up both its presence and its support capability in this area. They now have a support system there that is substantially greater than our own. Let me mention some examples:

The Soviets have established fleet anchorages in several places near Socotra, where there is an airfield to provide them with a potential base for reconnaissance and other operational aircraft.

They have established anchorages in the Chagos Archipelago including the installation of permanent mooring buoys.

They have built a communications station near the Somali port of Berbera to provide support for their fleet. Simultaneously, they have expanded facilities

at Berbera, which currently include a restricted area under Soviet control, as well as a combined barracks and repair ship and housing for Soviet military dependents.

They are building a new military airfield near Mogadiscio, which could be used for several types of missions.

Soviet naval combatants and support ships have been given access to the expanded Iraqi naval port of Umm Qasr, where facilities are being built with the help of Soviet technicians. These facilities appear to be a good deal larger than any that the Iraqis would need for their own forces.

At the former British base at Aden, the Soviets have been granted the use of port facilities. They have the use of air facilities at the former Royal Air Force field nearby. They maintain personnel ashore in both places. They also use the port of Aden for refueling, replenishment, and minor repairs.

Since 1971, Soviet naval units have been working at harbor clearance operations at Chittagong in Bangladesh.

I submit that this represents a concerted and formidable effort to entrench Soviet influence in an area that is vital to U.S. interests. There can be no doubt that when we talk in terms of showing the flag and gunboat diplomacy, as far as the Indian Ocean is concerned, the power vacuum has been filled by Soviet ships, not those of the U.S. Navy.

Viewed in this context, the proposed expansion of our facilities at Diego Garcia appears to me as wise and proper.

There has been a good deal of exaggeration of the extent of this proposed expansion. I would like to emphasize here the rather austere nature of the program we have suggested. The expansion would make Diego Garcia into a useful and flexible support facility for U.S. forces operating in the Indian Ocean area. The facility would be capable of providing support for maintenance, bunkering, aircraft staging, and enhanced communications activities. Fuel storage capacity would be increased, the lagoon would be deepened to provide an anchorage, the existing 8,000-foot runway would be lengthened, the airfield parking area would be expanded, and improvements would be made to accommodate a total of 609 people—hardly an overwhelming number.

Such a program will significantly enhance our capability to operate naval forces in the Indian Ocean far more efficiently than our present situation permits. I believe we need this capability to further our national goals of world peace and stability. I hope the Members will recognize this need and approve the necessary appropriation.

A very compelling statement concerning our Indian Ocean policy was recently made by Adm. Elmo R. Zumwalt before the Foreign Affairs Subcommittee on the Near East and South Asia. I have asked permission to insert it at this point in the RECORD:

STATEMENT OF ADM. ELMO R. ZUMWALT, JR.

Previous witnesses from the Departments of State and Defense have described in some detail the range and history of U.S. interests in the Indian Ocean and the general strategic rationale for our military presence there.

Those interests relate mainly to the area's key resources, and to the transportation routes which carry them to the United States, its friends, and its allies.

While I do not want to be unduly repetitive, I would like to stress the growing importance of this area to the United States. Recent events such as the Arab-Israeli war, the oil embargo, and the worldwide economic dislocations which flowed from that embargo and ensuing price rises, have served to focus attention on the Indian Ocean area. The impacts of these events have brought home clearly the interrelationship between what goes on in the Indian Ocean area and the well-being of the rest of the world.

I think it is evident, as a result of that experience, that our interests in the Indian Ocean are directly linked with our interests in Europe and Asia; and, more broadly, with our fundamental interest in maintaining a stable worldwide balance of power. In this interdependent world, events in the Indian Ocean cannot be viewed in isolation, but must be assessed in terms of their impact in other areas of key importance to the United States.

In the judgment of many observers, the Indian Ocean has become the area with the potential to produce major shifts in the global power balance over the next decade. It follows that we must have the ability to influence events in that area; and the capability to deploy our military power in the region is an essential element of such influence. That, in my judgment, is the crux of the rationale for what we are planning to do at Diego Garcia.

The second main point I think we should keep in mind is that the Diego Garcia facilities are intended to support naval forces. This is understandable, given the geographic realities of the situation.

We have no land bridge to the critical Indian Ocean littoral areas, as do the other great powers of the Eurasian landmass. We cannot fly to these countries except over the territory of others or along lengthy air routes over water. The most efficient way we have of reaching them directly is by sea. When other great powers look on the Indian Ocean area, they find ways of projecting their influence by their geographical proximity, over relatively short air and ground routes. The United States, by contrast, must rely almost exclusively on the sea.

The Navy has been in the Indian Ocean area for many years, as you are aware. Since the late '40s we have maintained a small naval presence based in the Persian Gulf, called the Mideast Force. This force consists of a flagship stationed in Bahrain and two destroyers or destroyer escorts are on rotational assignments from other units. It is too small to give us any significant military capability, but it has served an important diplomatic purpose by providing a tangible symbol of U.S. interest in the area. We periodically sail additional ships into the area for training and port visits. The frequency of these visits was reduced during the Vietnam War. As you know, the Secretary of Defense recently indicated that we intend to reestablish the pattern of regular visits to this area.

In addition to these visits, the United States on two occasions in the past three years has operated carrier task forces for extended periods in the Indian Ocean. In neither of these cases were our deployments occasioned by, or directed against other naval forces in the area. On both occasions their presence supported U.S. foreign policy, evidenced our deep interest in events in the region, and lent weight to our diplomatic initiatives.

I would hasten to point out that on both occasions these deployments also taxed our logistics support capabilities to the absolute limit, requiring a significant reduction in our ability to support our forces in other key areas, such as the Western Pacific. And this was in an environment when the pace of operations was relatively slow, and the logistics support requirements correspondingly low. It was also in a situation where our extended and highly vulnerable supply lines were not subjected to any hostile threat. In short, it was an artificial situation, far more advantageous than that which we could expect in a combatant environment; yet our ability to operate a modest force even under these favorable circumstances was marginal.

The lesson of these two experiences is clear. If we are to have any reasonable contingency capability for the deployment of naval forces in the Indian Ocean area, we must have the rudiments of a logistics support facility in the area.

As you know, we currently maintain a communications facility on Diego Garcia, which is located in the center of the Indian Ocean. This facility was not designed to provide a capability for sustained logistics support of U.S. forces operating in the region. What we propose to do now is to take advantage of its central location, and its political accessibility under our existing agreement with the British Government, to provide the essential elements of a naval support facility in the Indian Ocean.

This facility will be capable of providing support for a flexible range of activities including ship and aircraft maintenance, bunkering, aircraft staging, and improved communications. It will also provide for the operation of ASW aircraft in support of naval forces. The current supplemental military appropriation recently presented to Congress contains a request for $29 million to improve the facilities on Diego Garcia. Specific projects include increased fuel storage capacity, deepening of the lagoon to provide an anchorage which will accommodate an aircraft carrier and its escorts, lengthening the existing 8000-ft. runway and expanding the airfield parking area, in addition to certain improvements to our existing communications facility and the construction of additional personnel quarters, to accommodate a total of 609 people. We believe that if we are to have an assured capability to deploy and support U.S. forces into the Indian Ocean area, the facilities we now propose at Diego Garcia are essential.

As mentioned by previous witnesses, the upgrading of Diego Garcia does not in itself postulate any given deployment of forces, but will significantly enhance our capability to operate naval forces in the Indian Ocean, to the extent such deployments are required by national policy.

The Soviets recognized the growing importance of the Indian Ocean area some time ago. Indeed, I would say their perceptions of this antedated our own. Since 1968 we have seen a pattern of steady buildup both in the Soviet naval presence, and in Soviet capabilities for the support of military operations in the Indian Ocean.

We must presume that the Soviets' plans for the expansion of these capabilities are based on perceptions of their own interests and objectives in the region, and are not driven predominantly by U.S. activity in the area. This is borne out by the fact that the rate of Soviet buildup has increased steadily throughout the period, while our own activity has remained at a relatively low level.

As a result of this Soviet buildup, the Soviets possess a support system in the area that is substantially more extensive than that of the U.S. Let me provide some examples.

The Soviets have established fleet anchorages in several locations near the island of Socotra, where an airfield provides a potential Soviet base for reconnaissance or other

aircraft. In addition, they have established anchorages in the Chagos archipelago, including the installation of permanent mooring buoys. (They have done this in other areas around the Indian Ocean littoral as well.)

They have built a communications station near the Somali port of Berbera to provide support for their fleet. At the same time they have increased their use of, and are expanding naval facilities at Berbera, which currently include a restricted area under Soviet control, a combined barracks and repair ship and housing for Soviet military dependents. In addition, they engaged in building a new military airfield near Mogadiscio, which could be used for variety of missions.

Soviet naval combatants and support ships have had access to the expanded Iraqi naval port of Umm Qasr, where facilities are being built with the assistance of Soviet technicians. In my personal opinion, those facilities are considerably more extensive than any which would be required for Iraqi needs alone.

The Soviets have been extended the use of port facilities at the former British base at Aden, and air facilities at the former Royal Air Force field nearby. They maintain personnel ashore in both locations. In addition, they use the port of Aden for refueling, replenishment and minor repairs.

Since 1971 Soviet naval units have been engaged in harbor clearance operations at Chittagong, Bangladesh.

In addition to their regional support facilities in the Indian Ocean, the Soviets are embarked on a worldwide program to expand bunkering and visit rights for their naval, merchant and fishing fleets. Since Soviet merchant vessels are frequently employed for logistics support of Soviet naval forces, the establishment of merchant bunkering facilities expands the Soviet Navy's logistics infrastructure. The Soviets have recently secured bunkering rights in Mauritius and Singapore and have made approaches to other Western and non-aligned countries.

In summary, Soviet support initiatives and the tempo of their naval activity in the Indian Ocean since 1968 have expanded at a deliberate pace which cannot be related, either in time or in scope, to any comparable expansion of U.S. activity. The Soviets' logistics arrangements are designed to support their own strategic objectives in the area. In my judgment those objectives relate primarily to the expansion of Soviet influence with the countries of the region; the enhancement of the Soviet image as a great power; and the neutralization of the PRC's political influence and military power through the expansion of Soviet power on China's southern flank.

Underlying all of this is Soviet recognition of the critical importance to most of the world's economies of the sea lanes which pass through the area. As a result of that importance, the Soviets recognize that any nation which has the capability to project substantial naval power into the Indian Ocean automatically acquires significant influence not only with the littoral countries, but with those countries outside the area which are dependent on the free use of its sea lanes as well.

The Soviets' logistics infrastructure is already sufficient to support a much greater Soviet presence than the one which now exists in the Indian Ocean. I expect the Soviet presence in the Indian Ocean to continue to grow, irrespective of anything we do at Diego Garcia. With Suez reopened, the Soviets will have a capability for rapid deployment of naval forces into the area. With the facilities they could draw on in a crisis, coupled with their rapidly growing capabilities for mobile logistics support, I do not think they would have great difficulty supporting an extensive force in the Indian Ocean.

In a similar fashion, our plans for the area are a product of our own interests and our perception of the growing strategic significance of the Indian Ocean area. This, coupled with the importance of our interests in the area, has led us to the conclusion that we must have at least the rudiments of a capability to support U.S. military forces in that part of the world. I would add that the development of such capability provides tangible evidence of our concern for the security and stability of the region.

In summary, gentlemen, what we are proposing for Diego Garcia is primarily a capability for logistics support of forces that may be sent into the Indian Ocean in contingencies, or for periodic deployments. In this sense, it is a prudent precautionary move to ensure that we have the capability to operate our forces in an area of increasing strategic importance to the U.S. and its allies.

Second, as I pointed out earlier, while Soviet activity adds to the rationale for Diego Garcia, that rationale would exist independently of anything the Soviets are doing. We have very important interests in the area. It has become a focal point of our foreign and economic policies and has a growing impact on our security. Prudence would suggest that we provide support for our foreign policy by having a credible capability to deploy military power into the area. Such capability should contribute to the stability of the region over the long-run.

Finally, the geopolitical asymmetries between the U.S. and the Soviet Union must be kept in mind in assessing the relative importance to the two countries of the capability to operate naval forces in the region. The Soviet Union dominates the Eurasian landmass. It has borders with some key Middle Eastern and South Asian countries. Its land-based forces can already be brought to bear in the region. The U.S., on the other hand, can project its military power into the area only by sea and air, and over great distances. The Soviet Union, in sum, has the geographical proximity necessary to influence events in the Indian Ocean littoral, without the employment of naval forces if necessary. We do not. Limiting our capabilities to operate naval forces effectively in the region would not be in U.S. interest; and would clearly put us at a disadvantage in the region.

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

Mr. STRATTON. Yes, I yield to the gentleman from California for a question.

Mr. LEGGETT. Mr. Chairman, I notice that the map the gentleman has presented to us has great, big, hammer-and-sickle stickers every place it is alleged that there is a Soviet naval base, but where the United States is involved there are small orange markings. Is there any implication meant by that? Is there any implication to that?

Mr. STRATTON. I think the point is that all of our facilities are small by comparison. For example, Bahrain is where we now have had an old seaplane tender from World War II stationed there as a Middle Eastern force, and we have already been kicked out of Bahrain. We have to get out of there in 1 year. Bandar Abbas has been given to us by Iran as a possible base, but it has not even been constructed as yet. Diego Garcia does not even have enough fuel down there to take care of one destroyer.

Mr. LEGGETT. How much have we spent down in Sattahip? It is on the gentleman's map there. We have spent 10 times the amount the Soviets have spent in the Indian Ocean if we consider the amounts the United States has already spent in Diego Garcia and Thailand for the Navy.

Mr. STRATTON. I do not know offhand what the figure is. That is certainly an important base.

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

I yield to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. I thank the gentleman for yielding.

I wish the gentleman from New York would leave his maps there. I think it is interesting to note on that map that Diego Garcia is down there about 1,000 miles from the tip of India. As I indicated in my previous statement, one could draw a 1,200-mile circle, and the only real land that one is going to come into contact with is India. Ceylon is a little island south of India. Both of those countries have indicated they are against our presence in what we call littoral or riparian areas in the Indian Ocean that are on this map. They have indicated they are either opposed to our introduction of new forces in this area, or they have said nothing.

The Australians, who have the best strategic routes to Diego Garcia, have indicated they are opposed to our escalating in this fashion. The British, who own the island, under the former Conservative government have indicated that they supported what we were doing, but the new Government just elected in Britain has indicated they have some reservations, and they want to further take a look at this. So that is our general situation.

We have got these big seals on here. The only evidence I know of about the identity of those seals is the things that Admiral Zumwalt has said. Mr. STRATTON, in the letter he sent around, said the Soviets have developed five major naval bases in the area, among which he cites Um Qasr in Iraq and the island of Socotra. In both, as well as the other ports cited, the Soviets have very limited and uncertain rights as far as we know.

We have had no evidence at all from the gentleman in the well as to how much the Soviets have spent on any of these bases or what their capabilities are.

Admiral Zumwalt has said Soviet naval vessels have had access, for example, made port calls, and that in his personal opinion the port now being built with Soviet technical assistance was considerably more extensive than the Iraqis needed. This uncertain and potential use is hardly a major naval base. At Socotra, likewise, all Admiral Zumwalt could say was that the Soviets have anchorages near the island, ocean anchorages that anyone could set up, where an airfield provides a potential base for reconnaissance or other aircraft.

Is this a naval base? This one area I am talking about is just a dirt field. In all of these areas where we have these seals there has been no indication whatsoever of what the Soviets have in these areas. The Soviets have gotten complete and general dominance of the area because of their massive land encroachment that is just off of this map to the north here.

Of course, the gentleman who very

ably run our ASW Committee when the gentleman had the time to do it, knows very well that P–3's operating out of Diego Garcia covering several million square miles of ocean would have to have about a billion sonar buoys to do any kind of reconnaissance job in looking at the Soviet submarine. We cannot keep track of the Soviet submarines today in the Mediterranean. How could we possibly do it down in the Indian Ocean?

Mr. STRATTON. Will the gentleman yield to me so I can answer the gentleman from California?

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

Mr. STRATTON. Here is what the Soviets have actually developed in the various bases I have pointed to on our chart. In Iraq, in Umm Quasr, the Russians had 16 ship visits during 1973; approximately 500 Soviet military technicians are there; they are limited shore facilities available to the Soviet Navy; the Russians have fuel facilities at Al Faw at the mouth of Shatt-al-Arab; and the Soviets helped to build a canal between Basra and Umm Quasr; and there are 10 military airfields in Iraq built with Soviet assistance which could be used by Soviet naval reconnaissance aircraft.

In South Yemen and Socotra the Soviets have extensive ex-British facilities at the Port of Aden available to the Soviet Navy; unlimited POL storage; drydocks; covered storage; and 17 Soviet Navy ship visits were made in 1973; and upward of 200 Soviet military and technical advisers are located there.

In Somalia the Soviets had 97 ship visits during 1973; they have barracks and repair ships located in Berbera, 4 or 5 Soviet Navy ships are usually in the Port of Berbera at any time; also the Soviets have 51,000 barrels of POL storage available in Berbera; and there are Soviet Navy communications facilities ashore. In addition, some 2,600 Soviet personnel are located ashore in this Somalia Republic base. In Mogadiscio the airfield, I have already mentioned as being under construction there, will be completed by this summer.

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

Mr. HOWARD. I yield to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, we do not show our base in Ethiopia with a big seal like the Soviets.

Mr. STRATTON. If the gentleman will yield further, we do not have any U.S. facilities in Ethiopia whatsoever. The only time we can go in there would be as a result of an emergency at sea.

Mr. LEGGETT. We have a base there. I have seen the flags, as has the gentleman.

Mr. STRATTON. There is no naval base there, I will say to my good friend.

Mr. DERWINSKI. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am going to use this microphone. I have noticed in recent months that those Members who speak at this microphone generally prevail more often than the Members who use the other microphone.

I would encourage the Members on both sides of the aisle to listen very carefully.

I would like to sum up the point so well made by the gentleman from New York (Mr. STRATTON). First I would like to underline the point that the United States is not escalating the arms race in the Indian Ocean. The Soviet Union is. They are the Johnny-come-lately militarywise in the Indian Ocean. We have been there far longer as a military power. It ill behooves us to step back from any practical program to protect our sealanes.

I would suggest the Members look at this map in addition to the map covering the smaller geographic area and keep in mind, as I think we all understand the facts of life, that this issue is basically an American political debate. It is not commentary by a group of military experts.

American political thinking requires that we do not use and we will not use the bases available in Mozambique or in South Africa.

But if the Members will look beyond this area, political conditions find the Soviets using every base that is open. On the west coast of Africa we have no bases. They have major entry into bases in Guinea, a state they support and which they have base rights.

Comment was made about the new Governments in Britain and Australia and their supposed unhappiness about our supposed development of the Diego Garcia base. I ask the Members to look at the problem in terms of understandable politics. They have Labor governments which cater to left-of-center constituents. It is far better for them to take a polite public posture against the United States hoping, however, and keeping their fingers crossed, that our Congress in its wisdom will support our investment in Diego Garcia. Officially they are saying, "We have some doubts," but unofficially they are saying, "Please move in there because we cannot."

The letters from the distinguished gentleman from New York (Mr. PIKE) and the gentleman from Indiana (Mr. HAMILTON) implied that the Governments of Australia and Great Britain oppose the U.S. funds for Diego Garcia.

Out of curiosity, I called the Australian Embassy. I was told that although it was official policy of the new Government to state their reluctance and unhappiness with the U.S. investments in Diego Garcia, that it is not their policy to oppose any U.S. entree; that what they are opposed to is superpower escalation. They are not opposed to U.S. investment per se.

I ask the Members of the House as individuals who are politically elected to please look at the political facts of life. We have governments in Australia and other allies that in their own domestic considerations cannot say exactly what they want to say. Certainly at a time when the détente is to be questioned, certainly when many in this Chamber go out of our way to point out the possible pitfalls of Kissinger diplomacy and the possible false security in the euphoria of détente, that the United States can be outmaneuvered in military matters, I cannot believe the House would not support funds for this project.

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

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

Mr. FRELINGHUYSEN. I want to congratulate the gentleman and say I agree with his statements. I would suppose the vast majority of this House recognizes that this proposal to make a modest investment in Diego Garcia makes sense.

The gentleman refers to the political problems in this area. I went to India in February and I got that same kind of flack. There were those who were saying we do not want problems over Diego Garcia, and do not want to see an escalation.

I asked my Indian friends if this was not really primarily political talk, as their Prime Minister was engaged in a campaign at the time. There was obviously no escalation on the part of the United States in seeking to develop a facility a thousand miles from the Indian shores.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. DERWINSKI was allowed to proceed for an additional minute.)

Mr. DERWINSKI. Mr. Chairman, I thank the gentleman from New Jersey and I hope the gentleman from Iowa (Mr. GROSS) recognizes the wisdom of foreign travel.

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

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

Mr. KETCHUM. I think a very proper parallel can be drawn in this case. Those that were here prior to World War II should remember what we did in Guam, 1,500 miles from the Japanese mainland, with the type of equipment we had to use in those days. There were a group of us in this House that had to go back and take the Marianas and shortly after that the bombers based in the Marianas brought this war to a conclusion.

I agree that we should not have used this map, but that one over there.

Mr. GROSS. Mr. Chairman, could I ask the gentleman a question from this side of the aisle?

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

Mr. GROSS. Is the position the gentleman is taking represent the position of the United Nations?

Mr. DERWINSKI. No. The United Nations does not support the naval base; but I suggest the gentleman should support it.

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

Mr. Chairman, I submit that the argument which we are having is, indeed, a political argument and I think it is a very profitable one. I think it is proper that we should address ourselves to the question of whether we want to try to have a three-ocean Navy at a time when we are having difficulty maintaining a two-ocean Navy.

I think it is proper to consider at great lengths the question of whether or not this is going to take us down some unknown strategic path and what support we are going to put into the Indian Ocean and what kind of forces we want to have in the Indian Ocean.

But I would suggest that in this polit-

ical debate we might well address ourselves right now to the question of the presence of this issue in a supplemental authorization bill.

What is the bloody rush on this thing? Do the Members think we have not tried to go into the Indian Ocean before? In 1966 they wanted to establish an Air Force base at an island called Aldbar, and why did they stop it? They stopped it because it was the last nesting place of the Yellow-Footed Boobie. For Heaven's sake, can we not consider a little more seriously where we are going on an issue of that kind?

We did not do it for fear of interrupting the nesting place of the Yellow-Footed Boobie, but here we are going down this route on a supplemental appropriation. I think what we ought to be addressing ourselves to is this: Let us assume we build this base. Will we ever be allowed to use it? We have bases all over Europe; and when we wanted to use our bases, what was our ability to use these bases?

In the hearings on this supplemental appropriation I said, "Can you produce the agreement"—this is not our country; this is not our land; it is not like Guam—"Can you produce the agreement we have with Great Britain for the use of this base?"

"Well, no, we are still working on that agreement, and we don't quite know what the agreement is going to be."

So does it not really make sense that before we embark on this huge course of action—and the Members are only seeing the tiniest piece of the tip of the iceberg here—that we know where the heck we are going, that we know what the agreement is going to be with Great Britain for the use of this base, that we know we can use it when we want to use it instead of building more bases overseas, spreading our power in other bases all over the globe?

Then when we really want to use the base in a crunch, they say, "Well, we are sorry. We don't quite agree with you on this particular issue that you are embarked on, and therefore, no, you cannot use our bases. You cannot stage out of our property for this purpose."

Mr. Chairman, I have not judged as to whether or not we ought to go into Diego Garcia, but I say it is an absolutely huge issue to be discussing and to be considered. We should not be trying to ram it though on a supplemental authorization bill.

Mr. LONG of Maryland. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, as a member of the Appropriations Subcommittee on Military Construction, I have had considerable interest in Diego Garcia. I might point out that for quite some time I was opposed to its acquisition. I have put some study into it and tried to look at it as objectively as I could.

Mr. Chairman, let me say that I think the strength of the Russian presence, the accessibility of their bases in the Indian Ocean has been exaggerated. I do not see this as a national threat, and I think when the Suez Canal is opened up, it is not going to be of enormous value to the Russians, because it can be closed up in a few minutes if a real war broke out.

So that we have this question: What is the value of the Diego Garcia base to us? First, it does have some psychological advantages in peacetime in a very important part of the world where a real power vacuum exists now such as has never been before. The British are gone; the Persian Gulf is found to have trillions of dollars' worth of oil. We are building up the Shah of Iran, which I think may be something of a mistake because we never know who might take over from him.

At any rate, all the other countries in that area have practically no military power and are ripe for taking over. It does seem to me that there has to be some kind of policeman, even of a modest variety, in that area.

I would rather have it be us than somebody else.

Now, a real argument, so far as I am concerned here, is economics. Diego Garcia is a real bargain, assuming that one believes in bases, assuming one believes in naval power at all. Of course, if one thinks we ought to get out of everywhere, that we should not keep a presence there, and that we ought not be a naval power, Diego Garcia does not matter.

The cost of this base, $29 million, is probably substantially less than the cost of a destroyer, so we are not getting in very deep economically if we take this base over.

What we do later on with all kinds of aircraft carriers is something we can deal with in the future. We do not put ourselves very deeply into the Indian Ocean or open up a whole new strategic situation by voting for this base now.

Mr. Chairman, to me, it is an additional base, it provides a fueling station at a relatively cheap price, and I think it has some strategic value.

There are those who are very worried about whether acquiring Diego Garcia will upset our program of détente and lead to some kind of escalation.

I have thought about this point, and I am one of those who have long believed that we and the Russians have been working ourselves into a needless frenzy and ought to try to calm things down.

However, I do not believe that we put détente in peril by this acquisition of Diego Garcia. The Russians have made no concessions to us as part of détente. We have gotten nothing from détente. The Russians are moving to become a world naval power, to invade our historical prerogative. They are a land power, as they are entitled to be, and now they want to be one of the great naval powers. They are going to continue to challenge us on the seas, regardless of what we do in the Indian Ocean.

Mr. Chairman, the acquisition of Diego Garcia is a very modest counterforce on our part. I do not believe it will lead to great escalation or great reaction, because I think the Russians are going to do whatever they want to do in any case.

I have some reservations as to whether this is the time or the legislation in which to take this matter up; on that point I have some agreement with the gentleman from New York (Mr. PIKE).

But on the matter of Diego Garcia I think it is a worthwhile addition to our American naval power. American naval power has declined, relatively speaking, as compared to the Russians, and I would like to see our naval power given this bolstering. So far as the particular investment is concerned, we are making a relatively modest step in that direction.

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

Mr. Chairman, I have asked that a map of the Diego Garcia Archipelago be placed here for the benefit of the membership. This is the iceberg, the tip of which we have heard discussed. You will note we are dealing with the iceberg—not just the tip.

Now, if the Members will take a careful look, we have here a rather rough V-shaped atoll which is some 200 or 300 yards wide, with a lagoon in the center, a channel entrance at the top, and the whole atoll is, I would say, 4 or 5 miles long. So the small size of the atoll precludes major additional construction. There is not room enough to do very much more than what is programed here.

As a matter of fact, the only plan for additional construction beyond the $29 million is for about $8 million in the next 2 years to complete and refine what is being proposed here now.

So, Mr. Chairman, I oppose the amendment. I think it has been very well discussed on both sides. The gentleman from New York (Mr. STRATTON) gave a splendid description of the proposal. Diego Garcia will have to be counted as a bargain by all comparisons.

This applies to cost, it applies to the posture of American security, and, perhaps most important of all, by contributing to our ability to show the flag wherever we need to show the flag.

This is a very limited expansion of the present station at Diego Garcia. We just have a communication station there. It was originally planned as a filling station also. That part had to be dropped. Now it has become necessary to return to the plan to include supply facilities so that our ships may have limited resupply there at some strategic point in the Indian Ocean.

Mr. Chairman, there were questions raised about the attitude of the British under the Labor government. I happen to have some authoritative information on that. As recently as March 19, 1974, the Labor government labeled as an untruth the press reports that the Government had reversed the position of the Conservative Party regarding Diego Garcia. All they are doing is reviewing all treaties, but they have given no indication to our Government, regardless of any press reports that may have been quoted here, that they have any reservations about base rights for the Americans. This is one of the few places in the world where we have fully satisfactory base rights. That is very important in today's world.

During the recent war in the Middle East we sent a carrier task force into the Indian Ocean. We thought we had to do that because of Russian threats to intervene near the end of the war. That force had to rely on ship supply efforts and primarily on supplies 4,000 miles away at Subic Bay in the Philippines.

That is what we had to do in order to show the flag in the Indian Ocean. Since then the situation has worsened. The very small force which we maintained at Bahrain has been told to leave. Our dependence now on Arab or African ports for supplies is very uncertain. Our ships never know from one day to the next what the whim of the local government will be when our ships need fuel.

Mr. Chairman, the claim has been made, and this is done frequently, that providing these minimum facilities will somehow escalate the armaments race with the Russians in the Indian Ocean. Well, the Russians have already escalated the arms race there in order to gain influence over nations bordering the Indian Ocean and in order to obtain naval bases and airfields in these areas. They have done very well for themselves while we were doing nothing except getting our forces out. Now the Russians soon will have the Suez Canal available, partly with the compliments of the United States, which is helping with mine sweeping and clearance. The opening of the Suez will benefit the Russian naval power, more than that of any other country in the world. The Suez and the airfields and naval bases around the littoral of the Indian Ocean all give the Russians a big advantage there. They are far ahead of us and they know it.

There is now a virtual power vacuum in the Indian Ocean except for the Russian presence. The British are out and our presence is minimal. To abandon this base or to fail to expand it in order to make it more useful is to surrender the right to an assured American presence in the Indian Ocean. There are important American interests all around the Indian Ocean littoral. They need the flag too. It has been said we should try to work out a treaty of nonescalation before we proceed with construction at Diego Garcia. When and how do you get a treaty with the Russians? Only when it is to their advantage. They do not need a treaty in the Indian Ocean. They are already there in force but we are not. A treaty would only lock in existing disparities. Do not forget SALT I and the wheat deal. The United States does not cover itself with glory when we negotiate with the Communists. It is time to protect our own interests, at least here and now in this very modest way.

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

Mr. Chairman, much has been said about this tiny atoll in the Indian Ocean, but I noticed when the discussion was going on between the gentleman from California (Mr. LEGGETT) and my colleague, the gentleman from New York (Mr. STRATTON) that some questions were raised as to why he had larger buttons placed on the map, marked with a hammer and sickle, than he did on a U.S. base. I was most pleased to find that my colleague, the gentleman from New York, who is most knowledgeable in this matter, has pointed out that the reasons for the large buttons was the tremendous concentration of Russian manpower and equipment that is now existent there as compared with this little, tiny atoll, Diego Garcia, in the Indian Ocean.

It is strange, but I heard no retort, I heard no retort at all insofar as why not.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield for a question at that point?

Mr. HUNT. No.

Mr. LEGGETT. The answer is "No"—right?

Mr. HUNT. No. The answer should have been given then, as to what was the reason why the gentleman from California (Mr. LEGGETT) questioned the number of people in there, and the size of it, because I think the gentleman from New York (Mr. STRATTON) most succinctly pointed out the reasons why we want this. The atoll at the present time, that is under discussion, has about 300 U.S. personnel there now, and some oil storage tanks.

But if the Members will look at the map the gentleman from New York has presented, they will note that this atoll is very strategically placed.

We also know that the Russians are not lagging behind in military strength. It is a well-known fact that they are building two large aircraft carriers. It is a well-known fact that they want to go into the Indian Ocean, they want to dominate it. It is also a well-known fact that certain discoveries of mineral rights have been found, not only in Kenya, but in Botswana.

Three weeks ago I had the pleasure to meet with the Ambassador of Botswana, and I was amazed to find the large number of commercial forces now operating there for control of this area. It is going to be extremely important to us to have a runway at this little atoll for any of our men who are flying in planes that might need to land on that atoll if they are ever crippled. And to deny those men the right to have this safety protection or to deny the American Navy the right to a place in the Indian Ocean, or our right to be there, is criminal, to say the least.

Twenty-nine million dollars is a pittance of money after the amounts of money I have heard requested on this floor day after day, like funds for cultural centers, and to dig holes in the ground and other giveaway projects. Any way to throw money away is all right, but when it comes to the needs of our Nation, where all we are asking for is $29 million, good Lord, the wrath of the doves is aroused.

I say to you now that this amendment should be defeated. We should move ahead with the needed improvements on Diego Garcia.

We should listen to what the gentleman from New York (Mr. STRATTON) has to say, because that gentleman is a most knowledgeable man on this subject, and we should pay attention to what that gentleman says. Make no mistake about it, and it is the plain and unadulterated truth—we need a base in the Indian Ocean, with oil supply facilities and a service runway.

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

Mr. Chairman, I realize that the Members are impatient, and that they would like to get to a vote.

The chairman of the subcommittee from the Committee on Foreign Affairs, that has the responsibility for this area, the gentleman from Indiana (Mr. HAMILTON) would be speaking to the Members at this point if the gentleman had not been called back to Indiana because of the damage from the recent tornadoes.

The gentleman from Indiana has conducted a series of hearings on this problem.

The question before us is an intensely complicated and immensely difficult political question affecting the foreign policies of the United States, and what directions they go in.

Are we going to start to develop a commitment to a whole new area? Is this going to end up in some kind of a new Vietnam? These are questions involving the basic foreign policy of the United States. They should not be settled on a question of $29 million in a supplemental authorization bill.

I hold in my hand a very scholarly and careful statement by the gentleman from Indiana (Mr. HAMILTON) which at the proper time I will ask to have introduced into the RECORD. He is asking this House to defer action on this matter until the foreign policy implications of this immensely important question can be considered.

Let me just give the Members one example of the kind of political question—political, not military—that arises. On Mr. STRATTON's map, the Members will notice that there are no bases marked in India. Do not think the Russians have not tried to get base rights in India. They have tried very hard. They put billions of dollars of arms into India. They are trying to control India, but up to now the Indian Government has not given them any base rights in India, and Mr. STRATTON's map clearly shows that. The Indian Government is very upset about the idea that we should put a base on Diego Garcia; there is no question about their attitude.

The political question: What would be the effect of the United States going ahead to put in a base at Diego Garcia on the Indian resistance to the Soviet demand for base rights in India? I do not know the answer to that question, and I do not think the gentleman from New York (Mr. STRATTON) does, or the distinguished chairman of this committee. I do not think anyone in this Chamber can tell us what the answer to that question is. This is just a sample of basic political questions of immense importance to the foreign policy of the United States, arising from a new move into a large area of the world. Are we going to allow these questions to be settled on the basis of a supplemental authorization, for a figure of $29 million?

Yes, it is a relatively small figure on a matter of this importance without having the foreign policy thoroughly reviewed by the Committee on Foreign Affairs. The subcommitee, headed by Mr. HAMILTON, has not had a chance to complete those hearings. It has not submitted a report. I ask the Members to defer action on this, as the gentleman from New York (Mr. PIKE) has so ably stated.

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

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

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

Mr. PODELL. Mr. Chairman, I rise to lend my support to the provision in the legislation now before us, which would provide $29 million for the development of port facilities on Diego Garcia.

I usually would not support such a proposal, for I believe that the Defense Department budget is far too high, at the expense of much-needed social and educational programs. However, in this case, I think that the outlay of money is clearly justified by a number of world political considerations.

The primary argument against Diego Garcia seems to be that it would resurrect cold war tensions and arms races, and defeat the growing détente between the United States and the Soviet Union. However, Mr. Chairman, that détente has already been all but destroyed by the Soviet Union herself.

While the United States maintains only 8 ships in the Indian Ocean, including 1 carrier, the Soviet Union has maintained a fleet there numbering about 30 ships, all during the time when arms limitation talks and détente conferences were taking place.

When the Suez Canal is reopened, as a result of heroic diplomatic initiatives by the U.S. Government, the Soviets will be able to steam right through and take full advantage of a peaceful situation in the Middle East that was brought about by the United States in spite of everything that the Soviet Government could do to prevent it.

The October war pointed up the need for an American presence in the Indian Ocean. It gives us an opportunity to play a vital intermediary role in policing the fledgling peace in the Middle East if we have a naval presence in both the Mediterranean Sea and the Indian Ocean. Only the quick moves by the U.S. Government during the callup last October prevented the Soviet Union from taking unilateral military action in the Middle East, with who knows what disastrous results for Israel and the world?

We should not take a posture in the Indian Ocean that would allow the Soviet Union to regain its diminishing control over the Arab States. Our presence on Diego Garcia would be extremely beneficial for us, in striking a balance of power with the Soviets, and for Israel, by creating a situation in which the United States will be able to insure freedom of access to both ends of the Suez Canal.

The Soviet Union has spent the last 5 years building up its naval force in the Indian Ocean. The Soviet Union has behaved in an obstructionist and belligerent manner as regards the Middle East, and has been decidely uncooperative with American efforts to end the fighting between Israel and the Arabs. Now that the United States wishes to place herself in a position of relative parity with the Soviet Union in the Indian Ocean, an action which would have the beneficial side effect of bolstering Israel's security, the Soviet Government shows a great concern over the threat to plans for détente.

I am amused, to say the least, that no such threat was perceived when it was the Soviet Union doing the buildup. I do not think we should be confused for a moment. This is not a question of jeopardizing détente or resurrecting the cold war. It is a question of what is in the best interests of the United States and world peace.

The answer to that question lies in the construction of the requested facilities on Diego Garcia.

Ms. ABZUG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like to associate myself with the remarks made by the gentleman from New York (Mr. BINGHAM). I find great difficulty in understanding the alacrity with which we are preparing to get into this new kind of race. We are just beginning to try to analyze why we are still not fully at peace. One of the things that we should be thinking about is, Is there another way to deal with this question? Do the Members not think it is time at this moment in history, Mr. Chairman, that we begin to think about ways in which we can come to agreements with nations in an area that may be fraught with differences and difficulties? Is this not the moment where we should have a discussion, as the gentleman from New York (Mr. BINGHAM) indicated the Committee on Foreign Affairs is trying to have? Must we perpetuate the greedy demands of this Pentagon ad infinitum to $90 billion?

Are the Members not hearing complaints from their constituents that there is not enough money to give them even their daily needs? Must we constantly be dealing with the same problem of adding a third fleet, another base, which may create further involvement in a race—this time a naval race?

It seems to me that this request is premature, to say the least. I would oppose it in any case. We ought also to beware of the fact that we may be talking about something in a vacuum. I think the other body has already refused this authorization, and there is certainly no reason to take this up in the supplemental. Much more careful consideration is needed.

I should like to know a lot more facts about the situation in the Indian Ocean. I am not on the Committee on Armed Services, and I am not on the Committee on Foreign Affairs, but I feel very responsible to my constituents about whether or not I am going to participate in authorizing something which is liable to cause additional conflagration at this time.

I think we should pause, Mr. Chairman. It is time that we recognize that we cannot constantly use the military against people in other nations. Why risk a confrontation when it is possible to work out an agreement? We should try to find a way in which we can deal with our own Nation and seek agreements with other nations in a peaceful way, not constantly a military way.

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

Ms. ABZUG. I yield to the gentleman from California.

Mr. LEGGETT. I thank the gentlewoman for yielding.

There has been some comment made, Mr. Chairman, that this is not the tip of the iceberg. If it is, I think this: If we are going to make any kind of a presence at all in the Indian Ocean, it is going to require that we expand our Trident submarine force perhaps by 10. So we are making a decision here today to perhaps spend another $10 billion for a program like that to cover this area with submarine capability.

We are making the decision here today to deploy a Simon Lake or Holland or a submarine refueling capability like we have up at Holy Loch, or down in Rota, Spain in this area. We may need to build two or three more carriers to have a military presence out there. However, after we finish this I am sure someone is going to discover that the Soviets are making inroads into the Antarctic and then they will say we cannot let the Antarctic escalate away from us.

I do not know how the gentleman from New Jersey can be so right on optometry and so wrong on the Indian Ocean. I wish I could yield to him but I do not have the time.

I think our committee has not held hearings on this matter that it should hold. I do not think we have gone into this matter 20 percent of the time that the gentleman from Indiana (Mr. LEE HAMILTON) indicated that the Foreign Affairs Committee has reviewed the matter.

As the gentleman from New York said, if we affront India and Ceylon, what is going to be their response? Zap. Maybe they make a pact with the Russians so that the Russians can spend $49 million in India, which is the amount we are going to spend on this island by the time this appropriation is done.

We have some blue stars on the map and we have the hammer and sickle. We do not know how much the Soviets have spent in any of those areas.

The question I asked of the gentleman from New York remains unanswered. We have a big hammer and sickle at Bangladesh. They are clearing a harbor. That is not a base.

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

I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I heard the gentleman from New York (Mr. BINGHAM) talking about the Foreign Affairs Committee not having made up its mind. I am a member of the Foreign Affairs Committee. I gathered two things. I got in late for this debate. I gather from the gentleman from New York (Mr. BINGHAM) that our presence in the Indian Ocean is going to upset Mrs. Ghandi, and I gathered from her speech that it upsets the gentlewoman from New York, and I cannot think of two better reasons to be for it, so I am going to support the commitment.

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

I will not take the 5 minutes. It has been less than a year since we ended our involvement in another military adventure which was taken under all kinds of demands and pressures to act hastily

without having all the facts—in fact, as it turned out, we did not have even any facts.

I am not saying we do not have some facts here, but it does seem to me it is rather a backhanded way to decide what could be a very crucial political decision, with tremendous ramifications in the years to come, by taking action on a supplemental authorization bill. Such action should only be taken after complete hearings by the Foreign Affairs Committee, and having testimony by diplomats as well as military men.

It seems to me we have a very basic question here to decide at this time. Is the Pentagon going to make foreign policy for us? Is the Pentagon, in cooperation perhaps with members of the Armed Services Committee, going to make this decision, or are we going to do this in a way that will assure that all the factors are considered, that civilians will run the foreign policy of this country and not the military?

This is not just a military decision. It is a foreign policy decision and let us face up to that fact. Maybe we will come out at the same place. Maybe I will even support it at that point, but I do not see how I can support it on this foundation.

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

Mr. SEIBERLING. I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I think the gentleman is completely right; there should be civilian input, and there was. An official of the Arms Control and Disarmament Agency testified before the subcommittee of the Foreign Affairs Committee and stated that in their judgment this does not constitute escalation of the arms race. Remember, they are civilian disarmament experts.

Mr. SEIBERLING. I am rather astounded because I happen to have had lunch with Mr. Ikle, Director of the Arms Control and Disarmament Agency, and we discussed the legislation on the floor, and he said not one word to me about it.

Mr. DERWINSKI. Perhaps the gentleman did not ask his friend the proper question. We have the evidence which the gentleman can check in the committee's records.

The record shows that not just the military, but the diplomats recognize one fact of life, that the way to achieve peace is to have the logistical ability to negotiate from a practical position. If we place ourselves in what we used to call Fortress America, we do not have a card left to negotiate with.

Mr. SEIBERLING. Let me ask the gentleman a further question. Does he have a statement from the Secretary of State that says bases in the Indian Ocean are actually needed?

Mr. DERWINSKI. I was about to ask the Secretary when he was distracted by a honeymoon.

Mr. SEIBERLING. I suggest we wait until the Secretary gets back.

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

I rise in support of the amendment of the gentleman from California.

We have those Members who will jump whenever the Pentagon cracks its whip. If they want a base in Diego Garcia, they should get it.

The gentleman from California, as I understand, said and I feel the same way, that he is open-minded about Diego Garcia. He is not certain whether we should have a naval presence there. Neither am I, because the question is not this "piddling" amount of $29 million that we hear mentioned. The question is whether we build additional naval forces and add naval forces in the Indian Ocean. That, I submit, is a very serious consideration for the United States to determine calmly and deliberately and not in any sense through a supplemental appropriations bill which requires it or is supposed to require it because of some immediate need.

Immediate need, they say? We are worried about all these hammer and sickle marks on this Pentagon-type propaganda map that the gentleman from New York puts up. We are worried about increased naval forces of the Soviet Union in the Indian Ocean today at the very time that this Nation of ours is going to open up the Suez Canal for the U.S.S.R. to get its forces there quicker, at the very same time that we are having discussions in Moscow as to whether or not we should seek to obtain mutual force reductions.

Here we are coming forth today saying there is an immediate urgency that we immediately develop the U.S. naval forces in the Indian Ocean. Perhaps we will. Perhaps we must; but for God's sake, let us not go down the same road we went 10 years ago in Southeast Asia and $180 billion later and thousands and thousands of deaths later we find out now what a terrible deadly mistake it was for the United States to have undergone that involvement.

The Indian Ocean is a vacuum today. It may well remain a vacuum. These overstated claims of Russian naval forces in the Indian Ocean are exaggerated, to say the least. They do have some small forces there.

I submit that the United States has undersea forces there directly aimed at the heartland of Russia. Do you blame them for being concerned? Of course not.

The issue here today is not $29 million, nor is it some little atoll which the Secretary of Defense and the Defense Department admits would be destroyed and useless in a war. The issue here today is do we develop an Indian Ocean navy? That means naval task forces, aircraft carriers, perhaps three or four. We are talking about an involvement which will get the United States into the Indian Ocean at a cost that will escalate to $8 billion, $10 billion, or $12 billion.

I do not know. Maybe we should; maybe we must, but for Heaven's sake, let us do it deliberately. Let us be careful, before we take this very major step into an area of the world which to date has been neutralized ever since the British left it some years ago. There is no need for this rush today, especially when we ourselves, as I said, are opening up the Suez Canal to hasten this entry of the Russians into this ocean.

There is no need. In the other body, as I understand, in its wisdom, the subcommittee has already deleted this money from its bill. Why are we rushing forward? There should be, as was said, political discussion about this. This is a political issue. Claims have been made about what has been said in the Foreign Affairs Committee to date. There should be much more said, because I submit to the Members that what we are undertaking here is a multimillion-dollar enterprise in an ocean where we have not heretofore had a presence.

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

Mr. Chairman, we have had a number of farfetched attempts to show that we should be hesitant about developing a facility in Diego Garcia. There is no justification for saying that this is going to lead us into a multibillion-dollar commitment or of a second Vietnam or anything of that sort.

The fact is, we have a responsibility as a world power to maintain our naval presence in areas as important as the Indian Ocean. We are doing that now. What this will do is, this will make that job easier. This does not involve any kind of escalation, nor I might say—and I speak as a member of the Foreign Affairs Committee—should we worry about adverse political repercussions.

Mr. Chairman, I mentioned that I was in India 6 weeks ago. I did not have an opportunity to meet with the Prime Minister, who was too busy campaigning. She was talking about the ultramodern weapons in Pakistan and aggressive intentions of the United States, so as a result there was some interest in developing the facility at Diego Garcia. I found no indication of concern from the foreign minister; I found no indication from the Speaker of the Lok Sabha, the lower house, of any serious concern. I think even a neophyte in foreign affairs would recognize that, if there is sensitivity with respect to a developing military presence in the Indian Ocean, that the Indians would be even less receptive to having the Soviets on their soil. There is no reason to anticipate, because we move on to a small atoll a thousand miles away from India, that we can anticipate that suddenly the Soviets are going to get a green light and be able to establish bases on Indian soil.

Mr. Chairman, it does seem to me commonsense on the part of the rank-and-file Members of Congress that they should see that this is not some kind of Pentagon plot, but a reasonable, justifiable, modest proposal. It will make it easier for us to exercise a constructive influence in this area.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I hope the gentleman from New Jersey will agree with me that our colleague from New York, Mr. BINGHAM, is one of the most energetic members of our committee. He did allude to the political implications in India.

At the risk of sounding naive, may I point out that we have just written off to the Government of India approximately two and a quarter billion dollars in Indian rupees. I would think this gives us a little political advantage in India.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for his com-

ment. Needless to say, I share his high respect for the gentleman from New York (Mr. BINGHAM). I also have high respect for the gentlewoman from New York (Ms. ABZUG). However, she says, "Why do we not get busy and do something about making up with our potential adversaries?"

Mr. Chairman, I am sure she is quite well aware that such an attempt is going on. We are trying to seek mutual balanced force reduction. We are trying to seek a SALT agreement. None of this means that we should let down our guard, or should not bother about an appropriate role for our military in a troubled world.

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

Mr. Chairman, I want to pose one question: Since when did a refueling station in the Indian Ocean become a necessity?

I can remember about 3 years ago when our warships, returning from Vietnam across the Indian Ocean, down around the Cape of Good Hope, were prohibited by officials of the U.S. Government from refueling at South African ports. They were serviced by the most expensive oiling procedure—and that is at sea—because our Government said they could not in refuel in South Africa, neither could our warships disembark their crews for shore liberty in that friendly country.

Mr. Chairman, since when did an oil refueling station for the Navy in the middle of the Indian Ocean become a necessity, when land refueling was deliberately prohibited without substantial reason?

The CHAIRMAN pro tempore (Mr. O'HARA). The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

RECORDED VOTE

Mr. LEGGETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 255, not voting 83, as follows:

[Roll No. 146]

AYES—94

Abzug	Giaimo	Nedzi
Adams	Ginn	Obey
Addabbo	Grasso	O'Hara
Aspin	Green, Pa.	Owens
Badillo	Griffiths	Pike
Bergland	Gross	Pritchard
Bingham	Hanna	Rangel
Boland	Harrington	Reuss
Brademas	Hawkins	Riegle
Brown, Calif.	Hechler, W. Va.	Rodino
Burlison, Mo.	Helstoski	Rosenthal
Burton	Hicks	Rostenkowski
Carney, Ohio	Holt	Roush
Chisholm	Holtzman	Roy
Conte	Howard	Roybal
Corman	Hungate	Ruppe
Cotter	Kastenmeier	Ryan
Culver	Koch	Sarbanes
Danielson	Kyros	Schroeder
Dellenback	Leggett	Seiberling
Dellums	Litton	Studds
Denholm	McCloskey	Symington
Drinan	McCormack	Thompson, N.J.
Eckhardt	Matsunaga	Van Deerlin
Edwards, Calif.	Meeds	Vander Veen
Eilberg	Melcher	Vanik
Evans, Colo.	Mezvinsky	Whalen
Fascell	Mink	Wolff
Flynt	Mitchell, Md.	Yates
Forsythe	Moakley	Young, Ga.
Fraser	Mosher	
Gaydos	Moss	

NOES—255

Alexander	Gonzalez	Patten
Anderson, Ill.	Goodling	Pepper
Andrews, N.C.	Gray	Perkins
Annunzio	Green, Oreg.	Pettis
Archer	Grover	Peyser
Arends	Gubser	Podell
Armstrong	Gude	Powell, Ohio
Ashley	Gunter	Preyer
Bafalis	Guyer	Price, Ill.
Baker	Haley	Price, Tex.
Barrett	Hanley	Quie
Bauman	Hanrahan	Randall
Beard	Hansen, Idaho	Rarick
Bell	Hansen, Wash.	Regula
Bennett	Harsha	Rinaldo
Biaggi	Hastings	Robinson, Va.
Biester	Hays	Robison, N.Y.
Blatnik	Hébert	Rogers
Boggs	Heinz	Roncallo, N.Y.
Boiling	Henderson	Rooney, Pa.
Bowen	Hinshaw	Rose
Brasco	Hogan	Rousselot
Bray	Horton	Ruth
Breaux	Hosmer	St Germain
Breckinridge	Hudnut	Sandman
Brinkley	Hunt	Sarasin
Brooks	Hutchinson	Satterfield
Broomfield	Ichord	Scherle
Brotzman	Jarman	Schneebeli
Brown, Mich.	Johnson, Pa.	Sebelius
Broyhill, N.C.	Jones, N.C.	Shipley
Broyhill, Va.	Jones, Okla.	Shoup
Buchanan	Jordan	Shuster
Burgener	Karth	Sikes
Burke, Fla.	Kemp	Skubitz
Burke, Mass.	Ketchum	Slack
Burleson, Tex.	King	Smith, Iowa
Butler	Kuykendall	Smith, N.Y.
Byron	Lagomarsino	Spence
Camp	Landgrebe	Staggers
Casey, Tex.	Landrum	Stanton, J. William
Cederberg	Latta	Steed
Chamberlain	Lent	Steele
Chappell	Long, La.	Steelman
Clawson, Del	Long, Md.	Steiger, Ariz.
Cleveland	Lott	Steiger, Wis.
Cochran	McClory	Stratton
Cohen	McCollister	Sullivan
Collier	McDade	Talcott
Collins, Tex.	McEwen	Taylor, Mo.
Conable	McFall	Taylor, N.C.
Coughlin	McKinney	Teague
Cronin	Macdonald	Thomson, Wis.
Daniel, Dan	Madden	Thone
Daniel, Robert W., Jr.	Madigan	Thornton
Daniels, Dominick V.	Mahon	Tiernan
Davis, S.C.	Mallary	Treen
Davis, Wis.	Mann	Ullman
de la Garza	Maraziti	Vander Jagt
Delaney	Martin, N.C.	Veysey
Derwinski	Mathias, Calif.	Vigorito
Devine	Mathis, Ga.	Waggonner
Dickinson	Mayne	Walsh
Diggs	Michel	Wampler
Dingell	Milford	Ware
Donohue	Miller	White
Downing	Mills	Whitehurst
Duncan	Minish	Whitten
du Pont	Mitchell, N.Y.	Widnall
Erlenborn	Mizell	Wilson, Bob
Esch	Mollohan	Wilson, Charles, Tex.
Eshleman	Montgomery	Winn
Evins, Tenn.	Moorhead, Pa.	Wyatt
Findley	Morgan	Wydler
Fish	Murphy, Ill.	Yatron
Fisher	Murphy, N.Y.	Young, Alaska
Flood	Murtha	Young, Fla.
Foley	Myers	Young, Ill.
Fountain	Natcher	Young, Tex.
Frelinghuysen	Nelsen	Zablocki
Frey	Nichols	Zion
Froehlich	Nix	Zwach
Fulton	O'Brien	
Gibbons	O'Neill	
Gilman	Parris	
	Passman	
	Patman	

NOT VOTING—83

Abdnor	Clay	Goldwater
Anderson, Calif.	Collins, Ill.	Hamilton
Andrews, N. Dak.	Conlan	Hammer-schmidt
Ashbrook	Conyers	Heckler, Mass.
Bevill	Crane	Hillis
Blackburn	Davis, Ga.	Holifield
Brown, Ohio	Dennis	Huber
Burke, Calif.	Dent	Johnson, Calif.
Carey, N.Y.	Dorn	Johnson, Colo.
Carter	Dulski	Jones, Ala.
Clancy	Edwards, Ala.	Jones, Tenn.
Clark	Flowers	Kazen
Clausen, Don H.	Ford	Kluczynski
	Frenzel	Lehman
	Fuqua	Lujan
	Gettys	Luken
	Rhodes	Stuckey
	Roberts	Symms
	Roe	Udall
	Roncalio, Wyo.	Waldie
	Rooney, N.Y.	Wiggins
	Runnels	Williams
	Shriver	Wilson, Charles H., Calif.
	Sisk	Wright
	Snyder	Wylie
	Stanton, James V.	Wyman
	Stark	Young, S.C.
	Stephens	
	Stokes	
	Stubblefield	

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to title III? If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) (1) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended by deleting "$1,126,000,000" and inserting "$1,600,000,000" in lieu thereof, and (b) section 737(a) of Public Law 93–238 (87 Stat. 1044), is amended by deleting "1,126,000,000" and inserting "$1,600,000,000" in lieu thereof.

POINT OF ORDER

Mr. MAHON. Mr. Chairman, I rise to make a point of order against section 401. I make a point of order against subsection (b) of section 401 beginning on line 8 and continuing through line 11. Subsection (b) constitutes an appropriation in a legislative bill and as such is in violation of clause 4, rule XXI of the House of Representatives.

Mr. Chairman, the language to which I refer would delete the limitation of $1,126,000,000 placed in the Defense Department Appropriation Act for 1974, Public Law 93–238, and insert in lieu thereof a limitation of $1,600,000,000.

This act would make an additional $475 million available for obligation on military assistance in South Vietnam. This would make additional appropriations available for a specific function for which they would not otherwise be available and would constitute a violation of clause 4, rule XXI, which prohibits appropriation of funds in a bill other than an appropriation bill.

Mr. GIAIMO. Mr. Chairman, I make a further point of order against the whole section.

The CHAIRMAN pro tempore. The gentleman from Connecticut makes a point of order against the entire section. Does the gentleman from Connecticut wish to be heard on his point of order?

Mr. GIAIMO. Yes, I do.

The distinguished gentleman from Texas makes a point of order against a portion of section 401, claiming that it constitutes an appropriation on a legislative bill and, as such, is in violation of clause 4, rule XXI, of the House of Representatives. I agree with that and hope the Chair will sustain the gentleman's point of order.

Further, however, a point of order may be made to a whole or to a part of a paragraph. The fact that a point of order has been made against a portion of the paragraph does not prevent a point of order being made against the entire paragraph—

Points of order against unauthorized appropriations or legislation on general appro-

priation bills may be made as to the whole or a portion only of a paragraph, and the fact that a point is made against a portion of a paragraph does not prevent another point against the whole paragraph.

If a part of a paragraph or an amendment to a paragraph is out of order a point of order may be raised against the part out of order or against the entire paragraph.

I accordingly submit that if part of the section is out of order the entire section should be out of order and, I submit that, because of the part being so, the entire section is so.

The CHAIRMAN pro tempore. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. HÉBERT. I desire to be heard on the point of order made by the gentleman from Connecticut. I do not argue the point of order made by the gentleman from Texas.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana to speak to the point of order made by the gentleman from Connecticut.

Mr. HÉBERT. Mr. Chairman, the gentleman from Connecticut seeks to strike out section 401, which reads as follows:

Subsection (a) (1) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended by deleting "$1,126,000,000" and inserting "$1,600,000,000" in lieu thereof—

That is a separate paragraph entirely, or separate section.

The gentleman from Texas raises a point of order after the word "and" which reads as follows:

And (b) section 737(a) of Public Law 93–238 (87 Stat. 1044), is amended by deleting "$1,126,000,000" and inserting "$1,600,000,000" in lieu thereof.

Mr. Chairman, I do not challenge that point of order. As I announced earlier in the day, this I concede. It was a gray area but I conceded that point of order to the gentleman from Texas.

However, as to the other point of order made by the gentleman from Connecticut, that is in the law as written originally and is not subject to a point of order. It is our own language.

The CHAIRMAN pro tempore. The Chair is prepared to rule. The gentleman from Louisiana has conceded the point of order made by the gentleman from Texas. Of course, the point of order made by the gentleman from Connecticut is made on the same ground as that of the gentleman from Texas. The question is whether or not the point of order of the gentleman from Connecticut ought to be sustained or whether the point of order of the gentleman from Texas ought to be sustained.

The Chair finds that the language objected to by both the gentleman from Texas and the gentleman from Connecticut would constitute an appropriation and, therefore, it is out of order and the question, therefore, becomes one of whether or not the provision in question makes the entire section subject to a point of order, as the gentleman from Connecticut contends.

The Chair has researched the precedents. The Chair would point to the precedents of the House of Representatives, volume 7, section 2143, which makes it clear that if a point of order is directed to the item of appropriation in a legislative bill, that item only is eliminated; but if made against the paragraph or section containing the item, the entire paragraph or section goes out.

The Chair, therefore, sustains the point of order made by the gentleman from Connecticut.

PARLIAMENTARY INQUIRY

Mr. HÉBERT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HÉBERT. In other words, the ruling of the Chair is that the entire section has been ruled out of order?

The CHAIRMAN pro tempore. That is correct.

Mr. HÉBERT. The entire section?

The CHAIRMAN pro tempore. The entire section.

Mr. HÉBERT. That is the entire section 401?

The CHAIRMAN pro tempore. That is from line 5 to line 11 on page 4.

Mr. HÉBERT. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. HÉBERT. Under regular procedure I am allowed to offer an amendment to title IV?

The CHAIRMAN pro tempore. That is correct.

Mr. HÉBERT. Therefore, I send an amendment to the desk.

The CHAIRMAN pro tempore. The Chair, however, believes that the better procedure would be if we would first dispose of the committee amendment carried in the bill under title IV, which begins on line 12 and continues through line 17.

Mr. HÉBERT. I would prefer that, too. I was merely trying to protect myself at all times.

The CHAIRMAN pro tempore. If after the committee amendment is disposed of the gentleman from Louisiana wishes to offer further amendments to title IV, he would not be too late.

PARLIAMENTARY INQUIRY

Mr. PIKE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PIKE. If the gentleman from Louisiana offers an amendment to section 401 and that amendment does what the gentleman from Louisiana indicated earlier that he will do in reducing the amount involved, would an amendment by myself or someone else to strike out section 401, as amended, then be in order?

The CHAIRMAN pro tempore. No; it would not be in order to strike out an amendment after it has been adopted. If the gentleman from New York wished to defeat the amendment of the gentleman from Louisiana, he would have to draw the issue on the vote on that amendment.

Mr. PIKE. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. PIKE. So the only way this issue can be brought to the floor and resolved is on the debate of the amendment of the gentleman from Louisiana; is that correct?

The CHAIRMAN pro tempore. Well, the Chair is reluctant to answer that question without seeing the amendment the gentleman from Louisiana wishes to offer; but the Chair would advise the gentleman that if the gentleman from Louisiana offers an amendment, the committee has it in its power to agree to the amendment or reject the amendment. If it were agreed to, it would not be then in order to move to strike it out.

Mr. PIKE. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. PIKE. Would it be in order to further amend it?

The CHAIRMAN pro tempore. Not once it is agreed to; but if the gentleman from New York desired to offer an amendment to the amendment while it was pending, he would be recognized for that purpose.

The Clerk will report the committee amendment.

The Clerk read as follows:

On page 4, after line 12 and before line 13, insert the following new section:

SEC. 402. Notwithstanding any other provision of law, that portion of section 718 of Public Law 93–238, which during fiscal year 1974 prohibits the use of funds for the enlistment of non-prior service personnel when it will cause the percentage of non-high school graduate enlistments of the Service concerned to exceed 15 percent, is hereby waived.

POINT OF ORDER

Mr. MAHON. Mr. Chairman, I have a point of order.

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

Mr. MAHON. I make a point of order against the committee amendment.

I make a point of order against section 402 of the committee amendment on page 4 of the bill, lines 12 to 17. Section 402 constitutes an appropriation in a legislative bill and as such is in violation of clause 4 of rule XXI of the House of Representatives.

Section 402 would waive a limitation carried in the Department of Defense appropriation section for fiscal year 1974, Public Law 93–238. The limitation in the appropriation act provides that no funds shall be available for enlistment into the military services of in excess of 45 percent nonhigh school graduates during fiscal year 1975.

The waiving of the elimination would make additional moneys available for a specific function for which those funds would not otherwise be available, and constitutes an appropriation in a nonappropriation bill, a violation of clause 4 rule XXI, of the House of Representatives.

Mr. Chairman, that is my point of order against section 402.

The CHAIRMAN pro tempore. Does the gentleman from Louisiana wish to be heard on the point of order?

Mr. HÉBERT. Mr. Chairman, I wish to be heard on the point of order merely as a matter of formality, because I expressed myself today during debate. I believe it was an infraction of the rules by the Appropriations Committee authorizing legislation of an appropriation bill. However, I understand the procedure which was taken was within the guidelines of parliamentary procedure and activity, so I recognize that fact. However, I do rise against the point of order in support of my own position.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The gentleman from Texas makes a point of order against the amendment offered by direction of the Committee on Armed Services now printed on page 4, lines 12 through 17, of the bill, on the ground that it constitutes an appropriation on a legislative bill in violation of clause 4, rule 21.

The amendment would remove the limitation on the use of funds contained in section 17 of the Defense Appropriation Act of 1974. That provision prohibits the use of funds appropriated in that act for the enlistment of nonprior service personnel when it will cause the percentage of nonhigh school graduate enlistments in the services concerned to exceed 15 percent. The effect of the waiver of that limitation on the availability of appropriated funds recommended by the Committee on Armed Services in the amendment is to make available for a new purpose funds which have already been appropriated.

In the opinion of the Chair, the amendment constitutes an appropriation on a legislative bill, and the Chair therefore sustains the point of order against the amendment.

AMENDMENT OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Chairman, in conformity with the previous discussion held between the Chair and the gentleman from Louisiana, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT: On page 4, beginning at line 5, insert new material to read as follows:

SEC. 401. Subsection (a)(1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended by deleting "$1,126,000,000" and inserting "$1,400,000,000" in lieu thereof.

SEC. 402. No volunteer for enlistment into the Armed Forces shall be denied enlistment solely because of his not having a high school diploma.

PARLIAMENTARY INQUIRY

Mr. MAHON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MAHON. Mr. Chairman, when would it be appropriate for me to make a point of order against the amendment to section 402? At this point?

The CHAIRMAN pro tempore. This would be an appropriate time, or the gentleman from Texas could reserve a point of order.

POINT OF ORDER

Mr. MAHON. Mr. Chairman, I would like to make a point of order, not against the substitute for section 401, but against the substitute for section 402, because this amendment would permit the expenditure of funds which otherwise could not be expended under the existing law, because it is almost a repeat of section 402 as originally offered.

In other words, Mr. Chairman, the limitation in the appropriation bill provides that no funds shall be available for the enlistment in the military services, that there is no limit, and they cannot be prevented from enlisting because of their educational qualifications. The waiving of this would make additional moneys available for a specific function for which those funds would not otherwise be available, and it constitutes an appropriation in a nonappropriation bill and, I believe, therefore, violates clause 4 of rule XXI of the House of Representatives.

POINT OF ORDER

Mr. GIAIMO. Mr. Chairman, I rise to make a point of order against the entire section, based on the same arguments and reasons that I gave before.

Now, admittedly, I have not seen a copy of this amendment, and I would like to direct a parliamentary inquiry to the Chair.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. GIAIMO. Mr. Chairman, is there one or are there two separate additions to this section, or are they being handled separately by this amendment?

The CHAIRMAN pro tempore. The Chair will state that there are two sections involved under a single amendment, and the gentleman would be within his right to make his point of order.

Mr. GIAIMO. Then, Mr. Chairman, I insist upon my point of order against both sections which are represented by one amendment.

The CHAIRMAN pro tempore. Does the gentleman from Louisiana (Mr. HÉBERT) wish to be heard on the points of order?

Mr. HÉBERT. Yes, Mr. Chairman, I desire to be heard on both points of order.

The CHAIRMAN pro tempore. The Chair will hear the gentleman.

Mr. HÉBERT. First of all, Mr. Chairman, on section 402, in answer to the gentleman from Connecticut, this is not subject to a point or order. It is in the bill, it has been in the bill, and it is the language of the House and also of this committee. It is not in violation of any rule of the House, nor is it in any manner, by any stretch of the imagination, an attempt to do anything to the appropriation bill.

This is our language from last year's law. It is repeated from the language of last year's law, and it is a representation of what was repeated and it is consistent with what the gentleman from Texas has argued, and what he has said concerning section 401.

Now, Mr. Chairman, moving down to the second point of order which the gentleman from Texas offered to section 402, the amendment states that "no volunteer for enlistment into the Armed Forces shall be denied enlistment solely because of his not having a high school diploma."

Mr. Chairman, this is basic law. This has absolutely nothing to do with appropriation, it presents no instructions to appropriate, it has no guidance, it has no direction or anything that one can imagine relative to a basic law which is vested in the Committee on Armed Services.

All the Committee on Armed Services says in this matter, which is germane, is that no man, no volunteer, shall be denied entrance into the uniform of his country just because he does not have a high school certificate.

The CHAIRMAN pro tempore. Does the gentleman from Connecticut desire to be heard further on his point of order?

Mr. GIAIMO. Yes, Mr. Chairman. Rule XXI, section 835, of the Rules of the House of Representatives states as follows:

"* * * if a portion of a proposed amendment"—and this is one amendment—"be out of order, it is sufficient for the rejection of the whole amendment; and where a point is made against the whole of a paragraph, the whole must go out, but it is otherwise when the point is made only against a portion."

Here, Mr. Chairman, we are making a point of order against the entire amendment, because part of it is defective.

Mr. MAHON. Mr. Chairman, may I be heard further in connection with my point of order?

The CHAIRMAN pro tempore. The Chair will hear the gentleman.

Mr. MAHON. Mr. Chairman, it is clearly my view with respect to the amendment offered to section 401 that a point of order would not lie, but the point of order, in my opinion, would lie to section 402, because in modifying existing appropriation law, which is the law today, the amendment permits funds available which would not otherwise be available for expenditure.

Authorization could be provided in this measure, but the making of funds available which cannot be made available under the present appropriation law for the first fiscal year would, in my judgment, be in violation of clause 4 of rule XXI.

Mr. GUBSER. Mr. Chairman, I think we should reread the amendment. It says that no volunteer for enlistment into the Armed Forces shall be denied enlistment solely because of his not having a high school diploma. That is legislation purely and simply. It is within the jurisdiction of the Committee on Armed Services and it is germane to this bill and it does not concern appropriations. I cannot agree with the gentleman from Texas (Mr. MAHON) when he says that this will indirectly affect the appropriations process.

I may point out that when we pass a pay raise bill, which no one has argued is without the jurisdiction of the Armed Services Committee, we indirectly affect the appropriations process. So I think that the gentleman's argument is totally incorrect. It is purely and simply legis-

lation. It is proper for it to be in this bill and I respectfully urge the Chair to deny the point of order.

Mr. STRATTON. Mr. Chairman, I desire to be heard on the point of order as well. Mr. Chairman, I would like to agree of course with the point made by the gentleman from California (Mr. GUBSER). If the point of order of the gentleman from Texas (Mr. MAHON) and the position of that gentleman was sustained, the Committee on Armed Services of the House would be completely prevented from passing any legislation dealing with the Armed Forces whatsoever. The Committee on Appropriations would be in charge of everything. Our responsibility deals directly with the enlistment of personnel in the Armed Forces. This amendment deals only with conditions under which those enlistments shall take place. It is totally within the authority of the Armed Services Committee and in fact to rule such an amendment out of order would be in effect to undermine the authority of the entire committee.

The CHAIRMAN (Mr. O'HARA). The Chair is prepared to rule. The gentleman from Texas (Mr. MAHON) and the gentleman from Connecticut (Mr. GIAIMO) make a point of order that section 402 in the amendment offered by the gentleman from Louisiana (Mr. HÉBERT) constitutes an appropriation in an authorization bill and therefore is subject to a point of order. The Chair has examined the language of the proposed section 402 and finds no reference whatsoever to an appropriation of funds or to a limitation upon the use of appropriated funds.

Therefore the Chair finds that the amendment as offered by the gentleman from Louisiana does not on the face of it directly affect any appropriation action and the Chair therefore overrules the point of order of the gentleman from Texas and the point of order of the gentleman from Connecticut.

The gentleman from Louisiana (Mr. HÉBERT) is recognized for 5 minutes in support of his amendment.

Mr. HÉBERT. Mr. Chairman, what this amendment does is to reduce the ceiling from $1,600,000,000 down to $1,400,000,000. The entire subject matter of this amendment was discussed before the House and we understand exactly what it is. There is nothing I can add to it. In other words, we are just reducing the amount by $200,000,000. That is all I can say on this matter.

Mr. BOB WILSON. Mr. Chairman, I rise to support the second part of this amendment that deals with the necessity for having a high school diploma in order to be recruited into the armed services. The volunteer Army is on trial and we are trying to see whether we cannot do without a draft in order to maintain an adequate armed services. The Secretaries of the various services have taken steps to see that we get the proper categories of intelligence in the various groups into our services. We have different categories of intelligence. We have category 1, category 2, category 3, and category 4. Mr. Chairman, I was an enlisted man in World War II and would not like to look up my own record and see what my own category was, but the main point is not whether a man has a high school diploma but whether he has the trainability to become a good serviceman.

I am told by the Secretaries of the services and others who are in the training procedure that there are many trainable young men and women who are available who do not have high school degrees, and who would make good soldiers, sailors, or marines.

At the Marine recruiting depot in my district, as a matter of fact, we have a training program for recruits with high intelligence categories, but very little formal education, and who are turning out to be excellent marines.

Mr. Chairman, I fully support this concept. I think the mistake that was made in the first place, and that has caused the problem within the services, was the fact that the Committee on Appropriations was legislating on an appropriation bill when they put that limitation on in the first place.

So, I am glad to support the amendment as to section 402.

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

Mr. BOB WILSON. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding to me, and I would say that I too support this amendment.

I might add that recently there was one instance that came to my attention, having to do with a young man who tried to get into the Army, and tried to get into OCS. He was just a few points short of making the necessary score so as to get into OCS, but he had no high school degree, the only way to get into the military service and go through that route to OCS. And even though he scored very highly in his academic reviews and subject, he just slightly failed to get the score necessary to go into OCS, and because of the arbitrary quota, just because this man did not have a piece of paper saying that he was a high school graduate he could not even get into the Army. Thereby the Army was denied a man who would have proved to be an intelligent and excellent professional soldier, and who was desirous of being in the Army.

I think these arbitrary quotas are bad, and that they work against the best interests of the services. Our services themselves are very concerned about getting the highest candidates that they can.

So, Mr. Chairman, I support this amendment, and ask that I may associate myself with the remarks of the gentleman from California.

Mr. BOB WILSON. Mr. Chairman, I think it has been clearly demonstrated that a high school degree is not necessarily important. President Lincoln became a great President of the United States without a high school degree. Andrew Johnson became President, and he was not even impeached for not having a high school degree. So I think, Mr. Chairman, that we have every reason to support this amendment.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, every effort is being made to structure a debate here in which we are going to have to talk about high school education, and every effort is being made to avoid the question of how much money we ought to be sending to Vietnam in additional military aid.

The distinguished chairman of the Committee on Armed Services presented his amendment, and said it is a cut. It is no such thing. As the bill stands right now, the limit on military aid to South Vietnam is $1,126,000,000. What the gentleman's amendment does is increase that aid to $1.4 billion, an increase of $274 million.

Frankly, I am going to let other people argue about this high school education business, because I do not believe, really, that this is the kind of debate in which we should suddenly say that the services cannot require a high school education. But I would like to address myself to the question about adding $274 million in military assistance to South Vietnam.

Eighteen months ago we declared peace with honor, and there is obviously no peace. I submit to the Members that whether or not there is honor is not going depend on how much additional military assistance we send to South Vietnam, but on how we treat our own people here in this country.

There is all kinds of money being squirreled away in the Department of Defense. We are not abandoning the South Vietnamese. There is $1,126,000,000 for them this year. What have they been doing with their defense budget? That is the real question.

In 1971 the Vietnamese defense budget was $1,315,000,000. Our aid to Vietnam then was $1,526,000,000, almost exactly the total of their defense budget. In this year they have reduced their defense budget from $1.3 billion to $474 million, but we are being asked to increase our military assistance to South Vietnam. We are being asked to go by this amendment from $1,126,000,000 to $1,400,000,000, an increase of $274 million, at the same time that the Vietnamese are decreasing their defense expenditure.

The President of the United States the other day said he was going to appoint a high-class committee to study the needs of the Vietnam veterans. I would suggest to the Members, let us send a high-class committee to Vietnam, but let us spend the money on our own Vietnam veterans. Why on earth should we be increasing our military assistance to South Vietnam when the South Vietnamese are cutting their military budget by two-thirds? It is one-third of what it was 3 years ago. This is a mischievous combination of separate articles in one amendment seeking to distract the Members' attention from the fact that everything really sought in this amendment is to send more military assistance to South Vietnam. Do not let anybody kid himself that this amendment reduces the amount in this bill. This amendment increases by $274 million the amount that is left in this bill after the point of order of the gentleman from Connecticut (Mr. GIAIMO) struck out section 401.

We should leave section 401 stricken out. We should not increase our military assistance to South Vietnam. What they

are asking for is more money to spend in the remainder of this fiscal year. The South Vietnamese are spending less. We are asked to spend more.

Mr. CONTE. Mr. Chairman, I ask that the vote on 401 and 402 be divided.

The CHAIRMAN (Mr. O'HARA). Under the provisions of rule XVI, paragraph 6:

> On the demand of any Member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain:

The question shall be divided when those circumstances exist.

Clearly, this amendment presents such circumstances, and the question will be divided before it is put.

Mr. CONTE. I thank the Chairman.

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

Mr. Chairman, I will speak on both amendments at the same time. I do not know an awful lot about the second part of the amendment on high school education, but it seems to me a little bit inane that if 10 men are standing in a line, and five of them have graduated from high school and five have not, and if the service wants the five high school graduates and they cannot select the last five who are in line who may have graduated from high school, under the amendment as offered by the gentleman from Louisiana, the services would be totally deprived of that kind of discretion. That is not really why I am here.

I am here to oppose the provisions on Vietnam.

We have made our peace out in Southeast Asia, but how about the Vietnamese? Unfortunately they are still out there scrapping like cats and dogs and scrapping at a level of about 55,000 dead Vietnamese last year. They have executed an agreement and we have executed an agreement. We are trying to live up to our part, but there is no coercion or no effort whatsoever to force these folks into some kind of compromise settlement. As long as we continue to pay $1.4 billion for military assistance and $700 million for economic assistance, there is going to be no effort on the part of the Saigon Government to effect any compromise whatsoever with the people against whom they are fighting.

We have seen the Army study last summer. We know the South Vietnamese, even though they are allegedly restrained and even though I personally support the Saigon Government but not at crazy levels of economic assistance. We know we cannot continue to plunk out $2 billion and $2.5 billion indefinitely and we have got to set some kind of restraint on what we are doing.

We wisely joined with the Appropriation Committees last year and said we would spend $1.1 billion for Vietnam. What did the military do? They spent in the first quarter $613 million at a rate of about $2.4 billion level of assistance. They did not expect that kind of assistance or funding in their wildest imagination. It was the military which came back to our committee and asked that the $2.1 billion level of spending be reduced by $500 million, and that is why we did it. We later accepted an amendment offered by the gentleman from Missouri (Mr. RANDALL) and further reduced the item to $1.3 billion and later in conference reduced it to this item of $1.126 million.

But what did the military do? In the second quarter they spent $277 million. So they used about $850 million and started the year and had several hundred million left over and they continued to spend like drunken sailors.

I just think that we have to put the muzzle on them just a little bit. We have set a limitation last year. The items that we had agreed to send them in the last half of last year and the first quarter of this year they have not received yet. We have still a full supply line. There may be a little bit of a bubble if we do not pass this amendment later on in the year, but nothing more.

But I think we have to exercise some restraint and motivate the South Vietnamese to accept some kind of compromise government in that area. Currently they are expending ammunition rounds at a fierce rate. We say we have to pass this amendment because 12,000 South Vietnamese have been killed over the past year. If we believe all the figures that have been presented to our committee, over 40,000 North Vietnamese have met their maker over the past year. That does not show, in those figures, that we have exercised very much restraint.

I asked the generals who supported this bill how many battalion incidents did the South Vietnamese initiate? How many total incidents occurred that were initiated by either side? What were the company-sized incidents?

As the Members will recall, we had all those figures at the tips of our tongues in past year. Now in a very confused situation we have no information at all.

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

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 3 minutes.

Mr. ARENDS. Mr. Chairman, reserving the right to object, I wonder if the gentleman will confine his request to 1 minute.

Mr. LEGGETT. Mr. Chairman, I would be pleased to have 1 minute and I so confine my request.

The CHAIRMAN. Is there objection to the request of the gentleman for 1 additional minute?

There was no objection.

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

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

Mr. ESCH. Mr. Chairman, I rise in opposition to section 401 and in support of section 402.

Mr. Chairman, I rise today in support of Mr. PIKE's position to delete the $474 million for military aid to South Vietnam from H.R. 12565.

This request by the Defense Department presents us with three very perplexing dilemmas—dilemmas that differ in nature yet dilemmas that must be dealt with by this body today.

As you will all remember last year this Congress set a ceiling on military aid to South Vietnam of $1.1 billion, some $474 million less that the administration's request. In that same year the House wrestled with the question of impoundment and control of the Federal budget. We accepted the administration's criticism that there was no congressional control exercised over expenditures, and subsequently adopted a budget ceiling within which we would allocate moneys. The first dilemma then, is a fiscal one. We are asked to disregard the concept of fiscal responsibility, to vote a supplemental authorization to an agency which has failed to live within the limits set by this Congress. I think Senator PEARSON's testimony last week on this subject bears repeating:

> When the Congress establishes a spending level for an agency, including the Department of Defense, we expect that agency to stay within its budget. We do not expect the agency to spend at levels which leave it without funds before the fiscal year ends and then to come to Congress for supplemental funds to stave off disaster. That is precisely what the Department of Defense has done with the MASF program in FY 74.

The second dilemma we face deals with the nature of our relationship to Indochina. This administration has proclaimed a policy of peace in Vietnam. Its efforts in this regard have been substantial, culminating in the ceasefire and the Paris agreement. These achievements provide us with the long hoped for opportunity to change the nature of our involvement in this part of the world, to build, in cooperation with the international community and the governments of Indochina, a secure and lasting peace. Will shipping yet more arms to South Vietnam help strengthen the ceasefire agreement? Will an increase in the weapons of war help build the peace? This vote today then, presents us with a second dilemma, pursuing the peace with a policy of increased military commitment.

Our third dilemma, Mr. Chairman, involves this country's role in the international community. There are many in the Congress who believe America has an obligation to the hundreds of thousands who have suffered as a result of war. Last year I traveled with a group of Congressmen to Vietnam to study the problem of children left as orphans because of the fighting in that country. We found the need for relief and rehabilitation among these children to be overwhelming. The gentleman from New York (Mr. ROBISON) and the gentleman from Wisconsin (Mr. STEIGER) among others have worked very hard to secure some American dollars for these orphans. It is a pressing need in a country such as South Vietnam where only one-half of 1 percent of the total budget finds its way into human welfare programs. So, Mr. Chairman, we are finally faced with the third dilemma of trying to heal the wounds of war while at the same time funding the arms of war.

I ask my colleagues then to consider this vote today in the context of these three dilemmas. Will we allow the Department of Defense to nullify congressional intent to reduce the level of American military support to South Vietnam? Will we work to build the peace while at

the same time increasing the capability for war? Will we pursue a program of rehabilitation while providing the necessities for destruction? Considered in this context, I believe this body's only answer can be support of this position.

I support the concept of section 402, allowing for more flexibility in recruiting practices.

Mr. LEGGETT. We ask, why are we passing this amendment? To this point in the debate there has not been one word expressed in the debate as to why we should expend the extra $274 million to support the South Vietnamese Government. What that money is for is to pay for 100,000 batterys for communication facilities, to buy some POL from Indonesia and it is to give the South Vietnamese what we call a 90-day supply of ammunition, maybe near the end of the year when the deliveries would take place.

I do not think this is the kind of thing that demands our action in the supplemental bill. I will be looking very carefully to hear further rational in support of this amendment. It has not been provided from the committee to this point.

Gentlemen, there is an old saying that if you are fooled once it may be because the other guy is smart, but if you are fooled twice in the same way by the same tactics it must be because you are a damned fool. When we carefully considered the fiscal year 1974 defense budget, after much thought and debate we settled on a ceiling of $1.126 billion. But the Executive decided it did not have to pay attention to the instructions of Congress. Those fellows had these unobligated funds, and as we all know, if you do not spend every cent of the taxpayers' money you can get your hands on, why, you are exposing the national security to the gravest danger imaginable. These unobligated funds were just burning holes in the pockets of the Pentagon. So they spent at more than double the ceiling rate during the first quarter of fiscal year 1974, and now they tell us to fall in line and ratify their overspending.

Henry Kissinger, for whom I otherwise have great admiration now tells us we have a commitment to provide financial support as long as it is needed. He tells us this commitment is based on the Paris Peace Agreement. Mind you, it is not part of any written agreement. It is not part of the protocols to the agreement. It is not part of any understanding announced at the time of the agreement. But somehow it is supposed to be implied by the agreement. If we allow this to get by, no doubt we can expect additional alleged commitments to be discovered as the occasions arise.

But let us not quibble about what is or is not included in the agreement. The fact is the Constitution specifies that treaties can only be made with the concurrence of two-thirds of the Senate. This is the only way the Congress and the Nation can be committed. Executive agreements such as the Paris agreement are useful and convenient, but it is absolutely unconstitutional to construe them as national commitments.

So if we are to give Vietnam this money, let us not claim the excuse that we are living up to commitments. The only reason for voting to take this half billion dollars out of the pockets of the American people is a belief that it should be done.

The Pentagon tells us they need this higher level of spending because the next 18 to 24 months will be the critical period for the survival of the Saigon government. If you believe this, then listen to a bit of history.

In 1950, Vietnamese Premier Nguyen Phan Long told the press he could win in 6 months if he got U.S. military and economic aid.

In 1953, French Gen. Raoul Salan predicted victory by 1955.

On January 1, 1954, French Gen. Henri Navarre was even more optimistic, saying "I fully expect victory . . . after 6 more months of hard fighting."

In April, 1954, John Foster Dulles predicted the end of organized opposition by the end of 1955.

Also in April, 1954, Vice President Nixon predicted the French would win, and thought we should jump in and help them.

Moving up to 1963, we find our commander, Gen. Paul Harkins, saying "the end of the war is in sight."

In 1965, Premier Ky said it would be done in 3 or 4 years. But Richard Nixon said it would take only 2 years. They were both wrong.

Now it's 9 years later and we are being fed the same line.

South Vietnam is not starving; without this supplemental we will still be giving a total of $2 billion this year, which is several times the size of the Saigon government's budget. Our economic aid alone will be $710 million—more than in any year except 1966.

The war is not over in South Vietnam; there have been more than 50,000 killed since our peace with honor. The Vietnamese are proceeding to settle their problems just as if we had never been there, except now both sides are better armed and better able to kill one another.

Last summer, a U.S. Army study showed the Saigon army fired about 20 times as much ammunition as the other side, regardless of how much we gave them. If we gave Saigon less ammo, they fired less and so did the other side. If we gave them more, both sides fired more.

Nothing we can do there is going to affect the final outcome; we can only delay it, and break our own bank in the process. If we help them do it, they can keep this war going for 100 years, by which time we'll be ready to be on the receiving end of somebody's foreign aid program.

I personally support the Saigon government. I hope it wins. But we are not doing it any favors by trying to float it on a sea of money. Our only course must be to set a firm schedule for phasing our assistance down and out over a period of a very few years. We had the brains to do this when we passed the fiscal year 1974 authorization. Now let us have the guts to stick by it.

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

Mr. Chairman, there have been statements in the hearings that we must force South Vietnam to make some compromise with North Vietnam. That was done in Paris in January 1973. We only want North Vietnam to live up to that deal. Let us go back and review some history. A long time ago we became involved in a war in Vietnam. I, for one, opposed sending combat troops there, but apparently mine was a voice in the wilderness.

During that time we lost 56,000 American dead, 360,000 wounded and $120 billion spent. A couple years ago there was almost 600,000 Americans in Vietnam fighting and dying. The casualties were coming in at a tremendous rate.

There was a peace made. It was not the type of peace we would like to have had. Wars are not usually finished the way we would want it finished. Russia had been sending supplies to North Vietnam and we have been sending supplies to South Vietnam, but not one American combat troop is there. There is not one American being killed there. We have made enormous progress.

They say, "When is it all going to be over?" I do not know. It may be soon. It may be several years from now.

I, for one, feel very deeply that what we have already paid in sacrifices—remember this, 56,000 American dead, 360,000 wounded, $120 billion. Are we going to say that all those Americans have died in vain, all those wounded have suffered in vain, or that all that money we have spent was in vain?

No. I would not want to have such a sellout on my mind. I wish we had never become involved in the war; but as long as the South Vietnamese are willing to fight for their freedom and all we are furnishing is the material to match what Russia is furnishing something can be worked out.

I could not sleep if I thought I was taking action that was making all the American sacrifices in vain. Let us continue to give South Vietnam at least a fighting chance.

Mr. SIKES. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I would like to call to the attention of the House the fact that the question before us has been divided. We now are going to vote on the question of funds for South Vietnam. If this authorization is not approved, the Committee on Appropriations cannot provide funds for Vietnam to continue to fight to stay alive.

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

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

Mr. MAHON. The gentleman makes a point that the amendment has been divided and that we will vote on an additional authorization of aid for Vietnam, not $1.6 billion, but $1.4 billion. We do need some leeway here, and while there are differences of opinion among the members of the Committee on Armed Services and different opinions among the members of the Committee on Appropriations, I strongly support the first part of the amendment, the amendment to section 401 of the chairman of the Committee on Armed Services. He is not providing additional funds. He is giving an additional authorization so Congress can work its will next week in regard to

this matter. If we vote down this amendment, we will have no flexibility with respect to additional funds if the House desires to provide the additional funds.

I myself think some additional funds are absolutely required.

I rise in support of the amendment to section 401.

Mr. SIKES. Mr. Chairman, I support this amendment, as does the distinguished chairman of the Committee on Appropriations. Now, we have been told that we should tell the South Vietnamese, "It is time to compromise."

We told them to compromise in order to reach a peace agreement—but peace never came. If they compromise any more, the next step can be capitulation. The North Vietnamese will be in control.

They have stayed alive as a nation despite the fact that the North Vietnamese did not respect the peace agreement, while the South Vietnamese tried to live up to it. South Vietnam has survived without the participation of U.S. military personnel. They survived despite very severe economic strains caused by the departure of the Americans from South Vietnam. Yet, somehow, their morale has stayed high. They are holding their own reasonably well against Communist pressure.

Do the Members of the House know that? The North Vietnamese have sent into South Vietnam 130,000 troops, 600 tanks, long range artillery, and antiaircraft batteries; they have built 12 airfields inside South Vietnam, an oil pipeline, a road system. This is a major invasion. It cost much more than the amount that we are being asked to make available to help South Vietnam to stay alive. The North Vietnamese are not playing games. They mean to conquer all of Indochina.

Mr. Chairman, it is because of this continued pressure by North Vietnam that additional funds are required. It is just as simple as that. The funds that were available had to be expended faster than was anticipated. The South Vietnamese are running out of supplies. They have inflation problems, too; things cost more. Congress requires that they buy their fuel elsewhere and pay more for it, rather than buying it from us. The sharp increase in equipment prices in the United States has reduced the amount of equipment available to them.

Mr. Chairman, these are the reasons that more funds are needed. But this is not a request for funds; it is a request for an increase in the ceiling on using funds already appropriated.

Ladies and gentlemen, let us not forget that we have a commitment to help the South Vietnamese—not ditch them—help them. I trust Congress does not easily and conveniently forget America's commitments. We have a reputation to uphold, a reputation for standing by our friends and keeping our word to them. That is why we must adopt the amendment of the distinguished gentleman from Louisiana.

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

Mr. SIKES. Mr. Chairman, I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, the gentleman said earlier that if we do not have this amendment, there will be no funds in the budget for massive aid to Vietnam. Now, the basic law, as the gentleman well knows, gave them last year $1.126 million. That is in the law and stays in the law, irrespective of what we do in this amendment.

Mr. SIKES. Mr. Chairman, that has been used up. What is requested now is not a massive appropriation. It is a comparatively small amount.

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

Mr. Chairman, Members of the Committee, last year on the regular appropriation bill I had moved to strike over $3 billion because I said the Defense Department had funds on hand that they would be able to use, reobligate funds to use in a general way, whichever way they want to in many instances. That was lost because the Middle East flag was waved as the need for more money.

Now, my colleague, as the gentleman from New York (Mr. PIKE) has said here again they try to smudge over the issue of this additional money for Vietnam by throwing in other questions. The money for Southeast Asia will not end. We are not being asked to appropriate money, because the Defense Department, as I said last year, has on hand sufficient money to play around with, and they want to obligate that money in whichever way they wish.

They had a bonus of over $400 million. Rather than give it back to the American people, rather than put it into our own defense, the Defense Department wants to pour it down into the hole of Southeast Asia.

Now, the chairman of the committee would have us believe that he is reducing the request from $1.6 billion to $1.4 billion, but what the gentleman fails to tell us is that through an accounting change, the Defense Secretary has admitted and has written to the chairman of the committee that they have an extra $266 million available, which means that if we give them this $1.4 billion plus, and with this accounting change making $266 million available, they are bound to have over $1.6 billion right now to give to Southeast Asia.

Now, Mr. Chairman, what do they need money for? The members received a letter from the committee. What are they going to use the money for?

They are going to use it because the cost of fuel in Southeast Asia has gone up. They are going to use it to replace inflation in Southeast Asia. Who is going to pay the extra cost of fuel for our constituents? Who is going to pay the extra costs which will accrue to our constituents because of this extra spending by the Pentagon in Southeast Asia?

Mr. Chairman, there is no need for these funds.

They have sufficient funds on hand to continue our obligations, with the original $1,126,000,000.

They are asking us today to give up and to let the Pentagon, as they have stated in their letter to the committee, have these funds to provide flexibility. This is stated in a letter from Secretary of Defense Schlesinger to the chairman of this committee. It states that it is to provide flexibility for reprograming of up to $205 million, as might be required, without being earmarked or anything else, as the Pentagon would require, these funds to be used as they see fit in Southeast Asia, not as we see fit.

Mr. Chairman, as we heard earlier in general debate from the gentleman from New York (Mr. PIKE) Ambassador Martin in Southeast Asia has said:

> Do not give the Congress the information, the direct information they want.

So again they can fudge this over in the Defense Department, and the Defense Department can do as they wish with this money, money which should be used for our own defenses and for our own priorities.

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

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

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

I do not know whether or not the gentleman in the well is aware of the fact that in the Education Subcommittee on Veterans' Affairs we had the Veterans' Administration come before us, and they opposed the addition of tuition payments for South Vietnam veterans, because there was an expenditure required of some $250 million.

In other words, if this body were to vote for the added $200 million to Vietnam it would be saying that we should send the money to the Vietnamese and not to the American veterans of Vietnam.

Mr. Chairman, I thank the gentleman.

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

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

Mr. LONG of Maryland. Mr. Chairman, it is my understanding that with the money that would be in the reduced amount, they could continue normal operations between now and the end of the year. However, I think the real worry is if there should be a flare-up in the fighting.

What is the gentleman's feeling about the sum of money they would need if there should be a sudden attack and they would have to provide for a much higher level of operations?

Mr. ADDABBO. Mr. Chairman, they would simply have to come back to this Congress and ask for additional funds.

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

Mr. Chairman, a few minutes ago, I mentioned that I had been in India about 6 weeks ago. From India I went to Saigon, and I feel very strongly we must supply sufficient military and economic assistance to that country. It has been suggested we should not play around with our dollars or pour them into a hole. That is not what is concerned here. I want to emphasize that this is a manageable situation; it is one that requires substantial assistance from this country. It is not a question of whether we have made our peace or not, as the gentleman from California indicated. We have reduced and in fact have eliminated our direct military involvement, but our relationship with Saigon remains.

We hear from the gentleman from

California that he supports Saigon, but not at crazy levels. Well, nobody is suggesting that we support Saigon at crazy levels. What we have there is a serious situation. Through no fault of Saigon's, they are anxious to have a cease fire, that was theoretically agreed to in Paris 14 months ago, take effect. They would like to end the hostilities which still continue, and I am glad the gentleman from California recognizes it, at a high level, but the pressure comes from the other side, and the pressure requires a military response. We could not blink at the fact that we have an obligation and at this stage walk away and say the normal level of jurisdiction will permit them to operate with the assistance we provide them. There is a crisis which is faced in part because of an inflation which reached the rate of 68 percent last year and an oil crisis which was not of the Vietnamese's doing. So I would hope that we will not be beguiled by what we may feel about the way we got into Vietnam and the difficulty of getting out.

We are faced with a practical problem. It is one that I hope we face squarely, and I hope we face it tonight.

Mr. GUBSER. Will the gentleman yield?

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

Mr. GUBSER. Is it not true that a part of the Vietnamization program which we hope would allow the military disengagement of U.S. forces from Southeast Asia included a promise and a commitment by the United States of America that we would replace military material on a one-for-one basis?

Mr. FRELINGHUYSEN. That is perfectly true.

Mr. GUBSER. And is it not also true the $1,126,000,000 figure mentioned at the time it was put into the law was based on a one-for-one replacement?

Mr. FRELINGHUYSEN. That is the truth.

Mr. GUBSER. And is it not further true the extent of hostilities and the aggression by the North Vietnamese, and the presence of a 65-percent inflation in Vietnam and the high escalating costs of fuel have made that $1,126,000,000 figure unrealistic in the fulfillment of our one-for-one commitment?

Mr. FRELINGHUYSEN. The gentleman is correct.

Mr. GUBSER. So is it not correct when I say that if we revise that $1,126,000,000 ceiling to $1,400,000,000, we will be doing nothing more than making good on the solemn commitment that this country made to the South Vietnamese?

Mr. FRELINGHUYSEN. I may say to the gentleman I think he is correct. My only feeling is we may not be providing enough. I disagree wholeheartedly with the gentleman from California in suggesting this is the only way in which we can force Saigon into a settlement. All this would be doing if we turned our backs on Saigon now is to force her into a needless and unnecessary capitulation. This would haunt us as a Nation for generations to come. It seems to me that we put a lot of investment into that country and with a modest further investment which may run on beyond the next few months we can retrieve the situation and bring about a settlement such as was envisaged at Paris in January of 1973.

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

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

Mr. KEMP. Mr. Chairman, I thank the gentleman from New Jersey for yielding to me.

Mr. Chairman, I gathered from the argument that was made by the gentleman from California (Mr. LEGGETT) that perhaps by withholding this money we can force some kind of a compromise. However, I believe the compromise the gentleman is talking about is some form of a coalition government.

Does not the gentleman from New Jersey agree that this is what the whole war has been about for the past 14 or 15 years—the forcing of a coalition government with the Communists?

Mr. FRELINGHUYSEN. I do not know that I fear that, but I believe it might force an actual capitulation by Saigon without any necessity for it at all except for our lack of will in this situation.

Mr. HÉBERT. Mr. Chairman, I wonder if we can ascertain how many other Members wish to speak on this amendment?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

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

Mr. SEIBERLING. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. HÉBERT. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN pro tempore. Each Member who was standing at the time the motion to limit debate was agreed to will be recognized for 45 seconds.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, as did many of the other Members of the House, I was lobbied yesterday by an Assistant Secretary of Defense who asked me if I would support the position of the administration on this bill.

I said to the gentleman:

You know, the Congress set a ceiling, and if we now turn around and, in this supplemental authorization bill, give the administration what it asked for originally, then we might as well go out of business, give a few blank checks to the President and go on home.

He said:

Well, if we do not vote this increase, then in the end the South Vietnamese Government will collapse, North Vietnam will take over and there will be a terrible massacre.

I said:

What do you think has been happening in Vietnam for the last year and a quarter? Almost 60,000 people have been killed. If that is not a massacre, then I do not know what is.

And it is going to go right on until we some day pull the plug on the ability of the South Vietnamese regime to carry on this kind of bloody farce.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

(By unanimous consent, Mr. STEIGER of Wisconsin yielded his time to Mr. GUBSER).

(By unanimous consent, Messrs. ROUSSELOT and WAGGONNER yielded their time to Mr. GUBSER).

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

Mr. GUBSER. I thank the gentlemen for yielding time to me. I probably shall not consume all of the time that has been yielded to me.

I take this time for the purpose of reiterating what has already been said in the colloquy between the gentleman from New Jersey and myself.

This is a commitment that has been made by the U.S. Government and was one of the things which made it possible for us to withdraw our manpower and to disengage from the conflict in Southeast Asia. It was a commitment to replace military materiel on a one-for-one basis. Anyone who is arguing for the $1,126,000,000 figure instead of the $1,400,000,000 figure, is arguing for it because they are honoring that commitment to replace war material on a one-for-one basis.

The problem is that we are honoring it with figures which are now a year out of date.

We have talked about inflation in this country. South Vietnam has an inflation rate of 65 percent. We know what has happened to fuel prices here; it has happened there. So if we are going to replace on a one-for-one basis, it is totally impossible and totally unrealistic to do it with a figure which we used a year ago.

I summarize by asking this Nation to honor a commitment and to bring the figure which we thought was enough last year up to a realistic level which takes into account the change in economic conditions of the past year.

Let us honor our commitment to a nation which is trying to be free, a nation which was told by President Eisenhower, President Kennedy, President Johnson, and President Nixon, that we would give them the right to defend themselves against a political system being imposed upon them from without by military aggression. I think it is only a matter of honor that this country honor its commitments.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

(By unanimous consent, Mr. DELLUMS yielded his time to Ms. ABZUG.)

Ms. ABZUG. I thank the gentleman for yielding.

Mr. Chairman, the war is over. The words spoken here today are words which started that war in Vietnam and created the involvement of this House in it. We are talking about commitments which do not exist. We are talking about our continuing to fight on. We are talking about preventing the Vietnamese from having self-determination. The fact is there is a peace agreement. The fact is that it has been violated. It has been violated

by Mr. Thieu who keeps all of the political opposition that he has, democratic opposition, in prison; who prevented an election from taking place under that peace agreement; who is using the money for himself and his generals against the interest of the South Vietnamese people. We are not doing anything for the South Vietnamese people by continuing to allow them, with our funds, to be deprived of rights, to be deprived of a decent living, while the generals are spending all of our money.

I think it is outrageous at this moment in history that we do not recognize what our commitment is. Our commitment is not to reintroduce billions of dollars so that we can create another war in Vietnam. Before we know it, the veiled words of Dr. Kissinger and the Department of State will be interpreting the War Powers Act, to say that we may have to bomb in Vietnam.

I beg all of my colleagues, let us not give one additional cent of money that is here being requested. In the last 12 months we have spent $2 billion in Vietnam. This is the kind of money we spent during the war. This is peacetime. Let us create the peace.

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

Mr. RANDALL. Mr. Chairman, it is difficult to follow the gentlewoman from New York. She made a very emotional appeal. I am not certain of the validity of her logic but her voice was not low key. In my few moments I hope to put this issue on section 401 of title IV in perspective. The gentleman from Massachusetts (Mr. CONTE) has demanded to divide the question and that request has been granted. We may now consider assistance to South Vietnam, section 401—separate from the enlistments of nonhigh school graduates, in section 401.

Section 401 really authorizes an increase in assistance to South Vietnam from $1.26 billion to $1.6 billion. That is the issue.

As the gentleman from California (Mr. LEGGETT) stated it was my amendment in the House Armed Services Committee last year that reduced funding for both Cambodia and Laos. Remember, too, it was the Congress that on August 15, 1973, stopped the bombing in Cambodia, without engaging in any effort to be persuasive—if we authorize the larger figure today for South Vietnam that does not mean any who support the larger figure will be precluded or stopped from a new and perhaps modified attitude toward the exact amount of the increase when we consider the supplemental appropriation scheduled for Tuesday next.

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

Mr. LEGGETT. Mr. Chairman, it is a very interesting thing the way we are pulling the plug on our alleged commitment to the South Vietnamese. There has been $476 million this year for operation and maintenance of arms and procurement of military personnel, and $525 million for the Air Force, and $19 million for the Navy, a total of $1.120 billion. If we stay with what we have done so far and add to that the economic assistance at $190 million under the commodity import program, and $309 million for title I assistance, and they can use the money for all of that combined military equipment, that is $1.8 billion, but I do not think we have violated our commitment at all.

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

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

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

(By unanimous consent, Mr. PIKE and Mr. MAHON yielded their time to Mr. FLYNT).

Mr. FLYNT. Mr. Chairman, I want to express myself briefly in the time allowed against both sections of this amendment.

First I want to oppose the increase from $1.126 billion to $1.4 billion, and I do so because we have marched up this hill and may march back down again, as we have over the last 5 or 6 months.

The original request for this purpose was $1.6 billion. The Committee on Appropriations and the House, I think, in the wisdom of both rejected the request of $1.6 billion and reduced it to the more reasonable figure of $1.26 billion.

The Department of Defense was put on notice that was the amount they were going to have for fiscal year 1974, and what did they do? They completely ignored it. They have spent without regard to the ceiling placed on this expenditure by the Congress, and now they come back and they think that just because it is part of a Supplemental Defense Authorization Act all they have to do is crack the whip and the House will respond like a bunch of sheep.

Mr. Chairman, I hope that that will not be the case today. My colleague, the gentleman from New York (Mr. ABBADDO) spoke awhile ago that due to a change in accounting—in internal accounting methods, I might add—within the Department of Defense, that they discovered another $266 million that they did not think they had.

Well, it is the same old story that figures do not lie, but liars sometimes figure. So what we are voting here on this so-called $1.4 billion ceiling——

The CHAIRMAN pro tempore. The time of the gentleman has expired.

PREFERENTIAL MOTION OFFERED BY MR. FLYNT

Mr. FLYNT. Mr. Chairman, I offer a preferential motion.

The clerk read as follows:

Mr. FLYNT moves that the Committee now rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. FLYNT. Mr. Chairman, make no mistake about it, this so-called $1.4 billion ceiling is in reality——

POINT OF ORDER

Mr. WAGGONNER. Mr. Chairman, a point of order.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. WAGGONNER. I make a point of order that the gentleman is not speaking to the preferential motion.

The CHAIRMAN pro tempore. Under the rule governing preferential motions, the gentleman from Georgia is privileged to speak to any part of the bill, but he must confine his remarks to the bill.

Mr. FLYNT. I thank the chairman.

Mr. Chairman, what we are voting here is $66 million more than was in the original authorization which went out in the point of order made jointly by the gentleman from Texas and the gentleman from Connecticut; so Mr. Chairman, I ask that the House reject this amendment, insofar as it applies to the increase from $1.26 billion.

So I hope for these reasons that those who have spoken in opposition to the amendment before me, as well as those that will follow, will oppose this amendment.

Now, I want to speak to the second section of this amendment. Let me say that we went into this when we had this before our committee and before the House last year, that we considered very carefully the fact that 80 percent of the short-term discharges for reasons of court martials, civil convictions, drug abuse and general unfitness for military service were attributable to the nonhigh school graduates.

I recognize the fact that many nonhigh school graduates who enlist in the Army make good soldiers and make good records; but Mr. Chairman, when we have an all-volunteer force that is already requiring about 63 percent of the entire military budget for military and civilian pay and allowances, do not deny further the right to buy hardware and continue research and development and carry on the legitimate purposes of operations and maintenance by taking into military service a high ratio of nonhigh school graduates who have four times the failure record of high school graduates.

These figures and these facts are on record, furnished to us by the Army and the Marine Corps themselves. The Air Force does not have this problem, Mr. Chairman, and why? Among the reasons they do not have it is that 95 percent of the people that the Air Force enlists are high school graduates.

I do not say that a certificate of graduation from a high school will automatically make a recruit a good soldier; but I do say that experience has shown that non-high-school graduates hav a 4-to-1 higher failure record in service than their fellow servicemen who are high school graduates. With the costs we are paying for this all-volunteer force, we cannot afford to continue to enlist an alarmingly high number of dropouts.

Mr. Chairman, as we know, the all-volunteer force concept is not new. In fact, we started talking about it as early as 1967. In having an all-volunteer force, we need more than numbers of warm bodies alone. We need young men and young women, too, who will be able by reason of mental and physical ability and adaptability to become active good soldiers, sailors, airmen, and marines.

Mr. Chairman, this amendment will open up enlistments in all services to non-high-school graduates and lower standards in the Women's Army Corps and the Air Force.

Let me say the Secretary of the Army did not oppose section 718 in our appropriation bill last year. He says he can live with it. We ask, Mr. Chairman and Members of this Committee, that the Committee go along with us who have worked and labored in the vineyards long on that section, to sustain us in our efforts to try to make the all-volunteer-force concept work and succeed by bringing into the service young men and young women who will have the stability to stay in the Armed Forces and carry out their functions as good soldiers, sailors, airmen, and marines.

Mr. Chairman, I respectfully ask the Chairman of this Committee to sustain the position which this House has taken once before, and to defeat both sections of the amendment offered by the gentleman from Louisiana.

Mr. HUNT. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I am sorry that I could not get the attention of my colleague from Georgia (Mr. FLYNT) when he spoke about the ratio of those who did not have high school diplomas not making good soldiers. Quite recently, the Armed Services Committee had testimony from the Secretary of the Army, Mr. Callaway, and this very question came up.

Mr. Callaway produced figures for us in there indicating that 4 out of 5 of the enlistees who did not have high school diplomas made good soldiers. In other words, what he said was that only 20 percent of those coming in without high school diplomas did not make good soldiers.

Mr. Chairman, I have a little experience in the service, and I have no recollection in my entire career, when they drafted men into service, that they had to have a high school diploma. Many of the men who gave their lives and many of the men who are maimed today never finished high school.

We have men in this very body who did not finish high school until they came out of the service, obtained an equivalency in high school, and became good lawyers, chemists, analysts, good professional men, and became Members of this body.

So, to downgrade someone who does not have a high school diploma, and depriving that young man or young lady of going into the armed services, and in my estimation it is wrong. I respect my good friend from Georgia on this one particular point, but I do say to him that he did not read this, otherwise he would have been fair, but someone gave the gentleman from Georgia this information.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield,

Mr. HUNT. Mr. Chairman, I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for yielding to me. I wish to make one point. I think the gentleman from New York brought up the point and complained about the fact that the military felt that the reason for the additional cost being requested to $1,400,000 was because of the cost of fuel.

It was this very Congress, was it not, which voted some $2 billion to send to Israel to support that war. Many of the people who are here today speaking against now trying to adjust this slightly upward are the very people who created and helped support that war in the Middle East, that caused the increase in fuel we are now speaking of in South Vietnam. Is that not true,

Mr. HUNT. That is true. Let me pursue that point further. This is the official record as to what the Department of Defense believes:

"The Department of Defense believes that the restrictions in section 718 of the Appropriations Act, which limit non-high-school graduates to 45 percent of total accessions, should be removed. The limitation is likely to result in strength shortfalls. When the number of high school graduates should be recruited. Many of them score in the upper mental groups."

PARLIAMENTARY INQUIRY

Mr. PRICE of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. PRICE of Texas. Mr. Chairman, do I have the right to ask for the opportunity to speak for 5 minutes in opposition to the preferential motion?

The CHAIRMAN pro tempore. No, under the rules only one speaker is permitted in opposition to the preferential motion.

The gentleman from Texas (Mr. PRICE) is on the list, and will be recognized if the preferential motion is not agreed to.

The question is on the preferential motion offered by the gentleman from Georgia (Mr. FLYNT).

The preferential motion was rejected.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. PRICE).

(By unanimous consent, Mr. PRICE of Texas yielded his time to Mr. HÉBERT.)

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

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

Mr. GIAIMO. I yield briefly to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I wish to state that I am opposed to the amendment as it relates to both section 401 and section 402.

Mr. GIAIMO. Very briefly, Mr. Chairman, I wish to state that we are not breaking our commitment to South Vietnam on aid. I support the defeat of this amendment. This will not terminate aid; it will limit the aid to $1,126,000,000. Let none of the Members make any mistake about that.

This does not knock out military aid to South Vietnam. It merely says that they must continue to spend it at the rate which Congress mandated last year, and that amount is $1,126,000,000.

Mr. Chairman, they have been spending the money at a higher rate. They ignored Congress. They spent it at the rate of about $2 billion a year during the first quarter of this year, and now they suddenly find themselves short and they are making an end run and coming up to Congress and asking for more money. Let them live within the mandate of the congressional order.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. HÉBERT) to close debate.

Mr. HÉBERT. Mr. Chairman, I wish to express my thanks and I thank the gentleman from Massachusetts for yielding his time to me. I will not violate the motion which I made to close the debate in 15 minutes.

I think all the Members know the situation, and I will close by asking only that we consider that we are voting on two sections by this amendment.

The first section, of course, is section 401, which is a repeat of the law as it is, as I have stated before, and which has been urged upon us by the gentleman from Florida (Mr. SIKES) and also urged upon us by the gentleman from Texas (Mr. MAHON) the chairman of the committee, who has told us that he needs this money.

I am cooperating with the gentleman in making this language available. I am further keeping a promise which I made this morning to reduce the amount from $1,600,000,000 to $1,400,000,000. If my arithmetic is correct, 4 from 6 leaves 2.

Now, the second point is a very, very important one, concerning the second vote to come, and that is whether or not we will accede to the request of our Marine Corps and our Army. Regardless of what is said, regardless of what is decried and what is presented here, the fact remains that the Marine Corps has asked me personally and by letter to be sure to do everything in my own personal power to allow them to get as many youngsters as they can without that high school certificate.

Now, we have adhered to the rules of the House. We have presented the amendment and the arguments to the Members.

The Members should simply ask themselves if they are in favor of furthering the needs of the Army or not.

It is very simple.

Therefore, Mr. Chairman, I suggest an "aye" vote on both counts.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CONTE. Mr. Chairman, as I understand it, the Chair has protected my motion, and the vote will be divided between section 401 and section 402? There will be a division on these two votes on these sections?

The CHAIRMAN pro tempore. The Chair will state that the gentleman is correct.

Mr. CONTE. I thank the Chair.

The CHAIRMAN pro tempore. The Chair will state that the question will be divided, and without objection, the Clerk will re-report section 401 of the Hébert amendment on which the question will be put first.

The Clerk rereported the first portion of the amendment offered by the gentleman from Louisiana (Mr. HÉBERT) as follows:

Amendment offered by Mr. HÉBERT:

On page 4, beginning at line 5, insert new material to read as follows:

SEC. 401. Subsection (a) (1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended by deleting "$1,126,000,000" and inserting "$1,400,000,000" in lieu thereof.

The CHAIRMAN. The question is on section 401 of the amendment offered by the gentleman from Louisiana (Mr. HÉBERT).

RECORDED VOTE

Mr. PIKE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 177, not voting 101, as follows:

[Roll No. 147]

AYES—154

Anderson, Ill.	Goodling	Price, Ill.
Archer	Gubser	Price, Tex.
Arends	Hanrahan	Rarick
Armstrong	Hansen, Idaho	Rhodes
Baker	Harsha	Robinson, Va.
Barrett	Hays	Rooney, Pa.
Bauman	Hébert	Rousselot
Bennett	Henderson	Ruth
Bevill	Hinshaw	Sandman
Biaggi	Hogan	Satterfield
Boggs	Holt	Scherle
Bolling	Hosmer	Sebelius
Bowen	Hudnut	Shriver
Bray	Hunt	Sikes
Breaux	Ichord	Skubitz
Breckinridge	Jarman	Slack
Brinkley	Johnson, Pa.	Smith, Iowa
Brown, Ohio	Jones, Okla.	Smith, N.Y.
Buchanan	Kemp	Spence
Burgener	Ketchum	Staggers
Burleson, Tex.	King	Stanton,
Butler	Kuykendall	J. William
Camp	Lagomarsino	Steed
Casey, Tex.	Landgrebe	Steelman
Cederberg	Lott	Steiger, Ariz.
Chamberlain	McClory	Steiger, Wis.
Chappell	McCollister	Stratton
Clawson, Del	McDade	Talcott
Cleveland	McEwen	Teague
Cochran	McFall	Thomson, Wis.
Collier	Madigan	Thornton
Collins, Tex.	Mahon	Treen
Conable	Mallary	Vander Jagt
Daniel, Dan	Mann	Veysey
Daniel, Robert W., Jr.	Maraziti	Waggonner
	Martin, N.C.	Walsh
Davis, S.C.	Mathias, Calif.	Wampler
Davis, Wis.	Mathis, Ga.	Ware
de la Garza	Mills	White
Derwinski	Mizell	Whitehurst
Devine	Mollohan	Williams
Dickinson	Montgomery	Wilson, Bob
Duncan	Murphy, N.Y.	Winn
Erlenborn	Murtha	Wyatt
Findley	Myers	Wydler
Fish	Nelsen	Yatron
Fisher	Nichols	Young, Alaska
Flood	Nix	Young, Fla.
Frelinghuysen	O'Brien	Young, Ill.
Froehlich	Passman	Young, Tex.
Gilman	Patman	Zablocki
Gonzalez	Powell, Ohio	Zion

NOES—177

Abzug	Carney, Ohio	Fascell
Adams	Chisholm	Flynt
Addabbo	Cohen	Foley
Andrews, N.C.	Conte	Forsythe
Annunzio	Corman	Fountain
Aspin	Cronin	Fraser
Badillo	Daniels,	Frenzel
Bell	Dominick V.	Fulton
Bergland	Danielson	Gaydos
Biester	Delaney	Giaimo
Bingham	Dellenback	Gibbons
Blatnik	Dellums	Ginn
Boland	Denholm	Grasso
Brademas	Diggs	Gray
Brasco	Dingell	Green, Oreg.
Brooks	Donohue	Green, Pa.
Broomfield	Downing	Gross
Brotzman	Drinan	Grover
Brown, Calif.	du Pont	Gude
Brown, Mich.	Eckhardt	Guyer
Broyhill, N.C.	Edwards, Calif.	Haley
Burke, Fla.	Eilberg	Hanley
Burke, Mass.	Esch	Hanna
Burlison, Mo.	Eshleman	Harrington
Burton	Evans, Colo.	Hastings
Byron	Evins, Tenn.	Hawkins
Hechler, W. Va.	Mosher	Ryan
Heinz	Moss	St Germain
Helstoski	Murphy, Ill.	Sarasin
Hicks	Natcher	Sarbanes
Holtzman	Nedzi	Schneebeli
Horton	Obey	Schroeder
Hungate	O'Hara	Seiberling
Hutchinson	O'Neill	Shipley
Jordan	Patten	Shoup
Karth	Pepper	Shuster
Kastenmeier	Perkins	Steele
Kyros	Pettis	Studds
Landrum	Peyser	Sullivan
Latta	Pike	Symington
Leggett	Podell	Taylor, N.C.
Lent	Preyer	Thompson, N.J.
Litton	Pritchard	Thone
Long, Md.	Quie	Tiernan
McCloskey	Randall	Towell, Nev.
McCormack	Rangel	Ullman
McKinney	Regula	Van Deerlin
Macdonald	Reuss	Vander Veen
Madden	Riegle	Vanik
Matsunaga	Rinaldo	Vigorito
Mayne	Robison, N.Y.	Whalen
Meeds	Rodino	Whitten
Melcher	Rogers	Widnall
Mezvinsky	Roncallo, N.Y.	Wilson,
Miller	Rose	Charles, Tex.
Minish	Rosenthal	Wolff
Mink	Roush	Yates
Mitchell, Md.	Roy	Young, Ga.
Moakley	Roybal	Zwach
Moorhead, Pa.	Ruppe	

NOT VOTING—101

Abdnor	Gettys	Owens
Alexander	Goldwater	Parris
Anderson, Calif.	Griffiths	Pickle
	Gunter	Poage
Andrews, N. Dak.	Hamilton	Quillen
	Hammer-schmidt	Railsback
Ashbrook		Rees
Ashley	Hansen, Wash.	Reid
Bafalis	Heckler, Mass.	Roberts
Beard	Hillis	Roe
Blackburn	Holifield	Roncalio, Wyo.
Broyhill, Va.	Howard	Rooney, N.Y.
Burke, Calif.	Huber	Rostenkowski
Carey, N.Y.	Johnson, Calif.	Runnels
Carter	Johnson, Colo.	Sisk
Clancy	Jones, Ala.	Snyder
Clark	Jones, N.C.	Stanton,
Clausen, Don H.	Jones, Tenn.	James V.
	Kazen	Stark
Clay	Kluczynski	Stephens
Collins, Ill.	Koch	Stokes
Conlan	Lehman	Stubblefield
Conyers	Long, La.	Stuckey
Cotter	Lujan	Symms
Coughlin	Luken	Taylor, Mo.
Crane	McKay	Udall
Culver	McSpadden	Waldie
Davis, Ga.	Martin, Nebr.	Wiggins
Dennis	Mazzoli	Wilson,
Dent	Metcalfe	Charles H.,
Dorn	Michel	Calif.
Dulski	Milford	Wright
Edwards, Ala.	Minshall, Ohio	Wylie
Flowers	Mitchell, N.Y.	Wyman
Ford	Moorhead, Calif.	Young, S.C.
Frey		
Fuqua	Morgan	

So section 401 of the Hébert amendment was rejected.

The vote was announced as above recorded.

The CHAIRMAN pro tempore. Without objection, the Clerk will rereport the second part of the amendment offered by the gentleman from Louisiana (Mr. HÉBERT).

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT:

SEC. 402. No volunteer for enlistment into the Armed Forces shall be denied enlistment solely because of his not having a high school diploma.

The CHAIRMAN pro tempore. The question is on section 402 of the amendment offered by the gentleman from Louisiana (Mr. HÉBERT).

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

Mr. BOB WILSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the section 402 of the Hébert amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title IV?

There being no further amendments, the Clerk will read.

The Clerk concluded the reading of the bill as follows:

This Act may be cited as the "Department of Defense Supplemental Appropriation Authorization Act, 1974".

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA, Chairman pro tempore 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. 12565) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons and research, development, test and evaluation for the Armed Forces, and to authorize construction at certain installations, and for other purposes, pursuant to House Resolution 1026, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were 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 bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill (H.R. 12565) just passed.

The SPEAKER pro tempore (Mr. MCFALL). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. ARENDS. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL), if he will give us the program for the rest of the week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the distinguished minority leader yield?

Mr. ARENDS. I yield to the distinguished majority leader, the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of April 8, 1974, is as follows:

Monday, we will consider three bills reported unanimously from the Committee on Ways and Means:

H.R. 421, duty-free treatment of upholstery regulators, upholsterers' regulating needles, and upholsterers' pins;

H.R. 11830, temporary suspension of duty on synthetic rutile; and

H.R. 13631, temporary suspension of duty on certain horses.

Also, Monday is District day and there is scheduled one bill, H.R. 12473, Eisenhower Memorial Bicentennial Civic Center Sinking and Support Fund.

Tuesday we will consider the following bills:

House Resolution 1002, resolution of inquiry on 1973 military alert; we will also take up the Legislative Appropriations Act for the fiscal year, 1975 for which no number has been assigned as yet; and House Resolution 998, changes in certain House procedures, with a modified closed rule, and 2 hours of debate.

On Wednesday and the balance of the week we will consider the following bills:

Supplemental appropriations for the fiscal year 1974, subject to a rule being granted; again no number has as yet been assigned to this bill; and

H.R. 13113, Commodity Futures Trading Commission, subject to a rule being granted.

Conference reports may be brought up at any time and any further program will be announced later.

The House will adjourn for Easter recess from the close of business Thursday, April 11, until noon Monday, April 22.

ADJOURNMENT TO MONDAY, APRIL 8, 1974

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

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

There was no objection.

AUTHORIZING CLERK TO CORRECT SECTION NUMBERS IN ENGROSSMENT OF H.R. 12565

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers in the engrossment of H.R. 12565.

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

There was no objection.

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

MEMORIAL FOR DR. MARTIN LUTHER KING, JR.

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

Mr. BINGHAM. Mr. Speaker, I am introducing today with more than 140 cosponsors from both parties and all sections of the country a resolution which would authorize the commissioning of a statue or bust of Dr. Martin Luther King, Jr. to be placed in an appropriate place in the United States Capitol.

Today is the sixth anniversary of Dr. King's tragic death. This legislation would be an appropriate tribute to this distinguished black American, whose courage and leadership had a lasting impact on this Capital and the Nation, resulting in the historic enactment of the Voting Rights Act of 1965 and the Civil Rights Acts of 1964 and 1968.

Dr. King's picture today hangs in millions of homes but no such portrayal memorializes him in the U.S. Capitol. In fact, although many black Americans have made important contributions to America, not a single black American has been honored by having a portrait or statue placed in the U.S. Capitol.

The cosponsors of this resolution are as follows:

SPONSORS OF MARTIN LUTHER KING, JR. STATUE BILL, APRIL 4, 1974

1. Abzug, Bella S. (D-NY).
2. Adams, Brock (D-Wash).
3. Addabbo, Joseph P. (D-NY).
4. Anderson, John B. (R-Ill)
5. Annunzio, Frank (D-Ill).
6. Ashley, Thomas L. (D-Ohio).
7. Aspin, Les (D-Wis).
8. Badillo, Herman (D-NY).
9. Barrett, William A. (D-PA).
10. Bell, Alphonzo (R-CA).
11. Bergland, Bob (D-Minn).
12. Biaggi, Mario (D-NY).
13. Biester, Edward G., Jr. (R-PA).
14. Boggs, Lindy (D-LA).
15. Boland, Edward P. (D-Mass).
16. Brademas, John (D-Ind).
17. Bolling, Richard (D-MO).
18. Brasco, Frank J. (D-NY).
19. Brown, Clarence J. (R-Ohio).
20. Brown, Garry (R-Mich).
21. Brown, George E., Jr. (D-CA).
22. Buchanan, John (R-Ala).
23. Burke, James A. (D-Mass).
24. Burke, Yvonne Brathwaite (D-CA).
25. Burton, Phillip (D-CA).
26. Carey, Hugh L. (D-NY).
27. Chisholm, Shirley (D-NY).
28. Clay, William (D-MO).
29. Collins, Cardiss (D-Ill).
30. Conte, Silvio O. (R-Mass).
31. Conyers, John, Jr. (D-Mich).
32. Corman, James C. (D-CA).
33. Cotter, William R. (D-Conn).
34. Culver, John C. (D-Iowa).
35. Daniels, Dominick V. (D-NJ).
36. Danielson, George E. (D-CA).
37. Dellenback, John (R-Oreg).
38. Dellums, Ronald V. (D-CA).
39. de Lugo, Ron (VI).
40. Dent, John H. (D-PA).
41. Diggs, Charles C., Jr. (D-Mich).
42. Dorn, Wm. Jennings Bryan (D-SC).
43. Drinan, Robert F. (D-Mass).
44. Dulski, Thaddeus J. (D-NY).
45. Eckhardt, Bob (D-Tex).
46. Edwards, Don (D-CA).
47. Eilberg, Joshua (D-PA).
48. Evans, Frank E. (D-Colo).
49. Fascell, Dante B. (D-Fla).
50. Fauntroy, Walter E. (DC).
51. Findley, Paul (R-Ill).
52. Fish, Hamilton, Jr. (R-NY).
53. Foley, Thomas S. (D-Wash).
54. Fraser, Donald M. (D-Minn).
55. Giaimo, Robert N. (D-Conn).
56. Gibbons, Sam (D-Fla).
57. Grasso, Ella T. (D-Conn).
58. Green, William J. (D-PA).
59. Hansen, Julia Butler (D-Wash).
60. Harrington, Michael (D-Mass).
61. Hawkins, Augustus F. (D-CA).
62. Hechler, Ken (D-WVa).
63. Helstoksi, Henry (D-NJ).
64. Hicks, Floyd V. (D-Wash).
65. Holtzman, Elizabeth (D-NY).
66. Horton, Frank (R-NY).
67. Hosmer, Craig (R-CA).
68. Howard, James J. (D-NJ).
69. Hudnut, William H., III (R-Ind).
70. Hungate, William L. (D-MO).
71. Johnson, James P. (R-Colo).
72. Jordan, Barbara (D-Tex).
73. Karth, Joseph E. (D-Minn).
74. Kastenmeier, Robert W. (D-Wis).
75. Koch, Edward I. (D-NY).
76. Kyros, Peter N. (D-Maine)
77. Leggett, Robert L. (D-CA).
78. Litton, Jerry (D-MO).
79. Long, Gillis W. (D-LA).
80. McCloskey, Paul N., Jr. (R-CA).
81. McKinney, Stewart B. (R-Conn).
82. Madden, Ray J. (D-Ind).
83. Matsunaga, Spark M. (D-Hawaii).
84. Mazzoli, Romano L. (D-KY).
85. Meeds, Lloyd (D-Wash).
86. Metcalfe, Ralph H. (D-Ill).
87. Mezvinsky, Edward (D-Iowa).
88. Mink, Patsy T. (D-Hawaii)
89. Mitchell, Parren J. (D-MD).
90. Moakley, Joe (D-Mass).
91. Moorhead, William S. (D-PA).
92. Mosher, Charles A. (R-Ohio).
93. Moss, John E. (D-CA).
94. Murphy, John M. (D-NY).
95. Murphy, Morgan F. (D-Ill).
96. Nix, Robert N. C. (D-PA).
97. Obey. David R. (D-Wis).
98. O'Brien, George M. (R-Ill).
99. O'Neill, Thomas P., Jr. (D-Mass).
100. Owens, Wayne (D-Utah).
101. Patten, Edward J. (D-NJ).
102. Pepper, Claude (D-Fla).
103. Podell, Bertram L. (D-NY).
104. Price, Melvin (D-Ill).
105. Rangel, Charles B. (D-NY).
106. Rees, Thomas M. (D-CA).
107. Reid, Ogden R. (D-NY).
108. Reuss, Henry S. (D-Wis).
109. Riegel, Donald W., Jr. (D-Mich).
110. Rodino, Peter W., Jr. (D-NJ).
111. Roe, Robert A. (D-NJ).
112. Rosenthal, Benjamin S. (D-NY).
113. Roush, J. Edward (D-Ind).
114. Roy, William R. (D-KA).
115. Roybal, Edward R. (D-CA).
116. Ryan, Leo J. (D-CA).
117. Sarbanes, Paul S. (D-Md).
118. Schroeder, Patricia (D-Colo).
119. Seiberling, John F. (D-Ohio).

120. Smith, Henry P., III (R-NY).
121. Stark, Fortney H. (D-CA).
122. Steelman, Alan (R-Tex).
123. Stokes, Louis (D-Ohio).
124. Stratton, Samuel S. (D-NY).
125. Symington, James W. (D-MO).
126. Thompson, Frank, Jr. (D-NJ).
127. Tiernan, Robert O. (D-RI).
128. Udall, Morris K. (D-Ariz).
129. Van Deerlin, Lionel (D-CA).
130. Vander Veen, Richard (D-Mich).
131. Vanik, Charles A. (D-Ohio).
132. Vigorito, Joseph P. (D-PA).
133. Waldie, Jerome R. (D-CA).
134. Ware, John (R-PA).
135. Whalen, Charles W., Jr. (R-Ohio).
136. Wilson, Charles (D-Tex).
137. Wolff, Lester L. (D-NY).
138. Wydler, John W. (R-NY).
139. Yates, Sidney R. (D-Ill).
140. Young, Andrew (D-GA).
141. Young, Samuel H. (R-Ill).
142. Long, Clarence D. (D-Md).

KING AND POWELL

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

Mr. RANGEL. Mr. Speaker, today marks the anniversary of the death of two of black America's greatest leaders. Not only did these two men lead black America but they were spokesmen for millions of poor and disadvantaged citizens of all colors. I refer, of course, to Martin Luther King, Jr., and Adam Clayton Powell, Jr.

The accomplishments of these two individuals are too numerous to mention in detail. Indeed, the effects of their deeds are still being felt throughout the Nation. Both men were ministers, both were uncompromising in their efforts to improve the quality of life for the poor and disadvantaged, and both influenced the shape of things yet to come.

Martin Luther King, Jr. was a man of the South. Born in Atlanta, Ga. on January 15, 1929, he was a man of the people. After completing an outstanding academic career in Atlanta's Morehouse College and in universities in Pennsylvania and Massachusetts, he returned to the South to pastor the Dexter Avenue Baptist Church in Montgomery, Ala. It was in the South that Dr. King achieved his first and most notable successes. His mobilization of the Montgomery bus boycott, the formation of the Southern Christian Leadership Conference, the march on Birmingham, keynoting the march on Washington, leading the protesters in Selma—these are events that shook the Nation and the world.

For his efforts King received dozens of honorary degrees, Time magazine's Man-of-the-Year Award, and the Nobel Peace Prize. Not satisfied with awards alone, King pressed on. He moved nonviolent direct action north. In Chicago he was stoned. King spoke out against the war in Vietnam. He was criticized by almost every leader in the civil rights movement for involving civil rights with Vietnam. Yet King continued to move on beyond civil rights, and beyond Vietnam to become the prime warrior in the war on poverty. King was planning to bring the war on poverty right here to the Halls of Congress for all of us to see when he was called on to support a strike by sanitation workers in Memphis. It was a call from which he never returned.

Just as controversial as King's career, was that of Adam Clayton Powell, Jr. Born in 1908 in New York City, Powell was as much a man of the North as King was of the South. The young Powell launched his career as a crusader for reform during the depth of the Depression. He forced several large corporations to drop their unofficial bans on employing Negroes, while at the same time directing a kitchen and relief operation which fed, clothed, and provided fuel for thousands of Harlem's needy and destitute. During the 1930's and early 1940's Powell combined his civil rights activity with the pastorship of the world's largest congregation at Harlem's Abyssinian Baptist Church.

Recognizing the nature of both discrimination and power in the North, Powell looked toward politics. In 1941 he won a seat on the New York City Council. Four years later he became Congressman from New York's 18th District.

Due to his past activity he was almost immediately given the title "Mr. Civil Rights." Despite his position and title, Powell found out that he could not rent a room in downtown Washington, nor could he attend a movie in which his famed wife, Hazel Scott, had been starred. Within Congress itself, he was not authorized to use such communal facilities as dining rooms, steam baths, showers, and barbershops. Powell met these rebuffs head on by making use of all such facilities, and by insisting that his entire staff follow his lead.

Adam Powell met many other challenges head on. In 1960, he survived a proposal to split the Education and Labor Committee and became its chairman. In this position he was able to formulate the policy for the poor and disadvantaged that Martin Luther King, Jr., had aroused public support for. He had a hand in the development and passage of such significant legislation as the minimum wage bill in 1961, the Manpower Development and Training Act, the antipoverty bill, the Juvenile Delinquency Act, the Vocational Educational Act, and the National Defense Education Act.

Mr. Speaker, these two men, one from the North and the other from the South, have had an incalculable effect on this Congress and this Nation. Both were controversial and both were men of the people. They worked toward the common goals of aiding those most in need of assistance. One was perhaps the most influential black ever to serve in Congress. The other was the most charismatic leader of his people in this country.

The members of the Congressional Black Caucus not only remember these two men but we continue to draw inspiration and leadership from their work. In some small way we hope to continue that work. Surely this country is in great need of moral and inspirational leadership. We ask that our colleagues join us in commemorating these great men.

Mr. FAUNTROY. Mr. Speaker, Martin Luther King, Jr., was a dreamer of what many call an impossible dream. Hear him as he intoned those now immortal words before the likeness of Lincoln at the historic march on Washington: "I have a dream," said he, "that one day this Nation will rise up and live out the true meaning of its creed, 'we hold these truths to be self-evident that all men are created equal.' " That, say most of us, is an impossible dream.

"I have a dream," said he, "that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood." That, say most of us, is an impossible dream.

"I have a dream," said he, "that one day the State of Mississippi, a desert State sweltering with the heat of injustice and oppression, will be transformed into an oasis of freedom and justice." That, too, say we, is an impossible dream.

But Martin Luther King, Jr., was not content just to dream impossible dreams; he shall go down in history as the preeminent prophet of our age because he had a way of translating his impossible dreams into living realities. He came to Montgomery, Ala. in 1955 and began dreaming of a day when, after pushing pots and pans in white folks' kitchens all the week, black folks would not have to move to the back of the bus or get up to give a white man a seat if none was available. Impossible dream, said many. You cannot change the heart of Dixie. But Rosa Parks and 50,000 other black folks in Montgomery believed the dream, and they marched for 343 days, feet tired but souls resting, until one day, November 13, 1956, one tired soul could shout "Almighty God done spoke for Washington" saying the man's dream shall be a reality.

Martin Luther King, Jr. was a man who translated impossible dreams into living realities.

He dreamed an impossible dream in Birmingham. He dreamed of a day when black folks would no longer have to pack greasy bag lunches to travel across the South because free access to public accommodations was denied them. An impossible dream said most; you cannot change Bull Connor or Birmingham, Ala. Impossible. But look at the believers in the dream as they leave the 16th Street Baptist Church saying to Bull Connor like David told Goliath—"You come to me with a sword and shield but I have come in the name of God. In the name of God, we shall be free. Beat us with your billy clubs, but we will keep on marching. Knock us down with your fire hoses but we will keep on marching, bite us with your dogs or bomb our innocent children studying Jesus in church on Sunday but be it known, Bull Connor, we shall overcome."

And you know the story how they marched about the segregated city of Birmingham until the patter of their feet became the thunder of the marching men of Joshua and the world rocked beneath their tread. Rocked. Until this Congress of the United States had to stand up and declare to the world that the man's dream shall be a reality.

Martin Luther King, Jr., translated impossible dreams into living realities. In this day of radical rhetoric and shuckers and jivers.

Martin Luther King did not just talk that talk; he walked the walk.

At the time of his death, Martin Luther King was working on yet another impossible dream. He dreamed of a day when this Nation would do for its black and its poor what it has always been willing to do for its rich and its white—that is—make a public investment in them.

You know us in this country have a way of fostering socialism for the rich and capitalism for the poor. We say of the rich, they need help; we must subsidize them. But let's have laissez faire and capitalism for the poor. Leave them alone, let them make it the best way they can. That is right. When we make public investment in the poor we call it public welfare. But when we make public investment of your tax money in the rich and the white we call it something else.

When we gave land away a hundred years ago to disadvantaged white peasants from Europe, we did not call it public welfare, we called it a Homestead Act. When we give billions of dollars each year to oil-rich millionaires we do not call it public welfare, we call it oil depletion allowances.

When we give guaranteed minimum to farmers who receive Federal subsidy of $131,000 a year or more, we do not call it public welfare, we call it a land-bank program.

When we subsidize hundreds of thousands of homes for middle-class whites in the suburbs, we do not call it public housing, we call it FHA financed housing.

Martin Luther King understood this and began organizing all of the poor—the black, the white, the Mexican American, the Puerto Rican, the Indian—into a 20th century populist movement; a poor people's campaign.

This fact disturbed defenders of the status quo as never before. For by now they knew this man, Martin Luther King, Jr., to be no ordinary dreamer. He had a way of translating his dreams into living realities. And so like Joseph's brothers in the book of Genesis, they said:

Behold here cometh the dreamer, let us slay him. And, let us say that some wild beast hath destroyed him. And then, let us see what shall become of his dream.

After the radical rhetoricians have rapped a little, and after the shuckers and jivers have burned and looted a little—let us see what shall become of his dream.

That is the question that awaits an answer from those who revive the memory of Martin Luther King, Jr. today. Not "what would have happened had he lived?" For this is beyond our grasp. Not who shall be his successor; great men have no successors, only disciples. Not who was it that conspired to slay him; for there is no investigation that can bring him back to life. No, the only question on the agenda of black and white America today is "what shall become of his dream?"

That dream has undergone serious assault in recent years. The preoccupation of our leaders with a senseless and unjust war in Southeast Asia, our stubborn refusal to deal with the problems of the blacks and the poor of our Nation have fostered a dangerous polarization in this country. A polarization between black and whites, between the young and the old, between the affluent and the poor, between the city and the suburb. That polarization has robbed the once powerful forces of good will that Martin Luther King convened in the decade of the sixties. Divided, we have been conquered by the forces of reaction, racism, and war; conquered at the ballot box; conquered on the war on poverty, conquered in our efforts to reorder the disordered priorities of our Nation.

But I believe that we can overcome the polarization. I believe that we can make the man's dream a living reality. I believe we can if we sound again the call in his memory: Black and white together, we shall overcome. I believe we can if today we have the courage to sound in his memory the call to nation time; saying to blacks across this Nation that now is not the time for us simply to murder-mouth white people or put down so-called Negroes; now is not a time for pompous declarations of "I am blacker than thou" or for rhapsodies on the beauty of blackness. It is not a time for fantasizing instant revolution or for seeking our manhood through the barrel of a gun. But now is the time for us to master the arithmetic of power politics. Now is the time for us to marshal the vote power marching masses of militant and moderate blacks in the nearly 150 congressional districts where our votes can determine who wins an election. Now is the time for the forces of black respect to join hands with the white peace movement, women and the young, at the ballot box, that, together, we might seize the command posts of power and drive there from the forces of reaction, the perpetrators of war and destruction, the enemies of peace and progress.

That dream, the dream of Martin Luther King, Jr., can be made a living reality if dedicated men, brave men will make it so. I believe that we shall overcome, black and white together. Armed with that faith, Dr. King's faith, I believe that we can out-vote the forces of reaction at the ballot box. I believe that we can overcome in our efforts to reorder the disordered priorities in our Nation. I believe that together we shall overcome the perpetrators of racism and war.

Now I know there are those who are saying it cannot be done: that blacks are too bitter and white youth too turned off ever to get it together again. But so in fact did they tell us that we could not win in Montgomery, Birmingham, Selma or Memphis. But we did. And I say we shall overcome. If we do not overcome then God is not God, truth is a lie. If we do not overcome then right is wrong, and justice is injustice and good is evil. But we shall overcome. We shall overcome because truth is truth. We shall overcome because justice is justice. We shall overcome because God is God and right is right and right.

With that faith I go on now to work on the man's dream. I am going to work until our Nation's hungry are fed. I am going to work until its naked are clothed. I am going to work until its homeless are housed, until its jobless are employed and until its helpless are helped. I am going to work until this Nation beats its swords into plowshares and its spears into pruning hooks and studies war no more.

Inspired by the memory of Dr. Martin Luther King, Jr., I go on to "Dream the Impossible Dream."

Mr. BADILLO. Mr. Speaker, it is most appropriate that we take this time to pay tribute to the memory of two outstanding men who, in their own unique and individual styles, dedicated their lives to correcting gross racial, social and economic inequities. Both Adam Clayton Powell and Martin Luther King were courageous and effective spokesmen not only for the black community but also for other Americans who are disadvantaged, underprivileged and cruelly relegated to second-class status by the established majority of this country.

As chairman of the House Education and Labor Committee Adam Powell for 7 years bore much of the responsibility for effectively steering most of the great society legislation through the perilous channels of the Congress and in aiding the enactment of measures which provided some hope of equal economic opportunities for all citizens. Throughout his public career Adam Powell was an activist in the finest sense of that word and fought to correct inequities in housing, education, welfare, economic exploitation and various forms of discrimination.

With courage, dignity, a single-mindedness of purpose and deep faith, Martin Luther King struggled for almost his entire adult life to achieve equality and justice for all Americans—whether blacks in the South, Puerto Ricans in New York, poor whites in Appalachia or Chicanos in the West. Ignoring his own safety and well-being, Martin Luther King devoted himself to removing all vestiges of racism, discrimination and inequality wherever they might exist and, by enlisting all elements of American society, he sought to reorder and redirect this Nation's priorities to achieve that wonderful dream of which he so eloquently spoke.

Through broad legislative actions and a great moral crusade, Adam Powell and Martin Luther King were able to spark movements which led to significant progress for oppressed people throughout this country. A great deal more needs to be done, however, and we should rededicate ourselves to those principles which these two great American espoused and undertake further initiatives to resolve those problems and conflicts to which they addressed themselves. The important contributions to American society by those two men complemented each other and led to an increasing awareness of the basic ills which beset our land and mobilized forces to effectively grapple with them. We must not allow their efforts to have been made in vain and we must carry forward the important work they began.

Mr. METCALFE. Mr. Speaker, today marks the anniversary of the deaths of two of the most influential black Americans of this century—Dr. Martin Luther King, Jr. and Representative Adam Clayton Powell, Jr.

They were very different men yet, in their individual ways, both provided leadership and hope to black Americans throughout the civil rights movement of the 1950's and 1960's.

It has been 6 years now since Dr. Martin Luther King, Jr., was assassinated in Memphis.

After these years, a fitting remembrance should not be a eulogy recounting his deeds but a look at the legacy which he left us all.

More than these individual deeds, it is important to look at the sum of what Dr. King did. He left us with a direction, he articulated our goals, and, perhaps most important of all, he crystallized in a movement the ideas of millions of individual Americans.

Dr. King showed America the ugliness and the divisiveness of her racism but he also reminded her of the beauty of a society where people of all races and creeds could live together. He showed America her faults, but he also provided the poor and oppressed people of America with the hope and moral courage to rid America of racism and hate.

He showed black America that, as a united people, they could overcome. He showed white America that the struggle for freedom and equality was here to stay, that black men and women would not rest until they were treated with the dignity that all Americans deserved.

Dr. King was vilified, he was beaten, he spent countless days in Southern jails and, in the end, he was murdered. But until the hour of his death, he waged his nonviolent struggle against the forces of oppression in this country.

With his abiding faith in peace and brotherhood, with his great courage, and with his belief in America, Dr. King showed us the way to freedom.

Dr. Martin Luther King, Jr. gave oppressed people in America the will to struggle for equality; and he gave all Amercia his dream of peace and brotherhood, a dream which is the foundation for my own efforts to right the wrongs of our society and a dream which should still be a guide by which all of us can live.

Adam Clayton Powell was a man of the urban North. He was a product of the streets of New York and never forgot his origins, even after he rose to great power in this House. Representative Powell said what he felt—always. He never hedged, he never equivocated, he never compromised on an issue which he felt was important. His outspokenness, his frankness, and his flamboyance made him many enemies but it also earned him the gratitude of millions of black Americans who for many years had virtually no other spokesman.

He was only the fourth black man to serve in the Congress since Reconstruction and when he was elected to the chairmanship of the Education and Labor Committee in 1961, he became the first black to achieve that honor. Along with the man I had the privilege of succeeding, the late William Dawson, Adam Clayton Powell for many years faced the awesome task of being one of only two black men in the Congress to represent his people's needs.

Representative Powell was, of course, responsible for much legislation during his 25 years as a Member of this House. The list of legislation which he guided through Congress is incredible: increasing the minimum wage, equal rights in employment for women, vocational training, The Economic Opportunities Act, establishing the Administration of the Aging. But Adam Clayton Powell will not only be remembered for this legislation, or for what he said in his more flamboyant moments; he will be remembered for what he was.

Adam Clayton Powell was proud. He was proud of being outspoken when the safe thing to do was to "go along to get along." He was proud of his ability to communicate with his constituents in Harlem. Most of all he was proud of being black, at a time when Congress was a very lonely place for black people. It was for his pride, and his strength, that he became a hero to black people all over America who were just beginning to feel their own collective pride.

It is for this that we should remember Adam Clayton Powell, Jr.

Mr. MITCHELL of Maryland. Mr. Speaker, I appreciate the actions of my fellow Congressional Black Caucus Member CHARLES RANGEL in obtaining this special order today so that we may commemorate the contributions of two great Americans, Martin Luther King, Jr. and Adam Clayton Powell, Jr. Beginning in the late fifties these two men brought together the creed of nonviolence and the cause of social justice to effect an outstanding turning point in the history of a people and a country. In moving social forces and human beings, Martin King and Adam Powell put before the world the cause and struggle of Black Americans for full equality in American society.

Dr. King has been gone now for 6 years, and Congressman Powell for 2. It has been 8 years since Selma and the voting rights struggle, and 14 years since Adam Powell took over the chairmanship of the House Education and Labor Committee. Their many accomplishments as our "inside" and "outside" men are well documented. Dr. King's use of civil disobedience and nonviolence from Montgomery to Memphis brought social justice and civil rights before the American legislative branch. Congressman Powell's mastery of the legislative process translated Dr. King's actions into 48 pieces of major legislation that committed a total outlay of more than $14 billion by the Federal Government to provide equality of economic opportunity for all Americans.

But politicians across the country know that their work has meant much more. Since 1965, we have seen the number of black elected officials rise from less than a hundred in the South to more than 1,444. The voter education project reports that the net gain of 271 in 1972 was the largest in any year since Reconstruction. What this means is that power has begun to change hands in the South. Blacks who now control the county commission and board of education in Greene County, Ala., decide on the distribution of $40 to $50 million a year for health, education and other services—and that is power.

In Atlanta, where voters have just elected a black mayor, black voters made it possible to pass a multibillion dollar mass transit system—but not until the black community won guarantees of decisionmaking powers over contracts, subcontractors, jobs, and routing, and negotiated a reduction of the fare from 40 to 15 cents. In Dayton, Ohio, the black community organized their community and political strength to obtain control of a cable communications franchise. As a result of the energies of Congressman Powell and Dr. King, black mayors and other locally elected officials, while by no means the rule, are most definitely no longer the exception.

I think that these examples which are repeated more than a hundredfold every day in Amercia would have made Martin King and Adam Powell proud. They would have been proud because they worked so long for the emergence of black political power as an effective instrument of nonviolent social change.

The genuine impact of these two great Americans was to insure that in this day and time, America is to be forever conscious of utilizing all of its human resources whether that resource is red, brown, black, yellow, white or otherwise. In these trying days of international realignment and tension, that can only be good for America.

I know that most of my black colleagues in the House and Senate attribute a great deal of their political success to the work done by Martin Luther King and Adam Clayton Powell. Because of these fine men the American Government is much more responsive to all of its citizens.

It is because of my deep and lasting appreciation for the work of these great men that I join in this special order today, fully recognizing that it only in a small way honors two men whose lives to millions of Americans has meant an awareness of their rights, and a true belief in their citizenship.

Mr. DENT. Mr. Speaker, I join my colleagues on this, the anniversary of the deaths of the Honorable and Rev. Martin Luther King, Jr. and our former colleague, Adam Clayton Powell, Jr.

I deem it a distinct personal privilege to be permitted to express my regard and admiration for the life and times of that great spiritual, political and humane leader of a great endeavor for human dignity, the Reverend Dr. Martin Luther King, Jr. His achievements and sacrifices will long be remembered in the hearts and songs of our people. All of us are better off for having lived in his time, as he passed through on his way to greater glory. I leave to the orators and historians the cataloging of his achievements and aspirations.

I express my own personal gratitude for the leadership that Adam Clayton Powell, Jr. gave to all people. We served together on the Education and Labor Committee, which he chaired. Whatever else may be said, too little has been said about his accomplishments in social and economic fields.

As chairman of the Education and Labor Committee, in the span of 7 years he placed on the statutes such landmark legislation as meaningful aid to education, making a reality out of a promise long held for Americans—an opportunity for every mother's child to attain that level of education he hoped for.

It was a personal privilege for me to work with Chairman Powell and Jimmy Roosevelt on the first major breakthrough on minimum wage legislation in

1961. I remember well when we three made a decision to block the passage of an inequitable and fraudulent conference proposal on the Fair Labor Standards Act.

We took a calculated legislative and political risk, gambling that a Democratic President would be elected who would put his support behind a meaningful new bill that would cover millions of Americans with the umbrella of the minimum wage, maximum hour law. Adam was like that. I remember when we sat in the office and realized that if we accepted the inadequate provisions of the conference proposal, it would be years before we could bring another bill to the floor to undo the damage contained in that proposal.

Adam said, and I report it from memory:

It has taken so long to bring some measure of economic justice to those who are the lowest paid workers in our society, we can afford to wait another year or so, if in so doing we can make a meaningful contribution to these unorganized, unrepresented, voiceless multitudes of workers, who have only the Congress of the United States to look to for relief in their struggle for a decent wage and a decent way of life.

How prophetic his words proved to be. A year later, with the inauguration of President John F. Kennedy, a Democratic Congress and Senate passed the first real minimum wage law that covered millions of workers, extending the protective arm of the Fair Labor Standards Act to millions of poverty-level workers. I am sure that Adam would have applauded the recent action of this House in continuing the ongoing fight to improve the Fair Labor Standards Act.

I could continue with the Juvenile Delinquency Act, the Vocational Education Act, the Economic Opportunities Act, all of which filled a need when action was imperative. History alone can record the legislative accomplishments of the Committee on Education and Labor under his leadership.

Mr. CLAY. Mr. Speaker, as we look back in retrospect on the life and death of Dr. Martin Luther King, I am sure even his most bitter enemies will readily admit the impact his activities had on the course of American history. For good or bad, depending on one's point of view, that impact was more profound than any other during the turbulent years of the fifties and sixties.

Dr. King, the little giant, in his travels from Montgomery to Memphis carved out a chapter in history that rivals those of other freedom fighters such as Thomas Jefferson and Thomas Payne. His accomplishments were of revolutionary dimension embodying all the frontier fervor in his lust for freedom.

The man who lived his life, and gave his life, to unify mankind in the brotherhood of love can be aptly described in contradictory terms. The man of unity can be praised for his great ability to divide men on the question of morality. Dr. King did what few before him or few since have been able to do. He divided America into two groups—those who loved and those who hated. He sought out, encouraged, and organized those who loved freedom, justice, and their country. And, he identified, challenged, and confronted those who hated equality of the races and justice for all.

Martin's great crusade, launched in Montgomery and terminated in Memphis, was to cleanse the soul of a nation. The modern day "Prince of Peace" sacrificed his life so that his fellow man might live in a country void of hatred and prejudice. Until Martin Luther King arrived on the scene, there was little hope that blacks and other minorities would achieve racial equality or that poor whites would enjoy economic and political justice.

Dr. King made white Americans feel a sense of guilt for the racial atrocities and injustices heaped upon 20 million citizens. Until Dr. King's campaign for justice, whites generally refused to become personally involved or personally responsible for the murderous, inhumane acts of their fellow citizens. Martin pricked the conscience of this Nation. He shocked white America from its smug, lethargic, aristocratic, Christian hypocrisy. And many men of good will came forward to side with right.

To divide was Dr. King's greatest asset. He transformed the comfortable into the concerned. He brought the masses off the fence and forced them to take sides in the struggle for black manhood. Those who had pretended that all was well and blacks were happy, were suddenly and dramatically confronted with the problem. Major traffic arteries which had casually taken suburbanites past the misery and suffering of the ghetto, overnight became symbols for protest with the blocking of traffic. Prestigious restaurants and theaters suddenly became the battlegrounds for civil rights armies. Voting booths and lily-white neighborhoods quickly became the targets of unrelenting attack by those committed to make the Declaration of Independence and the Bill of Rights blueprints for perfection.

Martin Luther King redefined the word "racist." No longer could sanctimonious, pious religious leaders, business executives or government officials describe the culprits as stringy-haired, back-wooded, ignorant southerners who were determined to maintain the antebellum status quo. Martin moved the Mason-Dixon line to the southern border of Canada and expanded the membership of the Ku Klux Klan to include organized labor, the chamber of commerce, the Christian community, and the Federal Government.

Martin the great divider solidified his people, he defined the common goal and advanced the common mechanism for achieving that goal—nonviolent, passive resistance. Although Martin Luther King lived but a few years and left a nation battle worn and torn with strife, his deeds will live for generations to come.

Mr. DRINAN. Mr. Speaker—

Injustice anywhere is a threat to justice everywhere. ("Letter From Birmingham Jail," as printed in Why We Can't Wait (1964).)

In 1955, Rosa Parks boarded a bus in Montgomery, Ala., and set in motion a chain of events that have had the most profound effect on the course of history. When she took a seat in the front of the bus, Mrs. Parks was told to move to the rear because she was black. She refused and was arrested.

A young minister, outraged at the affront to Mrs. Parks and to human dignity, helped organize a bus boycott and was chosen to lead it. After several months of protest, city officials capitulated, and desegregated the buses. In the succeeding days, that Montgomery minister moved to form a permanent organization to seek equal rights for all Americans. For his work in advancing the cause of equality, he was awarded the Nobel Peace Prize. That man was Martin Luther King, Jr.

Six years ago, Dr. King was killed by an assassin's bullet, struck down as he sought once again to confront the problems of racial and economic injustice. We speak here today to commemorate his unswerving dedication to the task of removing all barriers to equality. On this day, Congressman BINGHAM is introducing a bill which would place a statue of Dr. King in the halls of Congress, the first black man to be so honored. I am privileged to cosponsor that measure and urge immediate passage. It will serve as a constant reminder to each American of his work and ideals which will surely live long after his death. It is well to recall those contributions.

The greatness of Dr. King's leadership lay in his total commitment to nonviolent, civil disobedience as an instrument for change. He firmly believed that social injustice and racial discrimination would only be rooted out of America by confronting the powerful with the moral strength of the powerless:

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. ("Letter From Birmingham Jail," as printed in Why We Can't Wait (1964).)

Like the great figures who had gone before him—Antigone, Thoreau, and Gandhi—Dr. King preached the gentle truth that the moral principles of equality must be placed above the immoral premises of segregation, even though they be embodied in law.

Civil disobedience, in his mind, was not the crass pursuit of selfish means for the achievement of selfish ends. To the contrary, it represented the highest expression of self-denial by submitting to temporal punishment to remove the chains of bondage. We must never forget that it was Martin Luther King who wrote to us from the Birmingham jail:

I submit that an individual who breaks a law that conscience tells him is *unjust, and* who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law. ("Letter From Birmingham Jail," as printed in *Why We Can't Wait* (1964).)

It is perfectly plain that Dr. King, in placing the civil rights movement on the firmest moral foundation, laid the cornerstone for the antiwar activities which grew out of that struggle. After all, it was he who perceived the relationship between the war in Vietnam and the battle for equality at home. It was he who protested the waste of resources in Southeast Asia when they should have been employed to remove racism and poverty

in America. And it was he who called for a reallocation of goods and services from a war-oriented economy to a peace-oriented society. Although he was criticized for these views in his time, history has surely vindicated him even in this brief span of years.

For these accomplishments, Americans owe to Dr. King an eternal debt of gratitude. On this solemn occasion, we must pledge anew an unalterable commitment to the goals he so fervently sought. Until all of us have been freed from the ancient bonds of racial prejudice and economic oppression, none of us is free. Let us strive to remove the last badges of slavery "until all the wealth piled by the bondsman's 250 years of unrequited toil shall be sunk," so that each of us may say:

Free at last,
Free at last;
Thank God Almighty
I'm free at last.

Mr. PODELL. Mr. Speaker, this is an appropriate occasion to remember two men whose works more than any others are a symbol of the middle years of this century. With an all-abiding faith in America and its people, they dedicated their lives to those who desperately needed assistance in a less than perfect world. It was a noble idea, and a noble effort, and it succeeded beyond anyone's expectations.

Martin Luther King, Jr., and the Honorable Adam Clayton Powell, Jr., will be remembered by their accomplishments long after the turmoil of their times has dimmed in our memory.

Reverend King was an ordinary man who answered a call to greatness. With total commitment to the simple ideal that all Americans have equal legal and moral rights, he mobilized masses of the poor and the deprived to work and lobby peacefully for the benefits and rewards that was their birthright. Nonviolence was his faith, and every thread of his moral fiber.

From the beginning, he was subjected to brutality and vilification. Violence stalked this man and his followers in their peaceful crusade for simple justice. He moved through a land where fear obscured the American dream. With patience, sympathy, and inspired leadership, he weaned the fearful, indeed the Nation, from the error of its ways. He had convictions, and the courage to stand openly for them. He stood for what America stood for. His dream was the American dream. And the dream is being realized.

The world was watching. Long before he fell to the violent end that was marked for him, he was awarded the Nobel Prize for Peace in acknowledgment of his accomplishments. Early in the first session of the 93d Congress, some 25 Members representing a broad cross section of American life, including myself, introduced H.R. 2267, making January 15 of each year, Martin Luther King's birthday, a national holiday. I encourage my colleagues to move that legislation at this time.

Our late colleague, Adam Clayton Powell, Jr., labored in the Halls of Congress much the same as Reverend King labored in the streets. He had a relentless commitment to improve the economic and social conditions of all Americans. He was an implacable foe of historical racism, economic exploitation, and discrimination.

During his years as chairman of the Education and Labor Committee of the House he used his considerable skills to pass some 48 major pieces of legislation that are the very foundation of our commitment to the social and economic improvement of all Americans.

The work of each of these men complemented the other. They worked in different ways, but toward the same end. This land is a better place because they passed this way.

Mr. NIX. Mr. Speaker, it gives me great pleasure to join with my friend, the gentleman from New York (Mr. RANGEL) in paying tribute to two great Americans.

It is one of history's ironies that Dr. Martin Luther King and former Representative Adam Clayton Powell died on the same day, April 4, 4 years apart. In many ways these two men were very different. Yet in his own way, each played a major role in a great historical drama. Each fought, in his own way, to make our Nation truly a land of liberty and justice for all. Each contributed to battering down the old barriers of racial discrimination that hemmed in black Americans for generations. Each was a dynamic and vibrant personality who left a personal stamp on the history of our times that will not easily fade.

It is 6 years now since Dr. Martin Luther King was cruelly taken from us by the assassin's bullet. The tragedy of his death is still with us. It shocks us even now to recall how this man who preached love and brotherhood and nonviolence was the victim of senseless brutality.

Martin Luther King was the leader of a great crusade for justice. He loved this country and he believed in its capacity to overcome the injustices of the past. He believed that the moral force of his cause could sway the hearts of Americans, both black and white.

This Nation has come a long way in the 11 years since Dr. King told of his dream of a new day of brotherhood and justice. We cannot say that his dream has become a reality, for injustice and inhumanity remain. But we cannot doubt that the spiritual force of Martin Luther King has led an entire generation of Americans to reassess and to reaffirm the need for liberty and justice for all citizens in this country. Though Dr. King is no longer with us, his legacy to us will never die.

Adam Clayton Powell was another unique man who made his own unique contribution to the cause of advancing justice and equal opportunity. As a man, Powell seemed larger than life. He was always attended by controversy and publicity and he seemed to thrive on it.

I think it is unfortunate that this man was known to the public mostly because of his flamboyant lifestyle. Observers have often overlooked his great achievements during his 26 years in Congress. His greatest effectiveness came when he assumed the chairmanship of the Committee on Education and Labor. Adam Clayton Powell was chairman of that committee during the great days of the New Frontier and the Great Society.

He guided into law many landmark bills on education, labor, and economic opportunity that were long overdue on our national agenda.

President Johnson thanked Powell for helping to enact 50 major bills of the Kennedy-Johnson program. His legislative record during those years is nearly unbeatable. During his chairmanship the Congress passed the Elementary and Secondary Education Act, the Economic Opportunity Act, manpower training legislation, minimum wage laws, other important education bills, and many others.

Adam Clayton Powell was a man of life and vigor. He was a fighter, and he won many battles for the poor and the disadvantaged and the discouraged. He was fiercely independent. He was a giant of a man in many ways, and I suspect we may never see his like again.

I should make one final comment concerning Adam Clayton Powell. My position on the controversy over his seat in Congress is well-known. In my remarks on the floor in July of 1967, I said:

I, therefore, remind my colleagues that the shouting and tumult have subsided; the unfortunate trauma induced by intemperate and, more often than not, suggestive reporting of Mr. Powell's activities has lost its distortions. The American people have had time to think, to soberly evaluate, to permit reason to assume the throne, and I am sure that out of this moment of balanced judgment, the people of this country will say to the Congress that the Powell case must be reconsidered, that Member-elect Powell did not receive the fair and impartial trial guaranteed to every American citizen, that the Congress of the United States is honorbound to admit its error, and to correct its wrong.

I repeat these words to point out that while the tumult has even yet not completely subsided, I remain convinced that the restoration of the place of Adam Clayton Powell in the history of this House is inevitable.

Mr. ADDABBO. Mr. Speaker, we mark this date of April 4 as one in which we pay tribute to the memories of two great Americans who died on this day the years 1968 and 1972. The Reverend Doctor Martin Luther King, Jr., Nobel Peace Prize winner and leader of the underprivileged, was the victim of a senseless assassination in 1968. While our former colleague and distinguished chairman of the House Education and Labor Committee, the Honorable Adam Clayton Powell, Jr., passed away in 1972.

These two men were in the main charismatic leaders and able to achieve goals for meaningful reforms. They were more than civil rights leaders for they truly represented the conscience of America in their fight against oppression.

The Reverend Doctor King led the battle in the heartland of the Nation as head of the Southern Christian Leadership Conference. His moral guidance kept us on the road toward strengthening our democratic system at a time when some others thought reform could be achieved only by destruction of our

system. Dr. King's faith in America, his belief in the American dream, and his endless courage will be remembered forever.

Adam Clayton Powell fought his battles in this Chamber where his creative, imaginative leadership won him great victories. The list of historic legislation which Congressman Powell shepherded through the House of Representatives reads like a worker's bill of rights.

Minimum Wage, Manpower Training, Vocational Education, and the Economic Opportunity Act are but a few of these landmarks bearing Adam Clayton Powell's mark.

April 4 is a day when we remember these two great Americans and it is a day for paying tribute to their contributions to the preservation of our society.

Mr. YOUNG of Georgia. Mr. Speaker, April the 4th will forever remain a tragic date in American history. Six years ago today, the voice of Dr. Martin Luther King, Jr., was stilled. But his teachings will never be silenced, and his work for nonviolent social change and human justice will continue for generations, until his dream is completely fulfilled.

Year after year, month after month, there has been a massive outpouring of tributes to Dr. King. M. Carl Holman, president of the National Urban Coalition delivered a particularly stirring tribute on March 22 at the dedication dinner for the University of Notre Dame's Center for Civil Rights. I submit the text of Mr. Holman's address for the RECORD:

A TRIBUTE TO DR. MARTIN LUTHER KING

(By M. Carl Holman)

They called him Dr. King, Martin Luther King, Jr., Martin King, Martin, M.L., the Lawd—first lovingly by the young of the student movement, then flawed with ironic sadness. . . .

For some of the many here who knew Martin Luther King, it must seem almost another age since the time when he was alive, and smiling and walking among us; making us believe in the reality of the human brotherhood he envisioned through the kindling power of his presence and of that voice which was like no other.

For some who were there, it may seem not six years or more, but only yesterday since they were living through the fear or exaltation, fatigue or frustration of Montgomery, Albany, Selma, Canton, Cicero, Memphis. And it is still hard to understand that neither the color prints nor high-fidelity electronic recordings can make a child born after August 28, 1963 understand what that day was like, what the March on Washington meant, what it seemed to promise.

And it was only last week that a very young man said of another assembly, "I can understand why they went to Gary last year—because Dick Hatcher, a Black man, is mayor there. But why Little Rock?" In a country which never much cared for history, it is a very perishable commodity indeed.

But assuredly Martin Luther King made history. Most of the tired, often specious arguments over legal or legislative *versus* direct action approaches no longer interest us. The lawyers and the courts, the legislators and presidents, the incredibly courageous young rebels of SNCC, along with NAACP, CORE, the Urban League—all played their part. The churches, and synagogues, unions and women's groups, for a time made "white and black together" more than a wishful phrase. The laws went on the books. Some doors long sealed shut reluctantly swung open. It was possible finally to have Black voters in numbers that could not be ignored—and thus possible to have Black Mayors and state legislators and enough Blacks in the Congress to form a caucus.

No small part of all this must be credited, both by disciples and detractors, to Martin Luther King—visionary, sometime pragmatist, peace-breaker, peace-maker.

Peace-breaker . . . so much so that he was feared as an "outside agitator" after he and Rosa Parks and Ralph Abernathy and the other nameless townspeople of Montgomery had upset the peace of that town and won their bus boycott battle. There were even those in his native Atlanta who doubted it was wise for us to have young Martin King come home to give the NAACP's Emancipation Day Address. Atlanta being then "a city too busy to hate"—and rather smugly complacent about it. Sure enough, Martin was barely off the train before he frowned in the direction of the "White-only" waiting room and quietly asked the welcoming delegation, "When are we going to do something about that?" Some very awkward moments followed, everyone being sure that Jim-Crow signs in perhaps the proudest city in the South was a problem all right—but surely somebody else's problem.

Later, Martin was out of step again when everyone else, including some of his own SCLC board members, had the good sense to see that silence on Viet Nam was the best policy. After all, What was happening to Brown people in Indo-China—and, in the process, to our own country—had nothing at all to do with civil rights, nothing at all to do with poverty, nothing to do with human justice. Martin disagreed. Even in the name of peace, he seemed congenitally unable to hold his peace.

It was bad enough to rebuke Southern White moderates in his "Letter from a Birmingham Jail". Nor did he always interpret the scripture as others did when it came to rendering unto Caesar and unto God. When a president summoned leaders to a convocation at the White House one Sabbath Day, it was Martin who failed to attend. He explained that he was Co-Pastor with his father of Ebenezer Baptist and that the Sunday in question happened to be Martin's turn to preach. Those who know Daddy King might have an additional understanding of where true wisdom lay when the choice was between staying in the good graces of a president, or Martin Luther King, Sr.

As a peace-maker, Martin was a practitioner of the non-violence he preached, even under the most trying circumstances. He inspired and held together in creative harmony a collection of highly individualistic lieutenants: Ralph Abernathy, Fred Shuttlesworth, Wyatt Walker, Jim Bevel, Hosea Williams, Andy Young. Yoking these talents and temperaments in one units is in itself qualification enough for the Nobel Prize. I recall a jam-packed church one night, seething with outrage over an agreement with White leadership which many Blacks considered a betrayal. It was Martin who took the floor when all else had failed. He prevented the Black community from tearing itself apart that night, and showed the way to a resumption of the struggle and, eventually, to a much more genuine and just conclusion.

Even at the height of his fame, some people were embarrassed by, skeptical of, Martin's reliance on those old-timey, churchy, wooden-bench notions which seemed out of place in a plasticized modern world: justice, righteousness, redemptive love, brotherhood.

But scab-infested children in the muddy yards of Mississippi towns seemed to understand him. When Sterling Brown writes of grown Black men whose eyes could not meet those of Whites, it may fall strangely on the ears of young people reared on Malcolm, Fanon, Baraka, Nikki Giovanni, Don Lee. But Martin was up and down this country for quite a while, getting people up off stoops and into the streets and dusty roads with their heads up and eyes straight ahead. He was telling poor people—Black, White, Brown, Red—to throw off the shackles of "nobodiness" and to recognize themselves as *somebody*.

For perhaps more than anything else, Martin's true gift lay in the power he had, at his best, to invest people of all ages, classes and colors with a liberating sense of their own significant humanity. So that even in a crowd, each could feel uniquely a person. So that fearing hurt and death, knowing from what had happened to their comrades that enemies can hate enough to kill, many of them still—as he did—took risks and managed somehow to master their fear.

"I have been to the mountaintop", Martin said on a spring evening in Memphis six years ago. Few of us can climb that mountaintop from which he gazed. Fewer still find it possible even to imagine—much less *see*—through the murkiness of these days of deceit and greedy indifference—the promised land which he envisioned.

Last week, in San Francisco, the former leader of the Philippine insurgent movement said that he had come to visit America. He wanted us to be sure which America he meant. "The America", he said, "of Abraham Lincoln, Franklin Roosevelt—and Martin Luther King, Jr."

It is perhaps not too hard to see what this Brown man, the former guerilla general, might see as linking himself and Martin King—a shared history of imprisonment, harassment, the passionate drive to liberate a people. But it might seem strange to his questioners that a revolutionary, who sought freedom through violence, should so admire Martin King, the prophet of non-violent revolution. As strange as the irony of thousands of urban Blacks who had never marched in his campaigns, burning cities in response to Martin's assassination.

Perhaps the visitor from the Philippines already knows that Martin's America has only rarely existed in actuality. But if we are to find our way back again to the painful task of making such a land, it will be because we are called to judgment not so much by Martin's memory, his spirit . . . but rather because we are called by the children dying needlessly still in rural and urban ghettos; by the old who cannot piece out their days in dignity; by the men and women bereft of any real chance of having the jobs, the homes they need, the freedom to move without fear among the strangers who are their neighbors—denied the very essence of manhood and womanhood.

It is *these* who call us, whether or not we choose to hear. Martin chose to hear—to enroll, as he said, as a drum major in the cause which chose him, and which he chose. The power, the passion, the fidelity this one mortal man gave to that choice is the living legacy left to those who will use it by Martin Luther King, Jr., born a citizen of Atlanta, Georgia. Died citizen extraordinary of the South . . . America . . . the world . . . of the other world—on this fragile planet earth—which is yet to come.

THE OCTOBER MILITARY ALERT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, last October when President Nixon called a worldwide military alert many serious commentators, both in and out of government, expressed doubts about whether the alert was warranted. Many felt there never

was a crisis in the first place. There are others who believed that while there was probably some cause for U.S. alarm—the intimation, at least, of Soviet entry into the Middle East war—that Mr. Nixon, in his need for a personal triumph, made it sound much worse than it really was. You will recall that at a press conference shortly after the alert, Nixon called what had happened our most serious confrontation with the Soviet Union since the Cuban missile crisis. There is considerable evidence that this was not so. Whether the confrontation with the Soviet Union was a real one, or a limited one or just plain phony, is still not resolved.

We cannot easily dispose of the thoughts and questions that the events of last October bring to mind: If the action taken by Mr. Nixon last fall is suspect, what can we expect if and when he is actually facing an impeachment trial in the Senate? What happens then if Mr. Nixon decides to play impeachment politics with our national security and creates an international crisis in order to rally public support for himself?

Unfortunately, the questions do not stop there. A fake crisis is bad enough, but there is something worse—and that is a real one. What happens during an impeachment trial if we really do have a confrontation with the Soviet Union, and when Mr. Nixon announces it to the Nation everyone thinks he is just playing politics? If this happens, there would clearly be a temptation for the other side to raise the stakes, perhaps even to the point of creating a genuine nuclear showdown. Mr. Nixon's lack of credibility, dismally low even now, could have disastrous consequences for the Nation during an impeachment trial. It is clear that there are serious problems we must face up to before they are upon us.

With each passing day it becomes more and more likely that the House will approve an impeachment resolution. At that point, after impeachment but before a vote for conviction or acquittal in the Senate, our country will enter a particularly sensitive period, a sort of "twilight zone," which is particularly dangerous. It is nothing we can avoid; all we can do is be ready if it comes. As Members of Congress, it is our duty to do what we can to protect against any of the dangers that may arise.

Let us suppose that the House has returned a bil of impeachment against Richard Nixon and the Senate has not yet reached its verdict. How can Congress and the American people be sure that when the President says we are facing an international crisis he is telling us nothing less than the truth? More importantly, how can we avoid underestimating the seriousness of a crisis because of Mr. Nixon's inevitable lack of public credibility during his Senate trial?

One possible solution is contained in the concurrent resolution that I am offering today. This resolution would require frequent and regular briefings on the international situation by the Secretary of Defense, Secretary of State, and Director of the Central Intelligence Agency for the ranking Members of both Houses of Congress. If congressional leaders are kept informed almost daily of developing political and military problems around the world, it is, first of all, unlikely that the President would be able to create or exaggerate an international crisis for his own benefit. It is also true that no leader of Congress, if he has the full story and is confident that his information is reliable, would allow the Nation to misjudge or underestimate a true international emergency. This resolution is designed to insure that during the difficult times ahead, if an emergency is declared the people of the country will have some assurance that it is genuine.

It is not difficult to imagine some of the objections that will be thrown up against this resolution. It will be accused of stripping the President of his power to act, even before he has been found guilty. We will no doubt be reminded that in this country a man is considered innocent until proven guilty. This is all very true—but it is not the issue. Under the resolution that I am offering today, the President, and only the President, would still be empowered to act in a military or political crisis. Congress is asking only to be kept fully informed—before, not after—of the events that might lead up to any such decision. It in no way presumes guilt; it merely recognizes the realities of the situation. It is a practical measure.

It is hard to imagine, in fact, how the President himself might object. If he does not intend to create international political crises for his political advantage, he will have nothing to hide and no reason not to keep congressional leaders fully informed. On the other hand, recognizing as he must the skepticism with which any declaration of a national emergency during his trial would be greeted by a large part of the American public, he can only welcome the chance for additional support. Congress would not be asking to share power, just information.

My first resolution addresses the possibility that an international crisis might be used for political advantage, either by the indicted President or by a foreign power. International negotiations are also subject to these influences. The temptation for any indicted President to sign dramatic international agreements to bolster his popularity and thereby, perhaps, enhance his chances of acquittal is only too obvious. As Mr. St. Clair pleads the President's case before the Senate, one can only imagine the pressures on Mr. Nixon to conclude, for example, a Strategic Arms Limitation Treaty with the Soviet Union. Such a feat would guarantee several weeks of favorable publicity for the President, not to mention the extravagant praise of his statesmanship by Russian leaders. The only problem is that the Russians, aware of the President's problems here at home, may have negotiated an agreement more favorable to them than to us. It is not inconceivable that under the stress of the impeachment proceedings, the President, through desperation to get an agreement, might bargain away more than he should.

But even if a SALT agreement concluded during the trial were the best one imaginable for our country, there are many in the country who might not believe it. It is not hard to imagine how easy it would be for those who are opposed to any arms limitation agreement to undermine public confidence in one negotiated under condition like this. There is no way the President could defend himself against charges of having "sold us down the river."

Either way, it is clear that the twilight zone during the trial in the Senate is no time for the chief executive to make or sign international agreements that will affect Americans for decades to come. Therefore, I am offering a second concurrent resolution today which makes it the sense of the Congress that no treaty or executive agreement, formal or informal, shall be concluded by the President during the trial in the Senate.

Once again, in answer to the anticipated objections, I am not proposing to strip the President of his powers. I am simply asking him to wait to make any momentous international agreements until his case has been disposed of. I am asking for a moratorium on Executive agreements as well as treaties. Of course, there is nothing in the resolution that would cause us to curtail negotiations during this period, just their formal conclusion.

It is important to remember that Mr. Nixon himself established a precedent for such a moratorium on diplomatic activities. Immediately after the 1968 election president-elect Nixon asked President Johnson not to hold any summit meetings or sign any treaties for the remainder of his term in office. Mr. Nixon, was, of course, correct in making this request. The temptation on the outgoing President to give too much away to sign a historymaking treaty were considerable—and they are exactly the same as those Mr. Nixon is now facing. So are the likely charges of a sell-out.

The first two resolutions are intended to protect the security of our country during the difficult and delicate constitutional process of an impeachment trial. The third resolution I am offering today seeks to safeguard the impeachment process itself.

Time and public opinion could become crucial during the trial by the Senate. Depending upon his political or legal situation at any given time, Mr. Nixon may wish to rush or delay the impeachment process. In his dealings thus far with the House Judiciary Committee simultaneously pushing for a quick decision while withholding evidence requested by the committee, Mr. Nixon has given notice that he is not unaware of this opportunity. The suspension of the Watergate hearings last summer for Mr. Brezhnev's visit could be a preview of the way international politics may impinge on the investigation.

It does not take much imagination to sketch out a scenario in which Mr. Nixon, with an announcement that a generation of peace is at hand, might jet off to Moscow or Peking in the middle of his trial, or on the same pretext, might invite another head of state to Washington. Since Congress might understandably be reluctant to damage the prestige of the coun-

try by conducting a trial of the head of state while that head of state is acting abroad in an official capacity, such tactics might succeed in delaying the impeachment trial and making it more difficult for the Senate to discharge its constitutional responsibility.

Therefore the third resolution I am introducing today would make it the sense of the Congress that the President shall not make state visits to other countries during the period of his trial by the Senate. Of course, if the President decides it is in his best interest, he is perfectly free to travel anywhere in the world he wants, but not on official state business. The resolution would also make it the sense of Congress that no foreign head of state make an official visit to the United States during this period.

Once again, we are not asking the President never to make state visits, just to delay them until the trial is over. Specifically he should put off his planned state visit to the Soviet Union if it falls during the Senate trial. It is a common practice to postpone state visits—Mr. Nixon recently postponed a trip to Europe—and it seems a small thing to ask at this time.

The purpose of these three concurrent resolutions is to begin to define the role of the President and Congress during the twilight zone between the time the House of Representatives votes a bill of impeachment and the final disposition of those charges by the Senate. If we are faced with an international crisis during the impeachment trial we have to know if it is a real one. Far-reaching agreements between the United States and other countries cannot be allowed to be subject to the vicissitudes of impeachment. And the hoopla of state visits cannot be allowed to interfere with the orderly process of the impeachment proceedings.

We cannot doubt that there is at least the possibility that international politics will become impeachment politics—and it is clear the dangers that this could hold for all of us. Congress has the utmost moral responsibility to protect our national interest against either a Chief Executive who might be tempted to compromise them to save his own skin or a foreign power that might be tempted to exploit the situation.

The texts of the resolutions follow:

CONCURRENT RESOLUTION

Concurrent resolution expressing the sense of Congress concerning how it should receive foreign policy information during the period from the impeachment of the President by the House of Representatives until the Senate votes on such impeachment.

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that during the period from the impeachment of the President by the House of Representatives through the vote on such impeachment by the Senate, the Secretary of Defense, the Secretary of State, and the Director of the Central Intelligence Agency (either together or separately) should each give a briefing every other working day to the following group: the Vice President, the Speaker of the House of Representatives, and the Majority and Minority Leaders and the Majority and Minority Whips of the House of Representatives and the Senate. The Secretary of Defense shall brief such group on the status of the United States defense; the Secretary of State shall brief such group on the status of the United States foreign policy; and the Director of the Central Intelligence Agency shall brief such group on the status of United States foreign intelligence information.

CONCURRENT RESOLUTION

Concurrent resolution expressing the sense of Congress concerning the President not signing any agreement with a foreign country or international organization during the period from his impeachment by the House of Representatives until the Senate votes on such impeachment

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that during the period from the impeachment of the President by the House of Representatives through the vote on such impeachment by the Senate, the President should not sign any treaty, executive agreement, or any other agreement with any foreign country or international organization.

CONCURRENT RESOLUTION

Concurrent resolution expressing the sense of Congress concerning the President not traveling abroad on government business during the period from his impeachment by the House of Representatives until the Senate votes on such impeachment, and concerning a foreign head of state not making an official visit to the United States during such period

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that during the period from the impeachment of the President by the House of Representatives through the vote on such impeachment by the Senate—

(1) the President should not travel abroad on government business; and

(2) no foreign head of state should visit the United States in his capacity as head of state, on the basis of an invitation from the United States Government.

PRESIDENT NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. LANDGREBE) is recognized for 30 minutes.

Mr. LANDGREBE. Mr. Speaker, on November 7, 1972, the American people spoke loud and clear in support of President Nixon and his administration's record of achievement. When Mr. Nixon entered office in 1969, there were 543,000 troops in Vietnam, the war was costing $32 billion a year, and the defense budget constituted 44 percent of our Federal spending. Today, there are no Americans fighting and dying in Southeast Asia, our prisoners of war have returned home, and the defense budget has dropped over 15 percent—to less than 29 percent of Federal spending. After a third of a century, the military draft has ended.

Crime has been reduced in our cities—cut by half in our Capital city alone. Drug abuse has been checked, and is now in fact, decreasing.

Our college campuses are quiet; except for an occasional streaker and National Guard troops are helping out in disaster areas rather than quelling riots and other disturbances.

For the first time in 18 years, the growth in the welfare rolls has been reversed and are actually shrinking.

Unemployment dropped to a low of 4.2 percent in October 1973. Even now, in spite of the oil embargo, it is only slightly over 5 percent with "help wanted" signs visible almost everywhere.

Foreign relations have been put on sound footing for the first time in years—as evidence of this, we need only note the President's outstanding success in stimulating the first serious negotiations between Israel and the Arab countries since 1949, resulting in the cease-fire agreement and the first real hope for lasting peace in that troubled area of the globe. Of equal importance in my opinion is the dignity and wholesomeness that the President and Mrs. Nixon and their delightful family have brought to our White House.

For a year I have kept an open mind with regard to the impeachment of the President—pledging that I could and would vote for impeachment if evidence of an impeachable offense was forthcoming. I stood by while the liberal press endlessly attacked our great President under the guise of its unswerving devotion to uncovering corruption, its fearless pursuit of the truth and justice and its dedication to the people's "right to know." Where were these great champions of honest reporting when President Johnson was wheeling and dealing with Bobby Baker? Where were they while the Chappaquidick incident was being submerged? Where were they when evidence of election frauds in the Presidential election of 1960 was brought to light. In the words of Charlie Halleck, "If you guys knew a little history, it wouldn't hurt!"

I have stood by while a large segment of government has preoccupied itself with repetitious attacks on our President—special grand juries, special Senate and House committees—delving into almost every aspect of our President's life—personal and political, pertinent and impertinent.

I have stood by while those of the liberal left have tried to reverse the election mandate of 1972. Unable to get their extremist views accepted by the American people in a free election, they have used every means at their disposal to prohibit the President from implementing necessary programs to decentralize and reduce the cost of the Federal Government and to deliver on his greatest promise and greatest accomplishment—peace with prosperity. Prosperity with peace. It is the liberal policies of this Congress that have brought about the high taxes, inflation and shortages, through the implementation of oppressive government regulations and controls and the enactment of a whole plethora of "social welfare and reform" programs. Is it possible that Watergate is being perpetuated to camouflage these profound failures and the disintegration of our Nation through deficit spending?

The committees have had ample time to employ their huge staffs and expend almost unlimited resources to come up with evidence of an impeachable nature. After nearly 1 year and the expenditure of some 10 million of taxpayers' dollars, is not it time to call off the dogs. Is not it time for Congress to join the President

in his determination to find solutions to those crucial problems yet remaining.

In good conscience, I can remain silent no longer. I must speak out against these brutalizing attacks upon our President.

From this hour on, I take my stand beside our beleaguered President, and against his reckless, ruthless, insidious adversaries.

And I beg you, my dear colleagues, to reexamine your role in this travesty of legislative responsibility.

I urge you to join me in calling for an end of this nightmarish political inquisition, and to an immediate return of our time and talents to the vital and pressing business of the people remaining before this Congress.

The continuation of our prosperity, yes the very survival of this great Republic, requires that we get on with our responsibilities, permitting and yes, even encouraging President Nixon to get on with his.

DR. WILLIS H. WARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 10 minutes.

Mr. GOLDWATER. Mr. Speaker, a pillar of integrity and learned in information technology is Dr. Willis H. Ware, currently on the research staff of the Rand Corp. and recently chairman of the Secretary's—DHEW—Advisory Committee on Automated Personal Data Systems.

The Nation was most fortunate to have his able services during the preparation of the report and recommendations of this advisory committee, widely considered a landmark in its field. I recently read his essay in the annual report of the Rand Corp. for 1973, entitled "Databanks, Privacy and Society." A succinct excerpt immediately caught my attention:

> . . . in the balance of power between a citizen and the totality of systems that keep records about him, he is at a significant disadvantage.

Mr. Speaker, the basic ingredients of my legislation on fair personal information practices and limiting the use of the social security number are embodied in this presentation. I believe we must give strong legal rights to individuals in order that they can have access to their records. We must reestablish the pluralistic concept of our society that separates our relationships with our bank, our doctor, and our Government or shopkeeper. The notion that some master dossier is to be built from all our daily relationships requiring information giving is growing more popular today.

I salute Dr. Ware and those at Rand and on the DHEW Advisory Committee who have reawakened some elements very true to America. May they continue as important contributors to our social policy choices.

At this point, Mr. Speaker, I request to include Dr. Ware's essay in the RECORD.

[Source: Rand Corp., Santa Monica, Calif., 1973]

DATA BANKS, PRIVACY, AND SOCIETY

(By Willis H. Ware)

Computer technology provides society with the tool it needs to accommodate growing information requirements. It lets us keep the records we have to keep, economically and efficiently. But the computer-based automated file can also work against us. The information in computer systems can be valuable and thus subverted for inappropriate purposes. Because of this vulnerability, automated data systems add a new dimension to the problem of personal privacy, as well as provide opportunity for embezzlement, blackmail, and other fraudulent schemes. Our essential tool could become a major societal threat unless we provide effective safeguards to protect personal information in automated files and those to whom it pertains.

The attitude of the public with regard to personal information has changed in recent years. We are becoming increasingly aware of data files and the information they contain about us.

To some data systems we provide personal information voluntarily. We do this in exchange for some benefit, privilege, or opportunity: we want to make credit-card purchases, obtain loans, write checks, get a passport, apply for a job. Some information we provide because it is required by law: we participate in the census or fill out questionnaires for military service. Sometimes we provide information inadvertently: we are in an accident that involves a police record.

We provide considerable information because we ask for services from government. We want educational assistance, unemployment support, housing allowance, or care for the older segment of the population. Congress, in turn, insists on strict accountability of public assistance programs and on evaluation of the success of such undertakings; this requires personal records and computer processing. The more extensively we and the government interact, the more extensive must be the records that need to be compiled and maintained by computer.

INFORMATION NEEDS OF GOVERNMENT

As our population increases and our society becomes more complex, and as the government enlarges its range of services, the need for personal information grows. The federal government, for example, needs extensive information in order to formulate new legislation, to adopt sound fiscal and tax policies, for entitlement decisions with regard to public assistance programs, to estimate the consequences of a possible decision, and to generally conduct the affairs of the country.

In the face of increased demand for natural resources—and many man-made resources—comprehensive planning becomes crucial at all levels of government. To adequately balance quantity and demand for land, energy, water, highways, etc., government regulation and intervention are required. Local governments need information to regulate land use, and to plan sewage and water facilities, transportation, and many other public services.

Industry gathers much personal information in order to assemble and maintain the records that are required in an era of intricate labor relations, widespread union practices, pension and insurance plans, state and federal tax withholding, and other regulatory and legal restrictions. Social research is also increasing, and along with it social experimentation, so that more information about people, their behavior, and their habits must be gathered. Thus, there exist numerous automated files containing extensive personal information about all of us.

ACCESSIBILITY OF PERSONAL INFORMATION

For whatever reason we furnish information about ourselves, we implicitly tend to assume that it will be used only in our best interest and solely for the purpose for which it is furnished. Thus it comes as a surprise when we find that the information we have provided for one purpose is being used for a different one. As a result of personal data submitted for a driving license, for example, we find ourselves on a mailing list and inundated with advertising literature.

While much personal information in automated files is anonymous, describing in a statistical way some characteristic segment of the population, there is also much that is identifiable in order to permit decisions to be made based on a person's record. Given our mobility in residence and employment, many organizations find it expedient to exchange data or to transport information about an individual from one place to another. Thus the automated record system tends to concentrate information about people in one place and to provide ready accessibility to it for a wide group of users. Moreover, automated systems can, in principle, exchange data automatically with one another and so broaden the exposure of personal information. Such linking of files, when it occurs, enlarges the volume of data available to any one inquirer.

Of the many files containing personal, private information, a considerable number are at government level: census data, social security records, Internal Revenue Service tax records, various research collections in the social and life sciences, etc. Some are in the financial industry: bank account records, savings and loan records, stock investment records, credit records. Many relate to health care, such as hospital, medical, or psychiatric records. A few have been collected by the recreational and leisure-time industry in the course of making reservations and travel plans. Those accumulated by educational institutions include a complete, detailed account of performance in high school and college.

SOCIAL SECURITY NUMBERS AS IDENTIFIERS

If the file is for a local purpose, it may be sufficient to identify the individual by his name and address. Often some secondary identification is included; the mother's maiden name is one traditional example. In many instances, federal statutes require that a person's social security number be given as an authenticator of his identity; financial institutions, for instance, are legally required to obtain it.

Federal statutes or regulations will, in some cases, authorize the exchange of information among data banks. The Internal Revenue Service, for example, regularly exchanges data with state tax-collection agencies; and in so doing, ensures that identity is preserved and records are kept straight by means of the social security number. In other cases, an administrative action will stipulate that social security numbers must be obtained. They are required by the Department of Motor Vehicles in some states, for example. Occasionally, social security numbers are secured for no particular purpose other than as a hedge against an unknown future need. Some educational organizations use them as student identifiers.

Unfortunately, the growing number of automated files in which a record about an individual includes his social security number implicitly encourages the exchange of information; it also serves as a key for combining information from several sources. Sometimes, exchange of data is facilitated by freedom-of-information acts at both federal and state levels, because these acts require that public information be provided to any requester. A person who finds himself in a file considered to be public information has no effective control over how his information will be used.

While linkage among information systems is undoubtedly not yet so widespread as to be considered at the critical level, many factors suggest that the situation is likely to develop: the remote-access computer systems that service geographically distributed users; the awareness by a manager or an official that information from some other sources will help him do his job better; recognition by a researcher that combinations of files will give him more insight into his prob-

lems; and the economic efficiency of combining several small information systems into a large one serving many classes of users.

CONTROL OF PERSONAL RECORDS

With this growing awareness that automated files pose a real threat to personal privacy, we are becoming more sensitive to the misuse of personal information, and are willing to complain about it. Our complaint may simply be the result of a personal annoyance—a dunning letter received because a paid bill has not been accurately posted to the correct account; but the complaint can be much more serious. Because of incomplete or erroneous information in an automated file, we may suffer a damaged reputation, loss of financial status or position in the community, the denial of credit, the loss of a job, or improper arrest.

Public concern over the invasion of personal privacy may well rest more on a sense of having lost control—of not knowing when information freely given for one purpose will be used for another—than on the feeling of being surrounded by a data-hungry environment. We feel a need to be guaranteed that personal, identifiable records will be used in ways over which we have some control—and that we have a mechanism to seek recourse in case we should sustain harm if they are improperly used.

The Constitution of the United States does not *specifically* provide for a right of personal privacy. Justice Brandeis, dissenting in the case of *Olmstead* v. *the United States* (1928), first suggested that personal privacy is implied in the Constitution. A continuing series of judicial interpretations have cumulatively created the right of privacy. The legal basis for these judgments includes the first amendment guarantee of free speech, press, assembly, and religion; the third amendment prohibition against quartering soldiers in private homes; the fourth amendment right to security from unreasonable search and seizure; the fifth amendment right against compulsory self-incrimination; and the ninth amendment guarantee of other unenumerated rights retained by the people.

Recent Supreme Court decisions have declared the right of personal privacy as the basis for protecting such freedoms of an individual as the practice of contraception or the reading of pornography in the home. Unlike the United States, other countries—Canada, for example—have not developed a constitutional or legal basis for extending personal privacy to its citizens.

From the standpoint of the individual citizen, he is generally unaware that information about himself is being disseminated without his approval; in most instances he is powerless to stop it even if he should discover it. Since large information systems are a relatively recent development in a technical and operational sense, one can expect to find inadequacies in their designs or incomplete operational practices, either of which can be manipulated to steal information, or can result in inadvertent or malicious leakage of information to someone not authorized to have it. Furthermore, information in data banks is usually not protected against legal process. While specific legislation does sometimes protect information in automated files, or authorizes a government official to extend protection as he sees fit, by and large, the bulk of information in such files is subject to confiscation through administrative or legal subpoena or through other court-directed seizure.

HOW TO ACHIEVE PROPER BALANCE?

Thus the exploitation of computer and communication technology in modern recordkeeping systems highlights the central confrontation between the need of government and business organizations to have personal information for efficient planning and operation and the need of the individual to have control over the way in which information about himself is used. How can we achieve a more satisfactory balance?

There are actually two quite different issues involved. One is the technical problem of designing and implementing an automated information system that will safeguard the data it contains. A properly designed system will not inadvertently leak information, and it will be physically protected against pilfering, thievery, and infiltration. It will deliver information only to users authorized to have it.

The other issue is the much more difficult one of controlling what personal information should be collected in the first place, of determining who shall have access to it and for what purpose, and of giving the individual more control over information about himself. Unlike the control exercised over national security information, there is no classification scheme established by law or executive order for labeling personal information as "sensitive," "nonsensitive," or ultrasensitive"; nor are there any government-wide guidelines for establishing who may have access to it. Thus, the rules and regulations governing dissemination of personal information from a file tend to be made by the individual or organization that collects the data and owns the file. In many instances, there are no established practices to serve as a model for good procedure. In the particular case of consumer credit reference systems, the Fair Credit Reporting Act does impose limited constraints; for example, provision is made for the individual to inspect his file and to correct it.

SOME SUGGESTIONS FOR SOLVING THE PROBLEM

In solving the technical problem, physical protection, computer hardware and software safeguards, communication security safeguards, and a general management-procedural overlay are collectively necessary to provide the overall protection needed. In all of these areas, the requirement of the defense community to protect classified information is a driving force for research, new system designs, and general progress toward an eventual solution. Fortunately, many of these same safeguards are needed in any computer system that shares its resources among many users—that is, the time-shared computer system—and to this end the general advance of the computer industry will help to provide the technical basis needed.

In solving the problem of restricting the collection of personal information, of controlling its dissemination, of carefully specifying what use may be made of it, and of affording the individual greater participation in the dissemination of his personal information, various suggestions have been made but none have been generally implemented. To improve the care with which recordkeeping systems are designed and operated, one proposal is to certify computer programmers and system designers. This action would assuredly be a useful one; but unlike the older engineering fields, the computer field does not yet have a well-established body of preferred practice upon which to draw. Thus, while certification would be a helpful step, it would put the responsibility for a properly designed and controlled record system in the wrong place. The responsibility should be assumed by the organization that assembles the system, initiates its design, and operates it, not by the technician who implements it. While certification is a step in the right direction, it cannot of itself adequately solve the problem.

A second solution might be the ombudsman approach, which has been used for many years in Scandinavian countries. Basically, the ombudsman is a spokesman for an individual who has been harmed; he serves essentially as a communication channel between the person and the bureaucracy in matters of dispute. While the ombudsman concept is a useful third-party mechanism to facilitate resolution of argument, it is not a well-established mechanism in the United States nor can it function as a sufficiently strong force to be a solution for the entire problem of protecting personal privacy.

A third solution, one that attempts to deal with the problem through the established institutions and procedures of the country, would be to create by law a Code of Fair Information Practices in the spirit of already existing legislation on labor practices. The intent of such a code would be to encourage ethical practices on the part of owners, designers, and operators of recordkeeping systems through legal deterrents. In this way it would be possible to specify how record systems should be organized and operated, how owners and operators should conduct their operations relative to the individuals about whom the information is held, what privileges and recourses the individual has, and to provide legal sanctions, both civil and criminal, that can be imposed for violations of the code.

The approach would have several advantages: It would exploit existing legal and judicial institutions and procedures. It would provide a self-adapting solution to the problem through the medium of court interpretation and judgment. It would require a minimum of new bureaucratic functions. With regard to industry, the code would be handled by the General Counsel's office, as are fair labor practices, tax matters, and other industrial regulations.

Finally, a fourth possibility is to create a Federal Record System Commission, similar to the Federal Communications Commission or the Civil Aeronautics Board, that would serve as a regulatory body to license, register, and oversee the operation of all record systems dealing with personal information. However, this would entail the creation of substantial new bureaucratic structure and funding for it. More importantly, it would also be another instance of government intervention in the affairs of the people and industry. Given our national aversion to government intervention in business and industrial activities, and the fact that deterrent mechanisms have not yet been tried, a regulatory approach to the problem of recordkeeping appears to be one that should be kept in abeyance until other methods have failed and the need for it is clearly established.

A NUMBERED SOCIETY?

The Social Security Amendments Act of 1972 (P.L. 92-603) is suggestive of what can happen if no action is taken. The Act requires that a social security number be issued to all individuals, of any age, who are receiving public assistance from federal funds. It also authorizes, but does not require, the Secretary of Health, Education, and Welfare to take affirmative measures to assign social security numbers to all children on their initial entrance into school.

Should future legislative trend follow this precedent and gradually require all sectors of the population to have a social security number, then the United States will have reached the stage at which the population is fully numbered, a national population register can exist, and it will be technically feasible to maintain a lifetime dossier on each citizen. Other forces can lead to the same end. The introduction of the national birth certificate number will, for example, provide a unique lifetime identification for each citizen.

While a fully numbered population may not of itself be undesirable, the alarming fact is that we are drifting toward this state without public awareness that it is happening or public debate as to the possible consequences. The end result—that each of us will have a unique and permanent identifier—is not likely to happen from a well-engineered plan or deliberate intent. Rather, it will be the combined effect of many decisions, each made by someone doing his best job

as he sees it at the time. It will be the cumulative effect of a variety of legislative steps, some unnoticed data collections, and a gradual widening of the operational scope of existing record systems due to economic pressures, coupled with a general ignorance that such events are occurring. In sum, a United States citizen could easily awaken one morning to find that he is uniquely identified for life and that all sorts of personal information are being collected under his label and widely disseminated for public and private use.

A NEED FOR ACTION

The issue of personal privacy has several major public-action aspects. It must be brought before the public, and kept there; the active support of consumer-oriented organizations must be solicited to promote legislative measures; public participation in the debate about a fully numbered, registered society must be encouraged.

There are also researchable aspects. One is to examine the technical details of providing comprehensive safeguards for automated information systems. Another is to analyze the legal considerations involved in protecting the individual's right to privacy. Others are a study of the consequences of a fully numbered and registered society, a search for ways to provide comprehensive protection against abuse of personal information, and the development of means for linking automated data systems while protecting the personal privacy of the data subjects.

Since automated information systems containing personal information are essential to today's complex society, it is imperative that solutions be found to the important problem of protecting our inherent right to privacy. There is certainly no question but that in the balance of power between a citizen and the totality of systems that keep records about him, he is at a significant disadvantage.

NOTE.—About the author: In the late 1940s Willis Ware was doing research under John von Neumann on an electronic digital computer—the first of the "Princeton-class" machines. After receiving his doctorate from Princeton in electrical engineering, Dr. Ware came to Rand in 1952 to work on the exploitation of computers for military, scientific, and civil problems. He headed Rand's Computer Sciences Department from 1964 to 1971, and is at present on the Corporate Research Staff. Among his many advisory appointments, he is chairman of the Air Force Scientific Advisory Board's Information Processing Panel and of the Secretary's (DHEW) Advisory Committee on Automated Personal Data Systems.)

WILLIAMSVILLE NORTH'S NOTTINGHAM WATER ANALYSIS WORKSHOP OF 1974

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, for the past several years, students of the former Nottingham Academy and Nichols School in Buffalo, N.Y., have organized and run a summer workshop called the Nottingham Water Analysis Workshop.

The accomplishments of the workshop in 1972 and 1973 have become a model for environmental education projects throughout the Nation. Indeed, the 1973 workshop demonstrated such great promise that the Department of Health, Education, and Welfare Office of Environmental Education gave a Federal grant to the program.

In 1974, the Nottingham Water Analysis Workshop will use Williamsville North High School as a base of operation. The workshop provides an interdisciplinary educational experience in environmental problems. Student inquiries will be conducted into the scientific, social, economic, political, and legislative aspects of environmental policy.

In the past, the program has developed a core of student leaders capable of extending their first-hand knowledge of environmental problems to participants in future workshops. In fact, the project director for the 1974 workshop, David Kraus, was one of last year's students. George Eisenhardt of Cleveland Mill, is the other student director.

I include segments of the program overview for the information of my colleagues, particularly those from districts with vigorous and active environmentally oriented young people. I am extremely proud of their fine efforts on behalf of our community and our country:

PROGRAM NARRATIVE

WILLIAMSVILLE NORTH'S NOTTINGHAM WATER ANALYSIS WORKSHOP

A. Precursory considerations

Williamsville North's Nottingham Water Analysis Workshop (N.W.A.W.) of 1974 has been conceived directly in relation with the Nottingham programs of 1971 through 1973, which were outgrowths of the Tilton (N.H.) Water Pollution Workshop's in 1969 and 1970. With these antecedents, and the merging of 1973–74 organizations to coordinate N.W.A.W. activities, the workshop title is thus derived. The 1974 workshop will assimilate positive aspects of its precursors, and will expand upon them in proliferation of student ecology activities in Western New York.

The workshop will operate out of Williamsville High School North, a public [1] school located in the Buffalo Township of Amherst (N.Y.). The faculty and administration of Williamsville North have fully endorsed us as well as our program.

The workshop shall be organized and directed by two students: David Kraus of Williamsville North, and George Eisenhardt of Cleveland Hill High School (N.Y.). We are the applicants submitting this mini-grant proposal.

B. Objectives

The cumulative objectives of Williamsville North's Nottingham Water Analysis Workshop are as follows: 1) To involve and train paraprofessional students in an ecology workshop designed as a multi-faceted, multidisciplinary, inter-disciplinary, and problem-oriented program; 2) To form a local model in advocation of community input and action, especially from students; 3) To form a national model in initiating student interest and action, and for contact and input to such other organizations; 4) To involve and develop participant's of N.W.A.W. 1973 teaching concepts by involving them as parastaff; 5) To spread environmental education and realization through constant and intensive community contact; 6) To initiate and coordinate school ecology activities of N.W.A.W. participants, as well as those of other schools associated with N.W.A.W.; 7) To, in extended follow-up program, coordinate and participate in the 1974 (and in subsequent years) Water Quality Survey of the State of New York (Data collection for a report due annually starting in 1974 to the Federal Environmental Protection Agency mandated under Amendments to the Federal Water Quality Act, PL 92–500). N.W.A.W. will serve as the coordinating body in Western New York for the student data collection. N.W.A.W. is currently running a type of pilot project—a Western New York stream survey; 8) To merge N.W.A.W. 1973 with the 1974 program to perpetuate an organization with students capable of environmental action due to experience in the N.W.A.W. summer programs. The following is a general discussion concerning some of the aforementioned objectives.

A goal of the summer program is to produce a core of student leaders and educators in the ecological field. The students would be expected, although not obliged, to return to their respective schools and engage in ecological activities with their fellow students. It is realistic to imagine an organization capable of coordinating and aiding in knowledge, experience, and equipment—the environmental education and ecological activity organizations of a widely dispersed group of schools in the Buffalo area. This concept, where one influences many, is essential in dissemination of environmental realization. The ultimate objective of this program is to train para-professionals who will aid in strides toward community environmental realization and action.

There are many environmental problems for which professional attention and action is indispensable. Yet, the role of the paraprofessional is becoming of equal importance in attempts to solve these environmental problems. While there is no substitute for the professional, the great need for immediate action in so many ecological fields merits the support of the community. It is an objective of the 1974 N.W.A.W. to supplement community input with students resolving environmental problems. The summer workshop is to initiate such action via the direct involvement of about twenty-five students in an environmental education endeavor in which community contact, input and action will be encouraged. This concept will be developed in future years in the Buffalo area through follow-up activities. The student organization will function throughout the area within the schools. N.W.A.W. would serve as an ecology action center for student environmentalist involved in practical applicatory projects relative to the concerns and problems of their respective communities. Also, the 1973 follow-up N.W.A.W. will merge with this summer's workshop participants to coordinate activities. Such idealistic views for this organization to attain is realistic as one reviews the past successes of workshops in the Buffalo area based at Nichols School (incorporating the former Nottingham Academy). This will be the first follow-up program of its kind to perpetuate student ecological interest and action on a profuse scale in Western New York.

Initial steps in reaching the objectives of merging with N.W.A.W. 1973, and proliferation and expansion for 1974 follow-up projects will be reached through a summer workshop which will serve as an initial learning process in environmental action and problem solving techniques. One of the most important single goals of the 1974 summer workshop will be to initiate in each participant an educational concept which is concerned with problem solving through research and resolving procedures. This induced problem solving concept will then be further developed constituting an interdisciplinary phenomenon relative to the degree of success of the environmental education program. In addition, this concept will be strengthened through a multidisciplinary approach induced simply by working in small groups and compiling thoughts and ideas.[2] This is all based on the concept

Footnotes at end of article.

of perceive, recognize or identify, resolve, and solve—or the basic methods for solving technical environmental problems. This procedure is the same as the scientific method of problem solving as employed by professionals in many diverse fields.

The student workshop will advocate community input and action, as students will operate in the field for direct experience in what is referred to as "learning by doing." It has been said that we retain ten per cent of what we hear, twenty per cent of what we read, fifty per cent of what we see, and ninety per cent of what we experience or do.[3] The latter, being the most effective educational device, merits that the program be field oriented-for books and classroom teaching just do not meet the effectivity level required. The field oriented program provides the experience and "real life" encounters essential to such a programs success.

C. Need for financial assistance

The N.W.A.W. interdependent programs in 1973 and 1974 have the potential to form a national model for student initiated and directs programs as well as being a productive student organization in Western New York. In order to procure such status, it is essential to obtain quality personnel, multiple resources, and various community services. Thus, a realistic prerequisite is that of an operational budget. To meet our budget for the workshop and follow-up merits considerably more financial assistance than that of participant tuitions and local commercial endorsement, even though this support is increasing. To continue to expand our bases of community action and support; to continue to organize and aid environmental education in Buffalo area schools; to continue to disseminate and proliferate environmental realization and action; to have a workshop in the summer of 1974, and have an extensive follow-up program, we need financial assistance from the Office of Environmental Education.

D. Expectative benefits and results

The summer workshop will serve as a learning experience in dealing with environmental problems in the community. The scientifically and socially integrated program will be in its initial phases as the summer workshop ends. The essential learning process will be completed, and the most important part of the program will begin. About twenty-five students will be capable, as a result of six weeks of intensive research on select environmental issues, of conveying their knowledge and experiences; their environmental realization and special concerns; their technical problem solving concepts in the community in relation to environmental problems. It is expected that the participants will do this, although they aren't obligated, through their respective schools.

They will form a core of student leadership; a para-professional model for their fellow students, and students around the nation.[4] The N.W.A.W. is already a very well known and well received model—this will be expanded through the evaluations and documentations of the 1974 workshop. The follow-up activities will include coordination of school clubs related to ecology,[5] as well as practical projects. Presently, the 1973–74 N.W.A.W. is engaged in a Western New York stream survey. This and other projects of its kind facilitated by the workshop will serve purposes and applications relative to the area of study, hopefully with eventual solution of a specific environmental problem in mind.

The potential areas for environmental studies are limitless, and one or many more may be coordinated at any given time. This will be decided by student interest and capabilities at the appropriate time, for follow-up should be facilitated to pursue environmental study areas of self-induced motivation. In essence, this kind of motivation—supported through community input—forms the basis for proliferation and expansion of the program.[6]

E. The approach: Speculative aspects of W.N.N.W.A.W. 1974

The 1974 summer workshop will involve about twenty-five students and six staff members in an environmental education endeavor in suburban ecology, and general aspects of environmental studies. Environmental studies. Environmental Education—philosophy teaching by example. Multidisciplinary, interdisciplinary, and teaching by example methodoliges constitute the basics to our approach mechanism.

1. Introduction and Orientation—The N.W.A.W. 1973 slide show, complemented by a general discussion of ecology, will afford an introduction for participants to N.W.A.W.—that is, its history, accomplishments, capabilities and objectives. After this very brief introduction to the ecological organization, a trip to Ellicott Creek Park will give both staff and participants time to associate, relate and orient themselves with others, as well as the park environment. This is an essential part of the program as it allows for individual (interdisciplinary) and group (multidisciplinary) efforts to set precedents and standards for the length of the program. This is designed to remove all "butterflies" and fear, and initiate trust and belief in their fellow students which will bring out the capabilities representative of these quality students and staff.

2. Scientific Parameters—In small groups, the participants will learn techniques in one area, and then teach another group the same concepts and methods, on a day to day basis. Thus, each acquires essential skills while also learning to convey his new found knowledge. The participants will enter into the following scientific parameters: (1) analytical water chemistry; (2) pond microbiology; (3) microbiology of bacteria, diatoms and plankton; (4) equipment, samplers and stream flows; (5) algae and etrophication in biotic pond succession; (6) computer terminal statistical and data analyses techniques; (7) soil analysis techniques; (8) serial topography; (9) relative aspects of flora and fauna with respect to their abiotic essentials; (10) air pollution analystical techniques. This will be supplemented by substantial laboratory work, and diurnal operations conducted for purposes of noting the delicate, dynamic equilibria of the external environment. This section of the program concludes with the end of the first two weeks.

3. Social Sciences: Research Project—one week of the workshop will be spent thoroughly investigating and intensively inquiring into diverse aspects of an environmental problem, or area of high, controversial interests. Aspects of inquiry include those of political, governmental, legislative, economic, citizen and organizational (business and public) views and perspectives on a local problem. The work area chosen as the project will be finalized by participants, based upon their interests and motivations. Thus, should new vistas of an environmental controversy or problem arise, it is hoped that participants will take advantage of the immediate situation, for this is a guideline philosophy of follow-up activities where students operate under their own motivations in ecology. The specific areas of greatest interest and controversy at present are aspects of the Audubon Project,[7] a planned community currently under construction in close proximity to Williamsville High School North and N.W.A.W. 1974. Culmination of knowledge from almost one week's research of the topic will result from a simulex project, which are group role simulations of the actual society in which a modified debate-like procedure is employed. Students will represent the various organizations and people involved with the project problem.

4. Audubon Orientation—Via the construction of derivations of an Audubon society into a three dimensional map-like model structure, students will further familiarize themselves not only with the Amherst Audubon Project, but also with other practical derivations as well. Sketches and research will provide the basis for this entity, culminating at the end of one week with a presentation of N.W.A.W. models and ideas to local people, organizations and planners (Urban Development corporation, U.D.C.) concerned with the Amherst Audubon Project.

5. Independent Projects—Participants will pursue their respective areas of interest—either scientific or social—for one week. After completion, written as well as oral presentations will be made to the whole group with intent of realizing what can and has been done in certain problem areas. Students will have picked an area that they will have been motivated towards in the first four weeks, and pursue that project area. This provides a basis for the conduction of follow-up activities.

6. Internships—Similar in purpose and problem area parameter to the independent projects, the internships will be a direct, intensive, and "real life" exposure and experience in some area of ecology. Internships will be spent at local businesses or agencies concerned in ecology or environmental studies. Most probable will be students following up to their independent project studies by choosing an internship for a few days at an organization concerned with their special area of interest and motivation.

7. Evaluation and Documentation—Several days will be spent facilitating an evaluation of the workshop, and plans will be drawn for follow-up and documentation. Documentation will take the form of booklets and audio-visual (film) material.

8. Follow-up—As has been previously discussed, follow-up activities will commence as planning activities in part of the last week of the summer workshop. During the workshop, an environmental education expert will aid us in evaluation and follow-up preparations. The follow-up organization will be initiated to form a core of student leadership in ecological activities for years to come in Western New York.

F. Geographic Milieu and Resources Available

To supplement and complement the basic environmental learning process, all community resources will be available for our full utilization in expanding the fields of knowledge of our students. In addition to these resources, community contacts and geographic resources are present for our utilization. The following list of major action and research parameters will be dynamic and not restrictive:

1. Williamsville High School North more than meets our needs in terms of classroom space, laboratories with related equipment and research library material. Also, a terminal computer will be available for data and statistical analyses.

2. The administrative, business and community organizations of Williamsville and Amherst will serve as information centers for research purposes.[8]

3. The business district of the Buffalo Metropolitan area will make available industries and other agencies to serve as locations for brief internships, and utilized as direct and intensive learning experiences.[9]

4. In close proximity to Williamsville North (directly adjacent to the school) are a variety of natural environments: a large, wooded area; a small lake; and large marsh areas. Both Ellicott and Tonawanda Creeks are but a few miles away, as are the State University of New York at Buffalo campus flood basins. Also, a controversial sewage treatment plant, and the Amhest Audubon Project are within close radius. Island and Ellicott Creek

Footnotes at end of article.

Parks will serve as research sites in addition to elucidating park milieu.

5. A natural (State of New York) wildlife preserve about forty minutes from Williamsville North will serve as a base of operations for one week of field-oriented excursions. The preserve constitutes over three hundred acres of land, three creeks and numerous ponds. Marsh, meadow and forested environments are also there for inquiry.

FOOTNOTES

[1] Public schools; non-profit status.
[2] See approach section of this proposal.
[3] Taken from *"Facts on File"*, year unknown.
[4] For example, we are associated with U.Y.E. (Union of Young Environmentalists).
[5] To be accomplished through E.C.H.O. (Environmental Clearing House Organization)
[6] See "Program Overview" or "Objectives" on Federal Water Quality Project.
[7] For problems and uniqueness of Amherst see "Program Overview".
[8] UDC (Urban Development Corporation) and the Amherst Town Hall are two examples.
[9] Last summer's internship agencies included Calspan Corp., Andco Environmental Processes, Great Lakes Laboratory and many others.

LEGISLATIVE SMALL BUSINESS COMMITTEE: LONGTIME GOAL OF THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. YATRON) is recognized for 5 minutes.

Mr. YATRON. Mr. Speaker, it is widely acknowledged that the sound economic foundation of this great country rests with the continued vitality of its small business community. For all the notoriety given its big business and multinational corporations America is still a nation of small businessmen.

Over 96 percent of all the business establishments in this country are small businesses. They account for almost 45 percent of our gross national product, employ nearly 50 percent of our total work force and provide food and lodging for well over 100 million Americans. Without them, there would be no big business and the United States would not be the same.

While the importance of small business is obvious, its problems and needs are too easily ignored and forgotten. They simply do not seem that pressing when compared to the widely publicized issues we consider every day.

For this reason I applaud the Select Committee on Committees' decision to establish a legislative Small Business Committee. Small business has been underrepresented in Congress too long and the recommendation to create a full standing committee to protect its interests is one of the most desirable and welcome aspects of the select committee's proposal. In fact, I feel that the committee has displayed great wisdom and foresight with this decision—a decision which will be deeply appreciated by the Nation's 8½ million small businessmen.

Mr. Speaker, I am convinced that the Select Committee's final recommendation to create a Small Business Committee was due almost entirely to the tireless efforts of the National Federation of Independent Business and its 373,000 member firms. This has been a consistent, long time goal of the Federation, which spearheaded the overwhelming small business reaction to the Select Committee's original proposal.

NFIB was the first national small business association to recognize the need for more effective small business representation in the Congress. It was the first to work openly in behalf of this goal and over the past few months it has stood unshaken and alone in its belief that this was the only viable solution available to small business.

Mr. Speaker, because of this dedication and diligence, I would like to commend the efforts of the Federation to my colleagues in the House.

This issue was aired editorially in several Pennsylvania newspapers, including the Pottsville Republican in my district, in February, before the Select Committee made its final decision. While the issue has been decided, I feel that these editorials show the effectiveness of NFIB and express ideas that are both timely and relevant in view of the House's upcoming consideration of the Select Committee's reform proposal.

Therefore, I want to take this opportunity to bring these editorials to the attention of my congressional colleagues.

[From the Pottsville (Pa.) Republican, Feb. 9, 1974]

CONGRESS NEEDS TO BE TOLD: PUT IT ALL TOGETHER: SMALL BUSINESS "BIG"

Congress has a Select Committee on the House Beauty Shop, a Select Committee to Regulate Parking and a Select Committee on Small Business.

And now, the House Select Committee on Committees has recommended abolishing the House Small Business Committee.

This move is strongly opposed by the National Federation of Independent Business, other groups interested in the welfare of the independent entrepreneur and also knowledgeable about Congressional operations.

Many groups, and even some of the "Young Turks" in the Congress have been calling for Congressional reform, apparently supported by the general public.

But what is meant by reform, and what is the meaning of the various procedures and machinery that Congress has set up for itself over the years?

It is probably pretty generally known the work of the Congress is done in committees, chaired by members who acquire their positions through seniority. They often have the power to determine whether or not a piece of legislation shall be voted upon.

The system provides for "select" and "standing" committees. A "select" committee can thoroughly study a problem, draft remedial legislation, but it cannot bring it to the floor of the Congress for a vote.

Instead it has to refer the bill to a "standing" committee which has the authority to bring a bill up for a vote. To make the situation even more complex, the "standing" committee can refer the bill to one of its subcommittees whose chairman has the power to determine whether the legislation will ever be submitted to a vote.

The House Select Committee on Small Business over many years has done some outstanding work on problems pertinent to small and independent business. In fact, it long ago proposed legislation that bore on the current energy crisis. But in too many cases, according to the NFIB, this carefully planned legislation has been pigeonholed by one man's whim.

It is quite paradoxical that the nation's two million farmers through the Agriculture Committee, can submit legislation for a floor vote, as can the nation's less than 14,000 banks through the Banking Committee, and some 400 labor organizations through the Labor Committee, yet the five million plus independent enterprises, comprising 95 per cent of the entire American business structure can be stymied by the action of one subcommittee chairman.

Those who say that the public should demand reform of the Congress are probably right. It would probably be ungallant to suggest protesting a Congressional committee charged with providing facilities for Congresswomen to look their best, and it would probably also be discourteous to question the need for a Congressional committee to insure parking facilities for Congressmen.

But if the public is interested in reforms in their Congress, a good first step would be to write their Congressman not only protesting the abolition of the House Select Committee on Small Business, but also urging that it be given the status of a standing committee so that the future of independent business and its 50 million or so employes cannot be blocked by one man, based on perhaps his personal whims, or due to influence by any special interests. After all, a healthy growing small business sector is a curb on monopoly control.

[From the Homestead (Pa.) New Messenger, Feb. 13, 1974]

SMALL BUSINESS GROUP HITS COMMITTEE ACTION

Of these three problems one would seem to outrank the others in importance.

1. The operation of the beauty shop in the House of Representatives.

2. Control of parking around Capitol Hill.

3. The problems of maintaining and expanding the small business sector of this nation which provides about half of the private non-farm jobs.

It would seem logical the last would be considered vastly more important than the other two. But the Congress of the United States is not always logical.

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[From the Dubois, Pa. Courier-Express, Feb. 13, 1974]

EDITORIAL: IGNORING SMALL BUSINESS

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Many groups, and even some of the "Young Turks" in the Congress have been calling for Congressional reform, apparently supported by the general public.

But what is meant by reform, and what is the meaning of the various procedures and machinery that Congress has set up for itself over the years?

It is probably pretty generally known the work of the Congress is done in committees, chaired by members who acquire their positions through seniority. They often have the power to determine whether or not a piece of legislation shall be voted upon.

The system provides for "select" and "standing" committees. A "select" committee can thoroughly study a problem, draft remedial legislation, but it cannot bring it to the floor of the Congress for a vote.

Instead it has to refer the bill to a "standing" committee which has the authority to bring a bill up for a vote. To make the situation even more complex, the "standing" committee can refer the bill to one of its subcommittees whose chairman has the power to determine whether the legislation will ever be submitted to a vote.

The House Select Committee on Small Business over many years has done some outstanding work on problems pertinent to small and independent business. In fact, it long ago proposed legislation that bore on the current energy crisis. But in too many cases, according to the NFIB, this carefully planned legislation has been pigeonholed by one man's whim.

It is quite paradoxical that the nation's two million farmers through the Agriculture Committee, can submit legislation for a floor vote, as can the nation's less than 14,000 banks through the Banking Committee, and some 400 labor organizations through the Labor Committee, yet the five million plus independent enterprises, comprising 95 per cent of the entire American business structure can be stymied by the action of one subcommittee chairman.

Those who say that the public should demand reform of the Congress are probably right. It would probably be ungallant to suggest protesting a Congressional committee charged with providing facilities for Congresswomen to look their best, and it would probably also be discourteous to question the need for a Congressional committee to insure parking facilities for Congressmen.

But if the public is interested in reforms in their Congress, a good first step would be to write their Congressman not only protesting the abolition of the House Select Committee on Small Business, but also urging that it be given the status of a standing committee so that the future of independent business and its 50 million or so employees cannot be blocked by one man, based on perhaps his personal whims, or due to influence by any special interests. After all, a healthy growing small business sector is a curb on monopoly control.

TAXES AND THE OIL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 10 minutes.

Mr. OWENS. Mr. Speaker, gas lines that stretch for blocks, companies that reap huge profits at the expense of those of us waiting at the pumps, and the realization that at tax time, one group of giant corporations is not paying its fair share are forcing us to reexamine the way we tax the oil industry.

Oil company revenues are skyrocketing. The largest of them all, Exxon, showed an incredible $2.44 billion profit in 1973—an increase of almost 60 percent over their 1972 profits. Profits for the industry as a whole increased 46 percent over the same period. This is just the beginning. If the current trend continues, 1974 profits will be even larger. While we pay 60 cents a gallon for our gasoline and are asked to "cooperate" by dialing our thermostats to 68°, and driving at 55 miles per hour, the fuel industry is reaping a bonanza.

The huge oil companies receive tax favors that are available to no other industry. These benefits effectively reduce the statuatory tax rate of 48 percent that would apply to any other corporate endeavor to a meager 6 percent. The president of Gulf Oil reported to the Senate's Permanent Subcommitee on Investigations that Gulf paid only 2 percent in overall income taxes last year on net income of $2.3 billion. I have been advised that if the oil industry were taxed as other manufacturing industries, the increase in revenue would be greater than $3 billion annually—enough to finance an urban mass transportation project like the District of Columbia's Metro in a different large city each year. This group of giant corporations cannot justify these immense profits and Government tax gifts to an American public that is asked to sacrifice in the face of an energy crisis.

The industry has responded to this new attack by warning that this is the wrong time to question preferential treatment—treating the oil companies as any others would only worsen the fuel crisis. I believe just the opposite to be true. Our eyes have been opened to a group of very wealthy companies who are reaping huge profits while the public is making great sacrifices. Now is the time to reexamine these tax benefits and enact the urgently needed reforms. The chairman of the board of Exxon told us that "tampering" with just a part of the oil industry's tax treatment "without looking at the total tax package would be a mistake." I completely agree. The entire taxing mechanism of the giant oil corporations should be reviewed and the Government subsidies of the industry which are not justified must be ended.

Windfall or excess profits taxes sound very attractive. These taxes that apply larger tax percentages to higher profits or tax profits above a certain "normal" level appear to be just what we need to correct the current inequitable situation. I voted for just such a tax last fall.

Further analysis, however, revealed these plans to be less sound economically than they are appealing politically.

Primarily, these taxes would be nightmares to administer. They would require new bureaucracies with more red tape, endless internal revenue rulings, revisions and explanations. In order to make these taxes fair, as they must be, we would be required to legislate exceptions for the hundreds of special cases that would inevitably arise. Our historical experience with these taxes during World War II and Korea have taught us that rather than being panaceas to difficult problems, they are such Pandora's boxes of high costs, endless litigation in the courts, and code complexities. Not even anti-oil populists shed tears when they are inevitably repealed.

Second, we would be forced to define what is a "normal" profit. The Government is not smart enough nor fair enough to be able to tel la businessman,

what a "normal profit" is under most circumstances.

Third, in taxing marginal profits—those profits gained on each additional barrel of oil above a certain limit, we would be defeating the national goal that Arab nations have forced us to accept—domestic independence for fuel. What oil company would drill oil, which the temporary tax was in effect, knowing that a large portion of its profits will go to the Government? Clearly it would be better for the companies to leave the oil in the ground and out of the gas pumps, until after the special tax is repealed. Most proposals do suggest that revenues that are reinvested in energy research or development be exempt from the additional tax. This would most likely result in waseful spending: huge expense accounts, foolish investments, or even large company bonuses. Most economists will agree that the price that oil commands today is incentive enough for any oil company to explore for new sources of fuel. A meeting of independent oil producers in my State in January proved to me that a price of $6 per barrel provides adequate incentive for both major and independent producers.

Finally, I cannot understand why we grant lucrative tax benefits to the oil industry, and then spend endless hours attempting to devise foolproof ways to tax these government subsidized profits away. It seems clear to me that a simple solution would be to reexamine and remove the existing oil industry tax breaks that cannot be supported by sound reasoning, and begin to treat the oil industry like any other.

Three major tax benefits granted by the Government to the oil industry for foreign exploration account for the largest portion of the reduced effective tax rate and lost revenues: the percentage depletion allowance, the privilege to take intangible drilling and development costs expense, rather than requiring capitilization, and allowing U.S. tax credits for royalties paid to foreign countries. Revision or repeal of all three should not be viewed as punishing the oil companies. We must remove preferential tax treatment when it is no longer warranted.

The percentage depletion is an artificial allowance which permits oil and gas companies to deduct 22 percent of the income received from the removal of the mineral from the property from their taxable base. Studies have shown that depletion allowances may provide income tax deductions that allow the owner to recover the cost of the well 10 to 20 times during the span of its productive life. The oil industry argues that this artificial allowance is justified by important public policy considerations, primarily the need for large stockpiles of oil for national defense. Whatever weight this rationale may have once had, the chances that we would have access to stockpiles of U.S. oil in Arab countries in time of world conflict appear dim, in the light of the boycott by the Arab nations. In addition, subsidizing oil activities has, in part, been the cause for a misallocation of energy resources, encouraging heavy investment in that area at the expense of research and development of alternative energy sources.

The tax loss from the percentage depletion allowance is great. In 1972, $1.7 billion was lost through this provision in the tax structure. With the higher prices of oil, the depletion projected tax windfall for 1974 is nearly $2.6 billion.

In the light of our present fuel shortage, I feel that it would be a mistake to eliminate immediately the percentage depletion from domestic production of oil. The percentage available, however, could be significantly reduced and still provide adequate incentive to explore and develop new domestic sources of oil and gas. The House Ways and Means Committee recently proposed legislation to phase out the depletion allowance by 1977.

Regardless of its justification for domestic production of oil, the percentage depletion cannot be supported for foreign properties. The public policy rationale for retaining this tax break for domestic property clearly does not extend beyond our national boundaries. Consequently, I believe this aspect of the tax package handled the oil industry by the Government should be eliminated immediately. Any shift in investment would be toward domestic resources, a change clearly in our national interest.

Intangible drilling and development costs, those associated with engineering expenses, salaries, and costs other than the actual drilling rigs, may be written off in full during the year in which they are incurred. In other industries, these costs would normally be deducted over the entire useful life of the property. Obviously, the oil industry receives a more favorable tax treatment than other manufacturing industries in depreciating capital costs.

The oil industry contends that exploration for oil is risky business—that unless the Government provided adequate incentives, exploratory drilling will not occur. The price of oil has risen higher in the past 6 months that anyone could have possibly predicted. The high price is a greater incentive than any we could possibly devise and place in the tax code. Indeed, the incentive to drill has actually created a shortage in the supply of drilling equipment. There is no need to further subsidize the companies with beneficial treatment of intangible drilling and development costs. 1972 revenue losses were $650 million from this item alone. The figures will be even higher in the coming years with the additional price-induced exploratory drilling.

I recommend that oil companies be required to capitalize these drilling costs, and the Government allow only normal depreciation deductions over the productive life of the property. The oil industry has been unable to show convincing policy rationale for maintaining this favorable treatment. Costs of unsuccessful wells, as always, can be deducted immediately—a normal business loss. Why then, will the risk of failure restrict exploration? As with the percentage depletion, the industry can make even weaker arguments for continuing favorable treatment for foreign exploration. If foreign operations are hampered, and I question whether the elimination of this section will have that ultimate effect, our national interest will not be seriously harmed.

The foreign tax credit allows U.S. corporations operating abroad a dollar-for-dollar tax credit for all taxes paid to a foreign government. Since international oil companies pay great sums of money to the countries where they produce oil, the foreign tax credit allows foreign earnings to enter the United States with little or no residual U.S. taxes. Masking royalties paid to foreign governments as taxes, the giant oil companies accumulate massive tax credits to offset U.S. taxes on their income.

As the crowning benefit after the percentage depletion and intangible drilling and development expense tax breaks have taken their chunks of taxes, the foreign tax credit is the final step toward total tax avoidance on foreign income. Costing the taxpayers $2 billion in 1970, and $2.9 billion in 1972, this credit makes the U.S. Government the tax collector for the Sheiks, with the people of this country paying the bill. And as would be expected, as the price of crude oil increases, these tax credits increasing accordingly. Estimates are that the revenue losses in 1974 will be even greater—reaching over $3 billion. In addition, the oil companies will amass over $16 billion in excess, unused foreign tax credits in that year. This excess can be carried back 2 years or forward 5 to shelter other U.S. tax liabilities on foreign income for those years. The picture is clear. U.S. oil companies will have virtually no U.S. taxes to pay on their foreign incomes for years to come.

This incentive for oil companies to invest abroad is in direct opposition to our national goal of fuel independence. Since royalty payments on domestic oil cannot be credited against income taxes, domestic oil producers are at a distinct disadvantage when competing with foreign operations. Ending the foreign tax credit would enable domestic producers to compete with foreign produced oil, and be a strong incentive to investment in oil here in the United States. I recommend that we allow only that percentage of foreign payments to governments that can be justified as an income tax be credited against U.S. taxes, and the huge percentage of these payments that remains be treated as a royalty. This amount would be deductable as a business expense, and not given a dollar-for-dollar credit against U.S. taxes. If we are to move toward self-sufficiency, the Government must encourage domestic production, and end our relience on any foreign sources. We must accept this basic premise.

Last February I joined with the gentleman from Ohio (Mr. VANIK) and 83 others in introducing legislation to eliminate the percentage depletion allowance and the intangible drilling expense on foreign properties and to alter the for-

eign tax credit to a business deduction. If our goal is to achieve energy self-sufficiency in this country, our tax system must provide some reason for the oil industry to be interested in the U.S. market.

The success of our system of taxation rests with citizens who can believe that everyone is taxed fairly and carries his fair share of the burden. There are few who believe that the giant, super-profit oil and gas corporations are equitably taxed. Reform of our tax system is long overdue. By enacting these three changes in oil and gas profit taxation, the Congress will be making a large step toward substantive tax reform.

EXPANSION OF U.S. NAVAL FACILITIES IN INDIAN OCEAN DANGEROUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, section 301 of H.R. 12565, the Defense Department supplemental authorization bill, which we are considering today, contains $29 million for the expansion of U.S. Naval facilities on British-owned Diego Garcia, a 5- by 14-mile island in the Indian Ocean.

When an amendment to strike section 301 is offered, I shall vote "aye."

Diego Garcia, and the Indian Ocean in general, is no stranger to foreign intervention. As early as 1498, the first major European penetration of the region occurred, when Vasco da Gama sailed into the Indian Ocean. In 1532, Diego Garcia, a Portuguese navigator, discovered the small island which now bears his name. Portuguese, Dutch, and French battled for predominance in the area, but it was England which finally won control.

The famous, or infamous, East India Co., was the agency through which England traded, fought, and established its position east of Suez for 250 years. Its activities were gradually taken over by the British Government. But it continued to exercise most of the functions of a government until the 1858 Indian mutiny brought the dissolution of the East India Co., but not the end of British hegemony in the Indian Ocean.

India was the most prized jewel in the imperial crown, and Britain was still the leading trading nation in the Persian Gulf. The British wanted to protect their communications network, secure sea access to the oil-rich Persian Gulf, and, most of all, withstand a feared French invasion of India. For these reasons, the British maintained a significant and costly naval and military presence in the Indian Ocean.

After World War II, the British were forced to retrench. In 1947, the British left India, and the justification for retaining a "special capability" east of Suez was reduced. Though the fate of the Empire became a major controversy in domestic British politics, it was not until 1971 that Britain definitively reduced its military presence outside Europe.

In 1966, Britain signed an agreement with the United States to develop a defense base on the island. The United States would foot the bill, and Great Britain would maintain a token presence. No actual development of the base took place until 1971, when communications facilities and an 8,000-foot airstrip were installed.

Now the Defense Department is asking Congress to appropriate a further $29 million in fiscal 1974 to deepen the harbor, lengthen the runway to 12,000 feet—long enough to support B–1 bombers—and build barracks to house 500–600 naval personnel—in short, to convert the base from an "austere communications facility" to a "modest support facility."

The Defense Department tells us that this expansion is necessary to combat Soviet presence in the Indian Ocean, to reaffirm our influence in the affairs of the littoral states, and to protect oil supplies. This will sound familiar to those who know the history of British involvement in the area.

Rather than offset the Soviet presence, an expanded U.S. base is likely to encourage the Russians to escalate military capability in the Indian Ocean. Far from reasserting U.S. primacy in the political affairs of India and the smaller littoral states, a bigger base will scare the daylights out of those countries who do not wish to see the Indian Ocean the potential theater of another great power conflict. India Sri Lanka, Indonesia, Kenya, Singapore, even Australia and New Zealand have already protested the expansion, and the new labor government in England is reported to be reconsidering the arrangement. And finally, it has not yet been demonstrated what threat to oil supplies a stepped-up U.S. facility on Diego Garcia could effectively resist.

Barely have we emerged from the quagmire of Southeast Asia, narrowly have we escaped military involvement in the Near East, and already the Defense Department is out scouting the globe for one more area into which to interject our "military presence."

The Indian subcontinent could provide the biggest quagmire yet. Nearly one-sixth of the world's population lives in India alone, many of them dying from starvation and epidemic diseases. There is plenty the United States could do to help people, and to improve U.S. diplomatic relations with their governments, but it should be done through multilateral aid, not through B–1 bombers.

If and when the Soviets step up their military capacity, if and when the littoral states ask for our protection, if and when it is proved that Diego Garcia is related to vital oil supplies—then will be soon enough for the United States to consider taking the very big step of expanding its naval facilities on Diego Garcia.

I commend to the attention of my colleagues the following editorial which appeared in the Milwaukee Journal on April 1, 1974:

KEEP THE "ZONE OF PEACE"

A naval buildup and arms race in the Indian Ocean is not in anyone's interest. Yet one might be on the verge of taking place, unless the two superpowers can come to a meeting of the minds.

What will touch off the buildup are two prospective events. One is the anticipated opening of the Suez Canal as a result of the Israeli-Egyptian armistice. The other is the announced intention of the US Navy to upgrade and expand facilities on the small British island of Diego Garcia, 1,000 miles south of India.

Opening the Suez Canal will allow the large Russian Mediterranean fleet to stream easily into the Arabian Sea-Indian Ocean area. And Soviet naval expansion over the last decade indicates that Moscow will do just that.

The US has never maintained a large naval presence in the Indian Ocean, because for most of this century it has been a British patrolled domain. However, the British began pulling out in 1967 and the Soviets have moved quickly to fill the vacuum, even though their closest home base is some 9,000 miles away. The Russian navy now maintains the largest force in the ocean.

The latest Mideast oil crisis has underscored the importance of petroleum to the health of the US, Japan and European economies. It is not in the West's interest to allow the Soviet Union to surround Mideast oil supplies.

Many of the countries bordering on the Indian Ocean, including India, Australia and New Zealand, have wanted to keep it a "zone of peace." It is a wish that the superpowers should respect. This is a worthy issue for the anticipated Nixon-Brezhnev summit this spring. Soviet expansion in the ocean, however, would leave the US with little choice but to react in kind.

THE OVERSEAS PRIVATE INVESTMENT CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, today I introduce a clean bill, reported last week by the Subcommittee on Foreign Economic Policy, to extend the authority of the Overseas Private Investment Corportation and to write into law various policy guidelines. The subcommittee held 9 days of hearings on OPIC during 1973, and a tenth day on March 20, 1974.

The primary initiative of this legislation is that it sets a course toward private insurance companies and/or multilateral institutions assuming OPIC's role of issuing insurance contracts, with OPIC taking the role of reinsurer. The bill authorizes OPIC to write reinsurance and to enter into joint arrangements with the private insurance companies. In addition, it expresses the intent of Congress that OPIC should place an increasing portion of the function of writing insurance contracts with the private insurance companies, with the aim of completely terminating its role as insurer by 1979–1980. If OPIC is unable to meet any of the deadlines for the phased conversion to privatization, it must report the reasons to the Congress.

This approach was adopted in order to reconcile two seemingly conflicting objectives—while it was thought important to give a clear expression of the intent of Congress, it was inappropriate to write mandatory dates into law. Given the lack of experience with joint arrangements between OPIC and private insurance companies, there is no cer-

tainty that privatization can be achieved. OPIC is still negotiating with the American insurnace companies, and giving OPIC's role two ridged a cast might jeopardize those rather delicate talks. Finally, as the House will continue to assess the ability of foreign investment and of OPIC to promote the development of less-developed nations, it will continue closely to scrutinize the program and may even determine that a different arrangement is more appropriate.

The bill also includes various policy guidelines for OPIC. It is directed to give preferential consideration to its programs in the least developed of the LDC's, the cut-off mark for which is set at a per capita income of $450—in 1973 dollars. OPIC should also give preferential considerations to projects by small businesses, which are defined as having net worth of not more than $2.5 million or total assets of not more than $7.5 million. The bill directs OPIC to serve as a broker between the development plans of developing countries and U.S. investors, by bringing investment opportunities to the attention of potential investors.

To take account of the legitimate concern regarding the impact of U.S. investment abroad on our domestic economy, the subcommittee wrote into the bill a stiff provision on runaway industries. OPIC must reject any application of a project that would significantly reduce the number of the investor's U.S. employees as a result of the replacement of U.S. production with production involving substantially the same product for the same market. OPIC must monitor the projects to insure that this provision is not violated after the investment is made. The bill also directs OPIC to consider the environmental impact of projects.

The legislation that was introduced last November would have granted a 2-year extension of OPIC's operating authority. This revised bill authorizes a 3-year extension. The primary reason for the extra year is that it will give OPIC a better chance to negotiate a 3-year contract with the private insurance companies, rather than a 1- or 2-year contract. The extra year will not weaken congressional oversight, as the bill requires OPIC to report to Congress by January 1, 1976, on the possibilities of transferring its activities to private insurance companies or multilateral organizations.

Another provision of the legislation directs OPIC to establish a 10-percent deductible, by which the private insurer assumes 10 percent of the risk. The purpose is to discourage investor behavior which might induce the host government to expropriate or otherwise jeopardize an investment. However, small businesses and institutional lenders would be exempt from this requirement.

Under current statute, OPIC can request a congressional appropriations without first obtaining a specific authorization. The bill would end this practice and also not allow any appropriation unless the insurance reserve dropped below $25 million. However, in order to meet its obligations, under emergency conditions, OPIC would be allowed to borrow for a limited period of 1 year up to $100 million from the U.S. Treasury.

The bill extends the agricultural credit program and permits OPIC to guarantee up to 50 percent of the loans under that program, rather than 25 percent. OPIC has had difficulty in attracting local capital to participate in the program, and this change should increase the chance for success.

It is hoped that this legislation will provide the Overseas Private Investment Corporation with the needed legislative authority and guidance to conduct its operations in the public interest as well as the necessary flexibility to negotiate a beneficial and workable arrangement with private insurance companies.

HAVE CAMPAIGN: WILL TRAVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusettes (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, At a time when the practice as well as the profession of politics is under attack and criticism in our society, when the participants in the crimes of Watergate are counseling young people to "stay away from politics," it is a source of some consolation to read a thoughtful, incisive article about an honest professional who brings to the art of politics great talent, total commitment, and absolute integrity. I am grateful to have had the sage counsel and thoughtful assistance of Mark Shields in my own political campaigns. He brings to the profession of politics great understanding of people, deep faith in the democratic process, and an outstanding record of personal and professional achievement. As long as individuals of his quality are willing to devote their energy, talent, and integrity to the political process, we can feel optimistic about the future of our political system.

I would like at this time to include the text of a front page story which appeared in the March 27 Chicago Tribune:

MARK SHIELDS: HAS CAMPAIGN AND WILL TRAVEL

(By Harry Kelly)

WASHINGTON.—An orange sun rises slowly over Boot Hill. The good guys and the bad guys are at it again. The clock ticks slowly toward high noon. A message crackles over the wires: "Need help!"

As the shadows darken, the modern gun-for-hire arrives, a Paladin in wash-and-wear, dismounting from a gleaming DC–9, armed with an expense account and a briefcase full of polls and issues.

From the cities of the East, across the plains and the cotton fields, and beyond the mountains of the West, the professional campaign managers travel from one election to another, political Wyatt Earps, surviving one Tombstone after another.

It is a growing breed, specialists in winning elections, ranging from the big firms with receptionists and wall-to-wall carpeting to the lone-hand independents with only a desk and an answering service, like Mark Shields.

"If a guy says, 'This is the race that's going to change the world,' I'm like a hooker at a convention; I'm set to go."

So says Shields who at 36 is considered one of the best. A roly-poly Boston Irishman celebrated for his wit, he has worked for Sen. William Proxmire, the late Robert Kennedy Gov. John Gilligan of Ohio, the Democratic National Committee, Sen. Edmund Muskie, Rep. Mike Harrington of Massachusetts, Democratic Vice Presidential candidate Sargent Shriver, and—most recently—for Thomas Luken. Luken became only the fourth Democrat in this century to be elected to the House from the Cincinnati district that has been home of the Tafts.

"More winners than losers," Shields says of his record, "if you total up the homecoming queen in the seventh grade Valentine's party, Sally Sweetwater."

What's the next Tombstone? Shields is now commuting between three or four states to pick the right candidates for him to manage in November. By carefully measuring his time—and reading airline schedules—Shields says he can run three camapigns at the same time.

With campaign budgets skyrocketing and with candidates bewildered about the media, polls, issues, and image, the ranks of those calling themselves campaign managers has grown.

The 1972 edition of the political marketplace lists 276 campaign specialists. But that's misleading. Some names, including Shields, aren't included. Some are specialists in organization, some in media and polls, some in advertising, speech-writing, research, issues, computer letters and direct mail, telephone books, some in press relations. Many do aspects of political campaigns as a sideline. Pollsters usually have commercial accounts. Madison Avenue advertises girdles as well as politicians.

One Democrat who was an official of the Humphrey campaign in 1968 and McGovern's in 1972 questions whether many are worth the money:

"The good part of it is that the good ones like Shields bring professionalism into an area that is often bumbling and unprofessional.

"But the bad part is they often charge more than their services are worth and there are some who operate on the shady side, making side deals with subcontractors, such as a 10 percent kickback from a film maker or a pollster. So the candidate ends up paying two or three times more to the consultant than he thinks."

Anyway, this Democratic campaigner contends, "There are no secrets to running a campaign. It's just that some candidates don't know the basics."

Shields doesn't argue with that: "The candidate really can get along with good old cousin George running the campaign for him. There's nothing arcane, nothing esoteric about the business of politics. It is simply people—you know, trying to reach people in a variety of different ways.

"It's just trying to communicate a message about you, about society, about the office you seek, to people at all different kinds of levels.

"I try to tell a candidate, if he's running for a statewide office in a big state like Illinois, 'you're going to raise and spend $1 million. That's major business. And no guy I know of in his right mind would get into a million-dollar business without talking to some people who had been thru it before.' "

To an onlooker, Shields is a one-man act, a candidate for the Johnny Carson Show, as he sits surrounded by newsmen at a Cincinnati French restaurant, twinkling mischievous, shunning cocktails in favor of beer on the rocks.

Shields, who works out of Washington, denies he is getting rich. Only two losing candidates, he recalls, bothered or were able to pay his bill.

"My wife says I make more per week and less per year than anyone in the world. . . . It's like being a construction worker and

working overtime for a week. You're fat city for a week. Your checking account is three figures instead of one. It's great! So you grab the bride and go out and tie one on and have a big dinner. Terrific! And two weeks later she mentions the telephone company is getting a little surly with their bills."

Still there is gold in them hills, and there are causes.

Few campaign professionals play a double game. They remain loyally partisan, Democratic or Republican. Some are even more specialized. Former Barry Goldwater lieutenant Cliff White prefers Republican conservatives, Shields prefers Democratic liberals.

Altho Shields bad-mouths his business acumen, others have prospered. Matt Reese, who started as a John Kennedy volunteer in the 1960 West Virginia primary, now employs about 15 persons, has taken in three partners and will manage 8 to 10 campaigns by November. Joseph Napolitan is one of the best known Democratic campaign management consultants. Republican Bailey Deardourff, who handled the research for John Lindsey's first mayoral campaign and worked in two Nelson Rockefeller efforts, is managing a half dozen individual campaigns, as well as trying to get the full slate of eight Republicans elected in one state.

When Shields takes over a campaign, such as Luken's in Ohio, "The first thing I ask any candidate is why does he want to be a congressman or a governor; what difference will it make if he becomes a congressman, and what is he willing to do to become a congressman . . . it forces a guy to think beyond ambition."

Shields doesn't mind nursing the skyscraper egos of political candidates. He likes them. "A guy who runs for office lays his ego on the line. It's there for everybody in the neighborhood, everyone he was in school with or in service with or in the car pool with to see, whether he wins or loses. Like that."

Beyond the banter, Shields is philosophical about his own job. "An Irish Chicano picking candidates instead of lettuce."

"I meet friends who are in all kinds of good businesses with stock options and health plans. They're in that big corporate womb, and then there are a few people like myself who are kind of crazy."

The 1968 campaign of Robert Kennedy changed his life, he said. "For three months, I was able to do that which I think I do well, that which I felt was terribly important and that which I felt morally compelled to do. Most people go thru 65 or 70 years and never have that experience . . . a campaign can be the greatest educational tool in a free society."

ON THE LEADERSHIP OF CHAIRMAN RAY MADDEN OF THE RULES COMMITTEE ON SOCIAL SECURITY BENEFIT INCREASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, today, over 29.4 million Americans will be receiving the first in a two-step increase in social security benefits totalling $300 million per month. In July of this year these beneficiaries will be receiving an additional increase of $172 million per month. The legislation which authorized this important increase for over 29 million Americans is due in large measure to our distinguished colleague, the Honorable RAY MADDEN, the chairman of the Rules Committee of the House of Representatives.

On October 30, 1973, when his committee was considering the request for a closed rule on the public debt increase bill, H.R. 11104, Chairman MADDEN led the successful effort to provide a modified rule permitting an amendment to the debt ceiling bill to increase the level of social security benefits. As a result of his action in developing a modified rule, the House Ways and Means Committee proceeded to draft a general social security bill—the bill which was signed into law on December 31.

It is high time to recognize the work of our beloved colleague, the Honorable RAY MADDEN, for his forthright leadership and foresight in leading the fight for the increase in social security benefits when it came before his committee.

Too often, the contribution of the Chairman of the Rules Committee to the legislative process is allowed to go unnoticed. It was Chairman RAY MADDEN'S conviction that our elderly citizens deserve some defense against the spiralling inflation which erodes their savings and retirement benefits. The recently enacted benefit increases may have never been signed into law without his leadership in producing a "social security rule" on the debt ceiling bill.

We are indebted to this great legislator who chairs this vital committee. His leadership has been refreshingly responsive to social needs. He legislates with deep concern for the welfare of the Nation and its humblest citizen. He is selfless in his work. He is modest and does not seek the recognition which he so richly deserves.

Mr. Speaker, I wish to extend to my friend and colleague, my gratatude for his continued leadership on social security increase legislation which is today restoring some sense of balance to the needs of the elderly and the retired.

GREATER ROLE URGED FOR FHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT), is recognized for 5 minutes.

Mr. BARRETT. Mr. Speaker, we are all concerned with the present state of the economy and the signs of increasing interest rates and unemployment heighten these concerns. The housing market has suffered severely in the past several months and there are signs of further weakening of this sector. This past weekend there appeared in a local Washington paper an article by Mr. Milton A. Abrams entitled "Greater Role Urged for FHA" presenting an appropriate approach to meeting these conditions.

Mr. Abrams is senior vice president of Associated Mortgage Companies, Inc., and president of Associated Government Programs Co. Mr. Abrams is an extremely articulate and capable young man whose expertise is widely recognized. His suggestions are worthy of our reading and most serious consideration by HUD and the administration. I include it at this point in the RECORD:

GREATER ROLE URGED FOR FHA

(By Milton A. Abrams)

There is some talk of a recession in the residential construction sector this year and there are a number of plans being discussed to bolster home building. Those measures for housing are expected to have a positive impact on the general economy.

Historically, in times of recession the home building industry has been used to stimulate the economy. Falling interest rates have been a catalyst for rising starts. However, because of time borrowing at high rates, conventional mortgage financing sources are not in a position to respond to the recession threat with lower interest rates.

Most economists agree that conventional mortgage interest rates will not go below 8 per cent this year. In fact, long term rates turned up again recently. One effect will be little relief for middle-income Americans who cannot now afford to purchase an average-priced new or existing home. They will also have difficulty meeting the rents for new or rehabilitated rental housing.

Assuming a need for economic stimulus and use of housing construction for this purpose, two important governmental tools must be made more workable. First, the FHA must direct its attention to production operations. It must be given an organizational structure designed to encourage production backed by a public commitment from the administration.

Rapid processing of applications to commitment and loan closing is imperative. In an inflationary economy, it is critical that a developer's concept be approved and that construction commence within the shortest possible time period so that advantage can be taken of current costs of materials and labor. Compliance with requirements for cost estimation, environmental protection, fair marketing and equal opportunity need not delay production.

Second, the Tandem Plan must be expanded to support a 7 per cent rate. Under the Tandem Plan, the Government National Mortgage Association buys and sells mortgages and absorbs, in the form of discount points, the difference between the commitment price and that realized from the ultimate purchaser in the secondary market.

The ultimate purchaser will, of course, purchase at the yield requirements prevailing in the market place. Typically today (on 7¾ per cent mortgages) the cost to GNMA is between 3 and 4 per cent of the face amount of the mortgage. At this rate, the annnal budgetary expense to support 200,000 units (at $33,000 per unit) would be approximately $250 million. If doubled, this expense could still be relatively minimal when contrasted with the economic benefits that can flow from increased production and lower rents and/or ownership payments.

One of the most impressive features of government support to the market through the Tandem Plan is that it is a one-time expense approach. After meeting the discount points per unit, there is no additional federal expenditure. If Tandem support is extended to 7 per cent levels, the FHA programs will be able to reach most middle-income families, thus allowing housing alternatives not now available.

For families in need of subsidy, FHA could use rent supplements in connection with Section 221(d)(3) market-rate rental and cooperative housing programs and thereby provide housing for very low-income families. This method of achieving lower rents could be used in conjunction with the revised Section 23 leasing plan for very-low income families, recently proposed by HUD. Section 221(d)(3) is a proven program already in place and can be quickly stimulated. In contrast, the revised Section 23 program would not produce the volume of units necessary in 1974. An even greater stimulus could result if the moratorium on subsidized housing were lifted.

In addition to government commitment for discount points and rent supplement payments, other methods are available to

reduce carrying charges without subsidy. For example, federal statutes presently permit an FHA multi-family mortgage to run 50 years in term, rather than 40 years, and the mortgage insurance premium to be reduced to ¼ per cent from the current ½ per cent. These two underwriting features, if applied along with the Tandem Plan, would further reduce the monthly cost of housing.

FHA will not be an effective resource for stimulating the economy unless corrective action is taken in both attitude and administrative techniques. Without lower interest rates and the possible use of other underwriting techniques, the "have-nots" of this country will grow to include much of the middle-class, at least as far as housing is concerned.

Seventy per cent of American families have an annual income of $15,000 or less and the average price of a new home today is about $34,000. The $15,000 family would have to use about 28 per cent of its monthly income toward payment of principal, interest, taxes, utilities and insurance on a typical $30,000 mortgage.

Many lenders, using a standard that no more than one-fourth of montly income should go toward shelter cost in an inflationary period, would probably not make such a loan.

Clearly, middle-income families are in need of housing assistance. In the face of a devastating inflation, the government must make an effort to lower housing costs. This can be accomplished via the FHA housing programs. FHA offers viable programs for single family ownership; for multifamily rental, condominoums and cooperatives and most of these insurance programs are available for rehabilitation too.

SAIGON LEGISLATORS SPEAK OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I have just received some very moving documents which I would like to share with my colleagues.

These are statements made by a group, like ourselves, members of the legislature of South Vietnam. When President Thieu recently overturned the constitution to give himself a third term, many members felt compelled to protest. These statements were brought to the United States by a relative of an official who opposes the Thieu regime. He feels that Members of our Congress have a legitimate interest in the situation since U.S. funds support 86 percent of the Saigon regime.

We must remember that protest of the Thieu regime is not permitted and can well result in jail, torture, and even death. Yet 54 members had the courage to sign a statement; one Senator resigned; and Thieu's old opponent, General Minh, spoke out again.

The language of their remarks is of necessity muted: not only to conform to custom but to avoid if possible arrest and detention. Reading what is implied as well as what is said, we find a very different picture from the one that Saigon would like us to have, wherein the entire population cheerfully accepts dictatorial rule. No matter how much Thieu tries to silence dissent, it does come out.

The following translations convey the deep concern of responsible citizens of South Vietnam. I believe we should listen to them before we grant any further funding to the Thieu regime:

DECLARATION BY SENATOR NGUYEN-VAN-HUYEN

SAIGON, *January 19, 1974.*

The Joint-Session of Congress just votes to accept the proposed amendment to Article 52 of the Constitution in order that the President may seek a third term.

This amendment of the Constitution brutally destroys the last ray of hope of all those still wishing to build a true democratic regime.

Consequent with my statement to the Joint-Session of Congress this morning, I solemnly reaffirm that as of this moment I resign from the Senate to return to the life of a simple citizen.

At the same time, in the name of the Central Executive Committee, I declare the dissolution of the TU–DO Party and ask my political companions to return to their ordinary life and together with the people charter a new course.

NGUYEN-VAN-HUYEN.

STATEMENT OF SENATOR NGUYEN-VAN-HUYEN

Messrs. PRESIDENTS, distinguished REPRESENTATIVES and SENATORS: on the path of the present progress of Man's Science, this extraordinary Joint-Session of Congress (born from a silent organization during the last several weeks) warns the people that the forthcoming events is about to put this regime into a new "orbit", different from the regular road.

Where will that orbit, with hidden method and plan secretly applied, (seemingly not daring to reveal to the people the deep intention of the task of amending the Constitution) lead this Nation and this people?

The whole of to-day's problem lies within that point.

If this is a movement for amending the Constitution to improve upon its defect, then who among the people, who among us, will not approve of such an initiative. And if that is the simple truth, then why the efforts to conceal and to deceive; why, faced with such an important task, the first occasion ever, since the existence of the Constitution, the precipitate action, causing each and everyone to raise doubts and to search for an explanation.

One seeks to understand for what reason, especially for what purpose, a problem of extreme importance to the future of the regime and the survival of the Nation, was hatched furtively and hurriedly in darkness like that.

If a space ship sometimes changes orbit to get to the Moon, there may arise occasion in which failure or faulty calculation may push the ship out of the safe area.

Men in the street are whispering among themselves these days: What is it that these Messieurs in Congress seem to be so extraordinarily occupied, at a time when newspapers and everyone are relaxing and preparing for Tet?

Why does the Administration of both Houses choose the terminal days of the year of the Buffalo to schedule the session for discussing such an important problem, when everyone is busily preparing to pay homage to deceased ancestors?

Is it to avoid unfavorable reaction from the people and to put everyone in front of a fait-accompli when stepping into a new era?

During the present destitute period of the Nation, faced with a struggle in which we have to hold firm and consolidate against Communism, the people's heart is the crucial element in all domains.

If the people's heart remains, there remains the Nation because it truly is the people.

Possessing the people's heart, one has every thing; on the contrary, losing it will only lead to a dark and dangerous future.

The problem of creating "true" confidence, by correctly instituting a truly free and democratic regime is the fundamental and crucial problem which has been accentuated right in the argumentation leading to the drafting of the Constitution.

What is the people's heart, what is the people's confidence with respect to their representatives, if not a close rapport between the two parties.

This rapport demands:

A "free" mandate by the people and conversely;

A "truth-ful and faith-ful" service of the representative.

We may discuss at length, but the Truth will always remain the Truth.

We cannot distort the Truth.

We cannot bridle the Truth.

We cannot trifle with the people and we cannot swindle the people.

Lessons of contemporary history demonstrate that the people will not always remain indifferent with actualities.

The people (which you, distinguished gentlemen, think that you represent) will someday ask question and hold responsible those who have intentionally created an increasingly suffocating atmosphere.

Who among us can be certain that the proposed amendments to the Constitution are useful to the Nation and correspond to the wish of the people? Or are they only some private concern, favorable to a certain superficial direction.

We all have a title, and we are proud of being the representatives of the people.

But more than that title, we carry a heavy responsibility.

Let us ask whether our action will answer either the aspiration of the people or the call of our Conscience or not.

That is Responsibility, and that is all that matters.

Because if our responsibility is not whole, then our title call is title no more, it is but false title.

If our vote does not correspond to the people's desire, does not reflect the people's wish, then our task of to-day will lead to failure, not withstanding the fact that we have betrayed the people because of minor, individual, unworthy gain.

The Law is only worthy if it succeeds in expressing Justice.

The Law must create the spirit and conditions for a really true Justice; only the impartial and equalitarian Law can bring Peace and Prosperity to the people.

If the Law only serves, instead of controlling tyrannical power, then the Law has betrayed its divine mission and becomes meaningless.

Therein lies the vulnerable point of all things.

In the survival struggle against Communism, a foundation for an equitable law system to keep the people's heart is the most important fact that we should not disdain.

Because I am convinced that the Communists do not fear any individual, but they will only retreat in front of the might and the support of the people.

In his message on January 1, 1974, the Day for World Peace, Pope Paul VI, an authority universally recognized, said:

"Do not confound Peace with a fearful submission and docility in front of the domination by others, accepting oneself slavery. True Peace is not that; repression can not be Peace. Pure external order supported because of fear is not yet Peace."

"The recent celebration of the 25th Anniversary of the Declaration of Human Rights reminds us that true Peace is based on the recognition of the inviolable value of Personalism, from which emanate Rights equally

inviolable with corresponding responsibility".

"In truth, even if Peace accepts to submit itself to forthright regulations and legal governments, it will never take lightly the public interest or the freedom of mind of Man".

"Peace may lead to generous absolution and reconciliation, but it will not do that for a vile exchange, ruinous to the human values, to protect a selfish interest contrary to the legitimate rights of others".

During a sermon on that same day, the Pope also accused the false forthrightness, the connivances to solve problems by the repression or the destruction of the opposition.

His Holiness admonished that we must unify to eradicate all similar ideas and actions and explicitly defined that such a justice must be considered as an infinite injustice.

Within the framework of an extremely difficult Economy and an uncertain military and political situation, the Joint-Session of Congress is convened urgently to-day to amend the Constitution, according to the proposition of the government Representatives and Senators.

Even though embellished by a few necessary revisions, the central point of the proposed amendment is the change of the presidential term so that the incumbent president may run for a third term (of five years instead of the previous four-year term).

What will the people think of this amendment? That is the crucial question in front of us to-day.

Before answering it, it is fitting to recall briefly the course of events since the last House election of 1971. The one-candidate presidential referendum, which followed closely, has demonstrated that the people of South-Vietnam could exercise their free choice no more; Then came the forced staging for the "Delegated Power Act," and the senatorial election of August 8, 1973 with its incredible peculiarities, known to all.

Can the spirit of Freedom and Democracy, which the Constitution of April 1, 1967 holds in reverence, survive after the above mentioned chain of events?

If yes, who among us can prove and guarantee it?

And if not, then why close our eyes and be let into an orbit without exit.

Born of the people, the Tu-Do Party always shares the anxiety of the people and has chosen the path of constitutional opposition, endeavouring to bring a ray of hope, even a very frail one, into the future.

Today's amendment of the Constitution has brutally destroyed the last ray of hope of those still wishing to build a true democratic regime.

As President of the Tu-Do Party, I solemnly declare before this Joint-Session of Congress and before the people that:

"As of the moment the Constitution is amended so that the incumbent president may have another term, I wish first to beg forgiveness of the people and to ask them to accept my resignation as a Senator.

"I further solemnly declare the dissolution of the Tu-Do Party and ask my political companions in the Party to return to their ordinary life to share the contempts and sorrows and together with the people decide".

We would choose to return to the people and share all adversities rather than to become ornaments for a despotic regime.

Let us not forget that even the Communist regime succeeds only in destroying the body of man, but it is never able to subjugate neither Man's Will nor the power of Man's Mind.

The brilliant example of the novelist Alexexander SOLZHENITSYN and that of the Scientist SAKHAROV, right on Russian soil, are evident cases proving amply that "it is not only the tyrannical, despotic power which counts", and they also demonstrate that "the vulnerable point of the tyrannical power is that it relies upon and recognizes only tyrannical power"—As Paul VALERY had written: "La faiblesse de la force est de ne croire qu'á la force".

STATEMENT OF GENERAL DUONG VAN MINH

DEAR FRIENDS: Last year, on the same 24th day of the 12th month of the lunar calendar, we welcomed with much hope the Paris agreement as a practical basis for ending the war, and restoring peace in the spirit of national conciliation and national concord.

If the Agreement had been implemented with goodwill, today the guns would have fallen silent throughout the territory of the South, the military, civilian and political prisoners would have been reunited with their families, the people of South Vietnam would have enjoyed the democratic rights, and a new way of life would have been begun in this part of the country, and the conditions for conciliation between the various elements of the nation would have been fulfilled.

If the Agreement had been implemented correctly, today the South would have begun the work of reconstruction, development, and building a brighter future for everyone, especially for the young generations.

But all through the past year, not one single day did the guns fall silent.

And today, on the threshold of the year Giap Dan, instead of enjoying the first peaceful Tet after nearly thirty years of war, the people of the South have to carry the burden of a prolonged war and, at the same time, to face the difficulties and sufferings resulting from the grave degradation of an economy clinging to foreign aid in order to serve the needs of war.

In that painful situation, the question which I have often heard in my meeting with friends and people from various walks of life is: what must those who advocate national conciliation and national concord do?

I take the opportunity of this get-together today to place before you a few ideas with a view to making a contribution to the search for answers to that question.

The first, and the most essential thing we must do, in my view, is to maintain our strong faith in the just cause of peace.

All through the war years, when the massive use of the most frightening weapons was resorted to in this land, we believed that the Vietnamese problem could not be solved by pure military means, and because this war could end in the victory of neither side, the road of national conciliation is the only road to peace.

Our view was correct; the Paris Agreement has confirmed it.

All through the past year, the bellicose influence have blocked and sabotaged the implementation of the Agreement, but if conciliation still is the only road to peace, then however stubborn they may be, in the end they will have to accept this road if they do not want to be brought down.

The second thing we must do is to achieve unity.

Those who advocate conciliation are large and variegated bloc and inevitably differences of views exist. But even if we hold different views on one point or another, we can still easily work together on one basic point, and that is demanding the correct implementation of the Paris Agreement as a precondition for the achievement of peace.

In the present circumstances, in my view, all our efforts must be directed toward that goal, and we must hold sincere discussions together to search for modalities of effective action.

To be effective, we must rally: that is our third task.

In the past year, there were friends who urged the formation of a big and open organisation comprising all those who love peace.

In my view, in the present objective and subjective conditions of the South, it would be difficult to establish such an organisation, and if it can be established, it cannot operate effectively. Such an organisation can fall into the trap of becoming an ornament or a dependent agency of this side or the other side.

It is only when article 11 of the Paris Agreement has been truly implemented that a large scale peace force can surface and operate in broad daylight.

In the present circumstances, I think that there should be not one but several rallies round bodies or personalities having really struggled for peace, with a flexible coordination so that they can give one another positive support. This flexible form of organisation will enable the various groups advocating peace to maintain their independence while allying with one another.

The fourth and most important thing we must do is to act.

Having faith in the just cause of peace, we must ally with one another to work positively for peace: the majority of the people of the South surely desire this at present.

There are many ways in which we can act, and each man, each group may choose the way most fitting with their capabilites and situations. But whichever way they may choose to act, the only course for all of us to follow must be national conciliation. This aim must be unequivocal in our speech, gestures, attitude, position and action.

As people advocating conciliation, we cannot systematically oppose any side, nor can we systematically support any side. We only oppose policies, positions, actions harmful to peace, and support policies, positions, and actions favouring peace.

As people advocating conciliation, each of us must become a conciliation cadre, from the cities to the remotest hamlets. Through speech, through action, we must instill in every man and woman of the South the unbreakable faith in the ultimate victory of the just cause of peace.

It is only then that the people of the South can participate positively in the work of national conciliation. His Holiness the Pope has himself declared on the first day of the year 1974:

"Peace does not only depend on chiefs of state and statesmen, but depends on each of us".

Dear Friends, I have just put to you a few observations and ideas which I consider to be the fundamental points requiring discussion, concert, and agreement.

In the last days of a bleak but still hopeful year, the just cause of peace shines brighter than ever.

We can maintain our faith in the just cause; we can unite, rally and act correctly and effectively; we shall surely succeed. And the year Giap Dan will be the year of conciliation, leading to Peace of the Nation.

HOUSING OPPORTUNITIES FOR THE HANDICAPPED

(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 I am introducing legislation that could have a profound influence on the future of housing opportunities for severely handicapped persons. My bill, the Housing Opportunities for the Handicapped Act, provides for alternatives to institutional living arrangements for the severely handicapped.

Rather than confining the handicapped to institutions, nursing homes, and hospitals, I feel we should be searching for ways to wholly integrate the handicapped into our society. With adequate planning, comfortable, convenient, and practical alternatives can and must be provided.

First introduced in the Senate last year by Senator ROBERT DOLE, the bill would provide these alternatives by establishing a demonstration grant program to initiate new ways of equipping, adapting, and modifying private homes, apartments, hotels, or other facilities to meet the residential needs of the handicapped. My bill also mandates the Department of Housing and Urban Development to consider the needs of the handicapped when constructing future housing.

We often overlook the difficulties and inconveniences consistently encountered by the handicapped in modern living. Fully mobile persons who have assumed the role of a severely handicapped person for even an hour are astounded at the obstacles which confront them. Steps and escalators, to name only two examples, are no longer conveniences but become major hindrances to mobility if one is confined to a wheelchair. Similarly, accommodations must be made in housing appliances, fixtures, and floor plans, and the time for such change is now.

I urge my colleagues on the House Banking and Currency Committee to ponder the difficulties I have mentioned and the opportunities afforded the handicapped through this legislation, as they consider comprehensive housing legislation.

ON THE PRESIDENT'S TAXES

(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, at a time when Americans are preparing their tax returns, it is particularly distressing to find that Richard Nixon, while occuping the Office of the Presidency has underpaid his taxes to the extent of $432,787. While I am not shocked by the committee's finding, it is deeply discouraging to me to see our Nation being led by an individual who has committed such an affront to the public trust. My distress over the revelations is compounded by the very arrogance with which the White House has responded to the matter. Let us examine for a moment the short statement issued by the White House yesterday in announcing that the President would pay the $432,787 in back taxes. It concludes:

> Any errors which may have been made in the preparation of the President's returns were made by those to whom he delegated the responsibility for preparing his returns and were made without his knowledge and without his approval

What is this? An attempt to absolve the President from any responsibility for understating his tax liability. I will not attempt at this time to judge whether the President committed fraud in the preparation of his return. But, the suggestion that the President was not responsible "for any errors" in the preparation of his return is indeed outrageous. Every American, including the person occupying the highest office of our country, signs his tax return and endorses the following statement:

> Under penalties of perjury, I declare that I have examined this return, including accompaning schedules and statements and to the best of my knowledge and belief it is true, correct and complete.

While one might hesitate in criticizing the President for technical errors in his return, one cannot help but be outraged by the dimension of these so-called errors. What we have in this case are not simply errors. The underpayment of taxes in this case involves more substantial and deliberate decisions than simple technical errors of computation. The accountant is the technician, but the taxpayer sets the tone for how his tax liability is to be treated. Surely the President realized that he was not paying California income taxes since he considered his residence for State tax purposes to be Washington, D.C. Alternatively he also did not find himself paying a capital gains tax on the sale of his New York City apartment, since for purposes of his Federal income tax, he had designated California as his principal residence. Someone set the tone for dividing the profit on the Florida land sale in a way to minimize the Nixon family's taxes. Indeed, the general attitude of using and stretching loopholes wherever possible to avoid taxes was so pervasive that the committee found that even the President's deductions for gasoline taxes had been inflated.

Furthermore, it is clear from the February 6, 1969, memorandum written to the President by John Ehrlichman on charitable deductions and contributions that the President was very much involved in establishing how his tax liabilities were to be handled. It would appear from the memorandum, and the President's handwritten comments on it, that Richard Nixon was not so removed from his personal tax matters as the White House would now like to suggest.

Many Americans receive assistance in the preparation of their returns, but they have the responsibility for the accuracy and completeness of their returns. Indeed, most Americans probably worry that they or their accountants have inadvertently made an error and that they will later be subject to an audit. When filing his tax return, Richard Nixon is an ordinary citizen—or at least he should be treated as such by the Internal Revenue Service.

I think that the House and the country owe a great deal of thanks to the Joint Committee on Internal Revenue Taxation, and in particular its director, Laurence N. Woodworth, for its extraordinary, professional job in analyzing the President's return and submitting its report. While it is discouraging that the Nation's leader should underestimate his tax liability and that the IRS until yesterday did not attempt to challenge the President's returns, it is reassuring that our system of checks and balances has finally brought this matter to the fore and subjected the President to the same tax demands imposed on all other Americans.

Almost 9 months ago, on July 11, 1973, I wrote to IRS Commissioner Donald C. Alexander raising the question of whether the President had paid taxes on the capital improvements made to his San Clemente and Key Biscayne properties. I pointed out that section 61 of the Internal Revenue Code of 1954, as amended, defines gross income as "all income from whatever source derived." Thus, I argued the payment by the Federal Government for home improvements, landscaping, office furniture, and other items of nonsecurity nature for both of the personal residences of the President were additional compensation to him, and thus should be included in his gross income. I urged the IRS, at the least, to undertake an investigation to determine the exact tax implications of these expenditures by the Government on behalf of the President.

Commissioner Alexander responded promptly, but enigmatically. By letter of July 13 he said that the tax affairs of all persons are confidential and so he could not comment. He added the information I raised would be "considered by the appropriate personnel of the Service."

When it was announced that the joint committee would review the President's tax returns, I forwarded my correspondence to Mr. Woodworth. I am glad that his office saw fit to make a more active investigation of this aspect of the President's tax liabilities. While the committee found that only $92,298 worth of improvements to the San Clemente and Key Biscayne properties should be considered as taxable income, it is important that the committee confirmed the President's responsibility for paying taxes on improvements made to his property that were in fact capital improvements.

Our tax system, as our legal system, demands the good faith of the people and their voluntary compliance. It is structured on the premise that most people are honest and want to do what is right. They look to the law for direction, not merely as a threat. We cannot survive if we turn into a people whose ethics are so jaded that our response is to avoid the demands of the law whenever possible. And, we look to the President of the United States to set some standards of conduct for us. It is tragic that we must conclude he has failed us miserably and left too many people asking themselves, "Why should I do any better?"

The material follows:

JULY 11, 1973.

HON. DONALD C. ALEXANDER,
Commissioner of Internal Revenue,
Washington, D.C.

DEAR MR. ALEXANDER: On June 20, 1973, the General Services Administration (GSA), Region 4, released a Schedule of Costs Incurred at the Presidential Complex, Key Biscayne, Florida. This was followed on June 21, 1973, by a similar GSA study summarizing the costs incurred by the Federal Government for the Presidential Compound in San Clemente, California. There was also released, on June 28, 1973, a GSA report of the expenditures for Vice President Agnew's resi-

dence in Bethesda, Maryland for the period April through June, 1973.

Many of these expenses have been characterized as part of the costs incurred at the request of the U.S. Secret Service in support of its requirement to protect the President and Vice President. Others, however, appear to be merely of a maintenance or capital improvement nature. These include heating system modification, landscaping, a swimming pool cleaner, washing machine, lawn mower, ice maker and many other items that normally are incurred by a homeowner to repair or improve his residence. In the instance of the President and Vice President, however, these costs have been borne entirely by the Federal Government.

Section 61 of the Internal Revenue Code of 1954, as amended, defines gross income as "all income from whatever source derived." Thus, if compensation takes a form other than cash or securities, it is nonetheless included in gross income, unless specifically excluded by some other provision of the Code. Accordingly, the receipt of an automobile from a business friend for past or future services is compensation, as would be the receipt of any other type of real or personal property.

The payment by the Federal government for home improvements, landscaping, office furniture and other items of non-security nature for both of the personal residences of the President appear to be additional compensation to him, and thus should be included in his gross income for the years in which the work was done. At the very least a serious investigation should be undertaken to determine the exact tax implications of these expenditures by the government on behalf of the President.

There is also the question of the future tax effects of the security-related improvements. Assuming that the value of the San Clemente and Key Biscayne properties will be enhanced by the expenses for Secret Service protection, how should these be treated upon completion of Mr. Nixon's term of office? It does not seem equitable that the President should receive government paid renovations of his personal residences and then be able to reap the benefits on a future sale of the homes. It would appear that these security expenditures, therefore, should also be included in ordinary income, if and when the governmental need therefor has expired, or at the least, upon sale of the property.

Immediate review of these questions is essential. It would be highly unfair for the average taxpayer to bear the full burden of the Internal Revenue Code while the President is able to escape taxation on expenditures made for him by his employer, the Federal Government. Accordingly, I will appreciate receipt of your opinion as to the federal income tax consequences of the expenditures outlined herein and your advice as to what steps are to be taken by Internal Revenue Service with respect thereto.

Sincerely,

EDWARD I. KOCH.

JULY 13, 1973.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of July 11, 1973, regarding expenditures made by the General Services Administration with respect to the residences of the President and Vice President.

As you know, the tax affairs of all persons, including high government officials, are confidential and may not be disclosed except as provided by law. We can assure you, however, that this information will be considered by the appropriate personnel of the Service.

Sincerely,

DONALD C. ALEXANDER.

JULY 20, 1973.

Hon. DONALD C. ALEXANDER,
Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR MR. ALEXANDER: Thank you for your prompt response to my letter concerning the tax implications of the non-security related expenditures by the government in behalf of the President and Vice President.

I certainly agree that the Internal Revenue Service must maintain the confidentiality of every individual's tax return. I want to emphasize therefore, that I am not seeking any disclosure of information on the tax returns of the President and Vice President. Nor am I asking whether any of the items to which I referred in my previous letter were reported as income.

On the contrary, I am seeking your opinion as to whether the non-security related expenditures to which I referred in my letter of July 11th constitute taxable income or may constitute taxable income under Section 61 of the Internal Revenue Code of 1954. I would appreciate your giving me a statement on the legal principles applicable to the determination of whether items of this nature are to be included in a taxpayer's income. For example, if an employer provides improvements to an employee's home which are not necessary to carry out the employer's business, are these improvements considered income? Or, if such improvements can be used by the employee in the course of his business, but are *primarily* for the personal benefit of the employee, are they considered income for tax purposes? I realize that there are special facts and circumstances in each case, but I would appreciate having from you an opinion on the legal principles applicable to such items.

In the event your office determines that the items in question do constitute income, what then would be the appropriate course of action for the IRS in such cases?

Sincerely,

EDWARD I. KOCH.

AUGUST 2, 1973.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is to acknowledge your letter of July 20 to Commissioner Alexander, concerning the question of whether improvements by an employer to his employee's home are includible in the employee's income.

You will be further advised in the matter as soon as possible.

Sincerely yours,

———— ————,
Chief, Technical Services Branch.

AUGUST 9, 1973.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in response to your letter of July 20, 1973, requesting an opinion concerning the Federal income tax consequences when an employer improves an employee's personal residence.

Your earlier inquiry of July 11, 1973, on this matter dealt specifically with the Federal income tax consequences of expenditures made by the Federal government on residences owned by the President and Vice President. In your letter of July 20 you state that you are neither requesting disclosure of any information on the President's or Vice President's tax returns nor inquiring whether any of the items to which you referred in your letter of July 11 were reported as income. Rather, you state that you are seeking a statement of the legal principles applicable to the determination of whether items of this nature are to be included in a taxpayer's income. Your letter of July 20 also states, however, that "I am seeking your opinion as to whether the non-security related expenditures to which I referred in my letter of July 11th constitute taxable income or may constitute taxable income under Section 61 of the Internal Revenue Code of 1954." You also ask, "In the event your office determines that the items in question do constitute income, what then would be the appropriate course of action for the Internal Revenue Service in such case?"

After carefully considering your July 20, 1973, request in the light of your July 11, 1973, inquiry, we have concluded that we are unable to furnish the statement you have requested. We believe that under the circumstances any such statement from this office would constitute an improper discussion of the personal and confidential tax affairs of particular taxpayers. I trust that you will appreciate our position in this matter.

With kind regards,

Sincerely,

DAVID C. ALEXANDER,
Commissioner.

AUGUST 14, 1973.

Hon. WILBUR D. MILLS,
Chairman, Joint Committee on Internal Revenue Taxation, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to bring to your attention the enclosed correspondence I have had with the Internal Revenue Service concerning expenditures made by the General Services Administration with respect to improvments on the homes of the President and Vice President.

You will note that the IRS will not respond to the questions I have raised and I bring the matter to your attention with the thought that you would think it appropriate to raise the matter with them.

All the best.

Sincerely,

EDWARD I. KOCH.

SEPTEMBER 6, 1973.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Chairman Mills' office has forwarded to me your letter to him dated August 14, 1973.

It is my intention at the next meeting of the Joint Committee on Internal Revenue Taxation, which I hope will be later this month or early next month, to present for discussion the questions raised in your letters to the Commissioner of Internal Revenue concerning the proper tax treatment of improvements made by the government to the President's private residences.

Sincerely yours,

LAURENCE N. WOODWORTH

SEPTEMBER 19, 1973.

Mr. LAURENCE N. WOODWORTH,
Chief of Staff, Joint Committee on Internal Revenue, Taxation, Washington, D.C.

DEAR MR. WOODWORTH: Many thanks for your letter of September 6th advising of your intention to discuss with the Committee the questions I have raised with respect to the tax liability of improvements made to the residence of any employee by an employer, and specifically, such improvements made to the President's private residences by the government.

I am most appreciative of your interest and will be anxious to learn the outcome of your discussion.

Sincerely,

EDWARD I. KOCH.

DECEMBER 12, 1973.

Mr. LAURENCE N. WOODWORTH,
Chief of Staff, Joint Committee on Internal Revenue Taxation, Washington, D.C.

DEAR MR. WOODWORTH: You will recall our recent correspondence concerning my in-

terest in determining the tax liability of improvements made to the residence of an employee by an employer, specifically those improvements made to the President's private residences by the government. As you may remember, the IRS had refused to issue an opinion on this question.

It is my hope that as the Committee investigates the tax ramifications to the President of the gift of his Vice-Presidential papers and the nonpayment of a capital gains tax on the sale of property adjoining his San Clemente home, it will also explore the issue I have raised with the IRS concerning expenditures made by the government to the President's private properties.

Sincerely,

EDWARD I. KOCH.

OIL INDUSTRY INFLUENCE WITHIN THE FEDERAL ENERGY OFFICE

Mr. ROSENTHAL. Mr. Speaker, several weeks ago, I asked William Simon, Administrator of the Federal Energy Office, to furnish me with a list of former oil industry officials holding policy-level positions with the FEO. Mr. Simon reported that as of March 1, 1974, 58 former oil industry executives held jobs at the Government's principal energy operation.

In response to my request for an update of the information, Mr. Simon notified me by letter dated March 22 that 102 former oil industry employees occupied positions at the Federal Energy Office. Of these, 62 were employed in the oil industry within the last 4 years; 10 held positions of GS–16 or higher and 59 held positions of GS–13 to GS–15; 31 were listed as "career" employees; and 49 were designated as "temporary."

Mr. Speaker, there are obviously instances when Government requires certain expertise available only in the form of industry personnel. But it should be equally obvious that the American public's lost confidence in its Government will never be regained until that kind of conflict-of-interest or even the appearance of such conflict, is removed from Government service. Sometimes it is a little more difficult to search the universities and think-tanks and public interest groups for prospective Federal employees—but the dividends in the form of increased public confidence and consumer acceptance are well worth the effort.

In the hope that the disclosures will generate serious debate and study over the risk/benefit ratio associated with the Government's hiring large numbers of former and future energy industry people to regulate that industry, I am inserting at this point in the RECORD an updated list of FEO personnel with oil industry backgrounds. I do want to indicate my deep appreciation to William Simon for the FEO's cooperation and openness in this matter.

FEDERAL ENERGY OFFICE,
Washington, D.C., March 22, 1974.

Hon. BENJAMIN S. ROSENTHAL,
House of Representatives,
Washington, D.C.

DEAR MR. ROSENTHAL: In your letter of February 22 and subsequent contacts by your staff, you requested that we furnish you an updated list of the names, job descriptions and compensation of all FEO personnel who were employed in the Energy industry during the last five years.

In response to this inquiry, we are furnishing you a complete list of FEO personnel who were formerly employed in the Energy industry. We have included their titles and GS grades.

We believe this information is responsive to your request.

Sincerely yours,

WILLIAM E. SIMON,
Administrator.

Former oil industry employees with FEO

In Washington	61
In regions	41
Total	102
GS–16–18	10
GS–13–15	59
GS–12 and below	28
Consultants	5
Total	102
Employment status:	
Career	31
Temporary	49
Detailees	18
Presidential exchange	4
	102

NO LONGER EMPLOYED WITH FEO

Region V

Al Stratford—returned to IRS.

Energy Resource Development

L. E. Moore—returned to IRS.

ADMINISTRATOR'S OFFICE					OIL INDUSTRY			
Name	Type of appointment	Grade	Position	Years with Government	Oil/energy—company name	Position	Years with company	Year of separation
Robert Emmons			Special Assistant to Administrator Consultant.	2 wks	Standard Oil of Indiana	Marketing manager/regional manager.	33	1970
POLICY ANALYSIS					**OIL INDUSTRY**			
Phil Esley	Permanent	16	Deputy Assistant Administrator for Policy Analysis.	3	Ohio Oil Co. (now Marathon Oil Co.).	Petroleum engineer, district reservoir engineer.	1950–55	1955
					Skelley Oil Co	Reservoir engineer supervisor	1955–62	1962
					Sinclair Research Laboratory	Senior research engineer	1962–65	1965
					Sinclair International (now Atlantic Richfield).	Staff petroleum engineer	1965–68	1968
					Not available	Petroleum consultant	1969–70	1970
Robert Bowen	Presidential interchange.	15	Consultant	5	Benson Mineral Group	Assistant to owner	1970	1970
					Phillips Petroleum Corp	Manager refined products collation and planning.	1966–73	1973
ECONOMIC AND DATA ANALYSIS					**OIL INDUSTRY**			
Eugene Peer 643–6213	Permanent	15	Industry specialist	4	Exxon	General manager manufacturing (1 yr)	32	1969
William Darby, 634–6453, 634–2731.	do	14	do	14	Mobil Oil	Senior petroleum economist	18	1964
David Oliver –6174, home 451–0974.	do	15	Director, Division Oil and Gas Statistics.	9	Atlantic Refinery	Chief economist	do	1964
Earl Elferbrake –6106, home 280–5153.	do	15	Transportation Industry Specialist.	14	Southern Ohio Pipeline	Chief/transportation research and development.	14	1960
Dale Swan, 634–6041	Temporary	13	Economist	1 month	ARAMCO	Staff economist	5 months	1973
Dr. Tayyabkhan –6045	Presidential interchange.	15	Chemical engineer president Executive Interchange Program.		Mobil	Manager computer methods (also 9 yrs, no title, no date).	6	(1)
Ali Ezzati –6041	Permanent	14	Economist	Under 1	Gulf Oil	Economist: United States	4	1974
						Iran	2	
Herbert J. Ashman –6459	do	14	Industry Specialist Petroleum Economics.	8	Shell Oil	Assistant real estate manager	12	1966
Thomas Daugherty –6459	do	13	Trade Specialist	Under 1	American Gas Assocition National Coal Association.	Manager-statistics	3, 6	1974

Footnotes at end of article.

OPERATIONS AND COMPLIANCE (FUELS MANAGEMENT AND POLICY) — OIL INDUSTRY

Name	Type of appointment	Grade	Position	Years with Government	Oil/energy—company name	Position	Years with company	Year of separation
John Vernon	Temporary	17	Fuel manager/crude oil and petrolchemical.	0	Exxon Corp. subsidiary	Manager economics and planning.	11	1974
Robert Cunningham	Detailee GSA	15	Industrial specialist crude oil and refining.	3½	Standard Oil of California and Chevron Asphalt Co.	Various—last-sales manager Baltimore region.	23	1971
Walter S. Housman	Permanent	13	Allocation office	22[2]	Sun Oil Co	Engineer trainee	1	1940
					Atlanta Refining Co	Executive and management trainee.	2	1948
Robert Kahl	do	13	Industrial specialist (petroleum products).	0	Kewanee Oil Co	Vice president foreign operation.	33	1968
					Independent	Exploration consultant	1	
Dennis Kourkoumelis	do	13	Industrial specialist		Shell and BP South African Petroleum Refineries.	Refinery operations manager	3	1967
					Shell Oil Co	Process engineer (economics and planning).	5	1971
					Amerada Hess Corp	Senior planning engineer	2	1974
Ray W. Whitson	do	15	Refinery specialist	23[2]	City Service	Chemist	6	1934
					William Bros. Pipeline	Chemical engineer	6	1941
					National Petroleum Refiners Association.	Technical director	10	1974
George Hall, Jr	Permanent	17	Fuel manager, general fuels	1	Creole Petroleum Corp	Analyst and planning	4	1972
Neil Packard	do	12	Program analyst, residual fuel.	0	ESSO Eastern Inc., Vietnam	Aviation manager, assistant terminal manager, independent service adviser.	7	1973
George Mehocic	Detailee	13	Distribution specialist residual.	1	Humble Refinery ESSO, International.	Marketing	2-3	1972
E. Lloyd Powers	Temporary	15	Distribution specialist	Retired military	Independent	Consultant	2	1971
John Adger	do	15	Special assistant to John Schaefer, Department Assistant Administration of Fuels Management.	2 mo	Mobil	Geologist/geophysicist	4	1973
Lou Bley	Detailee EPA	16	Industrial specialist (residuals).	6	Gulf Oil	Relations director	1959-68	1968
Tom Olson	Detailee M.A	13	Industrial specialist (bunker).	1	Interstate Oil Transport Co	Safety engineer	4	1973
John Osborne	Permanent	14	Industrial specialist	13	Ashland Oil & Refining	Petroleum engineer	2	1951
Roy Pettit	Temporary	15	Staff assistant	31[2]	Standard Oil (Pettit was sent to Standard by USAF for training while in USAF.)	Trainee petrol ops	1	1955
Copp Collins	Detailee	15	Technical advisor	5	Caltek & Bahrain	Manager, Government public affairs.	3	1958
David Stein	Temporary	15	Special project officer	0	Beck & Falcon	President	(1956-67) (1967-71)	1971
Ray Russell	(President's interchange program) DET HEW	14	Regional operations	8 mo	Dow Chemical	U.S. area products sales manager for ethylene oxide, etc.	4	1973

FEDERAL ENERGY OFFICE—POLICY, PLANNING, REGULATION — OIL INDUSTRY

D. R. Ligon	Career	17	Assistant administrator, P.P. & R.	5	Continental Oil Co	Executive assistant to president, Kayo Oil Co.		1969
J. Gill	do	15	Administrative director, office of allocation policy.	1	Gill Oil Co	President	20	1973
J. R. Goodearle	do	17	Acting Chief of Contingency Division, Office of Allocation Policy.	5	Product and Financing	Vice president, Midland Product Corp.	9	1969
D. Harnish	do	15	Industry specialist, contingency planning, Office of Allocation Policy.	11	Exploration Consultant	Field engineer	5	1963
Lisle Reed	do	15	Acting Assistant Director Office of Allocation Policy.	3	Exxon Petrochemicals	Chemical engineer	7	1970
Troy York	do	14	Industry specialist, coal switching, Office of Allocation policy.	6	Marathon Oil Co	Survey aide	6 mos.	1958
Ed Western	Presidential interchange.	15	Industry specialist, natural gas (executive interchange employee).	1	Sun Oil Co	Natural gas coordinator, Presidential interchange program.	15	1973
Tom Dukes	Career	4	Clerk-typist, Office of Gas Rationing.	1	British Petroleum	Gasoline station level (gas attendant).	1	1973
Robert Presley	do	15	Contingency Planning Division, Office of Allocation Policy.	3	Exxon/Standard Oil (N.J.)	Senior staff planner	6	1971
James Langdon	Temporary	14	Acting Director, Office of Regulatory Review.	1	American Petroleum Institute	Staff attorney	2	1973
Susan Mintz	Temporary	6	Office of Regulatory Review	1	American Petroleum Institute	Staff	7 months	1973
Clyde Topping	do	13	do	2	Mobil	Economist	3	1972
Linda Buck	Consultant		do	Under 1	Gulf Oil Co	Attorney	1	1974
Arthur Finston	do		Price and Tax Policy	do	Independent Oil Producer	Consultant		1974

FEDERAL ENERGY OFFICE—ENERGY CONSERVATION — OIL INDUSTRY

John R. Lewis	Permanent	14	Engineer (was with Interior)	7	National Petroleum Council-Mid-Continent Oil Gas Association.	Petroleum engineer (1963-67)	4	1967
						Petroleum engineer (1960-63)	4	1963
					Standard Oil	Petroleum engineer (1940-59)	19	1959
John G. Miller	do	15	Staff member (was with Interior).	Under 1	Aramco	Senior process engineer (utilities) (1948-59).	11	1959
Bart J. McGarry	do	16	Assistant director (was with Interior).	8	Northern Illinois Gas Co.-Mobil Oil Co.	Manager, public relations (1968-71).	3	1971
						Public relations associate (1955-60).	5	1960

ENERGY RESEARCH AND DEVELOPMENT — OIL INDUSTRY

Chalmer Kirkbride		18	Consultant	2 weeks	Sun Oil Co	Vice President, research and engineering.	14	1970

Footnotes at end of table.

				ENERGY RESOURCE DEVELOPMENT		OIL INDUSTRY		
Name	Type of appointment	Grade	Position	Years with Government	Oil/energy—company name	Position	Years with company	Year of separation
R. R. Atkins	Detail	13	Acting Deputy, Oil and Gas Group.	1971 to present.	Mississippi River Fuel and Iron Corp., Westgate Greenlane Division.	District geologist	3	1951
				2.5	Not available	Independent consulting geologist.	12	1963
					Westinghouse Air Brake, Drilling Equipment Division.	Director, Eastern Hemisphere operations.	8	1971
D. B. Gilmore	Detail	14	Materials Shortage, Deputy Director.	2	Thompson & Harris Drilling Co.	District geologist	2	1952
					Not available	Independent consulting geologist.	16	1968
					Trunbull Asphalt Co	Asphalt refinery manager and R/D.	4	1972
				FEDERAL ENERGY OFFICE,[4] INTERNATIONAL ENERGY AFFAIRS		OIL INDUSTRY		
Mel Conant	Permanent	17	Deputy Assistant Administrator for Trade and Commerce.	Under 1	Exxon	Director, Government relations	12	1974
Clement Malin	do	15	Deputy Director, Office Producer Country Affairs and Emergency Supply.	do	Mobil	Latin America and Europe regional manager.	10–15[3]	1974
Dell Perry, 343-6951	do	15	Assistant Director Oil Imports/Oil and Gas.	11	Shell	(47–60) Exploration/production, preparing leases.	13	1960
Jim West, 961-8632	Temporary	15	Staff assistant	9	Ramco		5	1965
Jim Morse, 961-8681	Permanent	15	Chief, Consumer Country Affairs.	Career	Mobil	Presidental interchange	1	1972
Wayne Malbon 961-8181	do	13	International affairs specialist.	Under 1	API; Gulf Oil; American Mining Cong.	International affairs consultant	2 (1971–1973).	1973
Jackie Jobe -8659	do	5	Secretary/steno	7	Fimes Bros., Oakland, Calif.; Ashland.	Clerk-typist	¼ (1972).	1972
George Goldsmith -8158	Temporary	9	Assistant to executive officer, International affairs.	1½	Phillips	Station assistant manager, Bartlesville, Kans.	1	1965
Robert Moore 343-5888	Permanent	14	Chemical engineer/oil imports.	3	ESSO-Standard; EXXON	Refinery anal. production design/development/evaluation.	8; 8	1971
Fred Marsik 343-6951	do	14	Oil and gas—oil imports	3	Celanese—15 years; Hayden Chem.—10 years; Jefferson Chem.—2.	Petrochemical process development.	27	1971
				REGIONAL OFFICES, REGIONAL AFFAIRS		OIL INDUSTRY		
Region I:								
Duane Duy	Permanent	GS–15	Compliance chief	1	Gulf Oil (Houston)	Manager, marketing, planning, and development (1968–73); manager, marketing (1963–1968).	26	[5]1973
Joe Pecararo	Detailee	GS–14	Compliance officer	1	Humble Corp	Terminal superintendent (1970–73); manager eng. res. (1969–1970).	33	[5]1973
Region II:								
Terry Sands	Permanent	GS–12	Industrial specialist	Under 1	Empire State Petroleum	Executive assistant to vice presisident (1969–74).	5	
					Sinclair Oil	Price administration (1955–69)	14	1974
James Zupiac	do	GS–12	do	1	Shell	Export service manager (1960–1972).	12	
					Shell Commercial	(1956–60)	4	1972
Eugene Hennessy	do	GS–11	do	Under 1	Marcoin Inc.	Corporation sales (1972–73)	1	
					Shell	Corporation sales (1926–64)	38	1973
Douglas Andrusky	Temporary	GS–11	do	do	Conoco	Crude oil analyst (1969–72)	3	1972
Edward Geibert	do	GS–11	do	do	Amoco	Administrative supervisor (1946–47)	28	1974
Richard Mackey	do	GS–11	do	do	Sinclair	Administrative assistant (1957–68)	11	1968
Region III: Alfred Metz, Jr.	Permanent	GS–13	Case Petroleum Office	do	ARCO, BP, Standard Oil	Sales manager (1970–73) retail and independent.	3	
					Sinclair	Sales representative, Eng. (1950–70).	20	1973
Region IV: Kenneth Dupuy	do	GS–16	Regional administrator		Standard of Texas	Trainee–geological products exploration staff assistant, general manager (1952–69).	17	1969
Region V:								
Tom Sanders	do	GS–11	Case Res. Ofc	4	Atlantic Richfield	Assistant terminal supervisor (1965–70).	5	1970
Mell Hall	Temporary	GS–11	Case research officer	1 mo.	Phillips	Service representative (1951–74) real estate.	23	1974
John G. Schaberg	Permanent	GS–14	Officer control planning	4	California/Texas Oil Corp	Vice president/general manager, regional office.	27	1967
Charles Swank	Temporary	GS–9	Supervisory (application examiner).	Under 1	Philips Petroleum	Sales representative (1941–73)	32	1973
Archie Thomas	do	GS–9	do		Standard	Asphalt engineer (1948–54)		
					Albany	Asphalt engineer (1954–56)		
					Illinois Asphalt Pavement Association.	Executive secretary (1956–73)	26	1973
Richard Bennett	do	GS–11	Case research officer	do	Philips Petroleum	Marketing representative (1947–74).	27	[6]1974

Footnotes at end of article.

REGIONAL OFFICES, REGIONAL AFFAIRS—Continued

Name	Type of appointment	Grade	Position	Years with Government	Oil/energy—company name	Position	Years with company	Year of separation
Region VI:								
Jerry Trahan	Detailee	GS-9	do	1½	Cit-Com	Painter (1957 summer) Turnaround (summer 1962).	½	1962
Joe Carpenter	do	GS-14	do	14	Mays-Bang	Chief observer, seismograph (1952) (1952–53).	2	1953
Ed Matthews	do	GS-15	Senior case research officer	7	Sinclair	Research engineer (1960–63)		
					Mobil	Engineer trainee (1958)		
					Shell	Roustabout (1952–54 summers)	6	1963
Henesey	Temporary	GS-5	Case research officer	24	Standard Exxon	Gas transport (summers)	¼	
					Shell	Marketing	½	1973
McDavid	Detailee	GS-9	do	26	do	Computer (1936–41)	5	1941
						Prospecting (10 yr)		
Vinson	do	GS-12	do	14	McWood	Accountant (1963–67)	4	1967
Cranfill	do	GS-13	do	22	Various drilling companies	Laborer (1945–50)	5	1950
Stevens	Temporary	GS-15	Industrial specialist	6	Drillwell Oil Co	Partner	7	1957
Andrea	Permanent	GS-12	do	4	Continental	Administrative assistant	23	1971
Hamon	Detailee	GS-11/12	Senior case research officer	15	Cities Service	Wholesale-bulk (1935–36)	1	1936
Marwood	do	GS-12	Petroleum marketing specialist.	Under 1	Gulf	District manager (1934–71)		
					Society of Independent Gas Markets of Oklahoma.	Executive director (1972–74)		
					Atlantic Refining	Executive director (1933–34)	38	1973
Alexander	Permanent	GS-13/14	Director of case research	7	American Association Oil Well Drilling Construction.	Engineer (1952–53) (1953–55)		
					Self-Oil Well Servicing Chambers-Kennedy.	Purchasing agent (1957–67)	15	1967
Tavia Vining	Temporary	9	Clerical, sub-proof	¼	Roberts Oil	Part-time (1969) bookkeeper	Under 1	
Hudspeth	do	9	Attorney	30 day	Sinclair	House attorney	17	
					Atlantic Richfield	do	3	1972
Burch	Detailee	4	Secretary	1	Sun Oil Co	Secretary	1	1970
Edwards	do	13	Management analyst	29	Texaco	Salesman	3	1942
Sweeney	do	14	Specialist, assistant oil and gas "utility man."	19	American Oil, Warren Petroleum, Philips Petroleum.	Division engineer	1	1947
							3	
Region VII:								
Jenny	Permanent	14	Technical adviser	Under 1	Land O' Lakes (formerly Felco, formerly State Exchange).	Executive director and fuel manager.	27	1973
Nues	do	9	Case resolution officer	do	Conoco	Price manager	33	1974
Region VIII:								
Gallenstein	Temporary	13	Industrial specialist	do	Shell Oil	Last senior industrial representative.	22	[7] 1973
Mankin	Permanent	13	Office of Cont. Planning	13	Aztec Oil & Gas, Texas	Chief engineer	3	1960
Region XI:								
Standley	do	15	Deputy regional administrator.		Union Oil	Laborer—summer	During college.	(?)
Scholl	do	14	Assistant director of case resol.	7	American Independent Oil	Purchased supplies, made distributors.	2	1967
Crimens	Temporary	11	Case Resol. Office	Under 1	Shell Oil (Chicago)	Assistant district manager-marketing.	5	1959

[1] Still with Mobil.
[2] Retired military in petroleum.
[3] Approximate.
[4] 1 employee, an attorney serving with FEO on the Presidential interchange program from Johnson Wax, was deleted as he had no connection with oil, gas or petrochemicals.
[5] Retired.
[6] February.
[7] Early retirement.

EDUCATIONAL STATISTICS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, today I am introducing a bill to direct the Secretary of Health, Education, and Welfare to conduct a study on the best way for the Federal Government to improve its system for the collection, analysis, and dissemination of statistics on education.

For years now, Mr. Speaker, we have been confronted on the national level with a situation where we do not have reliable statistics on the state of education in this country. Promises have been made by several administrations that the situation would improve, but unfortunately it has not improved.

Many efforts to make sound decisions on how to change American education have been frustrated by the lack of good data. The President's Commission on School Finance, for instance, concluded that adequate data was lacking for its analysis of school finance. It reported, that although the Office of Education is charged with the responsibility for delivering comprehensive statistics about the state of education in the United States, this function tends to get lost among various operating programs within the Office of Education.

The Commission report further states that the information available is sketchy, often inconsistent, generally out-of-date, and of limited use. For example, in areas such as enrollments, expenditures, revenue sources, graduations, and dropouts, data is either not available at all or what is available is severely limited in value because of being too old.

Another area where data is lacking on the national level is in the field of teacher supply and demand. A recent report from the General Accounting Office concluded that the Federal Government does not have accurate data in this area and therefore is supporting programs which direct college graduates into teaching jobs which do not exist.

In addition, the need to upgrade educational information can best be appreciated by comparing it with the statistical activities in other areas of the Federal Government. In a special analysis of the fiscal 1972 budget, $6.1 million was cited as the expenditure for education statistics in comparison with $51.1 million for labor statistics, $35 million on health statistics, $52.9 million for production/distribution statistics, and $12.1 million for crime statistics.

Mr. Speaker, my bill would direct the Secretary of Health, Education, and Welfare on or before July 1, 1975, to report to Congress his recommendations for best improving the Federal Government's collection, analysis, and dissemination of educational statistics.

DEFENSE DEPARTMENT'S POLICY ON SPN'S AND DISCHARGES

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, in connection with Tuesday's special order on privacy, I discussed the Defense Department's policy on types of discharges and its policy on separation program numbers—SPN's. These policies affect every serviceman and every veteran.

SPN's are coded numbers which reflect the "reasons for separation" of a serviceman from active duty. These numbers appear on line 11(c) of every veteran's discharge record DD–214. In many cases the DD–214 contains a narrative description of the reason. Following these remarks, I am setting forth a partial listing of the reasons represented by various

SPN's, omitting the numbers corresponding to those reasons.

A cursory examination of this list is enough to realize the unjustifiable and intolerable invasion of privacy which exists by virtue of the fact that many employers have access to the lists to decode SPN's. In response to a questionnaire I sent, some 20 percent of the Nation's largest corporations admitted having access to such lists, and others indicated that they would like to have such access. Since there are only a few nonadverse reasons, it does not take a full list of SPN's for a corporation to be able to recognize whether a SPN is adverse.

A discharge authority needs little or no proof to assign an adverse SPN, even though the assignment of that SPN may itself require that the veteran be given a general or undesirable discharge. Adverse SPN's do not state civil or criminal offenses, but the veteran with an adverse SPN often faces the same job discrimination as a convicted felon. Yet most or all of the SPN's are irrelevant to future civilian job performance. Many veterans do not even realize that they have unfavorable SPN's that they may have been subjected to invasion of privacy and to job discrimination because someone decided to place a number in a space on their discharge papers.

The Defense Department has finally realized the unfairness of its SPN policy and has agreed to discontinue placing SPN's on the DD–214. However, the Department intends to continue assigning SPN's to servicemen being discharged. The information, however, will only be used internally by the Defense Department, unless the veteran requests that it be released. The new policy does not prohibit employers from exerting pressure on the veteran to request such release as a precondition to any job decisions.

Nor is the problem restricted to veterans with general and undesirable discharges. Last year, in fact, over 45,000 servicemen were released from active duty with honorable discharges accompanied by adverse SPN's.

Several days ago, the Akron Beacon Journal published an article about SPN's along with a partial listing of SPN numbers and their meanings taken from a veterans' group handbook. Since then, my office in Akron has received calls from several veterans with honorable discharges who just learned for the first time that they have adverse SPN's. Several other veterans have called to find the meaning of their SPN's. Apparently, they were unaware of the existence of SPN's or of the fact that some numbers on their discharge papers could be the basis of job discrimination.

It is regrettable that the SPN numbers and their corresponding meanings have appeared in the press, because of the possibility that employers will use the information in a discriminatory manner, thus prejudicing countless veterans. However, publication of these numbers has had the dramatic effect of making veterans aware for the first time that the Defense Department's SPN policy constituted an invasion of their privacy and subjected them to unfair job discrimination.

The simple truth is that in Akron and elsewhere, most veterans with adverse SPN's do not know what their SPN's represent. Nor do they know that employers with access to SPN lists may have discriminated against them.

I have recently received a letter from the Defense Department answering a series of questions I had asked the Department about SPN's and about types of discharges. A copy of the letter, with the questions and answers, follows these remarks. The letter should be read in conjunction with my statements in the CONGRESSIONAL RECORDS of November 28, 1973, and of April 2, 1974. As I pointed out on April 2, I am especially disturbed by the answers to questions 1, reasons for increased rates of unfavorable discharges; 9 and 17, standards of proof to award adverse SPN's and unfavorable types of discharges, and 26, types of discharge as a predictor of future civilian job performance.

Mr. Speaker, anyone interested in the degree of reasonableness of the Defense Department's SPN and discharge policy need only read the Department's letter and answers, along with the list of official "reasons" corresponding to particular SPN's. A recent Defense Department statement on SPN's also follows these remarks:

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS STATEMENT OF DISCONTINUATION OF SEPARATION CODES ON DISCHARGE DOCUMENTS

The Department of Defense has recently announced the discontinuance of the practice of placing codes on discharge documents provided to service members. These codes were used to describe the reason and authority for a member's discharge and his reenlistment eligibility.

The Department has determined that the use of these codes is a potentially contributing factor in undesirable discrimination against an individual by prospective employers or other persons in civilian life. Undesirable discrimination was not intended nor desired, whatever the circumstances of an individual's separation from active duty. Each individual will continue to have access to his reason for discharge and reenlistment eligibility, if he wishes to obtain this information.

For the deserving individual, discharge documents contain valuable information when he seeks veterans' benefits, civilian employment, or reenlistment. The purpose of this change is to insure that information on the document is readily explainable with a minimum of difficulty. The Military Services will continue the longstanding practice of separation counseling. The specific reason for discharge is thoroughly explained to each service member prior to his separation from active duty.

In addition to the discontinuance of these codes from the individual's copy of discharge documents, provisions are being made for the deletion of this information in the cases of former service members who wish this information to be deleted. In these instances, a new copy of the original form will be provided with these codes deleted. Also, as was previously available on the request of a former service member, a narrative description of the reason for discharge will be provided. These procedures are being finalized and the respective Military Services should be ready to process requests by May 1, 1974. Personnel offices at military posts, bases, and stations will have the appropriate instructions at that time.

CONGRESSMAN SEIBERLING LISTS OFFICIAL REASON FOR MILITARY DISCHARGES

Below is a partial listing reasons for separation from active military duty. These reasons may appear as coded numbers called SPN's (separation program numbers) in line 9(c) of recent veterans' discharge papers (DD–214) or in line 11(c) of earlier forms of the DD–214. Under the Freedom of Information Act, a veteran is entitled to know the reasons for his discharge. To find out what the reason for discharge was, a veteran should write the Secretary of the Army, Navy, or Air Force, Pentagon, Washington, D.C. Requests should contain the veteran's full name and service number.

Many employers have access to lists of the SPN numbers. Veterans with unfavorable SPN's are frequently discriminated against by employers. Any veteran wanting a new copy of his DD–214 with no SPN number in line 11(c) may obtain one by writing the Secretary of his former Service (Army, Navy, or Air Force).

Any veteran may at any time challenge the type of his discharge (honorable, general, undesirable, bad conduct, or dishonorable) or the reason for his discharge (SPN). A change in an adverse reason for a discharge may require the Defense Department to upgrade the type of discharge. Veterans should contact the V.A., the JAG officer at the nearest base, or the Secretary of their former service (Army, Navy, or Air Force) about the procedures to request such a change.

Convenience of the Government (demobilization).

Convenience of the Government (non-derogatory reason).

Frequent involvement of discreditable nature with civil or military authorities.

Established pattern of dishonorable failure to pay just debts.

Unsanitary habits.

Apathy, lack of interest.

Obesity.

Expiration of term of service.

Expiration of term of enlistment.

Expiration of term of active obligated service.

Fulfillment of service obligation.

Release from active duty and transfer to reserve.

Discharge for retirement as an Officer to accept commission in armed forces.

Erroneous induction.

Marriage.

Pregnancy.

Parenthood or minor children.

Minority.

Dependency.

Hardship.

Sole surviving son.

Retirement after 20 years but less than 30 years active service.

Retirement after 30 years active service.

Reserve retirement at age 60 after 20 years satisfactory service.

Unconditional resignation.

Resignation in lieu of demotion.

Resignation for the good of the service.

Resignation in lieu of board action—unfitness.

Resignation in lieu of board action—unsuitability.

Resignation in lieu of separation for disloyalty of subversion.

Request for discharge for good of the service to avoid court-martial.

Unsuitability.

Resignation—homosexual.

Homosexual—board action.

Discharge in lieu of board action—homosexual.

Unsuitability—inaptitude.

Psychiatric or psychoneurotic disorder.

Unsuitability—enuresis (bed-wetting).

Unsuitability—character and behavior disorders.
Placed on Temporary Disability Retired List.
Permanent Physical Disability Retirement.
Discharge for physical disability with severance pay.
Physical disability—existed prior to time of service.
Misconduct—fraudulent enlistment.
Misconduct—desertion, trial barred.
Misconduct—prolonged unauthorized absence.
Misconduct—AWOL, trial waived.
Conviction by civil authorities.
Adjudged juvenile offender.
Repeated military offenses not warranting court-martial.
Unclean habits, including repeated VD.
Habits and traits of character manifested by antisocial amoral trends.
Court-martial conviction for desertion.
Court-martial conviction other than desertion.
To immediately enlist or reenlist.
Important to national health, safety or interest.
Release—writ of habeas corpus.
Conscientious objector.
Erroneous enlistment.
Homosexual tendencies.
Aggressive reaction.
Antisocial personality.
Cyclothymic personality (very moody).
Not meeting medical fitness standards at time of entry.
Desertion.
Criminalism.
Drug addiction or use.
Pathological liar,
Shirking.
Habits and traits of character manifested by misconduct.
Sex perversion.
Homosexual acts.
Early release of overseas returnees.
Early release to attend college.
Early release for seasonal employment.
Emotional instability reaction.
Inadequate personality.
Mental deficiency.
Paranoid personality.
Schizoid personality.
Unsuitability.
Personality disorder.
Unfitness.
Disloyal or subversive.

WASHINGTON, D.C., *March 29, 1974.*

Hon. JOHN F. SEIBERLING,
House of Representatives,
Washington, D.C.

DEAR MR. SEIBERLING: This is in further reply to your letter of February 14, 1974, to the Secretary of Defense, requesting answers to thirty questions regarding discharge policies and procedures. This letter also responds to similar letters addressed to each Service Secretary.

After reviewing the questions, it would be helpful to provide some general discussion first.

The discharge of any individual requires three decisions by the discharge authority—determining whether a person should be discharged, the reason for discharge, and the character of service. For purposes of recording these decisions, the reason for discharge is recorded on the DD Form 214 (Report of Separation From Active Duty) by the Separation Program Number (SPN). The manner of recording the reason for discharge has been recently changed. SPN's are no longer to be used on the individual's discharge documents. Instructions are presently being finalized and forwarded to the operating levels of the Military Departments. For purposes of denoting the character of military service performed, the dischargee receives one of five types of discharge certificates; honorable, general, undesirable, bad conduct, or dishonorable. The latter two are termed punitive discharges and may only be issued as the result of a sentence by Special or General Court-Martial. The first three are termed administrative discharges.

During the past several years, about 900,000 persons have been discharged per year. In FY 1973, 88.7% of all those dischargees were separated with honorable discharges for favorable reasons; about 6.8% received honorable or general discharges for adverse reasons; and about 4.5% received undesirable, bad conduct or dishonorable discharges.

The Department of Defense would prefer that every Individual receive an honorable discharge for a favorable reason. No discrimination against anyone is intended. However, it is also the Department of Defense position that we have the right to characterize a person's discharge to reflect the quality of the service he has rendered. Therefore, honest and faithful service is recognized by an honorable discharge, satisfactory service by a general discharge, and unsatisfactory service by an undesirable discharge. This system of characterized discharges in conjunction with the reason for discharge, is the means by which the Department of Defense fulfills its obligation to assist military dischargees in their transition to civilian society, particularly the 88.7% of all discharges who receive honorable discharges for favorable reasons.

At the time of separation, each person receives a discharge certificate and a DD Form 214. To the deserving individual, these are valuable documents, when compared to the 6.8% who receive honorable or general discharges for adverse reasons, and the 4.5% who receive undesirable or punitive discharges. There is no way of acknowledging meritorious service without also acknowledging less than meritorious service, if only by omission. This dilemma has been resolved in favor of the 88% group—those veterans who served faithfully and who earned honorable discharges for favorable reasons. These individuals have a right to a personal record attesting to the high quality of their military service, which they can use in seeking veterans' benefits, civilian employment or reenlistment.

In any system as large as the Armed Forces, a system of redress must exist. Congress has enacted legislation (Title 10, United States Code, Sec. 1552 and 1553) which establishes Discharge Review Boards and Boards for Correction of Military Records to review discharges for improper issuance, error, or injustice. Congress has also authorized an Exemplary Rehabilitation Certificate (P.L. 89-690) which allows a veteran to obtain tangible evidence of his post-military rehabilitation and contribution to society.

Enclosed with this letter are the answers to your questions. Our staff will be pleased to discuss the issues with you in more detail at your convenience.

Thank you for your interest in matters pertaining to the Armed Forces.

Sincerely,

LEO E. BENADE,
Lieutenant General, USA,
Deputy Assistant Secretary of Defense.

QUESTIONS AND ANSWERS

1. Why have the rates of unfavorable discharges (general and undesirable especially) risen so sharply since 1968?

The rates of general and undesirable discharges have risen since 1968. We attribute the higher rates to:

a. Increased incidence of drug abuse.

b. Increased incidence of absenteeism over a prolonged war.

c. The necessity to identify and discharge members who do not meet retention standards, especially during times of reduction of forces.

However, it should be noted that the increased rates are very similar to our experience of the post-Korea (1954) drawdown and 1960-61-62 which were the low years of force levels.

2. What steps have you taken to minimize employment discrimination against veterans with less than honorable discharges?

The Department of Defense supports each veteran according to quality of his military service as indicated by the character of his discharge. Unfair employment discrimination is minimized by the respect of the Department for the right of privacy for each individual. Accordingly, information from the individual's personnel record is only released in response to request by the individual. Use of such information remains at the discretion of the individual.

3. Do you believe that the Department of Defense has any responsibility for the well being of veterans, or is that simply a matter for the Veterans Administration?

The Department of Defense is indeed concerned with the well being of veterans. This responsibility for the well being of veterans is fostered in direct relation to the quality of the service of each individual.

4. Are Separation Program Numbers (SPN's) necessary on the DD 214? Why? What is the justification for the regulation requiring them on the DD 214? Who are they intended to be used by?

The SPN is not required on the individual's copy of the DD Form 214. The SPN evolved as a means of documenting the reason for discharge for the individual record of the individual. The advent of computerized records increased the need for SPN's internally as computerized data identifiers. The use of SPN's on the individual's copy of the DD form 214 was recently terminated. SPN's are now to be used only internally by the Department of Defense and the Military Departments.

5. After deciding what type of discharge and reenlistment code to give an individual, does the Defense Department have any need for the information regarding SPN's? If so, what information, and why? How is the SPN used later by the Defense Department? Is the SPN placed on the DD 214 for use by the Defense Department?

The SPN is the data identifier for use in computerized personnel records. It is used by the Department of Defense and the Military Departments as described in Answer 4 and is also used to answer inquiries from the individual.

6. Which of the following do you believe are now entitled to receive Defense Department information about an individual's service record or SPN? What information, and why?

a. the Veterans Administration.

The Veterans Administration is entitled to military service information and the DD Form 214 with the information contained thereon for official functions. This is established in DoD Directive 1336.1, "Standardization of Forms, Report of Separation From Active Duty (DD Form 214 Series)." Information to Veterans Administration is necessary to allow them to administer the laws pertaining to veterans' benefits. Similar information is required by the Selective Service System and the Department of Labor.

b. other government agencies and departments considering hiring the individual.

Information for hiring considerations of other Departments or agencies is not provided unless the *individual* provides the information to them or gives his written consent to the release of the records. However, personnel records may be reviewed by investigative arms of the agencies after hiring for purposes of security clearance investigations.

c. the VFW and the American Legion.

The Department of Defense does not provide information to private employers or veteran organizations except upon the request of the individual.

d. private employers.

The Department of Defense does not provide information to private employers except upon the request of the individual.

7. Do you believe that civilian employers should be able to obtain from the Defense Department information about an individual's SPN?

No, the Department of Defense and the Services do not furnish any personal information to employers, except upon the request of the individual.

8. Who in the typical command structure actually first recommends the specific SPN's an individual will receive?

In the typical case, the individual's unit commander first recommends the reason for discharge. However, this recommendation must be acted upon by one of the officers described in the next paragraph.

Is the discharging authority required to personally review all cases in which adverse or unfavorale SPN's are given?

The discharge authority must personally determine whether a service-member should be discharged, the reason for discharge and the character of service. A commander exercising Special Court-Martial jurisdiction (usually a lieutenant colonel or commander, or above) may approve the issuance of an honorable or general discharge. A commander exercising General Court-Martial jurisdiction (usually a major general or rear admiral, or above) may approve the issuance of an undersirable discharge. In the Department of the Navy, discharge authority for both general and undersirable discharges by reason of unfitness or misconduct is centralized at Headquarters level (BUPERS) and each such discharge for cause must be approved by that office.

9. What is the standard of proof (e.g., more probably than not, beyond a reasonable doubt, etc.) required by regulation or otherwise for a command to award a SPN which could be regarded as adverse or unfavorable?

The standard of proof is based on the reason for discharge (SPN) as discussed below.

Discharges for reason of expiration of enlistment or fulfillment of service obligation, for convenience of the government, for resignation (own convenience), for dependency or hardship, for minority, or for disability may receive a general discharge if the member's military record is not sufficiently meritorious to warrant an honorable discharge. In these cases a separation with a general discharge may be effected by the commanding officer or higher authority when the member is eligible and it has been determined under the prescribed standards that such discharge is warranted. In these cases the specific basis therefor is included in the member's permanent personnel records. Discharges for unsuitability may result in the issuance of an honorable or a general discharge and the discharge may be issued only by the commander exercising Special Court-Martial jurisdiction or higher authority. Members with less than eight years of continuous active military service are notified and afforded the opportunity to make a statement in their own behalf or decline the opportunity in writing. This correspondence is filed in the member's permanent personnel records. The standard of proof in these cases is that which is sufficient to persuade the recommending commander and the discharge approving authority that the reason for discharge and the character of service is warranted and appropriate.

Discharges for unsuitability for members with eight or more years of continuous active military service will be effected only with the safeguards and procedures of administrative discharge boards and counsel, or they may waive these rights in writing. Any member receiving a discharging for unfitness or misconduct may be eligible to receive an undesirable discharge if the member's military record does not warrant a general or honorable discharge. Any person eligible for an undesirable discharge is afforded the procedures and safeguards of an administrative discharge board and counsel or he may waive these rights in writing. These discharges may be directed by a commander exercising General Court-Martial jurisdiction. The standard of proof in these cases is "substantial evidence."

Before giving a general or undesirable discharge, does the Department of Defense or the individual's command inform a service man of all the adverse infomation upon which it may base an unfavorable type of discharge?

Yes, the individual is informed of all information upon which a general or undesirable discharge is to be issued. Where reasons of specific performance indicate a discharge for unsuitability (either an honorable or a general discharge) the individual must be counseled concerning his deficiency and afforded a reasonable opportunity to overcome the deficiency. Also, in cases where an individual is being considered for discharge for unsuitability, he is offered an opportunity to rebut the allegations against him and must respond with a written rebuttal or a written declination of rebuttal. Members with over eight years of service are entitled to a hearing before an administrative board, or they may waive the board action. All members who are considered for discharge by reason of unfitness or misconduct which may result in an undesirable discharge are specifically entitled to an administrative board or they may waive the board.

10. Does the serviceman have the right to challenge an unfavorable SPN? If so, how? Please cite the authority for this.

Yes, the serviceman may challenge an unfavorable SPN through his right to challenge his prospective discharge, the type of discharge and the reason for discharge.

In cases of unsuitability, members with less than eight continuous years of service must provide a writen rebuttal or decline the opportunity. These rebuttals are considered by the discharge authority. Members who have over eight continous years of service and who are being considered for discharge for unsuitability are entitled to an administrative board hearing, or they may waive the board. Similarly, all individuals being considered for discharge for unfitness or for misconduct or security reasons are entitled to a board hearing or they may waive the board. The authority for this procedure is Department of Defense Directive 1332.14, "Administrative Discharges."

After the discharge has been issued, the individual may apply for review to the respective Discharge Review Board if he alleges improper issuance of the discharge or to the Boards for Correction of Military (Naval) Records to correct an error or an injustice (10 U.S.C. 1552 and 1553).

Does he have the right to counsel and to cross-examination of adverse witnesses, regardless of the type of discharge?

Judge Advocates are always available for consultation. Members are accorded certain rights depending on the reason for discharge and the type of discharge that may result. Basically, general discharges do not result from board proceedings which involve adversary witnesses. These discharges result from official records and reports, medical evaluations, or self-initiated admissions. In administrative board hearings, the respondent has the right to an attorney and may cross-examine any adverse witnesses.

Who decides the challenge?

In all cases the discharge authority ultimately decides the appropriateness of any challenge.

11. Are servicemen who receive unfavorable SPN's routinely told the meaning of the numbers without having to ask?

Yes, all members are informed of the reason for their discharge at the time of their separation processing.

Are they told if they do ask?

If they ask at the time of separation, they are told. If they ask after separation, the Freedom of Information Act requires us to inform them.

12. Other than the "For Official Use Only" caveat, what alternate ways are there to prevent SPN information from external use?

Inasmuch as the SPN is the reason for discharge, the external use of the information is determined by its use and release by the individual concerned.

13. Do short-term (180 days or less) servicemen receive SPN's which could be regarded as adverse or unfavorable?

Short-term active duty personnel receive a reason for discharge in the same manner as long-term active duty personnel. If the reason for discharge is adverse, the SPN will be adverse.

14. Is a written explanation for a SPN (either favorable or unfavorable) ever put on a DD 214 next to the SPN?

Until 1952, narratives were used in conjunction with the regulatory or statutory authority for discharge. At that time, some narratives were supplemented by SPN's. Later SPN's became the computerized data identifier and a few narratives supplemented the SPN's. In 1972, most of the remaining narratives were removed. Recently, the use of SPN's on the individual's copy of the DD Form 214 was terminated.

15. Is information collected on a serviceman during a background investigation prior to granting him a security clearance ever reflected in the SPN number on his DD 214?

No.

Do the persons who process DD 214's ever, under any circumstances, have access to information gained as a result of such background investigations?

How would the fact that a serviceman has been denied a Top Secret security clearance be reflected on his DD 214 or in his SPN?

It would not be reflected on the DD Form 214 or in his SPN.

16. What is the status of the revision of the SPN lists?

The new standardized SPN list will be implemented July 1, 1974.

Do you believe that provision should be made to enable veterans discharged under the present system to have their DD-214's changed to reflect the modifications of the revision?

No. The only individuals who might hope to benefit by such provision would be those unfavorably discharged. Persons with favorable discharges would have no need to apply for a change. Therefore, anyone who was discharged prior to July 1, 1974, and who had a new separation number on his DD Form 214 would be immediately suspected of having an unfavorable reason for discharge.

17. What is the standard of proof (e.g., more probably than not, beyond a reasonable doubt, etc.) required by regulation or otherwise for a command to award a general discharge? An undesirable discharge?

The standard of proof is not determined by reference to issuance of either a general or undesirable discharge. Rather, the standard of proof is based on the reason for discharge. The remainder of this answer is identical to our answer to your question nine.

18. Does a serviceman have the right to challenge a general discharge?

In cases involving unsuitability, the minimum requirement is for the individual to make a written rebuttal or statement in his own behalf. He must either submit a statement or decline to do so in writing. In cases involving unfitness, misconduct, or security the individual has the right to challenge through the administrative board. After the

discharge has been issued, the individual may apply for review to the respective Discharge Review Board if he alleges improper issuance of the discharge or to the Boards for Correction of Military (Navy) Records to correct an error or an injustice.

Does a serviceman have the right to counsel and to cross-examination of adverse witnesses, either for general discharges or for undesirable discharge?

Judge Advocates are always available for consultation. In cases where administrative boards are used, the member is represented by counsel and may cross-examine witnesses.

19. Is the information which serves as the basis for a less-than-honorable discharge placed in the permanent service record of the serviceman?

Yes.

Is he given access to that information prior to discharge?

Yes.

After discharge?

Yes.

Is he given the right to challenge any information he believes is incorrect?

Yes.

20. Who in the typical command structure actually first recommends the specific type of discharge an individual will receive?

In the typical case, the individual's unit commander first recommends the type of discharge. However, this recommendation must be acted upon by one of the officers described in the next paragraph.

Is the discharging authority required to personally review all cases in which an other-than-honorable discharge is given?

The discharge authority must personally determine whether a service member should be discharged, the reason for discharge and the character of service. A commander exercising Special Court-Martial jurisdiction (usually a lieutenant colonel or commander, or above) may approve the issuance of an honorable or general discharge. A commander exercising General Court-Martial jurisdiction (usually a major general or rear admiral, or above) may approve the issuance of an undesirable discharge. In the Department of the Navy, discharge authority for both general and undesirable discharges by reason of unfitness or misconduct is centralized at Headquarters level (BUPERS) and each such discharge for cause must be approved by that office.

21. What percentage of servicemen in the military who received general discharges in fiscal 1973 were convicted by court-martial at any time during their then-current enlistment?

Statistics compiled in this manner are not readily available.

What percentage for those with undesirable discharges?

Statistics compiled in this manner are not readily available.

22. Can short-term servicemen (180 days or less) receive general or undesirable discharges?

Yes.

23. What specific information is required by the Defense Department to be provided to servicemen as far as what types of problems they can expect to face in civilian life as the result of an unfavorable discharge (other than the mere fact that they "may" encounter difficulties)?

Each Military Department has procedures for periodically explaining to members the various types of discharge certificates, the basis for issuance of different types of discharges, and the possible effects of various discharges upon reenlistment, civilian employment, veterans' benefits and related matters. As a minimum, this explanation takes place each time the Uniform Code of Military Justice is explained pursuant to 10 U.S.C. 937.

Additionally, posters stressing the impact of unfavorable discharges are available and are often placed on unit bulletin boards and in other information locations such as in day rooms and libraries. Internal publicity programs also supplement the more formal explanations discussed. Any time an individual is being considered for issuance of an undesirable discharge the impact of the receipt of that discharge must be fully explained to him.

24. What information do you believe is absolutely essential for a discharge certificate? Why?

The present discharge certificate is a documentary testimonial of the character of a person's service, and is suitable for framing. The DD Form 214 is intended for personal use as an official record. It is often recorded by the individual in the County Recorder's Office.

While the discharge certificate is a testimonial of the character of service, it is not an official summary of military service. Such a summary is provided on the DD Form 214.

25. How do you justify the fact that the Defense Department gives servicemen discharge certificates and classified the types of discharges, while other government agencies have no similar certificates or classification systems?

The discharge system of the Armed Forces involves both classifying the character of military service and the issuance of certificates. This system is based on several unique requirements. The history of the discharge system began during the Revolutionary War, and documentation of discharges was established before 1841. This system of documentation is designed to meet the requirements of the laws relating to veterans benefits. Today, our system is fully compatible with the Federal system of veterans' benefits. The State veterans' benefits programs have evolved to be compatible with the Armed Forces and the Veterans Administration. In addition, the Uniform Code of Military Justice establishes the system of punitive discharges. To our knowledge, no other agency of the government has this historical precedent, the complex relationship with veterans' benefits, and the punitive discharge system established in the Uniform Code of Military Justice.

26. Are you aware of any studies which support or reject the notion that the type of discharge is a good predictor of future civilian job performance generally? If so, please give citations.

No.

27. Do you believe that there is any need to revise the present discharge classification system? If so, please describe what you see as the shortcomings of the present system.

No. Our rationale for the need to recognize different categories of military service is provided in our basic letter.

28. Do you have any specific reaction to the findings of my investigation? If so, what?

The only information we have received is that which was presented in the Congressional Record. We are interested in your investigations.

The findings of your investigation appear to confirm facts of which we are already aware. We do request a copy of your findings. It may be of interest to you that the General Accounting Office is investigating the use of SPN's.

29. Do you think that the information from my study would be useful to personnel officers and JAG staffs for their use in advising servicemen of the specific problems that they may encounter in civilian life if they are to receive an unfavorable discharge?

We have only the information that was presented in the Congressional Record. This generally follows that which is presently explained to service members.

However, if you are willing to provide a copy of your investigation to us, we will ask the Military Services to make the information available to personnel and JAG officers for use in their counseling of dischargees.

30. Do you think the Defense Department should conduct a public education campaign to explain that general and undesirable discharges are nonpunitive? Should the Veterans Administration?

It is widely known that discharges are characterized according to the quality of military service. Therefore, any effort to publicize the distinctions between administrative and punitive discharges would be of limited interest and effect. We have no control over the definitions the public may apply to our discharge system. Therefore, we do not believe that an education program would be appropriate or fruitful.

We defer to the Veterans Administration on the second part of this question.

KENT STATE INDICTMENTS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, last Friday a Federal grand jury returned indictments based on the May 4, 1970, shootings at Kent State University in which four students were killed and nine others wounded. The grand jury was not convened until 3 years after both an 8,000-page FBI report and the Scranton Commission Report on Campus Unrest strongly implied that Federal crimes had been committed in connection with the shootings and the investigation which followed.

Of course, the indictments do not mean that the National Guardsmen who were charged are guilty of any crime. They must be presumed innocent until and unless convicted at trial. Nor do the indictments of these eight enlisted men relieve some very high officials of their own moral—if not legal—responsibility for the tragedy at Kent State.

Whatever may be the guilt or innocence of those indicted—and those not indicted—there remain troublesome issues about the process of justice which operated in the case. Why did Attorney General John N. Mitchell refuse to convene a grand jury? Was there an institutional or human breakdown in the process by which justice is administered, and if so, can we as a nation correct the flaws?

Something went badly wrong at Kent State, and a grand jury has finally attempted to identify what it was. Whether it has succeeded or not remains to be seen. In dealing with what happened at Kent State, something may have gone badly wrong in Washington. To say this is not to downgrade the action of the Justice Department, responding under Attorney General Elliot Richardson to an increasing public demand for even-handed justice, in finally reopening the investigation and convened a grand jury.

It would also be appropriate for Congress to inquire into the training and equipping of National Guardsmen to deal with civil disorders. If National Guardsmen are to be used in such disorders, it is essential that they be well trained and that they be armed with effective nonlethal weapons.

Another important area for congressional attention is an examination of

the legal status of the militia when used to enforce civilian laws and an examination of the degree to which such military personnel should at all times be under the control of civilian—as distinguished from military—authority while engaged in such law enforcement. I intend to introduce legislation dealing with these issues.

Like the tragedy of the dead and wounded at Kent State, the ordeal of the indicted National Guardsmen is part of a vaster tragedy in which one group of young Americans was pitted against another group of young Americans. Like the coming of the Civil War, it represented a failure of our institutions and our leadership. I am encouraged that we now seem to have reached the point where we as a people can soberly and dispassionately examine what happened to see wherein the fault lay and to make necessary corrections.

If we suceed in this examination, the sorrow and shame of Kent State may yet bear the fruit of a more humane and just system for dealing with dissent and social unrest.

At this point, I offer for printing in the RECORD an editorial about these indictments from the Akron Beacon Journal, a newspaper which was awarded the Pulitzer prize for investigative reporting for its coverage of the Kent State tragedy. I also offer for inclusion in the RECORD editorials on this subject from the Cleveland Plain Dealer, the New York Times, and the Christian Science Monitor:

[From the Akron Beacon-Journal, Mar. 31, 1974]

KENT INDICTMENTS SHOULD SHED LIGHT ON SHOOTINGS

Now that a federal grand jury sitting in Cleveland has indicted seven former Ohio National Guardsmen and one man still with the Guard for the shootings on the Kent State University campus May 4, 1970, there is hope that the full story of what happened and why will be made public.

The grand jury did not issue a report, as some had hoped, but the future trials of the eight men indicted could serve to fill in some of the details that have been missing nearly four years now.

A report by the grand jury, released prior to the trials, could be prejudicial to those indicted. The long wait for some sort of legal resolution of the Kent State shootings has been bad enough. Now that there has been concrete legal action, it would be a tragedy to damage a case on procedural grounds.

Five former Guardsmen are charged with firing M–1 rifles at 12 students. The indictment states that death resulted from that firing. Four students—Allison Krause, Jeffery Miller, Sandra Scheuer and William Schroeder—were killed.

Three others are charged, in two separate counts, with firing at students, but not with killing anyone.

All eight are charged with violation of Section 242 of Title 18 of the U.S. Code, which makes illegal any violation of civil rights "under color of any law, statute, ordinance, regulation or custom . . ."

Charging only eight young men alleged to have been involved in the actual shooting may strike some as similar to indicting only the burglars actually caught inside Watergate.

But it may be that whatever blame might belong with higher-ups, starting with former Gov. James Rhodes and including Guard officials, is moral rather than legal. And it may be that the forthcoming trials will bring out information damaging to non-defendants.

In any case, the grand jury's action now assures that there will be trials and there will be testimony. Information held tight for nearly four years is almost certain to be made public.

The shooting deaths of four unarmed persons is too great a tragedy for the facts to be hidden by either the state or John Mitchell's Justice Department.

The guilt or innocence of the eight persons indicted by the grand jury will be known after their trials have ended. For now, of course, they must be presumed innocent.

But the grand jury at least charged persons alleged to have done the shooting and killing at Kent State. It did not charge students, as did the Portage County Grand Jury.

If the crowd—mostly student—motivated Guardsmen to fire, it will undoubtedly come out at the trials, and the juries can decide the justification, or lack of justification, for the firing.

The indictments relieve suspicions that the lid might be kept on the shooting forever. Whatever the outcome of the trials, we are almost certain to find out more about what happened and why on May 4, 1970.

[From the Cleveland Plain Dealer, Mar. 30, 1974]

KENT STATE HAS LESSONS TO TEACH

The eight indictments returned yesterday by a federal grand jury investigating the May 1970 killings at Kent State University will satisfy neither extreme of opinion, but they may lead to a better understanding of what happened that grim day, climax of so many grim years.

On the one hand there are those who think the U.S. Department of Justice never should have reopened the Kent State investigation but should have let the wounds heal and the memory fade.

On the other hand, those who fought to get Kent State back in the spotlight will be disturbed that one present and seven former Ohio national guardsmen were indicted not for killing but for violation of the civil rights of four dead and nine wounded students.

Nevertheless, the charges are sufficient to produce instructive trails. Once and for all it may be possible to know what went wrong at Kent State, who ordered the weapons loaded, who—if anyone—gave the order to fire, how the guardsmen really perceived their situation.

The indictments lodged entirely in the lower ranks. The trials will necessarily touch the question of whether responsibility does not belong higher and study the role of the governor, who was James A. Rhodes.

The trials might also explain the astounding differences between the federal grand jury's action and those of a Portage County grand jury in 1970. The latter exonerated the guardsmen, indicted 25 alleged campus troublemakers (most of the cases were thrown out) and wrote a report which a federal judge ordered destroyed as being prejudicial.

What information did the federal jury have that the Portage County jurors lacked? What, indeed, were the data that led the Justice Department to reopen the case? Had somebody been covering up evidence?

Obviously, the eight guardsmen have been convicted of nothing. Their rights must be respected and in no way diminished merely because the issue has been hanging fire for so long. But the grand jury deserves the nation's thanks for the long, difficult days of testimony and study of the evidence which led to the indictments.

Ultimately, something of value may be salvaged from the Kent State incident if Americans learn from it how wisely to use state militia in the suppression of disorder.

[From the New York Times, Mar. 30, 1974]

JUSTICE AT KENT STATE

By handing down indictments against one present and seven former members of the Ohio National Guard unit whose gunfire killed four students and wounded nine others at Kent State University in 1970, a Federal grand jury has gone a long way toward expunging a dismal chapter in the annals of the judicial system.

While an indictment is not, of course, proof of guilt, the nature of the inquiry and the substance of the panel's conclusion signify a dramatic rejection of the official attitudes that were dominant when the killings were first investigated in the wake of the campus tragedy. No longer is it automatically assumed, as it was in the vidictive mood that prevailed in both Kent and Washington in 1970, that the forces of "law and order" must be considered innocent of any act of violence committed against rebellious students. On the contrary, the grand jury charged the indicted guardsmen with violation of the students' civil rights.

What matters most in the ultimate outcome of the case is that justice be done to the memory of the dead students and the proper claims of their aggrieved families as well as to those of the injured survivors. Yet, the inquiry's new course is also of utmost significance to the Nation's hope that a wider threat to law and order may have been turned back.

The contrast between the workings of the criminal justice system in 1970 and 1974 speaks for itself. The original Ohio grand jury chose to absolve those who fired the deadly guns, while indicting the dead students' unarmed contemporaries and blaming the university's "permissiveness" for the tragic incident. An F.B.I. report expressing belief that the guardmen's claim of mortal danger had been manufactured "subsequent to the event" was withheld from the original grand jurors. In 1971 John N. Mitchell, then Attorney General, declared that, although he found the gunfire "unnecessary, unwarranted and inexcusable," there was no point in further pursuing the matter.

The process of bending justice to defense of the state's power began to be reversed when Elliot L. Richardson, in his brief tenure as Mr. Mitchell's successor, reopened the investigation. J. Stanley Pottinger, chief of the Justice Department's Civil Rights Division, pursued the case with vigor, and Attorney General William B. Saxbe was careful to remove suspicion of a possible cover-up by excluding himself from the case because of his own past service as an officer in the Ohio National Guard.

The point of this tale of two investigations is self-evident. The first inquiry offers a chilling look back at lawful government in alarming decline; the second reaffirms belief in the renewal of the American system by men dedicated to law and justice.

[From the Christian Science Monitor, Apr. 1, 1974]

KENT STATE JUSTICE

The weekend's Kent State indictments recognize that the law of the United States applies to all, including the men charged with upholding it. Only a police state would tolerate a lesser standard of justice. For a time it appeared the U.S. was tolerating such a standard—a state grand jury made charges against students and "permissiveness," not against uniformed slayers of students. The U.S. Attorney General, then John Mitchell, failed to call for a federal grand jury investigation.

But a few bereaved parents and supporters persisted in getting at the truth—"I want justice, not vengeance," said the father of one of the four who were killed. Now a federal grand jury has confirmed there was a reason to go into the case again by return-

ing indictments against eight men who were members of the National Guard of Ohio in 1970 when the tragedy took place.

The indictments are charges, not convictions. But they ensure an exploration of the case through due process of law. Without this kind of exploration the American conscience will not rest.

SAVE THE LAND AND THE PEOPLE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the Logan Banner, edited by Charley Hylton, is located in the heart of West Virginia's southern coalfields in Logan County which year after year ranks among the top coal-counties in the Nation.

If anyone knows the coal business, it is Charley Hylton and his fine staff since they live with it day after day.

From the Banner comes this excellent editorial warning which I urge my colleagues as well as the bigwigs in the coal and electric power generating industries to read and heed:

[Logan Banner, Mon., April 1, 1974]

WE NEED THE COAL, BUT—

Americans are pretty much reconciled to the fact that if they want energy and a decent environment, too, they are going to have to pay for them.

Strip mining now yields more than half the nation's total annual output of coal, and will be called upon to yield more in the future. But nobody expects the coal industry to foot the entire bill—or most of it or even any of it—for the expensive and difficult reclamation of strip-mined land, or for devising some method of "cleansing" high sulphur content coal. The costs must ultimately be borne by the consumer.

The rationale behind the industry's traditional resistance to strip-mining laws—that they would put coal at a disadvantage in the marketplace—no longer holds today, if it ever did hold. America's demand not just for energy but the chemical derivatives of fossil fuels is going nowhere but up, and no one resource alone can meet it.

Yet the coal industry, allied with electrical power companies, continues to fight the bad fight, on the state level and on the national level, against any and every threat to its right to go in, rip out the coal and leave.

Members of the House of Interior Committee are reportedly under intense pressure from coal and power lobbyists to kill or gut a strong federal strip mine control bill. The measure narrowly escaped defeat in the committee last month. (The Senate is apparently beyond hope, having previously passed a similar bill by a large majority.)

This is shortsightedness in the extreme on the part of the coal and utility people. It is their environment as much as anyone else's and what the nation fails to do today to protect its natural heritage will exact a far-greater price tomorrow from their children, and everyone else's children, than mere money can pay for.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHARLES H. WILSON of California (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. BAFALIS (at the request of Mr. ARENDS), after 7 p.m., today, on account of official business.

Mr. BROWN of Ohio (at the request of Mr. RHODES), for today, on account of returning to his district to investigate damage of storm disaster.

Mr. CARTER (at the request of Mr. RHODES), for today, on account of official business.

Mr. DENNIS (at the request of Mr. RHODES), for today, on account of official business.

Mr. HILLIS (at the request of Mr. RHODES), for today, on account of official business.

Mr. LUKEN (at the request of Mr. O'NEILL), for today, on account of official business, tornado disaster in his district.

Mr. MANN, for Monday of this week, on account of illness.

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. LENT) to revise and extend their remarks and include extraneous matter:)

Mr. GOLDWATER, for 10 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. MCCLORY, for 60 minutes, on April 8.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. DIGGS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. YATRON, for 5 minutes, today.

Mr. OWENS, for 10 minutes, today.

Mr. ASPIN, for 10 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. CULVER, for 5 minutes today.

Mr. HARRINGTON, for 5 minutes today.

Mr. VANIK, for 5 minutes, today.

Mr. BARRETT, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. MITCHELL of Maryland, for 15 minutes, April 8, 1974.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROOMFIELD, to revise and extend his remarks and to include extraneous matter during the debate on the Defense supplemental.

Mr. FRELINGHUYSEN and to include extraneous matter notwithstanding the fact that it exceeds five pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,090.

Mr. ROSENTHAL, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $888.25.

Mr. BEARD and to include extraneous matter, notwithstanding the fact that it exceeds two and one one-half pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $574.74.

Mr. SEIBERLING and to include extraneous matter, notwithstanding the fact that it exceeds 3½ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $731.50.

(The following Members (at the request of Mr. LENT) and to include extraneous matter:)

Mr. VEYSEY.

Mrs. HECKLER of Massachusetts.

Mr. KEMP in seven instances.

Mr. HOSMER in two instances.

Mr. ARCHER.

Mr. GILMAN.

Mr. BROYHILL of North Carolina.

Mr. SMITH of New York.

Mr. WYDLER.

Mr. STEIGER of Wisconsin in two instances.

Mr. COLLINS of Texas in four instances.

Mr. PRICE of Texas.

Mr. PETTIS.

Mr. DERWINSKI in three instances.

Mr. MCEWEN.

Mr. RONCALLO of New York.

Mr. ABDNOR.

Mr. NELSEN in two instances.

Mr. MCCLORY.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous material:)

Mr. WALDIE.

Mr. MCKAY.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. OWENS in 10 instances.

Mr. NICHOLS.

Mr. CHARLES H. WILSON of California.

Mr. ROYBAL.

Mr. JAMES V. STANTON in two instances.

Mr. WOLFF in five instances.

Mr. MOAKLEY in 10 instances.

Mr. RODINO.

Mr. JOHNSON of California.

Mr. BOWEN.

Mr. HARRINGTON.

Mr. CHARLES WILSON of Texas in three instances.

Mr. ANDERSON of California in two instances.

Mrs. SULLIVAN.

Mr. PODELL.

Mr. EVINS of Tennessee in two instances.

Mr. TIERNAN.

Mr. ROGERS.

Mr. DANIELSON.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6186. An act to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on April 3, 1974, present to the President, for his approval, bills of the House of the following title:

H.R. 1321. An act for the relief of Dominga Pettit.

H.R. 5106. An act for the relief of Flora Datiles Tabayo; and

H.R. 7363. An act for the relief of Rito E. Judilla and Virna J. Pasicaran.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, April 8, 1974, 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:

2144. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Bureau of Accounts of the Department of the Treasury for "Salaries and Expenses," for fiscal year 1974, has been reapportioned on a basis which indicates the necessity for a higher supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2145. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

2146. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on negotiated contracts for experimental, developmental, test or research work, or industrial mobilization in the interest of national defense, covering the period July-December 1973, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

2147. A letter from the Associate Director for Congressional Affairs, Cost of Living Council, economic stabilization program, transmitting a summary of the voluntary decontrol commitments obtained from various industries by the Cost of Living Council; to the Committee on Banking and Currency.

2148. A letter from the Assistant Secretary of the Interior, transmitting a report on the proposed Cibolo project, Texas, pursuant to 43 U.S.C. 485h(a) (H. Doc. No. 93-282); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

2149. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Antitrust Civil Process Act to increase the effectiveness of discovery in civil antitrust investigation, and for other purposes; to the Committee on the Judiciary.

2150. A letter from the Administrator, National Aeronautics and Space Administration; transmitting a report on plans to conduct NASA's Lunar and Planetary Exploration program at a level in excess of that authorized in the NASA Authorization Act, 1974, pursuant to section 4(a) of Public Law 93-74; to the Committee on Science and Astronautics.

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. MORGAN: Committee on Foreign Affairs. House Resolution 1002. Resolution, an inquiry into the military alert invoked on October 24, 1973 (Rept. No. 93-970). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on the activity of the Committee on Interstate and Foreign Commerce, House of Representatives, for the 93d Congress, 1st session (Rept. No. 93-971). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 421. A bill to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty; with amendment (Rept. No. 93-972). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAGGONNER: Committee on Ways and Means. H.R. 11830. A bill to suspend the duty on synthetic rutile until the close of December 31, 1976; with amendment (Rept. No. 93-973). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 13631. A bill to suspend for a temporary period the import duty on certain horses; with amendment (Rept. No. 93-974). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 13113. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes (Rept. No. 93-975). Referred to the Committee of the Whole House on the State of the Union.

Mr. CASEY: Committee on Appropriations. H.R. 14012. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1975, and for other purposes (Rept. No. 93-976). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 14013. A bill making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-977). 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. ARCHER:

H.R. 13966. A bill to amend the Migratory Bird Treaty Act to guarantee a trial by jury for any person charged with a violation of the provisions of that act; to the Committee on Merchant Marine and Fisheries.

H.R. 13967. A bill to amend the Internal Revenue Code of 1954 to provide for a credit or refund of manufacturers excise tax on parts and accessories installed on light-duty trucks; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:

H.R. 13968. A bill to amend the Social Security Act to provide adequate financing of health care benefits for all Americans; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 13969. A bill to require licensed undertakers in the District of Columbia to furnish financial statements when funeral arrangements are made; to the Committee on the District of Columbia.

H.R. 13970. A bill to amend the act relating to retirement annuities for teachers in the District of Columbia to increase the annuity payable to retired teachers; to the Committee on the District of Columbia.

By Mr. COHEN (for himself, Mr. HASTINGS, Ms. ABZUG, Mr. BROWN of California, Mr. CONTE, Mr. PODELL, and Mr. SARASIN):

H.R. 13971. A bill to establish a Health Education Administration within the Department of Health, Education, and Welfare and to provide for the development and implementation of a national health education program; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE (for himself, Mr. SCHNEEBELI, Mr. DUNCAN, Mr. BURGENER, Mrs. CHISHOLM, Mr. DAVIS of South Carolina, Mr. DERWINSKI, Mr. ESCH, Mr. FRASER, Mr. GUNTER, Mr. HASTINGS, Mr. HORTON, Mr. HOSMER, Mr. KEMP, Mr. LEHMAN, Mr. MCCOLLISTER, Mr. MITCHELL of New York, Mr. PEPPER, Mr. PODELL, Mr. PREYER, Mr. REGULA, Mr. SMITH of New York, Mr. WALSH, Mr. WARE, and Mr. YATRON):

H.R. 13972. A bill to amend title XVIII of the Social Security Act to establish a program of long-term care services within the medicare program, to provide for the creation of community long-term care centers and State long-term care agencies as part of a new administrative structure for the organization and delivery of long-term care services, to provide a significant role for persons eligible for long-term care benefits in the administration of the program, and for other purposes; to the Committee on Ways and Means.

By Mr. CULVER (for himself, Mr. WOLFF, Mr. YATRON, Mr. DAVIS of Georgia, Mr. BURKE of Florida, Mr. VANDER JAGT, Mr. WHALEN, and Mr. GILMAN):

H.R. 13973. A bill to amend the title of the Foreign Assistance Act of 1961 concerning the Overseas Private Investment Corporation to extend the authority for the Corporation, to authorize the Corporation to issue reinsurance, to suggest dates for terminating certain activities of the Corporation, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DELLENBACK (for himself, Mr. GUYER, Mr. MAYNE, Mr. RIEGLE, and Mr. ROBISON of New York):

H.R. 13974. A bill to amend the Higher Education Act of 1965 to provide for increased accessibility to guaranteed student loans, to extend the Emergency Insured Student Loan Act of 1969, and for other purposes; to the Committee on Education and Labor.

By Mr. DOWNING:

H.R. 13975. A bill to amend the act of September 21, 1965, as amended, providing for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ESCH (for himself and Mr. Mr. STEELE):

H.R. 13976. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

By Mr. FREY (for himself, Ms. ABZUG, Mr. ANDERSON of Illinois, Mr. BAFALIS, Mr. BUCHANAN, Mr. DAVIS of South Carolina, Mr. DRINAN, Mr. DUNCAN, Mr. ESHLEMAN, Mr. FASCELL,

Mr. FISH, Mr. GROVER, Mr. GUNTER, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. JONES of North Carolina, Mr. LEHMAN, Mr. LOTT, Mr. MILLER, Mr. MITCHELL of Maryland, Mr. MORGAN, Mr. MURPHY of New York, and Mr. MURPHY of Illinois):

H.R. 13977. A bill to amend title 38 of the United States Code in order to provide service pension to cerain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. FREY (for himself, Mr. PEPPER, Mr. PODELL, Mr. REGULA, Mr. RIEGLE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RUPPE, Mr. CHARLES WILSON of Texas, and Mr. WINN):

H.R. 13978. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. FREY (for himself, Mr. MCKINNEY, and Mr. MITCHELL of New York):

H.R. 13979. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. FUQUA:

H.R. 13980. A bill to amend the Rail Passenger Service Act of 1970 in order to provide for a demonstration project providing certain rail transportation for highway recreational vehicles; to the Committee on Interstate and Foreign Commerce.

By Mr. GAYDOS:

H.R. 13981. A bill to prohibit Soviet energy investments; to the Committee on Banking and Currency.

By Mr. GILMAN:

H.R. 13982. A bill providing for temporary controls of certain increases in utility rates; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMERSCHMIDT:

H.R. 13983. A bill extending the authorizations in the Public Works and Economic Development Act of 1965 for 3 additional years; to the Committee on Public Works.

By Mr. KOCH:

H.R. 13984. A bill to provide for the demonstration of models of living arrangements for severely handicapped adults as alternatives to institutionalization and to coordinate existing supportive services necessitated by such arrangements, to improve the coordination of housing programs with respect to handicapped persons, and for other purposes; to the Committee on Banking and Currency.

By Mr. MITCHELL of Maryland (for himself, Mr. MOAKLEY, Mr. STOKES, Mr. METCALFE, Mr. MCSPADDEN, Mr. HELSTOSKI, Mr. CONYERS, Ms. SCHROEDER, Mr. DELLUMS, Mr. YOUNG of Georgia, Mr. STARK, Ms. BURKE of California, Mr. CLAY, Mr. PEPPER, Mr. HAWKINS, Ms. HOLTZMAN, Mr. FAUNTROY, and Ms. COLLINS of Illinois):

H.R. 13985. A bill amending the U.S. Housing Act of 1937; to the Committee on Banking and Currency.

By Mr. MOSS (for himself, Mr. BROYHILL of North Carolina, Mr. ECKHARDT, and Mr. LUKEN):

HR. 13986. A bill to amend the Securities Exchange Act of 1934 to facilitate the collection and public dissemination of information concerning the holdings of and transactions in securities by institutional investors and investment managers; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN (for himself and Mr. HASTINGS):

H.R. 13987. A bill to amend the Public Health Service Act to revise and extend programs of Federal assistance for comprehensive health resources planning, and to assist the States in regulating the costs of health care; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 13988. A bill to further the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OBEY (for himself, Mr. ADDABBO, Mr. BADILLO, Mr. CLEVELAND, Mr. DAVIS of South Carolina, Mr. DENT, Mr. EDWARDS of California, Mr. FISH, Mr. HARRINGTON, Mr. HASTINGS, Mr. HAWKINS, Mr. LITTON, and Mr. MCCORMACK):

H.R. 13989. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation; to the Committee on Agriculture.

By Mr. OBEY (for himself, Mr. MCKAY, Mr. METCALFE, Mr. MITCHELL of New York, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURTHA, Mr. ROSENTHAL, Mr. ROY, Mr. SHOUP, Mr. STARK, Mr. TALCOTT, Mr. WALSH, and Mr. VIGORITO):

H.R. 13990. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation; to the Committee on Agriculture.

By Mr. PERKINS (for himself and Mr. QUIE):

H.R. 13991. A bill to provide for obtaining certain educational statistics; to the Committee on Education and Labor.

By Mr. RODINO (for himself and Mr. HUTCHINSON):

H.R. 13992. A bill to amend the Antitrust Civil Process Act to increase the effectiveness of discovery in civil antitrust investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE (for himself and Mr. DRINAN):

H.R. 13993. A bill to amend section 4a, the commodity distribution program of the Agriculture and Consumer Protection Act of 1973; to the Committee on Agriculture.

H.R. 13994. A bill to amend the National School Lunch Act, and for other purposes; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. HASTINGS, Mr. KYROS, Mr. SYMINGTON, Mr. NELSEN, Mr. CARTER, Mr. HEINZ, and Mr. HUDNUT):

H.R. 13995. A bill to provide for the development of a national health policy and to assist and facilitate the development of necessary health care resources; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 13996. A bill to amend the Small Business Act to provide loans to small business concerns to assist them in meeting mortgage payments and operating costs if they suffer substantial economic injury as the result of rising fuel prices; to the Committee on Banking and Currency.

H.R. 13997. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE (for himself, Mr. MOSHER, Mr. HECHLER of West Virginia, Mr. BELL, Mr. DAVIS of Georgia, Mr. WYDLER, Mr. DOWNING, Mr. WINN, Mr. FUQUA, Mr. FREY, Mr. SYMINGTON, Mr. GOLDWATER, Mr. HANNA, Mr. ESCH, Mr. FLOWERS, Mr. ROE, Mr. CAMP, Mr. COTTER, Mr. MCCORMACK, Mr. PARRIS, Mr. BERGLAND, Mr. CRONIN, Mr. KETCHUM, Mr. MARTIN of North Carolina, and Mr. BROWN of California):

H.R. 13998. A bill 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; to the Committee on Science and Astronautics.

By Mr. TEAGUE (for himself, Mr. MOSHER, Mr. HECHLER of West Virginia, Mr. BELL, Mr. DAVIS of Georgia, Mr. WYDLER, Mr. DOWNING, Mr. WINN, Mr. FUQUA, Mr. SYMINGTON, Mr. GOLDWATER, Mr. HANNA, Mr. ESCH, Mr. FLOWERS, Mr. ROE, Mr. PARRIS, Mr. MCCORMACK, Mr. CRONIN, Mr. BERGLAND, Mr. PICKLE, Mr. KETCHUM, Mr. BROWN of California, Mr. MILFORD, Mr. THORNTON, and Mr. GUNTER):

H.R. 13999. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. WALDIE:

H.R. 14000. A bill to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of employees and other individuals traveling on official business, and for other purposes; to the Committee on Government Operations.

By Mr. WALSH:

H.R. 14001. A bill to provide funds for bus companies to offset the rising cost of gasoline; to ban ornamental gas lighting and pilot lights; and to establish a Standard House Committee on Energy; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 14002. A bill to amend the provisions of title 23, United States Code, dealing with highway beautification, and for other purposes; to the Committee on Public Works.

By Mr. ALEXANDER:

H.R. 14003. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 14004. A bill to authorize the disposal of antimony from the national stockpile and supplemental stockpile; to the Committee on Armed Services.

By Mr. BAUMAN:

H.R. 14005. A bill to repeal certain provisions of the act entitled "An Act to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes", approved September 21, 1965, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.R. 14006. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. FASCELL, Mr. FREY, Mr. HICKS, and Mr. SARASIN):

H.R. 14007. A bill to amend title XVIII of the Social Security Act to establish a program of long-term care services within the medicare program, to provide for the creation of community long-term care centers and State long-term care agencies as part of a new administrative structure for the organization and delivery of long-term care services, to provide a significant role for persons eligible for long-term care benefits in the administra-

tion of the program, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 14008. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, and Mr. ROY):

H.R. 14009. A bill to strengthen the Food and Drug Administration, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK (for himself, Mr. VANIK, Mr. MOAKLEY, Mr. MCCORMACK, Mr. ASHLEY, and Mr. DRINAN):

H.R. 14010. A bill to authorize the Secretary of the Interior to study the feasibility of a national park, recreation area, or wilderness area in the ridgelands east of the San Francisco Bay in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STARK (for himself, Mr. SEIBERLING, Mr. BINGHAM, Mr. DE LUGO, Mr. UDALL, Mr. BROWN of California, Mr. DELLUMS, Mr. EDWARDS, of California, Mr. ROYBAL, Mr. WALDIE, Mr. LEGGETT, Mr. REES, Mr. HAWKINS, Mr. BELL, Mr. RYAN, Mr. HANNA, Mr. CHARLES H. WILSON of California, Mr. MCCLOSKEY, Mr. MOSS, Mr. GONZALEZ, Mr. HARRINGTON, Mr. MCKINNEY, Ms. ABZUG, Mr. ECKHARDT, and Mr. MOORHEAD of Pennsylvania):

H.R. 14011. A bill to authorize the Secretary of the Interior to study the feasibility of a national park, recreation area, or wilderness area in the ridgelands east of the San Francisco Bay in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CASEY of Texas:

H.R. 14012. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1975, and for other purposes.

By Mr. MAHON:

H.R. 14013. A bill making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

[*Omitted from the Record of April 3, 1974*]

By Mr. LONG of Maryland:

H.J. Res. 967. Joint resolution to designate the first Tuesday of June of each year as National Parliamentary Law Day; to the Committee on the Judiciary.

[*Submitted April 4, 1974*]

By Mr. ARENDS (for himself, Mr. RHODES, Mr. HÉBERT, Mr. CEDERBERG, Mr. GRAY, Mr. O'NEILL and Mr. MCFALL):

H.J. Res. 968. Joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President effective upon the termination of service of the incumbent Chief of Naval Operations; to the Committee on Armed Services.

By Mr. ASPIN:

H. Con. Res. 461. Concurrent resolution expressing the sense of Congress concerning how it should receive foreign policy information during the period from the impeachment of the President by the House of Representatives until the Senate votes on such impeachment; to the Committee on Foreign Affairs.

H. Con. Res. 462. Concurrent resolution expressing the sense of Congress concerning the President not signing any agreement with a foreign country or international organization during the period from his impeachment by the House of Representatives until the Senate votes on such impeachment; to the Committee on Foreign Affairs.

H. Con. Res. 463. Concurrent resolution expressing the sense of Congress concerning the President not traveling abroad on Government business during the period from his impeachment by the House of Representatives until the Senate votes on such impeachment, and concerning a foreign head of state not making an official visit to the United States during such period; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself, Ms. ABZUG, Mr. ADAMS, Mr. ADDABBO, Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. ASHLEY, Mr. ASPIN, Mr. BADILLO, Mr. BARRETT, Mr. BELL, Mr. BERGLAND, Mr. BIAGGI, Mr. BIESTER, Mrs. BOGGS, Mr. BOLAND, Mr. BOLLING, Mr. BRADEMAS, Mr. BRASCO, Mr. BROWN of Ohio, Mr. BROWN of Michigan, Mr. BROWN of California, Mr. BUCHANAN, Mr. BURKE of Massachusetts, and Ms. BURKE of California):

H. Con. Res. 464. Concurrent resolution authorizing a bust or statue of Martin Luther King, Jr., to be placed in the Capitol; to the Committee on House Administration.

By Mr. BINGHAM (for himself, Mr. BURTON, Mr. CAREY of New York, Ms. CHISHOLM, Mr. CLAY, Ms. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CORMAN, Mr. COTTER, Mr. CULVER, Mr. DOMINICK V. DANIELS, Mr. DANIELSON, Mr. DELLENBACK, Mr. DELLUMS, Mr. DE LUGO, Mr. DENT, Mr. DIGGS, Mr. DORN, Mr. DRINAN, Mr. DULSKI, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. EILBERG, and Mr. EVANS of Colorado):

H. Con. Res. 465. Concurrent resolution authorizing a bust or statue of Martin Luther King, Jr., to be placed in the Capitol; to the Committee on House Administration.

By Mr. BINGHAM (for himself, Mr. FASCELL, Mr. FAUNTROY, Mr. FINDLEY, Mr. FISH, Mr. FOLEY, Mr. FRASER, Mr. GIAIMO, Mr. GIBBONS, Ms. GRASSO, Mr. GREEN of Pennsylvania, Ms. HANSEN of Washington, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HICKS, Ms. HOLTZMAN, Mr. HORTON, Mr. HOSMER, Mr. HOWARD, Mr. HUDNUT, Mr. HUNGATE, Mr. JOHNSON of Colorado, and Ms. JORDAN):

H. Con. Res. 466. Concurrent resolution authorizing a bust or statue of Martin Luther King, Jr., to be placed in the Capitol; to the Committee on House Administration.

By Mr. BINGHAM (for himself, Mr. KARTH, Mr. KASTENMEIER, Mr. KOCH, Mr. KYROS, Mr. LEGGETT, Mr. LITTON, Mr. LONG of Maryland, Mr. LONG of Louisiana, Mr. MCCLOSKEY, Mr. MCKINNEY, Mr. MADDEN, Mr. MATSUNGA, Mr. MAZZOLI, Mr. MEEDS, Mr. METCALFE, Mr. MEZVINSKY, Ms. MINK, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. MOSHER, Mr. MOSS, Mr. MURPHY of Illinois, and Mr. MURPHY of New York):

H. Con. Res. 467. Concurrent resolution authorizing a bust or statute of Martin Luther King, Jr., to be placed in the Capitol; to the Committee on House Administration.

By Mr. BINGHAM (for himself, Mr. NIX, Mr. OBEY, Mr. O'BRIEN, Mr. O'NEILL, Mr. OWENS, Mr. PATTEN, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. REID, Mr. REUSS, Mr. RIEGLE, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. ROUSH, Mr. ROY, Mr. ROYBAL, Mr. RYAN, Mr. SARBANES, Mrs. SCHROEDER, and Mr. SEIBERLING):

H. Con. Res. 468. Concurrent resolution authorized a bust or statue of Martin Luther King, Jr., to be placed in the Capitol; to the Committee on House Administration.

By Mr. BINGHAM (for himself, Mr. SMITH of New York, Mr. STARK, Mr. STEELMAN, Mr. STOKES, Mr. STRATTON, Mr. SYMINGTON, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. UDALL, Mr. VAN DEERLIN, Mr. VANDER VEEN, Mr. VANIK, Mr. VIGORITO, Mr. WALDIE, Mr. WARE, Mr. WHALEN, Mr. CHARLES WILSON of Texas, Mr. WOLFF, Mr. WYDLER, Mr. YATES, Mr. YOUNG of Georgia, and Mr. YOUNG of Illinois):

H. Con. Res. 469. Concurrent resolution authorizing a bust or statue of Martin Luther King, Jr., to be placed in the Capitol; to the Committee on House Administration.

By Mr. DERWINSKI:

H. Con. Res. 470. Concurrent resolution expressing the sense of the Congress with respect to the financial consequences of removing professional baseball from the Robert F. Kennedy Memorial Stadium; to the Committee on the Judiciary.

By Mr. DU PONT:

H. Con. Res. 471. Concurrent resolution to express the sense of the Congress with respect to certain vocational and career student organizations; to the Committee on the Judiciary.

By Mrs. GRASSO (for herself and Mr. STEELE):

H. Con. Res. 472. Concurrent resolution expressing the sense of the Congress with respect to the price of refined petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES (for himself, Mr. HECHLER of West Virginia, Mr. MELCHER, Mr. GUDE, Mr. RYAN, Mr. FISH, Mr. DERWINSKI, Mr. BROWN of California, Mrs. BURKE of California, Mr. GUNTER, Mr. MURPHY of Illinois):

H. Res. 1028. Resolution providing for television and radio coverage of proceedings in the Chamber of the House of Representatives on any resolution to impeach the President of the United States; to the Committee on Rules.

EXTENSIONS OF REMARKS

CALIFORNIA AGRICULTURAL LEADERSHIP PROGRAM

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 4, 1974

Mr. VEYSEY. Mr. Speaker, agriculture is the leading industry in the State of California, and certainly it is the basic industry of the national economy. Agriculture shares all the pressures for change that mark a highly mobile, rapidly changing society. Increasingly, the well-being and vitality of this industry are determined by external forces. To prepare the leadership of California agriculture to relate to national problems and to understand how these forces impinge on agriculture, the California agricultural leadership program was initiated in 1972.

Mr. Speaker, we are privileged to have 60 members from this select group visiting the Capital this week for a series of conferences. The list of officials they are slated to see includes HEW Secretary Casper Weinberger, Associate Justice William Rehnquist, Secretary of Labor