"Whereas, The Congress of the United States is required by the Constitution to call such a convention upon receipt of applications from the legislatures of two thirds of the several states; therefore, be it

"Resolved by the Legislature of West Virginia: That pursuant to Article V of the Constitution of the United States, the Legislature of the State of West Virginia does hereby make application to the Congress of the United States to call a convention for the sole purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States; and, be it

"Further Resolved, That this application shall constitute a continuing application until the legislatures of two thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this Legislature; and, be it

"Further Resolved, That certified copies of this resolution be presented forthwith to the President of the Senate and Speaker of the House of Representatives of the United States and to the legislature of each of the several states attesting the adoption of this resolution by the Legislature of the State of West Virginia."

The petition of Evelyn Barnes, of Bridge, Idaho, praying for a congressional investigation relating to the Headstart program; to the Committee on Appropriations.

A resolution adopted by the United Center of Retailers of Puerto Rico, Inc., praying for the enactment of legislation relating to curbing inflation; to the Committee on Banking, Housing and Urban Affairs.

The petition of Robert Hayworth Beel, of Mount Clemens, Mich., praying for a redress of grievances; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the City of Buffalo, N.Y., praying for the enactment of legislation relating to air pollution; to the Committee on Commerce.

A resolution adopted by the Board of Supervisors, County of Goochland, Va., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the City Council of New York City, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

Resolutions adopted at the Grand Camp, Alaska Native Brotherhood, Inc., relating to social security payments to persons living in Alaska; to the Committee on Finance.

A resolution adopted by the Colorado Conference of Social Welfare, Denver, Colo., praying for the enactment of legislation relating to welfare reform; to the Committee on Finance.

Resolutions adopted at the North Atlantic Assembly, held in The Hague, relating to certain recommendations concerning international relations; to the Committee on Foreign Relations.

A resolution adopted by the Evangelical Covenant Church of America, Chicago, Ill., praying for conformation to rules of war as delineated in the Geneva Convention, relating to prisoners of war; to the Committee on Foreign Relations.

An opinion of the U.S. District Court, Southern District of Indiana, Indianapolis Division, relating to the case of Vance Hartke, Plaintiff, against Richard L. Roudebush, Samuel J. Walker, John R. Hammond, Duge Butler, Defendants; to the Committee on Rules and Administration.

The petition of New Yorkers for a New York Senator, Hamilton, N.Y., objecting to the seating of JAMES L. BUCKLEY, as Senator, from the State of New York; to the Committee on Rules and Administration.

The petition of Paul B. Knuese, of Lake Geneva, Wis., praying for a redress of grievances; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the Council of the city of New York, praying for the enactment of legislation approving income tax deductions for all people who cannot work at a gainful job without having to make private arrangements for child care; to the Committee on Finance.

A petition, signed by sundry citizens of the State of Florida, praying for the immediate cessation of aid in any form to Communist enemies; to the Committee on Foreign Relations.

A resolution adopted by the council of the city of New York, praying for the enactment of legislation to create an independent Federal agency to coordinate a national drive to conquer cancer; to the Committee on Labor and Public Welfare.

A proclamation of the Governor, Commonwealth of Puerto Rico, relating to the recently approved amendment to the constitution of the Commonwealth of Puerto Rico, granting the right to vote to all persons over 18 years of ago; to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. HANSEN (for Mr. JACKSON), from the Committee on Interior and Insular Affairs:

ROGERS C. B. MORTON, of Maryland, to be Secretary of the Interior.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 185. A bill for the relief of Carmen Soto Velesquez;

S. 186. A bill for the relief of Miss Ilva John; and

S. 187. A bill for the relief of Miss Marie Arcache and Miss Verdun Arcache; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 188. A bill for the relief of Tibor Egetoe;

S. 189. A bill for the relief of Carmela Marullo; and

S. 190. A bill for the relief of Vittorio Liotti; to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. TOWER and Mr. BEALL):

S. 191. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Finance.

(The remarks of Mr. BOGGS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 192. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works, by unanimous consent and then to the Committee on Commerce for its consideration of any matters in its jurisdiction, by unanimous consent.

S. 193. A bill to amend the Federal Aviation Act of 1958 to prohibit the operation within the territorial jurisdiction of the United States of any civil supersonic aircraft until and unless the sonic boom and stratospheric pollution created by such operation have been reduced to zero or the effectual equivalent of zero, and for other purposes; to the Committee on Commerce.

S. 194. A bill to permit a State to elect the use funds from the highway trust fund for purposes or urban mass transportation; to the Committee on Finance.

(The remarks of Mr. NELSON when he submitted the bills appear earlier in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself and Mr. GRIFFIN):

S. 195. A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of minority group isolation, in elementary and secondary schools, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. MOSS:

S. 196. A bill for the relief of Eva Semnani;

S. 197. A bill for the relief of Mrs. Kwi Dong Park;

S. 198. A bill for the relief of Osvalda R. Borelo, Angela Borelo, Diana Laora Borelo, Viviana Christina Borelo, Estevan Daniel Borelo, and Mirian Borelo;

S. 199. A bill for the relief of Miss Maike Hannemann;

S. 200. A bill for the relief of Olga Quintas-Freijo and Susanna Alvarez;

S. 201. A bill for the relief of Dr. Ralph R. Stevenson;

S. 202. A bill for the relief of Ann Maria Y. Uy;

S. 203. A bill for the relief of Eou Bee Han; and

S. 204. A bill for the relief of Sing Ho Chan; to the Committee on the Judiciary.

By Mr. CURTIS:

S. 205. A bill for the relief of Kimura Koshun; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 206. A bill for the relief of William Arthur Herbertson; and

S. 207. A bill for the relief of Grace Home Herbertson; to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 208. A bill for the relief of Filadelfo Fracica; to the Committee on the Judiciary.

By Mr. WEICKER:

S. 209. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Commerce.

By Mr. FONG:

S. 210. A bill to amend section 8340 of title 5, United States Code, to provide a 5-percent increase in certain annuities;

S. 211. A bill to amend the Civil Service Retirement Act so as to permit retirement of employees with thirty years of service on full annuities without regard to age;

S. 212. A bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers;

S. 213. A bill to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes; and

S. 214. A bill to correct certain inequities relating to civil service retirement benefits

By Mr. NELSON:

S. 272. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture and Forestry.

S. 273. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Commerce.

S. 274. A bill to amend the Mineral Leasing Act, and for other purposes; and

S. 275. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 276. A bill to authorize the Commissioner of Education to award fellowships to persons preparing for environmental careers; and

S. 277. A bill to establish a National Commission on Public Health Hazards, and to provide for a program of investigation, basic research, and development to find means of protecting the public health by controlling and neutralizing health hazards created by certain drugs and other potentially mutagenetic or lethal chemicals and compounds; to the Committee on Labor and Public Welfare.

S. 278. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property;

S. 279. A bill to provide for the control and prevention of pollution, deterioration of water quality, and damage to lands and waters resulting from erosion to the roadbeds and rights-of-way of existing State, county, and other rural roads and highways and for other purposes;

S. 280. A bill to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a National Lake Areas System and authorizing programs of lake and lake areas research, and for other purposes;

S. 281. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that pesticides manufactured for use in the United States or imported for use in the United States comply with certain standards of biodegradability and toxicity; and

S. 282. A bill to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse, and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. NELSON when he introduced the bill appear below under the appropriate heading.)

By Mr. METCALF:

S. 283. A bill to provide for the distribution of motor vehicle tires, and for other purposes; to the Committee on Commerce; and

S. 284. A bill for the relief of Solomon Simtob; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 285. A bill to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes;

S. 286. A bill providing that certain privately owned irrigable lands in the Milk River project in Montana shall be deemed to be excess lands; and

S. 287. A bill relating to the status of the Little Shell Band of Chippewa Indians of Montana; to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself and Mr. ERVIN):

S. 288. A bill to provide for certain jury trials in condemnation proceedings in district courts of the United States; to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. TUNNEY) (by request):

S. 289. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize air carriers to engage in bulk air transportation of persons and property; to the Committee on Commerce.

(The remarks of Mr. Moss, when he introduced the bill, appear below under an appropriate heading.)

By Mr. BELLMON:

S. 290. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture and Forestry;

S. 291. A bill to establish within the Department of the Interior the position of Assistant Secretary of the Interior for Indian Affairs; to the Committee on Interior and Insular Affairs; and

S. 292. A bill to redesignate the Senate Office Building and the additional Senate Office Building as the "Everett McKinley Dirksen Building" and the "Richard Brevard Russell Building," respectively; to the Committee on Public Works.

(The remarks of Mr. BELLMON, when he introduced the bill, appear below under an appropriate heading.)

By Mr. KENNEDY:

S. 293. A bill to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities; to the Committee on Banking, Housing and Urban Affairs.

(The remarks of Mr. KENNEDY, when he introduced the bill, appear below under an appropriate heading.)

By Mr. KENNEDY:

S. 294. A bill to amend the Federal Power Act to further promote the reliability, abundance, economy and efficiency of bulk electric power supplies through regional and interregional coordination; to encourage the installation and use of improved extra-high-voltage facilities; to preserve the environment and conserve natural resources; to establish the National Council on the Environment; and for other purposes;

S. 295. A bill to establish a National Transportation Trust Fund, and for other purposes;

S. 296. A bill to protect consumers and to assist the commercial fishing industry by providing for the inspection of establishments processing fish and fishery products in commerce, and to amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting such requirements; to the Committee on Commerce;

S. 297. A bill to amend the Social Security Act to provide a 15 per centum across-the-board increase in monthly benefits with a minimum primary insurance amount of $100;

S. 298. A bill to amend the Sugar Act of 1948 to terminate the quota for South Africa; to the Committee on Finance;

S. 299. A bill to authorize the Secretary of the Interior to establish the Bunker Hill desirability of a Boston Harbor National Recreation Area in the State of Massachusetts;

S. 300. A bill to establish the birthplace of Susan B. Anthony in Adams, Mass., as a national historic site, and for other purposes;

S. 301. A bill to authorize the Secretary of the Interior to establish the Bunker Hill National Historic Site in the city of Boston, Mass., and for other purposes;

S. 302. A bill to authorize the acquisition and maintenance of the Goddard Rocket Launching Site in accordance with the act of August 25, 1916, as amended and supplemented, and for other purposes; to the Committee on Interior and Insular Affairs;

S. 303. A bill to incorporate the Historic Naval Ships Association;

S. 304. A bill for the relief of the State of Massachusetts; to the Committee on the Judiciary; and

S. 305. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. KENNEDY, when he introduced the bills, appear below under appropriate heading.)

By Mr. SPONG:

S. 306. A bill for the relief of Eddie Troy Jaynes and Rosa Elena Jaynes; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 307. A bill to foster oceanic an environmental research and development, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. HOLLINGS when he introduced the bill appear below under the appropriate headings.)

By Mr. CANNON:

S.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States; to the Committee on the Judiciary.

(The remarks of Mr. CANNON when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. MANSFIELD (for Mr. MUSKIE) (for himself, Mr. MAGNUSON, Mr. RANDOLPH, Mr. JACKSON, Mr. BAKER, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. CANNON, Mr. CHURCH, Mr. COOPER, Mr. EAGLETON, Mr. GRAVEL, Mr. JORDAN of Idaho, Mr. HATFIELD, Mr. INOUYE, Mr. KENNEDY, Mr. MCGEE, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. SPONG, Mr. STEVENS, and Mr. WILLIAMS):

S.J. Res. 17. Joint resolution to establish a Joint Committee on the Environment; placed on the calendar, by unanimous consent.

(The remarks of Mr. MANSFIELD when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 23—INTRODUCTION OF THE ETHNIC HERITAGE STUDIES CENTERS ACT OF 1971

Mr. SCHWEIKER. Mr. President, I introduce the Ethnic Heritage Studies Center Act of 1971.

This bill authorizes the Commissioner of Education to create a series of regional centers around the Nation which will develop, and make available to schools, colleges, and community groups, materials concerning the history and culture of all the various ethnic groups in our country.

Mr. President, the decade of the sixties began in relative quiet, but ended in ashes of misunderstanding, hatred, and violence. During these riot-torn years, we witnessed the tragic events of race fight-

1675. His hope was to reach his Mission of St. Ignace before he died. He died on his way to St. Ignace May 18, 1675, at the mouth of a river on the western shore of Lake Michigan.

On May 18, 1677, Marquette's remains were disinterred by a party of Indians and taken to St. Ignace, where he was buried with full ceremony June 8, 1675.

SENATE JOINT RESOLUTION 37—INTRODUCTION OF A JOINT RESOLUTION RELATING TO "COMMUNITY TOTAL HEALTH WEEK"

Mr. CRANSTON. Mr. President, nothing the 92d Congress will consider is more crucial than legislation relating to America's current health crisis. During the 91st Congress, one bill in 10 was related to the health field.

In an effort to promote cooperation and harmony between the Government and organizations dealing with programs to improve the effectiveness of our current health-care system, I am proud to introduce today, for appropriate reference, a joint resolution to establish a national "Community Total Health Week."

The growing awareness and concern about health matters on the Federal level is a consequence of State and local community involvement in activities to improve community health and services for many years. In the county of Los Angeles and the State of California, Community Health Week has been proclaimed and observed for over a quarter of a century under the leadership of Dr. Ruth Temple, with our Governor serving as honorary chairman. Its major contribution has been to unite both voluntary and official agencies into a single effort focused upon community health.

The Community Health Association, Inc., headquartered in Los Angeles, is prepared to provide all the information about Community Total Health Week it has gathered in its 26 years of experience. Any interested community will be able to conduct a week which will be truly educational and productive. These activities will provide the entire Nation with the opportunity to participate in a unified, voluntary health education effort and training program which joins medical professionals, voluntary health organizations, schools, businesses, and labor and civic groups to eliminate preventable diseases and work together to achieve the highest level of health care and services for every American.

I believe a Community Total Health Week can serve as a constructive encouragement to our communities and local organizations to work together to make America a healthier place for all of us to live in.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GAMBRELL). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 37) to authorize the President to issue annually a proclamation designating the calendar week during which the third Wednesday of March occurs as "Community Total Health Week," introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 37

Whereas an indispensable element of the strength, the freedom, and the constructive world leadership of any nation is the good health of its citizens;

Whereas the implementation of a total health program during a Community Total Health Week brings people of a community together and affords them an opportunity to health educational effort and training program involving the cooperation of physicians, dentists, voluntary health organizations, private homes, churches, public- and religious-sponsored schools, business, labor, youth, parent, senior citizen, and other civic associations and organizations, and all other groups of people within the community as a community total health team for the common causes of (1) eliminating preventable diseases, disorders, and tragedies from the community, and (2) working together to gain the highest attainable mutual rewards in positive health benefits and human betterment;

Whereas an ever larger number of communities are observing a Community Health Week; and

Whereas the Community Health Association, Incorporated, with headquarters in Los Angeles, California, stands ready to give to any interested community information and the full benefit of its twenty-six years of experience in community organization and Community Health Week-total health program development: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation—

(1) designating the calendar week during which the third Wednesday of March occurs as "Community Total Health Week";

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, to observe such week with educational efforts and other appropriate activities which—

(A) foster personal responsibility, diligent work, self-help, concern for those less advantaged, and the more effective use of all essential health services and the total resources available to the home, the place of business, the school, and the total community for the maximum benefit of all members of the community without regard to race, creed, color, sex, national origin, or financial means,

(B) encourage community unity,

(C) inspire love of country, and one's fellowman,

(D) highlight the extent to which essential health care is unavailable to many and only partially available to many others and the need to extend essential health services to all those in the community not now effectively served; and

(3) calling upon the communities of our Nation to cooperate with the medical and dental societies and other professional societies within their communities—

(A) to form local citizens' community total health teams;

(B) to launch in their respective communities a Community Total Health Week and annual community total health program as a strong continuing campaign for the prevention and reduction of all preventable diseases, disorders, and tragedies for all members of their respective communities; and

(C) to aid all community members in pursuing and obtaining maximum mutual benefits in health, community unity, prosperity, happiness, personal development, and service, and a rich, abundant, and loving life with their fellow men.

ADDITIONAL COSPSONORS OF BILLS

S. 41

At the request of the Senator from Kansas (Mr. DOLE), the Senator from Alabama (Mr. ALLEN), the Senator from New Mexico (Mr. ANDERSON), the Senator from Maryland (Mr. BEALL), the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 41, to establish the National Information and Resource Center for the Handicapped.

S. 78

At the request of the Senator from Wisconsin (Mr. NELSON), the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 78 to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

S. 192

At the request of the Senator from Wisconsin (Mr. NELSON), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 192, the Marine Pollution Control Act to end ocean dumping.

S. 282

At the request of the Senator from Wisconsin (Mr. NELSON), the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 282, to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse, and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes.

S. 323

At the request of the Senator from Kansas (Mr. DOLE) the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 323 to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-

purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4335. A bill to provide for a Veterans' Administration general medical and surgical hospital of 400 beds at Clark County, Nev.; to the Committee on Veterans' Affairs.

H.R. 4336. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the occupational tax on coin-operated gaming devices for similar new taxes imposed by a State where the operation of such devices is legal; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 4337. A bill to establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4338. A bill to require local consultation in Federal construction projects; to the Committee on Public Works.

By Mr. BLATNIK:

H.R. 4339. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 4340. A bill to revise the Federal Corrupt Practices Act, 1925, and for other purposes; to the Committee on House Administration.

H.R. 4341. A bill relating to the transportation and gas distribution facilities operated by New Orleans Public Service, Inc., a corporation organized under the laws of the State of Louisiana and operating in the city of New Orleans, La., and all the shares of whose common stock are owned by Middle South Utilities, Inc.; to the Committee on Interstate and Foreign Commerce.

H.R. 4342. A bill to provide for the control of mosquitoes and mosquito vectors of human disease through technical assistance and grants-in-aid for control projects; to the Committee on Interstate and Foreign Commerce.

H.R. 4343. A bill to create a marine resources conservation and development fund; to provide for the distribution of revenues from Outer Continental Shelf lands, and for other purposes; to the Committee on the Judiciary.

H.R. 4344. A bill to provide increases in annuities granted under the Panama Canal Construction Service Annuity Act of May 29, 1944, and thereafter to provide cost-of-living increases in such annuities; to the Committee on Merchant Marine and Fisheries.

H.R. 4345. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for expenditures for reconversion of structures in a slum clearance program or rehabilitation project; to the Committee on Ways and Means.

H.R. 4346. A bill to grant an additional income tax exemption to a taxpayer supporting a dependent who is blind or otherwise permanently and totally disabled; to the Committee on Ways and Means.

H.R. 4347. A bill relating to the Federal income tax treatment of losses sustained as the result of Hurricane Camille; to the Committee on Ways and Means.

H.R. 4348. A bill to amend the Internal Revenue Code of 1954 to provide for certain costs of construction; to the Committee on Ways and Means.

By Mr. BURLESON of Texas (for himself, Mr. ROBERTS, Mrs. CHISHOLM, Mr. GARMATZ, Mr. FUQUA, Mr. LENNON, Mr. GALLAGHER, Mr. YATRON, Mr. ABBITT, Mr. SIKES, Mr. CARTER, Mr. BYRNE of Pennsylvania, and Mr. CASEY of Texas):

H.R. 4349. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 4350. A bill to establish the Juan Manuel de Ayala National Recreation Area at the Golden Gate headlands in California; to the Committee on Interior and Insular Affairs.

By Mr. BYRNE of Pennsylvania:

H.R. 4351. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Commmittee on Armed Services.

H.R. 4352. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CAMP (for himself, Mr. BELCHER, Mr. EDMONDSON, Mr. JARMAN, and Mr. STEED):

H.R. 4353. A bill to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

H.R. 4354. A bill to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motorbuses; to the Committee on Public Works.

By Mr. FISHER:

H.R. 4355. A bill to amend the Housing and Urban Development Act of 1968 to require a public notice and public hearing concerning any application, with certain findings, involving interest-reduction payments (or mortgage insurance) with respect to such project, as applied to sections 235 and 236; and for other purposes; to the Committee on Banking and Currency.

By Mr. GERALD R. FORD:

H.R. 4356. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. GERALD R. FORD (for himself and Mr. VANDER JAGT):

H.R. 4357. A bill to amend the Community Mental Health Centers Act to permit staffing grants to be made to certain mental health centers; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 4358. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. FREY (for himself, Mr. BEGICH, Mr. LENT, Mr. WYATT, Mr. GRIFFIN, Mr. STEELE, Mr. ROYBAL, Mr. WALDIE, Mr. HOSMER, Mr. GUBSER, Mr. DONOHUE, Mr. MORSE, Mr. FISH, Mr. HASTINGS, Mr. FLOWERS, Mr. HALPERN, Mr. LENNON, Mr. HARRINGTON, Mr. BIESTER, Mr. SCHWENGEL, Mr. QUIE, Mr. DON H. CLAUSEN, Mr. FORSYTHE, Mr. WOLFF, and Mr. ANDERSON of Illinois):

H.R. 4359. A bill to amend the act of August 3, 1968 (82 Stat. 625), to protect the ecology of estuarine areas by regulating dumping of waste materials, to authorize the establishment of a system of marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FREY (for himself, Mr. REES, Mr. HANSEN of Idaho, Mr. CLEVELAND, Mr. BUCHANAN, Mr. CAMP, Mr. MINSHALL, Mr. FULTON of Pennsylvania, Mr. BURKE of Massachusetts, Mr. YOUNG of Florida, Mr. CORBETT, Mr. ESCH, Mr. FRENZEL, Mr. WHITEHURST, Mr. SHOUP, Mr. THOMSON of WISCONSIN, Mr. FRELINGHUYSEN, Mr. RAILSBACK, Mr. MCCLOSKEY, Mr. BRASCO, Mr. FLOOD, Mr. VIGORITO, Mr. HATHAWAY, Mr. ANDERSON of California, and Mr. COLLINS of Illinois):

H.R. 4360. A bill to amend the act of August 3, 1968 (82 Stat. 625), to protect the ecology of estuarine areas by regulating dumping of waste materials, to authorize the establishment of a system of marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FREY (for himself, Mr. MANN, Mr. DULSKI, Mr. KEITH, and Mr. GROVER):

H.R. 4361. A bill to amend the act of August 3, 1968 (82 Stat. 625), to protect the ecology of estuarine areas by regulating dumping of waste materials, to authorize the establishment of a system of marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 4362. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. GRASSO:

H.R. 4363. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

By Mr. HANNA:

H.R. 4364. A bill to provide a maximum age for persons to be seated as a Member of the House of Representatives; to the Committee on House Administration.

By Mr. HARSHA:

H.R. 4365. A bill to clarify the liability of national banks for certain taxes with respect to personal property; to the Committee on Banking and Currency.

H.R. 4366. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 4367. A bill to provide for special programs for children with specific learning disabilities; to the Committee on Education and Labor.

H.R. 4368. A bill to provide for educational assistance for gifted and talented children; to the Committee on Education and Labor.

H.R. 4369. A bill to provide for child-care programs and services including developmental preschool programs to families with children who may need such services; to the Committee on Education and Labor.

H.R. 4370. A bill to amend the Fur Seal Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or on any other land and water

income allowances paid under section 5942 of title 5, United States Code; to the Committee on Ways and Means.

By Mr. BRASCO (for himself, Mr. ADDABBO, and Mr. WOLFF):

H.R. 4695. A bill relating to the use of the Naval Air Station, Brooklyn, N.Y.; to the Committee on Armed Services.

By Mr. BRASCO:

H.R. 4696. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractor's services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 4697. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 4698. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 4699. A bill to amend the Legislative Reorganization Act of 1946 to provide that the Congress may not adjourn sine die in any session of Congress or recess after December 31 of each year until all appropriation measures for the fiscal year concerned have been considered and disposed of, and for other purposes; to the Committee on Rules.

By Mr. PATMAN (for himself, Mr. BROOKS, Mr. BURLESON of Texas, Mr. ARCHER, Mr. CABELL, Mr. CASEY of Texas, Mr. COLLINS of Texas, Mr. DE LA GARZA, Mr. DOWDY, Mr. ECKHARDT, Mr. FISHER, Mr. GONZALEZ, Mr. KAZEN, Mr. MAHON, Mr. PICKLE, Mr. POAGE, Mr. PRICE of Texas, Mr. PURCELL, Mr. ROBERTS, Mr. TEAGUE of Texas, Mr. WHITE, Mr. WRIGHT, and Mr. YOUNG of Texas):

H.R. 4700. A bill to authorize the coinage of 50-cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. ROBERTS (for himself, Mr. ABOUREZK, Mr. ASPINALL, Mr. BARING, Mr. BEVILL, Mr. BLANTON, Mr. BOGGS, Mr. BOLLING, Mr. BRADEMAS, Mr. CLARK, Mr. DORN, Mr. DUNCAN, Mr. EDMONDSON, Mr. FLOOD, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. FULTON of Pennsylvania, Mr. GARMATZ, Mr. HALEY, Mrs. HANSEN of Washington, Mr. HANSEN of Idaho, Mr. HATHAWAY, Mr. HAYS, Mrs. HICKS of Massachusetts, and Mr. HOLIFIELD):

H.R. 4701. A bill to authorize the coinage of 50-cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. ROBERTS (for himself, Mr. HUNGATE, Mr. JOHNSON of Pennsylvania, Mr. JOHNSON of California, Mr. LANDRUM, Mr. MCMILLAN, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MILLER of California, Mrs. MINK, Mr. MONAGAN, Mr. NICHOLS, Mr. NIX, Mr. O'HARA, Mr. PEPPER, Mr. ROSENTHAL, Mr. SCHWENGEL, Mr. SIKES, Mr. SISK, Mr. STEED, and Mr. WAGGONNER):

H.R. 4702: A bill to authorize the coinage of 50-cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. BROOMFIELD:

H.R. 4703. A bill to establish a national land use policy; to the Committee on Interior and Insular Affairs.

H.R. 4704. A bill to provide for the cooperation between the Federal Government and the States with respect to environment regulations for mining operations; to the Committee on Interior and Insular Affairs.

H.R. 4705. A bill to amend the Land and Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

By Mr. BUCHANAN:

H.R. 4706. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 4707. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.R. 4708. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mrs. CHISHOLM, Mr. CONABLE, Mr. DELANEY, Mr. DOW, Mr. DULSKI, Mr. GROVER, Mr. HALPERN, Mr. HANLEY, and Mr. HASTINGS):

H.R. 4709. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law, certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. CELLER (for himself, Mr. KEMP, Mr. KING, Mr. KOCH, Mr. LENT, Mr. MCEWEN, Mr. MURPHY of New York, Mr. RANGEL, Mr. REID of New York, Mr. ROSENTHAL, Mr. RYAN, Mr. SMITH of New York, Mr. SCHEUER, Mr. STRATTON, and Mr. TERRY):

H.R. 4710. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law, certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. CHAMBERLAIN:

H.R. 4711. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or di- Act of 1964, as amended; to the Committee on Ways and Means.

By Mr. COLLINS of Texas:

H.R. 4712. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any metal-bearing ore from any free world country for so long as the importation of like ore from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. COLMER (for himself, Mr. SMITH of California, and Mr. SISK):

H.R. 4713. A bill to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies; to the Committee on Rules.

By Mr. DINGELL:

H.R. 4714. A bill to provide standby authority for wage and salary control; to the Committee on Banking and Currency.

H.R. 4715. A bill to provide standby authority for price control; to the Committee on Banking and Currency.

By Mrs. DWYER (for herself, Mr. REID of New York, Mr. WYDLER, Mr. MCCLOSKEY, Mr. POWELL, Mr. LENT, Mr. MINSHALL, Mr. MORSE, Mr. HALPERN, Mr. STAFFORD, Mr. DUNCAN, Mr. CONTE, Mrs. HECKLER of Massachusetts, Mr. MCKINNEY, Mr. FORSYTHE, Mr. FULTON of Pennsylvania, Mr. SANDMAN, Mr. CLEVELAND, Mr. ROBISON of New York, Mr. SAYLOR, Mr. WIDNALL, and Mr. O'KONSKI):

H.R. 4716. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. FASCELL:

H.R. 4717. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. CASEY of Texas, Mr. RYAN, Mrs. ABZUG, Mr. HANNA, Mrs. GRASSO, Mr. DOW, Mr. HATHAWAY, and Mr. STEELE):

H.R. 4718. A bill to require the Department of Defense to determine disposal dates and methods of disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mr. CASEY of Texas, Mr. RYAN, Mrs. ABZUG, Mr. HANNA, Mrs. GRASSO, Mr. DOW, Mr. HATHAWAY, Mr. STEELE, Mr. PIKE, Mr. FRENZEL, and Mr. HORTON):

H.R. 4719. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material or other refuse without a certification by the Environmental Protection Agency approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. WILLIAM D. FORD:

H.R. 4720. A bill to adjust the pay of employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Tennessee:

H.R. 4721. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. GALLAGHER (for himself, Mr. ROSENTHAL, Mr. HORTON, Mr. HECHLER of West Virginia, Mr. PIKE, Mr. ST GERMAIN, Mr. BYRNE of Pennsylvania, Mr. ROONEY of Pennsylvania, Mr. ASPIN, Mr. DOW, Mr. HASTINGS, Mr. DON H. CLAUSEN, Mr. NEDZI, and Mr. MOSS):

H.R. 4722. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, to provide for the removal of names from mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GARMATZ:

H.R. 4723. A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself and Mr. PELLY):

H.R. 4724. A bill to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. GONZALEZ:

H.R. 4725. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 4726. A bill to amend title 18, United

such increase by raising the wage base to $9,000 and by making appropriate adjustments in the social security tax rates. Referred to the Committee on Finance.

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 1057. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans, and to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen. Referred to the Committee on Agriculture and Forestry.

By Mr. CHILES:

S. 1058. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion. Referred to the Committee on Agriculture and Forestry.

By Mr. SCOTT:

S. 1059. A bill for the relief of Soccorso M. Tecce, and his wife, Bruna Tecce;

S. 1060. A bill for the relief of Angelo Luciano Colavita, his wife, Maria Carmela Colavita, and their son Antonio Colavita; and

S. 1061. A bill for the relief of Nesibi Tahtakilic. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. BEALL, Mr. DOMINICK, Mr. GRIFFIN, Mr. PROUTY, Mr. SCHWEIKER, and Mr. SCOTT):

S. 1062. A bill to establish a National Foundation for Higher Education, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BROCK:

S. 1063. A bill for the relief of Elisabetta Foglia. Referred to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. CHURCH, Mr. CANNON, Mr. HUMPHREY, Mr. INOUYE, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MONDALE, and Mr. RANDOLPH):

S. 1064. A bill to provide opportunities for American youth to serve in policymaking positions and to participate in National, State, and local programs of social and economic benefit to the country. Referred to the Committee on Labor and Public Welfare.

By Mr. HARRIS:

S. 1065. A bill for the relief of the owners of certain interests in lands located in Caddo County, Okla. Referred to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 1066. A bill to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska. Referred to the Committee on Interior and Insular Affairs.

S. 1067. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Absentee Delaware Tribe of Western Oklahoma, et al., in Indian Claims Commission docket No. 72 and the Delaware Tribe of Indians in Indian Claims Commission docket No. 298, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1068. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1069. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1070. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission docket Nos. 316 and 193. Referred to the Committee on Interior and Insular Affairs.

By Mr. BOGGS (for himself, Mr. BROOKE, Mr. CASE, Mr. COTTON, Mr. ERVIN, Mr. HART, Mr. JAVITS, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. RIBICOFF, Mr. ROTH, Mr. SCOTT, Mr. SPONG, and Mr. WILLIAMS):

S. 1071. A bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 1072. A bill to amend the Higher Education Facilities Act of 1963 in order to increase the maximum Federal share under such act to 66 percent in the case of certain developing institutions. Referred to the Committee on Labor and Public Welfare.

S. 1073. A bill to consolidate and improve certain programs for higher education, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 1074. A bill to authorize assistance to the States in establishing and carrying out programs of higher education student aid. Referred to the Committee on Labor and Public Welfare.

By Mr. HARTKE:

S. 1075. A bill to create a Senate Tax Reform Commission. Referred to the Committee on Finance.

By Mr. HARRIS:

S. 1076. A bill to provide for the striking of medals in commemoration of Jim Thorpe. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PERCY (for himself and Mr. STEVENSON):

S. 1077. A bill to authorize the Secretary of the Interior to establish the Lincoln Homestead National Recreation Area. Referred to the Committe on Interior and Insular Affairs.

By Mr. GRIFFIN:

S. 1078. A bill to amend chapter 55 of title 10, United States Code, in order to provide for the defense of certain malpractice and negligence suits brought against members of the Armed Forces for alleged acts or omissions committed while performing duties as physicians, dentists, nurses, pharmacists, or paramedical or other supporting medical personnel, and for other purposes. Referred to the Committee on Armed Services.

By Mr. SPARKMAN:

S. 1079. A bill for the relief of Elizabeth C. Cruz. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 1080. A bill to amend chapter 23 of title 38, United States Code, to increase the maximum amount which the Administrator of Veterans' Affairs may pay to cover the burial and funeral expenses of certain deceased veterans. Referred to the Committee on Veterans' Affairs.

By Mr. BAYH:

S. 1081. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty. Referred to the Committee on Government Operations.

By Mr. CASE (for himself, Mr. BOGGS, Mr. GRAVEL, Mr. MUSKIE, Mr. PACKWOOD, and Mr. WILLIAMS):

S. 1082. A bill to regulate the discharge of wastes in territorial and international waters until 5 years after the date of enactment of this act, to prohibit such discharge thereafter, and to authorize research and demonstration projects to determine means of using and disposing of such waste. Held at the desk for future reference by unanimous consent.

By Mr. MONDALE:

S. 1083. A bill for the relief of Rosa Einisman, Adolfo, Rosa Maria, Isaac, Dona, and Karin Einisman. Referred to the Committee on the Judiciary.

S. 1084. A bill for the relief of Jorge Alvarez-diaz. Referred to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. ALLOTT, Mr. ANDERSON, Mr. BENNETT, Mr. BIBLE, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. METCALF, and Mr. YOUNG):

S. 1085. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer. Referred to the Committee on Agriculture and Forestry.

By Mr. SPONG:

S. 1086. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. HRUSKA:

S. 1087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 1088. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce. Referred to the Committee on the Judiciary.

By Mr. HARRIS:

S.J. Res. 61. A joint resolution to authorize the President to proclaim April 16, 1971, as "Jim Thorpe Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 1057. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans, and to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen. Referred to the Committee on Agriculture and Forestry.

Mr. CHURCH. Mr. President, today, on behalf of my colleague from Idaho (Mr. JORDAN) and myself, I introduce legislation designed to update the current loan authority of the Farmers Home Administration and to allow the FHA to make loans to desert entrymen to the extent that FHA may now make loans to homestead entrymen.

We are all aware of the increasing cost of living in our Nation today. America's farmers struggle to meet the increased costs that face us all, but because they occupy that unenviable position—a producer who cannot set the price for his product—they are especially in need of aid to help them meet these rising costs.

The current limitation on farm operating loans of $35,000 was established in 1961 under the Consolidated Farmers Home Administration Act. Since 1961, changes in technology, in farming methods, in the size of the family farm, and in the cost of operations, have been im-

S. 120, a bill to prohibit assaults on State and local law enforcement officers, firemen, and judicial officials.

S. 192

At the request of Mr. NELSON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 192, a bill to ban ocean dumping.

S. 422

At the request of Mr. BYRD of West Virginia, on behalf of Mr. BURDICK, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 422, to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

S. 604

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of S. 604, a bill to increase the annuities of certain civil service retirees.

S. 605

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 605, a bill to exclude the first $5,000 of civil service retirement annuity from gross income under the Internal Revenue Act.

S. 606

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 606, a bill to provide minimum annuities for certain civil service retirees.

S. 704

At the request of Mr. INOUYE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 704, a bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

S. 1030

At the request of Mr. RANDOLPH, the Senator from Hawaii (Mr. FONG) was added as a cosponsor of S. 1030, a bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes.

S. 1085

At the request of Mr. HANSEN, the Senator from Idaho (Mr. CHURCH), the Senator from Arizona (Mr. FANNIN), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1085 to amend the Federal Meat Inspection Act relating to the labeling of imported meat.

S. 1113

At the request of Mr. BAKER, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1113, the National Environmental Laboratory Act of 1971.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 15

At the request of Mr. NELSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of Senate Joint Resolution 15 to designate the week beginning the third Monday of April as National Earth Week.

SENATE JOINT RESOLUTION 32

At the request of Mr. BAKER, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, March 17, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Richard C. Freeman, of Georgia, to be U.S. district judge for the northern district of Georgia, vice a new position created by Public Law 91-272, approved June 2, 1970.

Jerris Leonard, of Wisconsin, to be Administrator of Law Enforcement Assistance, vice Charles H. Rogovin, resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

ADDITIONAL STATEMENTS

REPORT ON THE OUTER CONTINENTAL SHELF

Mr. METCALF. Mr. President, I invite the attention of Senators to the report just issued by the Special Subcommittee on the Outer Continental Shelf of the Senate Committee on Interior and Insular Affairs.

The interest of the committee in seabed mineral development dates back to 1953 when the committee gave initial consideration to the bill which became the Outer Continental Shelf Lands Act. The committee's continuing interest in the development of offshore mineral recovery operations was notably intensified on July 23, 1969, when our chairman, Senator HENRY M. JACKSON, established a Special Subcommittee on the Outer Continental Shelf and requested that it investigate the matter of a national policy for our continental shelf and seabed.

I have enjoyed the privilege and the challenge of serving as chairman of that special subcommittee, whose members included Mr. JACKSON, Mr. MOSS, Mr. GRAVEL, Mr. BELLMON, Mr. HATFIELD, and Mr. STEVENS. Our subcommittee has conducted comprehensive hearings. The record of our hearings is contained in three volumes. The initial conclusions we have reached are laid down in a fourth volume—a summary and a report, including a response to President Nixon's May 23 proposal and the draft working paper which followed.

I will discuss today the conclusions we have reached. But before doing so, allow me to comment briefly on the approach we took in the preparation of our report.

At the outset we all became quickly aware of the gravity of the subject before us. We recognized that the mineral wealth of our continental margins contains the energy potential to fuel our Nation's needs for the next century. We also recognized that undisputed access to the vast energy resources of the entire U.S. continental margin is absolutely essential to fuel our industrial machine and thereby sustain a sound economy. In short, we soon realized that we were considering a matter so important to the future well being of the American people that it would be sheer folly to allow partisan politics to affect our deliberations in any way.

Our report was unanimous. There are no dissents, no minority views. I hope that you will each study our report. It is based wholly on the record of our hearings and is the result of hundreds of hours of meticulous preparation.

I might also add here that copies of earlier draft versions of this report were made available to the Department of State through the request of its able legal adviser, Mr. John R. Stevenson. Mr. Stevenson visited us to discuss suggested changes in our report which he thought fully prepared. He sent two memorandums containing a total of 30 specific recommended changes. We gratefully accepted 10 out of 14 of the changes he suggested in his first memorandum and nine out of 16 changes he proposed in his second memorandum or, in the aggregate, we accepted in whole or in part 19 out of 30 of his recommended modifications. We were not able to accept the remaining 11 changes Mr. Stevenson proposed, because our acceptance of those recommendations would have caused us to reach diametrically opposite conclusions from those upon which the subcommittee had already unanimously agreed and which were derived wholly from the record of the hearings.

The committee, nevertheless, appreciated Mr. Stevenson's helpful suggestions during the time of our hearings and while preparation of our report was progressing. We look forward to his further cooperation with the committee as it continues its review of proposals pertaining to the U.S. continental margins and the deep seabed.

Before I summarize the report, I shall digress for a moment to mention briefly what I consider to be the international setting in which the U.N.-sponsored law of the sea debates are taking place.

The international law of the sea was created and has been perpetuated in order to further the self-interests of those nations powerful enough to shape it. Hugo Grotius, the father of modern international law of the sea, was hired by the Dutch Government at the beginning of the 17th century to invent the freedom-of-the-seas doctrine. This was necessary because a Dutch sea captain had committed an act of piracy against a Portuguese vessel in the Strait of Malacca—waters claimed by the Portuguese under the authority of the Treaty of Tordesillas of 1494. The Dutch wanted to

monopolize trade with the Far East, and Hugh Grotius was hired at a very handsome fee to help his Dutch Government justify acts of piracy in order to monopolize trade. Thus, the freedom-of-the-seas doctrine was invented to justify unlawful actions taken by the Dutch Government against the Portuguese.

What Grotius said was that the seas are common to all nations and God did not ordain that any nation should be permitted to assert its dominion over them. What Grotius meant was that the Dutch intended to sail their vessels to the Far East to monopolize trade there and the Dutch were not going to let any Portuguese assertions of dominion over the western Atlantic and Indian Ocean—even though sanctioned by the powerful Pope Alexander VI—get in their way.

That was the origin of the freedom-of-the-seas doctrine. That doctrine has evolved over the last few centuries. Yet, today it remains quite similar when you look through all the rhetoric.

The four freedoms of the sea—as set forth in the 1958 Geneva Convention on the High Seas—are the freedom to navigate the high seas; the freedom to overfly the high seas; the freedom to fish on the high seas; and the freedom to lay submarine cables and pipelines on the bed of the high seas. There are also other implied freedoms arising out of the freedom-of-the-seas doctrine. The freedom to conduct research on the high seas and the freedom to explore and exploit the natural resources of the deep ocean floor—beyond the limits of national jurisdiction.

The crucial issues arising out of any contemporary analysis of the freedom-of-the-seas doctrine is who benefits and who is burdened?

Those nations which have navies and merchant marines which traverse the globe benefit. Those nations which have no global naval or merchant marine capabilities do not benefit.

Those nations which have transoceanic airlines and strategic airpower capabilities benefit from the freedom-of-the-seas doctrine. Those nations which have no such aircraft do not benefit.

Those nations whose modern, highly mechanized fishing fleets are capable of sailing to distant waters benefit from the freedom-of-the-seas doctrine. Those nations do not benefit which have none themselves but who are confronted with other nations' distant water fishing fleets catching millions of tons of fish within sight of foreign shores.

Those nations which have the capacity to lay submarine cables, do oceanographic research, and mine the deep ocean floor benefit from the freedom-of-the-seas doctrine. Those nations without marine technology do not benefit.

When one understands that there are dozens of nations which have never benefited from the freedom-of-the-seas doctrine, one can understand the motivation behind their growing demands for greater participation. What is proclaimed by some to be equal freedom for all nations on the high seas has become in fact unequal freedom.

One final thought before returning to our report. In 1945, President Truman issued a proclamation which later became the basis for another very important convention—the 1958 Geneva Convention on the Continental Shelf. This convention reflects the inherent and exclusive right of coastal nations to explore and exploit the national resources of their continental margins.

The Convention on the Continental Shelf, however, recognizes that the high-seas doctrine applies to uses of the water column above the continental margins of coastal nations and to uses of the continental margins not related to exploration and exploitation of seabed wealth. Thus, the two doctrines are quite compatible.

The one significant geopolitical difference between the 1958 Geneva Convention on the High Seas and the 1958 Geneva Convention on the Continental Shelf is that under the High Seas Convention the technologically underdeveloped nations do not benefit. But under the Continental Shelf doctrine all coastal nations, whether technologically advanced or not, enjoy the same exclusive right to explore and exploit the natural resources contained within their entire continental margin. All coastal nations own the mineral estate of their continental margins. The word that tells the difference between the two conventions is equity.

Under the freedom-of-the-seas doctrine there is not much equity between developed and underdeveloped coastal nations; under the Continental Shelf doctrine there is equity between the developed and less developed coastal nations.

Under the freedom-of-the-seas doctrine, a less developed nation is a second-class citizen. Under the Continental Shelf doctrine a less developed coastal nation has rights essentially equal to the large industrialized coastal nations.

The lesson to be learned is that the underdeveloped coastal nations are in the process of waking up to these differences and are beginning to assert a few rights of their own. This is what the new law of the sea revolution is all about.

Now to our report.

The threshold question we explored concerned the nature of the present rights enjoyed by the people of the United States in the continental margin. One source of law which defines these rights is the 1958 Geneva Convention on the Continental Shelf. That convention provides a definition of the seaward limits of our sovereign rights. It states that our sovereign rights extend "to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas."

Some few witnesses said this definition was imprecise. Most witnesses correctly stated that this definition was quite precise and wholly adequate. One or two State Department officials said that they were not certain of the meaning of the Geneva Convention or that they did not wish to discuss it. Every member of our subcommittee felt that the meaning of the Continental Shelf Convention was quite clear. So that there will be no doubt as to our understanding of its meaning, let me read to you our interpretation of the seaward limits of our sovereign rights over our continental margins. We unanimously agree that—

> Rights under the 1958 Geneva Convention on the Continental Shelf extend to the limit of exploitability existing at any given time within an ultimate limit of adjacency which could encompass the entire continental margin.

This is also the definition adopted by the American Branch of the International Law Association, a group of distinguished scholars and international lawyers.

In plain words, our major sovereign rights as related to our continental margins consist of the following:

First, the exclusive ownership of the mineral estate and sedentary species of the entire continental margin;

Second, the exclusive right to control access for exploration and exploitation of the entire continental margin; and

Third, the exclusive jurisdiction to regulate fully and control the exploration and exploitation of the natural resources of the entire continental margin.

We made reference in our report to the 1958 Geneva Convention on the Continental Shelf as one useful source of law which helps define the nature of our rights in our submerged land continent. We also noted the 1969 opinion of the International Court of Justice concerning the North Seas cases which affirms the principal source of our rights in our submerged land continent. That source is an inherent right which exists by virtue of our sovereignty over the land.

This is a very important point. Let me repeat it. The exclusive sovereign right we enjoy to explore and exploit the natural resources of our entire continental margin is an inherent right which exists by virtue of our sovereignty over the land.

The sovereign right of each coastal nation to exploit the natural resources of its submerged land continent is not dependent on the acquiescence of any other nation. Accordingly, no nation or group of nations may negotiate away that right without our consent. Nor may we or any group of nations negotiate away the sovereign right of any other coastal nation to explore and exploit the natural resources of its continental margin without that nation's consent.

That is why we stated in our report that any new international agreement which purported to restrict claims of national jurisdiction to which the United States is entitled under the Continental Shelf doctrine, would certainly be of far-reaching domestic importance and, therefore, of serious concern to our committee.

There are, however, some few militant factions in our Government which are hopeful that coastal nations will sacrifice their sovereign rights to the natural resources of their continental margins. These nautical hawks feel that their freedom to navigate may be hampered by the development of natural resources of the continental margins of the world.

So they wish to stop development in order to prevent any competition with their free and unregulated use of the sea and seabed.

They have suggested that a few coastal nations have been overstepping their rights under the Geneva Convention by claiming areas of exclusive national jurisdiction far in excess of those contemplated by that treaty, and that such claims qualitatively are in abrogation of the freedom-of-the-seas doctrine. We have found little evidence to support such allegations. The overwhelming majority of coastal nations which have become parties to the Shelf Convention have limited their jurisdictional claims both qualitatively and quantitatively to the terms of that treaty. They have indeed honored their solemn commitments.

Nevertheless, because of the small handful of examples of jurisdictional claims alleged to be violations of the Shelf Convention, some few persons have advocated superseding the 1958 Geneva Convention on the Continental Shelf with a new treaty designed to incorporate anew the freedom-of-the-seas doctrine. We see no more logic in such a position than we do in reenacting the criminal statutes. The best means to insure that a law is obeyed is to seek to enforce it, not to pass a new law redundantly stating an existing crime to be unlawful. Likewise, the best means to preserve the freedom-of-the-seas doctrine is to insist that it be honored. This cannot be achieved by proposing a new treaty which restates the already existent doctrine of the freedom of the seas. In short, the freedom-of-the-seas doctrine is adequately incorporated in the existing Geneva Conventions on the Law of the Seas and is well recognized in customary principles of international law.

The next point I would like to discuss concerns the President's ocean policy proposal of May 23, 1970. The President proposed that a treaty be adopted as soon as possible which would provide for the renunciation of all national claims beyond the 200-meter isobath and the establishment of an international regime to administer seabed resources exploitation beyond this limit. As stated by the President:

> The regime should include the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries. The regime should also establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investment necessary for such exploitation and to provide for peaceful and compulsory settlement of disputes.

The proposed international regime would include two types of machinery.

First, there would be an international trusteeship zone including the continental margins beyond the 200-meter depth, in which the coastal nations would act as trustees. The coastal nation would share the international revenues for its zone and would have discretion to impose additional taxes. It would apply and administer its own laws and regulations, within the broader rules of the international regime. Changes in U.S. domestic import and tax laws and regulations may be necessary to avoid discrimination against U.S. nationals operating in the trusteeship zone.

Second, international machinery would govern the use of seabed resources beyond the continental margins.

With regard to an interim policy, the President suggested that all permits for exploration and exploitation be issued subject to the international regime to be agreed upon, with a portion of the revenues from interim exploitation to be paid to an appropriate international development agency.

The President's proposed framework for an ocean policy contained the offer of bold and daring financial concessions on the part of the United States in the interest of international goodwill.

We construe the President's policy proposal to mean that while pressing for international acceptance of the type of legal framework outlined in it, the United States should take no action which will in any way forfeit the present sovereign rights the United States enjoys in its continental margin. Generally, we supported most of the provisions in the President's proposal.

Our only areas of initial difference with the President are his suggestions that the United States should renounce its sovereign rights to its continental margin in return for similar, but limited rights in an area designated as a trusteeship zone and his suggestion that leases applying to areas of the Continental Shelf beyond the 200-meter isobath be issued subject to an international regime to be agreed upon.

Regarding renunication of the heart of our sovereign rights, we have three objections:

First, the offer to renounce our sovereign rights beyond the 200-meter isobath could cast a cloud on our present title to the resources of our continental margin:

Second, the renunciation of our sovereign rights to the resources of our continental margin beyond the 200-meter isobath in no way guarantees the willingness of the international community to redelegate functionally to us the same rights we would renounce; and

Third, our sovereign rights to explore and exploit our continental margin, although reaffirmed by the 1958 Geneva Shelf Convention, are nevertheless inherent rights which were vested in the United States by virtue of the natural extension beneath the sea of our sovereign land territory. Our sovereign rights to the resources of this area are not dependent upon the acquiescence and approval of the international community. To renounce these inherent rights and to ask that they be returned in part to us merely requests the international community to give us that which, ipso facto and ab initio, is rightfully ours to begin with.

Recognizing, however, that all other members of the international community have rights of their own in the deep seabed, and in the high seas overlying our continental margin and on our continental margin—of course excluding any right to explore or exploit the natural resources of our continental margin—it is appropriate that, as a nation, we should continue to honor these rights.

With respect to the continental margin and the waters overlying it, this can best be achieved through affirmation of, and adherence to, existing international law.

As we previously stated, the freedom-of-the-seas doctrine, in theory, is well established in international law. Also, the freedom-of-the-seas doctrine, in practice, is adhered to by the overwhelming majority of nations. Yet, a minuscule minority of nations has been reluctant to recognize fully and respect the freedom-of-the-seas doctrine. This handful of nations is known by all the others for its violations of international law.

For the United States, or any other law-abiding nation, to offer to renounce its inherent sovereign rights to the mineral estate of its continental margin in the hope that these few recalcitrant nations would mend their ways and begin to adhere to the freedom-of-the-seas doctrine is like offering to pay ransom to bandits in order to encourage them to stop stealing.

Thus, to renounce what constitutes the heart of our sovereign rights in response to illegal demands by a handful of nations can only encourage greater violation of the freedom-of-the-seas doctrine.

Our sovereign rights to the mineral estate of our continental margin exist by virtue of our sovereignty over our land. This mineral estate is the heritage of the American people. It should be retained.

With respect to the suggestion that leases, pursuant to the Outer Continental Shelf Lands Act of 1953, applying to areas of our continental margin beyond the 200-meter isobath, be issued subject to an unknown regime to be agreed upon, we have these objections:

First, including such a provision in our leases would undoubtedly cast a cloud on our present title to the natural resources of our continental margin;

Second, casting such a cloud on our title to the natural resources of our continental margin would be tantamount to accepting as binding the U.N. moratorium resolution purporting to call a halt to further exploration and exploitation of the seabed. It is to be recalled that the United States voted against this resolution and the U.S. delegate denounced it on the floor of the U.N. General Assembly;

Third, including such a provision would create such uncertainties on the part of the potential lessee that he would decline to enter into such a leasing agreement. Witnesses before this committee confirmed these contentions. One of them stated that imposing such an open-ended condition on a lease would be asking potential lessees to "buy a pig in a poke." Such an arrangement clearly would, rather than encourage, discourage industry from making the huge investments necessary to recover the resources located at depths greater than 200 meters; and

Fourth, including such a provision in leases issued for areas beyond a depth of 200 meters would deny to the United States revenues accruing from bonus

bids and royalties which would otherwise accrue to the U.S. Treasury.

Accordingly, we feel that during the interim period prior to the entry into force of a future seabeds treaty, U.S. leases beyond the 200-meter isobath should not be issued subject to any future regime. Rather, they should be governed by existing arrangements as provided for in the Outer Continental Shelf Lands Act of 1953 and the 1958 Geneva Convention on the Continental Shelf, an this can be achieved through providing within any future seabeds treaty that the treaty shall not in any way modify the terms of leases, applying to areas of the continental margin beyond the 200-meter depth contour, with respect to the rights and obligations of the lessee. Without such assurances the investor in offshore mineral development could not make a rational investment in such a high-risk venture.

Although our remarks concerning the President's proposal have been devoted largely to policy matters affecting our continental margin, we are nevertheless as concerned as he that the American people may derive their fair share of benefits from the exploration and exploitation of the deep seabed beyond the limits of exclusive national jurisdiction.

We share with the President the desire that such ocean resources be used rationally and equitably for the benefit of mankind. Rational and equitable use of deep seabed resources requires the establishment of conditions in any future seabed treaty which will encourage investment and insure protected access to those interested in, and capable of, responsibly undertaking mineral recovery operations.

Prior to adoption of a seabed treaty, however, the U.S. Government should provide measures designed to insure protection of investors who desire to exercise present high seas rights to explore and exploit the wealth of the deep seabed beyond the limits of the submerged land continent.

A brief word now about the draft working paper presented by the U.S. delegation at last August's meeting of the U.N. Seabeds Committee. The President did not provide any detailed suggestions covering a future seabeds treaty in his May 23, two-page, proposal. Yet the draft working paper, which some erroneously contend implements the President's proposal, contains 69 pages of details. It was largely through the efforts of our subcommittee that this 69-page draft was reduced to the status of a working paper. The disclaimer on its face bears this out. It states that the draft working paper raises "a number of questions with respect to which further study is clearly necessary" and that the draft working paper does "not necessarily represent the definitive views of the U.S. Government."

Many changes will have to be made in the draft working paper before the members of our committee will be willing to support it.

Let me turn to one final point before closing. The drafters of the U.S. Constitution were mindful of the danger of ill-conceived treaties purporting to affect the property rights of the United States. That is part of the reason for their including article IV, section 3, clause 2 in the U.S. Constitution. It delegates to the Congress the power to dispose of all property of the United States. All rights specified in the 1953 Outer Continental Shelf Lands Act, and in the 1958 Geneva Convention on the Continental Shelf are the property of the United States. Our designation of those rights constituting the heart of our sovereign rights is in no way intended to be an exhaustive description of all of the property rights possessed by the people of the United States in our continental margin. As we interpret article IV, section 3, clause 2 of the U.S. Constitution, renunciation of any of the rights referred to in any of the aforementioned laws, would require an act of Congress.

Thus, as we interpret the Constitution, mere ratification of the draft working paper, should it ever become a treaty, would not be sufficient to satisfy the Constitution. Legislation passed by both Houses of Congress would also be required.

I will close by quoting the conclusion of our report:

> Two main tasks lie ahead for the Committee on Interior and Insular Affairs with respect to the further development of a national seabeds policy. They are:
>
> A continuing extensive review of the working paper introduced by the U.S. Delegation at the August session of the United Nations Seabeds Committee with a view toward seeking modifications of it to conform to our interpretation of the President's intent and with our recommendations outlined above.
>
> An investigation of the special problem of an interim policy which would ensure continued exploration and exploitation of the natural resources of our continental margin under present law and would establish appropriate protection for investments related to mineral recovery by U.S. nationals in areas of the deep seabed beyond the limits of exclusive national jurisdiction.

I hope that Senators will study our report and comment on it as the Committee on Interior and Insular Affairs continues to work in this area, so important to our Nation and the world.

Mr. JACKSON. Mr. President, as chairman of the Committee on Interior and Insular Affairs, I take this opportunity to endorse the work product of the Special Subcommittee on the Outer Continental Shelf which has served under the able chairmanship of the junior Senator from Montana (Mr. METCALF). The Metcalf report, in my judgment, will come to be recognized as a historic document, and will serve as a fine example of legislative oversight by a committee of Congress. Senator METCALF is to be praised for the diligent, evenhandedness and judiciousness with which he has led the members of his subcommittee in considering the complex questions related to the status and future use of our continental shelf and the great wealth located therein.

On July 23, 1969, I asked Senator METCALF to be chairman of the Special Subcommittee on the Outer Continental Shelf for the purpose of aiding the executive branch in efforts then underway to formulate a policy position and to otherwise oversee developments generally. As I fully expected, Senator METCALF and the members of his subcommittee have done a highly commendable job and have nobly responded to the charge presented to them.

The work of the special subcommittee is reflected in three volumes containing nearly a thousand pages of testimony and has borne fruit in the report just released to Members of Congress and to the American public. The report reflects the great depth of understanding concerning the Continental Shelf and the seabed developed by members of the special subcommittee during these past 2 years. The report is one of the most thoroughly analytical treatments of the subject I have ever seen in print. The members of the subcommittee worked long hours in its preparation and their report reflects the cooperative, balanced, and nonpartisan nature of the approach they took in the conduct of the hearings and the preparation of the report. I am confident that the report will serve as a milestone in the development of U.S. policy pertaining to the mineral resources of our continental margins and the deep ocean floor which extends beyond them.

I commend this report to the attention of Senators and ask that they carefully consider its recommendations. The work of the special subcommittee will be invaluable as the Interior Committee proceeds further in our consideration of this very important matter. We expect that the committee will continue its extensive review of the working paper introduced by the U.S. delegation at the August session of the United Nations Seabeds Committee and that as a committee we will seek modifications of that working paper to conform with the policy recommendations contained in the report of the special subcommittee. I also feel that we must give priority to the special problem of an interim policy which would insure continued exploration and exploitation of the natural resources of our continental margin under present law and would establish appropriate protection for investments related to mineral recovery by U.S. nationals in the area of the deep seabed beyond the limits of exclusive national jurisdiction.

PLEA FOR A SENSIBLE OUTER CONTINENTAL SHELF POLICY

Mr. STEVENS. Mr. President, it has been a great pleasure to serve on the Special Subcommittee on the Outer Continental Shelf. During the past 2 years, we have carefully examined the mineral potential of our Continental Shelf and studied alternative policy considerations concerning it and concerning the deep seabed beyond the limits of our national jurisdiction.

As you know, the continental margin off the coast of my home State of Alaska encompasses greater area than the combined Continental Shelf of the remaining 49 States. Consequently, the interest of the people of my State in the subject matter of our special subcommittee has been very great. Many Alaskans earn their living through the harvesting of resources of the marine environment,

both living resources and minerals. Thus, I was quite pleased that the members of the subcommittee were able to reach agreement on the nature and extent of our rights in the U.S. continental margin.

The position the committee took is consistent with the position I advocated in an address delivered to the section on natural resources law of the American Bar Association in August 1969. This speech was subsequently reprinted on page 7 of volume I of the hearings of the Special Committee on the Outer Continental Shelf.

As has been forcefully stated here today, our sovereign rights in the seabed adjacent to our coast "extend to the limit of exploitability existing at any given time within an ultimate limit of adjacency." This is the definition adopted by the American Branch of the International Law Association, which is a group of distinguished scholars and international lawyers, whose reports have been made a part of the record of our hearings and have been of invaluable assistance to us in our deliberation.

I share the hope of my colleagues that our report will become a milestone at home and abroad in the development of a realistic policy applying to the development of mineral resources lying on the submerged land continent which constitutes an extension of our land territory.

This past December, the U.N. General Assembly passed a resolution which calls for the convening of a law of the sea conference in 1973. Preparations for that conference are taking place in Geneva this very day. While our State Department officials are present there and attempting to accommodate the interests of the other 85 members of the U.N. Seabeds Committee, I feel that we as a committee will have a continuing responsibility to insure the protection of the interests of the American people insofar as the development of marine resources is concerned. Accordingly, I am hopeful that the full committee will continue the work begun by the subcommittee, under the able chairman of Senator METCALF.

Mr. HANSEN. Mr. President, although I was not a member of the Special Subcommittee on the Outer Continental Shelf, I was, nevertheless, invited to attend its hearings by its able chairman, Senator METCALF, who today outlined the conclusions set forth in the report of the special subcommittee. I would merely like to state that the report is one of the best I have seen prepared by a congressional subcommittee, and is a real credit to the Members of both sides of the aisle who so ably served on the special subcommittee. I am convinced that it will be highly useful in the development of U.S. policy concerning the future of the development of marine resources on our continental margin and on the deep seabed lying beyond.

One of the points to which I should like to call to the attention of Senators is one that was discussed briefly by Senator METCALF in his statement today. It concerns the ill-advised suggestion that the marine resources of the U.S. continental margin should be sacrificed as bargaining fodder to achieve greater adherence on the part of some nations to what is well recognized in international law as the "freedom of the seas doctrine." Those who advocate such a position have been adequately termed "nautical hawks." These nautical hawks feel that their freedom to navigate may be hampered by the development of the manifold natural resources contained within the continental margins of the world so they would prefer to prevent further development of these natural resources in order to prevent any competition with their free and unregulated use of the sea and seabed. Let me set the record straight that the freedom of navigation is very important to the security and well-being of the American people, but the preservation of the freedom to navigate should not be purchased at the expense of giving away the mineral estate of the American people in our continental margin. It is time that these nautical hawks learned that there are other users of the marine environment who have an equal right to exist.

Further, one of the questions that has always puzzled me as related to the myopic vision of these nautical hawks is that they seem to forget that insofar as national security is concerned undisputed access to the vast energy resources located on the U.S. continental margin is of paramount importance. The petroleum reserves located there constitute a strategic material which is absolutely essential as the principal source of energy to fuel our industrial machines and thereby sustain a sound economy. In light of the impending energy shortage, which will likely be the subject of an exhaustive study by the Senate Interior Committee, our rights to explore and exploit the marine resources of our continental margin and thereby reduce our dependency upon other nations for the fuels needed to sustain our economy takes on added significance.

A major issue of concern has been the suggestion that the United States should renounce its sovereign rights to its continental margin in return for similar but limited rights in an area designated as a trusteeship zone, and that any leases issued for areas beyond the 200-meter depth contour should be issued subject to an international regime to be agreed upon.

These two suggestions were found to be very troublesome. The concern is based upon the following grounds: The offer to renounce our sovereign rights beyond the 200-meter depth contour, in and of itself, could cast a substantial cloud on our presently clear title to the mineral resources of our continental margin. Second, the renunciation of our sovereign rights to the resources of our continental margin beyond the 200-meter depth contour would in no way guarantee the willingness of the international community to redelegate to us the same rights we would renounce. Third, since the rights we enjoy in our continental margin exist by virtue of our sovereignty over the land, the wisdom of renouncing these rights and asking that they be returned in part to us is difficult to understand because by so doing we would merely be asking the international community to give us that which is rightfully ours to begin with.

Similar reasoning applies to the suggestion that leases beyond the 200-meter depth contour be issued subject to an international regime to be agreed upon. If we included such provisions in our leases, the inclusion of such terms would cloud our present title to the natural resources of our continental margin. By clouding, or appearing to cloud, our title would, in turn, discourage exploration and development of the marine resources of our outer continental margin. Such discouragement of exploration would be contrary to the President's announced intention, and would, in effect result in adhering to a principle which the United States voted against in the 27th General Assembly. I am referring to the moratorium resolution which purported to declare unlawful the right of coastal states to proceed with further development of the marine resources of their continental margins. The United States voted against this resolution and the U.S. delegation denounced it on the floor of the General Assembly.

With respect to U.S.-leasing policy in the period between now and the time a future seabed treaty might enter into force, if we adopt a policy which would discourage exploration and development of the marine resources of our outer continental margin, we would deprive ourselves of substantial revenues accruing from bonus bids and royalties which would otherwise be paid into the U.S. Treasury. It is to be noted that to date the revenues accruing to the U.S. Treasury flowing from fees paid by industry to the U.S. Treasury pertaining to leases on the Outer Continental Shelf has exceeded $7 billion.

Finally, to date the U.S. Government has not afforded sufficient protection to the imaginative pioneers of our U.S. ocean industry who have been attempting to develop the technology necessary to mine the deep ocean floor beyond the limits of the continental shelf national jurisdiction. I feel that our reluctance to afford more adequate protection for these nautical frontiersmen has been due to a misapprehension on the part of some individuals in the executive branch that development of the minerals of the deep seabed by American oceanic pioneers could be interpreted by some of our fellow members of the U.N. Seabeds Committee as an attempt to monopolize the wealth of the deep seabed. A reading of the hearings should convince the reader that there is no such intent. Representatives of such companies made it clear that their concern is merely to involve themselves with innovative technology which must be developed before any nation will be capable of putting to mankind's use the mineral wealth of the deep seabed.

It is my hope that in the present session of this Congress we will consider means by which our oceanic pioneers will be encouraged, rather than discouraged, to brave the adverse elements of the marine environment in order to find the means to put the wealth of the deep

seabed to mankind's use. It is also my hope that the Interior Committee will continue its work related to the continental shelf and deep seabed and will further examine the draft working paper introduced last summer in Geneva and amendments to it as they are proposed.

In closing, let me again compliment Senators on the outstanding job they did through a long and difficult series of hearings and for their objectivity and openmindedness in preparing the very well balanced report submitted here today.

Mr. BELLMON. Mr. President, I have had the privilege of serving as ranking minority member on the Special Subcommittee on the Outer Continental Shelf and have worked closely with Senator METCALF on this very complex and difficult subject.

The approach the subcommittee took was evenhanded and impartial. I believe that all of the members of the subcommittee approached the subject with an open mind. The future of the mineral estate of the American people in the outer continental margin is too grave a matter to be subjected to partisan disputes. Members from both sides of the aisle who participated in our subcommittee hearings and in the preparation of this milestone report agreed from the start that our approach to this subject would be one of evenhandedness and mutual cooperation.

At a meeting of the Marine Technology Society on Friday, February 26, I presented the substance of our conclusions to a large audience of professionals interested in the Continental Shelf and seabeds question, and I was very pleased to find our conclusions widely accepted there. Senator METCALF kindly included my remarks made at that meeting in the CONGRESSIONAL RECORD, and I am happy that he did so.

The second point I would like to make today is that although we support much of what the President had to say in his May 23 seabed proposal we cannot in good conscience accept his suggestion that the United States should renounce its rights to the American estate of the continental margin beyond a depth of 200 meters. This area may contain enough energy to fuel our entire economy for the next century. Accordingly, renunciation of such potential energy resources would not be in the best interest of the American people.

Mr. President, let me further set the record straight with respect to any allegations that the rights of the American people to the marine estate of the entire continental margin are subject to question or uncertainty. The subcommittee unanimously agreed that "rights under the 1958 Geneva Convention on the Continental Shelf extended to the limit of exploitation existing at any given time within an ultimate limit of adjacency."

Admittedly, these words were written by lawyers but what they mean to us is that, as they now exist, the rights of the American people in our continental margins consist of the following:

First. The exclusive ownership of the mineral estate and sedentary species of the continental margin;

Second. The exclusive right to control access for exploration and exploitation of the continental margin; and

Third. The exclusive jurisdiction to regulate fully and control the exploration and exploitation of the natural resources of the continental margin. These rights are inherent rights and exist by right of our sovereignty over the land.

In conclusion, I would ask my colleagues to carefully study the report, because a time may come when we are called upon to ratify a treaty affecting our continental margin and deep seabed beyond. In the event such a treaty is ratified, we would also be called upon to pass enabling legislation, together with the House of Representatives, since such enabling legislation would be constitutionally required to implement a treaty purporting to dispose of property rights belonging to the people of the United States.

SENATOR MUSKIE WANTS AN END TO AMERICA'S PARTICIPATION IN INDOCHINA WAR

Mr. CHURCH. Mr. President, I was particularly attracted by what the Senator from Maine (Mr. MUSKIE) said in his connaissance lecture at the University of Pennsylvania on February 23 about ending America's military participation in the war in Indochina. He said:

It is clear that we must withdraw all our troops from Vietnam. We must do so by the end of the year. We must be willing—all of us—to say, "Enough."

I wholeheartedly support these views. Such candid recommendations by so prominent a public figure, now a member of the Senate Foreign Relations Committe, are welcome.

I ask unanimous consent that Senator MUSKIE's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR EDMUND S. MUSKIE AT THE CONNAISSANCE LECTURE, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA., FEBRUARY 23, 1971

George Kennan once wrote that "A political society does not live to conduct foreign policy . . . it conducts foreign policy in order to live."

Our experience in Indochina is a tragic demonstration that our foreign policy affects us no less than it affects other nations.

Foreign policy is not a game. It should be a means for allowing us to get on with what ought to be our fundamental tasks—of building a whole society here in America, and of helping other nations improve the quality of life for their citizens. The time has come to return to these tasks.

Now is the time to do what we must; to end the war; to end the killing 10,000 miles away; to stop tearing our own country apart. For almost 200 years as a nation, we have proclaimed our belief in peace and in the dignity of man. Yet for too many years, we have permitted that belief to wither away in the jungles of Indochina. We have too often behaved in Indochina as if the use of force should be a first alternative rather than a last resort. We have too often behaved in Indochina as if our nation's men and resources were bargaining chips in an international game of poker. We have too often behaved, in Indochina and elsewhere, as if the preservation of the status quo abroad were essential to our survival here at home. We have too often behaved, in Indochina and elsewhere, as if international politics were a simple contest between the forces of darkness and the forces of light.

How, then, *should* we behave in a world where distrust and hostility still run deep, where the aims of nations continue to differ in fundamental respects? While remaining prepared to resist the threat or use of force, we must also be prepared to exercise the wisdom, moderation, and restraint which are necessary if man is to create the conditions for peace.

We must remember that saving men's lives is more important than saving face for governments. We must remember that a foreign policy which cannot be presented honestly to the American people does not deserve their support. I speak tonight out of deep concern that we have forgotten these very principles in Indochina, and so the war goes on.

I am deeply concerned that after this Administration has assured us it was winding down the war, it has taken new military actions across the face of Indochina. I am deeply concerned that this Administration has ruled out any further initiatives by our negotiators at the Paris Talks. I am deeply concerned by the news blackout before the invasion of Laos, and the conflicting reports of what is happening there now. Eventually, we will know, and the Administration will learn that it can embargo the news, but it cannot embargo the truth.

It is cynical for this Administration to argue that Americans are not engaged in ground combat in Laos when American helicopter gun crews are involved in ground combat, and American lives are being lost. A difference of thirty feet in altitude between helicopter gunners and the ground troops they are firing at is no difference at all in function.

I believe it was wrong to unleash South Vietnamese troops across the border of Laos and support them there, as I believed it was wrong to lead them across the border of Cambodia. What we have attempted, with a limited number of South Vietnamese, is an operation that has been rejected in the past for far stronger U.S. forces. Once again, this Administration has minimized the risks and exaggerated the benefits of a new military adventure. Whatever the apparent or illusory short-term military gains, this action has resulted in a substantial extension of our military involvement and has further undermined the Paris talks.

I believe it was right for the President to have told us last June that no combat support missions would be flown across the skies of Cambodia. I believe it was wrong for his Secretary of Defense, six months later, to characterize this pledge and the words of the Cooper-Church Amendment as matters of "semantics." If these matters are semantics, then neither the pledge nor even the laws of our government can have any reliable meaning.

I believe it is wrong to increase once again the bombing of North Vietnam. And I believe it was wrong for the President to refuse to rule out an invasion of North Vietnam by the South Vietnamese—who could not attack the North without our support.

The longer we lend our presence to this expanding conflict, the longer this conflict will endure. And the longer it endures, the more profound will be the injury done, not only to the peoples of Vietnam and Cambodia and Laos, but to our own country—to our men who are killed or maimed and to their families, to our institutions of learning, to our procedures for governing, to our confidence our society's ability to reach for its own ideals.

The President has had more than two long years to implement his so-called plan to end

afforded to these anguished pleas, which leaves this body to conclude that much stronger action must be taken in asserting the rights of the people of Guam; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam express its official position respecting the proposed acquisition of 4,400 acres of land in the Sella Bay area for use as an ammunition wharf, this position to be manifested not only by the adoption of this resolution but also by all legislation necessary to carry out its mandate, the position including the following:

"(1) That the Federal Government, already owning over one-third of the whole island of Guam, has no need for an additional 4,400 acres, or another 3% of Guam's very limited land mass, and that the largest fee simple acquisition for a new wharf that the Legislature will reluctantly acquiesce to is that of the 700 foot by 700 foot area needed for a fenced-in pier;

"(2) That respecting the requirements for a prohibition on construction within the blast radius area, this should be handled by way of an easement to the Federal Government so long as the wharf is used for ammunition unloading purposes, the underlying fee simple title to the land in the blast area to remain with the people of Guam;

"(3) That additionally, the government of Guam insists on release to it by the Defense Department of excess Federal land in Guam at least equal in area to that covered by the blast radius and the wharf area;

"(4) That any use of the blast area for park purposes be negotiated between the government of Guam and the United States Park Service and not be left up to the vagaries of military contingencies;

"(5) That not even the foregoing be permitted until the Federal Government has published the results of its study on the excess lands held by the military in Guam, if such study has in fact been made, and if no such study has been made, that the Federal Government undertake the same forthwith and publish the results to the public, and that the Environmental Impact Study made by the Navy respecting the proposed acquisition also be forthwith released to the public; and be it further

"Resolved, that the Eleventh Guam Legislature does hereby go on record in firm support of the Nixon Doctrine first enunciated in Guam by our President in June of 1969, which doctrine clearly and unequivocably spells out the commitment by the United States of America to change its defense posture in the Pacific from one of actively and aggressively defending this area from communism to one of assisting the people of Asia to defend themselves, the whole profile of America in the Pacific being lowered, and the age of military confrontation between America and its communist enemies in Asia being brought to a close, the Legislature respectively pointing out that its opposition to the Sella Bay acquisition is in furtherance and in support of the Nixon Doctrine, the people of Guam wondering how the defenders of this doctrine can ever hope to defend the acquisition of another 3% of Guam over the unanimous opposition of its people for an ammunition wharf as being an example of America's new military low profile in Asia; and be it further

"Resolved, that, congruent to the Nixon Doctrine, the Eleventh Guam Legislature does hereby on behalf of the people of Guam express the fervent desire of all the inhabitants of this territory for a new image for Guam—an image not of a large military base, armed to the teeth, and aggressively poised to bomb Vietnam or threaten Red China, but of a peaceful South Pacific tourist site, with friendly people, open beaches, and the general aura of romance and relaxation that make Hawaii and Tahiti so popular, although in both instances the military plays a major role in their respective economies, the people of Guam aspiring to an economy where the military, although important, are not absolutely dominant and where the major economic activity for the people is not in servicing military installations but by having in operation a private, commercial and tourist economy; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the Secretary of Defense, to the Secretary of the Navy, to the Attorney General of the United States, to the Chairmen of the Interior and Insular Affairs Committees, Senate and House, to Guam's Washington Representative, and to the Governor of Guam.

Duly and regularly adopted this 24th day of February, 1971.

F. T. RAMIREZ,
Speaker.

G. M. BAMBA,
Legislative Secretary.

A resolution of the House of Representatives of Puerto Rico; to the Committee on Armed Services:

"RESOLUTION

"To favorably recommend to the Congress of the United States of America the elimination of the compulsory military service and to express the endorsement of the House of Representatives of Puerto Rico to the concept of a voluntary army for the defense of the Nation

"STATEMENT OF MOTIVES

"Whereas: For many years there has been debated in the entire nation the convenience of eliminating the cumpulsory military service and to create and army exclusively composed of voluntary soldiers;

"Whereas: We Puerto Ricans are under the obligation of contributing with our opinion toward vital matters affecting the common defense and the safety of Puerto Rico and the United States of America, considering that we are profoundly committed with the efforts of our Nation to defend the democratic system;

"Whereas: Puerto Rico, in compliance with the patriotic duty of defending the postulates of freedom of our Nation, has complied with every requirement made by the Nation to serve in the army of the United States of America, mainly, in times of crisis, when our men have shown a high degree of patriotism by volunteering to defend world peace;

"Whereas: The glorious history of our soldiers at the service of the Nation gives us the right to express the feeling of our youth by permitting them to voluntarily choose their career, profession and way of living, without being interrupted by involuntary elements such as the compulsory military service;

"Whereas: At present the Congress of the United States of America has under its consideration various bills which favor the elimination of the compulsory military service and the creation of a voluntary army, as recommended by a Committee to study this problem, appointed by the President, Hon. Richard M. Nixon;

"Whereas: The House of Representatives of Puerto Rico, in response to the outcry of the Puerto Rican youth, concurs with the view of the elimination of the compulsory military service and the creation of a voluntary army for the defense of the Nation:

"Therefore, be it resolved by the House of Representatives of Puerto Rico:

"Section 1.—To favorably recommend to the Congress of the United States of America the elimination of the compulsory military service, and to express the endorsement of the House of Representatives of Puerto Rico to the concept of a voluntary army for the defense of the Nation.

"Section 2.—To send a copy of this Resolution, properly translated into the English language, to the President of the United States, Hon. Richard M. Nixon, and to the Congress of the United States of America, as well as to the Resident Commissioner of Puerto Rico in Washington, and to the Press, Radio and Television of Puerto Rico and of the Nation."

A resolution adopted by the Common Council of the City of Buffalo, New York, relating to rehabilitation grants; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the City Council of the City of San Diego concerning the seizure by foreign naval forces of American-flag tuna clippers based in California ports; to the Committee on Commerce.

A resolution adopted by the Western New York Police Association, Inc., relating to changes in the design of the American Flag; to the Committee on the Judiciary.

A resolution adopted by the Legislature of Rockland County, New York, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the Council of the City of New York, New York, calling upon Congress to pass the "Safe Schools Act"; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Appropriations without amendment:

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes (Rept. No. 92–36).

By Mr. PROXMIRE (for Mr. SPARKMAN), from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 1181. A bill to remove certain limitations on the granting of a relief to owners of lost or stolen bearer securities of the United States, and for other purposes (Rept. No. 92–37).

REPORT ENTITLED "ACTIVITIES OF THE COMMITTEE ON GOVERNMENT OPERATIONS"—REPORT OF A COMMITTEE—(S. REPT. NO. 92–35)

Mr. McCLELLAN submitted a report entitled "Activities of the Committee on Government Operations," which was ordered to be printed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BOGGS (for himself, Mr. COOPER, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. GOLDWATER, Mr. GURNEY, Mr. HART, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MUSKIE, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. ROTH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPONG, Mr. TAFT, Mr. TOWER, and Mr. WEICKER):

S. 1238. A bill to regulate the dumping of material in the oceans, coastal, and other

waters and for other purposes. Referred to the Committees on Commerce and Public Works, by unanimous consent.

By Mr. PERCY:

S. 1239. A bill for the relief of Ofelia Santos. Referred to the Committee on the Judiciary.

By Mr. CHURCH (for himself, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. METCALF, and Mr. MOSS):

S. 1240. A bill relating to prospecting and exploring for minerals on public lands of the United States by means of bulldozers or other mechanical earth-moving equipment. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself, Mr. JACKSON, Mr. MAGNUSON, and Mr. TUNNEY):

S. 1241. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended. Referred to the Committee on Agriculture and Forestry.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1242. A bill to amend the Fishermen's Protective Act of 1967, to provide for reimbursement for certain expenses incurred as the result of the unlawful attempted seizure or seizure of U.S. fishing vessels. Referred to the Committee on Commerce.

By Mr. PROUTY (for himself, Mr. DOMINICK, Mr. GRIFFIN, and Mr. JORDAN of Idaho):

S. 1243. A bill to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment. Referred to the Committee on Labor and Public Welfare.

By Mr. METCALF:

S. 1244. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. MOSS (for himself, Mr. BIBLE, Mr. CHURCH, Mr. CRANSTON, Mr. FONG, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. KENNEDY, Mr. MCCLELLAN, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. PELL, Mr. PERCY, and Mr. THURMOND):

S. 1245. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 1246. A bill for the relief of Prakong Chotsiri. Referred to the Committee on the Judiciary.

By Mr. MILLER:

S. 1247. A bill for the relief of Enzo Rellini. Referred to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. AIKEN):

S. 1248. A bill to require the Secretary of Health, Education, and Welfare to keep certain records and make certain reports to Congress concerning amounts received by providers of medical and health care items and services to individuals entitled thereto under title XVIII of the Social Security Act or under any program or project under or established pursuant to titles V, XI, or XIX of such act. Referred to the Committee on Finance.

By Mr. PROXMIRE:

S. 1249. A bill to amend the Department of Transportation Act to provide for a more adequate transportation investment analysis. Referred to the Committee on Commerce.

By Mr. GURNEY:

S. 1250. A bill to amend title II of the Social Security Act to increase the amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and to amend title II of the Social Security Act to provide a minimum monthly benefit of $100. Referred to the Committee on Finance.

By Mr. HANSEN:

S. 1251. A bill to provide that quotas on certain meat and meat products provided for by section 2 of the act of August 22, 1964, shall come into effect when the estimate of imports by the Secretary of Agriculture equals or exceeds the level prescribed by such section. Referred to the Committee on Finance.

By Mr. MCCLELLAN (by request):

S. 1252. A bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967. Referred to the Committee on the Judiciary.

S. 1253. A bill to amend section 6 of title 35, United States Code, "Patents", to authorize domestic and international studies and programs relating to patents and trademarks. Referred to the Committee on the Judiciary.

By Mr. MCCLELLAN:

S. 1254. A bill to amend title 35, United States Code, "Patents", and for other purposes. Referred to the Committee on the Judiciary.

S. 1255. A bill to fix the fees payable to the Patent Office, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1256. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel. Referred to the Committee on Commerce.

S. 1257. A bill to authorize an appropriation for fiscal year 1972 to carry out the metric system study. Referred to the Committee on Commerce.

S. 1258. A bill to provide for the reporting of weather modification activities to the Federal Government. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 1259. A bill to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes. Referred to the Committee on Public Works.

By Mr. MCINTYRE (for himself, Mr. SPARKMAN, and Mr. TOWER):

S. 1260. A bill to amend the Small Business Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. KENNEDY:

S. 1261. A bill to authorize the National Science Foundation to undertake a loan guarantee and interest assistance program to aid unemployed scientists and engineers in the conversion from defense-related to civilian, socially oriented research, development, and engineering activities. Referred to the Committee on Labor and Public Welfare.

By Mr. HARTKE:

S. 1262. A bill to restore the investment credit and to increase the amount of such credit to 10 percent of the qualified investment. Referred to the Committee on Finance.

By Mr. HRUSKA:

S. 1263. A bill for the relief of Alice Gruenwald. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1264. A bill for the relief of Enriqueta M. Par. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 1265. A bill to amend the Social Security Act to provide automatic adjustments in benefits;

S. 1266. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title;

S. 1267. A bill to amend the Social Security Act to provide an increase in the minimum benefit; and

S. 1268. A bill to amend title II of the Social Security Act to permit the computation of benefits thereunder on the basis of the worker's 10 years of highest earnings. Referred to the Committee on Finance.

By Mr. MAGNUSON:

S. 1269. A bill for the relief of Miriam Lazarowitz;

S. 1270. A bill for the relief of Daisy M. Tharp; and

S. 1271. A bill for the relief of Wong Wah Sin. Referred to the Committee on the Judiciary.

S. 1272. A bill designating certain election days as legal public holidays. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1273. A bill to amend Public Law 89-701, as amended, to extend until June 30, 1973, the expiration date of the Act and the authorization of appropriations therefor, and for other purposes. Referred to the Committee on Commerce.

S. 1274. A bill to revise and improve the laws relating to the documentation of vessels. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself, Mr. HATFIELD, and Mr. PACKWOOD) (by request):

S. 1275. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920. Referred to the Committee on Commerce.

By Mr. BUCKLEY (for himself and Mr. JAVITS):

S. 1276. A bill to fix the date of citizenship of Alfred Lorman for purposes of the War Claims Act of 1948. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 1277. A bill to support the price of manufacturing milk at not less than 85 per centum of parity for the marketing year 1971-72. Referred to the Committee on Agriculture and Forestry.

S. 1278. A bill to provide for the free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wis. Referred to the Committee on Finance.

By Mr. FONG:

S. 1279. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and

S. 1280. A bill to amend title II of the Social Security Act to provide that the widow's or widower's insurance benefit of an individual, who first becomes entitled to such benefit after attainment of age 65, will be equal to 100 percent of the primary insurance amount of the deceased spouse of such individual. Referred to the Committee on Finance.

By Mr. ERVIN:

S. 1281. A bill to incorporate the National Federation of Music Clubs. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself, Mr. BROOKE, and Mr. CRANSTON):

S. 1282. A bill entitled "Government Facilities Location Act of 1971." Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RIBICOFF:

S. 1283. A bill entitled "Urban Education Improvement Act of 1971." Referred to the Committee on Labor and Public Welfare.

By Mr. ANDERSON (by request):

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the inter-

Community	Loan	Grant
Communities with funds obligated waiting to be closed:		
Walkersville	324,100	200,000
Port Deposit	174,350	
Rock Hall	547,000	
Prince Frederick	226,600	27,600
Fruitland	665,000	200,000
Selbyville	508,000	300,000
Georgetown	190,000	81,300
Rawlings	130,000	35,000
Clayton	3,300	8,100
Mount Airy		100,000
Oakland	96,000	10,000
Sudlersville	340,400	389,900
Queenstown	50,000	234,200
Newark	173,820	95,000
Applications on hand waiting to be funded:		
Mount Airy	850,200	
Prince Frederick	501,600	141,250
Allegany County Commissioners	27,500	27,500
La Plata	50,000	25,000
Worton	335,600	217,500
La Vale Sanitary District	185,000	185,000
Clayton	20,000	15,000
Saint Michaels	48,000	
Thurmont	250,000	
Accident	134,000	333,000
Clear Spring	245,000	194,000
Willards	662,300	294,300
Rock Hall	984,900	639,100
Chesapeake Beach	103,000	
Bedford Road	202,100	187,900
Chesapeake Beach	361,000	296,000
Bowling Green	395,000	367,500
Wills Creek	465,100	315,500
Jennings Run	339,900	320,700
Princess Anne	160,000	160,000

SENATOR BEALL SPONSORS BILL TO COMBAT WATER POLLUTION

Senator J. Glenn Beall, Jr. (R-Md), disturbed by the growing gap between demonstrated need and available funds for small town water and sewer systems in Maryland, has announced he will cosponsor a Senate bill to double existing authorizations for the Farmers Home Administration's sewer grants program.

Senator Beall said he had learned that the present authorization for the agency, one of three federal agencies funding water and sewer projects in towns of fewer than 5,500 people, may leave at least 20 Maryland towns "gasping for federal water and sewer funds."

The Republican member of the Public Works Committee added, "It just seems the height of incongruity to me that we can move so boldly and properly against so many forms of pollution, yet continue to underfund this program—thereby allowing literally thousands of small towns in this country to dump raw and undertreated wastes into our creeks and streams."

In a just completed special study, conducted for Senator Beall by the Farmers Home Administration, 821 towns in Maryland were found to either be without water and sewer systems altogether or with systems in need of immediate improvement. The Senator had requested the investigation after noting in a 1969 report the agency had certified 23,350 communities across the nation to be in need of complete sewer systems. An additional 6,823 communities were shown to need improvements to existing systems. The agency estimated it would take at least $11 billion "to 'water and sewer' all these towns."

The Maryland Senator will join Senator Mark Hatfield (R-Ore) in sponsoring the bill which will raise the Farmers Home Administration sewer grant program from $115 million to $230 million.

Senator Beall revealed applications pending in the agency awaiting federal funding for the 20 Maryland towns totalled "over $10 million. Of that, $3.7 million is in outright grant requests with the remainder in loans."

Although the funding of the projects is not directly tied to the doubling of the authorization, Senator Beall said, "It will certainly ease the situation and brighten funding prospects."

The Senator mentioned another 14 towns with project applications totalling over $4 million "have been fortunate enough to have funds recently obligated to them under the existing authorization."

S. 422

At the request of Mr. METCALF, his name was added as a cosponsor of S. 422, a bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

S. 646

At the request of Mr. MCCLELLAN, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 646, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound records.

S. 718

At the request of Mr. ROTH, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 718, to create a catalog of Federal assistance programs.

S. 882, 883

At the request of Mr. WILLIAMS, the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Rhode Island (Mr. PELL), were added as cosponsors of S. 882, a bill authorizing payment under Medicare for services performed by a household aide; and the Senator from Hawaii (Mr. FONG), the Senator from Iowa (Mr. MILLER) and the Senator from Rhode Island (Mr. PELL), were added as cosponsors of S. 883, a bill to establish an Institute on Retirement Income;

S. 923

At the request of Mr. WILLIAMS, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 923, to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes.

S. 934 AND S. 935

At the request of Mr. WILLIAMS, the Senator from Oklahoma (Mr. HARRIS) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 934, the Health Professions Educational Assistance Amendments of 1971; and S. 935, the Physicians Manpower Support and Services Act of 1971.

S. 987

At the request of Mr. HANSEN, the Senator from Colorado (Mr. DOMINICK) and the Senator from Idaho (Mr. JORDAN) were added as cosponsors of S. 987, to amend the Social Security Act to provide medical and hospital care through allowance of tax credits.

S. 988

At the request of Mr. PROXMIRE, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 988, the imitation dairy products labeling bill.

S. 1018

At the request of Mr. CHURCH, the Senator from Idaho (Mr. JORDAN), the Senator from Wyoming (Mr. HANSEN), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of S. 1018, a bill to require Railpax to provide service to one major population area in each of the contiguous 48 States.

S. 1037

At the request of Mr. WILLIAMS, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 1037, the adult education bill.

S. 1173

At the request of Mr. METCALF, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1173, a bill to redefine disability for purposes of social security benefits.

S. 1233 AND S. 1234

At the request of Mr. INOUYE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1233, a bill to amend the Internal Revenue Code of 1954, to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; and the Senator from Minnesota (Mr. HUMPHREY), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of S. 1234, a bill to establish limits on the assignment of a member of the Armed Forces to a combat zone, and for other purposes.

S. 1082

At the request of Mr. CASE, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1082, dealing with the ocean dumping of wastes.

S. J. RES. 5

At the request of Mr. BROOKE, the Senator from California (Mr. TUNNEY), the Senator from Utah (Mr. MOSS), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Joint Resolution 5, designating the birthday of Dr. Martin Luther King, Jr., as a national day of commemoration.

S.J. RES. 11

At the request of Mr. HATFIELD, the Senator from North Carolina (Mr. JORDAN) and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of Senate Joint Resolution 11, to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Student's Week Against Drug Abuse."

SENATE JOINT RESOLUTION 17

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished majority leader, I ask unanimous consent that the name of the Senator from Georgia (Mr. GAMBRELL) be added as a cosponsor of Senate Joint Resolution 17, a joint resolution to establish a Joint Committee on the Environment.

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

SENATE JOINT RESOLUTION 68

Mr. BYRD of West Virginia. Mr. President, on March 10, I introduced Senate Joint Resolution 68, a resolution to restore the full rights of citizenship posthumously to Gen. Robert E. Lee.

I am hopeful that this resolution will receive early and favorable consideration.

on the elimination of Racial Discrimination which further defined these human rights, condemned racial discrimination, agreed to pursue by all appropriate means a policy of eliminating racial and political discrimination, and to promote a better understanding of this problem and guaranteeing everyone equal protection before the law; and

"*Whereas,* The Soviet Union subscribed to the Declaration of Rights of 1948 and voted to ratify the recommendations of the convention of 1965; and

"*Whereas,* Although the fate of an individual may still be at the mercy of his government, it is a matter of continuing and increasing international concern whenever such government is guilty of political and racist discrimination and of repression against any segment of its citizens; therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby request the President of the United States to bring the question of the political and racist discrimination and repression of the Soviet Jews by the Soviet Union before the United Nations and to use the good offices of the United States government in urging the Soviet Union to allow Soviet Jews to leave the Soviet Union on their own free will; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

A resolution of the Legislature of the Territory of Guam; to the Committee on Agriculture and Forestry:

"RESOLUTION No. 145

"Resolution relative to respectfully requesting the Congress of the United States to enact legislation necessary to constitute the University of Guam as a land grant institution

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the University of Guam affords the opportunity for higher education not only to the residents of Guam but to many others from the surrounding islands who come to the territory to complete their studies, the Universtiy thereby being central to the whole educational process in the Western Pacific; and

"Whereas, as part of its role, the University has attempted to educate not only in the traditional academic subjects but to also participate in providing the technical training needed by the potential citizens of Guam and of Micronesia, thereby playing on the scale permitted by its limited funds the traditional role a land grant institution has played in the United States; and

"Whereas, in recognition of this, the Congress in recent years has considered legislation to grant to the University of Guam official land grant status, but, unfortunately, the legislation has never been enacted, and therefore the University does not have the funds and assistance it needs to provide the technical training and assistance needed by the future citizens of Guam and the United States Trust Territory of the Pacific Islands; and

"Whereas, it is the consensus of the Legislature that one of the reasons for the present almost total dependence of the territory on imported foodstuffs is the lack of knowledge by the local farmers of modern methods of commercial tropical farming and that until the University is in a position to give this technical training as it would be if it obtained land grant status, little will be done to upgrade the quality of technology in the territory; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully request, memorialize and petition the Congress of the United States to grant to the University of Guam land grant status; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Frank E. Moss, Member, U.S. Senate, to the Honorable Spark M. Matsunaga, Member, U.S. House of Representatives, to the Honorable Patsy T. Mink, Member, U.S. House of Representatives, to the President of the Senate, to the Speaker, House of Representatives, to the Chairman, Senate Committee on Agriculture, to the Chairman, House Committee on Agriculture, to the Chairman, Senate Committee on Interior and Insular Affairs, to the Chairman, House Committee on Interior and Insular Affairs, to the Secretary of Interior, to the Secretary of Agriculture, to the Secretary on Health, Education, and Welfare, to the President, University of Guam, to the Chairman, Board of Regents, University of Guam, to Guam's Washington Representative, and to the Governor of Guam."

A resolution of the King County Council of the State of Washington urging Congress to provide for the development of two United States prototype Supersonic Transports; to the Committee on Commerce.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.J. Res. 468. A joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes (Report No. 91–40).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 1284. A bill for the relief of the estate of Carelena K. Goodman; and

S. 1285. A bill for the relief of Giuseppe Vella. Referred to the Committee on the Judiciary.

By Mr. BOGGS:

S. 1286. A bill to establish an immediate program for the prevention of ocean pollution. Referred jointly to the Committee on Commerce and the Committee on Public Works.

By Mr. BOGGS (for himself and Mr. ROTH):

S. 1287. A bill to authorize the construction of a bridge over the Chesapeake and Delaware Canal. Referred to the Committee on Public Works.

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 1288. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. TALMADGE:

S. 1289. A bill to allow a credit against income tax, or a deduction from gross income as the taxpayer may elect, for certain political contributions made by individuals. Referred to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. WILLIAMS, Mr. NELSON, Mr. SCHWEIKER, Mr. CRANSTON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. RANDOLPH, Mr. BAYH, Mr. BOGGS, Mr. CASE, Mr. FONG, Mr. GRIFFIN, Mr. HART, Mr. MATHIAS, and Mr. SCOTT):

S. 1290. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CASE (for himself and Mr. SPONG):

S. 1291. A bill to further amend the act of October 4, 1961, amended by the act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 1292. A bill to amend section 305(b) of title 37, United States Code, relating to foreign duty pay for enlisted members of the uniformed services while on duty at certain places. Referred to the Committee on Armed Services.

S. 1293. A bill for the relief of Wallace O. Craig. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 1294. A bill to support the price of manufacturing milk at not less than 85 percent of the parity for the marketing year 1971–72. Referred to the Committee on Agriculture and Forestry.

By Mr. BENTSEN:

S. 1295. A bill to establish the Amistad National Recreation Area in the State of Texas. Referred to the Committee on Interior and Insular Affairs.

S. 1296. A bill to establish a Lufkin division in the eastern district of Texas, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1297. A bill to authorize the State of Alaska to operate a foreign registered ferry vessel between ports in Alaska and between ports in Alaska and ports in other States for a period not to exceed 3 years. Referred to the Committee on Commerce.

By Mr. GURNEY (for himself, Mr. DOLE, Mr. MOSS, and Mr. THURMOND):

S. 1298. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke. Referred to the Committee on Commerce.

By Mr. STEVENSON:

S. 1299. A bill for the relief of Dr. Biman K. Kastagir. Referred to the Committee on the Judiciary.

By Mr. MONDALE (for himself, Mr. BURDICK, Mr. HUGHES, Mr. HUMPHREY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. PROXMIRE, and Mr. SYMINGTON):

S. 1300. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat. Referred to the Committee on Agriculture and Forestry.

By Mr. MONDALE:

S. 1301. A bill to improve the quality and availability of medical care in communities presently lacking in adequate medical care services. Referred to the Committee on Labor and Public Welfare.

By Mr. BELLMON:

S. 1302. A bill to amend title IV of the Agricultural Act of 1970 so as to extend the provisions of such title to the 1974 crop of winter wheat. Referred to the Committee on Agriculture and Forestry.

By Mr. STEVENSON:

S. 1303. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for severely handicapped persons and persons in attendance, when the severely handicapped person is traveling with such an attendant. Referred to the Committee on Commerce.

By Mr. CRANSTON:

S. 1304. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities. Referred to the Committee on Labor and Public Welfare.

-um tax which had the effect of reduc-g by about 10 percent the benefits of the percentage depletion allowance for all minerals. In addition, we reduced the allowance for oil, gas, and uranium to 22 percent. With the benefit of hindsight, it is easy now to say that we made a mistake in reducing the incentives for investment in finding and producing new sources of energy. From a practical standpoint, it may be that a majority of my colleagues feel it is too soon to acknowledge and reverse that mistake—and I am not now asking them to do so. But I do believe the time has come for us to acknowledge that we should do what we can to furnish incentives necessary to meet the vital and fantastically increasing need for clean energy sources. My bills will assist in that objective, at little cost to the revenue, and I seek the cooperation of all my colleagues in pushing for their adoption.

Mr. President, I ask unanimous consent that my bills to raise the depletion allowance percentage for coal and also my bill to codify the rapid amortization of coal gasification facilities be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1309

A bill to amend the Internal Revenue Code to encourage an increase in production of coal

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613(b)(2)(A) of the Internal Revenue Code is amended by inserting after the word "copper," the words "coal, lignite,".

SEC. 2. Section 613(b)(4) is amended by striking the words "coal, lignite,".

SEC. 3. The amendments made by sections 1 and 2 shall apply with respect to taxable years beginning after December 31, 1971.

S. 1310

A bill to amend the Internal Revenue Code to encourage the development and utilization of methods and devices to convert coal and oil shale to low pollutant synthetic fuels by allowing rapid amortization of expenditures incurred in constructing facilities for such purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Internal Revenue Code (relating to itemized deductions for individuals and corporations) is amended by adding after section 187 thereof the following new section:

"SEC. 188. AMORTIZATION OF FACILITIES TO CONVERT COAL AND OIL SHALE TO SYNTHETIC FUELS.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any conversion facility (as defined in subsection (d)) placed in service after December 31, 1971, but before January 1, 1982, based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the conversion facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such conversion facility for such month provided by section 167. The 60-month period shall begin, as to any conversion facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding taxable year.

"(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60 month period with the month following the month in which the facility is completed or acquired, or with the taxable year succeeding the taxable year in which such facility is completed or acquired, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such conversion facility.

"(d) DEFINITIONS.—For purposes of this section—The term 'conversion facility' means any property of a character subject to the allowance for depreciation provided in section 167 which is used in the process of converting coal or oil shale to low-pollutant synthetic fuels. For purposes of this section, the term 'conversion facility' includes any tangible property, including a building and its structural components, if the primary purpose of such building is to house machinery or equipment used in the conversion of coal or oil shale to low-pollutant synthetic fuels.

"(e) ALLOCATION OF BASIS.—In the case of property a portion of which qualifies as a conversion facility and for which an election has been made under subsection (a), the adjusted basis of such property shall, under regulations prescribed by the Secretary or his delegate, be properly allocated between the portion which is a conversion device or facility and the portion which is not such a device or facility.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 317

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Connecticut (Mr. RIBICOFF), I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. CASE) and the Senator from Tennessee (Mr. BROCK) be added as cosponsors of S. 317, to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

S. 366

At the request of Mr. STEVENS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 366, providing for minimum grades for U.S. deputy marshals under chapter 51 of title 5, United States Code.

S. 509

At the request of Mr. MONDALE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 509, the International Opium Control Act.

S. 571

At the request of Mr. PACKWOOD, on behalf of Mr. PEARSON, the Senator from Idaho (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from North Dakota (Mr. YOUNG), and the Senators from Wyoming (Mr. MCGEE and Mr. HANSEN) were added as cosponsors of S. 571, a bill to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States.

S. 592

At the request of Mr. INOUYE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 592, a bill to repeal the Emergency Detention Act of 1950.

S. 731

At the request of Mr. JAVITS, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 731, to make rules respecting military hostilities in the absence of a declaration of war.

S. 928

At the request of Mr. PACKWOOD, on behalf of Mr. PEARSON, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 928, a bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of consumer commodities.

S. 1017

At the request of Mr. MONDALE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1017, the Clean Lakes Act of 1971.

S. 1082

At the request of Mr. CASE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1082, a bill to control ocean dumping of wastes.

S. 1113

At the request of Mr. BAKER, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 1113, a bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems.

S. 1167

At the request of Mr. MOSS, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors of S. 1167, a bill to amend title 39, United States Code, to prohibit the mailing of unsolicited samples of cigarettes.

S. 1182, S. 1183

At the request of Mr. JAVITS, the Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON), and the Senator from Delaware (Mr. BOGGS) were added as cosponsors of S. 1182, the Health Maintenance Assistance Act of 1971, and S. 1183, the Health Manpower Assistance Act of 1971.

of such fiscal year such excess shall no longer be available for such purposes and shall, on January 1 of the next succeeding fiscal year, be added to the State's Federal-aid highway system apportionments for the second fiscal year beginning after such election. The addition to each of a State's apportionments shall bear the same proportion to such excess as the amount deducted (under the last sentence of subsection (b)) from the corresponding apportionment for the fiscal year in which such excess occurred bore to the amount elected to be used for transportation purposes in such fiscal year.

INTERSTATE APPORTIONMENT ADJUSTMENTS

SEC. 204. (a) For purposes of this section—

(1) the term "interstate apportionment" means the Federal-aid highway system apportionment for a State's Interstate System as certified to the Governor and State highway department thereof in accordance with section 104(e) of title 23, United States Code;

(2) the term "interstate apportionment adjustment" means the amount by which a State's interstate apportionment is reduced or increased (after certification under section 104(e) of such title) in accordance with section 209(g) of the Highway Revenue Act of 1956; and

(3) the term "remainder available for interstate construction" means a State's interstate apportionment, less the amount which the Governor of the State specifies, pursuant to the last sentence of section 203(b) of this Act, is to be deducted from that State's interstate apportionment in order to make such amount available for transportation purposes.

(b) In the case of an interstate apportionment adjustment, the amount available to the Secretary for transportation purposes in a State for a fiscal year—

(1) shall not (in the case of a downward adjustment) be reduced by reason of such adjustment, unless the downward adjustment exceeds the remainder available for interstate construction; and

(2) shall (in the case of an upward adjustment) be increased, in accordance with regulations of the Secretary, only to the extent that amounts so available were previously reduced under paragraph (1).

AMENDMENT TO TITLE 23, UNITED STATES CODE

SEC. 205. (a) Section 104(e) of title 23, United States Code, is amended by inserting after "State highway department" the following: "and the Governor or chief executive officer of each State".

(b) Section 104(b)(5) of such title is amended by adding at the end thereof the following: "Rules, regulations, and standards adopted by the Secretary for estimating the cost of completion of the Interstate System and taking into account all previous apportionments shall prescribe a consistent and equitable procedure for taking into account amounts of apportionments which the Governor of a State has elected to have made available for transportation purposes under section 203 of the National Transportation Development Financing Act of 1971."

(c) Section 118(a) of such title is amended by striking out "On and after" and inserting in lieu thereof "Sixty days after".

AMENDMENTS TO HIGHWAY REVENUE ACT

SEC. 206. (a) Section 209(f)(1) of the Highway Revenue Act of 1956 is amended by inserting "(A)" before "making expenditures" and by striking out the period at the end thereof and inserting in lieu thereof the following: "and (B) for the purposes of section 203 of the National Transportation Development Financing Act of 1971."

(b) Section 209(g) of such Act is amended by adding at the end thereof the following: "An election by the Governor of a State under section 203(b) of the National Transportation Development Financing Act of 1971 to use funds for transportation purposes shall not be taken into account in making any adjustment under this section, except as provided in section 204 of such Act."

AMENDMENT TO URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 207. Section 15 of the Urban Mass Transportation Act of 1964 is amended by inserting after "section 7(b)" the following: ", and grants made with funds authorized to be appropriated by section 203(a) of the National Transportation Development Financing Act of 1971".

EFFECTIVE DATE

SEC. 208. This title shall take effect upon the first certification of Federal-aid highway system apportionments under section 104(e) of title 23, United States Code, following the date of enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 392

At the request of Mr. GOLDWATER, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 392, the Volunteer Military Act of 1971.

S. 424

At the request of Mr. MCINTYRE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 424, a bill to require that certain articles of wearing apparel be permanently labeled with laundering and dry cleaning instructions.

S. 592

At the request of Mr. INOUYE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 592, a bill to repeal the Emergency Detention Act of 1950.

S. 632

At the request of Mr. JACKSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 632, a bill to amend the Water Resources Planning Act to include provision for a national land use policy.

S. 834

At the request of Mr. HARRIS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 834, the International Trade Act of 1971.

S. 835

At the request of Mr. HARRIS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 835, a bill providing a settlement of the Alaska Native land claims.

S. 855

At the request of Mr. COTTON, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 855, a bill to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement.

S. 1055

At the request of Mr. CURTIS, the Senator from Nebraska (Mr. HRUSKA) and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1055, a bill to amend the National Labor Relations Act with respect to refusals to bargain.

S. 1099

At the request of Mr. MCINTYRE, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Minnesota (Mr. MONDALE), the Senator from Idaho (Mr. CHURCH), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 1099, a bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes.

S. 1116

At the request of Mr. JACKSON, the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. GURNEY), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 1116, a bill to require the protection, management, and control of wild free-roaming horses and burros on public lands.

S. 1191

At the request of Mr. MCGOVERN, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1191, the Peacetime Transition Act of 1971.

S. 1212

At the request of Mr. CHURCH, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1212, a bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code of 1954 in the case of certain contributions of ordinary income property.

S. 1234

At the request of Mr. INOUYE, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 1234, a bill to establish limits on the assignment of a member of the Armed Forces to a combat zone, and for other purposes.

S. 1238

At the request of Mr. BOGGS, the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. COTTON), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1238, a bill to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes.

S. 1282 AND S. 1283

At the request of Mr. MONDALE, his name was added as a cosponsor of S. 1282, the Government Facilities Location Act of 1971; and to S. 1283, the Urban Education Improvement Act of 1971.

S. 1290

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the request of the Senator from Illinois (Mr. STEVENSON), that his name be added as a cosponsor to S. 1290, a bill to extend the life of the Office of Economic Opportunity.

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

S. 1305

At the request of Mr. MONDALE, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1305, a bill to amend the Economic Opportunity Act of 1964 to establish a National Legal Services Corporation.

S. 1307

At the request of Mr. RANDOLPH, the Senator from California (Mr. CRANSTON)

S. 1082

At the request of Mr. CASE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1082, to regulate the discharge of wastes in territorial and international waters until 5 years after the date of enactment of this act, to prohibit such discharge thereafter, and to authorize research and demonstration projects to determine means of using and disposing of such waste.

S. 973

At the request of Mr. BAYH, the Senator from California (Mr. CRANSTON), the Senator from Montana (Mr. METCALF), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 973, a bill to improve the unemployment insurance compensation system.

S. 1163

At the request of Mr. KENNEDY, the Senator from New Mexico (Mr. MONTOYA), the Senator from Minnesota (Mr. HUMPHREY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maine (Mr. MUSKIE), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1163, the Nutrition Program for the Elderly Act.

S. 1167

At the request of Mr. MOSS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1167, a bill to prohibit the mailing of unsolicited samples of cigarettes.

S. 1191

At the request of Mr. MATHIAS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor to S. 1191, the Peacetime Transition Act.

S. 1245

At the request of Mr. MOSS, the Senator from New Mexico (Mr. MONTOYA) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors to S. 1245, a bill relating to the preservation of historical and archeological data.

S. 1305

At the request of Mr. MONDALE, the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 1305, a bill to amend the Economic Opportunity Act of 1964 to establish a National Legal Services Corporation.

SENATE JOINT RESOLUTION 4

At the request of Mr. JAVITS, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of Senate Joint Resolution 4, to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week."

SENATE JOINT RESOLUTION 29

At the request of Mr. SCOTT, the Senator from Oregon (Mr. HATFIELD) and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors of Senate Joint Resolution 29, a joint resolution providing for the designation of National Peace Corps Week; and

At the request of Mr. MANSFIELD, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 29.

SENATE CONCURRENT RESOLUTION 10—SUBMISSION OF A CONCURRENT RESOLUTION PAYING TRIBUTE TO THE FIRST ANNUAL NATIONAL EXPLORERS PRESIDENTS' CONGRESS

Mr. MUSKIE. Mr. President, on behalf of myself and Senator BAKER, I submit, for appropriate reference, a concurrent resolution commemorating the first annual National Explorers Presidents' Congress of the Boy Scouts of America. This Congress will take place in Washington from June 2 to June 6 and is expected to bring together between 4,000 and 5,000 young people from Explorer posts around the country.

Mr. President, the Boy Scouts' exploring program provides a unique opportunity for more than 350,000 young men and women between the ages of 14 and 21 to gain firsthand knowledge of potential career fields such as law enforcement, local government, small business, and conservation, to name a few. Under the guidance of professionals in these fields, Explorers gain invaluable insights into their own career interests at the same time that they perform useful community services. I ask unanimous consent that the text of an article, "Exploring—A New Path to a Better America," that appeared in the October 1970 issue of Reader's Digest, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXPLORING—A NEW PATH TO A BETTER AMERICA

(By John G. Hubbell)

The armed robber must have wondered what the Los Angeles police force had come to. He had just made a clean getaway with approximately $1000 from a customer of a branch of the United California Bank when he found himself in the unyielding clutches of three teen-agers in khaki uniforms. Unarmed themselves, they had, with quick, professional efficiency, relieved him of his .32-caliber pistol. Then two held him while the third summoned a squad car.

Later, the captors, Ron E. Miller, Paul Stephan and Wayne King, all 16, explained that they had just come off duty and were walking home, listening to police calls over a transistor radio. They heard of the robbery—and suddenly there was the robber, running toward them. They knew they should not try to capture an armed man—but it would have been a shame to let him escape. Anyway, weren't they supposed to be studying all aspects of Los Angeles police work?

The three young heroes and the Los Angeles Police Department are subscribers to a remarkable idea called Exploring. Though developed by the Boy Scouts of America (BSA), it has nothing to do with hiking, camping or merit badges. Exploring's aim is to enable young adults, 14 to 21, to find the fields of interest, to "try on" careers under lose but intensely interested expert guidance, while equipping themselves with healthy attitudes about one another, their country and the free-enterprise system.

The movement now involves more than 350,000 young men and women from across the entire American social and economic spectrum, and is expected to number one million by 1976, the 200th birthday of the Republic. BSAs enthusiastic partners in this adventure run the gamut of trades, professions, large and small businesses and industries from coast to coast—from hospitals to space-science companies to law offices.

For youngsters with strong notions about their futures, Exploring offers glistening opportunities. Since 1962, for example, more than 3000 young men have explored the law-enforcement field under the tutelage of professionals in the Los Angeles Police Department's 17 divisions. They undergo police-academy training, are issued L.A.P.D. recruit-type uniforms with Explorer patches, ride in patrol cars, learn police communications and study all phases of crime detection. "We are now beginning to get former Explorers onto the force," says their adviser, Officer Robert Portillo, "and we have 20 student-workers—college men who assume administrative duties." So successful has its Explorer program been that the Los Angeles force has answered requests from some 200 other towns and cities for advice and assistance in organizing similar efforts.

Meanwhile, Explorers in Mesa, Ariz., and Quincy, Ill., are absorbed in a top-to-bottom study of city government, from the functions and operations of the mayor's office to the city engineer's department. In Cambridge, Mass., Explorer firemen are led by professionals through an understanding of the chemistry of fire, the essentials of rescue work, and the operation, maintenance and repair of every kind of firefighting apparatus. In Coronado, Calif., tough U.S. Navy frogmen helped latch onto a group of miscreant teenage surfers, and develop an Explorer post which is fast becoming a source of oceanography and nautical-science experts. The boys also claim responsibility for policing and keeping clean for public enjoyment miles of Southern California beaches.

Even the sky is no limit to Exploring's possibilities. In Redondo Beach, Calif., TRW Corp. sponsors a coeducational group which spent more than two years in the company's laboratories designing and building a satellite. Piggybacked into orbit on a shot from Vandenberg Air Force Base, it will be available as a communications relay station to ham radio operators around the world.

The new Exploring got its real start in 1954. By then, it was apparent to BSA executives that their Explorer Scouting program, a sort of advanced Boy Scouting oriented to the outdoors, was dying for lack of interest. Of 20-odd million American teenage boys, only one in 20 was being attracted to Explorer Scouting. The University of Michigan's renowned Institute for Social Research was commissioned to conduct a nationwide survey of the attitudes and interests of boys 14 through 16. An accurate reading might provide the basis for a more successful approach.

The answers young America gave to the two-year study shocked the Boy Scout organization. They were told bluntly that if they wanted to succeed with teen-agers, they had to junk the existing Explorer Scouting program and start from scratch. That program was kid stuff—and they were no longer kids.

Where did their interests lie? The study showed that some 83 percent spent a good deal of time worrying about how they were to spend the rest of their lives, while 75 percent were already beginning to grapple with the vital decisions they would have to make after high school—about college, military service, careers, even marriage. Contrary to the popular adult notion that teen-agers, who are naturally rebellious, want to be left to themselves, 94 percent wanted adult leadership—but not of the Scoutmaster man-to-boy variety. Rather, they wanted close contact with and advice from men who had reached points in life where the boys thought they might like to go, men who would show them the fundamentals—not lecture, but show—and then step to the sidelines and let them run with the ball.

The study fired the imagination of William

the method or methods by which, in his judgment, such regulation or supervision can be most effectively accomplished.

SEC. 3. The Secretary of the Treasury shall, within one year after the date of the enactment of this joint resolution, report to the House of Representatives and the Senate the results of the study conducted pursuant to this joint resolution together with the determinations made by him and his recommendations, if any, for legislation.

ADDITIONAL COSPSONORS OF BILLS AND JOINT RESOLUTIONS

S. 41

At the request of Mr. DOLE the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. PROUTY), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 41, a bill to establish a National Information and Resource Center for the Handicapped.

S. 869

At the request of Mr. RIBICOFF, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 869, a bill to extend to unmarried individuals the tax benefits of income splitting enjoyed by married individuals filing joint returns.

S. 1082

At the request of Mr. CASE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1082, a bill regulating the discharge of wastes in territorial and international waters.

S. 1111

At the request of Mr. RIBICOFF, the Senator from Colorado (Mr. DOMINICK) and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 1111 to provide an income tax credit for certain higher education expenses.

S. 1116

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that at the next printing of the bill, S. 1116, to require the protection, management, and control of wild free-roaming horses and burros on public lands, the names of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Washington (Mr. MAGNUSON), the Senator from Nevada (Mr. BIBLE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), the Senator from North Carolina (Mr. JORDAN), the Senator from California (Mr. TUNNEY), and the Senator from Wyoming (Mr. MCGEE), be added as cosponsors.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

S. 1374

At the request of Mr. THURMOND, the Senator from Mississippi (Mr. EASTLAND) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1374, a bill to exempt from taxation certain property of the Daughters of the American Revolution in the District of Columbia.

S. 1382

At the request of Mr. MUSKIE, the Senator from Illinois (Mr. STEVENSON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. BAYH), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1382, a bill authorizing appropriations for non-SST transportation work.

S. 1383

Mr. TOWER. Mr. President, I am pleased to join today in cosponsoring S. 1383, which is designed to insure that those who kill policemen and firemen while these officers are acting in their official capacity will be swiftly brought to justice. S. 1383, in effect, authorizes the Federal Bureau of Investigation to enter these homicide cases when it appears that the guilty party may have crossed a State line in order to avoid prosecution.

Mr. President, the incidence of murdering our local law and fire protective officers is growing at an alarming rate. Scarcely a day goes by when there is not some report of a policeman or fireman being killed while performing his duty. There is even evidence that some fringe groups have a policy of exterminating those people who risk so much to protect us and our country. We owe it to these men to give them this added protection, so that those who might consider such a heinous crime would know that the full weight of the Federal Government would be brought to bear against them until they were brought to justice.

This problem has recently been brought home to Texans in an all too graphic way. On February 15, gunmen executed three deputy sheriffs in Dallas. This incident truly shocked the citizens of my State, and they have been demanding action to prevent the recurrence of any such tragedy. While nothing can guarantee to prevent murder, if we subject would-be assassins to pursuit by the FBI as well as local and State authorities, hopefully they will consider the odds against them too great to even attempt any action. It is about time that we began to put the odds again on the side of the law-abiding citizens and the men who protect them, rather than giving the criminal undue protection and leniency.

S. 1401

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that at the next printing of the bill, S. 1401, to establish a national Indian education program by creating a National Board of Regents for Indian Education, and for other purposes, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Arizona (Mr. FANNIN), the Senator from Idaho (Mr. JORDAN), and the Senator from Alaska (Mr. STEVENS) be added as cosponsors.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

S. 1408

At the request of Mr. MUSKIE, the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Illinois (Mr. STEVENSON), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from California (Mr. TUNNEY), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 1408, a bill making the tax laws more equitable for public interest law firms and some other organizations.

S. 1475

At the request of Mr. STENNIS, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of S. 1475, the gunboat *Cairo* bill.

S. 1485

At the request of Mr. RIBICOFF, the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. METCALF), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 1485, a bill to establish a Department of Education.

S. 1488

At the request of Mr. MUSKIE, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1488, a bill to amend the Immigration and Nationality Act.

S. 1489

At the request of Mr. PACKWOOD, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1489, a bill for the relief of Park Jung Ok.

S. 1490

At the request of Mr. MCINTYRE, the Senator from Rhode Island (Mr. PASTORE), the Senator from Nebraska (Mr. HRUSKA) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of S. 1490, a bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes.

S. 1510

At the request of Mr. TOWER, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1510, to amend the Military Medicare Act.

SENATE CONCURRENT RESOLUTION 19—SUBMISSION OF A CONCURRENT RESOLUTION DESIGNATING "VOLUNTARY OVERSEAS AID WEEK"

Mr. PEARSON. Mr. President, since World War II and even before, overseas assistance by voluntary organizations in this country has helped carry forth the humanitarian concerns of the American people for their fellow men. This tradition of exporting, through private voluntary groups, the American penchant for meeting and solving problems has turned itself into a very professional and

storage houses have been provided. As an erosion-control measure 700 permanent check dams have been built.

In accomplishing this work the Service has had the use of and was custodian of equipment valued at about $2,000,000, consisting of 43 draglines, 140 tractors, 825 trucks, and a mass of smaller equipment and tools.

Director Gabrielson's remark of several years ago, "Even if the Civilian Conservation Corps should for some unforeseen reason be closed out in the near future, the Fish and Wildlife Service should be forever thankful for what this organization has accomplished for wildlife conservation," states clearly the value of CCC in wildlife conservation.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 1597. A bill to amend title 38, United States Code, so as to provide that increases in Social Security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and nonservice-connected pension for veterans and widows. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, I introduce for myself and the distinguished senior Senator from South Carolina (Mr. THURMOND) legislation to protect the pension rights of nearly 2 million American veterans and their families and ask that it be appropriately referred. Our bill guarantees that increases in Federal benefits and annuities will no longer cause a reduction in the pension payment to which a veteran or his family is entitled.

Under current law, pensions are figured on the basis of need. Need, in turn, is determined primarily by a pensioner's income. As a pensioner's outside income increases, his pension decreases. Social security benefits, railroad retirement payments and civil service annuities are counted as income for the purpose of determining the amount of pension. Any increase in these benefits can result in the reduction—and eventual elimination—of pensions.

Since the current pension program was enacted in 1960, the Senate has supported the concept that a veteran widow, widow or child should not lose part of his pension as a result of social security increases. On four separate occasions, this body has acted to prevent veterans or their survivors from suffering a loss in pension because social security was raised. It was my privilege to lead the successful fight last year against consideration of the 15-percent increase in social security benefits, effective on January 1, 1970, as income for pension purposes.

At that time there was a clear consensus in the Senate that the increase in social security benefits was barely adequate to protect the elderly from the effects of inflation, and that it should not result in any set-off against veterans' pensions.

The enactment of a 10-percent increase in social security benefits in March of this year presents the Congress with the same problem it faced last year: should it permit an increase in social security benefits to be counted as income when figuring veterans' pensions?

I trust that the answer to that question will once again be "no." I hope as well that this continuing problem can be met permanently by providing that all future increases in social security payments will be excluded when figuring pensions. The sad fact is that one out of four elderly Americans lives in poverty today. This legislation will not result in any bonanza or windfall to those senior citizens who also are entitled to a small veteran's pension. What it will do is make available to them some of the necessities which they must now forego for lack of income.

A few examples will suffice to illustrate the adverse impact on pensioners if the Congress does not act:

First. A veteran with no dependents who received $98.80 in social security before the most recent increase, was eligible for a pension of $96, for a total monthly income of $194.80. Under present law, however, this veteran would have his pension cut by $4 in January 1972 due to the increase in social security.

Second. A married veteran receiving $110 pension would have his monthly pension cut by $6 in January 1972 if action is not taken.

Third. A widow with one child who is entitled to an $88 widow's pension would find her pension cut by $2 a month as a result of the increase.

These examples give adequate evidence, I believe, of the importance of excluding the most recent increase—and all future increases—in social security benefits from inclusion in pension calculations.

Our bill would also provide equity to the pensioner who receives railroad retirement benefits or civil service annuities. He, no less than the social security beneficiary, should not have his small pension reduced simply because there has been a modest increase in payments made under his Federal retirement program.

Mr. President, the average person receiving a veteran's pension does not understand why his small pension should be reduced when there has been an increase in the payments he receives under a Federal retirement program. In truth, I do not either. Although I agree that no pensioner should profit from an increase in social security, or railroad retirement or civil service annuity, it is plain that excluding increases in benefits paid under the three Federal programs named in this bill will make no one rich. It will, however, make a life of dignity easier for our elderly veterans and their families.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 144

At the request of Mr. MCGEE, the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

S. 646

At the request of Mr. MCCLELLAN, the Senator from Tennessee (Mr. BAKER) was added as cosponsor of S. 646, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes.

S. 784

At the request of Mr. BAKER, the Senator from Nevada (Mr. BIBLE), the Senator from New Hampshire (Mr. COTTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 784, a bill to provide for a Commission on Transportation Regulatory Agencies.

S. 856

At the request of Mr. GURNEY, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 856, a bill to encourage States to establish junked motor vehicle disposal programs.

S. 1082

At the request of Mr. CASE, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 1082, a bill to regulate the discharge of wastes in territorial and international waters.

S. 1113

At the request of Mr. BAKER, the Senators from Utah (Mr. BENNETT and Mr. MOSS) and the Senator from Kansas (Mr. PEARSON) were added as cosponsors of S. 1113, a bill to establish a structure providing for integrated knowledge and understanding of problems relating to air pollution and other related problems.

S. 1428

At the request of Mr. PERCY, the Senator from New Jersey (Mr. CASE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1428, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

S.J. RES. 4

At the request of Mr. JAVITS, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of Senate Joint Resolution 4, to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week."

SENATE JOINT RESOLUTION 29

At the request of Mr. SCOTT, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 29, providing for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week."

Mr. CHAMBERLAIN, Mr. CONABLE, Mr. DELLENBACK, Mr. DERWINSKI, Mr. DEVINE, Mr. ERLENBORN, Mr. FRELINGHUYSEN, Mr. FRENZEL, Mr. FREY, Mr. GETTYS, Mr. HALPERN, Mr. HARRINGTON, Mr. HOSMER, Mr. HUTCHINSON, Mr. KEATING, Mr. KEITH, Mr. LLOYD, Mr. MCCLORY, Mr. MCCLOSKEY, Mr. MCDONALD of Michigan, and Mr. MORSE):

H.R. 9088. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY (for himself, Mr. MOSHER, Mr. REES, Mr. ROBISON of New York, Mr. ROYBAL, Mr. SCHWENGEL, Mr. SHRIVER, Mr. STAFFORD, Mr. J. WILLIAM STANTON, Mr. VANDER JAGT, Mr. WHITEHURST, Mr. BOB WILSON, and Mr. ZABLOCKI):

H.R. 9089. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 9090. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9091. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself, Mr. DULSKI, Mr. UDALL, Mr. DANIELS of New Jersey, Mr. NIX, Mr. HANLEY, Mr. CHARLES H. WILSON, Mr. WALDIE, Mr. WHITE, Mr. WILLIAM D. FORD, Mr. HAMILTON, Mr. BRASCO, Mr. PURCELL, Mr. BEVILL, and Mr. CHAPPELL):

H.R. 9092. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California (for himself, Mr. ASPINALL, Mr. SAYLOR, Mr. HOSMER, Mr. HALEY, Mr. EDMONDSON, Mr. BARING, Mr. TAYLOR, Mr. UDALL, Mr. KYL, Mr. SKUBITZ, Mr. DON H. CLAUSEN, Mr. FOLEY, Mr. MEEDS, Mr. VIGORITO, Mr. LLOYD, Mr. DELLENBACK, Mr. KAZEN, Mr. MCCLURE, Mr. CAMP, Mr. RONCALIO, Mr. BEGICH, Mr. MCKEVITT, Mr. ABOUREZK, and Mr. CÓRDOVA):

H.R. 9093. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MACDONALD of Massachusetts:

H.R. 9094. A bill to amend title 10 of the United States Code to prohibit the discharge or release from active duty from the Armed Forces of persons who are addicted to narcotics or dangerous drugs; to the Committee on Armed Services.

H.R. 9095. A bill to expand eligibility for the treatment of addiction to narcotics by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself, Mrs. HICKS of Massachusetts, Mrs. GRASSO, Mr. WOLFF, Mr. SAYLOR, Mr. ZWACH and Mr. WYLIE):

H.R. 9096. A bill to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 9097. A bill to define the terms, "widow," "widower," "child," and "parent," for servicemen's group life insurance purposes; to the Committee on Veterans Affairs.

By Mr. PERKINS (for himself and Mr. PUCINSKI):

H.R. 9098. A bill to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. PETTIS:

H.R. 9099. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. PRICE of Texas:

H.R. 9100. A bill to allow a 20-percent credit against the Federal individual income tax for State and local income taxes, and to increase substantially the credit against the Federal estate tax for State death taxes; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 9101. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. HALEY, Mr. GROSS, Mr. WAGGONNER, Mr. SATTERFIELD, and Mr. SCHMITZ):

H.R. 9102. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. REID of New York:

H.R. 9103. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property; to the Committee on Ways and Means.

By Mr. RIEGLE (for himself, Mr. EDWARDS of Louisiana, Mr. EILBERG, Mr. HARRINGTON, Mr. HALPERN, Mr. ROSENTHAL, Mr. GONZALEZ, Mr. PODELL, Mrs. CHISHOLM, Mr. REES, Mr. ROE, Mr. WALDIE, Mr. MORSE, Mr. MITCHELL, Mr. BADILLO, Mr. DENHOLM, Mr. DELLUMS, and Mrs. ABZUG):

H.R. 9104. A bill to amend title 38 of the United States Code to provide public service employment for Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mr. ROSENTHAL (for himself, Mr. ADDABBO, Mr. BURTON, Mrs. CHISHOLM, Mr. DENT, Mr. DELLUMS, Mr. DONOHUE, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mrs. GRASSO, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARRINGTON, and Mr. HAWKINS):

H.R. 9105. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced-rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. KOCH, Mr. MADDEN, Mr. MCKEVITT, Mr. MIKVA, Mrs. MINK, Mr. MITCHELL, Mr. NIX, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. SEIBERLING, Mr. TIERNAN, Mr. WALDIE, and Mr. YATRON):

H.R. 9106. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced-rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHMITZ:

H.R. 9107. A bill to permit deductions in certain cases for child-support payments to be made from the retired pay of former members of the Armed Forces; to the Committee on Armed Services.

By Mr. SIKES:

H.R. 9108. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. WYATT, Mr. ADAMS, Mr. BEGICH, Mr. PIKE, and Mrs. REID of Illinois):

H.R. 9109. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself and Mr. WALDIE):

H.R. 9110. A bill to equalize the retirement and life insurance benefits of certain Members of the 92d Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WAGGONNER:

H.R. 9111. A bill relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act; to the Committee on the Judiciary.

H.R. 9112. A bill to amend the act of December 22, 1944, relating to the sale of electric power from reservoir projects under the jurisdiction of the Secretary of the Army; to the Committee on Public Works.

By Mr. WATTS:

H.R. 9113. A bill to amend the Internal Revenue Code of 1954 to provide for reasonable additions to bad-debt reserves for qualifying real property loans by banks comparable to such additions by certain other financial institutions; to the Committee on Ways and Means.

By Mr. FISHER:

H.J. Res. 703. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. RHODES (for himself, Mr. UDALL and Mr. STEIGER of Arizona):

H.J. Res. 704. Joint resolution directing the Secretary of State and the Secretary of the Interior, through the Bureau of Reclamation, to study the economic and engineering feasibility of acquiring riparian rights from the Republic of Mexico to water in the Gulf of California for the piping and pumping of water from the Gulf of California to Arizona for irrigation purposes; to the Committee on Foreign Affairs.

By Mr. STEELE (for himself, Mr. ARCHER, Mr. BAKER, Mr. CONTE, and Mr. WINN):

H.J. Res. 705. Joint resolution designation of the month of October of each year as "Drug Awareness Month"; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. ABOUREZK, Mr. EVANS of Colorado, Mr. GREEN of Pennsylvania, Mr. KARTH, Mr. MEEDS, Mr. REUSS, and Mr. TIERNAN):

H. Res. 477. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

Mr. WYMAN in three instances.
Mr. MILLER of Ohio.
Mr. DUNCAN.
Mr. FISH in two instances.
Mr. HALL.
Mr. CHAMBERLAIN.
Mr. FRENZEL.
Mr. SPRINGER.
Mr. BOB WILSON in two instances.
Mr. STEIGER of Wisconsin.
Mr. HOSMER in two instances.
Mr. NELSEN.
Mr. COUGHLIN.
Mr. PRICE of Texas.
Mr. ASHBROOK in two instances.
Mr. MCCLOSKEY.
Mr. MICHEL.

(The following Members (at the request of Mr. ABOUREZK) and to include extraneous matter:)

Mr. ASPIN in two instances.
Mr. BYRON in 10 instances.
Mr. THOMPSON of New Jersey in two instances.
Mr. DRINAN.
Mr. MURPHY of New York in two instances.
Mr. ASHLEY.
Mr. BEGICH in three instances.
Mrs. MINK in three instances.
Mr. JACOBS.
Mr. WALDIE in seven instances.
Mr. OBEY in six instances.
Mr. EILBERG.
Mr. ROGERS in 10 instances.
Mr. DULSKI.
Mr. LEGGETT in three instances.
Mr. STEED in two instances.
Mr. PATTEN in two instances.
Mr. BINGHAM in two instances.
Mr. VANIK in three instances.
Mr. CELLER in two instances.
Mr. HAGAN in three instances.
Mr. GONZALEZ in two instances.
Mr. JONES of Tennessee in two instances.

(The following Members (at the request of Mr. WALDIE) to revise and extend their remarks, and to include extraneous material:)

Mr. RYAN in three instances.
Mr. BINGHAM.
Mr. MOORHEAD in two instances.

ADJOURNMENT

Mr. WALDIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 14, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

958. A communication from the President of the United States, transmitting an urgent appropriation request for fiscal year 1972 for emergency employment assistance for the Department of Labor (H. Doc. 92–143); to the Committee on Appropriations and ordered to be printed.

959. A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting a report of agreements signed for foreign currencies during May and June, 1971, pursuant to Public Law 85–128; to the Committee on Agriculture.

960. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

961. A letter from the Secretary of Commerce, transmitting the 15th program report on the activities of the U.S. Travel Service for calendar year 1970, pursuant to section 5 of the International Travel Act of 1961, as amended; to the Committee on Interstate and Foreign Commerce.

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. POAGE: Committee on Agriculture. H.R. 4874. A bill to allow for the imposition of restrictions on the imports of unshelled filberts; with amendments (Rept No. 92–347). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 5825. A bill to amend section 2(3), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended. (Rept. No. 92–348). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 535. Resolution providing for the consideration of H.R. 9667. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes. (Rept No. 92–350). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on the proceedings against Frank Stanton and the Columbia Broadcasting System, Inc. (Rept No. 92–349). Referred to the House Calendar.

Mr. BYRNE: Committee on Armed Services. S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents. (Rept. No. 92–351). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE: Committee on Armed Services. H.R. 1409. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program; with amendments (Rept. No. 92–352). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 4606. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces. (Rept. No. 92–353.) Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 4729. A bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force; with amendment (Rept. No. 92–354). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 6723. A bill to provide subsistence allowances for members of the Marine Corps officer candidate programs; with amendment (Rept. No. 92–355). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 6724. A bill to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members; with amendments (Rept. No. 92–356). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE: Committee on Armed Services. H.R. 8356. A bill to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation. (Rept. No. 92–357.) Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 8656. A bill to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status; with amendment (Rept. No. 92–358). 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. GARMATZ (for himself, Mr. PELLY, Mr. DINGELL, Mr. MOSHER, Mr. LENNON, Mr. KEITH, Mr. ROGERS, Mr. GOODLING, Mr. KARTH, Mr. MCCLOSKEY, Mr. CLARK, Mr. MAILLIARD, Mr. BIAGGI, Mr. RUPPE, Mr. ANDERSON of California, Mr. GRIFFIN, Mr. FORSYTHE, Mr. DE LA GARZA, Mr. DU PONT, Mr. KYROS, Mr. MILLS of Maryland, Mr. TIERNAN, Mr. BYRNE of Pennsylvania, Mr. ASHLEY, and Mr. MURPHY of New York):

H.R. 9727. A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BOGGS:

H.R. 9728. A bill to create an additional judicial district in the State of Louisiana, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.R. 9729. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 9730. A bill to provide for the retirement of certain employees of the Federal Bureau of Investigation and the U.S. Secret Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DELLUMS:

H.R. 9731. A bill to amend the U.S. Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner); to the Committee on Banking and Currency.

By Mr. GERALD R. FORD:

H.R. 9732. A bill to amend title 37, United States Code, to provide travel and transportation allowances for emergency leave and ordinary leave for compassionate reasons granted to servicemen stationed overseas; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.R. 9733. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 9734. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

Mr. RODINO in three instances.
Mr. MATSUNAGA.
Mr. BADILLO in five instances.
Mr. WALDIE in three instances.
Mr. GONZALEZ in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. DRINAN in three instances.
Mr. RYAN in three instances.
Mr. CABELL in two instances.
Mr. ASPIN in two instances.
Mr. MAZZOLI in three instances.
Mr. RARICK in three instances.
Mr. HUNGATE in six instances.
Mr. ROSENTHAL in five instances.
Mr. ABOUREZK.
Mr. METCALFE in two instances.
Mr. O'NEILL in two instances.
Mr. GAYDOS in eight instances.
Mr. DINGELL in two instances.
Mr. WHITE in two instances.
Mr. BRINKLEY in two instances.
Mr. FULTON of Tennessee in two instances.
Mr. EILBERG.
Mr. SCHEUER in three instances.
Mr. VANIK in two instances.
Mr. BENNETT.
Mr. GRIFFIN.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 101. Joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

ADJOURNMENT

Mr. MATHIS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, July 19, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

966. A letter from the Deputy Secretary of Defense, transmitting a report on the impact of the railroad work stoppage of May 17 and 18, 1971, on the movement of goods vital to the national defense, the extent to which rail traffic was diverted to other means of transportation, and the status of plans to provide for the movement of defense articles in the event of a railroad work stoppage or lockout, pursuant to Public Law 92–17; to the Committee on Interstate and Foreign Commerce.

967. A letter from the Chairman, Administrative Conference of the United States, transmitting the report of the activities of the Conference for the period from January 1970, through June 1971; to the Committee on the Judiciary.

968. A letter from the Comptroller General of the United States, transmitting a report on the need of improved administration of the Davis-Bacon Act, Department of Labor; to the Committee on Government Operations.

969. A letter from the Comptroller General of the United States, transmitting a report on the potential for improved effectiveness of scientific and technical information dissemination activities, Atomic Energy Commission; to the Committee on Government Operations.

REPORT 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. GARMATZ: Committee on Merchant Marine and Fisheries.

H.R. 9727. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; with an amendment (Rept. No. 92–361). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 542, a resolution providing for the consideration of H.R. 1746. A bill to further promote equal employment opportunities for American workers (Rep. No. 92–360). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 9813. A bill to amend title 23, United States Code, to authorize the collection of tolls on the Interstate System; to the Committee on Public Works.

By Mr. CARNEY:

H.R. 9814. A bill to provide annual quotas on imports of footwear articles; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 9815. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. CHAMBERLAIN (for himself, Mr. BROOMFIELD, Mr. BROWN of Michigan, Mr. CEDERBERG, Mr. CONYERS, Mr. DIGGS, Mr. DINGELL, Mr. ESCH, Mr. GERALD R. FORD, Mr. WILLIAM D. FORD, MRS. GRIFFITHS, Mr. HARVEY, Mr. HUTCHINSON, Mr. MCDONALD of Michigan, Mr. NEDZI, Mr. O'HARA, Mr. RIEGLE, Mr. RUPPE, and Mr. VANDER JAGT):

H.R. 9816. A bill to repeal the Federal excise tax on passenger automobiles; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 9817. A bill to prohibit the broadcasting of deceptive news and public affairs programs; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 9818. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 9819. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. HARVEY (for himself, Mr. BURKE of Florida, Mr. COLLIER, and Mr. MCKEVITT):

H.R. 9820. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 9821. A bill to amend the Federal Food, Drug, and Comestic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

H.R. 9822. A bill to prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of the increase in social security benefits provided by Public Law 92–5 or by any increase in railroad retirement benefits during the calendar year 1971; to the Committee on Veterans' Affairs.

H.R. 9823. A bill to provide equitable treatment of veterans enrolled in vocational education courses; to the Committee on Veterans' Affairs.

H.R. 9824. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to veterans who have served in the Indochina theater of operations during the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. ANDERSON of Tennessee, Mr. BERGLAND, Mr. BIAGGI, Mr. BURKE of Florida, Mr. CRANE, Mr. WILLIAM D. FORD, Mr. HANLEY, Mr. KEATING, Mr. LONG of Maryland, Mr. LONG of Louisiana, and Mr. STOKES):

H.R. 9825. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 9826. A bill to amend the act of September 5, 1962, to authorize the acquisition of land for the Edison National Historic Site in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEYSER (for himself, Mr. BURKE of Florida, Mr. BEGICH, Mr. CELLER, Mr. DONOHUE, Mr. FISH, Mr. FORSYTHE, Mr. FRASER, Mr. FULTON of Tennessee, Mr. CÓRDOVA, Mr. FULTON of Pennsylvania, Mr. FRENZEL, Mr. HARRINGTON, Mr. HASTINGS, Mr. KOCH, Mr. LENT, Mr. MCKINNEY, Mr. MAZZOLI, Mr. MORSE, Mr. RANGEL, Mr. RODINO, Mr. ROE, Mr. STOKES, and Mr. VEYSEY):

H.R. 9827. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER (for himself, Mr. WYDLER, MRS. ABZUG, and Mr. BIAGGI):

H.R. 9828. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. PIRNIE:

H.R. 9829. A bill to amend title 10, United States Code, to provide for the investigation of accidents involving aircraft of an armed force, and to clarify the use of reports of those investigations; to the Committee on Armed Services.

H.R. 9830. A bill to authorize the involuntary recall of the Coast Guard Reserve to duty in time of natural disaster; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 9831. A bill to extend to all unmarried indivduals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 9832. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Interior and Insular Affairs.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

978. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and national forest lands at Libby Dam and Reservoir, Mont., pursuant to 16 U.S.C. 505a, b; to the Committee on Agriculture.

979. A letter from the Chairman, Executive Committee, District of Columbia Bail Agency, transmitting the annual report of the Agency for calendar year 1970, pursuant to Public Law 91-358; to the Committee on the District of Columbia.

980. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of the status and operation of the program authorized by title III of the Elementary and Secondary Education Act of 1965, as amended, covering fiscal year 1969, pursuant to section 404 of the act; to the Committee on Education and Labor.

981. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the management, protection, and development of the national resource lands, and for other purposes; to the Committee on Interior and Insular Affairs.

982. A letter from the Secretary of Commerce, transmitting the 11th in the series of interim reports stemming from the U.S. metric study, prepared by the National Bureau of Standards, pursuant to Public Law 90-472; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

983. A letter from the Comptroller General of the United States, transmitting a report on the progress made toward independent and comprehensive audits of the Inter-American Development Bank, Department of the Treasury; to the Committee on Banking and Currency.

984. A letter from the Comptroller General of the United States, transmitting a report on the need to increase rates to recover the cost of providing service to commercial firms renting multiple post office boxes, U.S. Postal Service; to the Committee on Government Operations.

985. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in management of projects to develop business opportunities for the poor, Office of Economic Opportunity; to the Committee on Government Operations.

986. A letter from the Comptroller General of the United States, transmitting a report on the further improvements needed in administration of the small business investment company program, Small Business Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee of conference. Conference report on H.R. 7109. (Rept. No. 92-368). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 553. A resolution providing for the consideration of HR. 9092. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes (Rept. No. 92-369). Referred to the House Calendar.

Mr. DELANEY. Committee on Rules. House Resolution 554. A resolution providing for the consideration of H.R. 9727. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes (Rept. No. 92-370). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 555. A resolution providing for the consideration of H.R. 9844. A bill to authorize certain construction at military installations, and for other purposes (Rept. No. 92-371). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 9922. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; with an amendment (Rept. No. 92-372). 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. ANDERSON of California:

H.R. 9941. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BERGLAND:

H.R. 9942. A bill to protect producers' income when rebuilding reserve stocks of feed grains and wheat, and for other purposes; to the Committee on Agriculture.

By Mr. BLATNIK (for himself, Mr. HARSHA, Mr. RONCALIO, Mr. GROVER, Mr. CLEVELAND, Mr. SCHWENGEL, Mr. SNYDER, Mr. ZION, Mr. MCDONALD of Michigan, Mr. MILLER of Ohio, Mr. MIZELL, Mr. TERRY, Mr. THONE, and Mr. ST GERMAIN):

H.R. 9943. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. GARMATZ, Mrs. GREEN of Oregon, Mr. MATSUNAGA, and Mr. MCMILLAN):

H.R. 9944. A bill to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. BRINKLEY:

H.R. 9945. A bill to amend title 10 of the United States Code so as to provide that the Chief of the Medical Service Corps of the Navy and Air Force shall be a brigadier general or rear admiral, as the case may be, and for other purposes; to the Committee on Armed Services.

By Mr. BROOMFIELD:

H.R. 9946. A bill to amend the Military Selective Service Act of 1957 to exempt from the draft physicians who agree to practice at least 4 years in rural and inner city doctor shortage areas; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia (for himself, Mrs. HICKS of Massachusetts, Mr. GARMATZ, Mr. DUNCAN, Mr. DENT, and Mr. TEAGUE of Texas):

H.R. 9947. A bill to facilitate the prosecution of those persons presenting obscene motion pictures in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WILLIAM D. FORD (for himself, Mrs. ABZUG, Mr. ANDERSON of Tennessee, Mr. ANDREWS of North Dakota, Mr. BADILLO, Mr. BEGICH, Mr. BINGHAM, Mr. BLANTON, Mr. BRADEMAS, Mr. BROOKS, Mr. BURKE of Massachusetts, Mr. BURTON, Mr. BYRNE of Pennsylvania, Mrs. CHISHOLM, Mr. CLAY, Mr. CORMAN, Mr. COTTER, Mr. DANIELSON, Mr. DENT, Mr. DIGGS, Mr. DINGELL, Mr. DONOHUE, Mr. DUNCAN, Mr. EDWARDS of California, and Mr. EILBERG):

H.R. 9948. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAM D. FORD (for himself, Mr. DAVIS of South Carolina, Mr. EVINS of Tennessee, Mr. FULTON of Pennsylvania, Mr. GAYDOS, Mrs. GRASSO, Mr. HALPERN, Mr. HANLEY, Mr. HARRINGTON, Mr. HASTINGS, Mr. HAWKINS, Mr. HAYS, Mr. HOWARD, Mr. JONES of North Carolina, Mr. KARTH, Mr. KING, Mr. KOCH, Mr. KYROS, Mr. LANDGREBE, Mr. LINK, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. METCALFE, Mr. MIKVA, and Mr. MILLER of California):

H.R. 9949. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLAM D. FORD (for himself, Mrs. MINK, Mr. MITCHELL, Mr. MOSS, Mr. NEDZI, Mr. NIX, Mr. O'NEILL, Mr. PEPPER, Mr. PERKINS, Mr. PICKLE, Mr. PIKE, Mr. PRICE of Illinois, Mr. RARICK, Mr. REES, Mr. REUSS, Mr. RIEGLE, Mr. ROE, and Mr. DRINAN):

H.R. 9950. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAM D. FORD (for himself, Mr. ROUSH, Mr. ROYBAL, Mr. RUNNELS, Mr. RYAN, Mr. ST GERMAIN, Mr. SARBANES, Mr. SAYLOR, Mr. SCHEUER, Mr. STEPHENS, Mr. STOKES, Mr. THONE, Mr. TIERNAN, Mr. WIGGINS, Mr. CHARLES H. WILSON, Mr. WRIGHT, and Mr. YATRON):

H.R. 9951. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GERALD R. FORD (for himself, Mr. BROOMFIELD, Mr. BROWN of Michigan, Mr. CEDERBERG, Mr. CHAMBERLAIN, Mr. ESCH, Mr. HARVEY Mr. HUTCHINSON, Mr. MCDONALD of Michigan, Mr. RIEGLE, Mr. RUPPE, and Mr. VANDER JAGT):

H.R. 9952. A bill to permit coordination and cooperation in accelerated research and development of devices and equipment to meet Government standards for motor vehicle exhaust emissions and abatement of air pollution; to the Commerce on the Judiciary.

By Mr. GARMATZ:

H.R. 9953. A bill to clarify the right of States and local subdivisions to provide for domes-

we have moved against a wide range of polluters, including cities and towns, companies and individuals.

Operating under authority granted by the Refuse Act, for example, I have instituted a program requiring a permit for all industrial discharges into the Nation's waters. The issuance of such a permit is conditioned upon assurance that water quality standards will be achieved. I believe this mechanism represents an important new tool for achieving our national water quality objectives.

We are also requiring that Federal agencies spend the necessary funds to avoid pollution as a result of their own activities and, where necessary, to provide abatement facilities. Some 250 million dollars is included in my 1972 budget request for this purpose.

I have also consistently urged a stronger effort to encourage the better conservation and management of our natural resources. As one step in this effort, we have redirected Government procurement policies to encourage the increased use of recycled paper. And we are actively considering other, similar changes in procurement policy. Meanwhile, to help keep the evidence of our history intact for future generations, I have issued an Executive order requiring the protection of historic properties by Federal agencies.

5. A SENSE OF REALISM

All of these actions will help make our country a better place to live. But we should not expect environmental miracles. Our efforts will be more effective if we approach the challenge of the environment with a strong sense of realism. We should not be surprised or disheartened, for example, if some problems grow even more acute in the immediate future.

We must recognize that the goal of a cleaner environment will not be achieved by rhetoric or moral dedication alone. It will not be cheap or easy and the costs will have to be borne by each citizen, consumer and taxpayer. How clean is *clean enough* can only be answered in terms of how much we are willing to pay and how soon we seek success. The effects of such decisions on our domestic economic concerns—jobs, prices, foreign competition—require explicit and rigorous analyses to permit us to maintain a healthy economy while we seek a healthy environment. It is essential that we have both. It is simplistic to seek ecological perfection at the cost of bankrupting the very tax-paying enterprises which must pay for the social advances the nation seeks.

We must develop a realistic sense of what it will cost to achieve our national environmental goals and choose a specific level of goal with an understanding of its costs and benefits. One of the strengths of the accompanying report, in my view, is that it sets out—clearly and candidly—both the costs and the benefits of environmental protection as they are now understood.

The work of environmental improvement is a task for all our people. It should unite all elements of our society—of all political persuasions and all economic levels—in a great common commitment to a great common goal. The achievement of that goal will challenge the creativity of our science and technology, the enterprise and adaptability of our industry, the responsiveness and sense of balance of our political and legal institutions, and the resourcefulness and the capacity of this country to honor those human values upon which the quality of our national life must ultimately depend.

RICHARD NIXON.

THE WHITE HOUSE, *August 6, 1971.*

AUTHORIZING HON. CARL ALBERT TO ACCEPT AN AWARD CONFERRED BY THE PRESIDENT OF THE PHILIPPINES

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 850) to authorize the Honorable CARL ALBERT, Speaker of the House of Representatives, to accept The Ancient Order of Sikatuna (Rank of Datu).

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. FLYNT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 850

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Honorable Carl Albert, Speaker of the House of Representatives, is authorized to accept The Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines, together with any decorations and documents evidencing such award. The Department of State is authorized to deliver to the Honorable Carl Albert any such decorations and documents evidencing such award.

SEC. 2. Notwithstanding section 5 of the Act of October 15, 1966 (80 Stat. 952; 5 U.S.C. 7342(d)), or other provisions of law to the contrary, the Honorable Carl Albert may wear and display the decoration mentioned in section 1 after the acceptance thereof.

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

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1971

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 554 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 554

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. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes. 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 Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 with or without instructions.

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

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 554 provides an open rule with 2 hours of general debate for consideration of H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1971. The resolution also makes it in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 9727 is to regulate the dumping of material in the oceans, coastal, Great Lakes, and other waterways.

The transportation and dumping of radiological, chemical, or biological warfare agents and high-level radioactive wastes would be banned. Also, a ban would be placed upon the transportation and dumping of all other waste material, unless authorized by a permit to be issued by the Administrator of the Environmental Protection Agency or the Secretary of the Army, as the case may be.

Title I of the bill provides a comprehensive system for the regulation of transportation for and the dumping of materials. The major impact of this legislation will be felt in the coastal, Great Lakes, and estuarine areas.

The Administrator of the Environmental Protection Agency is authorized to issue permits for the transportation and dumping of materials when he deems it will not degrade or endanger human beings or the marine environment.

The Secretary of the Army is authorized to issue permits for the transportation and dumping of dredged or fill material. Penalties are provided for violation of the regulations.

The sum of $3.6 million is authorized for fiscal year 1972. Projections for the following 5 years are: 1973, $5.6 million; 1974, $5.9 million; 1975, $5 million; 1976, $4.9 million; 1977, $4.7 million.

Title II of the bill authorizes and directs the Secretary of Commerce to develop a program of research on the effects of ocean dumping. Necessary funds for this program are authorized not to exceed $1 million for each fiscal year 1972, 1973, and 1974.

The Director of the National Science Foundation is authorized and directed

to initiate a research program regarding long-range effects of pollution, overfishing, and man-induced changes of ocean ecology systems. Necessary funds for this program are authorized not to exceed $1 million for each fiscal year 1972, 1973, and 1974.

Title III deals with the need to create a mechanism for protecting important areas of the coast from intrusion. The Secretary of Commerce is authorized to designate certain areas up to the Continental Shelf as marine sanctuaries. Penalties are provided for violations. Necessary sums are authorized not to exceed $10 million for each fiscal year 1972, 1973, and 1974.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 9727 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 554 provides for an open rule with 2 hours of general debate for consideration of the bill H.R. 9727 known as the Marine Protection, Research, and Sanctuaries Act of 1971. It makes the committee substitute in order as an original bill and open for amendment.

Mr. Speaker, the purpose of the bill is to prohibit the transportation or dumping into the ocean or coastal waters of dangerous materials, to ban other dumping of waste materials without a Federal permit, and to provide for the creation of marine sanctuaries in cooperation with the interested States.

The growing pollution of the oceans, and in particular of our coastal waters, is becoming a serious problem. This problem has been recognized by President Nixon, who in October 1970, sent to the Congress a message proposing legislation to deal with the question. Legislation embodying his proposals has been introduced in the 92d Congress (H.R. 4723) and is the basis of this legislation.

The bill will order an absolute ban upon the dumping of radiological, chemical, or biological warfare weapons or materials and high-level radioactive waste materials into the oceans or coastal waters of the United States. This will effectively prohibit the dumping of such materials manufactured in the United States in any ocean waters any place in the world.

All dumpings of municipal, industrial, or other waste materials would be permitted, if such dumping had been previously authorized by the Environmental Protection Agency—EPA. The administration of the Agency is authorized to issue dumping permits for such waste materials under criteria the Agency establishes. Further, the Corps of Engineers will be required to follow such Agency-established criteria when issuing permits for such matters as harbor and river dredging and the dumping of such materials in coastal waters. No permit may be issued which would violate the criteria established by the Environmental Protection Agency, but the Corps of Engineers could override the objection of the EPA if it determines that there is no economically feasible alternative available.

Violators are subject to both civil and criminal penalty. The administration may assess a fine of up to $50,000 for any individual violation, after notice to the alleged violator and a hearing on the alleged illegal dumping. A violator who is convicted of "knowingly violating" the provisions of the act may be fined up to $50,000 and imprisoned for up to 1 year, or both. The Attorney General, as well as private persons, may bring actions in Federal district court for injunctive relief in order to prevent violations of the act.

Title II of the bill authorizes the Secretary of Commerce with authority to undertake short-term research on the environmental effects of ocean dumping. A 3-year program is authorized at $1 million per year. The National Science Foundation is authorized to develop a continuing research program on the long-range effects of ocean pollution and overfishing of the oceans. A 3-year program is authorized at $1 million per year.

Title III authorizes the Secretary of Commerce to establish marine sanctuaries in cooperation with the affected States—and even foreign countries. The aim of the program would be to protect scenic resources, natural resources, or living organisms. A 3-year program, including acquisition, development, and operation of such sanctuaries is authorized at a cost of $10 million for each year.

With respect to cost estimates of the program, the Environmental Protection Agency estimates its responsibilities under title I would cost $22,300,000 through fiscal 1977. The Department of Transportation, on behalf of the Coast Guard, estimates its costs through fiscal 1977 to be $7,300,000. Research programs authorized under title II are authorized at $2 million for each of 3 years, while title III's sanctuaries establishment program is authorized at $10 million per year, over a 3-year period.

The bill was reported unanimously by a voice vote. It is supported by the administration.

Mr. Speaker, I urge adoption of House Resolution 554.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DINGELL. 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. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

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. 9727, with Mr. PIKE 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 Michigan (Mr. DINGELL) will be recognized for 1 hour, and the gentleman from Ohio (Mr. MOSHER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill would create a system for regulating the dumping of materials in the oceans, and the U.S. coastal waters.

Mr. Chairman, before I begin my comments on the bill I would like to pay tribute to the members of the committee and the members of the subcommittee, and to our invaluable staff who have contributed so much to the creation of the legislation now before the House.

I would like to pay particular tribute to several members of the committee, the gentleman from North Carolina (Mr. LENNON) the gentleman from Ohio (Mr. MOSHER) and the gentleman from Washington (Mr. PELLY) who have contributed invaluably of their abilities and of their corollary capacities in creating a bill which I believe very carefully represents the public interests, and a bill which merits the support of the Members of the House.

Mr. Chairman, essentially, this bill would create a system for regulating the dumping of materials into the oceans and U.S. coastal waters. It parallels, and in some respects expands upon legislation proposed by the administration earlier this year and submitted to the Merchant Marine and Fisheries Committee for its consideration. It is the first of the administration environmental proposals to have been reported on by any committee of either house. I will discuss the major points of difference between H.R. 9727 and the administration proposal somewhat later, but first I will describe the basic structure of the bill under consideration today.

Sections 1, 2, and 3 provide the bill's title, purposes and definitions. The definitions are broad, as you might expect, and cover the dumping of most materials into the bays, salt water harbors and lagoons, the Great Lakes, and those areas of the oceans falling within U.S. jurisdiction.

The core of title I of the bill is section 101, which creates an absolute ban upon the dumping of radiological, chemical, or biological warfare agents or high-level radioactive wastes by U.S. agencies, from U.S. territory or into U.S. territorial waters. The bill further prohibits the transportation or dumping of all other materials into U.S. waters and the oceans without a permit and also bars U.S. agencies or instrumentalities from transporting such material without a permit from any place outside U.S. territory for the purpose of dumping it into the oceans.

Section 102 provides general authority to the Environmental Protection Agency to issue permits for the transportation or dumping of materials other than first, those absolutely barred and, second, dredged and fill materials, where permit applicants show him that the environmental and economic impact of that

dumping will not be unreasonably harmful. EPA is required to establish criteria for operating the permit program, taking into account a number of specific factors, and after consulting with other agency heads as to what those criteria should be. He is further authorized to establish times and sites within which dumping should take place or, on the other hand, may not take place.

Section 103 continues the authority of the Corps of Engineers to issue permits for dredge and fill operations after consultation with EPA, provided that these operations are consistent with the criteria established by EPA. Those operations are also subject to the authority of EPA to designate sites and times within which dredged and fill material may not be placed, where this is necessary to protect critical areas, except that the corps may override these designations in extreme cases. The corps must also follow the EPA criteria in carrying out their own dredging operations.

Section 104 establishes general ground rules under which permits are to be issued under the act. The permits are required to be fairly specific as to what operations are to take place, and fees may be charged to defray processing and reporting requirements. Both EPA and the corps may issue general permits to cover situations where there is a minimal environmental impact, and they may limit or condition the permits to bring them into line with the criteria earlier established. The section prescribes requirements, carried throughout the act, for notice and public hearings where appropriate. Applicants must provide the information required by the permit issuer, and that information is a matter of public record.

The penalty section, section 105, provides for both civil and criminal penalties, with a maximum in each case of $50,000 per offense. The bill follows the 1899 Refuse Act procedures of providing part of the criminal fines to persons giving information leading to conviction, subject to an overall limitation of $2,500 per offense. The Attorney General is also given the authority to seek injunctions to prevent violations of the act, as are private citizens, in language paralleling that adopted by the Congress last year in the Clean Air Act and proposed by the administration this year in its amendments to the Federal Water Pollution Control Act. There is an exception to the penalty provisions where material is dumped from a vessel in an emergency, to safeguard life.

Section 106 preempts other Federal laws which would otherwise regulate activities covered by this act except those actions under 1899 Refuse Act authority which were taken before the effective date of the title—6 months after enactment. EPA is required to consult with the Secretary of the Army when activity subject to an EPA permit might affect navigation. The bill supersedes State law as to ocean dumping, but does act to protect State interests by creating a procedure whereby the State may recommend criteria for adoption by EPA. If accepted, these are thereafter treated in like manner as other criteria adopted by that agency.

The balance of the title, dealing with EPA enforcement powers, its power to adopt regulations, requirements of international cooperation, repealers and savings provisions are what might generally be termed "boiler plate," and are, as far as the committee can determine, unexceptionable. The authorization is open-ended, since we have no experience with which to judge what the permit program should entail. The committee has estimated a 6-year cost of $29.6 million for carrying out title I of the act.

Title II of the bill is new. Essentially this title provides authority and responsibility for research on both the short-and-long-term effects of ocean dumping and other human activities—that may affect the ability of the world's oceans to provide food and recreation for generations to come.

The bill, as reported by the committee, designates this long-term research authority as the responsibility of the National Science Foundation. The committee has received a number of suggestions as to other "homes" for this program and the final decision was that an amendment would be offered at the appropriate time to vest this authority in the Department of Commerce, to be handled by the National Oceanographic and Atmospheric Administration. I cannot say that I am entirely happy with this decision—the reasons for my dissatisfaction are well known, I should think, to every Member of this body, and I will not go into detail at this time.

I would say that it is the clear understanding of the committee that the language in title II is not intended to be an invitation to NOAA to build a Navy or to engage in extensive in-house research activities. The funds provided in the title were kept deliberately small, so that it would be abundantly clear to all concerned that this work is to be carried out, where appropriate, through contracts with scientific and other groups, in this country—and in other countries, where proper—and that the major activities of the funding agency will be to see that these funds and contracts are carried out wisely and consistently with the purposes of the act. I can also assure the Department of Commerce that this committee will be watching very, very closely to see how the directives of title II are carried out—and to be certain that the intention of the Congress is carried out to the fullest extent. What the Congress gives, it can also take away, and if the Department of Commerce cannot or will not comply with this act, we will find someone else who can and will.

The position of the administration on this title is not altogether clear. The Office of Management and Budget has indicated that they consider it unnecessary, since it only reinforces comparable authority in other agencies, and undesirable, since it could be interpreted to limit, rather than expand, other ocean research programs. As to the first, I would say that while it may or may not be true that other agencies have authority to carry on this type of research, it is indisputably true that no other agencies are doing this research at this time. Ocean research is being carried on—this is true—but the type of ocean research contemplated by title II, which involves the development of an imaginative "early warning system" for ocean problems before they have become insoluble crises, has never been instituted or even contemplated.

As to the second problem, the fears of OMB are equally easily resolved. Let me make the record clear—the authority which we provide in this bill is in no way intended to limit or restrict any other agency's ocean research program, in the Department of Commerce or any place else.

Title III of the bill is new to the legislation, but bills to accomplish its objectives have been before the committee since the 90th Congress. It authorizes but does not direct—and this distinction may become important as the discussion of this bill proceeds—the Secretary of Commerce to designate certain areas of the oceans, coastal and other waters, as defined in the act, as marine sanctuaries. He may do so only after consultation with other interested Federal departments and agencies; designation of such sanctuaries will follow his conclusion that these waters are necessary to be preserved for their conservation, recreational, ecological or esthetic values. The title does absolutely nothing to extend the jurisdiction of this country over waters of any other nations, or to waters not already under U.S. jurisdiction by other statutory enactment or international treaty or convention.

The rights of the States are fully protected under this title: any State which would have waters within its territorial jurisdiction inside a sanctuary is given a "grace period" within which it may assent or disagree to the proposal. If it disagrees, the sanctuary designation is suspended as to those territorial waters.

The title also goes into some detail in the matter of public hearings on proposed sanctuaries—echoing a continuing concern of the committee that the public must be brought into the decisionmaking process and given adequate information in connection with matters arising under this act. It provides sanctions for acts which violate its provisions, and adds a $10 million appropriation authorization per year for the 3-year life of the marine sanctuaries program. At the end of that period the program may be extended—depending upon how effectively it has been carried out.

I must tell my colleagues that agencies downtown have also raised objections to this title of the act. We have considered those objections at some length, and would report to you that we do not find them sufficient to warrant amendment or rejection of title III.

The position of the Department of State, essentially is that any action to establish such sanctuaries at this time is premature and should await action to be taken by an authority not yet established, pursuant to a convention not yet

proposed. Paralleling other reactions by the Department of Defense, State also suggests that national security interests are involved. Defense provides a little more substance to this skeleton, referring to its well-known preference for territorial seas as narrow as possible. OMB shares these apprehensions, and adds the possible loss of revenue as extra inducement for inaction.

I should begin by saying that all these agencies have known for over 2 months that the committee had the question of marine sanctuaries—and for that matter, research—under serious consideration. Representatives of three agencies were present during many of the committee's executive sessions. And yet it was not until yesterday, 2 weeks after the bill was reported out of the committee that we heard from the agencies downtown. This suggests that the dire consequences which they threaten may be less than real.

As to the merits of their contentions, these were all factors which the committee had in mind when it unanimously endorsed this legislation. Granted that some day all men may be wise and that man's activities which threaten critical offshore areas may be voluntarily curtailed, that time has not yet arrived. As the Santa Barbara incident showed with clarity, we often sacrifice important long-term values for short-term gain. What is needed is an expeditious means of protecting important values immediately, and this title III would do.

Let me stress the point that title III is permissive—it allows the Secretary of Commerce to declare sanctuaries in appropriate cases. We make no attempt to force him to do so. While it is conceivable that the views of future Cabinet officers may differ—and I have heard no suggestions that the present Secretary is overly well disposed to the protection of environmental values at the expense of resource exploitation—it is also clear that the means for resolving these disputes is in the hands of the President, who can instruct the Secretary to withhold sanctuary status from an area deemed important for military, resource, diplomatic, or any other reasons. In title III we do no more than provide the tools with which to preserve important assets for generations yet unborn.

It has been brought to my attention that efforts may be made to have part or all of titles II and III stricken from this bill. What the stated reasons for such a proposal may be I cannot say, but I can say that the committee will resist any such efforts strongly because we believe that they would seriously weaken the powerful environmental protection that they can afford. I repeat that these titles provide badly needed tools with which we may begin to repair some of the damage that has been done to the oceans in the past, and can protect important areas and resources from further impairment.

Recently I received a letter from a number of environmental and conservation groups urging support for these titles and rejection of any efforts to weaken the bill by changing it substantially from its present form. The gentleman from Washington (Mr. PELLY) ranking minority member of the committee, and I sent to each Member of this body a copy of that letter for their information.

We consider the retention of titles II and III as critical to the significance of this bill. Any effort to remove them should be seen for what it is: an attempt to minimize the considerable environmental protection that the bill affords. We will resist such efforts on this ground and for this reason.

Mr. Chairman and honored colleagues, I would say to you that H.R. 9727 is a sound and a necessary bill. I hope that this body will approve it and send it forward today.

Mr. Chairman, I insert at this point further material in support of this legislation:

WASHINGTON, D.C., *July 28, 1971.*

Hon. JOHN DINGELL,
Chairman, House Subcommittee on Fisheries and Wildlife Conservation, Longworth House Office Building, Washington, D.C

DEAR MR. DINGELL: National conservation and environmental organizations have long supported efforts for more intensive oceanic research and for establishment of sanctuaries to protect marine resources in connection with proposals to curb ocean dumping. Maintenance of water quality; conservation of marine organisms, including fisheries and other wildlife; and protection and planning for uses of coastal waters are closely interrelated factors for sound marine conservation. These factors must be considered together as a single entity if we are to curb use of the oceans, coastal waters, Great Lakes and connecting waters as dumping grounds of last resort.

You and other sponsors of the proposed Marine Protection, Research and Sanctuaries Act of 1971 have recognized this basic relationship. We wish to express our appreciation to you for bringing these elements together as an effective instrument for long overdue action in the field of marine conservation, and hope that it will be enacted by the House substantially as reported by your committee. These remarks are offered in response to your request for comments on H.R. 9727.

Sincerely,

W. Lloyd Tupling, Sierra Club; George Alderson, Friends of the Earth; Stewart M. Brandborg, Wilderness Society; Charles H. Callison, National Audubon Society; Thomas L. Kimball, National Wildlife Federation; Ted Pankowski, Izaak Walton League of America; Daniel A. Poole, Wildlife Management Institute; and Barbara Reid, Environmental Action.

MCNUTT, DUDLEY AND EASTERWOOD,
Washington, D.C., July 20, 1971.

Hon. ALTON LENNON,
Chairman, Subcommittee on Oceanography, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. LENNON: In behalf of our clients in the dredging industry we wish to commend you for your untiring efforts in producing legislation (H.R. 9727) which reasonably balances a need to protect and preserve our environment with the need to protect navigation and to promote economic and industrial growth in the United States.

I know that you worked long and endless hours to produce a bill which would reflect the importance of navigational interests. All of us in industry recognize the dedication and devotion which you have given to this bill.

With best regards, I am

Sincerely,

ROBERT E. LOSCH.

AMERICAN INSTITUTE OF AMERICAN SHIPPING,
Washington, D.C., August 30, 1971.

Re H.R. 9727 "Marine Protection, Research and Sanctuaries Act of 1971."

Hon. E. A. GARMATZ,
U.S. House of Representatives, Washington, D.C.

DEAR MR. GARMATZ: The American Institute of Merchant Shipping is a national trade association composed of 35 United States companies which own and operate about 430 oceangoing vessels of all types registered under the U.S. flag. These vessels are engaged in the foreign and domestic trades of the United States and aggregate over 8,000,000 deadweight tons which represents in excess of 60% of the oceangoing tonnage in the U.S. merchant marine.

As you are aware, H.R. 9727 was reported favorably to the House in amended form by the Committee on Merchant Marine and Fisheries on July 13. Section 2 of the bill states that "it is the policy of the United States to regulate the dumping of all types of material into the oceans, coastal, and other waters and to prevent or strictly limit the dumping into the oceans, coastal, or other waters of any material which could adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. To this end, it is the purpose of this Act to regulate the transportation of material for dumping into the oceans, coastal, and other waters, and the dumping of material by any person from any source if the dumping occurs in waters over which the United States has jurisdiction."

I wish to take this opportunity to inform you that the AIMS and its member companies wholeheartedly support and desire to cooperate in the accomplishment of the above policy and purpose of H.R. 9727.

We would like to go on record as specifically supporting the provisions of Section 103 of the bill under which the Secretary of the Army and Chief of Engineers, Department of the Army, would retain the authority conferred upon them by the Acts of June 29, 1888 and March 3, 1899, to issue permits for the transportation of dredged or fill material for dumping into the oceans, coastal and other waters "where the Secretary determines that such transportation, or dumping, or both, will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities", as stated in Section 103(a).

As you know, the U.S. Army Corps of Engineers have been exercising this permit issuing authority for a period of 83 years and have acquired extensive experience and expertise in this area which is indispensable to the administration of the permit authority. As the problems of water pollution and maintenance of water quality became of increasing concern, they have become important factors in the evoluation of permit applications by the Army Engineers. Accordingly, the regulations of the Chief of Engineers governing issuance of permits now include strict requirements for evaluation of effects of proposed Federal and non-Federal works, including disposal of dredged material, not only in regard to navigation but also with respect to fish and wildlife, water quality, pollution, conservation, aesthetics, ecology and other environmental factors.

The AIMS, American Association of Port Authorities, American Waterways Operators and other navigation interests have taken

the position that the authority to issue permits for the transportation and dispersal of dredged material resulting from waterway improvements should not be transferred from the Secretary of the Army to the Administrator of the Environmental Protection Agency for the reason that in the opinion of the navigation and port interests such action would seriously jeopardize the economic justification and progress of waterway improvement projects essential to the industrial development and economic growth of our nation.

We wish to point out that the paramount function and overriding concern of the Environmental Protection Agency Administrator is to preserve and protect the environment. For this reason we do not believe he would be in a position to evaluate on an impartial and equitable basis all factors related to a waterway improvement project which, in addition to environmental factors, would include the effect on navigation, economic and industrial development, and the foreign and domestic commerce of the United States. It is therefore logical to anticipate that the EPA Administrator would require dredged material to be transported for disposal far at sea or to inland locations. In either case, the effect of such a requirement on projects under study or recommended by the Corps of Engineers or authorized by Congress would be to greatly increase the cost of such projects, thereby jeopardizing their economic justification by adversely affecting the ratio of benefits to cost. You will note that Section 103(b) of H.R. 9727 is designed to avoid the above situation in the interest of the orderly and progressive development of our rivers and harbors.

We therefore strongly urge that you support H.R. 9727, particularly Section 103 as reported favorably to the House by the Committee on Merchant Marine and Fisheries.

Sincerely,

JAMES J. REYNOLDS,
President.

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

Mr. Chairman, I am pinch-hitting today for our good friend TOM PELLY, the gentleman from Washington, who is the ranking member of the House Committee on Merchant Marine and Fisheries.

When I assert here my own enthusiastic support for the bill before us today, H.R. 9727, the Marine Protection, Research, and Sanctuaries Act, I am at the same time authorized also to express Mr. PELLY's complete and urgent support.

He and I, as ranking minority members of the two subcommittees that fashioned this legislation, worked closely with the gentlemen from Michigan and North Carolina, Congressmen DINGELL and LENNON, our subcommittee chairmen, during the lengthy, often tedious, and difficult committee sessions which were required to produce this bill.

I salute our two chairmen for a remarkably cooperative, responsible, successful effort.

And I emphasize that this has been a completely bipartisan project. The bill as it is proposed here today had unanimous support of our minority side in the committee.

This legislation actually is the first of its kind in the world, and marks a turning point in man's destructive use of the sea as a garbage dump. Hopefully, in the near future all nations will follow our lead, recognizing that the global oceans can no longer tolerate our abuse.

Your Committee on Merchant Marine and Fisheries has been deeply concerned over the degradation of the marine environment for many years. It has, I believe, studied the problems of marine pollution and resource development in greater depth than any other body within or without the Congress.

At the same time, Mr. Chairman, our committee has fostered the sound development of programs to tap the vast resources of the sea to satisfy man's growing need for protein rich foods and for minerals of all kinds to sustain our industrial economy.

Illustrative of this work is the Marine Resources, Engineering, and Development Act of 1966. That landmark legislation was the culmination of work begun by our committee in 1959. The report of the Commission on Marine Science, which was established by that act, will stand for years to come as a national blueprint for intelligent utilization of the living and mineral resources of the sea.

Therefore, Mr. Chairman, we are no strangers to the twin issues of marine pollution and marine resource development.

Similarly, your committee was responsible for development of the National Environmental Policy Act of 1969 and the establishment of the Council on Environmental Quality—another giant step forward toward rational use of a limited and endangered water, air, and other resources so basic to human life.

The legislation before us today is another of these cornerstones designed to prevent the eventual collapse of our socio-economic structure. Hopefully, it will not only bring a halt to the more flagrant abuses of our crucial resource—the world ocean system—but will enable that system to restore itself to a healthier state.

The need for this legislation is apparent to anyone who has bothered to visit an ocean beach covered with refuse washed in on the tide, or to anyone who has seen the barge loads of garbage and debris parading daily out of every major U.S. seaport. Examples of this abuse are endless. The statistics are well-known to all of us.

We recognize that this nationwide practice of ocean dumping cannot be stopped over night. Our cities would sink in their own filth; our rivers and harbors would become clogged with silt; vital commerce would be jeopardized.

However, we are tardy in applying the brakes. Now, it is imperative to say "find another way and soon." That is what this bill demands.

Almost a year ago, your committee held day and night hearings hoping to avert the suddenly announced dumping of nerve gas into the ocean off Florida by the Army. Earlier in the year, hearings were held on the dead sea off New York, the so-called New York Blight, the most polluted area in the world.

The nerve gas dumping incident reverberated around the world and focused public opinion on the need for legislation. The New York Bight hearings illustrated what may happen near every major coastal city within a decade if steps are not taken now.

At the same time, the Council on Environmental Quality undertook a study of ocean disposal and in October 1970 issued its comprehensive report to the President. Draft legislation was submitted to Congress early in this session.

The President's draft legislation is embodied in title I of H.R. 9727. Essential corollary programs, added by our committee, are contained in title II—Comprehensive Research, and title III—Marine Sanctuaries.

As a representative of the Great Lakes area, I am pleased to emphasize that the Great Lakes are specifically included in the provisions of this bill.

Title I of the bill prohibits the transportation of material for dumping into the oceans and the dumping of material into our territorial waters or the contiguous zone, except as may be authorized in a permit.

Certain materials including high-level radioactive waste and warfare agents may not be dumped at all.

Permits will be handled by the Environmental Protection Agency with the exception of dredge spoil and fill material, which comes under the jurisdiction of the Corps of Engineers.

The Administrator of the Environmental Protection Agency must establish criteria for the guidance of his agency and the Corps in evaluating permit applications. Before a permit may be issued, the Administrator must find that the proposed dumping will not unreasonably degrade or endanger human health, the marine environment, or the economic potential of our ocean resources.

The Administrator may designate recommended dumping sites or times for dumping and, to protect critical marine areas, may designate sites which will be off limits for all dumping activities.

The Corps of Engineers must adhere to the EPA guidelines and must consult with the Administrator of EPA before issuing permits for dredged or fill material. The Administrator's designation of critical areas where no dumping may take place is binding upon the corps, unless the Secretary of the Army certifies that no economically feasible alternative site is reasonably available.

These then, are the broad outlines of title I, Mr. Chairman. Your committee has adopted a balanced position reflecting the urgent need to impose tight reins on ocean dumping while recognizing that our navigable waterways must be maintained.

The Corps of Engineers, like all of us, has awakened to the need for environmental protection. Its efforts during the past several years have been impressive. I do not anticipate that the Secretary of the Army will invoke the authority given him to disregard EPA site designations, except in very rare emergency situations. He is expected to adhere to the spirit, as well as the letter, of this legislation. The authority vested in him is a mark of our confidence and trust. It is not a license to avoid hard decisions and take the easy path.

In addition to the Corps of Engineers permit authority, your committee has introduced two other significant new concepts into this legislation. They are a modified Federal preemption and citizens' suits.

The bill as introduced gave our States the right to impose higher conditions on dumping within their coastal waters than may be imposed by EPA. It was unclear, however, how such additional conditions would be made effective; who would police them, and what impact such a provision would have where two or more States border upon a common body of water leading to the sea.

Your committee feels very strongly that uniformity of regulation is most desirable, yet there are circumstances which warrant the imposition of stricter conditions than may be generally needed. The bill, therefore, authorizes the States to recommend to the Administrator of Environmental Protection Agency additional conditions for permits or criteria for judging permit applications. Provided the State recommendations are not inconsistent with the purposes of the act, the Administrator of Environmental Protection Agency may adopt them. It is expected that the Administrator will give great weight to the recommendations of our coastal States and will, whenever possible, adopt their proposals. At the same time, the bill insures that only one agency will be responsible for the final development of criteria, and only two agencies, EPA and the corps, will issue permits. The alternative, a multiplicity of Federal and State criteria, regulations, and permits would be chaotic.

The citizen suit provision of this title will enable private parties to sue for injunctive relief. In this era of public involvement, such a provision is essential. The cost of clean water—the price tag on a livable environment—is high. Ultimately, each of us will be called upon to pay our share. We have a right, therefore, as citizens and taxpayers to play a role in this regulatory effort. Injunctive relief is the most appropriate judicial remedy. The legislation is carefully written to minimize the risk of nuisance suits and mere harassment. I feel sure that this provision will enable responsible citizens and groups to keep the involved Federal agencies, the States and permit holders on their toes.

Title II, Mr. Chairman, is a logical and necessary part of this legislation. It authorizes two research programs to monitor the immediate and long-range health of the oceans. In the short run, we must know whether this effort to curb ocean-dumping is paying off. The Administrator of Environmental Protection Agency cannot establish criteria for ocean-dumping permits in a scientific vacuum. Nor will he know whether his criteria are adequate once established, unless base lines from which progress can be measured are established at the same time.

Ocean dumping is, of course, but one of the significant problems confronting man in our continuing efforts to produce a healthy marine environment and utilize the oceans wisely. Long-range programs designed to probe the more subtle changes taking place in the oceans are necessary.

While it may be argued that there is broad general authority in many agencies to undertake such a long range program, your committee feels strongly that such general authority must be reinforced with an express directive. That is the purpose of title II.

It is not our intention that existing funds be reprogramed to carry out this title, or that it result in a net decline in our total scientific effort in the oceans, but rather that this grant of authority be taken as a mandate to do substantially more than is now being done to understand man's impact upon the sea.

Title III of H.R. 9727 complements titles I and II and emphasizes our national concern over indiscriminate and thoughtless utilization of the oceans. Its purpose is to insure the highest and best use of this national asset.

In discussing title III, Mr. Chairman, let me first assure my colleagues that I am not against the use of the resources of the sea—living or mineral—or the sea itself, to satisfy the needs of this Nation.

Your Committee on Merchant Marine and Fisheries began to move the Congress and the executive branch in this direction over a decade ago. The Marine Resources Act, the Sea Grant College Act, and innumerable other efforts by your committee testify to our involvement in marine resource development.

We also recognize, however, that this development must be conducted with an understanding and awareness of its consequences. Our coastal waters extending over the Continental Shelf support the greatest fishery resources in the world. They also contain vast unexplored, even unknown, mineral deposits which are vital to the future of our economy. Certain of these areas are especially valuable for recreation to the millions who live near the water—the majority of our people. Certain areas are unique from a geologic or biologic standpoint.

These various uses of the oceans, the water column, and the seabed can exist in harmony. They are not mutually exclusive nor incompatible. Experience with offshore oil platforms in the Gulf of Mexico has proven, for example, that a net increase in the fish population generally results.

Title III authorizes the Secretary of Commerce, who obviously would utilize the expertise of the National Oceanic and Atmospheric Administration, to designate as marine sanctuaries those areas which he determines should be preserved for their conservation, recreational, ecological or esthetic value. An initial designation must be made within 2 years.

Any designation of a marine sanctuary will only be made after consultation with the Secretaries of State, Defense, Interior, and Transportation and the Administrator of Environmental Protection Agency.

No sanctuary encompassing State waters may become effective as to those waters, if unacceptable to the Governor of the State.

The report of your committee makes it abundantly clear that the designation of a marine sanctuary is not intended to rule out multiple use of the sea surface, water column or seabed. Any proposed activity must, however, be consistent with the overall purpose of this title An inconsistent use, in my opinion, would be one which negates the fundamental purpose for which a specific sanctuary may be established.

This title, Mr. Chairman, is intended to insure that our coastal ocean waters are utilized to meet our total needs from the sea. Those needs include recreation, resource exploitation, the advancement of knowledge of the earth, and the preservation of unique areas. All are important:

This title is not designed to terminate the use of our coastal waters to meet any of these needs.

I would like to lay to rest the idea that this concept is contrary to our national posture on the law of the sea. It is not a case of creeping jurisdiction. It does not have extra territorial effect. The designation of a marine sanctuary beyond 12 miles is not binding on foreign nations; but legislation clearly directs the Secretary of State to seek foreign recognition of our marine sanctuaries through appropriate diplomatic channels. Your committee is fully aware of the limitations on our authority in this regard. Such traditional international rights as freedom of navigation and innocent passage are not disturbed by this legislation.

In conclusion, Mr. Chairman, the need for this legislation is clear. Your committee has devoted more consideration to the detailed provisions of this legislation than any other bill I can recall. It has the total support of all members of your committee. I urge its adoption.

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

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

Mr. DINGELL. I rise to pay tribute to the gentleman from Ohio for the outstanding participation and for the great contribution he made in the creation of the legislation now before us. He and my good friend the gentleman from Washington (Mr. PELLY) have worked for months, and have been invaluable in presenting this legislation to the House.

Mr. MOSHER. I thank the gentleman from Michigan. I repeat the remarks I have already made, that the gentleman from Washington (Mr. PELLY) and I greatly appreciate the consideration of the two chairmen of the two subcommittees in their joint effort. It was a tremendous effort they made.

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. GARMATZ) the chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. Mr. Chairman, I rise in strong support of H.R. 9727 because I think this is a significant and essential piece of environmental legislation.

Basically, this bill is designed to establish a concerted, national policy on ocean dumping. It represents the first opportunity for the House to pass legislation

to prevent the oceans from becoming dangerously polluted and perhaps irreversibly damaged.

Although my entire committee feels that rapid action on this bill is vital, I want to emphasize that its evolution through the normal committee process was neither hasty nor perfunctory. Every section was closely scrutinized, and the original administration bill was revised with the utmost care, and with much painstaking deliberation on the language the House now has before it for consideration. In addition to extensive hearings, long hours of executive sessions were held, and we estimate that more than 75 hours were spent on the legislation by the committee members.

During all those hours, Congressman DINGELL and Congressman LENNON jointly chaired those sessions, since the hearings were jointly held by the Subcommittee on Fisheries and Wildlife Conservation and the Subcommittee on Oceanography.

Since my distinguished and dedicated colleagues, Congressmen DINGELL and LENNON are such experts on this bill, I will be pleased to have them explain it in detail. I would like to say, however, that I consider this bill unique—partially because of the abnormal length of time and effort that was expended to hammer out legislation that would work but primarily because I think it sets an example and will provide useful guidelines for future environmental legislation. I say this because it attempts to guard against over-reaction to pollution problems by establishing a sensible and essential balance between the need to protect our environment and the need to maintain and promote industrial and economic development.

That kind of balance was not easy to attain, and this is one of the reasons the committee members worked so long and hard. Their efforts were rewarded, because they have produced a bill that will effectively protect and preserve the vast ocean resources, and at the same time, satisfy the justifiable concerns expressed during our hearings by industrial interests—such as the port authorities, and the steamship, dredging and chemical industries—which could have been adversely affected by legislation that was too hurriedly drafted.

It is also interesting to note that—perhaps for the first time—the representatives of some of these industries realized and admitted that they must make concessions and share the obligation to the Nation's ecology as well as to its economy.

Mr. Chairman, this is a good bill. It will fulfill a great and vital need. I earnestly urge my colleagues in the House to support and unanimously pass H.R. 9727.

Mr. MOSHER. Mr. Chairman, I think Mr. LENNON, the gentleman from North Carolina, should be accorded time at this point. I hope the gentleman from Michigan (Mr. DINGELL) will give him such time.

Mr. DINGELL. Mr. Chairman, I am indeed happy to yield 10 minutes to my distinguished friend and colleague, the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I rise in strong support of the bill before the committee today. It is, in my opinion, an effective bill, a rational bill, and a bill long past due.

For many years, this Nation, along with other nations in the world, have treated the oceans as an unrestricted dumping ground. Quantities of garbage, sewage sludge, laboratory wastes, contaminated dredge spoils, industrial wastes, munitions, and radioactive materials have all been casually disposed of into the ocean "sink," in ever increasing quantities, with little or no consideration of the impact on the receiving waters. In the past few years, we have begun to realize some of the consequences of our past actions. Our attention has been drawn to emergency situations where large quantities of nerve gas, enclosed in supposedly leak-proof containers, have been transported from the center of our country to be loaded on vessels for dispositon at sea. Congressional hearings to inquire into the need for such an action resulted only in declarations that it was too late to take any other disposal action. The truth of the matter is that no alternative plans were considered, and the nerve gas, together with its propellant charges, were simply allowed to reach a point where their threatened deterioration might create a major hazard unless they were immediately disposed of. The solution for the disposal was the selfsame ocean waters where the feelings in the past has been "out of sight, out of mind."

The various dumping activities have been coupled with agricultural runoff from the land and vast quantities of waste materials deposited into our river systems for transportation to the sea. Added together, they have had a massive deleterious effect on our offshore waters. Plants and animals have been killed by toxic wastes, areas of ocean bottom, such as the New York Bight, have been suffocated and turned into "ocean deserts," cancerous growths have been found on fishes in areas polluted by waste material, reduced growth rates and lowered reproductivity activity of fishes have occurred, the lower levels of the food chain in the ocean waters have been obliterated in some areas. The concentrations of pesticides and heavy metals have rendered some fish species unsafe for consumption and have threatened the existence of other species higher in the food chain, the oxygen in many water areas have been depleted below the level necessary either to support marine life or to degrade the deposited wastes, and beaches have been closed to swimming and shellfish beds closed to harvesting because of high concentrations of coliform bacteria and of viruses causing various types of infection and diseases.

Aside from the massive threat to animal and human health, the results of this pollution have caused significant economic losses. Resort areas have experienced a loss of income-producing visitors, and commercially valuable fisheries have suffered, with the loss to the shellfish catch alone estimated at $63 million in the 1969 harvest. This situation requires prompt action.

The bill before the committee today, H.R. 9727, as amended, will not correct present conditions overnight. It could not be expected to. But it is a start—a major step down the long road to correction. No longer need we be startled by the news that a shipload of munitions and chemical warfare agents has been scuttled at sea. No longer need we alert our coastal residents that their beach fronts are threatened by foul smelling garbage which is washing up on shore as a result of a trip by a "honey barge." Finally, no longer need we expose our coastal communities and the marine life at sea to the hazardous threat of packaged nerve gas carried through the countryside to a seaport community to be loaded aboard ship for transportation to sea.

The bill before you does several important things. In title I, it bans the transportation from the United States for dumping at sea of all radiological, chemical and biological warfare agents, as well as high-level or "hot" radioactive waste. It applies the same ban against dumping in any waters subject to the jurisdiction of the United States and finally, it applies the same ban to the U.S. Government and its officers and agents for transportation of such materials for dumping at sea from any sources outside the United States.

In addition, for materials other than those which are banned, title I provides for a permit system to be administered by the Secretary of the Army as to dredged or fill material and to be administered by the Administrator of the Environmental Protection Agency for the disposal of all other materials at sea, or in our coastal waters. Both the Administrator and the Secretary of the Army will be guided in issuing permits by criteria to be developed to serve as the standards under which permits may be issued. The criteria will require an evaluation of all pertinent factors before any material can be transported for dumping into the oceans, coastal and other waters. Some of the factors involved include the need for the dumping, its potential effect on human health and welfare, on fisheries resources and on the marine environment, and will further require an evaluation of the permanence or persistence of those effects, as well as the volumes and concentrations involved, and finally, a consideration of other feasible disposal methods, including land based alternatives.

The bill deliberately divides responsibility between the Environmental Protection Agency and the Corps of Engineers. All other Federal agencies, as well as local governments and private entities will be bound by their determinations. The major responsibility as should be apparent is given to the agency created last year for the protection of our environment. It is that agency which will be responsible not only for the permit system relating to most of the material types but will also develop, after appropriate consultation, the criteria under which its own permits, as well as the Army

permits, are evaluated. At the same time, the bill recognizes the responsibility of the Army Engineers in the maintenance of our waterways and, therefore, leaves to the Army the permit system relating to the disposal of dredged spoils and fill material. In so doing, it authorizes the Secretary of the Army in his evaluations to consider specific potential impacts on navigation, economic and industrial development, and the foreign and domestic commerce of the United States in making his evaluation.

In my opinion, the result is a reasonable balance between the demonstrated needs to protect our marine environment, and the economic needs of our domestic and foreign water commerce. The Secretary, in effect, will be bound to follow the guidelines laid down to protect the environment unless he finds that in so doing necessary maintenance projects in the waterways would have to be canceled.

The bill also provides for appropriate public hearings on permit issuance when such hearings would serve a legitimate public interest. It consolidates the penalty procedures in one agency, the Environmental Protection Agency, which, coordinating as necessary with other agencies, particularly the Department of Justice, will insure a uniform application of penalty procedures. It places the surveillance and enforcement responsibility in one agency, the Coast Guard, and insures the necessary coordination between that agency and the Environmental Protection Agency. It provides for legal action by private citizens when violations are not expeditiously handled by the responsible officials, and finally, it directs the Secretary of State to seek effective international action for the development of appropriate international controls similar to the ones provided domestically by this act.

The bill includes two additional titles which are complementary to title I. The first of these focuses attention on necessary research to evaluate both short-term and long-range effects of ocean pollution thereby assuring that as ocean dumping procedures are tightened, acceptable activities in regard to disposal of materials at sea are not terminated.

Title III concerning the designation of marine sanctuaries provides a scheme whereby areas may be preserved or restored in order to insure their maximum overall potential and would. in effect, provide for rational decisions on competing uses in the offshore waters.

This legislation developed from an administration proposal and has been carefully considered in detail in joint hearings and executive sessions of the Subcommittees on Oceanography and on Fish and Wildlife Conservation. The bill before you today was unanimously reported out of the joint subcommittees. It was unanimously adopted and reported to the House by the Committee on Merchant Marine and Fisheries. It is my firm belief that it is an effective piece of legislation which will do much for the restoration of the oceans and coastal waters. I believe that in the years and decades ahead, this Nation will turn more and more to the oceans as a source of food and other resources. If that promise is to be realized, we must take necessary measures to reverse the degrading practices in which we have indulged ourselves in the past. This legislation represents the first step in those measures. I endorse it and solicit the support of all other Members.

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

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

Mr. BIAGGI. Mr. Chairman, I thank the gentleman from North Carolina for yielding, and I would like to associate myself with the gentleman's remarks.

Mr. Chairman, I rise in support of this bill which would strictly regulate the dumping of waste materials into the ocean and establish marine sanctuaries in our coastal and Great Lakes areas.

The committee has developed a good bill which enjoys the support of the administration as well as many conservation and wildlife preservation groups. In committee, we sought to strengthen the proposals of the President by requiring the regulation of radioactive wastes dumped by the Atomic Energy Commission and by requiring the Corps of Engineers to apply the Environmental Protection Agency's criteria when issuing permits for ocean dumping. The committee also felt a need to include an absolute ban on the dumping of chemical and biological warfare agents and high-level radioactive wastes.

Additionally this measure would require the Secretary of Commerce to establish marine sanctuaries in our coastal water and in the Great Lakes to preserve our shoreline waters for recreational, ecological, conservation, and esthetic values. The Secretary would also be instructed to investigate the extent of damage done to the ocean environment by man.

Thor Heyerdahl who has attempted to cross the ocean in a raft has professed horror over the extent of the pollution of the oceans. Even far out at sea the telltale and extensive presence of man is easily detected. Perhaps the most dominant source of pollution is ships which daily dump thousands of gallons of oil into our waters. Added to this is the frequent pollution of our coastal waters from tanker spills and oil drilling operations.

It was only a short while ago that New York City's Coney Island beach area was closed due to an oil spill from a Navy vessel. The damage to marine life caused by oil spills is extremely serious. I am sure that the research section of this bill will bring that fact out all the more clearly.

Because of the serious hazard posed by oil pollution, I intend to support the amendment offered by the gentleman from New York (Mr. LENT) and the gentleman from California (Mr. TEAGUE). Their proposal would merely place a moratorium on the issuance of permits for oil drilling in areas under consideration for marine sanctuaries.

Now this amendment will in no way eliminate offshore oil drilling. It will simply restrict it for a period of 3 years in certain areas. Once an oil spill from an offshore rig occurs the damage is irreversible.

If an area is under consideration for designation as a marine sanctuary, this amendment would assure that it has a chance of being in usable condition. I do not believe the amendment will be that crippling to the oil industry. There are ample offshore reserves to be tapped—none of which is in danger of going dry in the next 3 years.

This bill and the amendment to be offered deserves the strong support of this body. It shows the strong commitment that the Members of the 92d Congress have toward cleaning up and preserving our environment for the future. This is so little a price to pay for saving our oceans.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I wish to join my colleagues on the Committee on Merchant Marine and Fisheires in expressing my strong support for this legislation.

The world's oceans which cover nearly three-quarters of the earth's surface are indeed critical to our environment. Our weather is largely the product of the interaction between the sea and the atmosphere under the influence of the sun. The world's oceans support an intricate balance of life, both plant and animal. Upon this balance, depends the abundance of our world's fisheries. Our coastal waters provide recreation and inspiration for our people. Below those waters locked in the seabed are mineral resources, the extent of which we are only just beginning to grasp. These resources are a heritage for all mankind, and hopefully will enable us to sustain our society which is so dependent upon energy and raw materials for years to come.

We have not dealt with this vast resource wisely. We have assumed incorrectly that the oceans can continue to absorb our waste materials and somehow maintain the delicate balance of life. Pollution was once a problem only within a narrow belt in the so-called coastal zone where our rivers empty into the sea, and where our people are concentrated. During the past several decades, however, pollution of the seas has spread to the point where literally no body of water anywhere in the world is free from its effects. The population of the world is expanding at an ever-increasing rate. With this expansion, it can be expected that there will be an increasing tendency to turn to the oceans as a place to hide our waste materials. This tendency must be arrested before it is too late, while there is still time.

The enactment of H.R. 9727 will place the United States in the forefront of a worldwide effort to stop one of the most critical contributors to the pollution of the oceans, the dumping of waste generated by man on shore. The United States alone cannot accomplish this task. Efforts are being made to secure

the adoption of an international ocean-dumping convention through the United Nations Conference on the Human Environment. The worldwide adoption of such a convention will enable the oceans to restore themselves through natural processes. More immediately, the enactment of this legislation will begin the process of cleaning up our most valuable and critical waters within the coastal zone area where most deliberate dumping occurs. It is this narrow belt of the ocean extending perhaps 100 miles to sea which supports our richest fishing areas, provides recreation for millions of people, and contains the petroleum and other mineral resources that can be extracted economically with the technology at hand.

The permit system established under this legislation is not a license to dump. Business as usual will not be tolerated. The Administrator of EPA, and the Secretary of the Army in the case of dredge spoil and fill material, must carefully weigh each application for dumping and determine that the activity can be undertaken in harmony with the needs of human health and the safety of the marine environment. We are placing upon the Administrator of EPA and the Secretary of the Army an extremely heavy burden. It will not be easy to make the decisions called for. Many hard decisions will have to be made; decisions which will compel, in many cases, our cities and industries to begin searching for other means to dispose of their waste.

The detailed provisions of this legislation have been fully explained by the distinguished chairman of the Fisheries and Wildlife Conservation Subcommittee, Mr. DINGELL, and need not be repeated. I will, however, comment briefly on several key provisions that bear emphasis. The scope of this legislation encompasses not only the oceans and our coastal waters but the Great Lakes and their connecting waterways. Steps already have been taken to prevent the death of the Great Lakes, but they are not enough. The Great Lakes are one of our national assets. No price tag can be placed on this asset. No step can be too great to protect them. In close cooperation with Canada, we are making progress. H.R. 9727 will contribute substantially to this effort.

The committee's action in expanding this legislation to encompass research and marine sanctuaries recognizes the fact that an essentially negative act preventing further dumping is not enough. Dumping in the oceans will not, of course, be totally eliminated overnight. Alternatives must be developed, ones which our hard-pressed cities can afford. In the meantime, we must monitor the dumping that is permitted to insure that the procedures we have established, the criteria which has been promulgated, are accomplishing a reduction in the overall level of pollution. We must also undertake to survey in a broad sense our coastal waters extending over the Continental Shelf to pinpoint those areas which are of particular value. In those areas, which we have termed marine sanctuaries, we should be certain that man's use of the sea or his intervention in the sea is in harmony with the unique attributes of the area. That is not to say that man should not go into the sea to exploit its resources, living and nonliving, but only that he must do this intelligently, giving due consideration to all of the uses and benefits which these areas may contribute for our well-being.

Title III of this legislation, therefore, is intended to assure the development of these resources and at the same time provide some legitimate protection against thoughtless abuse of the sea.

I urge my colleagues to support the Marine Protection Research, and Sanctuaries Act, as reported to you after the most careful consideration by your committee.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I join with the other members of the Committee on Merchant Marine and Fisheries in heartily endorsing this legislation and in their well-justified commendations of the leaders who have been so adept and so thoughtful and so perceptive in developing this concept and bringing it to the floor.

Mr. Chairman, I am particularly concerned that an effort may be made to strike the so-called marine sanctuaries title, title III, from the ocean dumping bill—H.R. 9727. You, too, should be concerned.

More than 4 years ago, specifically on July 19, 1967, I brought to the attention of the Congress that—

> Industrial and commercial development can go hand in hand with fishing, recreational, conservation, and scientific uses of the seas—if we are wise enough to see that these various uses are made compatible with each other.

In stating this concept, it was not my intent to be in conflict with those who seek to use these resources for industrial or commercial development; nor was it the purpose of our Merchant Marine and Fisheries Committee colleagues, who last July voted unanimously to incorporate this marine sanctuaries concept as title III of the legislation before us today.

In our long-considered, sober response to urgent public pleas to preserve our coastal waters and fisheries, it was not our intent to be punitive—nor to overreact to a most serious and worsening public problem. And we have not done so.

Title III in this bill is the result of 4 years of in-depth inquiry and consultation with all pertinent departments and agencies of the executive branch. Throughout this protracted period of investigation and consideration, the original marine sanctuaries concept has been changed from one which would have called for a complete oil drilling moratorium to one which would permit drilling within the purposes of this title.

Specifically, that purpose is to preserve or restore, for their conservation, recreational, ecological, or esthetic values, coastal and other waters as far seaward as the outer edge of the Continental Shelf. Most importantly, this title specifically authorizes the Secretary of Commerce to consult with the Secretaries of State, Defense, Interior, and Transportation, as well as with the Administrator of the Environmental Protection Agency—before designating any such area as a marine sanctuary.

Certainly we do not intend, here, to punish consumers by denying them the necessary food and energy of the sea and seabed. Neither, however, do we intend to be so responsive to the mineral interests that we adversely affect the essential protein resources of the sea.

I certainly believe in the dual usage concept for our coastal waters. But I also believe such dual usage must be balanced. Neither usage should be permitted to destroy the other. In short, we need the oil and gas and we need the fish. Our bill recognizes this key fact. And it provides the proper safeguards to preserve that balanced basis.

I must admit that the word, "sanctuaries," carries a misleading connotation. It implies a restriction and a permanency not provided in the title itself.

Title III simply provides for an orderly review of the activities on our Continental Shelf. Its purpose is to assure the preservation of our coastal areas and fisheries, thus protecting our source of protein and at the same time assuring such industrial and commercial development as may be necessary in the national interest.

Quite obviously, we seek proper and reasonable assurances against another Santa Barbara disaster. At the same time, we protect the full potential of all resources in, on, and above our Continental Shelf.

There is, today, much talk and great concern as to where our oil will come from 15 years from now. There is, on the other hand, much talk and great concern as to what may be left of our environment 15 years from now.

Title III gives more than mere consideration to both of these compelling national problems. It provides for multiple usage of the designated areas. It provides a balanced, even-handed means of prohibiting the resolution of one problem at the expense of the other. It guards against "ecology for the sake of ecology." It also guards against the cynical philosophy that the need for oil is so compelling that it justifies the destruction of our environment.

If we are as concerned as we claim about our environment, let us show it by accepting the recommendations of the Merchant Marine and Fisheries Committee and vote for the bill in its entirety.

Mr. MOSHER. Mr. Chairman, I yield to the gentleman from Delaware (Mr. DU PONT) such time as he may consume.

Mr. DU PONT. Mr. Chairman, I would like to begin by commending the distinguished chairman of the Committee on Merchant Marine and Fisheries and the gentleman from North Carolina and the gentleman from Michigan, who so skillfully steered this bill through a myriad of hearings and successfully brought it to the floor for a vote. I can think of no field that is more important to my district and my State than that of ocean dumping. The eastern border of the State of Delaware is the Delaware River, and

I am not proud to say I think it ranks very high among the most polluted areas of any in the United States.

This bill, I believe, will go a long way in curing that situation and bringing under control the unregulated dumping of garbage, chemicals, and other substances into the Delaware River and the waters adjacent to all our States that border on the oceans.

One of the problems that we face in any bill of this kind regulating pollution is the problem of the jurisdictional loophole, the jurisdictional overlap that would allow a polluter or a dumper somehow to escape prosecution because conflicting jurisdictions provide a legal loophole.

Our committee considered this subject at some length, and our initial concern was to see that this loophole was closed, but at the same time to assure that States had the opportunity to make their inputs into dumping law.

We came up with a compromise, not a bill that would completely pre-empt the States, but one which would allow the States to offer their own regulations, to allow the Secretary of EPA to approve those regulations and make them a part of the Federal law. This would do several things: It would permit those State regulations to be enforced in Federal Court. It would permit the broad injunctive powers of the Federal Courts to be brought to bear on polluters, and it would give very broad Federal jurisdiction, which is desperately needed, to solve ocean dumping problems. I believe that this compromise is an excellent one. It would allow the Federal Government to move swiftly and surely in the area of stopping ocean dumping at the same time it would allow States to put their inputs in where there are areas that are peculiar to those States and those regions which would be affected by ocean dumping.

So, I urge the members of the committee and the Members of the House to pass this bill as it stands and to bring into the law an effective device that will limit the pollution of our oceans and navigable rivers.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I yield whatever time he desires to the gentleman from Pennsylvania (Mr. BYRNE).

Mr. BYRNE of Pennsylvania. Mr. Chairman, I rise in support of H.R. 9727, as reported by the Committee on Merchant Marine and Fisheries.

I will not detain the committee long, but I feel it is very important to point out the urgent need for the proposed legislation which we are considering today. For too long we have discussed and bemoaned the deteriorating condition of our coastal and ocean waters, and have taken no action to correct the problem. Today, we have before us a bill which will accomplish that purpose. It resulted from committee consideration of more than 50 bills on the subject, cosponsored by more than a third of the membership of this House. Eleven Congressmen appeared to urge action before the subcommittees considering the problem.

I urge the membership of this body to endorse this work by the Merchant Marine and Fisheries Committee and take the first major step in protecting and restoring the quality of our ocean waters.

Mr. MOSHER. Mr. Chairman, I yield such time as he desires to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 9727—the Marine Protection, Research and Sanctuaries Act of 1971. The information which has been obtained through committee hearings and the practical consequences of ocean dumping, of which I am sure you are well aware, can leave no doubt that immediate measures must be taken to preserve our marine environment.

In this time of oil spill disasters, unbridled dumping of waste materials in our waters and the resulting suffocation and poisoning of marine wildlife, it is clear that a stringent stand must be taken with regard to standardizing and controling dumping procedures. H.R. 9727, I feel, accomplishes this end.

H.R. 9727 provides not only for the control of dumping, but also for the study and research of the environmental effects of this harmful activity. This kind of research is greatly needed to define the problem, as well as to aid in the implementation of proposed programs designed to clean up and preserve our environment.

H.R. 9727 authorizes funds for the creation of marine sanctuaries, as well as outlining a procedure for controlling ocean dumping. I feel that efforts to preserve our environment and conserve our natural resources must be joined with efforts to control wasteful and destructive pollution. The Marine Protection, Research and Sanctuaries Act of 1971 provides this two-pronged approach.

The immediacy of the pollution problem cannot be overlooked. Steps must be taken now to halt the indiscriminate dumping of materials into our oceans. The long-run effects of dumping have not yet been determined, but it is evident that permanent and irreparable damage will be done if this menace to health and environment is not halted. I urge that you give careful consideration to the measure which is before you. We must stop the plague of pollution now, before the tragic and irreversible efforts of long-run pollution become a reality.

Mr. MOSHER. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Chairman, the legislation we are considering today, the ocean dumping control bill, is directed at one of the most serious environmental concerns facing our Nation.

H.R. 9727, the Marine Protection, Research and Sanctuaries Act, constitutes one of the most significant pieces of legislation in the field of ecology ever to come before this House.

It constitutes the first major step toward regulation of the dumping of wastes into our oceans, coastal and territorial waters.

It is a tough bill. It provides stiff penalties. It is aimed at preserving and improving the quality of our ocean waters, aquatic life and our beaches.

In my judgment, this bill is a truly significant start toward eventually eliminating the harmful dumping of wastes into the ocean.

One of the strong points, I believe, is that this bill regulates the transportation of wastes upon the ocean—not merely the dumping of undesirable material. Thus, if the Administrator of the Environmental Protection Agency determines that such dumping will be detrimental ecologically, the material may not be transported from the shores to be discarded anywhere in the ocean.

Another environmentally important aspect of H.R. 9727 is contained in title III, authorizing designation as marine sanctuaries those areas of oceans, coastal waters, and Great Lakes which are to be preserved for their conservation, recreational, ecological, or esthetic values.

Thus, the bill provides for establishment of ocean sanctuaries where no defilement by pollution will be permitted whatsoever. This section, in my view, must be retained.

In fact, any attempt to weaken the legislation now before us must be defeated if this House is really serious about combatting the threat of water pollution which does, indeed, face this Nation.

H.R. 9727 also provides for extensive research and monitoring of the effects of the dumping activities permitted under the bill, with a view toward making improvements in the future as they are required. It provides for a long-range internationally oriented research effort as to the global effects of human activities on ocean ecosystems.

No piece of legislation approved by this House is perfect, and there is one area in this measure which does cause me concern. That is the provision which supersedes any State regulation of ocean dumping activities.

Instead of being able to enforce their own ocean dumping laws, supplementing this new Federal measure, States would only be entitled to propose stronger regulating criteria to the Administrator of the Environmental Protection Agency for adoption after appropriate hearings and consideration.

Frankly, I question the wisdom of preventing States from seeking standards even higher than those encompassed in this bill. The EPA Administrator testified before our committee that he had no objection to the States having their own regulations and enforcing them. I must agree with his reasoning.

However, despite this provision, H.R. 9727 is designed to attack a problem that is immediate and severe and to provide a national policy on ocean dumping.

No one really knows how severe the problem of ocean pollution really is, or how long man can continue to contaminate his atmosphere. The true cost of our environmental destruction has never been tabulated. We can only guess.

But, Mr. Chairman, we can afford to wait no longer. We must pass this bill. We must demonstrate to the American people that Congress is ready, willing—and,

yes, able—to act in this area of critical need. Let us not delay.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. EDWARDS.)

Mr. EDWARDS of Alabama. Mr. Chairman, for months, most of the talk surrounding the need for increasing antipollution efforts have been confined largely to the skies above us and the rivers and lakes which crisscross our vast Nation.

This has been good. But total, concern has spread more rapidly to the oceans around us.

It is now well beyond the realm of any doubt that the oceans of the world have gradually become one gigantic septic tank in which poisonous wastes are accumulating at rates many consider unusually alarming. Sailors are increasing reporting sightings of indsutrial spillage and polluted waste that heretofore seemed only to be a problem of our inland waterways.

Thor Heyerdahl, the noted world scientist and explorer of Kon Tiki fame and who, more recently sailed a replica of an Egyptian reed boat across the Atlantic, more than a year ago reported a number of sightings of large patches of oil and polluted waste which continually created navigational hazards.

A number of years ago, I recall seeing one of those Hollywood science fiction productions which dealt with the eventual destruction of our planet earth brought about by a form of air pollution which completely enveloped the world with a cover of hot, gaseous poison. An international conference was called into emergency session to deal with the problem and, fortunately, as most science fiction productions run their course, the world was eventually saved from total annihilation.

I shudder to think that this Nation and this world might now be approaching such a menacing turn of events. But the truth is that we are reaching that point insofar as our oceans are concerned. Certainly this is the case in the Gulf of Mexico.

Mr. Chairman, I firmly believe the provisions to combat this growing problem encompassed in H.R. 9727 will go a long way toward alleviating much of our concern over ocean pollution before it is too late. The bill is not perfect, but we have to get started. I wish to commend the chairman of the Merchant Marine and Fisheries Committee and his committee members for authoring this valuable and timely piece of legislation.

It is also reassuring to note that, in addition to the introduction of this bill, other national and international efforts are being pursued to help rid the world of this menace to human health, welfare, marine environment, ecology, and economy.

An international conference has been held in London to discuss the merits of a worldwide program to identify the most dangerous accumulations of ocean pollution. The results of such a program are to be presented to the United Nations Conference on the Human Environment scheduled next year in Stockholm.

And recently, here in Washington, the National Academy of Sciences issued a report by its Ocean Affairs Board calling for an ultimate end to the discharge of DDT and other chlorinated hydrocarbons into the oceans.

According to the report, probably close to a quarter of all DDT manufactured to date in the world is now in the oceans and most all salt water fish are contaminated with some type of poisonous residue.

Such pollutants, washed off the land into rivers or swept from the air by rain, tend to end up in the sea and the oceans are accumulating them at a more rapid rate than ever believed possible.

As an example of the killing effect of DDT on marine life, conservation officials along the south Texas gulf coast have reported a decline in the density of speckled sea trout from 30 an acre in 1964 to less than 0.2 per acre in 1969. A similar situation in the decline of marine life has been affecting waters off the Alabama gulf coast as well as other coastal areas of our Nation.

Mercury poisoning of fish which gained national notoriety over a year ago throughout many of the Nation's fresh water lakes and rivers has also become a scourge of the high seas. The reporting of high levels of mercury in tuna, swordfish, and other varieties of popular game fish has created considerable concern among the general public—for health reasons—and also among commercial fishermen, for economic reasons.

All of this evidence of pollution throughout the oceans of the world should be alarming enough to make every American and every citizen of the world aware of the urgency of meeting this menace head on now, not 5 or 10 years from now. There can be no alternative to the survival of mankind.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, the Marine Protection, Research, and Sanctuaries Act of 1971 which we are voting on today is one of the most important environmental proposals to come before this Congress.

After hearings were held by the Merchant Marine and Fisheries Committee, of which I was a member in the second session of the 91st Congress, on ocean dumping, I drafted the first piece of legislation to comprehensively deal with this tragic problem. I reintroduced this bill together with 52 cosponsors early in this session, including Mr. LENNON, chairman of the Oceanography Subcommittee, and other members of the Merchant Marine and Fisheries Committee.

This bill is almost identical to H.R. 9727 which we are voting on today. H.R. 9727, similar to both my bill and the administration bill, prohibits the dumping of waste material into the ocean, coastal waters and estuarine areas, except under a permit signed by the Administrator of the Environmental Protection Agency.

However, the two major differences between my bill and the administration's were adopted by the committee and are included in H.R. 9727. These are the provisions for the creation of marine sanctuaries and the absolute prohibition of the dumping of certain kinds of materials. The inclusion of these two provisions, in my opinion, will substantially increase the possibility of preserving and protecting our marine environment.

Title III of H.R. 9727 will permit the Secretary of Commerce, acting through NOAA, to designate certain areas up to the edge of the Continental Shelf as marine sanctuaries, subject only to the powers of the Governors of the coastal States to approve or disapprove such portions of the proposed sanctuaries as may lie within the boundaries of those stated territorial jurisdictions.

The philosophy of establishing marine sanctuaries is that instead of designating areas where dumping may be conducted safely, we should determine which areas of our marine environment are most valuable and set them aside as sanctuaries. There is a need to relate the problem of ocean dumping to the broader problem of preserving certain ecosystems within the coastal zone areas. The need exists because the dumping of dredge spoil constitutes the largest single element in the growing volume of refuse being dumped into the ocean. And, most dredge spoil is dumped relatively inshore where it may and has contaminated the valuable shellfish and fish species therein.

The estuaries and shallow nearshore areas are biologically critical areas, as many marine organisms breed or spawn there. They should be delineated and protected. There have been heavy kills of fish and at least one-fifth of the Nation's commercial shellfish beds have been lost due to pollution. Shellfish have been found to contain hepatitis, polio virus, and other pathogens. In the lagoons and estuaries in Brevard County, Fla., for example, heavy freshwater runoffs from agricultural areas have resulted in the banning of shellfish harvesting, which was a major industry in the area. Lifeless zones in the marine environment have been created.

The other provision which was adopted from the legislation I introduced appears in title I. Section 101 completely prohibits the dumping of any radiological, chemical or biological warfare agent or high-level radioactive waste.

The serious adverse effects which the dumping of these materials could and do have, coupled with interim and long-term alternatives to their dumping in the oceans, has led me to conclude that no rational balancing of interests requires the use of our oceans and coastal waters for their dumping.

In some cases these alternatives actually cost less. And when you add in the ecological costs imposed on the marine environment by dumping at sea, in almost every instance it would be less expensive, in both economic and social terms to revert to landbased disposal system. Radioactive wastes can be entombed in salt mines and dismantled. Chemical and biological warfare material can be neutralized, incinerated, or buried. Of course, longer term alternatives such as recycling can and should be explored.

Studies made by the Council on Environmental Quality, the Coast Guard and the Department of the Interior all recommended that the dumping of these categories of material should cease entirely.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I rise in support of H.R. 9727. Like my colleague from New Jersey (Mr. SANDMAN) I believe this bill has been a long time in the making. I want to offer my congratulations to the committee for its good judgment in preparing this bill.

However, there are some portions of it that will undoubtedly come under careful scrutiny, because in my estimation they are not quite strong enough to suit our needs in the State of New Jersey.

As the gentleman from New Jersey (Mr. SANDMAN) noted, I think the strongest part of the bill we are speaking about today is the portion which relates to the granting of permits. Mr. SANDMAN went to considerable lengths in fighting off the pollution menace on our shores a short time back by going into court. We should not be so shortsighted as to consider only our own State in a parochial manner, because this is not just a problem which is confronting our individual States but is one which is confronting the entire world.

Anybody who witnessed what happened over the past weekend, especially on the Italian coast where pollution is so bad that the trees are dying and where the entire seacoast in some places is quarantined and anyone who has witnessed the situation in Hawaii, off Waikiki Beach, which is polluted, and anyone who has witnessed the situation on the shores of New Jersey, where we find a tremendous area, almost 100 square miles in size, of dead sea with no vegetation growing in the area because unscrupulous persons selected this site to dump materials which are foreign to our way of life, knows that we have to do something in order to correct the problem. It must be stopped.

We must stop talking about what we want to do and enact legislation such as this with teeth in it and which requires the proper prerequisites for a permit in order to get permission to dump noxious articles in the ocean.

Not too far in the future we will be relying more and more and more on our oceans and our seas for food in order to accommodate the rapidly growing population explosion which we are experiencing.

For that reason, Mr. Chairman, I think this is a good bill, but, in my estimation, it is only a step in the proper direction. We need further enactment of tough legislation to make this a reality in order to protect our shores from polluting enterprises.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, the Marine Protection Research and Sanctuaries Act of 1971, which we are considering today, is one of the most important steps of environmental legislation ever to come before the House of Representatives.

Title I which requires a permit before any deleterious substances may be dumped into the ocean should provide the needed enforcement power to preserve the economic, esthetic and recreational values of our seas and coastlines.

The research program envisioned under title II of the act should provide the momentum needed to evaluate not only the long-term, but the short-term ecological effects as well as the economic factors involved.

I am particularly gratified that title III of the act provides for the establishment of marine sanctuaries. This embodies a proposal I made in 1967 following the Torry Canyon disaster off the coast of England. While dumping of harmful materials would be strictly policed in these specially protected offshore areas, the bill presently ignores the possible danger of oil spillage in our coastal waters.

Mr. Chairman, in order to correct this deficiency an amendment is being offered to title III of the bill. The amendment will preclude the Secretary of the Interior from issuing any new leases for the drilling or extraction of oil from any area designated, or under study for possible designation as a marine sanctuary. I strongly urge that this amendment be adopted.

The pushing of our land frontier westward from colonial days through the turn of this century is a fascinating saga and can be instructive to us in our present stage of history. This plentiful, beautiful land was laden with resources which fell prey to the ax, the shovel and the torch. The forests and mineral deposits appeared to be unlimited and the industries generally acted accordingly. When the resources became scarce or were depleted, we were forced to develop conservation practices to better utilize the remaining assets.

Man's frontiers today are largely in space and the oceans. Projections of wealth in the oceans, even greater than our western land frontiers, are spurring marine research—both governmental and private. We have begun to realize the bounty that is locked in our marine environment, but we must preserve the beauty also. Learning from history we must not follow the same course of wasteful exploitation when utilizing the resources of the sea. We must set aside some of our abundant seaward areas before they are exploited and laid waste.

We must, therefore, at this early stage in marine development enact this legislation which permits the designation as marine sanctuaries those areas of the oceans, coastal and other waters as far seaward as the outer edge of the Continental Shelf which are determined necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

Mr. Chairman, this important legislation deserves the unanimous support of the Congress.

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

Mr. LENNON. Mr. Chairman, I yield to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Chairman, I, too, wish to rise in support of the bill, H.R. 9727, and commend the chairman of the Committee on Merchant Marine and Fisheries, Mr. GARMATZ, for the great work that he has done on this bill, and, particularly, to commend the chairmen of the two subcommittees, the gentleman from Michigan (Mr. DINGELL), who chaired the Subcommittee on Fisheries and Wildlife and the gentleman from North Carolina (Mr. LENNON), who chaired the Subcommittee on Oceanography and who held hearings both separately and jointly on this bill.

I was privileged to be a member of the two subcommittees and had a chance to see the tremendous amount of work, research, and effort that went into this bill. I know how many weeks of hearings and testimony there were on behalf of this bill and the various views presented, and I do not believe there have been many bills before us that have had the thorough airing by two important subcommittees that this bill has had. It has my support, and I want to commend those who have given leadership in bringing this much-needed bill before the House.

Due to the leadership and initiative of these three men, we have before us, for the first time, a national plan to control the pollution of our ocean and coastal waters. As our chairman, the Honorable EDWARD R. GARMATZ, said upon the opening of committee hearings earlier this year, this matter would comprise possibly "the most important consideration of environmental legislation to be held in this session of Congress."

PURPOSE OF THIS LEGISLATION

The purpose of the legislation before us is to prohibit unregulated dumping of waste material into the oceans, coastal and other waters.

In accomplishing this purpose, the transportation and dumping of radiological, chemical, or biological warfare agents and high-level radioactive wastes would be banned. There would also be a ban placed upon the transportation and dumping of all other waste material, unless authorized by a permit to be issued by the Administrator of the Environmental Protection Agency or the Secretary of the Army, as the case may be.

NEED FOR THIS LEGISLATION

The need for such legislation is obvious. According to the Council on Environmental Quality, 48 million tons of wastes were dumped at sea in 1968; 250 known disposal sites off U.S. coasts receive this tonnage of dredge spoils, industrial wastes, sewage sludge, construction and demolition debris, solid waste, explosives, chemical munitions, radioactive wastes, and miscellaneous materials. Further data indicate that the volume of wastes dumped in the ocean is increasing rapidly. Every body of water can assimilate certain amounts and kinds of waste products, but every body of water, including the ocean, has a limit.

The ill effects on marine life and the danger to humans are also of major con-

cern. According to the October 1970 report of the Council on Environmental Quality:

Shellfish have been found to contain hepatitis, polio virus, and other pathogens; pollution has closed at least one-fifth of the Nation's commercial shellfish beds; beaches and bays have been closed to swimming and other recreational use; lifeless zones have been created in the marine environment; there have been heavy kills of fish and other organisms; and identifiable portions of the marine ecosystem have been profoundly changed.

Also at stake is the question of the ultimate responsibility of the United States toward its neighbors. The migratory habits of ocean pollutants have become increasingly clear in recent years, as shown by discovery of toxic metallic substances in arctic animals. Only 3 months ago, a team of Columbia University scientists, working off Bermuda, determined that great patches of ocean, moved by the interaction of wind and surface agitation, spread pollutants up to 10 times faster than had been thought.

As stated by Paul R. Ehrlich and Anne H. Ehrlich in "The Food-From-the-Sea Myth," Saturday Review, April 4, 1970:

No one knows how long we can continue to pollute the seas with chlorinated hydrocarbon insecticides, polychlorinated biphenyls, and hundreds of thousands of other pollutants without bringing on a world-wide ecological disaster. Subtle changes may already have started a chain reaction in that direction. The true costs of our environmental destruction have never been subjected to proper accounting. The credits are localized and easily demonstrated by the beneficiaries, but the debits are widely dispersed and are borne by the entire population through the distintegration of physical and mental health, and, even more importantly, by the potentially lethal destruction of ecological systems. Despite social, economic, and political barriers to proper ecological accounting, it is urgent and imperative for human society to get the books in order.

The dumping of wastes into our waters is a national disgrace. The legislation before us today is a strong bill which establishes national control standards and in so doing has taken the first steps to preserve the health of the oceans.

OCEAN DUMPING

H.R. 9727 is a comprehensive bill covering three major areas. Title I deals with the problem of the dumping of materials into the U.S. waters, and the transportation for dumping of materials from the United States by anyone, and the transportation for dumping from any place in the world by Federal agencies. Title I provides a comprehensive system for the regulation of these activities, the most notable of which is the issuance of permits by the Administrator of the Environmental Protection Agency after consultation with other agencies and in compliance with other established criteria.

COMPREHENSIVE RESEARCH OF OCEAN DUMPING

Title II directs Government agencies to encourage the study and discussion of the broad questions of the consequences of ocean dumping. Closely related to this is the need to monitor the world's oceans before new problems reach the crisis stage. Title II provides a mechanism by which the National Oceanic and Atmospheric Administration and the National Science Foundation would be encouraged to participate in international cooperation on these matters.

MARINE SANCTUARIES

Title III authorizes the Secretary of Commerce—after consultation with other Cabinet members—

To designate as marine sanctuaries those areas of the oceans, coastal and other waters, as far seaward as the outer edge of the continental shelf as defined in the convention on the continental shelf . . . which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological or esthetic values.

Before the Secretary could set aside such an area he would have to consider the views of affected States.

The Secretary's designation of a sanctuary would become final 60 days after it is proposed—unless the Governor of any State involved certified that the designation, or a specified portion of the area, was unacceptable to his State.

In such a case, the designated sanctuary would not include the area certified by the Government, until the Governor withdrew his certification of unacceptability.

The bill would require the Secretary of Commerce to make his initial designation of marine sanctuaries within 2 years following passage of the new law. Thereafter, he would periodically designate additional areas, submitting an annual report to Congress on his actions and recommendations.

The need to create a mechanism for protecting certain important areas of the coastal zone is not met by any legislation now on the books. It is hoped that the means of arriving at the designation of marine sanctuaries outlined in this section, such as appropriate consultation with State officials, and with Federal departments and agencies, will provide for complete coordination.

Jacques-Yves Cousteau, the well-known scientist and oceanographer, provided a statement which underscores the critical nature of the issues before us today:

Because 96 percent of the water on earth is in the ocean, we have deluded ourselves into thinking of the seas as enormous and indestructible. We have not considered that earth is a closed system. Once destroyed, the oceans can never be replaced. We are obliged now to face the fact that by using it as a universal sewer, we are severely over-taxing the ocean's powers of self-purification.

The sea is the source of all life. If the sea did not exist, man would not exist. The sea is fragile and in danger. We must love and protect it if we hope to continue to exist ourselves.

I strongly support this legislation and urge my colleagues to do likewise.

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. PODELL).

Mr. PODELL. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman from Michigan if he would yield for a question.

Mr. DINGELL. I will be glad to respond to a question. The gentleman does have the time, I would say.

Mr. PODELL. It is my understanding that anyone who knowingly violates any provisions of this law is subject to a criminal fine of not more than $50,000 or imprisonment for 1 year or both. Am I also correct in understanding that an individual who even accidentally dumps pollutants is subject to a stiff civil penalty under the terms of this proposed legislation?

Mr. DINGELL. Yes; the gentleman from New York is entirely correct. All violators, both knowing and accidental, are subject to penalty under the provisions of this bill. Section 105(a) covers any accidental dumping, while section 105(b) covers a knowing, or a knowing and willful flaunting of the law.

Mr. PODELL. It is most gratifying to see Congress taking a strong legislative initiative in this most vital area. Pollution knows no boundaries and the situation is already close to being totally out of hand. We can no longer tolerate massive fish kills, heaps of dead wildlife, and bathing beaches closed down everywhere.

All Americans will benefit from passage of this legislation.

Mr. Chairman, in recent years, the threat of environmental pollution has increased with alarming rapidity.

We have all breathed the air, befouled with filth from factory smokestacks and exhaust fumes from millions of automobiles. We have seen our parks and highways contaminated with carelessly strewn wastepaper and discarded bottles. Our rivers are clogged with raw sewage, and our once vast forests are being ravaged by notoriously wasteful industries.

However, it is now both technologically and economically possible to reverse this trend of destruction. We have the scientific knowledge necessary to clean up our dirty air and water. We have the money which is needed to effect antipollution measures. The problem at hand is to make these funds available at the Federal, State, and local levels, to those who will carry through the necessary antipollution programs.

Let us take a close look at several of the areas where we have problems with pollution. Our waterways are infested with several types of pollution. Domestic sewage consumes 30 percent of our water's oxygen supply. The water's oxygen supply is necessary to the sustenance of numerous forms of plant and animal life. This domestic sewage also determines whether or not water will be contaminated with disease.

There are two methods of purification utilized by waste treatment plants in the processing of domestic sewage. The primary treatment removes floating and settling solids. This eliminates between 30 and 50 percent of the oxygen consuming agents from the water. A secondary biological process will remove up to 95 percent of these oxygen-consuming agents. Through this processing and recycling treatment, it is possible to return water, fouled with sewage, back to our drinking water system.

The Federal Water Pollution Control Administration has already built plants which are capable of maintaining such a "closed system." However, certain problems persist. Even after primary and secondary processing, not even chlorination will positively remove the disease-carrying bacteria from badly contaminated water. Also, the high cost of running such a system presently makes this method of pollution control unfeasible on a nationwide scale.

Although industrial and agricultural wastes do not account for a very substantial part of the disease-carrying capacity of our waterways, they do account for as much as 70 percent of the consumption of the water's oxygen supply.

It is difficult to determine the extent of agricultural pollution as the problem is not centralized in any particular locality. The problem results from the pesticide runoff from our fields and farms.

On the other hand, the extent of industrial pollution is more easily determined.

The producers of primary metals and chemical products contribute more than half of the waste water produced by industrial sources. Other major polluters in this area are papermills, food processors, and the oil and coal industries.

This list is endless when we consider instances which have led to the pollution of our water. We have the problems of high phosphate content in our detergents, disposal of nuclear wastes, acid mine drainage, and of course, numerous tragic oil spills.

Although it may not be as obvious, the air we breathe has also become laden with filth.

Seventy percent of free floating foreign matter is made up of invisible fumes of carbon monoxide, hydrocarbons, and oxides of nitrogen. These are the major elements of automobile exhaust. Of course, a great deal of our air pollution is the result of industry, but the great majority of it is emitted from our own automobiles. The fact that so much of the pollution in the air is invisible, and the fact that air cannot be centrally collected to be filtered through a processing plant, makes the task of cleaning a very hard one.

Congress can pass water pollution control legislation, but it is the individual citizen voting on a local bond issue who will stimulate the construction of waste treatment plants.

The Congress can pass legislation dealing with air pollution control, yet it is up to individuals in each locality to enforce these standards—to see that the local industries are not polluting unnecessarily—and even to purchase pollution control devices for their automobiles.

Mr. Chairman, many societies have risen and fallen through man's recorded history. Some have perished because of war. Our society is daily tearing apart the delicately balanced structure of our natural heritage. Nature always strikes back at those who abuse her. If we do not act now to redress the already perilous imbalance we have created, we shall perish too, in an overwhelming tide of filth, pollution, and disease, all done by our own hand. We shall not go out with a bang, but like a last spark winking out in a garbage dump.

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. I thank the Chairman for yielding.

Mr. Chairman, I am very, very happy that a bill concerning ocean-dumping sludge and other materials is being recognized by the Congress.

Mr. Chairman, it was just a short while ago that the first information came to our attention of the deplorable situation off the coast of New Jersey where there was a 20-mile diameter circle described as a "dead sea" which was caused by the dumping of sludge and other materials into the ocean over the past years.

Hearings have been held by this committee and by the Committee on Public Works on this subject and a great deal of information was brought forth concerning the damage that this indiscriminate dumping has done to the waters, to the shellfish, and to the beaches in that area.

Mr. Chairman, I am concerned with title II of the bill with reference to the research to be carried on having to do with ocean dumping. Section 201(a) deals with research that will be coordinated with the Secretary of the Department of Commerce and the Coast Guard in monitoring and doing research regarding the effects of these dumpings. The Congress is to be informed as to what the dumping is causing. However, I believe that we may be past that stage.

There is a great deal of information that the Congress has now as to the bad effects of dumping. What we need to do and to find out now is what we can do with the sludge. If it is too noxious to dump in the ocean, we certainly cannot spread it upon the land. We need some solutions. Solutions are not mentioned in the legislation itself, however, but in the committee print, it is described in section 201(a) where it states that this research money should be used for, among other things, finding "possible alternatives to existing programs."

I would like to know if it is the intent of the committee and if it is the intent of the Congress that this research money should be used, in part at least, toward finding ways of treating the sludge, ways of composting it or otherwise making it beneficial, or at the very least, making it neutral so that we will be aiming toward a solution of the problem.

Is this the intent of the committee, Mr. Chairman?

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

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

Mr. LENNON. That was discussed, and while at this point in time we cannot be definitive as to what the research will develop in the future, I am grateful for the gentleman raising this question. Certainly, these two joint committees that have been involved in this matter intend to act as an oversight or monitoring committee of the activities of the agencies given the authority under this act.

We are grateful to the gentleman for bringing this to our attention. We have discussed it informally, but I do not recall that we got into the question specifically in considering this legislation, other than the fact that we felt that was what we hoped would come out of this.

Mr. HOWARD. In other words, from the research we may come through with these "alternatives"?

Mr. LENNON. That is correct.

Mr. HOWARD. I thank the chairman for his clarification and wholeheartedly support this legislation.

Mr. LENNON. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I dislike being placed in the role of the devil's advocate because everything has been so harmonious here this afternoon, but I think that there are some things about this legislation that the members of the committee should understand. This is not only an antidumping piece of legislation—and may I say I support title I wholeheartedly, and I shall support title II without too much difficulty—but title III is a usurpation without notice of the authority of the Secretary of the Interior, and to me this seems to be rather unreasonable and inconsiderate on the part of those handling the legislation.

Mr. Chairman, I regret very much that I must oppose title III of H.R. 9727 which provides authority for the Secretary of Commerce to designate marine sanctuaries within a broad area ranging seaward to the outer edge of the Continental Shelf and to regulate any activities permitted within the designated marine sanctuaries. This delegation of authority to the Secretary of Commerce is not appropriate, since the Secretary of the Interior already has responsibility for the Outer Continental Shelf lands.

Mr. Chairman, this is another case where proposed legislation involves the jurisdiction of several committees, but I submit that so far as what is proposed in title III of this bill is concerned, the primary jurisdiction lies with the Committee on Interior and Insular Affairs. The Committee on Interior and Insular Affairs has jurisdiction over the public lands generally, mineral resources of the public lands, petroleum conservation on the public lands, and mineral land laws, as well as outdoor recreation plans and the preservation of areas for ecological and esthetic values. There is no question but that this legislation is directed at the mineral leasing program authorized by the Outer Continental Shelf Lands Act over which the Interior and Insular Affairs Committee has oversight responsibility. The OCS Lands Act is considered a public land law and responsibility for its administration has been given to the Department of the Interior.

The term "public lands" was defined by the Congress in the Withdrawal Act of 1958 as including lands and waters of the Outer Continental Shelf. The jurisdiction presently claimed by the United States beyond the territorial sea pertains only to the natural resources of the Outer Continental Shelf. Thus, the only per-

mitted activity lawfully that would be subject to certification by the Secretary of Commerce within a marine sanctuary beyond the territorial sea would be that which is already subject to regulation by the Department of the Interior under the Outer Continental Shelf Lands Act. Bills to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act are pending in the Committee on Interior and Insular Affairs. The Department of the Interior is already giving full consideration to the environmental impact of the mineral leasing program pursuant to the provisions of the National Environmental Policy Act. No Federal agency is better able than the Department of the Interior to identify the natural values that must be preserved, and it does not make sense to me to transfer this authority and responsibility to the Department of Commerce.

I regret that the Committee on Interior and Insular Affairs was not advised of this legislation. Title III was added to the bill after hearings were completed and without a word of testimony to support its inclusion. It came to my attention only after a rule had been granted. I regret also that the Department of the Interior was not afforded an opportunity to testify on title III. I have been advised by Secretary Morton that the Department of the Interior strongly opposes the enactment of title III, as do the Departments of State and Defense and the Office of Management and Budget. I insert letters and reports from the Office of Management and Budget and the Secretary of the Interior:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 27, 1971.

Hon. THOMAS M. PELLY,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. PELLY. It is our understanding that your Committee is considering amendments to H.R. 9727, the "Marine Protection, Research, and Sanctuaries Act of 1971."

We are pleased with the way in which the Committee has moved to carry out generally the President's recommendations with respect to ocean dumping. In carrying out these recommendations, however, the bill raised several problems primarily in its features not directly involving ocean dumping. The purpose of this letter is to outline the major problems we have with the bill, as reported, and to recommend certain changes to deal with these problems.

Title I of H.R. 9727 would establish a comprehensive ocean dumping regulatory program under the leadership of the Environmental Protection Agency. These provisions largely carry out the President's recommendations in this regard. There is, however, one important provision that departs from the approach recommended by the President: namely, the special authority for the Secretary of the Army to issue permits respecting the dumping of dredged or fill material. We would strongly prefer that the bill require an EPA certification with respect to the Secretary of the Army's permits, as originally proposed by the President, but at a minimum favor deletion of the last proviso of subsection 103(b) which injects an economic feasibility test not applicable to other substances.

It is our view that the provisions of *Title II* of H.R. 9727, dealing with research on ocean dumping, are unnecessary and undesirable. Ample authority for carrying out the functions covered by this title already exists in such agencies as EPA, Commerce, the Coast Guard, the Smithsonian Institution, and the National Science Foundation. Moreover, ocean research is currently being carried out by these agencies at levels considerably in excess of the funds authorized in Title II, and these provisions therefore could have the unanticipated effect of restricting rather than promoting a balanced Federal ocean research program.

Title III of H.R. 9727 requires the Secretary of Commerce to designate "marine sanctuaries" which would be preserved or restored for their conservation, recreational, ecological, or esthetic values. Within these sanctuaries, which could extend as far seaward as the outer limits of the continental shelf, the Secretary would have to issue regulations controlling any activities therein, and violators could be subjected to civil penalties of up to $50,000 per violation.

We believe that Title III is highly objectionable for the following reasons:

(1) Organizational—These provisions authorizing the Secretary of Commerce to designate marine sanctuaries, would inject the Secretary, at the least, into the energy development responsibilities of the Secretary of the Interior, the foreign policy implementation responsibilities of the Secretary of State, the national defense concerns of the Secretary of Defense, and the environmental protection mission of the Administrator of EPA. Such a situation, coupled with the bill's requirement that the Secretary make his initial designation of marine sanctuaries within two years, would seem to guarantee confusion and conflict inimicable to the number of important national objectives.

(2) International—Notwithstanding qualifying statements in the Committee's report, the sweeping language of Title III could give rise to serious international policy complications. The efforts of the United States to limit the exercise of sovereign rights by other nations over areas of the high seas could be undercut and United States treaty commitments regarding the continental shelf and the high seas possibly violated. Moreover, attempts to enforce against foreign nationals the regulations covering any designated marine sanctuaries would be contrary to international law and embarrass United States relations with other nations.

(3) Budgetary—Interior has authority with respect to the granting of leases for development of oil and gas on the outer continental shelf. Any impairment of such leases by creating sanctuaries might involve "taking" the rights of private persons (with concomitant Federal costs that are difficult to estimate but which could be very significant), as well as in other cases resulting in the Federal government foregoing potentially enormous revenues. Further, it is unclear whether and to what extent the Submerged Lands Act would entitle a State to compensation for any areas under its jurisdiction included in a marine sanctuary. Neither the bill nor the report of the Merchant Marine and Fisheries Committee recognized these cost implications in the very general criteria which would govern the Secretary of Commerce's designation of marine sanctuaries.

We recognize that, from the standpoint of environmental protection or for other reasons, it may be desirable to refrain from certain activities in specific ocean areas. If it is considered that special legislation is needed to achieve this objective, we believe that problems of the type outlined above require that most careful consideration be given to the nature and extent of such authority and that a separate legislative proposal should be tailored for that purpose.

In conclusion, while we welcome the action of the Committee in reporting out legislation to carry out the President's ocean dumping recommendations, for the reasons set out in this letter we urge the Committee to support the amendment of Title I, as recommended above, and the deletion of Titles II and III.

Sincerely,

DONALD B. RICE,
Assistant Director.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 28, 1971.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you are no doubt aware, the Committee on Merchant Marine and Fisheries has reported and the House will soon consider, H.R. 9727, a bill "To regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes." While title I of H.R. 9727 follows closely the Administration proposal introduced as H.R. 4723, titles II and III are committee amendments to which we are opposed.

Title II would afford to the Secretary of Commerce and the Director of the National Science Foundation redundant authority for the conduct of research regarding the effects of ocean dumping and "man-induced changes of ocean ecosystems." We are advised that existing authorities are adequate to permit the continuation on ongoing research in these areas.

With respect to the program responsibilities of this Department, we are most concerned about the prospective effect of title III. It provides generally for designation by the Secretary of Commerce of marine sanctuaries within a broad area ranging seaward to the outer edge of the Continental Shelf, for the regulation of "any activities permitted within the designated marine sanctuary," and for certification by the Secretary of Commerce that otherwise lawful activity "is consistent with the purposes of this title and can be carried out without (sic) the regulations" promulgated under section 302(b). In letters to the Chairman of the Committee on Merchant Marine and Fisheries, the Departments of State and Defense, and the Office of Management and Budget, have expressed their concern about the claim to extra-territorial jurisdiction proposed in title III. It may suffice to note that any such assertion of jurisdiction beyond established limits has been carefully, and properly, avoided in title I of the same bill.

To the extent that the United States does claim jurisdiction beyond the territorial sea and the contiguous fisheries zone, such jurisdiction pertains only to natural resources of the Outer Continental Shelf. Thus, the only "permitted activity" lawfully subject to certification by the Secretary within a marine sanctuary beyond the territorial sea would be that already subject to regulation by this Department under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*). The National Environmental Policy Act of 1969 and regulations promulgated by this Department pursuant to the Outer Continental Shelf Lands Act require thorough consideration of environmental impact prior to the issuance of mineral leases, and during extraction, if a lease is issued. No Federal agency is better able than we, in fact, to identify those natural values deemed worthy of preservation in section 302(a).

The Department of the Interior has long expressed concern about the environmental effects of ocean dumping and has strongly recommended that dumping be regulated through enactment of H.R. 4723. While we recommend against enactment of title III for the reasons stated, a concern for the environment has prompted our suspension of certain extraction activity in the Santa Barbara Channel, and the recommendation to Congress that this area be set aside as a National Energy Reserve.

Regrettably, we were not afforded an opportunity to comment on H.R. 9727 prior to its being reported. We do not agree that the addition of title III constitutes an improvement of the Administration proposal, and strongly recommend that it be deleted prior to enactment. We appreciate your interest in this important matter, and stand ready to provide whatever additional information you might require.

Sincerely yours,

W. T. PECORA,
Under Secretary of the Interior.

Let me read a few sentences from a letter I have received from the Under Secretary of the Interior:

With respect to the program responsibilities of this Department, we are most concerned about the prospective effect of title III. . . . To the extent that the United States does claim jurisdiction beyond the territorial sea and the contiguous fisheries zones, such jurisdiction pertains only to natural resources of the Outer Continental Shelf. Thus, the only "permitted activity" lawfully subject to certification by the Secretary within a marine sanctuary beyond the territorial sea would be that already subject to regulation by this Department under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.). The National Environmental Policy Act of 1969 and regulations promulgated by this Department pursuant to the Outer Continental Shelf Lands Act require thorough consideration of environmental impact prior to the issuance of mineral leases, and during extraction, if a lease is issued. We do not agree that the addition of title III constitutes an improvement of the Administration proposal, and strongly recommend that it be deleted prior to enactment.

At the appropriate time, Mr. Chairman, I shall offer an amendment to delete title III from this legislation unless such an amendment is offered by someone else. This matter was considered by the Committee on Interior and Insular Affairs and I am authorized by the committee to advise the House that an amendment to delete title III is supported by the committee.

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

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 249]

Abourezk	Clausen, Don H.	Gubser
Abzug	Clay	Haley
Alexander	Collier	Halpern
Anderson, Tenn.	Colmer	Hamilton
Andrews, N. Dak.	Conyers	Hanna
Annunzio	Corman	Hansen, Idaho
Arends	Cotter	Hansen, Wash.
Ashley	Culver	Hébert
Baring	Delaney	Hollfield
Barrett	Derwinski	Horton
Bell	Diggs	Hosmer
Betts	Downing	Ichord
Blatnik	Dwyer	Jarman
Boggs	Eckhardt	Jonas
Boling	Edwards, La.	Jones, Ala.
Bray	Eshleman	Kee
Broomfield	Evins, Tenn.	Koch
Brown, Mich.	Flood	Landgrebe
Caffery	Foley	Link
Carney	Fraser	Long, La.
Carter	Fuqua	Lujan
Casey, Tex.	Galifianakis	McClory
Cederberg	Gallagher	McCulloch
Celler	Gibbons	McEwen
Chisholm	Goldwater	Macdonald, Mass.
Clark	Grasso	Martin
	Green, Oreg.	Mayne
Melcher	Rosenthal	Stephens
Minshall	Rostenkowski	Stokes
Monagan	Rousselot	Stubblefield
Morgan	Roy	Stuckey
Morse	Runnels	Sullivan
Nichols	Ruppe	Teague, Tex.
Patman	St Germain	Thone
Pelly	Saylor	Tiernan
Pepper	Scherle	Vander Jagt
Pirnie	Scheuer	Vigorito
Price, Ill.	Sebelius	Whitten
Quillen	Shipley	Wiggins
Rangel	Sisk	Wilson, Charles H.
Rees	Smith, Calif.	Wyatt
Reid, Ill.	Smith, Iowa	Yates
Rodino	Snyder	Yatron
Rooney, N.Y.	Springer	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PIKE, 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. 9727, and finding itself without a quorum, he had directed the roll to be called, when 303 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. Prior to the quorum call, the gentleman from Colorado (Mr. ASPINALL) had been recognized for 8 minutes and the gentleman now has 2 minutes remaining.

Mr. ASPINALL. Mr. Chairman and members of the Committee, at the time the point of order was made that a quorum was not present, I was suggesting to my colleagues that they read the reports of the Department of the Interior and the Office of Management and Bureau of the Budget concerning title III of this legislation.

Mr. Chairman, there should be further study given to title III of this bill by the committee having primary jurisdiction to determine whether it is needed and its effect on the offshore mineral leasing program. The enactment of this title could result in locking up unnecessarily offshore resources valued at billions of dollars, reducing revenues available in the land and water conservation fund for the acquisition of much-needed recreation areas, park areas, and wildlife refuges, and curtailing the President's program for meeting the growing energy needs of this Nation.

Mr. Chairman, may I call attention to the fact that the energy needs of the United States are fast approaching a very dangerous situation and unless something is done and unless we do it with logic and with constructive judgment, we will be faced with many difficulties.

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

Mr. ASPINALL. I yield to the gentleman.

Mr. McCLURE. Mr. Chairman, I rise in support of the amendment to strike title III of H.R. 9727, and urge that my colleagues vote in support of the amendment to be offered by the distinguished chairman of the Committee on Interior and Insular Affairs.

As noted in the committee report on this legislation, title I follows closely the administration proposal introduced as H.R. 4723. The subject of ocean dumping, and the need for its regulation, were treated at length by the Council on Environmental Quality in its report "Ocean Dumping—A National Policy," transmitted to the Congress by President Nixon in October of last year. Title I of H.R. 9727 would implement generally the recommendations contained in that report, and provides authority to prohibit the transportation and actual disposal of waste material, except pursuant to permit issued by the Administrator of the Environmental Protection Agency. Title I of H.R. 9727 is an important step forward in the Nation's effort to preserve and protect the environmental quality of the oceans, coastal waters, and Great Lakes.

Title III is a committee amendment, and was not a part of the legislation proposed to implement recommendations of the Council on Environmental Quality. As drafted, title III would assert a claim to extraterritorial jurisdiction beyond those limits established as a matter of international law. The Departments of State and Defense have voiced strong objection to title III for this reason, and I share their concern about the effect of enactment upon our relations with other nations. Title I of H.R. 9727 has been carefully drafted to avoid this difficulty, and would regulate ocean dumping only within the territorial sea of the United States, and within the contiguous fisheries zone to the extent that dumping there would affect the territorial sea or the territory of the United States.

It is important to recognize, in this connection, that enactment of title III would conflict with regulatory authority vested in the Secretary of the Interior by the Outer Continental Shelf Lands Act. U.S. jurisdiction on the Outer Continental Shelf pertains only to its natural resources. Mineral leasing on the shelf, which could be subject to certification by the Secretary of Commerce under terms of title III, is already subject to stringent regulation by the Secretary of the Interior pursuant to the Outer Continental Shelf Lands Act.

Those regulations now require, in part, that prior to the final selection of tracts for leasing, the Director of the Bureau of Land Management "shall evaluate fully the potential effect of the leasing program on the total environment, aquatic resources, esthetics and other resources in the entire area during exploration, development and operational phases." The Secretary of the Interior can refuse, and has, in fact, refused the issuance of leases detrimental to the maintenance of environmental quality. Beyond the exercise of discretion in the issuance of leases, the Secretary can impose, and has, in fact, imposed special leasing stipulations and conditions when necessary to protect the environment and all other resources.

In his clean energy message of June 4, President Nixon stated quite clearly his concern for environmental protection on the Outer Continental Shelf. He said:

The Department of the Interior has significantly strengthened the environmental protection requirements controlling offshore drilling and we will continue to enforce these requirements very strictly. As a prerequisite to Federal lease sales, environmental assessments will be made in accordance with section 102 of the National Environmental Policy Act of 1969.

With broad program responsibility for fish and wildlife, outdoor recreation, land management, and preservation of our historic heritage, the Department of the Interior is uniquely well qualified to identify those natural values deemed worthy of consideration in the establishment of marine sanctuaries under section 302(a) of title III. The Congress recognizes this capability in its enactment of the Estuary Protection Act of 1968, which authorizes Interior administration for the preservation of estuaries and adjacent lands.

Opposition to the enactment of title III should not be construed as opposition to any imposition of limitations on the conduct of certain activities in specific ocean areas. The enactment of title I would accomplish just this objective, as it provides for thorough assessment of ecological impact by the Administrator of the Environmental Protection Agency. It is unfortunate that title III has been drafted in such a way as to raise serious questions of territorial jurisdiction and duplication of regulatory authority which necessarily preclude an evaluation of the broader concept. That concept is worthy of careful consideration, and of treatment as an independent proposal.

The adoption of Mr. ASPINALL's amendment will permit more careful consideration of the concept proposed in title III than has so far been possible, without causing further delay in the implementation of a much-needed program to control ocean dumping.

Mr. LENNON. Mr. Chairman, I yield to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I rise in support of H.R. 9727.

Our oceans and coastal waters are one of the most important resources in the balance necessary for man's survival on earth. Yet we have consistently disregarded the well-being of this resource which provides a major part of the oxygen we breathe, as well as an increasingly important source of the food we will require to support our growing population. We dumped wastes into the oceans at the alarming rate of 48 million tons in 1968, on the premise that the oceans have an unlimited capacity to absorb these byproducts of civilization.

The contradictions to this premise are beginning to appear in many areas. Near many outfall systems that water is unfit for the sealife which once inhabited these areas. There are even reported cases of fish with cancerous growths and other deformities which have been blamed on the dumping of toxic wastes into the oceans. Huge coral reefs are dying in the Florida keys, this too has been blamed on ocean pollution. World fisheries reported that their catches declined in 1969 for the first time since World War II. Certainly these actions are adequate warnings to at least rethink our policy toward ocean dumping of toxic wastes.

The provisions of this bill, which I am honored to have coauthored, go a long way toward regulating and controlling the future dumping of wastes into our oceans and coastal waters. The bill provides an absolute ban on the dumping of radiological, chemical or biological warfare agents or high-level radioactive wastes. The nerve gas dump off the Florida coast amid a flood of unanswered questions graphically points out the need for regulation of Government dumping operations. This bill prohibits Federal employees from making dumps of certain substances, and requires permits to be obtained from EPA or the Secretary of Defense, in certain instances, before a dump is made. The Administrator of EPA may regulate the times and places that permit authorized dumps are made and also designate certain "prohibited areas" for certain materials when he finds such action is warranted by adverse effects on some part of the environment.

Title II authorizes a study and a program of research on the effects of ocean dumping to be completed by the National Oceanic and Atmospheric Administration in cooperation with other agencies already involved in this area. This title also recognizes the international nature of ocean dumping and provides for the dissemination of research information to other countries.

Title III of this bill, recognizing the need to conserve our fishing resources, authorizes the Secretary of Commerce to designate certain areas up to the edge of the Continental Shelf as marine sanctuaries, and when these extend beyond 12 miles or beyond the territorial sea, the Secretary of State is authorized to enter into agreements with other governments in order to protect these sanctuaries.

Mr. Speaker, this legislation is a very important part of our overall attack on the problem of pollution, and it represents an important step toward international cooperation in this area. In some instances we have run out of time as in mercury levels in fish. We have seen human death and brain damage in Japan as a result of industrial mercury dumping. It is fortunate that we recognized this problem before it reached unmanageable proportions, now we must take affirmative action to make sure it remains a manageable problem and insure the cooperation of other nations in this effort. I urge support for this very important legislation.

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

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

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Protection, Research, and Sanctuaries Act of 1971".

Mr. DINGELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PIKE, 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. 9727, to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, had come to no resolution thereon.

REPRESENTATIVE REUSS CALLS ON PRESIDENT TO MAKE HIS ECONOMIC PROGRAM WORK BY DISCARDING "EXCESS BAGGAGE"

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

Mr. REUSS. Mr. Speaker, like many others on the Democratic side of the aisle, I have for a long time been urging the President to break out of the high unemployment-high inflation morass in which this country has been floundering. We have recommended two central steps.

On the domestic front, we have urged a temporary price-wage freeze, to allow labor and management to construct a voluntary long-term wage-price-incomes policy. The Congress 13 months ago enacted legislation giving the President the requisite authority.

On the international front, we have urged closing the gold window, so as to permit the dollar to find its proper exchange parity with other currencies, and thus eliminate the hardship to American labor and business of artificially expanded imports to this country, artificially restricted exports, and artificially stimulated incentives to American corporations to export jobs abroad. A report issued on August 6 by the Joint Congressional Subcommittee on International Exchange and Payments, of which I have the honor to be chairman, reinforced this recommendation.

For months and years, the President has been telling those of us who held these views how wrong we were. Thus, it was a surprise, and a most pleasant one, when the President, on August 15, followed both pieces of advice by freezing prices and floating the dollar.

I applaud the President's action. But unhappily, not content to let well enough alone, the President has encumbered these two exemplary actions with excess baggage that, unless discarded, will undo all the good.

Let me explain.

The purpose of the price-wage freeze was to give an opportunity for labor and management to adopt long-term voluntary guideposts. This must be so. If price-wage controls are to be dropped in 90 days, and nothing put in their place, inflation will break out with added virulence, since then sellers will make sure that they hike their prices to high levels in order to protect themselves against a possible later freeze.

But nothing has been done about this essential voluntary phase. Twenty-five precious days have come and gone since the President's August 15 freeze action, and labor and management are still unsummoned to work out a creative program. Worse, labor has consistently made it clear—and, I believe, justly—that it will accept wage restraints only if some comparable restraints are put on corporate profits.

any boundaries from that particular vantage point; we do not see any differences in race or religion or political beliefs. The thought struck me that there was an analogy between the earth and between Endeavour. We were a team of three living in a spacecraft called Endeavour. We are all billions of people living on spacecraft Earth. We had to work as a team to survive and to maintain our own household during the flight. We must work as a team to maintain our household and to maintain our home called Earth.

One thing is quite evident—particularly during the flight—our destinies were bound together by what we did in the flight. We relied on each other; we worked with each other. The same thing must be true on earth. We must work together; we must rely on each other; we must work together as a team for earth.

We had the very crude beginnings of some tools to help us accomplish this goal on our flight. We carried many scientific instruments—a very crude beginning, admittedly—to do the kinds of work that have to be done to clean up spacecraft Earth. We carried scientific instruments that measured remotely. We carried some cameras that took pictures for analysis. As I said, this is a very crude beginning, but it leads into the kinds of things that can be done in a small way to help clean up our spacecraft Earth. We cannot all go to the moon. The three of us were very fortunate to have gone. We sincerely hope that we can be your eyes and ears in providing the perspective of earth that we had.

Thank you.

Now I would like to introduce Col. Jim Irwin.

Col. JAMES B. IRWIN. Distinguished guests:

I am deeply honored and pleased to have the opportunity to tell you my feelings about Apollo 15.

We of Apollo 15 are grateful for the opportunity of having gone to the moon and having explored the mountains of the moon. We think Apollo 15 was a success. That success was because of your continued support. You had the vision over 10 years ago to commit our nation to manned exploration of space. There have been many trying and painful experiences over those years, but your support has always been there.

Reflecting back on our voyage into space, we think that we have demonstrated the usefulness of man in the exploration of another planet.

The moon was indeed a fascinating place to spend six days. There were the three days in orbit and then another three days on the surface and, my, that time sure did go fast. It was not a strange world. Our campsite at Hadley-Apennine was a friendly, beautiful spot, like a valley in the high mountains of the earth; and it was with some reluctance that we left our valley on the moon.

We were extremely happy that the television system worked so well, because we wanted all mankind to participate in the exploration of the moon.

We feel very strongly that man should participate directly in the exploration of space.

During the time that we were on the lunar surface there were several incidents proving this point. There were the occasional calls from Houston to clean the TV lens so that everyone could have a better picture. There was the difficulty that we had extracting the Rover from its attach points on the lunar module. There was the switch cycling on the Rover that we needed to perform in order to gain full operation of our transportation system on the moon. There were the very useful observations that we made as we explored, as we sampled on the moon that enabled the scientists to gather the data and organize the data in the proper context. The selection of the so-called Genesis rock would have been extremely difficult and probably impossible if man had not been on the scene. We gathered data not only with our instruments but with our minds.

The proudest moment of my life was when I saluted our American flag that we had planted on the plain at Hadley-Apennine—proud that I was an American and proud of the thousands of people that had supported our mission and made it a success.

The future of man's role in space lies in your hands. We realize very well the grave responsibilities in these days. The decisions you make will determine man's trevals and explorations in space. We think that an investment in space technology is an investment in America. America needs space to grow.

Thank you.

The SPEAKER. The Chair desires to announce that the astronauts will retire to room H207, the Rayburn reception room, where they will be glad for a few minutes to greet individual Members of Congress.

[Applause, the Members rising.]

At 1 o'clock and 27 minutes p.m., Col. David R. Scott, U.S. Air Force; Col. James B. Irwin, U.S. Air Force; and Lt. Col. Alfred M. Worden, U.S. Air Force, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet;

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses of Congress dissolved.

Accordingly (at 1 o'clock and 28 minutes p.m.), the joint meeting of the two Houses was dissolved.

The SPEAKER. The House will continue in recess until 2 p.m. The bells will be rung at 1:45 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

REFERENCE OF MESSAGE OF PRESIDENT TO COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

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

There was no objection.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1971

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes.

The motion was agreed to.

COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 9727, with Mr. PIKE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through the first section of the committee amendment ending on page 25, line 19.

If there are no amendments to this section, the Clerk will read.

The Clerk read as follows:

FINDING, POLICY, AND PURPOSE

SEC. 2. (a) Unregulated dumping of material into the oceans, coastal, and other waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) The Congress declares that it is the policy of the United States to regulate the dumping of all types of material into the oceans, coastal, and other waters and to prevent or strictly limit the dumping into the oceans, coastal, and other waters of any material which could adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. To this end, it is the purpose of this Act to regulate the transportation of material for dumping into the oceans, coastal, and other waters, and the dumping of material by any person from any source if the dumping occurs in waters over which the United States has jurisdiction.

DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Oceans, coastal, and other waters" means oceans, gulfs, bays, salt water lagoons, salt water harbors, other coastal waters where the tide ebbs and flows, the Great Lakes and their connecting waters, and the Saint Lawrence River.

(c) "Material" means matter of any kind or description, including, but not limited to, dredge spoil, solid waste, garbage, sewage, sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wrecked or discarded equipment, rock, sand, excavation debris, and industrial waste; but such term does not mean oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161) and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163).

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(e) "Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(f) "Dumping" means a disposition of material: Provided, That it does not mean a disposition of any effluent from any outfall structure where such disposition is regulated under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), or under the provisions of section 13 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 407), nor does it mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels: Provided further, That it does not mean the construction of any fixed structure or artificial island nor the intentional placement of any device in the oceans, coastal, and other waters or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program: And provided further, That it does not include the deposit of oyster shells or other materials when such deposit is made for the purpose of developing, maintaining, or harvesting fisheries resources and is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program.

(g) "District court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of Puerto Rico, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising therein.

(h) "Secretary" means the Secretary of the Army.

(i) "Dredged or fill material" means any material excavated or dredged from the navigable waters of the United States or any material deposited into such waters for the purpose of bulkheading, or building up or extending land areas.

(j) "High-level radioactive waste" means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels, or irradiated fuel from nuclear power reactors.

TITLE I—OCEAN DUMPING

PROHIBITED ACTS

SEC. 101. (a) No person shall transport any radiological, chemical, or biological warfare agent or high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material from the United States for the purpose of dumping it into the oceans, coastal, and other waters.

(b) No person shall dump any radiological, chemical, or biological warfare agent or high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material in (1) that part of the oceans, coastal and other waters which is within the territorial jurisdiction of the United States, or (2) a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea of the territory of the United States.

(c) No officer, employee, agent, department, agency, or instrumentality of the United States shall transport any radiological, chemical, or biological warfare agent or high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material from any location outside the territory of the United States for the purpose of dumping it into the oceans, coastal, and other waters.

ENVIRONMENTAL PROTECTION AGENCY PERMITS

SEC. 102. (a) Except in relation to dredged or fill material, as provided for in section 103 of this title, and in relation to radiological, chemical, and biological warfare agents and high-level radioactive waste, as provided for in section 101 of this title, the Administrator may issue permits, after notice and opportunity for public hearing, for the transportation of material for dumping into the oceans, coastal, and other waters, or for the dumping of material into the waters described in section 101(b), where the Administrator determines that such transportation, or dumping, or both, will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

(A) The need for the proposed dumping.

(B) The effect of such dumping on human health and welfare, including economic, esthetic, and recreational values.

(C) The effect of such dumping on fisheries resources.

(D) The effect of such dumping on marine ecosystems, particularly with respect to—

(i) the transfer, concentration, and dispersion of such material and its byproducts through biological, physical, and chemical pathways.

(ii) potential changes in marine ecosystem diversity and stability, and

(iii) species and community population dynamics.

(E) The persistence and permanence of the effects of the dumping.

(F) The effect of dumping particular volumes and concentrations of such materials.

(G) Appropriate locations and methods of disposal, including land-based alternatives.

In establishing or revising such criteria, the Administrator shall consult with the Secretaries of Commerce, Interior, State, Defense, Agriculture, Health, Education, and Welfare, and Transportation, the Atomic Energy Commission, and other appropriate Federal, State, and local officials. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary. No permit shall be issued for a dumping of material which will violate applicable water quality standards.

(b) The Administrator may establish and issue various categories of permits, including the general permits described in section 104(c).

(c) The Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary, also designate sites or times within which certain materials may be dumped.

CORPS OF ENGINEERS PERMITS

SEC. 103. (a) The Secretary may issue permits, after notice and opportunity for public hearing, for the transportation of dredged or fill material for dumping into the oceans, coastal, and other waters, or for the dumping of dredged or fill materials into the waters described in section 101(b), or both, where the Secretary determines that such transportation, or dumping, or both, will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

(b) In making the determination required by subsection (a) of this section as to whether a permit may be issued, the Secretary shall apply the criteria established by the Administrator pursuant to section 102, together with an evaluation by the Secretary of the effect on navigation, economic and industrial development, and foreign and domestic commerce of the United States: Provided, That in applying the criteria established by the Administrator, the Secretary shall consult with the Administrator and shall give due consideration to the views and recommendations of the Administrator in that regard and also in regard to the designations of the Administrator of recommended sites or times for dumping: Provided further, That the Secretary may issue no permit for dumping which would violate the designation of the Administrator, found necessary to protect critical areas, of a site within which certain material may not be dumped: And provided further, that in regard to the designation of recommended sites or sites where certain material may not be dumped, the Secretary, after consultation with the Administrator, need not follow the designation of the Administrator where the Secretary certifies that there is no economically feasible alternative reasonably available.

(c) In connection with Federal projects involving dredged or fill material, the Secretary may, in lieu of the permit procedure, issue regulations which shall require the application to such projects of the same criteria, other factors to be evaluated, the same procedures, and the same requirement which are made applicable to the issuance of permits under subsections (a) and (b) of this section.

PERMIT CONDITIONS

SEC. 104. (a) Permits issued under this title shall designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transport for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; (5) any special provisions deemed necessary by the Administrator or the Secretary, as the case may be, for the monitoring and surveillance of the transportation or dumping; and (6) such other matters as the Administrator or the Secretary, as the case may be, deems appropriate.

(b) The Administrator or the Secretary,

as the case may be, may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued by him under this title as he deems appropriate.

(c) Notwithstanding any other provision of this title, the Administrator or the Secretary, as the case may be, may issue general permits for the transportation for dumping, or dumping, or both, of specified material for which he may issue permits, which he determines will have a minimal adverse environmental impact.

(d) The Administrator or the Secretary, as the case may be, may limit or deny the issuance of pemits, or may alter or revoke partially or entirely the terms of permits issued by him under this title, for the transportation of dumping, or the dumping, or both, of specified material, where he finds that such material cannot be dumped consistently with the criteria and other factors required to be applied in evaluating the permit application. No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for hearing on such action as proposed.

(e) The Administrator or the Secretary, as the case may be, shall require an applicant for a permit under this title to provide such information as he may consider necessary to review and evaluate such application.

(f) Information received by the Administrator or the Secretary, as the case may be, as a part of any application or in connection with any permit granted under this title shall be available to the public as a matter of public record, at every stage of the proceeding. The final determination of the Administrator or the Secretary, as the case may be, shall be likewise available.

(g) A copy of any permit issued under this title shall be placed in a conspicuous place in the vessel which will be used for the transportation or dumping authorized by such permit, and an additional copy shall be furnished by the issuing official to the Secretary of the department in which the Coast Guard is operating, or his designee.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title, or of the regulations promulgated under this title, or a permit issued under this title shall be liable to a civil penalty of not more than $50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such violation. In determining the amount of the penalty, the gravity of the violation and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. For good cause shown, the Administrator may remit or mitigate such penalty. Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a) of this section, a person who knowingly violates this title, regulations promulgated under this title, or a permit issued under this title shall be fined not more than $50,000 or imprisoned for not more than one year, or both, one-half of said fine, but not to exceed $2,500, to be paid to the person or persons giving information which shall lead to conviction.

(c) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense as shall the dumping from each of several vessels, or other sources.

(d) The Attorney General or his delegate may bring actions for equitable relief to enjoin an imminent or continuing violation of this title, of regulations promulgated under this title, or of permits issued under this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(e) A vessel, except a public vessel within the meaning of section 13 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1163), used in a violation, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation a consenting party or privy to such violation.

(f) If the provisions of any permit issued under section 102 or 103 are violated, the Administrator or the Secretary, as the case may be, may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation.

(g)(1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any prohibition, limitation, criterion, or permit, established or issued by or under this title. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such prohibition, limitation, criterion, or permit, as the case may be.

(2) No action may be commenced—

(A) prior to sixty days after notice of the violation has been given to the Administrator or to the Secretary, and to any alleged violator of the prohibition, limitation, criterion, or permit; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the prohibition, limitation, criterion, or permit; or

(C) if the Administrator or the Secretary has commenced action to impose a penalty pursuant to subsection (a) of this section, or has initiated permit revocation or suspension proceedings under subsection (f) of this section; or

(D) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of this title.

(3)(A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator or Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator, the Secretary, or a State agency).

(h) No person shall be subject to a civil penalty or to a criminal fine or imprisonment for dumping materials from a vessel if necessary in an emergency, to safeguard life. Any such dumping shall be reported to the Administrator under such conditions as he may prescribe.

RELATIONSHIP TO OTHER LAWS

SEC. 106. (a) After the effective date of this title, all licenses, permits, and authorizations other than those issued pursuant to this title shall be void and of no legal effect, to the extent that they purport to authorize any activity regulated by this title, and whether issued before or after the effective date of this title.

(b) The provisions of subsection (a) shall not apply to actions taken before the effective date of this title under the authority of the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended (33 U.S.C. 401 et seq.).

(c) Prior to issuing any permit under this title, if it appears to the Administrator that the disposition of the material, other than dredged or fill material, to be transported for dumping or to be dumped may affect navigation in the navigable waters of the United States or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary and no permit shall be issued if the Secretary determines that navigation will be unreasonably impaired.

(d) After the effective date of this title, no State shall adopt or enforce any rule or regulation relating to any activity regulated by this title. Any State may, however, propose to the Administrator criteria relating to the dumping of materials into the waters described in subsection 101(b) which might affect waters within the jurisdiction of such State and, if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this title, he may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term "State" means any State, interstate, or regional authority, Federal territory or Commonwealth, or the District of Columbia.

(e) Nothing in this title shall be deemed to affect in any manner or to any extent any provision of the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661–666c).

ENFORCEMENT

SEC. 107. (a) The Administrator or the Secretary, as the case may be, may, whenever appropriate, utilize by agreement, the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis, in carrying out his responsibilities under this title.

(b) The Administrator or the Secretary may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of his agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping, or unlawful dumping.

REGULATIONS

SEC. 108. In carrying out the responsibilities and authority conferred by this title, the Administrator and the Secretary are authorized to issue such regulations as they may deem appropriate.

INTERNATIONAL COOPERATION

SEC. 109. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

REPEAL OF OTHER LAWS

SEC. 110. (a) The second proviso to the last paragraph of section 20 of the Act of March 3, 1899 (30 Stat. 1154), as amended (33 U.S.C. 418), is repealed.

(b) Sections 1, 2, 3, 4, 5, 6, and 7 of the Act of June 29, 1888 (25 Stat. 209), as amended (33 U.S.C. 441–451b), are repealed.

(c) Section 2 of the Act of August 5, 1886 (24 Stat. 329) (44 U.S.C. 407a), is repealed.

EFFECTIVE DATE AND SAVINGS PROVISION

SEC. 111. (a) This title shall take effect six months after the date of the enactment of this Act.

(b) No legal action begun, or right of action accrued, prior to the effective date of this title shall be affected by any provision of this title.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 112. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the purposes and administration of this title.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

SEC. 201. (a) The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material pursuant to title I of this Act, and shall from time to time report his findings (including an evaluation of the short-term ecological effects and economic factors involved) to the Congress.

(b) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such fiscal year may not exceed $1,000,000.

SEC. 202. (a) The Director, National Science Foundation, in consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. In carrying out such research, the National Science Foundation shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(b) In carrying out its responsibilities under this section, the National Science Foundation, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of its activities by such channels of communication as may appear appropriate.

(c) In January of each year, the National Science Foundation shall report to the Congress on the results of activities undertaken by it pursuant to this title during the previous year.

(d) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the National Science Foundation in carrying out the purposes of this title and, to the extent permitted by law, to furnish such information as may be requested.

(e) The National Science Foundation, in carrying out its responsibilities under this title, shall, to the extent feasible, by contract or other agreement, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

(f) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such fiscal year may not exceed $1,000,000.

TITLE III—MARINE SANCTUARIES

SEC. 301. Notwithstanding the provisions of subsection (h) of section 3 of this Act, the term "Secretary", when used in this title, means Secretary of Commerce.

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, Interior, and Transportation and the Administrator, may designate as marine sanctuaries those areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention on the Continental Shelf (15 U.S.T. 741; TIAS 5578), which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

(b) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the Secretary shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) When a marine sanctuary is designated, pursuant to this section, which includes an area more than twelve miles from the baseline from which the breadth of the territorial sea is measured, the Secretary of State shall take action, as appropriate, to enter into agreements with other Governments, in order to protect such sanctuary and promote the purposes for which it was established.

(d) The Secretary shall make his initial designation under this section within two years following the date of enactment of this title. Thereafter, he shall periodically designate such additional areas as he deems appropriate. The Secretary shall submit a report annually to the Congress, setting forth a comprehensive review of his actions under the authority under this section, together with appropriate recommendations for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Before a marine sanctuary is designated under this section, the Secreatry shall hold public hearings in the coastal area which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

(f) After a marine sanctuary has been designated under this section, the Secretary shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out without the regulations promulgated under this section.

SEC. 303. (a) Whoever violates any regulation issued pursuant to this title shall be liable to a civil penalty of not more than $50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(b) No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) A vessel used in the violation of a regulation issued pursuant to this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

(d) The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

SEC. 304. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed $10,000,000.

Mr. PELLY. Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in full in the RECORD.

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

Mr. ASPINALL. Mr. Chairman, reserving the right to object, I wish to ask a question of the chairman. If this request is granted, then will the gentleman now speaking have the first right to offer his amendment to strike title III of the bill?

The CHAIRMAN. The Chair states to the gentleman that if a member of the committee managing the bill sought recognition to offer an amendment, he would have a prior right to be recognized for that purpose.

Mr. ASPINALL. Mr. Chairman, I have the following inquiry of the chairman: If a member of the committee should offer a perfecting amendment to title III, would that prevent the Member now speaking from offering his amendment to strike?

The CHAIRMAN. If a perfecting amendment were pending, a motion to strike would not at that time be in order. The gentleman's motion could however, be made at a subsequent time.

Mr. HALL. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. ASPINALL. I yield to the gentleman from Missouri.

Mr. HALL. I would like to inquire whether or not the unanimous-consent request included the language that the bill as considered read "would be open for amendment at all points." If so, I did not hear that statement.

Mr. PELLY. Mr. Chairman, will the gentleman from Colorado yield to me?

Mr. ASPINALL. I am glad to yield to the gentleman from Washington.

Mr. PELLY. I think I failed to state—although it was my intention to do so—that the committee amendment would be open to amendment.

The CHAIRMAN. The request then includes the language that the committee amendment be open for amendment at any point. Is there objection to the request of the gentleman from Washington?

Mr. ASPINALL. Mr. Chairman, I wish to be sure now that I understand the procedure. A motion to strike would be in order even though a perfecting amendment has been offered?

The CHAIRMAN. The perfecting amendment would be in order and would have to be disposed of prior to recognition of the gentleman from Colorado for the purpose of offering a motion to strike.

Mr. ASPINALL. I understood the Chair to say that after a motion to perfect had been made by a member of the committee, then my motion to strike the section as perfected would be in order. Is that correct?

The CHAIRMAN. After the perfecting amendment is disposed of the motion to strike would be in order at that time.

Mr. ASPINALL. I withdraw my reservation of objection.

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

There was no objection.

Mr. LENNON. Mr. Chairman, I have a committee amendment at the desk.

The CHAIRMAN. The Clerk will report the amendment.

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

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 250]

Abernethy	Andrews, N. Dak.	Betts
Abourezk	Baring	Blackburn
Abzug	Barrett	Blanton
Anderson, Tenn.	Bell	Blatnik
Brown, Mich.	Hansen, Idaho	Bray
Caffery	Hansen, Wash.	Quillen
Camp	Hébert	Railsback
Carey, N.Y.	Heckler, Mass.	Rees
Carney	Holifield	Reid, Ill.
Carter	Hosmer	Riegle
Casey, Tex.	Howard	Rooney, N.Y.
Cederberg	Ichord	Rosenthal
Celler	Jarman	Rostenkowski
Chisholm	Jones, Ala.	Roush
Clancy	Kastenmeier	Rousselot
Clark	Kee	Roy
Clay	Koch	Runnels
Collins, Ill.	Kuykendall	Ruppe
Colmer	Landgrebe	St Germain
Conyers	Long, La.	Saylor
Culver	Long, Md.	Scheuer
de la Garza	Lujan	Schwengel
Delaney	McClory	Sebelius
Derwinski	McCulloch	Shipley
Diggs	McEwen	Sisk
Dorn	McKinney	Slack
Eckhardt	Macdonald, Mass.	Smith, Iowa
Edwards, Calif.	Madden	Snyder
Edwards, La.	Martin	Staggers
Eshleman	Mayne	Stanton, James V.
Evins, Tenn.	Melcher	Steiger, Wis.
Flood	Michel	Stephens
Ford, William D.	Mikva	Stubblefield
Fraser	Miller, Calif.	Stuckey
Fuqua	Minshall	Sullivan
Galifianakis	Mitchell	Symington
Gallagher	Monagan	Teague, Tex.
Gibbons	Moorhead	Thompson, N.J.
Goldwater	Morgan	Thone
Grasso	Morse	Tiernan
Green, Oreg.	Murphy, Ill.	Vander Jagt
Gross	Nichols	Widnall
Gubser	Patman	Wiggins
Haley	Pirnie	Wilson, Charles H.
Hamilton	Powell	Yatron
Hanna	Price, Ill.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PIKE, 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. 9727, and finding itself without a quorum, he had directed the roll to be called, when 296 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.

AMENDMENTS OFFERED BY MR. LENNON

Mr. LENNON. Mr. Chairman, I offer committee amendments.

The Clerk read as follows:

Amendments offered by Mr. LENNON: Page 44, line 25, and page 45, line 1, strike out "Director, National Science Foundation" and insert "Secretary of Commerce".

Page 45, line 7, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 45, line 14, strike out "its" and insert "his".

Page 45, line 15, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 45, line 20, strike out "its" and insert "his".

Page 45, lines 22 and 23, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 45, line 24, strike out "it" and insert "him", and strike out "title" and insert "section".

Page 46, line 3, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 46, line 4, strike out "title" and insert "section".

Page 46, line 7, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 46, line 8, strike out "its" and insert "his", and strike out "title" and insert "section".

Mr. LENNON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the RECORD, and considered en bloc.

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

There is no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina.

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. LENNON

Mr. LENNON. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. LENNON: Page 49, line 1, strike out "without" and insert "within".

Page 49, line 2, add the following sentence: "Such regulations shall be applied in accordance with recognized principles of international law, including treaties, conventions and other agreements to which the United States is signatory."

Page 49, line 3, strike the word "Whoever", and insert the following in its place:

"Any person subject to the jurisdiction of the United States who".

Mr. LENNON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the RECORD, and considered en bloc.

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

Mr. HALL. Mr. Chairman, reserving the right to object, do I correctly understand that the amendments are pro forma or technical amendments, or are we going to have important amendments offered without explanation or discussion to be voted up or down due to lack of attention of the House?

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

Mr. HALL. I am glad to yield to the gentleman from Michigan.

Mr. DINGELL. The first sequence of amendments was a series of purely technical amendments. The amendments before us now are committee amendments which are substantive, and I am well satisfied that my good friend from North Carolina will be more than happy to explain them at the appropriate time.

Mr. HALL. I would be glad to yield to the gentleman, my friend from North Carolina, for a brief explanation of his amendments, but we are not going to adopt important amendments to a bill by rote, and without explanation, as long as unanimous consent is required.

Mr. LENNON. Mr. Chairman, I have no desire to omit explanation. Is the gentleman's comment directed to the amendments that are now pending before the committee?

Mr. HALL. That is correct, Mr. Chairman.

Mr. LENNON. Subsequent to July 17, when this bill was reported to the House, the Merchant Marine and Fisheries Committee received a letter from the Executive Office of the President, Director of the Office of Management and Bureau of the Budget, raising objections to certain specific provisions of the bill, including title III and, in addition, raising a point in relation to a qualified statement that is contained on page 27 of the

committee bill. What the amendment in substance does is this: It is a technical amendment. First, there was a typographical error. On page 49, line 1, strike out the word "without" and insert the word "within". That was a typographical error. On the same page, page 49, line 2, we would add the following sentence:

Such regulations shall be applied in accordance with recognized principles of international law, including treaties, conventions and other agreements to which the United States is signatory.

On the same page, page 49, line 3, we would strike out the word "Whoever" and insert the following in its place: "Any person subject to the jurisdiction of the United States who.".

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

Mr. HALL. Mr. Chairman, I have no opposition at all now that the amendment has been explained. I withdraw my reservation.

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

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina.

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

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

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Page 46, line 17, strike all of Title III.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, under my remarks while we were considering H.R. 9727 in general debate yesterday, which remarks can be found on pages 30863 and 30864 of yesterday's CONGRESSIONAL RECORD, I suggested several reasons why title III should be stricken from the legislation. Let me repeat for those who were here yesterday and for those who may not have been here yesterday during my presentation, the cogent arguments for striking this particular title from the legislation at this time.

First. This is an "ocean dumping" bill and the matter of establishing marine sanctuaries has no place in it. The enactment of title III would have the effect of turning over to the Secretary of Commerce the regulation of the offshore mineral leasing program authorized by the Outer Continental Shelf Lands Act—a program already subject to regulation by the Department of the Interior and for which the Secretary of the Interior has responsibility.

Second. Title III was added to the bill after hearings were completed and without any testimony from the administration and without the knowledge and advice of the committee having primary jurisdiction—the Committee on Interior and Insular Affairs.

Third. The Departments of Interior, State, and Defense and the Office of Management and Budget strongly oppose the enactment of title III, and the Committee on Interior and Insular Affairs has gone on record in opposition to this title.

Fourth. The Department of the Interior is giving full consideration to the environmental impact of the mineral leasing program pursuant to the provisions of the National Environmental Policy Act. No Federal agency is better able than the Department of the Interior to identify the natural values that must be preserved, and it does not make sense to me to transfer this authority and responsibility to the Department of Commerce.

The enactment of title III could result in locking up unnecessarily offshore resources valued at billions of dollars, reducing revenues available in the Land and Water Conservation Fund for the acquisition of much-needed recreation areas, park areas, and wildlife refuges, and curtail the President's program for meeting the growing energy needs of this Nation.

I agree fully with Admiral Rickover in his statement to the Appropriations Committee of the other body:

Man, from the beginning of his evolution, has directed his actions toward transformation of the earth from its natural state to one more suitable for human habitation. Some believe that in light of past mistakes this goal must be completely renounced. They reject the modern world because the byproducts of industrialization and population increase have been air pollution, destruction of scenery, harm to the ecology, etc. I would suggest, however, that in actual fact, and despite all its shortcomings, the world of 1971 is a much safer and pleasanter place for nearly all human beings than the world of 10,000 B.C. or even of 1000 A.D.

Mr. Chairman, title III has no place in this legislation and I hope it will be deleted.

Mr. LENNON. Mr. Chairman, I rise in opposition to the proposed amendment. Before discussing briefly my reasons for opposing the amendment, I would like to clarify the record on two points. Yesterday, during the general debate on the bill, the distinguished chairman of the Committee on Interior and Insular Affairs, gave notice of his intention to submit an amendment to delete title III of the bill. He raised two basic jurisdictional points in his discussion. The first of these related to committee jurisdiction, and he stated that the primary jurisdiction of the subject matter in title III lies with the Committee on Interior and Insular Affairs. I have deep respect and admiration for the distinguished chairman, but I must disagree with this assertion. It is true that his committee has jurisdiction over the mineral resources of the Outer Continental Shelf, but the proposed title III does not in any way invade that jurisdiction. The primary jurisdiction, as to title III provisions, relates to the responsibility of the Merchant Marine and Fisheries Committee in the area of fish and wildlife, including research, restoration, and conservation. In addition, the Merchant Marine and Fisheries Committee has jurisdiction over the oceanographic research programs which have now been concentrated in the National Oceanic and Atmospheric Administration. The purpose of title III is to give to the Secretary of Commerce, who has responsibility not only for the National Marine Fisheries Service but also the National Oceanographic Survey, the authority to take appropriate action where it is necessary for conservation and other purposes. It is true that his action may have an effect on programs involving mineral leasing. It may also have effect on Department of Defense programs involving channel improvements and defense research. It may have an impact on Coast Guard programs involving aids to navigation, and it may have an impact on the responsibilities of the Administrator of EPA. It is for this reason that section 302 of the title requires the Secretary of Commerce to consult with Interior, Defense, Transportation, EPA, as well as the Secretary of State, before he makes a designation of any marine sanctuary. In addition, he is required to hold public hearings in order to receive the views of all interested parties. Furthermore, the title provides that the Secretary of State shall take appropriate action to enter into international negotiations in order to protect a sanctuary and the purposes for which it was designated.

An additional point has been raised as to the "usurpation without notice of the authority of the Secretary of the Interior." Mr. Chairman, this, in my opinion, is not a correct analysis of the situation. The question of marine sanctuaries has been the subject of hearings by the subcommittees of the House Merchant Marine and Fisheries Committee for at least the past three Congresses.

In 1966, the President's Science Advisory Committee recommended the creation of marine sanctuaries. Some 11 bills were the subject of hearings by the Subcommittee on Oceanography in the 90th Congress. The Interior Department testified on those bills and suggested that action should be delayed until the pending national estuary study and the forthcoming report of the Marine Science Commission was received. In part, due to that suggestion, no legislation was enacted in the 90th Congress. The national estuary study was completed and forwarded to the Congress in early 1970. It stated in part:

It is in the national interest that the Federal government help to provide leadership and incentive for estuary preservation and restoration for the benefit of all the people.

It further stated:

The choice is clear—either we provide for preservation and restoration measures, or our estuaries will degenerate and disappear under the onslaught of economic development.

That report was approved and adopted on January 30, 1970, by the Honorable Walter J. Hickle, Secretary of the Interior. The Marine Science Commission report was also received by the Congress, this in January of 1969. While it did not address itself to marine sanctuaries per se, it did include a detailed discussion of competing uses in the ocean areas, particularly the coastal zone, and made the following statement:

Federal, state and local governments share the responsibility to develop a plan . . . which

reconciles, or, if necessary, chooses among competing interests and protects long-term values.

Following the completion of the national estuary study and the Marine Science Commission report, bills on the subject of marine sanctuaries were introduced in the 91st Congress. Six of those bills were the subject of hearings before the Subcommittee on Fisheries and Wildlife. The report of the Department of Interior on those bills recommended that consideration be deferred pending completion of the comprehensive study by the Council on Environmental Quality on ocean dumping. That study has also been completed and contains the following recommendations:

High priority should be given to protecting those portions of the marine environment which are biologically more active: namely the estuaries and the shallow nearshore areas in which many marine organisms breath or spawn. These biologically critical areas should be delimited and protected.

Further:

Marine research preserves should be established to protect representative marine ecosystems for research and to serve as ecological reference points—baselines by which man-induced changes may be evaluated.

The Department of Interior was represented in the preparation of those recommendations.

During the 92d Congress, a total of eight bills have been referred to the Committee on Merchant Marine and Fisheries relating solely to marine sanctuaries. The Department of Interior has been requested for a report on each of those bills, the first such request having been made in February of this year. No reports have been furnished to the committee by the Department. Of the more than 40 bills introduced on the subject of ocean dumping, approximately 25 percent contain marine sanctuary provisions. The Department of Interior was also requested for its comments on those bills, and although the departmental reports specifically recognized in some instances, particularly H.R. 4359, the existance of a marine sanctuary provision, the reports did not take a specific stand on the subject.

In its consideration of the various ocean dumping bills, the committee heard the testimony of the Department of the Interior and the witness did not address himself or express any objection specifically to marine sanctuary provisions. It is true that the administration proposal, H.R. 4723, did not contain such a provision. The subcommittees considering the bills, however, felt that this additional provision would be an added tool in protecting the quality of our ocean waters.

As early as May 1971, a committee print for discussion purposes, contained just such a provision. That committee print was used in the markup of the bill and representatives of at least three executive agencies were continually present in the executive committee meetings to give advice and counsel to the subcommittee members. The print was also made available to other Government departments and while no formal request was made to Interior for its comments, it could have furnished them at any time. H.R. 9727, as we are considering it today, was, in effect, a clean bill resulting from the subcommittee deliberations. Since all interested departments had been heard during the hearings, there was no need to again request testimony on H.R. 9727. But to say that the Department of Interior was not aware of the committee deliberations will not bear the light of day.

As I have previously pointed out, the Department of Commerce, through the National Marine Fisheries Service has jurisdiction over the living resources of the oceans including those of the Continental Shelf. This is specifically covered in the act of May 20, 1964, as amended—16 U.S.C. 1081–1086—which includes provisions relating not only to fisheries in the contiguous zone but to Continental Shelf fishery resources. It is also obvious that if this bill passes, an additional "permitted activity" will be dumping of materials as regulated by title I.

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

Mr. LENNON. I yield to the gentleman from Florida.

Mr. FREY. I thank the gentleman for yielding. I want to point out that this is true.

There were three bills on the subject, H.R. 4359, H.R. 4360, and H.R. 4361, with 52 cosponsors, including five members of the committee.

As a matter of fact, on the question, there was knowledge of the sanctuaries. This is an old question. The Council on Environmental Quality in 1970 in its report initially brought this up.

A bill including this was filed in the 91st Congress by myself.

There is testimony on page 216 of the hearings of April 5, 6, and 7 which goes into this, Mr. Chairman.

Furthermore, there was a report, although innocuous, filed by the Department of Interior, which appears at page 108 of the report.

So there certainly was notice of this. It is a good bill. It seems to me, on something as important as this, we ought to get down to passing it.

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

Mr. LENNON. I shall be happy to yield, if I may have my time extended.

Mr. KYL. I will seek additional time for the gentleman.

Mr. LENNON. Under those conditions I yield to the gentleman from Iowa.

Mr. KYL. Is there any proposed authority in title III, which authority now exists in the Department of the Interior, in the Secretary of the Interior?

Mr. LENNON. This does not in any way circumvent or impede or diminish the present authority of the Secretary of the Interior relating to exploration and exploitation off the Continental Shelf, regarding phosphates, minerals, oil, gas or anything else.

Mr. KYL. The gentleman did not respond to the question, perhaps because it was poorly phrased.

Does the Secretary of the Interior today have the authority to do what title III seeks to do for the Commerce Department?

Mr. LENNON. No. All he has the authority to do now is make the determination as to what leases shall be granted for exploration and exploitation.

This title III does not interfere with or to any degree impede him in this regard.

He must, however, and rightly so, confer not with the Secretary of Commerce as such but with the administrator of the agency that this Congress created, the National Oceanographic and Atmospheric Agency. At the same time public hearings must be held in the area where this is done to determine whether or not there will be an adverse effect.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. LENNON was allowed to proceed for 5 additional minutes.)

Mr. KYL. Will the gentleman yield for one further question?

Mr. LENNON. Yes. I am glad to yield to the gentleman.

Mr. KYL. The Secretary of the Interior, then, in making regulations concerning fish and wildlife and the protection thereof, and marine sanctuaries and so on, has been acting beyond any official capacity. Is that what the gentleman is saying?

Mr. LENNON. No. You must recall, my friend, through your vote and the other votes, we took out of the Department of the Interior and put into NOAA—the National Oceanographic and Atmospheric Agency—the commercial fishing and certain aspects of sports fishing and wildlife. That was done by the Congress, and it is now in NOAA, which is a part of the Department of Commerce.

Mr. KYL. I thank the gentleman for yielding, although we are in disagreement completely.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. LENNON. I will be delighted to yield to the gentleman.

Mr. GERALD R. FORD. As I interpret the statement made a few moments ago by the gentleman from North Carolina, the inference was that in effect the head of NOAA would make the decision as to the establishment of marine sanctuaries, implying that the Secretary of Commerce was not the person who made the final decision.

Mr. LENNON. The Secretary of Commerce is designated as the individual because that is the Cabinet-level status, as the gentleman so well knows. But certainly the Administrator of NOAA within the Department of Commerce will be the chief advocate of such marine sanctuaries.

Mr. GERALD R. FORD. Let me clarify that if I might.

The Secretary of Commerce makes the final decision.

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

Mr. LENNON. If the gentleman will permit me, I will be happy to yield now to the gentleman from Michigan (Mr. DINGELL), who, I am sure, can clarify this point.

Mr. DINGELL. I would like to read from the language of the bill. This is in section 302.

The "Secretary"—referring to the

Secretary of Commerce who is outlined above—"after consultation with the Secretaries of State, Defense," and so forth, "and the Administrator"—referring to the Administrator of the Environmental Protection Agency—"may designate as marine sanctuaries" and so forth. And then it goes on from there. Referring further to the language of the bill, it is permissive for him to do after having engaged in consultation with the officers of the other departments.

Mr. GERALD R. FORD. Let me make a further inquiry.

Mr. LENNON. I yield to the gentleman.

Mr. GERALD R. FORD. I am sure the gentleman would not want to upgrade the head of NOAA so that he could preempt the final authority of the Secretary of Commerce. What I am trying to clarify is, if the Secretary of Commerce disagrees with the head of NOAA, the Secretary of Commerce is the person who makes the final decision.

Mr. LENNON. That would be my interpretation of it.

Mr. DINGELL. If the gentleman will yield, the gentleman from Michigan is correct. That is a correct interpretation.

Mr. GERALD R. FORD. In other words, he can disagree with the head of NOAA and make a final decision, and his decision is the final one?

Mr. DINGELL. I so read the bill.

Mr. GERALD R. FORD. Thank you.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. LENNON was allowed to proceed for 4 additional minutes.)

Mr. LENNON. Mr. Chairman, I think I could have answered these questions that have been raised if they would have permitted me to proceed with my statement.

Twelve bills were introduced, three in the 90th Congress. The Interior Department testified on these bills and suggested that this issue be delayed until the pending national estuary study and the forthcoming report of the Marine Science Commission was received.

It was based upon the suggestion that no legislation was brought to this floor in the 90th Congress or in the 91st Congress.

This estuary study was made, was completed and forwarded to the Congress in 1970 and states in part:

> It is in the national interest of the Federal Government to help provide leadership incentive for estuary preservation and restoration for the benefit of all the people.

It further stated other very pertinent facts concerning this issue. That report was approved and adopted on January 30, 1970, by whom? By Walter J. Hickel, the Secretary of the Department of the Interior. The Marine Science report was also received by the Congress at the same time. We followed the recommendations of the administration, the previous administration and this administration, in the attempt to bring this legislation before the House.

Gentlemen, I urge you to support your committee on this matter.

On the other side of the spectrum there will be an effort made to go a little further. We have adopted the middle course in this bill. However, there will be an amendment offered to the amendment now pending that would designate some spots other than those covered by this legislation as marine sanctuaries. I do not think that is equitable, because that would be an infringement upon the Department of the Interior which is now engaged in present negotiations for these leased sites.

Mr. Chairman, I think we should adopt the middle course and follow the recommendations of these two subcommittees which have given their time and their effort to bring this type of bill to you.

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

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

Mr. Chairman, the Aspinall amendment should be defeated. In my opinion it represents a misguided and ill-conceived effort on the part of well-meaning individuals to protect the development of offshore oil resources which they view as threatened by a marine sanctuary law.

This fear is groundless. Let me assure the distinguished chairman of the Interior Committee that it has never been our intention to stop the development of these vast resources. As the gentleman from Ohio (Mr. MOSHER) stated during general debate yesterday, the Merchant Marine and Fisheries Committee has led the way in fostering the increased utilization of the oceans to satisfy man's need for food, energy sources, and hard minerals. We have constantly endeavored to advance technology and basic knowledge, so that these offshore resources and the wealth of the deep sea bed can be extracted economically.

Let me reemphasize the fact that marine sanctuaries as proposed in title III of this legislation are not intended to prevent legitimate uses of the sea. They are intended to protect unique areas of the ocean bordering our country. How many such marine sanctuaries should be established remains to be determined. It is likely that most of them will protect sections of our national seashores. A sanctuary is not meant to be a marine wilderness where man will not enter. Its designation will insure very simply a balance between uses.

The amendment is the result of misinformation generated by the Department of the Interior. What is the Department afraid of? Are we to assume that the development of offshore minerals is not compatible with conservation of fisheries, recreation and our many other beneficial uses of the sea? Is the Department saying we must choose between oil and these other uses? I hope that is not the case. Perhaps the Department of the Interior should take another close look at the National Environmental Policy Act, and advise the Congress if its statutory responsibilities are in conflict with that act.

The basic thrust of the letters spread in the RECORD yesterday by the gentleman from Colorado (Mr. ASPINALL) is that title III of this legislation will have the effect of cutting off the flow of oil from the Outer Continental Shelf which, in turn, will curtail the President's program for meeting the energy needs of this country and will seriously reduce the flow of money to the Federal Treasury from the leasing of these offshore lands. This premise is completely wrong and is an unfortunate overreaction to a moderate and realistic attempt to insure balance among the competing uses for the seaward areas.

What does title III do? First of all, it provides that the Secretary of Commerce, after consultation with the Secretaries of State, Defense, Interior, Transportation, and the Administrator of EPA, may designate marine sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological or esthetic values. So far as State waters are concerned, the Governor of any State may refuse to accept the designation of any sanctuary within the territory of his State. A sanctuary which extends beyond our territorial sea does not impose any burden upon foreign nationals. It does not extend U.S. territory. It does not involve any creeping jurisdiction. It does not affect our efforts at the international level to formulate a new law of the sea.

Under an amendment which has been offered by the gentleman from North Carolina (Mr. LENNON), the fears of the Department of State are completely laid to rest. The difficulty with title III seems to arise in section 302(f) on page 48 of the bill. This subsection provides that the Secretary, after a marine sanctuary has been designated, shall issue necessary and responsible regulations to control any activity permitted within the designated sanctuary, and no permit, license or other authorization shall be valid unless the Secretary certifies that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section.

Thus it is clear that two things must occur before the fears of the Department of the Interior might be realized. First of all, a marine sanctuary will have to be designated in an area where offshore oil exploration or extraction is under way or feasible. The mere designation of a marine sanctuary, however, will not prohibit such activity. The Secretary must further find that oil exploration or extraction cannot be conducted consistent with the purpose for which the sanctuary was established. There may well be areas where, due to a variety of circumstances, the Secretary will be compelled to reach such a conclusion. I certainly do not envision, however, that this will frequently be the case. I am sure that the Interior Department and the distinguished chairman of the Interior Committee, the gentleman from Colorado (Mr. ASPINALL), do not mean to imply that the extraction of oil from the Outer Continental Shelf lands is so sacrosanct nor so inherently dangerous that it cannot be subjected to reasonable scrutiny by a responsible Federal official outside of the Department of the Interior.

Title III is a logical and reasonable corollary to the balance of this legisla-

tion. It is not a new or novel concept dreamed up by the Committee on Merchant Marine and Fisheries at the last minute. A number of bills before the committee at the outset of our deliberations tied the regulation of ocean dumping with the establishment of marine sanctuaries. These bills were reported upon by the Interior Department and were before the committee when the representative of the Interior Department testified. I strongly urge my colleagues to oppose this amendment and to support the passage of H.R. 9727, as reported by your committee.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me?

Mr. PELLY. I yield to the gentleman whose name I just mentioned.

Mr. ASPINALL. I intended to get recognition while the gentleman from North Carolina was speaking. It so happens that the Speaker, with the Parliamentarian's advice, assigned three—at least three—bills establishing marine sanctuaries to the Committee on Interior and Insular Affairs.

If that does not establish the right to the jurisdiction of our committee over at least bills having to do with general policies of marine sanctuaries, I do not know what else does.

Our committee was never given any notice or consideration at all when the hearings on this legislation were held or at any time during the consideration of the legislation which will authorize studies for the purpose of establishing marine sanctuaries.

I desire that the members of this Committee know that there is no personal ambition to have legislation taken before our committee when it is before another committee.

But anyone who suggests that the Committee on Interior and Insular Affairs does not have jurisdiction over the general operations here, is mistaken, or the reference of the bills was wrong. Also it would have been a simple question of congressional courtesy that the committee which had at least some of the bills before it be given some kind of warning that the bills would be considered by another committee.

There may be dual jurisdiction in this respect, but there is jurisdiction in the Committee on Interior and Insular Affairs without question.

If my colleague, the gentleman from Washington (Mr. PELLY) will yield further, section (d) of title III says that the Secretary, that is, the Secretary of Commerce, "shall make his initial designation under this section within 2 years following the date of enactment of this title."

This takes the jurisdiction, whatever there may be, away from the Secretary of the Interior, and gives it to the Secretary of Commerce.

Section (f) states that after a marine sanctuary has been designated under this section, the Secretary shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary.

If that does not take complete jurisdiction away from the Secretary of the Interior, then I cannot read the language.

Mr. PELLY. I certainly do not want our committees to become engaged in any jurisdiction fight. We have had our little differences with the Committee on Interior and Insular Affairs before, and we have reconciled them. I can say to my good friend, the gentleman from Colorado (Mr. ASPINALL) that I had no thought in my mind that we were invading his jurisdiction. I am certain we are not, and it was not our intention to do so.

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield further, I would like to correct the statement I made, and that is that we have eight bills before our committee at the present time instead of the three that I mentioned.

Mr. PELLY. I certainly am aware of the important responsibilities that the gentleman and his committee have over the exploration for oil, and I do not want—as a member of the Committee on Merchant Marine and Fisheries to have any part in that jurisdiction.

Mr. DINGELL. Mr. Chairman, would the gentleman yield?

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

Mr. DINGELL. Mr. Chairman, I think it is important that we recognize that bills of this nature have been referred to our Committee on Merchant Marine and Fisheries since 1966, and in each Congress since that time, and that there have been a goodly number of such bills which have been referred to our committee.

There are now pending something in the neighborhood of eight bills. Six bills of this nature were heard during the last Congress. There is even a bill dealing with the subject which I would call to the attention of my good friend, the gentleman from Colorado (Mr. ASPINALL), and that is H.R. 9111——

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

(On request of Mr. DINGELL, and by unanimous consent, Mr. PELLY was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Mr. Chairman, if the gentleman from Washington will continue to yield to me, I would point out to my good friend, the gentleman from Colorado (Mr. ASPINALL) that the bill H.R. 9111, which was introduced by the gentleman from Louisiana (Mr. WAGGONNER) has been referred to the Committee on the Judiciary, and the title states as follows:

Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act.

I think that we have a situation where there has been a long-established jurisdiction, well recognized by the Parliamentarian and by the Speaker, by the reference of bills of this kind to the Committee on Merchant Marine and Fisheries for no less than three Congresses, and that the Committee on Merchant Marine and Fisheries has acted on those bills.

Also, there have been additional bills, such as one relating to the coastal zone, that have been handled under the distinguished and able leadership of my good friend, the gentleman from North Carolina (Mr. LENNON). So I believe that the question of jurisdiction is very clear and simple, and that it is abundantly plain that it is in the hands of the committee that has brought this bill before us today.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

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

Mr. MURPHY of New York. Mr. Chairman, there were 39 distinct bills introduced in this Congress on marine sanctuaries. Many of those bills, including the first one, H.R. 285, have been referred to this committee. I introduced that bill in the previous Congress, and the Parliamentarian referred it to the Committee on Merchant Marine and Fisheries. I feel that virtually every Government agency testified before the committee, and I would like to compliment the gentleman from North Carolina and the members of that committee for the outstanding job they did in putting together this legislation.

I am also well aware of the many points of views from many of the other Members of Congress with regard to the jurisdictional question, particularly with regard to the Secretary of the Interior in regard to advice and consenting to the establishment of these sanctuaries.

Mr. PELLY. Mr. Chairman, I would like to add to what I said, that I personally do not intend to invade the jurisdiction of the great Committee on Interior and Insular Affairs. I do not believe this bill has done that. As I said before I am hopeful that this can be resolved without getting into a fight between two of the great committees of the Congress.

Mr. DINGELL. Mr. Chairman, will the gentleman yield further?

Mr. PELLY. I yield to the gentleman.

Mr. DINGELL. Reports were requested in each instance on each and every one of the bills dealing with marine sanctuaries by the staff and the chairman of the Committee on Merchant Marine and Fisheries of all interested government agencies including the Department of the Interior. Of the some 30-odd bills before our committee at this time, a request was made for a report on each of the bills of the Department of the Interior. The Department of the Interior was brought in to testify and was queried on the subject of marine sanctuaries by our committee, and, more importantly, other Government agencies, including the Council on Environmental Quality and the Office of Science Technology, were also queried.

AMENDMENT OFFERED BY MR. LENT

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

The Clerk read as follows:

Amendment offered by Mr. LENT: Page 48, line 12, insert "(1)" after "(e)".

Page 48, between lines 18 and 19, insert the following:

"(2) In any case in which the Secretary has an area under study for possible designation as a marine sanctuary—

(A) the Secretary is authorized to cooperate with all affected Federal, State, local, and international organizations for the purpose of arranging a moratorium, until the study

is completed, on industrial development within the oceans, coastal, and other waters of such area; and

"(B) the Secretary of the Interior may not issue any new permit, license, or other authorization for the extraction of oil from such area until such study is completed."

Page 49, line 2, after "section." insert the following:

"The Secretary may not certify as consistent with the purposes of this title any permit, license, or other authorization for the extraction of oil from any area designated as a marine sanctuary."

Mr. LENT. Mr. Chairman, I offer a perfecting amendment which is at the desk.

Mr. Chairman, I would like to preface my remarks on the amendment by commending the committee for reporting an excellent bill to control ocean dumping in nearly every respect. Especially commendable is title III of this legislation, which, for the first time, authorizes the establishment of select areas of our coastal waters for distinctive treatment because of their noteworthy conservation, recreational, ecological, or esthetic values.

I am pleased that we have finally reached this legislative juncture that acknowledges the fact that our oceans are not an indestructible resource—that whatever further damage we will permit to our waters—at least we have seen fit to select a portion of them for restoration and preservation.

The purpose of this amendment, which is cosponsored by the gentleman from California (Mr. TEAGUE), is to lend real credence to our intent here today rather than let this very well-meaning title stand as merely a partial solution—controlling dumping, but disregarding the equally hazardous problem of offshore oil drilling.

This amendment simply adds language to title III to restrict the Secretary of the Interior from proceeding to issue permits, licenses, or leases for new offshore oil drilling, pending completion of a study of the affected area for possible designation as a "marine sanctuary."

If one were to ask my colleagues who serve the coastal areas, "What is the one potential danger that would result in the most catastrophic destruction to the conservation, recreational, ecological, or esthetic values of your shore?" I doubt very seriously that their answers would reflect "red tide," a hurricane, or any other passing natural disaster.

I think you know as I know that their responses would most likely cite the potential devastation that oil spills off our coasts creates.

If there is any activity that can be judged more totally incompatible with the concept of marine sanctuaries, Mr. Chairman, it must be the offshore drilling of oil.

The immediate need for this legislation from the vantage point of those of us representing highly vulnerable beach and wetland areas along the Atlantic coast has only recently come to light with the disclosure by two major daily newspapers on Long Island—the Long Island Press and Newsday—confirmed by the Department of the Interior, that extensive oil explorations now taking place along the Atlantic shelf from Maine to Florida have indicated the areas may yield as much as 200 billion barrels of oil.

These disclosures, which have aroused great interest and concern among east coast residents, indicate a very real possibility that, unless the Congress acts now, oil leases may be granted and drilling commenced in the Atlantic as early as 2 years from now. Similar pressures are mounting for oil development off the Gulf of Alaska and the northern Pacific coast.

There is no doubt but that the National interest demands the development of new energy sources. But, there are times when we may erroneously risk sacrificing long-term values for short-term gains.

There is no reason why these vast areas of the Atlantic shelf, presently barren of oil drilling operations, should be permitted to be developed helter skelter by commercial interests. The current bill, in providing for the establishment of marine sanctuary areas, affords an excellent vehicle for declaring certain precious estuary, wetland, and beach areas "off-limits" to drilling and other forms of development.

This amendment is designed to preclude the threat that the oil interests will proceed at a faster pace in developing this area than the administrative machinery for establishing marine sanctuary areas will permit.

Today we have a real opportunity to put the proverbial horse before the cart, as it belongs, and establish our environmental guidelines first. We have the means at hand to prevent damage to these special areas before they have been despoiled by oil drilling operations. We should grasp that opportunity now rather than to have to come back to this Chamber at some future time, after the mistakes have been made and the irreparable damage done.

The question today is:

Are we going to abandon this chance or will we learn from past mistakes and seize this opportunity? I urge support of this amendment.

At this point in the proceedings, I insert the following items into the RECORD:

First, a letter dated July 22, 1971, sent to me by the U.S. Department of the Interior, Geological Survey.

Second, a tentative schedule containing Office of Geological Survey leasing data, dated June 1971.

Third, Newsday editorial, "Sacking the Sea," which appeared in the Tuesday, July 20, 1971, edition.

Fourth, Long Island Daily Press editorial entitled "A Threat to Long Island" which appeared June 17, 1971.

Fifth, an article from the March 1971 issue of Environment, volume 13, No. 2, entitled "A Small Oil Spill" by Max Blumer, Howard L. Sanders, J. Fred Grassle, and George R. Hampson, of the Woods Hole Oceanographic Institution, Woods Hole, Mass.

Sixth, Long Island Daily Press editorial entitled "Get The Fords" which appeared July 17, 1971.

Seventh, Long Island Daily Press editorial entitled "Potential For Disaster," which appeared August 30, 1971.

The items follow:

U.S. DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, D.C., July 22, 1971.

Hon. NORMAN F. LENT,
House of Representatives,
Washington, D.C.

DEAR MR. LENT: Your letter of July 14 to Dr. Russell G. Wayland, Chief of our Conservation Division, requests information on the extent of oil exploration off the coast of Long Island and on a comparison of present Outer Continental Shelf (OCS) regulations with those in effect prior to the Santa Barbara incident.

Enclosed are the following which contain the information requested and certain additional information which may be of interest to you:

1. A paper containing data compiled by the Geological Survey in January 1971 on the "Oil and gas potential for the Atlantic Continental Shelf north of Cape Hatteras," with attached Figures 1–4 and Tables 1 and 2. Table 1 contains a list of all permits for geological and geophysical explorations issued by the Geological Survey for the Atlantic OCS. The table has been revised to include 2 permits issued to date during 1971, under which operations currently are in progress. Both of these permits were issued for periods ending October 31, 1971; however, operations probably will be completed prior to that date. Areas off Long Island are included within the permit areas for 25 of the 58 Atlantic OCS permits. We have attached to Table 1 the addresses of the companies to which these 25 permits were issued.

2. An article entitled "Is there oil in the Atlantic?" from the Spring 1970 issue of *Petroleum Today* magazine. The geophysical operations mentioned in the article were those conducted under Permit E 1–68 (Item 37 on Table 1).

3. An article on the "Atlantic Seaboard" from the 4th Quarter 1969 issue of *The Humble Way* magazine. The environment and multiple use are discussed on pages 16–18.

4. Two recent articles on drilling operations currently being conducted in the Atlantic off Canada.

5. News release of August 22, 1969, announcing the adoption of the new OCS leasing and operating regulations which were published in the *Federal Register* on that date.

6. News release of August 29, 1969, announcing new OCS orders for stricter regulation of drilling and producing operations in the Gulf of Mexico. Similar orders have been issued also for the Pacific Region of our Branch of Oil and Gas Operations, the only other region in which OCS Lands have been leased.

7. A November 1970 speech by the Chief of our Conservation Division on "Federal Regulations and Pollution Controls on the U.S. Offshore Oil Industry".

8. News release of June 15, 1971, announcing a tentative OCS leasing schedule and a copy of the tentative schedule.

9. Booklet dated April 1971 containing the current regulations and other papers pertaining to the OCS.

Please do not hesitate to contact us should you desire any additional information.

Sincerely yours,

W. A. RADLINSKI,
Acting Director.

TENTATIVE SCHEDULE—O.C.S. LEASING

1971 SALES

Gulf of Mexico, Drainage:
June—Draft, E. Q. State.
August—E. Q. State.
September—Sale Notice.
October—Sale.
E. Louisiana, General and Gulf of Mexico, Drainage:
January—Call.
March—Nom. Due.
July—Hearing Notice.
August—Draft, E. Q. State.
September—Hearing.
October—E. Q. State.
November—Sale Notice.
December—Sale.
Louisiana General and Gulf of Mexico, Drainage:
June—Call.
August—Nom. Due.
September—Hearing Notice.
October—Draft, E. Q. State.
November—Hearing.
E. Texas General and Gulf of Mexico Drainage:
September—Call.
December—Nom. Due.

1972 SALES

Gulf of Alaska, General:
January—Hearing Notice.
February—Draft E. Q. State.
March—Hearing.
June—E. Q. State.
Louisiana, General, and Gulf of Mexico, Drainage:
January—E. Q. State.
February—Sale Notice.
May—Sale.
E. Texas, General, and Gulf of Mexico, Drainage:
February—Hearing Notice.
March—Draft E. Q. State.
April—Hearing.
June—E. Q. State.
August—Sale Notice.
November—Sale.
Alabama, Mississippi, and Florida, General, and Gulf of Mexico Drainage:
March—Call.
June—Nom. Due.
August—Hearing Notice.
September—Draft E. Q. State.
October—Hearing.
December—E. Q. State.
Louisiana and East Texas, General, and Gulf of Mexico, Drainage:
September—Call.
December—Nom. Due.
Atlantic, General:
August—Hearing Notice.
October—Draft E. Q. State.
November—Hearing.

1973 SALES

Gulf of Alaska, General:
This sale, or one of comparable potential reserves, to be held prior to 1976.
Alabama, Mississippi, and Florida, General and Gulf of Mexico, Drainage:
February—Sale Notice.
May—Sale.
Louisiana and East Texas, General and Gulf of Mexico, Drainage:
February—Hearing Notice.
March—Draft, E.Q. State.
April—Hearing.
June—E.Q. State.
August—Sale Notice.
November—Sale.
Gulf of Mexico, Drainage:
October—Draft, E.Q. State.
December—E.Q. State.
Louisiana and Texas, General and Gulf of Mexico, Drainage:
September—Call.
December—Nom. Due.
Atlantic General:
February—E.Q. State.
This sale, or one of comparable potential reserves, to be held prior to 1976.

1974 SALES

Gulf of Alaska, General:
This sale, or one of comparable potential reserves, to be held prior to 1976.
Gulf of Mexico, Drainage:
February—Sale Notice.
May—Sale.
Louisiana and Texas, General, and Gulf of Mexico, Drainage:
February—Hearing Notice.
March—Draft E. Q. State.
April—Hearing.
June—E. Q. State.
August—Sale Notice.
November—Sale.
Atlantic, General:
This sale, or one of comparable potential reserves, to be held prior to 1976.
Gulf of Mexico, Drainage:
October—Draft E. Q. State.
December—E. Q. State.
Gulf of Mexico, General and Drainage:
September—Call.
December—Nom. Due.

1975 SALES

Gulf of Alaska, General:
This sale, or one of comparable potential reserves, to be held prior to 1976.
Atlantic, General:
This sale, or one of comparable potential reserves, to be held prior to 1976.
Gulf of Mexico, Drainage:
February—Sale Notice.
May—Sale.
Gulf of Mexico, General and Drainage:
February—Hearing Notice.
March—Draft, E. Q. State.
April—Hearing.
June—E. Q. State.
August—Sale Notice.

[From Newsday, July 20, 1971]

SACKING THE SEA

There was a time when the mere cataloging of resources was a sure-fire source of national pride. But that was before Americans really got down to the task of exploiting those resources.

The sacking of Rome was a high tea compared to the industrial growth of America. The barbarian hordes never killed a river or dug an Appalachian strip mine or caused the tides to flow heavy with oil. It took American ingenuity to dream up that kind of vandalism. And despite the havoc already wreaked, the process continues. According to the U.S. Geological Survey, there may be as much as 200 billion barrels of oil beneath the Continental Shelf off the east coast of the U.S. At the moment a consortium of 33 oil companies is financing a search for likely new oil fields under offshore waters.

The geologists have already located two northeastern sites that look promising. One is situated about 60 miles southeast of Long Island; the other about 80 miles east of Massachusetts. The oil companies are interested, and an Interior Department spokesman has estimated that drilling could be proceeding in the Atlantic as early as two years from now.

The chairman of the Suffolk County Legislature, John V. N. Klein, reacted to this prospect with a letter to President Nixon in which he said, "The potential for off-shore drilling activities poses the greatest single environmental threat in Suffolk County since its settlement in the early 1600s." That sounds like the language of hyperbole, but it isn't. Klein's assessment is accurate and precise.

Recently a mere 38,000 gallons of oil spilled by a Navy tanker closed Coney Island, New York City's prime summer recreational area. An off-shore oil drilling operation has a potential for loosing vast amounts of oil, which could forever destroy Long Island's wetlands. This potential cannot be dismissed lightly. The oil companies, of course, minimize the chance of accident, but these assurances have a hollow ring in the wake of the Santa Barbara spill and the more recent one in the Gulf of Mexico.

Until the techniques of protecting the environment are as sophisticated as those used in exploiting it, oil drilling in the Atlantic should be prohibited.

[From the Long Island Press, June 17, 1971]

A THREAT TO LONG ISLAND

We have grave misgivings about the Interior Department plan to lease off-shore land for commercial oil and gas drilling.

"We all saw what happened in California," Rep. James Grover of Babylan said, referring to the massive oil spill off Santa Barbara that caused extensive damage to hundreds of miles of coastline. And, he added, "it can happen here."

His concern is shared by Rep. Otis G. Pike of Riverhead, Suffolk Legislative Chairman John V. N. Klein and others who fear what might happen to our beaches and bays in the event of a major spill, blowout or fire. As Mr. Klein aptly put it, the last thing Long Island needs is "one additional mammoth threat to its environment."

The danger is real because the lease program announced by Interior Secretary Rogers C. B. Morton does not envision drilling by a handful of companies with some hope of success, but by a consortium of 33 major companies with high hopes of tapping a rich new source of oil.

Fortunately, Secretary Morton also said there will be "ample time" allotted for public hearings and for a careful review of each mining proposal by the President's Council on Environmental Quality. It is vital that Long Island leaders insist on the same intense public scrutiny that has been given—for similar reasons—to the Long Island Lighting Company's plan to build a nuclear power plant at Shoreham.

So long as we depend upon oil as a prime source of energy there will be a need to mine it. And it may well be, as predicted by Thomas Macres Jr., co-chairman of the State Conservation Council, that "there's too damn much money and power involved" to stop this oil lease program. It will therefore take powerful opposition and solid evidence of high environmental risk to persuade Washington that it is off course in permitting the drilling operations.

Populous Long Island's unique coastline, with its bays, wetlands and beaches, is already highly vulnerable to existing sources of pollution. Massive oil drilling would tremendously magnify the threat. Public officials and civic leaders from Astoria and Coney Island to Orient and Montauk Point must mount a campaign to nip this high-risk venture in the bud, or, at the very least, with government guarantees that the strongest possible safety regulations will be enacted—and enforced.

A SMALL OIL SPILL

AN OCEAN OF OIL

Oil pollution of the ocean is an increasingly serious global problem. This was the consensus of a large group of scientists from many disciplines who met last fall at the Massachusetts Institute of Technology (MIT) to consider the most pressing problems of man's technological impact on world ecology (see page 48). The conclusion also was voiced by a number of scientists at European conferences late last year sponsored by NATO and the Food and Agriculture Organization of the United Nations. Scientists at the month-long MIT meeting observed that the oils from petroleum are different in composition and toxicity from those occurring naturally in living marine organisms. These differences present a threat to ocean life and ultimately to human welfare, particularly in view of the scope of the pollution. The scientists pointed out that, although major catastrophes such as the wreck of the tanker Torrey Canyon in 1967 or the Santa Barbara Channel leak in 1969 receive the headlines, the smaller day-to-day spills in coastal waters and harbors of the world produce chronic pollution that is much larger in total volume and probably more severe in biological consequences.

The following article examines the impact of one localized oil spill that would have received only passing attention had it not occurred near the Woods Hole Oceanographic Institution in Massachusetts. An interdisciplinary group of experienced scientists at the institution spent many months examining the after effects of the accident. Their conclusions have far-reaching implications for the rising tide of oil pollution around the globe. Chronic oil pollution contaminates near-shore waters that are key to the survival of most marine animals that are taken for man's food. Over a long period of time, this persistent pollution may interfere with the normal life processes of the organisms—as well as killing them outright at high concentrations. The result, as in the West Falmouth story that follows, may be progressive

disappearance of usually abundant fish and shellfish. Their decline would be accompanied by an increase in pollution-tolerant species that generally indicate an unhealthy state of biological affairs. Furthermore, remaining organisms of food value to man may be permanently contaminated with petroleum mydrocarbons that could be hazardous to health.

Because of this, chronic oil spills can be called "small" only in a relative sense. Each one further contributes to the deterioration of the marine environment. Meanwhile, there is no letup in single, massive oil accidents around the world. The largest ones over the past year or so are summarized in the special Environment report that follows the article by Dr. Blumer and his colleagues.

During the last few years the public has become increasingly aware of the presence of oil on the sea. We read about the recurring accidents in oil transport and production, such as the disaster of the *Torrey Canyon* tanker, the oil well blowout at Santa Barbara, and the oil well fires in the Gulf of Mexico. To those visiting our shores the presence of oil on rocks and sand has become an everyday experience; however, few of us realize that these spectacular accidents contribute only a small fraction of the total oil that enters the ocean. In the *Torrey Canyon* episode of 1967 about 100,000 tons of crude oil were lost. By comparison, routine discharges from tankers and other commercial vessels contribute an estimated three and one-half million tons of petroleum to the ocean every year. In addition, pollution from accidents in port and on the high seas, in exploration and production, in storage, in pipeline breaks, from spent lubricants, from incompletely burned fuels, and from untreated industrial and domestic sewage contribute an equal or larger amount of oil. Thus, it has been estimated that the total oil influx into the ocean is between five and ten million tons per year.[1]

What are the effects of oil on marine organisms and on food that we recover from the sea? Some scientists have said that the oceans in their vastness should be capable of assimilating the entire oil input. This, however, assumes that the oil is evenly distributed through the entire water profile, or water column, of the ocean. Unfortunately this assumption is not correct. Oil production, transportation, and use are heavily concentrated in the coastal regions, and pollution therefore predominately affects the surface waters on the continental margins. J. H. Ryther has stated that the open sea is virtually a biological desert.[2] Although the deeper ocean provides some fishing for tuna, bonito, skipjack, and billfish, the coastal waters produce almost the entire shellfish crop and nearly half of the total fish crop. The bulk of the remainder of the fish crop comes from regions of upwelling water, near the continental margins, that occupy only one-tenth of one percent of the total surface area of the seas. These productive waters receive the heaviest influx of oil. They also are most affected by other activities of man, such as dredging, waste disposal, and unintentional dispersal of chemical poisons like insecticides.

Some environmentalists have expressed the belief that major oil spills such as those from the *Torrey Canyon* and the blowout at Santa Barbara have brought about little biological damage in the ocean.[3] These statements are largely based on statistical measments of the catch of adult fish. We believe that such statistics are a very insensitive measure of the ecologic damage to wide oceanic regions. Often the migratory history of the fish species studies is unknown. The fish may not have been exposed to the spill itself, or may not have suffered from a depletion of food organisms if their growth occurred in areas remote from the spill. Statistical and observational data on adult fishes will not reveal damage to the often much more sensitive juvenile forms or to intermediate members in the marine food chain. The only other studies on effects of oil on marine organisms have concentrated on relatively tolerant organisms which live between the tides at the margins of affected areas. The main impact, however, would be expected in subtidal areas, and that has never been measuerd quantitatively.

A relatively small oil spill that occurred almost at the doorstep of the Woods Hole Oceanographic Institution at Woods Hole, Massachusetts, gave us the opportunity to study immediate and long-term ecological damage in a region for which we had extensive previous knowledge about the biology and chemistry of native marine organisms.[4] On September 16, 1969, an oil barge on the way to a power plant on the Cape Cod Canal came ashore off Fassets Point, West Falmouth, in Buzzards Bay. Between 650 and 700 tons of #2 fuel oil were released into the coastal waters. The oil-contaminated region in Buzzards Bay expanded steadily with time after the accident as the complex interaction of wind, waves, and bottom sediment movement spread oil from polluted to unpolluted areas. Eight months after the grounding, polluted sea bottom, marshes, and tidal rivers comprised an area many times larger than that first affected by the accident. The dispersion was much greater than expected on the basis of conventional studies of oil pollution. The situation even forced changes in our research efforts. As we shall explain later, a control point for marine surveys was established beyond the anticipated limit of the spread of oil. Within three weeks, the contamination had spread to the station. Another was established twice as far away. Three months after the accident, that too was polluted. Bottom sediment was contaminated 42 feet beneath the surface, the greatest water depth in that part of Buzzards Bay.

Ecological effects of the spreading blanket of oil beneath the surface were severe. The oil decimated offshore marine life in the immediate area of the spill during the first few days. As the oil spread out across the bottom of the bay in the following months, it retained its toxicity.

Even by May 1970, eight months after the spill, bacterial degradation (breakdown into simpler substances of oil was not far advanced in the most polluted regions. More rapid oil deterioration in outlying, less affected areas had been reversed by a new influx of less degraded oil from the more contaminated regions.

The tidal Wild Harbor River still contained an estimated four tons of fuel oil. The contamination had ruled out commercial shellfishing for at least two years. The severe biological damage and the slow rate of biodegradation of the oil suggests that shellfish productivity will be affected for an even longer period. Furthermore, destruction of bottom plants and animals reduced the stability of marshlands and sea bottom. Resulting erosion may have promoted spread of the oil along the sea floor. Inshore, the oil penetrated to a depth of at least one to two feet in marsh sediment.

Nevertheless, compared in magnitude to other catastrophes, this was a relatively small spill the amount of oil lost in the *Torrey Canyon* accident was 150 times larger. The interim results of our survey, coupled with research findings of other studies in this laboratory, indicate that crude oil and other petroleum products are a far more dangerous and persistent threat to the marine environment and to human food resources than we would have anticipated. Pollution from a large oil spill is very obvious and visible. It has often been thought that the eventual disappearance of this visible eidence coincides with the disappearance of any biological damage. This, however, is not true. Sensitive analytical techniques can still detect oil in marine organisms and in sediments after the visual evidence has disappeared, and biological studies reveal that this residual oil is still toxic to the marine organisms. Here we shall discuss first the general results of our study, then go more deeply into the description of the laboratory work involving biology, biochemistry, and chemistry. Our most important findings are these:[4]

Crude oil and petroleum products contain many substances that are poisonous to marine life. Some of these cause immediate death; others have a slower effect. Crude oils and oil products differ in their relative composition; therefore the specific toxic effect may vary. Crude oil, in general, is less immediately toxic than some distilled products, but even crude oil that has been weathered (altered by exposure to the weather) at sea for some time still contains many of the acutely toxic hydrocarbons.[5] The more persistent, slowly acting poisons (for example, the carcinogens) are more abundant in crude oil than in some of the lower boiling distillates. These poisons are quite resistant to the environmental weathering of oil.

In spite of low density, oil may mix with water, especially in a turbulent sea during storm conditions. Hydrocarbons may be dispersed through the water column in solution in the form of droplets, and the compounds may reach the sea bottom, particularly if weighted down by mineral particles. On the sea floor oil persists for long periods and can continue to damage bottom plants and animals. Thus, a single accident may result in long-term, continual pollution of the sea. This is a very important finding since biologists have long agreed that chronic pollution generally has more far-reaching effects than an accident of short duration. Hydrocarbons can be taken up by fish and shellfish. When the oil enters the fat and flesh of the animals, it is isolated from natural degradation processes. It remains essentially constant in amount and chemically intact even after the animals are transplanted into clean water for decontamination. Thus, chemicals from oil that may be poisonous to marine organisms and other animals, including man, may persist in the sea and in biological systems for many months after the spill.

By killing the bottom organisms, oil reduces cohesion of the bottom sediments and thereby accelerates transport of the sediments. Sediment movements along the sea bottom thus are a common occurrence after an oil spill. In this way contaminated sediments may be spread over great distances under the influence of tide and wave action, and the oil may be carried to areas not immediately polluted by the spill.

None of the presently available countermeasures can completely eliminate the biological damage of oil spills. The rapid removal of oil by mechanical recovery or by burning appears most promising. The use of sinking agents or detergents, on the other hand, causes the toxic and undegraded oil to spread in the ocean; the biological damage is then greater than if the spill had been left untreated. Reclamation of contaminated organisms, marshes, and offshore sediments is virtually impossible, and natural ecological recovery is slow.

With these conclusions in mind we can now turn to our experience with the West Falmouth oil spill. The effect of this relatively small spill was still acute in January 1971, almost a year and one-half after the accident. Officials in the town of Falmouth have estimated that the damage to local shellfish resources, during the first year after the accident, amounted to $110,000. This does not include the damage to other marine species and the expected damage in coming years. In addition to the loss of the oil and the barge and the cleanup expenses (estimated to be $65,000), the owner of the oil

Footnotes at end of article.

paid compensations for the losses of marine fishery resources to the town of Falmouth ($100,000) and to the Commonwealth of Massachusetts ($200,000). The actual ecological damage may far exceed this apparent cost of almost half a million dollars.

Biological and chemical analysis

For our analysis (which is still continuing) bottom samples were carefully taken from the marshes and from the offshore areas. Samples for biological analysis were washed and sieved to recover living or dead organisms. These were preserved, identified, and counted. Results of counts from the affected area were compared with those from control areas that were not polluted by the spill. Some animals can be used as indicators for the presence of pollution, either because of their great sensitivity or because of their great resistance. Thus, small shrimplike animals, the amphipods of the family Ampeliscidae, are particularly vulnerable to oil pollution. Wherever the chemical analysis showed the presence of oil, these sensitive crustaceans were dying. On the other hand, the annelid worm, *Capitella capitata*, is highly resistant to oil pollution. Normally, this worm does not occur in large numbers in our area. However, after the accident it was able to benefit from the absence of other organisms which normally prey upon it and reached very high population densities. In the areas of the highest degree of pollution, however, even this worm was killed. *Capitella capitata* is well known, all over the world, as characteristic of areas heavily polluted by a variety of sources.

For chemical analysis, the sediments collected at our biological stations were extracted with a solvent that removed the hydrocarbons. The hydrocarbons were separated from other materials contained in the extracts. They were then analyzed by gas-liquid chromatography. This technique separates hydrocarbon mixtures into individual compounds, according to the boiling point and structural type. To do this, a sample is flash-evaporated in a heated tube. The vapor is swept by a constantly flowing stream of carrier gas into a long tube that is packed with a substance (substrate) that is responsible for the resolution of the mixture into its individual components. Ideally, each vaporized compound emerges from the end of the tube at a definite time and well separated from all other components. A sensitive detector and an amplifier then transmit a signal to a recorder which traces on a moving strip of chart paper a series of peaks (the chromatogram) that correspond to the individual components of the mixture. From the pattern of peaks in the gas chromatogram the chemist can learn much about the composition of the mixture. Each oil may have a characteristic fingerprint pattern by which it can be recognized in the environment for weeks, or even months, after the initial spill. Past and continuing work on the composition of those hydrocarbons that are naturally present in all marine organisms (see box, "What is Petroleum?") enabled us to distinguish easily between the natural hydrocarbons and those contained in the fuel oil. These analyses facilitated our study of the movement of the fuel oil from the West Falmouth oil spill into the bottom sediments and through the marine food chain.

Immediate kill

Massive, immediate destruction of marine life occurred offshore during the first few days after the accident. Affected were a wide range of fish, shellfish, worms, crabs, other crustaceans, and invertebrates. Bottom-living fish and lobsters were killed and washed up on the shores. Trawls made in ten feet of water soon after the spill showed that 95 percent of the animals recovered were dead and others were dying. The bottom sediments contained many dead snails, clams, and crustaceans. Similarly severe destruction occurred in the tidal rivers and marshes into which the oil had moved under the combined influence of tide and wind. Here again fish, crabs, shellfish, and other invertebrates were killed; in the most heavily polluted regions of the tidal marshes almost no animals survived.

The fuel oil spilled at West Falmouth was a light, transparent oil, very different from the black viscous oil associated with the *Torrey Canyon* and Santa Barbara episodes. Within days most of the dead animals had decayed and the visual evidence of the oil had almost disappeared. Casual observers were led to report to the press that the area looked as beautiful as ever. Had we discontinued our study after the visual evidence of the oil had disappeared, we might have been led to similar interpretations. From that point on, only continued, careful biological and chemical analysis revealed the extent of continuing damage.

PERSISTENCE OF POLLUTION

Quite recently a leading British expert on treatment of oil spills remarked that "white products, petrol, kerosene, light diesel fuel, and so forth, can be expected to be self-cleaning. In other words, given sufficient time they will evaporate and leave little or no objectionable residue."[6] Our experience shows how dangerously misleading such statements are. Chemical analyses of the oil recovered from the sediments and from the bodies of the surviving animals showed the chromatographic fingerprint of the diesel fuel, in monotonous repetition, for many months after the accident.

Bacteria normally present in the sea will attack and slowly degrade spilled oil. On the basis of visual observations it has been said that the oil spilled by the *Torrey Canyon* disappeared rapidly from the sediments. This was interpreted to mean that the action of the bacteria was "swift and complete." Our analyses, which were carried out by objective chemical, rather than by subjective observational techniques, showed the steady persistence of fuel oil that should, in principle, be even more rapidly degraded than a whole crude oil. Thus, in May 1970, eight months after the spill, oil essentially unaltered in chemical characteristics could still be recovered from the sediments of the most heavily polluted areas. By the end of the first year after the accident, bacterial degradation of the oil was noted at all locations, as evidenced by changes in the fingerprint pattern of the oil. Yet only partial detoxification of the sediments had occurred, since the bacteria attacked the least toxic hydrocarbons first. The more toxic aromatic hydro-carbons remained in the sediments.

Spread of pollution

For our chemical and biological work we established an unpolluted control station, outside of the area that was polluted, immediately after the accident. For a short period after the accident the sediments at this station were still clean and the organisms alive in their normal abundance and distribution. However, within three weeks, oil was found at this station and a significant number of organisms had been killed. Another control station was established twice as far from shore. Within three months fuel oil from the spill was evident at this station, and again there was a concomitant kill of bottom-living animals. This situation was repeated several times in sequence, and by spring 1970 the pollution had spread considerably from the area affected initially. At that time, the polluted area offshore was ten times larger than immediately after the accident and covered 5,000 acres (20 square kilometers) offshore and 500 acres (2 square kilometers) in the tidal river and marshes.

Another significant observation was made in the spring of 1970: Between December 1969 and April 1970, the oil content of the most heavily contaminated marine station two and one-half miles north of the original spill increased tenfold. Similar but smaller increases were observed at about the same time at other stations more distant from shore. The oil still showed the typical chromatographic fingerprint of the diesel fuel involved in the September 1969 oil spill. This and the lack of any further accident in this area suggested that oil was spreading from the most heavily contaminated inshore regions to the offshore sediments. We believe that the increase in the pollution level and the spread of oil to outlying areas are related to a transportation mechanism that we do not yet fully understand. However, the drastic kill of the animals that occurred with the arrival of oil pollution at the offshore stations showed that mortality continued for many months after the initial spill, even though no visible evidence of oil remained on the shores.

We believe these observations demonstrate that chronic oil pollution can result from a single spill, that the decimation of marine life can extend to new regions long after the initial spill, and that, once poisoned, the sea bottom may remain toxic to animals for long time periods.

Destruction of shellfish resources

Our analyses showed that oysters, soft-shell clams, quahaugs (another variety of clam), and scallops took up the fuel oil. Because of the pollution, the contaminated regions had to be closed to the harvesting of shellfish. Continuing analyses revealed that the contamination of the 1970 shellfish crop was as severe as that of the 1969 crop. Blue mussels that were juveniles in the polluted area at the time of the spill generally were sexually sterile the next season—they developed almost no eggs or sperm. Furthermore, in 1970 distant areas contained shellfish contaminated by fuel oil. Therefore, harvesting prohibitions had to be maintained in 1970 and had to be extended to polluted shellfish grounds that had not been closed to the public immediately after the accident.

It has long been common to transfer shellfish polluted by human sewage into clean water to make the animals marketable again. It has been thought that a similar flushing process would remove the oil from animals exposed to oil. Indeed, taste tests showed that the objectionable oily taste disappeared from animals maintained for some period in clean water. However, we removed oysters from the contaminated areas and kept them in clean running sea water up to six months. Fuel oil was still found in the animals by chemical analysis at essentially the same concentration and in the same composition as at the beginning of the flushing period.

Thus, we discovered that hydrocarbons taken up into the fat and flesh of fish and shellfish are not removed by natural flushing or by internal metabolic processes. The substances remain in the animals for long periods of time, possibly for their entire lives. The presence or absence of an oily taste or flavor in fish products is not a measure of contamination. The reason is that only a relatively small fraction of the total petroleum product has a pronounced taste or odor. Subjective observations cannot detect the presence of the toxic but tasteless and odorless pollutants. Only objective chemical analysis measures the presence of these chemical poisons. It is important to note in this regard that state and federal laboratories in the public health sector are not generally equipped to carry out these important chemical measurements. Such tests are vital, however, for the protection of the consumer.

Thus, our investigation demonstrated that the spill produced immediate mortality, chronic pollution, persistence of oil in the sediments and in the organisms, destruction of fishery resources, and continued harm to fisheries for a long period after the accident.

Footnotes at end of article.

Our continuing study will assess the persistence and toxicity of the oil and the eventual ecological recovery of the area. At the present time, one and one-half years after the spill, only the pollution-resistant organisms have been able to reestablish themselves in the more heavily contaminated regions. The original animal populations there have not become reestablished. Many animals that are able to move, early in their life cycles, as free-swimming larvae, reach the polluted area and are killed when they settle on the sea bottom or in the marshes at West Falmouth.

In addition, revitalization of bottom areas probably will be hampered by oxygen depletion caused by oxygen-requiring bacteria that degrade oil.[7]

The significance of West Falmouth

Some scientists are convinced that the effects at West Falmouth are a special case and have little applicability to spills of whole, unrefined crude oils. They contend that No. 2 fuel oil is more toxic than petroleum and that therefore it has effects that would not be comparable to those of whole petroleum. We cannot agree with this view.

Fuel oil is a typical oil-refining product. It is frequently shipped by sea, especially along coastal routes, and it is spilled in accidents like those which occurred at West Falmouth and off Baja California following the grounding of the *Tampico Maru* in 1957.[8]

More importantly, fuel oil is a part of petroleum, and as such it is contained within the whole petroleum. Surely, hydrocarbons that are toxic when they are in fuel oil must also be toxic when they are contained in petroleum. Therefore, the effects observed in West Falmouth are typical both for that fuel oil and the whole crude oil. In terms of chemical composition, crude oils span a range of molecular weights and structures. Many light crude oils have a composition not too dissimilar from that of fuel oil, and their toxicity and effects on the environment are very similar. Other heavier crude oils, while still containing the fuel oil components, contain higher proportions of the long-lasting poisons that are much more persistent and that include, for instance, some compounds that are potent carcinogens (cancer-producing agents) in experimental animals. Such heavy crude oils can be expected to be more persistent than a fuel oil, and they will have longer lasting long-term effects. Even weathered crude oils may still contain these long-term poisons, and in many cases some of the moderately low-boiling, immediately toxic compounds. In our view, these findings differ from those of other investigators principally for two reasons: Our study is based on objective measurement and is not primarily concerned with the mobile, adult marine species—the fish whose migratory history is largely unknown—or the highly resistant intertidal forms of life. We are studying quantitatively the effects of the spill on the sessile (bottom) animals that cannot escape the spill or the polluted sediment and that are thus exposed to chronic pollution. Since all classes of bottom animals are severely affected by the oil, we believe that the effects on free-swimming animals should be just as drastic. The difficulty of measuring the total impact of oil on the marine life has led many to doubt the ecological seriousness of oil pollution. Our findings, extending far beyond the period when the visual evidence of the oil had disappeared, are based on objective chemical analyses and quantitative biological measurements, rather than on subjective visual observations. They indict oil as a pollutant with severe biological effects.

It is unfortunate that oil pollution research has been dominated so strongly by subjective, visual observations. Clearly, oil is a *chemical* that has severe *biological* effects, and therefore oil pollution research, to be fully meaningful, must combine chemical with biological studies. Those few investigators who are using objective chemical techniques find patterns in the environmental damage by oil that are similar to those demonstrated by the West Falmouth spill. Thus, R. A. Kolpack reported that oil from the blowout at Santa Barbara was carried to the sea bottom by clay minerals and that within four months after the accident the entire bottom of the Santa Barbara basin was covered with oil from the spill.[9] Clearly, this is one of the most significant observations in the aftermath of that accident. A concurrent and complimentary biological study would have appreciably enhanced our understanding of the ecological damage caused by the Santa Barbara oil spill.

G. S. Sidhu and co-workers, applying analytic methods similar to those used by us, showed that the mullet, an edible finfish, takes up petroleum hydrocarbons from waters containing low levels of oil pollution from refinery outflows. In their chemical structures the hydrocarbons isolated by the investigators are similar to those found in the polluted shellfish of West Falmouth. The compounds differ markedly from those hydrocarbons present as natural components in all living organisms, yet closely approximate the hydrocarbons in fossil fuels.[10]

Numerous results of crude-oil toxicity tests, alone or in the presence of dispersants, have been published in the literature. However, in almost all cases such tests were performed on relatively hardy and resistant species that can be kept in the laboratory and on adult animals for short time periods under unnatural conditions or in the absence of food. At best, such tests may establish only the relative degree of the toxicity of various oils. We are convinced that the exposure of more sensitive animals, especially young ones, to oil pollution over many months would demonstrate a much greater susceptibility to the damaging effects of the oil. Such effects have been demonstrated in the studies of the West Falmouth oil spill. These studies represent a meaningful field test in open waters.

Thus, we believe that the general toxic potential and the persistence of the West Falmouth oil are typical of most oils and oil products both at the sea bottom and in the water column.

Conclusions

Our analysis of the aftermath of the West Falmouth oil spill suggests that oil is much more persistent and destructive to marine organisms and to man's marine food resources than scientists had thought. With the advent of objective chemical techniques, oil pollution research has entered a new stage. Earlier interpretations of the environmental effect of oil spills that were based on subjective observation, often over a short time span, have questionable validity. Crude oil and oil products are persistent poisons, resembling in their longevity DDT, PCB and other synthetic materials [which have been discussed in these pages]. Like other long-lasting poisons that, in some properties, resemble the natural fats of the organisms, hydrocarbons from oil spills enter the marine food chain and are concentrated in the fatty parts of the organisms. They can then be passed from prey to predator where they may become a hazard to marine life and even to man himself.

Natural mechanisms for the degradation of oil at sea exist—the most important of which is bacterial decomposition. Unfortunately, this is least effective for the most poisonous compounds in oil. Also, oil degrades slowly only in marine sediments, and it may be completely stable once it is taken up by organisms. It has been thought that many of the immediately toxic low-boiling aromatic hydrocarbons are volatile and evaporate rapidly from the oil spilled at sea. This has not been the case at West Falmouth where the low-boiling hydrocarbons found their way into the sediments and organisms. We believe that the importance of evaporation has been overestimated.

Oil-laden sediments can move with bottom currents and can contaminate unpolluted areas long after the initial accident. For this reason, a *single* and relatively small spill may lead to *chronic*, destructive pollution of a large area.

We have not yet discussed the low-level effects of oil pollution. However, a growing body of evidence indicates that oil as well as other pollutants may have seriously damaging biological effects at extremely low concentrations, previously considered harmless. Some of this information was presented in Rome at the December 1970 Food and Agriculture Organization's Conference on the Effects of Marine Pollution on Living Resources and Fishing. Greatly diluted pollutants affect not only the physiology but also the behavior of many animals. Many behavioral patterns which are important for the survival of marine organisms are mediated by extremely low concentrations of chemical messengers that are excreted by marine creatures. Chemical attraction and repulsion by such compounds play a key role in food finding, escape from predators, homing, finding of habitats, and sexual attraction. Possibly, oil could interfere with such processes by blocking the taste receptors of marine animals or by mimicking natural stimuli and thus eliciting false responses. Our general ignorance of such low-level effects of pollution is no excuse for neglecting research in these areas nor for complacency if such effects are not immediately obvious in gross observations of polluted areas.

Recent reports suggest an additional environmental threat from oil pollution. Oil may concentrate other fat-soluble poisons, such as many insecticides and chemical intermediates.[11] Dissolved in an oil film, these poisons may reach a concentration many times higher than that which occurs in the water column. In this way other pollutants may become available to organisms that would not normally be exposed to the substances and at concentrations that could not be reached in the absence of oil.

The overall implications of oil pollution, coupled with the effects of other pollutants, are distressing. The discharge of oil, chemicals, domestic sewage, and municipal wastes, combined with overfishing, dredging, and the filling of wetlands may lead to a deterioration of the coastal ecology. The present influx of pollutants to the coastal regions of the oceans is as damaging as that which has had such a detrimental effect on many of our lakes and freshwater fishery resources. Continued and progressive damage to the coastal ecology may lead to a catastrophic deterioration of an important part of marine resources. Such a deterioration might not be reversed for many generations and could have a deep and lasting impact on the future of mankind.

Since present oil-spill countermeasures cannot completely eliminate the biological damage, it is paramount to prevent oil spills. The recent commitment by the United States to take all steps to end the intentional discharge of oil from its tankers and nontanker vessels by the mid 1970s is important. As a result of this step and of the resolution of the NATO Ocean Oil Spills Conference of the Committee on Challenges of Modern Society in Brussels, December 1970, other countries hopefully also will adopt necessary measures to halt oil pollution from ships. This would eliminate the largest single source of oceanic oil pollution. At the same time steps also must be taken to reduce oil pollution from many other, less readily obvious sources,

Footnotes at end of article.

such as petrochemical operations on shore, disposal of automotive and industrial lubricants, and release of unburned hydrocarbons from the internal combustion engine.

WHAT IS PETROLEUM?

Organic materials, deposited at the bottom of the sea millions of years ago have been covered by sediments and deeply buried. Under the influence of elevated temperature over very long periods of time, an immensely complex mixture of hydrocarbons has been formed. Some of these have accumulated in reservoirs from which crude oil can be procured.

Crude oil is one of the most complicated natural mixtures on earth. Compounds made up of only carbon and hydrogen predominate, but small amounts of sulfur-, oxygen-, and nitrogen-containing substances also occur.[12]

The way in which the individual carbon and hydrogen atoms combine into hydrocarbon molecules helps scientists to classify them. They distinguish four principal types of hydrocarbons:

The first type, the aliphatic compounds, includes straight and branched chain compounds in which each carbon atom is directly linked to four other atoms (saturated). Aliphatic compounds frequently accounts for a large fraction of crude oil and are common in gasoline and many other fuels.

The second general type is the alicyclic compounds (naphthenes). These compounds are also saturated, but the carbon atoms of at least part of the molecules are joined in rings.

The third major type, also cyclic, consists of the aromatic compounds. These contain at least one benzene ring. This type includes a large number of one-ring, two-ring, and multi-ring compounds, among them several materials that have been implicated as potent carcinogens (cancer-producing agents) in laboratory animals.

The fourth type, the olefinic compounds, are unsaturated. Here, double or triple chemical bonds between carbon atoms exist, but not of the regular arrangements found in the benzene ring. Olefins do not occur in crude oil, but are formed in some refining processes and are common in many oil products.

The boiling point is an important physical property of the hydrocarbons. Differences in boiling point between different crude-oil hydrocarbons are useful in separating the oil into fractions with individual characteristics suited to specific fuels or lubricants. Crude oil contains components boiling over a range from below room temperature to well above 500 degrees C. The lowest boiling fractions of crude oil are relatively rich in the simpler chain- and ring-type saturated hydrocarbons. Intermediate fractions have a higher content of the immediately poisonous aromatic hydrocarbons. Conversely, the higher boiling hydrocarbon fractions contain relatively more of the complex polycyclic aromatic compounds, including the carcinogens.

Hydrocarbons are formed by all living organisms. The hydrocarbons in crude oil are very different from those normally found in healthy unpolluted organisms, however. The crude oil mixture is far more complex, the compounds cover a much wider range in structure and boiling point, and many hydrocarbons are present that are toxic to organisms. As a rule, only very few individual natural hydrdocarbon compounds are found in unpolluted plants and animals. They are mostly saturated or olefinic, and with a few exceptions they are nontoxic.[13]

FOOTNOTES

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[From the Long Island Press, July 17, 1971]

GET THE FACTS

The Interior Department's Bureau of Land Management says there is a real chance a consortium of 33 companies seeking oil off Long Island will make a major find within 100 miles of the coast.

If so, Long Island's entire coastline would be in constant danger of oil spills of the magnitude that devastated beaches in California, the Gulf of Mexico and elsewhere in recent years.

We agree, therefore, with Rep. Norman Lent of East Rockaway, who has asked the Interior Department to give the public all the facts about this hunt for black gold—including the identity of the 33 companies—before the government gives final approval to any undersea leases. What is at stake, as the congressman told department officials is "one of the most important estuarian systems in the nation."

[From the Long Island Press, Aug. 30, 1971]

POTENTIAL FOR DISASTER

Congress is ready to pass an anti-pollution bill that would stop indiscriminate dumping of raw sewage, garbage and other wastes in offshore waters. Yet the lawmakers hesitate to include a ban against offshore oil drilling, with its potential for quick environmental disaster.

This is what is happening, according to Rep. Norman Lent of Lynbrook, the sponsor of an amendment to the anti-dumping bill that would prohibit oil drilling in coastal waters from Cape Cod to Cape May, N.J.

Such legislation is urgent in the wake of reports that the Interior Department may grant drilling permits to a consortium of 33 petroleum companies that has apparently found promising oil deposits in its explorations of the sea bottom off Long Island and other areas along the Atlantic Coast.

Congressman Lent needs all the support he can get to overcome opposition from the White House and the powerful oil interests. Long Island's public officials, regardless of their political affiliation, should support this amendment. They also should maintain heavy pressure on the Interior Department to deny drilling permits in the meantime.

Conservationists could help also through legal action to insure enforcement of the National Environmental Policy Act. This act, passed in January 1970, requires government agencies to submit an impact statement on any project or activity which has a significant effect on the environment.

America needs more oil—but we need our priceless shorelines even more.

Mr. PELLY. Mr. Chairman, I rise in opposition to the Lent-Teague amendment.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. PELLY. I recognize the grave problems which have prompted the sponsors of the amendment to offer it.

Your committee considered this most carefully and rejected the concept. We are, as I have indicated, in favor of a balanced and rational use of the oceans, not an exclusive use for any one industry or group.

The answer to oil pollution from offshore drilling is increased knowledge of the geologic formations, increased safety, and strict regulation by the Department of the Interior.

Offshore oil can be produced safely, and it is needed to meet our growing energy requirements. It is not a sacred cow, however, and is subject to the National Environmental Policy Act. The Department fo Interior has a heavy responsibility to insure no repetition of the Santa Barbara Channel disaster or the outrageous violations of safety which have occurred in the Gulf.

Moratoriums are not the answer. We cannot bury our heads in the sand. I urge the defeat of this amendment.

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

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. LENNON. In connection with the comments by the distinguished gentleman with respect to a motion to strike all of title III, I understood that there would be an amendment offered which would go all the way over.

Let me call the attention of the membership to the fact that the Secretary would be required to consult with the Secretary of State, the Secretary of Defense, the Secretary of the Interior, the Secretary of Transportation, and the Administrator of EPA, the Environmental Protection Agency, and officials of States as well as hold public hearings before he could designate such marine sanctuaries.

The bill provides on page 48, line 3:

The Secretary shall make his initial designation under this section within two years following the date of enactment of this title.

In view of the fact the study might well extend over a long period of time and might not, in fact, result in a sanctuary designation, premature restrictions either as to industrial development within the area or as to oil exploitation would be undesirable. In the coordination process, it is anticipated that persons interested in all potential activities in the area would be put on notice of the study and some degree of restraint would obviously follow. This should be sufficient under the circumstances.

Nor should the Secretary in his certification, Mr. Chairman and members of the committee, in his certification procedure be restrained from at any time certifying oil exploitation as being consistent with the sanctuary designation.

There are several purposes for which a sanctuary may be designated. And I say to my friends on the floor today, you can sometimes go either too far to the left or too far to the right. We spent, I think it was, 12 days in executive session with the counsel and the Administrator or the Assistant Administrator of the Environmental Protection Agency, the Assistant Chief of the Corps of Engineers, and the General Counsel, reaching an agreement on these matters so that after the fact we would not be faced with a situation such as that which some of you gentlemen have described might take place if we pass the bill now.

I can assure the members of the committee that this is a moderate and fresh approach. Let us accept the bill as it is. Let us vote down the amendment, and let us vote down the amendment offered by the gentleman from Colorado to strike title III. Let us take the bill as it is. It is a good solid comprehensive bill.

Mr. Chairman, I urge defeat of the amendment.

Mr. TEAGUE of California. Mr. Chairman, I rise in support of the Lent amendment. First, I should like to make it very clear that I do not want to get involved in this jurisdictional dispute between the two committees, because I have bills to create sanctuaries pending before each, and certainly I do not want to offend either committee. I do not want to be in the same position as I was at home.

I claim some expertise in this business of oil pollution and oil spillage, because I represent the Santa Barbara area where, as Members will recall, we had a disastrous accident about a year and a half ago. Incidentally, the leakage is still occurring into the Santa Barbara Channel. I am in a difficult position out there because all of the oil companies and service companies, and so on, are in one of my counties, whereas the oil wells are in another of my counties, so I do not want to get into that position here.

I do suggest to the Members who may not represent areas bordering on the seacoast that oil wells in one's front yard are decidedly a mixed blessing. I am well aware of the argument that the oil belongs to the citizens of all the States, to the citizens of Iowa and Indiana as well as to the citizens in the ocean-bordering areas, but having oil wells sitting shortly off one's coast, with the ever-present danger of breaks in the lines and oil on the beaches, as in the case of Santa Barbara, is a mixed blessing. The amount of that leakage went into hundreds of thousands of barrels, and the Union Oil Co. took the major responsibility of cleaning that up, and it spent $5 million or $10 million and did a good job, to the credit of the company. However, there still is hanging over the heads of the people in that area the threat of further oil exploration and further accidents.

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

Mr. TEAGUE of California. I yield to the gentleman from New York.

Mr. GROVER. Mr. Chairman, I would like to say that the gentleman from New York, a cosponsor with the gentleman from California in this amendment, and many of my colleagues from the eastern part of New York where it is surrounded by water, representing about 7 million people, are all deeply concerned about the prospects of a marine environmental catastrophe. It is said the state of the art of deepwater drilling is not perfected, and we do have deep waters on the northeastern Continental Shelf. I go along with the gentleman, and I support him on this amendment. I am not too sanguine about the prospects of getting this amendment passed, but I join the gentleman and others who will join in urging the Secretary to continue to implement a voluntary moratorium until such time as we have better information.

Mr. TEAGUE of California. Mr. Chairman, I thank the gentleman. I believe we should support the amendment until studies have been made concerning the practicality of establishig sanctuaries.

I might say to my friends that the former Secretary of Interior Stewart Udall told me the greatest mistake he made during his term in office was, on behalf of the Federal Government, to grant those leases in Santa Barbara Channel. I do not wish any Members to have the experience I have had in that connection.

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

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

Mr. ASPINALL. Mr. Chairman, I think the greatest mistake the former Secretary made was in permitting one of his men who supposedly had the authority, to set the standards—to fail to comply with the strict standards that were in effect at that time.

Mr. TEAGUE of California. Well, certainly they were not complied with. That is certainly true. Those were the words of Secretary Udall. He felt it was a terrible mistake he had made.

I urge support of the amendment.

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

Mr. Chairman, the language which is contained in the amendment offered by the gentlemen from California and New York is practically verbatim to that which was contained in my original marine sanctuary bill filed in July of 1967. That bill would have established a moratorium on all exploration or exploitation of oil during the period that the prospects of the marine sanctuaries were being discussed and deliberated upon by the Secretary.

That bill ran into rough sledding. It is only since we have modified that stand that we have made progress.

I share the sentiments expressed by others in the well of this House when they have complimented the cochairmen, working in tandem as chairman of the Subcommittee on Fish and Wildlife and the Subcommittee on Oceanography, who have come up with this outstanding piece of legislation.

My constituents were extraordinarily disturbed by the geophysical surveys, utilizing high explosives. These were conducted off the shores of Cape Cod. These detonations, intended to identify oil or gas on the Continental Shelf caused many fish kills in the waters off Polluch Rip and Chatham. My constituents were adamant that there should not be any further exploration or exploitation in these waters.

It is difficult for me to stick with the committee position, but this is a balanced bill. This is one which I believe in the long run will survive, not only in this chamber but hopefully in the Senate, and will not receive a Presidential veto.

By adopting this amendment we would in effect be declaring a moratorium on all further exploration or exploitation of all the areas that should be studied. The President would have no choice but to veto the bill, because there are many extensive ongoing legitimate efforts to discover oil that will be necessary if we are to satisfy the energy requirements of this Nation and of the world.

Therefore, I will reluctantly have to vote against the amendment and vote for the bill in its present form.

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

Mr. KEITH. I am happy to yield to the gentleman from North Carolina.

Mr. LENNON. I should like to commend the gentleman for what he has explicitly stated, that this amendment would declare a moratorium for a period of 2 years, and that just cannot be in this Nation of ours.

I know the gentleman has worked long and hard, and he has been diligent in his efforts in regard to this question, especially with regard to his own area. I also commend him not only for the contribution he has made with respect to his coastal area but the other coasts as well.

Mr. KEITH. I thank the gentleman.

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

Mr. KEITH. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. I should like to say that the gentleman from Massachusetts was, as I recall, the first Member of this body who introduced legislation to create marine sanctuaries. It has been a matter of interest to him for at least three Congresses, I believe.

I am happy to see that the gentleman's labors on behalf of this proposal have finally begun to bear fruit and that the Congress finally is sustaining the hand of the gentleman from Massachusetts, who has so long and so hard fought to get the concept of marine sanctuaries adopted. I am delighted that he has had success, and I am delighted that the Congress is taking action in this regard.

Mr. KEITH. I thank the gentleman.

Mr. Chairman, I should like to say that those who joined with me in the first bill were the gentlemen from Massachusetts, Mr. BATES, Mr. BOLAND, Mr. O'NEILL and Mr. CONTE, and also Mr. BOW, Mr. THOMPSON of New Jersey, Mr. HALPERN, Mr. GROVER, Mr. MCCLORY, Mr. HOWARD, Mr. BLACKBURN, Mr. MCDONALD of Michigan and Mr. TIERNAN.

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

Mr. Chairman, this is indeed more than a jurisdictional dispute. At the same time there is some question apparently about how the branches of the administration stand on this legislation.

I would like to quote at some length from a letter from the U.S. Department of the Interior, from Under Secretary of the Interior, W. T. Pecora, dated July 28, 1971. In this letter addressed to Hon. WAYNE N. ASPINALL, chairman, Committee on Interior and Insular Affairs, House of Representatives, Mr. Pecora said:

As you are no doubt aware, the Committee on Merchant Marine and Fisheries has reported and the House will soon consider, H.R. 9727, a bill "To regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes." While title I of H.R. 9727 follows closely the Administration proposal introduced as H.R. 4723, titles II and III are committee amendments to which we are opposed.

Now, why are they opposed?

Title I would afford to the Secretary of Commerce and the Director of the National Science Foundation redundant authority.

But more significantly:

With respect to the program responsibilities of this Department"—Interior, in other words—"we are most concerned about the prospective effect of title III."

And please note this—

It provides generally for designation by the Secretary of Commerce of marine sanctuaries within a broad area ranging seaward to the outer edge of the Continental Shelf, for the regulation of "any activities permitted within the designated marine sanctuary," and for certification by the Secretary of Commerce that otherwise lawful activity "is consistent with the purposes of this title and can be carried out without (sic) the regulations" promulgated under section 302(b).

This is the truly significant part of this letter and what difficulty we are in.

In letters to the Chairman of the Committee on Merchant Marine and Fisheries, the Departments of State and Defense, and the Office of Management and Budget, have expressed their concern about the claim to extra-territorial jurisdiction proposed in title III. It may suffice to note that any such assertion of jurisdiction beyond established limits has been carefully, and properly, avoided in title I of the same bill.

To the extent that the United States does claim jurisdiction beyond the territorial sea and the contiguous fisheries zone, such jurisdiction pertains only to natural resources of the Outer Continental Shelf. Thus, the only "permitted activity" lawfully subject to certification by the Secretary within a marine sanctuary beyond the territorial sea would be that already subject to regulation by this Department under the Outer Continental Shelf Lands Act.

The plain fact of the matter in consideration of title III and amendments thereto is that if we are to do this job properly, what we do ought to be presented is an amendment to the Outer Continental Shelf Lands Act, which covers the only area of jurisdiction that the country legitimately has or can have or claims. In lieu of such an amendment, we could add restrictions to language which already governs the activity of the Department of the Interior. That is the only logical way we should move.

The Outer Continental Shelf Lands Act does require thorough consideration of the environmental impact. As a matter of fact, the Department of the Interior has already done a great deal in connection with the subject for instance in the Santa Barbara Channel. The administration has suspended extraction activities in the Santa Barbara Channel and recommended to the Congress that this area be set aside as a national energy preserve, thus excluding extraction and exploration. This has already been done under existing law.

But the kind of proposal in this legislation goes far beyond a committee jurisdictional fight or a departmental fight and gets into the whole business of what authority does the U.S. Government itself have over the Outer Continental Shelf. Obviously that is a resource control authority and that is all, and that is already subject to regulation and control of the Department of the Interior.

Mr. PELLY. Will the gentleman yield?

Mr. KYL. I yield to the gentleman from Washington.

Mr. PELLEY. I think the gentleman knows that in an amendment offered by the gentleman from North Carolina earlier which was agreed to this objection was met. It provides that any regulations that are applied must be in accordance with recognized principles of international law.

And, also, that such regulations would only apply to those who over which the United States has jurisdiction.

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

(By unanimous consent, Mr. KYL was allowed to proceed for 1 additional minute.)

Mr. PELLY. Mr. Chairman, if the gentleman will yield further, regulation under title III will only apply to foreigners to those areas where the United States has jurisdiction. Beyond that area the Secretary of State is directed to seek through proper diplomatic channels foreign recognition of a marine sanctuary.

Mr. KYL. I am glad that the gentleman from Washington has mentioned this, because what this amendment does is make it impossible for the act to mean anything unless you give the Secretary of the Department of Commerce the authority already given to the Department of the Interior under the Outer Continental Shelf Act. That is the only authority we have. We have to observe international law. Otherwise it is meaningless.

Mr. PELLY. We cannot pass laws that bind other nations beyond our jurisdiction and, therefore, this law is made to apply to those areas outside U.S. jurisdiction only to the extent the other nations agree to recognize the existence of a marine sanctuary.

Mr. KYL. I just mentioned that. The gentleman is absolutely correct. It is meaningless.

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

Mr. Chairman, I shall not use the 5 minutes.

I rise in support of the Aspinall amendments and in opposition of title III. What we are really talking about here is tweedledum and tweedledee as to the provisions contained in the bill and in the Lent-Teague amendment, because the amendment says exactly above board what the language as contained in the bill does covertly. I have no offshore area and I am not a member of the Interior Committee.

Mr. Chairman, what this bill does is stop offshore drilling. With reference to offshore drilling or other interests, the minute you sign for a mineral lease someone is going to say, "That is going to be a sanctuary." We already have an energy shortage.

Mr. Chairman, it will not affect my area nor will it affect the area of the gentleman from Colorado (Mr. ASPINALL), but it will affect the very people who want to stop the oil industry. That is all some people want to do. This bill will stop it and you had just as well kiss goodby to offshore drilling. That is the effect of section III in my opinion.

I yield back the balance of my time.

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

Mr. Chairman, I rise in opposition to the two amendments pending before this body.

Mr. Chairman, as I understand the parliamentary situation we have two amendments pending before us, the first of which to be voted on will be that amendment offered by my good friend and colleague from New York (Mr. LENT), and the second of which has been offered by my good friend and colleague, the gentleman from Colorado (Mr. ASPINALL).

Mr. Chairman, I rise in opposition to both amendments. I rise in opposition to that amendment offered by my good friend and colleague (Mr. LENT) because I must point out that although this amendment appears to have merit, it was not considered in the committee. It is, indeed, possible that this kind of technical language, not having had careful consideration, conceivably could result in unwanted and untoward results. As has been pointed out by the gentleman from North Carolina (Mr. LENNON), areas under study as a sanctuary drilling would be absolutely prohibited for 2 years. So, the amendment could conceivably inhibit study of creation of marine sanctuaries because the agencies might wish to allow drilling to go forward.

Mr. Chairman, the question of jurisdiction has been raised. I would point out that there were something like 30 bills considered by our committee this year on this subject—most of them contained marine sanctuary provisions in them. In the previous Congress there

were eight before our committee dealing explicitly with marine sanctuaries. In the Congresses preceding that—two and three Congresses ago—legislation was under consideration for this purpose, first introduced by the gentleman from Massachusetts (Mr. KEITH). Most of these bills were referred by the Speaker to the Committee on Merchant Marine and Fisheries which has held hearings on them and has requested reports from all the departments including the Department of the Interior.

I would point out the fact that the Department of the Interior has not even chosen in most instances to respond to the request of our committee for reports on these particular bills.

Mr. Chairman, our committee has come to you with a bill today indicating that we are tired of waiting for the Department of the Interior to give comments on these matters. We have exercised the prerogatives of Congress to frame national policy, good national policy which should be enacted.

The gentleman from Colorado is fully capable of defending his own jurisdiction insofar as his Committee on Interior is concerned, but I would point out that if he wishes to do so, there is nothing to prevent him from bringing to this body legislation dealing with the offshore lands and dealing with the question of drilling on the offshore lands.

Mr. Chairman, the Office of Science and Technology was queried on this and they had no objection.

In 1966 there was a study which said there should be marine sanctuaries.

The Congress has been continually impressed with the fact that we have had no policy for the protection of these areas in the offshore lands which have significant ecological, environmental, and biological values. Indeed, today my Subcommittee on Fisheries and Wildlife Conservation is considering the question of marine mammals. And in the case of two of the mammals, the otter, which is on the near edge of extinction in many of his ranges, and the manatee, which is an extremely valuable and rather unique creature, and which is a marine vegetarian, we have found that each of these species could possibly be significantly protected by establishing the kind of marine sanctuaries which are under consideration here.

Now, not long back this Congress had before it legislation which proposed to set up the National Oceanographic Agency, and I pointed out that moving resource management and ocean resources to the Department of Commerce was bad, that the judgments dealing with offshore marine resources should be vested in the Department of the Interior. Indeed, I pointed out that Interior should properly be expanded into a Department of Natural Resources with broader responsibilities. The House did not choose to follow my judgment. I think that many of us are having occasion to consider that perhaps this was a very bad thing to split these things off from the Department of the Interior. But that question is not before us today. The question before us today is shall we establish a mechanism within the Commerce Department which would protect areas in the ocean valuable to marine biological resources, the kind of mechanism whereby they may take steps to set aside areas for the protection.

The Committee on Merchant Marine and Fisheries has considered this legislation carefully. This legislation is not, as one of my good colleagues and friends, the gentleman from Texas (Mr. ROBERTS) has indicated, going to halt oil drilling. And it is not the intent of the Committee on Merchant Marine and Fisheries to halt drilling or other mineral exploration on the offshore lands. It simply says that the Secretary of Commerce, when he finds it necessary to protect areas of this kind, or to protect the ecology or environmental valuable areas, that he may, in consultation with the Department of Defense and in consultation with the Department of State, and with the Environmental Protection Agency, take steps necessary to protect those areas, and those species which are dependent upon those areas.

Title III of the bill is purely discretionary, and if there is any question of a difference between the Department of the Interior or the Department of State, and the Secretary of Commerce, then the matter will be referred to the Bureau of the Budget, and the President, and the question will be decided there.

The question of extraterritoriality, let me say, is a red herring. This has been handled by an amendment to this bill, and we have limited this to American citizens, and have extended the jurisdiction of title III only to the limits that we may properly and justifiably do under international law.

For these reasons the two amendments now pending should be voted down in succession, and the bill should be passed in its entirety.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment offered by the gentlemen from New York and California.

Mr. Chairman, as a cosponsor of legislation similar to H.R. 9727, I urge prompt passage of this vitally needed measure which would control the dumping of harmful waste materials into America's coastal and offshore waters. Legislation providing strong and effective measures aimed at regulating ocean dumping is long overdue, for the everincreasing pollution of our waterways is a constant threat to the health and welfare of us all.

I also want to take this opportunity to express my strong support of the amendment offered by the gentlemen from New York and California (Mr. LENT and Mr. TEAGUE) which would preclude the Secretary of the Interior from issuing any new leases for the mining or extraction of any oil from any area designated or under study for possible designation as a marine sanctuary.

Oil spillage from offshore drilling has become an ever-growing problem. Because of such spills in Florida waters, I introduced in the Florida Senate legislation aimed at preventing, controlling, and cleaning oil spills, and I was gratified when this legislation—including stricter penalties for violations and failure to report such spills—was enacted into law.

Until the oil companies prove they have the technology to prevent oil spills, we must impose strict regulations on oil exploration such as those contained in the amendment offered by Mr. LENT and Mr. TEAGUE. While many of these companies claim to have the necessary technology, in the past there have been oil spills caused by failure to utilize fully effective control measures.

There should be no question but that we take every step necessary to insure our Nation of the clean waters it once enjoyed. Therefore, it is essential that we adopt this amendment to H.R. 9727, so that all forms of ocean dumping and pollution can be controlled.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LENT).

The question was taken; and on a division (demanded by Mr. LENT), there were—ayes 10, noes 42.

Mr. LENT. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. GOODLING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to join my colleagues of the Committee on Merchant Marine and Fisheries in support of H.R. 9727, as reported by the committee, and to oppose the amendment of the gentleman from Colorado (Mr. ASPINALL), which would strike from the bill the marine sanctuary title.

The strict regulation of ocean dumping as provided in this legislation is vital to the health of the oceans and our endangered coastal areas. Eventually, we must eliminate all ocean dumping if the ecology of the world's oceans is to be preserved for future generations. This legislation marks a significant first step toward that goal.

In many respects the committee has written a stronger bill than the administration proposed. It has, for example, placed an outright ban on the dumping of warfare agents and high-level radioactive wastes. It has, as well, accepted certain compromises as in the case of dredge spoil where the Corps of Engineers will continue to play a major role. On balance, however, title I of the legislation is a good bill worthy of our unqualified support.

Title II represents an attempt by the committee to insure that the continued dumping of wastes in the oceans under the permit system is carefully monitored to insure that such permits as are issued do not result in any further degradation of the marine environment. Although it has been asserted by various agencies, notably the Office of Management and Budget that this title is unnecessary, our committee believes there is great merit in expressly authorizing such a program rather than leaving this up to the whim of the executive agencies under general authority to undertake research studies.

Title III which has become involved in a controversy with the Interior Department is a salutary effort to preserve certain areas off our shores from the more undesirable effects of man's intervention

in the sea. The establishment of marine sanctuaries where needed will insure that the unique resources of the sanctuary area are given careful consideration whenever man embarks upon commercial ventures within such an area. I concur in the thoughts expressed by my colleagues, the gentleman from Washington (Mr. PELLY) and the gentleman from North Carolina (Mr. LENNON). Title III is a reasonable and most sensible provision which should be retained.

Mr. McCLURE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise reluctantly to support the amendment offered by the gentleman from Colorado to strike title III of this bill.

I spoke on this matter in support of the amendment yesterday.

I say that I rise reluctantly because I want it clearly understood that the members of the Committee on Interior and Insular Affairs are not, as I am not, opposed to the concept of marine sanctuaries nor to the necessary preservation of the ecological and environmental and biological systems that are present in some of our offshore areas.

The authority now vested in the Secretary of the Interior with respect to offshore exploration and the utilization of resources is carefully balanced by other laws which require him to take cognizance of the impact that any such actions would have upon these values.

The authority which is sought to be vested in the Secretary of Commerce under title III of this act is not so balanced in favor of the other values which are present there.

I have the honor to serve as chairman of the Task Force on Energy and Resources established in the Republican Conference. I think the evidence which has come forward before our task force is very clear that we are in an energy crisis, and while I sympathize with the people of New England in their concern for the protection of their shorelines, I must also point out that they are caught up, and that they complain about it vociferously, in high priced energy because the energy is not readily available to them.

Where will they be then? If it occurs, as many say it may, if there is an energy crisis throughout New England, throughout the Northeast United States, with brownouts in electricity, if factories are shut down because of loss of base energy, if that does occur as some experts tell us it will, where will they stand then with respect to preservation versus a balanced—a balanced—utilization of energy resources?

I am not saying we are going to go into these offshore areas and find energy. I say we have to leave it open to the kind of balanced program which the Secretary of the Interior is charged with developing. I joined with the Secretary of the Interior in suggesting that we suspend operations in the Santa Barbara Channel, that we cancel the leases and get that activity out of that channel because of the problems we have run into there. I think when we have this kind of clear choice, we must come down hard in favor of a preservation of resources which would be damaged by an unbalanced utilization on the other side.

But I beg of this Congress now not to give the Secretary of Commerce the kind of unbalanced mandate that this bill would require in preservation without due regard to the necessity of utilizing resources.

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

Mr. McCLURE. I am happy to yield to my chairman.

Mr. ASPINALL. Is it not a fair statement of the committee's position that the question of jurisdiction of the committee is involved since there is a question of the present authority of the Secretary of the Interior?

Mr. McCLURE. The gentleman is exactly correct.

Mr. ASPINALL. And the committee voted unanimously here without any opposition, if I remember correctly, that the committee take this position.

Mr. McCLURE. That is exactly correct, and I would like to point out, too, that much has been made of the fact that the Department of the Interior was offered the opportunity to appear and offer testimony before the Merchant Marine and Fisheries Committee, but never once did any of those people today mention the fact that the Department of the Interior has been and remains opposed to the transfer of this kind of jurisdiction to the Department of Commerce.

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

Mr. McCLURE. I am happy to yield to the gentleman from North Carolina.

Mr. LENNON. At one time one of our most distinguished and able members of the Committee on Oceanography was my good friend Rogers Morton, of Maryland. I would like to read to you what he said on the subject as a member of the Oceanography Subcommittee back in 1968: He favored the concept of establishing marine sanctuaries.

Mr. McCLURE. I would say to the gentleman that is not the debate here.

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

(By unanimous consent, Mr. McCLURE was allowed to proceed for 2 additional minutes.)

Mr. McCLURE. That again is begging the issue, because the issue is not the establishment of sanctuaries, but who shall have the authority to do it under what kind of legislative mandate? A balanced one or one which calls for the establishment of sanctuaries?

Mr. LENNON. Mr. Chairman, will the gentleman yield further?

Mr. McCLURE. I am happy to yield to the gentleman from North Carolina.

Mr. LENNON. The gentleman will recall when the President recommended the establishment within the Department of Commerce of a National Oceanography and Atmospheric Agency, he recommended that the Administrator should have general supervision, and that these matters should be brought together under one umbrella, the areas which would be affected by these marine sanctuaries. The National Oceanography and Atmospheric Agency cannot escape that.

Mr. McCLURE. That is not an opinion shared by either the Secretary of Commerce or the Secretary of the Interior or the Office of Management and Budget.

Mr. LENNON. It is not shared by the Secretary of Commerce, did the gentleman say?

Mr. McCLURE. Yes. I do want to make it clear that the problem of dumping is so serious that I will vote for the bill even if title III is not stricken. Title I is a very necessary action by this Congress and I fully support it. Once again, I support the concept of marine sanctuaries, but not as proposed in title III and it should be stricken.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Chairman, the comments made by the gentleman from Idaho (Mr. McCLURE) in support of the amendment of the gentleman from Colorado (Mr. ASPINALL) regarding title III are totally consistent with the expressed point of view of our Interior Committee.

Further, I believe it to be in keeping with the wishes of our present Secretary of Interior.

We, in California are very concerned about the matter of marine sanctuaries, oil spills, and factors affecting marine life, seashores, and ocean resources. This is particularly significant in view of the disastrous experience in the Santa Barbara Channel.

While I intend to support the bill, in any event, I believe the primary jurisdiction should remain with the Secretary of the Interior and the Interior Committees of the Senate and the House. Therefore, I support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ASPINALL).

The question was taken; and on a division (demanded by Mr. KYL) there were—ayes 20, noes 33.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'CLOSKEY

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

The Clerk read as follows:

Amendment offered by Mr. McCLOSKEY: On page 31, line 25, strike the word "and" appearing at the beginning of the line, change the period to a comma, and add the following: "and interested members of the general public."

Mr. McCLOSKEY. Mr. Chairman, this is a simple amendment and one which I think carries out the intent of the bill as expressed in all other sections of the bill itself. We have seen difficulties arise on environmental matters when decisions have been solely a matter of governmental agencies without taking into account public expressions of opposition or concern. All this amendment does is add to the criteria-making authority and the review of that criteria the requirement that, in addition to consulting with seven Cabinet Secretaries, the Atomic

Energy Commission, and other appropriate Federal and State and local officials, before making criteria for these dumping applications or revising that criteria, the Administrator will consult also with interested members of the public.

That amounts to a practice long followed by the Corps of Engineers in granting these applications. The corps maintains a list of interested groups in the area and makes a point of writing to those organizations and prints a notice in the newspapers. All this amendment would do is require the continuation of that procedure.

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

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

Mr. DINGELL. Mr. Chairman, I commend the gentleman for the amendment he has offered. It follows a policy adopted by the committee and adopted by the two subcommittees in other parts of the bill. Also I would say it is an amendment which generally reflects the attitude of the departmental agencies, which said they had no objection to this when they appeared before us. I have and I will introduce into the RECORD correspondence from the Environmental Agency indicating they have no objection to this kind of thing.

It is an amendment about which I have conferred with my colleagues on the committee and one which, on this side of the aisle, we will be happy to accept. It is an excellent addition to the bill.

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

Mr. McCLOSKEY. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, the gentleman from California was kind enough to show me his amendment, and I conferred with such Members of the minority as I could. They, too, concur in approval. I hope, therefore, the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McCLOSKEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDMAN

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

The Clerk read as follows:

Amendment offered by Mr. SANDMAN: On page 41, strike lines 9 through 23 and insert in lieu thereof: "(d) Nothing in this Act shall be construed as preempting any State, Federal territory or Commonwealth, or subdivision thereof from imposing any requirement or liability."

Mr. Chairman, I am going to be as brief as possible. It is a very important amendment as far as I am concerned. I said yesterday on the floor that the area I come from seems to be the dumping ground for 70 percent of the eastern seaboard. Most of the refuse from New York City and from Philadelphia is presently, and has been for the 10 years past, dumped off the New Jersey coast.

I would like all the Members to pay strict attention to line 9 on page 41, which says:

(d) After the effective date of this title, no State shall adopt or enforce any rule relating to any activity regulated by this title.

Do the Members know what that does? That says to all the States in these United States that already have a law pertaining to this kind of offense, that is promiscuous dumping in the ocean, that they cannot enforce their laws. That is what it says.

I would like to call to the attention of Members that every State in the United States to my knowledge which borders on the Atlantic Ocean, on the Gulf of Mexico, on the Pacific Ocean, or on the Great Lakes—all have such a law. I have written to all the Governors and the attorneys general calling this to their attention, and I received answers from almost all of them. From California, for example, Ronald Reagan says:

Federal legislation such as is being proposed is significant to help in the control of these wastes which are dumped into the offshore waters over which the State has no control.

I do hope, however, that this will supplement and not supplant the State's effort to control these problems.

The State of Michigan boasts of having the strongest antipollution law of the United States. A letter from Frank J. Keller, attorney general of the State of Michigan, points out that the law was first enacted in 1965, and improved over the years, and had its final improvement in 1969. He is pretty proud of it. He wants the State of Michigan to enforce that law. He does not want some newly created agency in Washington to take all the responsibility for doing that.

I could go right on down the list.

Louis J. Lefkowitz, attorney general of the State of New York, says the same thing:

I agree emphatically that the States should enact similar legislation.

New York has indeed enacted such legislation.

And so it goes for all the States one can think of.

This is an unusual situation here. I have made a review of some of these statutes, and I believe other Members should, too, because I find that this is the first time a piece of Federal legislation is attempting to preempt a State from doing what a State should do.

At my insistence the State of New Jersey has already made a law, in 1971, to prohibit ocean dumping. I believe that is altogether proper. It is for New Jersey to regulate what ships can be loaded in New Jersey ports, how they shall be loaded, and what they are going to do with the refuse.

Again, New Jersey is not willing to sacrifice that authority in toto to a newly created agency here in Washington.

One can go to all the other sections of the law he wants, and he will find in every case the U.S. Government has requested and has encouraged the States to take parallel jurisdiction.

If we go back to the recently dusted off Refuse Act of 1899, we will find the same thing there, where the Government encouraged the States to take parallel jurisdiction.

The Federal Water Pollution Control Act, Public Law 84–66, said:

It is hereby declared to be the policy of the Congress to recognize, preserve and protect the primary responsibilities and the rights of the States in preventing and controlling water pollution. Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters.

This is repeated in laws adopted in 1956, 1961, 1965, 1966, 1969, and 1970.

Mr. DINGELL. Mr. Chairman, I rise in opposition of the amendment of my good friend from New Jersey, and I say, Mr. Chairman, I do so reluctantly.

Mr. Chairman, the matter before us was considered with great care by the committee. We sought to come forward with a bill which would treat a major national and international problem in the best fashion possible. In like fashion, we sought to consider the problems of the States and to let the States have an opportunity to have a say over what be done within their own waters and within their own boundaries.

We were aware of the fact that many of the States were going to want additional protection, but we were also aware of the fact that unless this be done on a national basis by an agency set up fully and capably to establish uniform standards across the Nation the interests of many smaller States might be significantly jeopardized. Indeed, it was the concern of the committee, and one of the reasons why we adopted the language in the bill before us today, that one State or two States might by reason of inaction wind up being dumping grounds for many of their neighbors, and might wind up finding water quality and environmental values being much more jeopardized than would be true if we had a fairly uniform and high standard established by the Federal Government.

However, in order to give the States an opportunity to have their problems considered, we set out here and said that a State could go to the Administrator of the Environmental Protection Agency and secure such additional protection and more stringest protections and controls as would be consistent with the purposes and objectives of this bill.

That is the language that my good friend from New Jersey would strike. I recognize that my friend is very much concerned with this problem. He has been interested in it. He has litigated it and been before our committee to testify on the need for stronger legislation. He has a distinguished record in this field, and I commend him for it.

The fact of the matter is, however, that your committee brought the collective wisdom of all its members to bear on the problem before us. The best and the most balanced solution to meeting these problems of all of the States and handling this properly on a national and international basis and seeing to it that the problems of single States are handled correctly, which might require more stringent controls, is all embodied here, in the opinion of your committee which has considered this matter in prolonged hearings and in executive sessions.

It is my hope, although the amendment offered by the gentlemen, I am sure, is offered in the best of good faith and in a most sincere desire to perfect the bill, that the House will nevertheless accept

the wisdom of the committee and reject the amendment offered by my good friend from New Jersey.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield to me?

Mr. DINGELL. I am happy to yield to my good friend from New Jersey.

Mr. SANDMAN. I have two questions I would like to ask the gentleman from Michigan to answer.

First, in your own State's case, for example, your bill here does give a right to the State to submit this to the Environmental Protection Agency for their consideration. If the EPA decides not to accept what Michigan wants to do, the question I have been asked is what happens to the Michigan statutes?

Mr. DINGELL. The Michigan statute is then preempted, but I will say that I do not expect the EPA is going to disregard lightly the wishes of any State or the actions of any State legislature or the request of any Governor. I do not believe that this bill is phrased so that they can do so. This is one of the reasons why I oppose the amendment offered by my good friend from New Jersey.

I will further bring to the gentleman's attention the fact that we have had a uniform Federal treatment of this matter since 1899 in the Flood Control Act of that year. A strong argument can be made that we have already preempted these questions through Federal action.

I would further point out to my good friend from New Jersey that we have very carefully considered the problem of water quality standards and the wishes of the State on page 3, in line 6, to which the amendment does not go, incidentally, which deals with the requirements and says that no permit shall be issued for dumping material which will violate applicable State standards. We have sought to protect the State water quality standards and State actions in that area to the fullest extent possible.

Mr. SANDMAN. Could I ask whether or not the gentleman would suggest accepting an amendment that the States would have the right to make such laws in cases where they are more stringent than the Federal law?

Mr. DINGELL. I would not make that statement at all, but I will say that we would be happy to consider such legislation of that kind if it is referred to us.

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

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

I think even though my good friend from New Jersey acts with the very best intentions in this matter, it would be a serious mistake if we adopted the language in his amendment.

I spoke to this yesterday in general debate, and I would like to reemphasize again today the reasons for my opposition.

By permitting each State to enact its own legislation you will have a number of loopholes in the laws with overlapping jurisdiction, which in the end in some instances will allow a polluter or an ocean dumper to escape prosecution because he will find that he can pass his case through the eye of the needle and escape one law or the other.

In addition to that, in those jurisdictions where there are waterways bounded by two States, such as in the case of the sponsor of the amendment and my State, which both border on the Delaware River, you will find competing laws.

You are going to find that you can dump things in one jurisdiction that you cannot dump in another and, again, you are going to have chaos.

Finally, and perhaps in response to the last question propounded to the gentleman from Michigan (Mr. DINGELL), if you permit the States to enact their own laws, you are taking away Federal jurisdiction, you are taking away the use of the Federal courts, the injunctive powers of the Federal courts, and the Federal remedies as contained in this bill. While it may be that individual State legislation would in some instances, as the gentleman suggests, be beneficial, the existing language as contained in the bill would permit the EPA to pick those up. In such instances, the Federal law would pick up the State law and that would be a good solution.

Mr. SANDMAN. Mr. Chairman, if the gentleman will yield further, my only point here, as the gentleman well knows, is to give to the States the right to specify how a ship is going to be loaded in the ports within a State.

Is the gentleman of the opinion that it is possible for any State to enact a law which is going to be enforceable outside the 3-mile limit?

Mr. DU PONT. No, I do not believe so.

Mr. SANDMAN. Well, if that is the case, how can you have conflicting jurisdictions because no one is dumping within the 3-mile limit?

Mr. DU PONT. Let me correct my statement. The State could legislate outside the 3-mile limit—under this bill or even existing law—concerning the dumping of material outside the 3-mile limit that would have an effect inside the 3-mile limit.

Mr. SANDMAN. Mr. Chairman, if the gentleman will yield further, is the gentleman saying that a State could pass an act that would affect the State outside the 3-mile limit?

Mr. DU PONT. If you are dumping sludge, for instance, 3.1 miles out and it is coming back in, I believe so.

Mr. SANDMAN. Does a State have that jurisdiction?

Mr. DU PONT. I believe that State has that jurisdiction.

Mr. SANDMAN. Anything outside the territorial sea is clearly Federal operations that cannot be governed by a State law. So, you can have conflicting jurisdiction.

There is not anyone, as the gentleman well knows, dumping into the Delaware Bay. They are dumping 15, 16, and 20 miles off where I live and there is no State that can pass a law under the present constitution of any State as well as the Federal Constitution that affects anything that is happening in that area.

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

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment which has been offered by the gentleman from New Jersey (Mr. SANDMAN) raises a question that conceivably might involve a very stringent State law recently enacted within the last year or two in the State of Michigan. As I understand the present provision in the existing bill before us, the Federal Government would preempt this area. If it does, certainly then it would have an impact on existing Michigan legislation.

I would like to ask the distinguished gentleman from Michigan (Mr. DINGELL) what the gentleman's interpretation is of the language as contained in this bill as it relates to the legislation on our statute books in Michigan.

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

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

Mr. DINGELL. I thank my good friend from Michigan for yielding to me.

I would say that in my view the bill before this body at this particular time is a very strong one. It is not weaker than any State legislation nor would it empower the creation of regulations or standards which are less stringent than those of many of the States with which I am familiar.

I would point out that the States may come to the Administrator of the Environmental Protection Agency to request additional and more stringent Federal standards as the conditions and circumstances of the States might require. It is my view that the Administrator of the Environmental Protection Agency would give very careful and very sympathetic attention, particularly with respect to previously existing State laws, and to see to it that the protection afforded under State law at this time is continued in being.

I would bring to the attention of my good friend and colleague that in the bill in the earlier sections, sections 1 and 2 of the first title made very plain that the dumping of deliterious material and other materials into our waters is not to be done lightly, and indeed that the Administrator of the Environmental Protection Agency is to consider not only fish and wildlife, but all of the amenities, the biological concerns, and must consider strong steps to protect the ecology and health.

I would like to point out that I have received no word, speaking as Chairman of one of the two subcommittees which have dealt with this matter in lengthy hearings—have received no communication whatsoever from the attorney general of our State regarding this matter.

Mr. GERALD R. FORD. Mr. Chairman, let me ask the gentleman from Michigan one further question:

Section 106(d), in the first sentence, says:

> After the effective date of this title, no State shall adopt or enforce any rule relating to any activity regulated by this title.

This would appear to me to be a preemption——

Mr. DINGELL. The gentleman is correct.

Mr. GERALD R. FORD. To be a preemption under this legislation of any State law, and certainly any State rule or regulation.

Now, the language does not say law. It says rule or regulation. But does that provision preempt the Michigan law in regard to this problem?

Mr. DINGELL. The answer to that is that this statute—or, rather, this legislation—would preempt not only any presently existing Federal statutes and rules and regulations issued by the Federal Government in areas covered—and there are some areas not covered, I would bring to the attention of my good friend—but it also would preempt any State action in these areas, either rules, regulations, permits or State statutes. But I would call to the attention of my good friend, the gentleman from Michigan, the sentence which follows, which says:

Any State may, however, propose to the Administrator criteria relating to the dumping of materials into the waters described in subsection 101(b) which might affect waters within the jurisdiction of such State and, if the Administrator determines, after notice and opportunity for hearings, that the proposed criteria are not inconsistent with the purposes of this title, he may adopt those criteria and may issue regulations to implement such criteria.

Mr. GERALD R. FORD. In other words, this could preempt, but the Administrator has the flexibility to authorize State criteria or State regulations which are more rigid than those that even may exist under Federal law; is that the answer?

Mr. DINGELL. The answer is absolutely, and it is the expectation of the committee that he will listen most respectfully and attentively to the requests of the States.

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

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I recall the very thorough discussion that developed relative to the philosophy of States' rights, and if there is a States'-righter within this body certainly I could claim some part of it.

One of the gentlemen on our subcommittee, the gentleman from Virginia, raised the question: "Are we dealing with transportation and the issuance of permits for dumping, dredging and dumping?"

Now, I do not know of any State to my knowledge having the authority to control permits for the dredging and dumping in navigable waters.

We are talking about article 1, section 8 of the Constitution—the Congress shall have the power to regulate interstate and foreign commerce.

That is what we are talking about.

Now if we go back to page 32 and begin reading on line 3, we will see this language:

In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary.

No permit shall be issued for a dumping of material which will violate applicable water quality standards.

I agree with the distinguished gentleman. It looks a little bit like States' rights. But I recognize we are dealing here now with the issuance of permits for dredging and filling and dumping which is handled now by the Corps of Engineers and will be hereafter handled by the Corps of Engineers in this bill.

I do not know of any State that has the authority to issue a permit for dredging in navigable waters.

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

Mr. LENNON. I yield to the gentleman.

Mr. SANDMAN. I can tell you any number of States. In fact, New Jersey passed a bill that I sent to them this year.

I can show you a statement from the attorney general of the State of Michigan.

It says in 1969 they perfected their law.

From the attorney general of the State of New York, Mr. Lefkowitz, and from California, Governor Reagan, and right on down the list.

Mr. LENNON. Yes, sir; they were complying with the law of 1899 which limits the several States in that a permit could not have been issued unless it was in conjunction with the Corps of Engineers if it related to the navigable waters of the United States.

I am familiar with that subject and I have been involved with it over a period of years even before I came to the House of Representatives.

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

Mr. LENNON. I yield to the gentleman.

Mr. SANDMAN. The very law you are referring to, the Refuse Act of 1899, has written right into that act that it is hereby declared to be the policy of the Congress to recognize, preserve, and protect the primary responsibility and the rights of the States in preventing and controlling water pollution.

That is precisely what I am saying.

Mr. LENNON. I agree with you that there has always been that cooperation in the work between the conservation department in a State with the Corps of Engineers.

We are dealing now with a subject—not only barging and dumping outside of the New Jersey jurisdictional waters of the several States. That is the reason I want to capitulate and I was happy to see that the language of the committee finally adopted was dealing with all of the States, all of the 32 coastal States.

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

Mr. LENNON. I yield to the gentleman.

Mr. SANDMAN. I am absolutely in concurrence with what the gentleman is saying. I do not believe any State should legislate as to what is going to happen outside of the 3-mile limit. As lawyers, we all know that no State can do that. It is not possible. I think this is a good bill. I think this should be the only law outside the 3-mile limit.

Mr. LENNON. This would be a system for now and for hereafter.

The law would be handled by the Secretary of the Army through the Corps of Engineers through the Environmental Protection Agency and not by the States. I hope the gentleman will understand that.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to commend the gentleman from New Jersey for his amendment. I would just briefly like to comment on the remarks a few moments ago made from the well indicating that passage of this amendment might permit some States to enact less stringent regulations which would lessen the protection of the Federal law. I do not believe that is the case.

I believe many States have already passed legislation. I believe more may pass legislation in the future. I believe they should have the right to do so.

If the Federal Government passes a higher level of criteria or of requirement, the Federal requirement will certainly prevail. But this amendment would still leave the States with the option, if they wish to be more stringent, to make their environment better than the Federal legislation would provide. I believe we should certainly allow that. In this case we will not give the States any right to lessen the quality or lessen the requirements, but the States will have the opportunity to write more stringent requirements should they desire to do so. Therefore, I believe in the interest of promoting the best possible environment, the best protection for our people, the amendment should be adopted.

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from Delaware.

Mr. DU PONT. I would point out to the gentleman the purpose of the language we have in the bill now is to make sure that if the States enact higher standards, the Secretary of the Environmental Protection Agency will have the power to approve them and thus make the Federal enforcement machinery available to enforce those standards, so you would be gaining a great deal. That is the purpose of the legislation as it stands.

Mr. HOWARD. You are saying the Federal agency may approve stronger standards.

Mr. DU PONT. Exactly.

Mr. HOWARD. I presume also the Federal Government may disapprove stronger legislation or requirements?

Mr. DU PONT Yes.

Mr. HOWARD. That would allow the possibility permitting lesser strictures. That is why this amendment would be necessary, because we have seen where we have passed in Congress legislation relating to the automobile pollution, in which we said the Federal Government and the Secretary of Transportation shall set regulations. Then we have found month by month and year by year that the Federal Government is knuckling under and permitting the auto-

mobile manufacturers to take more time, to be less in compliance with the goals we had originally set. I would not like to see this happen as far as dumping off the shores of New Jersey and other States is concerned. So I think we have nothing to lose, and everything to gain by adoption of the amendment offered by the gentleman from New Jersey.

Mr. DU PONT. If the gentleman will yield further, I concur that we do not want to have the Federal Government knuckling under. For example, the problem in my State with regard to air pollution has been that the State mechanisms for enforcing the State air pollution laws are just dreadful. If we had Federal jurisdiction available, with Federal injunctive powers and the Federal court system, we could enforce the laws. That is the purpose of the language.

Mr. HOWARD. If the Federal legislation is stronger than the State requirements, then we would have the Federal machinery available for enforcement.

Mr. DU PONT. But if the State is stronger than the Federal, under the existing bill draft, we could also use the Federal machinery to enforce the State law.

Mr. HOWARD. The amendment would not prevent that.

Mr. DU PONT. Yes; I believe it would. Once you strike out the language of section 106(d), which permits the Administrator to approve a State law, then you lose all your machinery under State law.

Mr. HOWARD. If the State has a stronger law than that of the Federal Government, but slightly less in strength of enforcement, and someone is violating the Federal requirements, then I believe the Federal machinery would be in effect. The States would only come into the picture if the violation is something that is not anticipated by the Federal Government.

Mr. DU PONT. That is correct.

Mr. BENNETT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the legislation before the House today to provide controls over ocean dumping and other waters is a strong bill and one which will greatly assist in solving our environmental problems. I have legislation pending in this field, H.R. 1214, which is a comprehensive environmental protection bill, which was referred to the House Public Works Committee, and I testified in support of the ocean dumping provision during the committee hearings. I congratulate the chairman and the committee on presenting this bill to the House.

For some time now, I have been extremely concerned about deterioration of our oceans by pollutants. Oceans cover 140 million square miles of water surface and over 70 percent of the area of the earth. The world environment and our very existence are dependent on the oceans and we must stop using them as huge open sewers which can absorb pollutants on an unrestricted and indefinite basis.

Reports on ocean contaminants from leading scientists and engineers are truly alarming. Thor Heyerdahl, in his attempt to cross the ocean in a reed ship, found that he could not fill containers for desalting for drinking water in the middle of the ocean because of the filthy condition of the water. Dr. Jacques Cousteau, famed oceanologist who has traveled nearly 155,000 miles in the last 3½ years exploring the oceans of the world, recently concluded:

> The oceans are in danger of dying. The pollution is general.

I am pleased that the Congress is taking affirmative action in seeking greatly reduced ocean dumping and I am glad that the thrust of the bill before the House today and my bill are similar.

It has been estimated that in 1968 slightly over 48 million tons of waste were dumped at sea off the shores of the United States. Many of these wastes are oxygen-demanding materials, which have the potential to reduce oxygen in ocean waters to levels in which aquatic life cannot live. The volume of waste dumping is growing rapidly and with many major cities running out of landfill areas, they will be looking toward the oceans to get rid of their wastes.

As the most prosperous industrialized Nation in the world, we must set an example for other nations to follow in cleaning up and keeping clean our oceans.

I believe this bill to control ocean dumping directly and firmly attacks the problem and will aid in preserving our life-giving oceans.

Mr. FRENZEL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. Mr. Chairman, I am going to support the Sandman amendment. I do so with some reluctance, because I think the committee has done a magnificent job in bringing this bill before us. I endorse the bill in its entirety. But I think it would be improved by the Sandman amendment.

There are three assumptions on which the objections to the Sandman amendment seems to be based: The first one is that papa knows best. The second one is that papa, knowing best, will always do best. The third one is that the States do not ever do anything right.

In my judgment, this is nonsense. It is federalism in reverse. The States in this bill have been reduced, as one of my colleagues has put it, to mere petitioners before the Federal agencies. But for those of you who are persuaded by the arguments that you will always be given a rule in the form of your petitions, forget it.

My own State is now engaged in litigation with the Atomic Energy Commission. We have had the opportunity to present to that Commission the things that we think are reasonable in terms of standards. But we are fought on every hand, and we are losing our fight.

If you think the States know anything, or if you think they have the ability and the wisdom to provide for their own environment, it seems to me the least we can do is to give them a continued ability to legislate on their own behalf. It seems to me it would be ideal if the Federal Government, and the Federal standards, could provide a floor under which the States could not sink, and an enforcement floor, too, if you wish.

But beyond that, in my judgment, the States, and particularly my State of Minnesota, would like the ability to enhance their environments for their own people above that which the Federal Government may determine to do. Therefore, I am going to support the Sandman amendment, and I would suggest that others in this body who have strong feelings about States' rights and the abilities of their State legislatures to perform well might want to support that amendment, too.

Mr. Chairman, at this time I yield to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, I thank the gentleman for yielding. I cannot improve over what he said, and I would like to quit while I think we are ahead.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SANDMAN).

The question was taken; and on a division—demanded by Mr. DINGELL—there were—ayes 26, noes 25.

Mr. DINGELL. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1971, and I urge my colleagues to pass this bill today in its present form as it was reported by the Committee on Merchant Marine and Fisheries.

This bill would prohibit the unregulated dumping of waste material into the oceans, coastal waters and Great Lakes and would specifically ban the transportation and dumping of radiological, chemical or biological warfare agents and high-level radioactive wastes. The dumping of all other waste material would be prohibited unless authorized by a permit issued by the Environmental Protection Agency or Corps of Engineers.

The committee bill, which is before us today, differs from the administration's original proposal in the following ways: It requires the Atomic Energy Commission to comply with the requirements of the act; it requires the Corps of Engineers to apply the Environmental Protection Agency's criteria in issuing permits, and it imposes an absolute ban on the dumping of CBW agents and high-level radiocative wastes. These additions were added only after the Committee held extensive hearings and carefully weighed the interests of all parties which will be affected by this legislation.

Mr. Chairman the committee version of the Marine Protection Research and Sanctuaries Act is supported by the most responsible and knowledgeable environmental groups in the Nation. Environmental Action, the Friends of the Earth, National Audubon Society, National Wildlife Federation, Izaak Walton League of America, Sierra Club, Wilderness Society and Wildlife Management Institute have all expressed their appreciation to the Committee for its efforts

in formulating this bill and have all expressed their desire for its passage.

I strongly urge my colleagues to retain all the provisions of this version of the bill, and I now urge its final passage by this body.

Mr. BENNETT. Mr. Chairman, the legislation before the House today to provide controls over ocean dumping and other waters is a strong bill and one which will greatly assist in solving our environmental problems. I have legislation pending in this field, H.R. 1214, which is a comprehensive environmental protection bill, which was referred to the House Public Works Committee, and I testified in support of the ocean dumping provision during the committee hearings. I congratulate the chairman and the committee on presenting this bill to the House.

For some time now, I have been extremely concerned about deterioration of our oceans by pollutants. Oceans cover 140 million square miles of water surface and over 70 percent of the area of the earth. The world environment and our very existence are dependent on the oceans and we must stop using them as huge open sewers which can absorb pollutants on an unrestricted and indefinite basis.

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As the most prosperous industrialized nation in the world, we must set an example for other nations to follow in cleaning up and keeping clean our oceans.

I believe this bill to control ocean dumping directly and firmly attacks the problem and will aid in preserving our life-giving oceans.

Mr. BOLAND. Mr. Chairman, I support H.R. 9727, the Marine Protection, Research and Sanctuaries Act.

This bill aims to coordinate the activities of the Environmental Protection Agency, the Army Corps of Engineers, and the Department of Commerce in their efforts to maintain and improve the quality of our coastal waters and Great Lakes.

In July of 1970, I cosponsored the original Marine Sanctuaries Act. Many of the provisions of that bill are incorporated in the legislation now before us. Under title III of this bill, the Secretary of Commerce is authorized to designate as a marine sanctuary those areas of the coastal waters, Great Lakes and oceans which he finds to be in need of preservation or restoration for conservation, recreation, and esthetic reasons.

Mr. Chairman, we are dealing with a truly comprehensive plan—one which will help to provide pollution-free waters for human welfare and for the protection of the marine environment.

I urge my colleagues to support this bill.

Mr. BROOMFIELD. Mr. Chairman, so vast, so seemingly limitless are the oceans covering our earth, we too often assume that they are somehow indestructible—that we can abuse them as much and as long as we like and still be able to count on their continued existence as a natural resource.

That, we know today, is simply not true.

In fact, if we have learned anything from the series of oil spills and mercury contaminations of the past few years, it is that our earth is indeed a closed ecosystem and that, while it may have great natural powers of regeneration, once a part of it is destroyed, that part can never be replaced. It is difficult for us to admit, but there exists today, Mr. Chairman, a distinct possibility that our oceans will be irreversibly damaged in the next few years and that we will have lost, in the process, a crucial force in man's life on this earth.

The importance of that force is obvious. For one thing, our oceans are essential to the basic oxygen-carbon dioxide balance upon which human and animal life depends. For another, scientists are telling us that the sea may prove the major source of food for mankind in the decades ahead.

Now, when we realize that the coastline of the United States is 99,613 miles long and that 75 percent of our population lives in the 30 States that comprise our coastal zone, we must surely understand that the restoration and continued health of our oceans cannot be emphasized enough. It is that understanding which is at the heart of the antidumping bill before us today.

H.R. 9727 would vest the Environmental Protection Agency with final authority to regulate the dumping of waste and foreign materials in our coastal zones. Up to now, that was the supposed responsibility of the Army Corps of Engineers by virtue of the Rivers and Harbors Act of 1899, but the general deterioration of our oceans over the years is apparent witness to the corps' failure in this regard indeed, in one 15-mile stretch off the Atlantic coast they granted permission for the dumping of 35 pounds of mercury, 750 pounds of beryllium, 1,000 gallons of sulphuric acid and hundreds of gallons of other dangerous chemicals. My point is simply that the corps cannot do the job we need today. The Environmental Protection Agency can.

In determining whether to permit dumping into the oceans, the Administrator of EPA would be required to consider first, its potential impact on the marine environment and human welfare and second, other possible locations and methods of disposal, including land-based alternatives. In no case would dumping be authorized where it would violate applicable water standards. Violators would be subject to both civil and criminal penalties, with a maximum in each case of $50,000 per offense.

We should commend the committee for placing in this legislation a total ban on the dumping of radiological, chemical or biological warfare agents and high-level radioactive wastes. Right now we know so little about the possible adverse effects of these materials on our oceans that the committee's decision must certainly be viewed as a wise one.

In two related areas the committee also made major advances: First, by authorizing $3 million over 3 years for research in ocean dumping and second, by permitting the Secretary of Commerce to establish protected marine sanctuaries wherever they were judged necessary; $30 million over 3 years would be authorized for this second provision.

As a sponsor of similar antidumping legislation in February, I am proud, Mr. Chairman, to support this bill. Its passage today will mark a beginning in our effort to restore the world's oceans to their natural condition; an effort that will serve men all over the earth for many generations to come.

Mrs. MINK. Mr. Chairman, I rise in support of the amendment offered today by Mr. LENT.

In the past we have been content to dispose of our waste in the oceans. We have presumed the negligible consequences of our actions which were further overshadowed by our economic arguments. We have dredged our channels and harbors to handle increased commerce. We have used seawater in the generation of electricity and in the production of various industrial products. We have relied upon the ocean to bury our refuse, dredge spoils, sewage, obsolete armaments, and radioactive wastes. We have done all these things oblivious to the cumulative effect upon the ocean environment.

Too long have we been content to dump our waste into the oceans. Today the noxious results of our presumption plague us.

People in many places cannot enjoy seaside recreation, because the waters are too fouled or the beaches too littered. People cannot eat certain seafoods for fear of contracting hepatitis or mercury poisoning. These dangers are not limited to private enjoyments and recreation, but extend to our commercial industries, as well as personal individuals. In these instances, in the individual experiences cited by my colleagues who testified before the Committee on Merchant Marine and Fisheries, and in the blatant cases of despoliation and filth they described, there is prima facie proof of the

necessity for Government regulation in this area. H.R. 9727 seeks to fulfill that need. It seeks to end the unregulated oceanic disposal of our waste materials. And for that reason, I stand in support of it.

However, the single glaring fault of this bill is its failure to cope with oil pollution from offshore wells. Our recent discovery of offshore reserves presages the expansion of tideland drilling and mining. After such disastrous experiences in the waters of California, Texas, and Louisiana, such an expansion of offshore mining necessarily must be approached with caution. Existing administrative rules provide for the regulation of such mining. However, no statutory provision exists for the guaranteed preservation of marine sanctuaries in the face of future exploitation. The recreational, ecological and esthetic value of certain offshore areas outweigh any oil profit capable of being gained. These areas need to be preserved by Federal authority. The amendment proposed by Mr. LENT seeks to do just that. I heartily support him.

We in Hawaii have not as yet suffered greatly from these conditions on the mainland. But we are not so blind as to think the consequences will not affect us, or that we ourselves are not culpable of similar detrimental practices. The oceans form a contiguous body and all who live around it suffer from its pollution, just as all enjoy its resources. I earnestly hope to guard the ocean resources on which the vitality of my State depends. I urge your support of Mr. LENT's amendment.

Mr. MURPHY of New York. Mr. Chairman, it is with a sense of high expectation that I speak on the important legislation now before this body. It has been 18 months since I introduced marine sanctuaries legislation to prevent the despoiling of our seas and rivers. And while the instant legislation has moved through the necessary process of committee hearings and debate, meetings and reporting, I have agonized as I watched the monthly figures climb on the already astronomical dumping of garbage and waste into seas that have changed a country formerly dependent on its waters for food and recreation into an enormous land mass besieged by waters that are unsafe for human beings and marine life; waters that are being killed by oil, human waste, and a thousand other pollutants.

For example, I point out to Members that since I first introduced my marine sanctuaries—ocean dumping bill 18 months ago, nothing much has been done in the way of substantive action to eliminate dumping—and an additional 36 billion gallons of garbage and 74 million tons of dredge spoils, industrial wastes and sludge were dumped into our rivers, lakes, and coastal waters.

These grim statistics for the past year and one-half include:

Twenty-four billion, six hundred million gallons of industrial waste poured into our rivers, lakes, and coastal waters;

Ten billion, nine hundred and fifty million gallons of waste water pumped into our sewers;

Almost 60 million tons of dredge spoils dumped into our coastal waters, 20 million tons of which were polluted;

Seven and one-half million tons of industrial wastes which polluted our seas;

Seven million tons of sewage sludge dumped at sea, almost 6 million tons off New York Harbor alone.

And, Mr. Speaker, the volume of wastes dumped in ocean is increasing rapidly.

This is in spite of the fact that we all now know that they are deadly to marine life.

They are hazardous to human health.

And esthetically they are an anathema.

While I am concerned that this tragedy is happening in my own area in New York, I am equally troubled that the same situation exists in all coastal areas of the United States.

There are 121 other ocean dumping sites on the Atlantic coast, 56 on the gulf coast and 68 on the Pacific coast, where we are dumping millions upon millions of tons of trash, from tin cans to cannons and poisonous isotopes to poisoned gas.

New York and its own "Dead Sea" is being emulated by a string of fledgling dead seas from Maine to Washington State.

And we must not forget our polluted inland waterways and lakes turned into a massive national disgrace.

Because of these appalling statistics, the issues before us today are clear and simple. We are throwing too much of society's excrement into our water and it is coming back to haunt us.

I urge Members to pass the bill decisively—a bill that contains those provisions needed to halt the destruction of our marine and wildlife ecology.

I am gratified that one of the provisions which is of particular importance to me, and one that I authored and urged the committee to include in the final version of the bill, is contained in title III. This is the requirement that authorizes the Secretary of Commerce to establish a system of marine sanctuaries in cooperation with the affected States, and where necessary, with the governments of other countries. This is a necessary requirement if we are to retrieve and preserve many of our most precious marine areas. Without such a provision we could simply find ourselves moving dumping grounds from one area to another which only increases the danger of prolonged pollution. We need a productive economy in order to achieve the great goals to which we are so firmly committed to restore and renew our natural environment.

Long ago we learned of the need to save large land areas from the depredations of the human animal—it is time we do the same with our water resources. The "no-dumping" marine sanctuary aspect of this legislation, which is the key to its effectiveness, will help this Nation do just that.

With the passage of this bill, intact, with no crippling amendments or loopholes, the Congress now is very close to realizing the dream of those of us who have fought to stop the disgraceful conditions that have been allowed to develop in our oceans and rivers. I urge Members of the House and the Senate to act as quickly as possible on this legislation, otherwise, we are all going to end up—those of us left alive—living on one cosmic, putrid garbage pile.

Mr. GRIFFIN. Mr. Chairman, I rise in support of H.R. 9727, the ocean dumping bill. I was an original sponsor of this measure and closely followed it through the Merchant Marine and Fisheries Committee, of which I am a member.

This act must be regarded as a major step forward in the protection of our environment. It is designed to regulate the now unrestricted dumping of wastes and pollutants into our oceans.

The people of Mississippi, and of the South generally, have not had the tremendous pollution problems affecting other sections of the country. The chief reason, of course, is that we simply have not had the heavy concentration of people and industry as other sections. Now, however, our cities and industries are rapidly expanding and pollution is becoming a visible problem.

Mr. Chairman, our environment is our livelihood—our rivers, oceans, air, land and resources give us everything we have. The measure before us today will be a great step forward in protecting one particular area—the oceans.

This measure strikes a reasonable balance between the need for environmental protection and the need for economic progress in a way that all future measures should follow.

We Mississippians should be thankful that we do not now have tremendous pollution problems and we must take the necessary and reasonable steps, as here in the ocean dumping bill, to protect this valuable asset in a way that will promote the industrial and economic growth for everyone's benefit.

Accordingly, I urge every member of this body to vote for the overwhelming passage of this most necessary and worthwhile measure.

Mr. HILLIS. Mr. Chairman, I would like to go on record for Indiana's Fifth Congressional District as a stanch supporter of this long-overdue legislation to protect our Nation's oceans and waterways from unrestricted dumping. Indiana has long been a leader in the environmental protection field and has expressed its concern through good strong legislation. And then we gave the Nation Bill Ruckelshaus to help alert the Nation to its environmental problems and help it eliminate those problems as rapidly as possible.

Legislation like this marine protection act is an absolute necessity if we are to follow through on our cries for environmental cleanup. It's a simple case of putting our money and conviction where our mouths are. If we want men like Bill Ruckelshaus to carry a strong stick, let's give them the strongest hickory rod we can find.

This bill would regulate dumping of all waste materials into our Nation's waters and prohibit dumping of materials such as chemical or biological warfare materials as well as high-level radioactive wastes.

This legislation would also authorize research to monitor dumping activities which the Government does permit, as well as authorize research into the long-

range effects of pollution and the careless muddling of man into our ocean ecosystems. This type of activity is a must if we are to discover the practical limits to which we can dump wastes into our waters—in the long run, research like this can save us millions of dollars in pollution control costs as well as possibly save the lives of us all.

In a poll recently conducted in my district, more than 50 percent of the respondents indicated they would not mind paying higher taxes to fund effective pollution control measures. Since we in Indiana are known for being tight with our money, I think this is saying a great deal. I believe it is indicative of a great concern throughout the Nation that we act now before the consequences become far more costly.

In light of this type of concern, can we do otherwise then give our support to legislation such as this? I think not. Thank you.

Mr. HANLEY. Mr. Chairman, I rise today in support of H.R. 9727, a bill designed to regulate the wanton dumping of pollutants into our Nation's lakes, rivers, and ocean coastlines

Tragically, it has been only within the past few years that Americans have awakened to the fact that man is needlessly destroying the natural balance between species which has, for centuries, allowed countless forms of life to live together in relative harmony. For years, Americans have been content to sit idly by and let Providence take care of the Nation's waste disposal problems. But finally man has learned that neither Providence nor nature can solve all the problems of waste disposal—that the lakes and oceans of the world can only absorb so much waste, and no more.

The recent discovery that many swordfish and other seafoods taken from our coastal waters contain large quantities of mercury has dramatized the effects of pollution. It has shown us that we may soon approach that point where even the vast oceans can no longer absorb our waste—that point where the thin thread, that holds the balance of nature in place, is cut. And animals begining to die. And species disappear.

Luckily few species have disappeared although some have. However, many species have been contaminated with filth and disease, making them inedible.

Man's last reservoir of food, the oceans, is being destroyed. Man's food supply is diminished. This is a sad circumstance for man whose population is rapidly increasing.

The oil spillage catastrophe in Santa Barbara, Calif., and the death of part of the ocean, known as the New York Bight, are two examples of the events that have demonstrated the dire necessity for legislation like the bill we have before us today.

The purpose of H.R. 9727 is to control the unregulated dumping of material into the oceans, coastal and other waters which endangers human health and welfare, and destroys the ecological systems of the world. To this end Congress would give the Administrator of the Environmental Protection Agency, and the Secretary of the Army, the power to issue permits for ocean dumping only under the direct circumstances. The bill provides stiff penalties for persons who dump material into waters without a permit. The bill also terminates the foolish process of casting radiological, chemical, and biological warfare agents into the ocean. I wholeheartedly approve of these provisions.

It is obvious that man cannot go on forever using our oceans and other waterways simultaneously as a food source and a garbage dump. H.R. 9727 seeks to clear up this ambiguity. I strongly recommend the passage of H.R. 9727.

Mr. FASCELL. Mr. Chairman, by taking favorable action today on the Marine Protection Research and Sanctuaries Act, we have a chance to stem the tide of pollution in our oceans. We have an opportunity to stop the environmental cancer before it becomes terminal.

The legislation before us today is the result of the efforts of many of our colleagues who recognized a danger and sought the legislative means to deal with it. Particularly, the Merchant Marine and Fisheries Committee and its distinguished Chairman EDWARD GARMATZ deserve much credit for the priority and attention which they have given to this issue.

Our colleague JOHN DINGELL, who chairs the Subcommittee on Fish and Wildlife Conservation, was instrumental in bringing public attention and focus on the problem through the important hearings which he conducted. The product of his efforts is the bill before us, and it reflects his excellent understanding of this issue.

I am proud to be one of the sponsors of the Marine Protection Research and Sanctuaries Act. It incorporates proposals which I made last year when this country found itself in the untenable position of having tons of a lethal chemical in a highly volatile condition with the ocean as the least objectionable place to get rid of it.

That emergency situation demonstrated that we had virtually no national policy or means of control for ocean dumping, and we had to stand by and watch the Army dump nerve gas into the Atlantic Ocean off the coast of Florida.

Since then there have been some encouraging developments. This bill is certainly one of them, as is the recent announcement by Defense Secretary Melvin Laird that no more military chemicals or munitions will be dumped into the ocean.

But the evidence of the ubiquity of the problem demands our immediate attention to the need for comprehensive policy and control. The concept of the sea as an infinite source of waste absorption must be laid to rest before the disruption in the life cycle of this planet lays the human race to rest.

Already scientists have declared that the amount of tar—a residue from oil spills—on the surface of the ocean equals the amount of its surface sea life.

The presence of mercury, lead, DDT, and pesticides is increasing dangerously in our oceans and sea life. It has been shown that the presence of these agents in the ocean inhibits the ability of diatoms to produce oxygen. The world's supply of oxygen comes mainly from the photosynthetic activity of these tiny diatoms.

Dr. Jacques Cousteau, the famed oceanologist, who has traveled nearly 155,000 miles in the last 3 years exploring the oceans of the world, recently concluded:

> The oceans are in danger of dying. The pollution is general.

The need for strict regulation of ocean dumping and the prohibition of environmentally harmful dumping is therefore urgent, and the time is short.

The Marine Protection Research and Sanctuaries Act would offer that regulation and control by requiring the approval of the Environmental Protection Agency before any material could be transported from the United States for the purpose of dumping in ocean, coastal, and other waters. It would provide stiff penalties and fines for any violations of the act.

The legislation would also authorize the Secretary of State to seek effective international action and cooperation through the United Nations to insure the protection of the marine environment by all nations.

Recently the United Nations Intergovernmental Maritime Consultative Organization, meeting in London, adopted a U.S. resolution calling for an end to willful ocean dumping and accidental spills by 1975, if possible, but certainly by the end of the decade. This is a positive step, but I fear we cannot afford the luxury of waiting until 1980, or even 1975.

Mr. Chairman, the time for action is now. The Council on Environmental Quality's Report on Ocean Dumping states:

> The nation has an opportunity unique in history—the opportunity to act to prevent an environmental problem which would otherwise grow to a great magnitude. In the past, we have failed to recognize problems and to take corrective action before they became serious. The resulting signs of environmental degradation are all around us, and remedial actions heavily tax our resources. This is clearly the time for a conscious national decision to control ocean dumping.

I hope our colleagues agree by giving their support to the Marine Protection Research and Sanctuaries Act.

Mr. HARRINGTON. Mr. Chairman, I rise in reluctant support of H.R. 9727, the Marine Protection Research and Sanctuaries Act.

One of our greatest resources is our oceans, but as President Nixon stated in April 1970:

> About 48 million tons of dredging, sludge, and other materials are annually dumped off the coastlands of the United States.

We are hearing more and more about the incredible value of our oceans. We hear that our food supply may eventually come in greater proportion from the ocean than from the land. Untapped mineral resources are within these waters. As a source of oxygen and through its interaction with terrestrial ecosystems, a healthy ocean may well have

critical importance for the survival of the human species.

The legislation before the House today is badly needed. We have never before had the opportunity to vote on a bill to control ocean pollution. But it is sad that on our first opportunity to vote on this critical matter, we don't solve the problem once and for all.

The bill before us contains many excellent provisions, particularly those applying to research and marine sanctuaries. But the language of the legislation states that the Administrator of EPA may issue permits for ocean dumping if he determines that such an action will not—

Unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

How does one define "unreasonably." The problem with all of our pollution legislation is that it is difficult to enforce, and it is difficult to enforce because of the imprecision of the basic guidelines.

H.R. 805, which I introduced with 70 cosponsors earlier this year, would have specifically prohibited the dumping of any material which would damage the environment. Environment by its definition, in my opinion, includes human health. That should be our standard today.

My bill would also have put the burden of proof on the dumper to demonstrate that what he is dumping will not harm the environment. The right to a decent environment is as basic as the right to life and liberty, for without a decent environment we can have neither. Therefore, it is the obligation of the people and the Government to protect that right—and the dumper has as great an obligation to protect the environment as the Government.

Although H.R. 9727 contains neither provision, it will certainly improve the conditions of our oceans by establishing some regulations where we have none now. In fact this legislation has a great resemblance to the Refuse Act, perhaps the strongest tool we have today to fight water pollution.

Title I of this legislation authorizes the Administrator of EPA to issue permits for the transportation and dumping of material into the oceans, coastal and other waters upon a determination that such dumping would not unreasonably harm the environment or human health. It requires the Administrator to establish criteria for evaluating permit applications which would take into account the effect on the marine environment and human welfare and an evaluation of alternative locations and methods of disposal.

The Refuse Act requires the Corps of Engineers to issue permits for effluent discharges from industry. The concept of issuance of permits to dump or discharge is a good one.

H.R. 9727 would also allow any persons giving information leading to conviction under the act to be paid part of the criminal fines, subject to an overall limitation of $2,500 per offense. This is similar to a provision in the Refuse Act allowing individual citizens to receive half the fine as a reward for information leading to the conviction of a polluter.

The provision of citizen action in this bill is excellent and I applaud the actions of the committee in including such a provision in the bill. The general public feeling is that government is unresponsive and that the individual is powerless to affect his environment. That is not the case when legislation such as this is enacted. I would like to see, however, a clear provision that if the EPA fails to act within a 60- or 90-day period on information supplied by the citizen, the citizen has the right to sue for action.

Title II of the act is vitally needed. It would require extensive monitoring and research on the effects of ocean dumping activities permitted under title I. It also authorizes the Director of the National Science Foundation to undertake a comprehensive program of research on the global and long-range effects of man-induced changes to ocean ecosystems. These studies are essential. Our knowledge of the consequences of our actions in ocean dumping is very slight.

As Dr. Max Blumer, senior scientist at Woods Hole, notes:

The marine food web is so involved and the biochemical processes necessary for the survival of every species are so complex that it is virtually impossible to foresee which species might be damaged by a certain persistent chemical. The award of the Nobel Prize to the discoverer of the insecticide DDT illustrates our ignorance in this area. Lacking sufficient foresight we need to be much more cautious in the use of persistent chemicals lest we disrupt inadvertently processes in the sea upon which our survival may depend.

Title III of the bill is an excellent piece of legislation. It will require that marine sanctuaries be established "for the purpose of preserving or restoring—for their conservation, recreational, ecological, or esthetic values" in areas of the oceans, coastal waters and Great Lakes. These sanctuaries will immediately preserve vital areas of our coastline from further damage. My only reservation is that we may be drastically underfunding both titles II and III. Land is expensive, and I am not at all sure that $10 million per year is sufficient, nor am I confident that ecological research can be carried on well for only $2 million per year. I would urge, however, that these funds be fully appropriated. One major problem with all pollution legislation is the fact that appropriations almost never equal authorizations. We cannot afford to gamble with our future by being so pennypinching that we lose all of our natural resources.

Mr. Chairman, the bill before us today is a good start toward controlling the pollution of our oceans. I will vote for the legislation but I am hopeful that more stringent standards will be set in the future.

Mr. LENNON. Mr. Chairman, subsection (e) of section 202, as amended, instructs the research agency, which will be NOAA, to utilize to the extent feasible: by contract or other agreement, the personnel, services, and facilities of other Federal departments and agencies. As originally drawn, this subsection awarded this program to the National Science Foundation, with the understanding that it would cooperate, to whatever extent seemed called for, with other agencies with similar or tangential research programs, such as NOAA, the Smithsonian Institution, EPA and others. Now that it has been decided that this research program should be given to NOAA, it recognizes that NOAA may well have some inhouse capabilities for carrying out this research, and that to that extent, it would be unnecessary and undesirable for NOAA to contract elsewhere. This is entirely consistent with the purposes of this subsection: it was designed to encourage the most efficient possible use of the Government's resources. If, for example, the Smithsonian Institution were carrying out a similar or identical program that would permit the addition of extra experiments to carry out the purposes of this section, then we would expect that NOAA would contract for this to be done, rather than mounting a separate and expensive research program of its own. Equally clearly, if NOAA were carrying out a program of research under other authority which could, with little expense and effort, be adapted to the purposes of section 202, it would be absurd for it to contract with another agency, inside or outside the Government, to have this research performed.

As was stated in the report on this bill, the purpose of this subsection was to instruct the research agency to review and coordinate its work with other ongoing research programs, with a view to finding the "holes" that may exist in these programs as they relate to the long-range ecological and environmental problems that are foreseeable, if one only looks for them. That purpose is in no way changed by the substitution of research agencies.

I submit a list of questions and answers to clarify certain points on the bill:

TITLE I

Q. What is the purpose of this title?

A. The purpose of the bill, and particularly of Title I, is as outlined in Section 2, to regulate the dumping of all types of material into the oceans, coastal and other waters and to prevent completely or, where that is not possible, to severely limit the dumping of materials which could adversely affect those waters.

Q. How is the purpose of the bill achieved?

A. By totally banning certain materials such as biological, chemical or radiological warfare agents and high-level radioactive wastes, and to require permits for the dumping of materials covered. The permit system extends basically to the transportation from the United States for the purpose of dumping. In addition, it requires permits for dumping of materials, the source of which is outside the United States. The "dumping permit" aspect plugs a potential loophole in order to protect United States waters from outside sources. It is highly unlikely that any such dumping would be permitted. In addition to the regulation of transportation from the United States, the bill also extends the total ban on warfare agents and high-level radioactive wastes from sources outside the United States, where the United States Government is involved, and also requires a permit system (where the United States Government is involved) for the transportation of any other materials from sources outside the United States.

Q. What waters are covered by the bill?

A. The waters covered for the transportation permit aspect include the high seas, the

United States coastal waters, and United States internal waters as far inland as the tidal ebb and flow. For the dumping aspect, the waters covered are the United States internal waters inland to the tidal ebb and flow, the United States territorial sea, and the United States contiguous zone. In each case the Great Lakes are included.

Q. How can the United States regulate dumping in the contiguous zone which is outside United States jurisdiction?

A. The Convention on the Territorial Sea and Contiguous Zone (a part of the Law of the Sea Conventions 1958) recognizes the right of a coastal state to exercise control within the contiguous zone to prevent infringement of its customs, immigration, health or sanitation regulations within its territorial limits. This bill covers health and sanitation protection.

Q. What constitutes "dumping" under the bill?

A. The term "dumping" refers to a disposition or more specifically a disposal of material. There are two important exceptions as far as disposition is concerned. The term "dumping" does not cover the disposal of material from outfall structures where disposal from such structures is regulated under either the Federal Water Pollution Control Act or the Refuse Act of 1899. Secondly, "dumping" does not include the placement of construction materials nor the international placement of devices, if the placement of the device is for a purpose other than mere disposal, and provided the placement of the construction material or the device is otherwise regulated either by an appropriate Federal or State statute, or in the absence of statutes, as a part of an authorized Federal or State program. Finally, "dumping" does not include the deposit of oyster shells or other material for the purpose of developing, maintaining or harvesting fisheries resources, if the deposit of the oyster shells or other material is either regulated by appropriate statute or occurs as a part of an authorized Federal or State program.

Q. What are outfall structures?

A. The term "outfall structures" refers to identifiable, artificial, or artificially adapted natural discharge of effluence which are transmitted either from facilities located on shore or from artificial islands or other fixed structures located offshore. "Outfall structures" do not include the means of disposal of dredge material.

Q. What "material" is included in the coverage of the bill?

A. The material covered includes all matter of any kind or description, except for oil and for sewage from vessels, both of which are regulated under the Federal Water Pollution Control Act.

Q. Does the bill cover areas outside the United States?

A. As far as the bill is concerned, the term "United States", as used in the bill, includes all of the states, the District of Columbia, the Canal Zone, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands. Other than the section regulating United States Government activities, the regulation of transportation under the bill is limited to "United States" as defined above.

Q. Is there a standard established under which permits are issued?

A. Yes. The standards for reviewing and evaluating permit applications are based upon criteria to be established by the Administrator which will take into account the need for the proposed dumping, its effect upon the area in which it is to take place, including the living resources and the marine ecosystem, as well as the permanence of those effects and the volume and concentration of the particular proposed dumping. The criteria also cover appropriate locations for the dumping and available alternative methods of disposal, including the availability of land based alternatives.

Q. How are permits handled?

A. The permit system is handled through the Secretary of the Army for dredged or fill material, and through the Administrator of the Environmental Protection Agency for all other materials. When an application for a permit is received, the responsible officer reviews the application in accordance with the established criteria and requires the applicant to furnish such information as may be necessary to properly consider the application. If new questions are presented, or if the implications of granting or denying a permit are significant, or if there is a substantial public interest, the responsible official will hold a public hearing before reaching his determination as to whether a permit should be issued. Furthermore, the permit may be issued only after the permittee has shown that the proposed activity will not unreasonably degrade or endanger human health, welfare or amenities, or the marine environment involved.

Q. Who furnishes the information on which the Administrator or Secretary makes his determination?

A. The permit applicant is required to furnish all necessary information, and this information is a matter of public record, subject to public inspection through every stage of the evaluation, at such reasonable times and under such reasonable circumstances as the Administrator or Secretary of the Army may determine.

Q. How does the EPA-Army authority under the bill mesh?

A. The bill requires complete and continued consultation between the two responsible agencies to the extent that either has an interest in the activities of the other. For instance, the Secretary of the Army must consult with the Administrator in applying the criteria established by the Administrator and in considering the sites recommended by the Administrator. In addition, the Secretary is bound to comply with the "no dumping" sites designated by the Administrator, unless the Secretary finds that there is no economically feasible alternative reasonably available. Even in reaching this decision, the Secretary is required to consult with the Administrator. On the other hand, the Administrator in evaluating permit applications under his authority must consult with the Secretary, if the application has a potential adverse effect on navigation by creating underwater obstructions.

Q. What are the provisions for public participation under the Act?

A. First of all, the Act requires notice and opportunity for a hearing in reviewing any permit application. While a public hearing should not be necessary on each permit application, it is intended that public hearings will be held whenever any novel question is raised, whenever there are significant implications following from the granting or denial of the permit and whenever there is substantial public interest. In addition to the right to participate in the public hearing, interested citizens are granted specific authority for suits to enjoin violations of the law, regulations or issued permits when the responsible Federal officials are dilatory in acting. Finally, the bill provides for a "finder's fee" where reports of violation result in criminal fines. In such cases, the person or persons furnishing the information from which the conviction results are entitled to receive one-half the fine assessed, up to a maximum of $2500 "reward". This "finder's fee" relates solely to criminal convictions and does not include participation in civil penalties assessed. It is similar to the provision in the Refuse Act of 1899 where the maximum participation is limited to $1250 of a potential $2500 fine.

Q. How is the Act to be enforced?

A. The responsibility for surveillance and enforcement lies in the Coast Guard. The Act requires that a copy of every permit issued shall be furnished to the Coast Guard and an additional copy shall be posted on the vessel to be used for the permitted transportation. The Coast Guard will then be able to check the details of each permit by inspecting the vessels at the dock and will further, by patrol of vessels and aircraft, be enabled to ascertain that the terms of the permit are carried out. While the Coast Guard will be responsible for enforcement, the Administrator is given the complete responsibility for civil penalty assessment for violations, both of his own and of the Army permits. In addition, while the Act does not prohibit referral directly to the United States Attorney, it is intended that the Department of Justice and the Environmental Protection Agency consult closely when criminal prosecutions are recommended.

Q. What are the penalties under the Act?

A. The penalties involve civil penalties up to $50,000 for each violation of the Act, or of the regulations, or of the permit specifications. They are assessed by the Administrator only after notice to the offending party and an opportunity to be heard by the Administrator. If after the penalty assessment is made, additional facts or information become available, the Administrator is authorized to remit entirely or to mitigate, that is, reduce, the amount of the penalty. When necessary, the matter may later be referred to the Department of Justice for appropriate collection procedures. In addition to, or in lieu of, the civil penalty, the matter may be handled through criminal prosecution, when the Act or omission which constitutes the violation is knowingly performed or omitted. In such cases to be handled by the Department of Justice, the maximum fine involved is $50,000 for each violation, or imprisonment for not more than one year, or both.

Q. To whom do the penalties apply?

A. The penalties apply to any person who violates the Act. Included within the definition of "person" are all private persons or entities, or officers, employees, agents, departments, agencies and instrumentalities of the Federal Government, of any state or local unit of Government, and of any foreign Government.

Q. What is the effect of this proposed legislation on other laws dealing with the general subject matter of refuse disposal?

A. This law supersedes all other laws pertaining to any activity regulated under Title I, and after the effective date of this Title no permit or other authorization will have any legal validity to the extent that it purports to cover any activity regulated under this Title. For that reason, the Act repeals the so-called Harbor Protection Act relating to New York, Hampton Roads, and Baltimore. The Act does not affect the Refuse Act as it applies to inland waters and streams above the point of tidal ebb and flow.

Q. What is the anticipated cost of this Title?

A. The actual cost of permit processing and enforcement will vary according to the number of permit applications. It is estimated that the cost of Title I during fiscal year 1972 will be $3.6 million, that these costs will rise to $5.5 million in fiscal year 1973, $5.9 million in fiscal year 1974, and thereafter it should gradually decrease as the need for dumping in the ocean decreases.

TITLE II

Q. Why is this title included in the bill?

A. In order to appropriately administer Title I, it is mandatory that monitoring information be available to all agencies involved as to the specific effects of dumping materials in the oceans, coastal and other waters. While various research authorities already exist, it was felt important, from an evaluation standpoint, to specifically point to the needs of this particular research and not to rely on its development as part of other research programs.

Q. How is it to be handled?

A. The bill provides for the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration to coordinate with the Coast Guard and the EPA for the short term effects of dumping. It also provides for basic long term evaluation of pollution on the total ocean system to be under the research responsibility of the EPA.

Q. What is the cost of Title II?

A. It is estimated that the initial cost of these two research programs will be in the order of $1 million each for the present and the two following fiscal years. After some experience and review, a more specific decision on research needs can be reached.

TITLE III

Q. Why is Title III included in this bill?

A. While from a dumping viewpoint, the protection of specific areas could be accomplished through the permit system, this title provides for a complementary scheme to extend other protections to specific areas which need preservation or restoration by providing a process through which rational choices as to competing uses of those areas may be made.

Q. Why is the Secretary of Commerce given the sanctuary designation responsibility?

A. The Secretary of Commerce is given the designation responsibility in order to carry out his basic responsibility in connection with the living resources of the sea. Several departments have interests involved and it is expected that a close coordination process will reflect the needs and views of the Departments of Defense, Interior, and Transportation, as well as interests of the EPA.

Q. How are State interests involved in connection with marine sanctuary designation?

A. In relation to marine sanctuaries which include waters lying within a State or lying above recognized State interests in the subsoil and seabed, the Act provides for close consultation with the State involved and, in fact, limits the application of marine sanctuary designation involving State waters to the concurrence of the Governor of the State involved. This provision adequately protects the rights of the State, particularly in regard to the exploitation of mineral resources recognized as appertaining to the States under the Submerged Lands Act.

Q. Does the public have any input into the sanctuary designations?

A. Yes. Before a marine sanctuary may be designated, the Secretary must hold public hearings in the coastal area which would be most directly affected by the designation for the purpose of receiving and giving proper consideration to the views of all interested parties, including private organizations and citizens.

Q. What is the effect of a marine sanctuary designation for waters outside of United States jurisdictional limits?

A. As to United States citizens, the designation of a marine sanctuary and the regulations pertaining to it will be completely binding. As to foreign citizens, the United States has jurisdiction over the living resources and the mineral resources out to 12 miles from the coast. Therefore, foreign citizens may not exploit any resources within that contiguous zone. As to marine sanctuaries beyond the contiguous zone, the United States regulations would be binding on foreign citizens only to the extent that they prevented the exploitation of the resources of the Outer Continental Shelf, including mineral resources and other resources of the seabed. The extent that foreign citizens would otherwise be bound to follow regulations relating to sanctuaries beyond the contiguous zone would be dependent upon reaching agreements with the foreign nation involved.

Q. What will be the effect of a marine sanctuary designation on recognized international principles involving freedom of the seas?

A. The designation of a marine sanctuary does not change the United States position in its international relationships. Therefore, the marine sanctuaries cannot infringe upon the normal rights of innocent passage in territorial waters, the rights of navigation through international straits, or the freedom of navigation outside of territorial limits, nor of the rights involving freedom of fishing outside the contiguous fisheries zone. In addition to innocent passage, the right of aircraft flying over is not affected by this bill.

Q. Should Title III contain specific restrictions on industrial development or oil exploitation while areas are under study for sanctuary designation?

A. No. In view of the fact that the study might well extend over a long period of time and might not, in fact, result in a sanctuary designation, premature restrictions either as to industrial development within the area or as to oil exploitation would be undesirable. In the coordination process, it is anticipated that persons interested in all potential activities in the area would be put on notice of the study and some degree of restraint would obviously follow. This should be sufficient, under the circumstances.

Q. Should the Secretary in his certification procedure be restrained from at any time certifying oil exploitation as being consistent with the sanctuary designation?

A. No. There are several purposes for which a sanctuary may be designated. These include conservation, recreation, ecology and esthetics, any one, or combination of which require preservation or restoration. While in most cases oil exploitation activities would probably be inconsistent with the purpose of the sanctuary and, therefore, could not be certified under present language as consistent, there might be some instances where this would not necessarily be the case. For instance, if an area were designated as a sanctuary for the purpose of closing it to fishing during certain critical spawning periods, it might not be necessary to terminate oil exploitation in the area. Therefore, to automatically forbid oil exploitation in any sanctuary no matter whether it really violated the purposes of the sanctuary, would be inconsistent with the purposes of the Act and would remove from the Secretary the desirable flexibility now provided.

Q. What will be the cost of Title III?

A. The cost of Title III will depend upon the number of sanctuaries designated which involve acquisition costs of property, interest not held by the Federal Government. The bill authorizes a maximum of $10 million for the present and the two succeeding fiscal years. A more definitive evaluation will be reached after the program goes into effect.

Mr. HOGAN. Mr. Chairman, it is in the cause of National and State interest that I rise to support the Marine Protection, Research, and Sanctuaries Act of 1971—H.R. 9727. This bill would provide a national policy to regulate the dumping of material into the oceans and coastal waters in order to protect human health, the marine environment, ecological systems, and the economic potentialities of our surrounding waters.

The seas have been overexploited as dumping areas for man's unwanted refuse—raw sewage, dangerous chemicals, radioactive wastes, crude oil from tankers, fuel oil from bunkers, overaged explosives, detergents, pesticides, obsolete war gases—all the leftovers of industry. For too long, such refuse has been considered safely out of the way once it has been consigned to an ocean disposal.

We are appalled when we hear that industrial and chemical wastes have aged Lake Erie by 1,000 years in a decade, that an area of New York Harbor called the New York Bight is essentially a "Dead Sea," and that the crew of the *Ra*, Thor Heyerdahl's papyrus raft, could not even wash their toothbrushes in the mid-Atlantic because the water was too filthy. In addition, it is alarming to think of the possible marine life destruction from chemical and industrial wastes that pour without ceasing from river mouths.

Mr. Chairman, in the fall of 1970, the Council on Environmental Quality provided an initial appraisal of U.S. dumping practices in its report, "Ocean Dumping—A National Policy."

This report delineated several priorities which had to be addressed. They included: First, a ban on unregulated ocean dumping of all materials; second, strictly limiting ocean disposal of materials harmful to the marine environment; third, instituting a permit program for ocean dumping under control of the Environmental Protection Agency; fourth, giving priority to preserving the most biologically active portions of the marine environment; and, fifth, instituting a research program to increase our knowledge of waste materials in marine ecosystems.

The President also recognized this important environmental problem when he urged Congress on February 10, 1971 to implement legislation based on the recommendations of the Council report.

Mr. Chairman, the people of Maryland, a coastal State with a long established dependence and interest in the beauty, the recreational facilities, and the economic value of its many inlets, rivers, and the Chesapeake Bay, have a special desire to keep our Nation's coastal waters healthy, safe, productive, and scenically attractive. Likewise, the Potomac River, as a part of Maryland's waters, has become a critical concern because of its utter degradation by pollutants. As long ago as 1959 I joined the Citizens for a Clean Potomac in order to do my part for preserving the quality of the river. Since that time I have continually supported legislation to combat the problems of environmental pollution.

On February 25, 1971, I joined numerous other of our colleagues when I cosponsored H.R. 5050, to regulate the discharge of wastes in territorial and international waters. H.R. 5050 is similar in many respects to the legislation before us today.

H.R. 9727, the clean bill which emerged from the Committee on Merchant Marine and Fisheries after extensive work in hearings and executive sessions will provide the first corrective legislation to prevent the great natural resources afforded by the oceans and the coastal waters from further deteriorating due to unregulated dumping. It is urgently needed now.

This legislation would set up a long overdue system of mandatory permits for dumping of materials to be issued by the Administrator of the Environmental Protection Agency. It would prohibit the

dumping of certain highly toxic substances.

Second, the bill would provide for comprehensive research on ocean dumping in order to find out the short- and long-term effects of ocean dumping, a problem which will affect the decisions of the EPA Administrator.

Lastly, the bill will make it possible to designate as marine sanctuaries certain areas of our oceans, coastal waters, and Great Lakes in order to preserve or restore their conservation, recreational, ecological, and esthetic value.

In summary, Mr. Chairman, we have an opportunity to remedy a situation which affects our well-being at the local, State, National and international levels. Speaking provincially for the children who learn to swim at our beaches and globally for the possible consequences to our entire ecosystem, it behooves the Congress to pass this legislation for the good of all.

Mr. FUQUA. Mr. Chairman, I want to take this opportunity to express my strong support for H.R. 9727 as reported out of committee.

Representing a district with shores on both the Atlantic Ocean and the Gulf of Mexico, I am keenly aware of the importance of world oceans as our last and greatest untapped natural and scenic resource. To thoughtlessly despoil these vast waters which will provide such a rich return to this and future generations would be the height of folly.

Already we hear warnings from those who love the sea and work on it for a living that irreparable damage has been done through careless disregard for the environmental impact of our actions. Too long the oceans have been treated as an open sewer for all manner of human, chemical, and atomic wastes. These practices must stop, and H.R. 9727 represents an important step in this direction.

It would be my hope that in the years ahead the United States and other nations will build on these foundations and develop an effective program of ocean conservation which, in the end, will preserve this magnificent legacy for all mankind.

Mr. RARICK. Mr. Chairman, strengthening Federal laws and regulations to control the dumping of materials in the oceans, coastal waters, and navigable streams is certainly laudable and long overdue.

However, the bill, H.R. 9727 goes far beyond policing of our waterways, safeguarding the health of our people, and protecting our ecology. By its own phraseology, the bill preempts all State boundaries and is violative of our Federal system of jurisdictions and States rights. I am firmly convinced that the same regulations and safeguards could be enacted without raping the prerogatives of our States and without further concentration of dictatorial powers in another Washington bureaucracy.

In fact, we could expect more cooperation and more effective enforcement by giving the States a greater role and responsibility in their own waterways and seashores.

In addition to the bill laying the groundwork for another Federal power grab, we are asked in section 109 to authorize the Secretary of State, in consultation with the Administrator of EPA, to enter into international agreements and proposals with the United Nations and other competent international organizations to support the policy of this act.

Many people in my State are already aggrieved at the moratorium on offshore leasing which has been blamed on oil leaks and pollution problems. Many are suspicious that the excuses are but a subterfuge for the seabed treaty and other international deals to turn control of the continental slope or tidelands area over to the jurisdiction of the United Nations, for the purpose of leasing the subterranean oil-drilling rights with the revenues going to the United Nations and not to the State of Louisiana where it is dedicated to public education, or even to the U.S. Goverment. Pollution control, clean waters, and natural beauty are commendable, but to use such desirable goals to cover up destruction of our Federal system and international handouts is a completely different matter.

And what is a marine sanctuary, under title 3, and what will be the effect of the mineral rights and oil deposits underlying these areas which we are asked to authorize the Secretary of Commerce to confiscate in the name of conservation, recreation, ecology, or esthetic values?

I fear that riding the crest of the pollution fad, H.R. 9727 conveys too much power and control in areas which we are forbidden to enter. No one in this body knows or can appreciate the full extent of the powers herein being sought, let alone the cost of the new projects.

Because I hold serious reservations, I must cast my people's vote "no."

I include a resolution from the city of Houma, La., in the RECORD at this point:

RESOLUTION

Whereas the City of Houma, a municipal corporation of the State of Louisiana, is keenly interested in the petroleum industry and all other related industries, and;

Whereas the oil industry is an integral part of the City of Houma as well as the State of Louisiana, and;

Whereas it has come to the City's attention that proposals are now being made to place the Continental Slope, or Tidelands area, under the jurisdiction of the United Nations for leasing purposes, and;

Whereas a large portion of this area is off of the coast of Louisiana and many of the oil related industries have operations in Houma and the State of Louisiana, and;

Whereas the oil industries of the United States, Louisiana, and the City of Houma have expended considerable funds in developing techniques to produce oil from depths off the Louisiana coast and the entire coast of the Gulf of Mexico at depths exceeding two thousand (2,000') feet, and;

Whereas the President of the United States has proposed that the United Nations would control the leasing of areas beyond the depth of six hundred (600') feet off of the Gulf coast and the proceeds of said leases would be given to certain developing nations, and;

Whereas the United States, the State of Louisiana, and the City of Houma have many priority needs and the proceeds from the Tidelands leases could be used to enhance and develop the economy, living conditions and general welfare in certain underdeveloped areas of the United States, and the State of Louisiana, which are in fact economically debilitated, and;

Whereas the United States as a world power should claim and control the Continental Slope, and the full limit of United States jurisdiction should be utilized in order to benefit this country, its states and its citizens;

Therefore be it resolved by the Mayor and Board of Aldermen of the City of Houma that the City of Houma is opposed to the proposal that the Continental Slope from the depth of six hundred (600') feet to two thousand (2,000') feet be placed under the jurisdiction of the United Nations and the funds given to "developing nations" as the United States, its states and citizens have many severe problems which could be ameliorated by the use of these funds and these funds could promote the general welfare, safety and general well being of the citizens of the United States which have too often been neglected because of the misguided altruism of our national leaders.

The foregoing resolution having been read, offered and seconded was voted upon as follows:

Yeas: Aldermen Eschete, Lusco, Schexnayder, Use' and Wiemann.

Nays: None.

Approved and adopted: August 24, 1971.

Attest:

CHARLES H. DAVIDSON,
Mayor.

ROBERT F. BOURG,
City Clerk.

Certified to be a true copy of resolution unanimously offered, seconded and adopted at a special meeting of the Mayor and Board of Aldermen of the City of Houma, Louisiana, held August 24, 1971.

ROBERT F. BOURG,
City Clerk.

Mr. SANDMAN. Mr. Chairman, at the outset I would like, first, to compliment the committee for its hard work on this bill.

I intend to vote for this bill. It is not as strong a measure as I would like to see. However, I am confident that under the circumstances it is the best that I can expect at this time. Coming from that area of the United States, mainly the 150 miles of Atlantic seaboard that New Jersey has, I come from an area where approximately 70 percent of all dumping takes place from the metropolitan areas of New York and Pennsylvania. Only 6 miles from where I live in Cape May, N.J., we have an area already condemned for the taking of fish and shellfish, because the bottom of the sea at that point is contaminated, and certainly nothing taken from that area can be eaten by human beings. This particular area has been used by the city of Philadelphia for more than a decade for the purpose of dumping its sewerage.

We have some agreements working at the present time which will perhaps end this in the near future. One of the cities that dumped in that area has already found another way to dispose of its waste. Of course, we are hopeful that Philadelphia will reach that point pretty soon.

At any rate, we have very serious things happening on a daily basis. It recently came to light, about 6 months ago, that a large chemical company outside of Philadelphia had gone bankrupt and had allowed to be created a situation where they were going to have dumped from the banks of the Delaware River about 300,000 gallons of toxic fluid, which they

were going to have dumped off the New Jersey coast.

We had a very serious jurisdictional problem there and I think we are going to have one even after this bill is passed. However, the bill will help to some extent.

They were going to dump this particular toxic fluid only about 20 miles from where I live. There was no question, even by their admission, that the fluid was toxic. The only thing I could do as an individual or as a Member of this body was to commence a suit in the U.S. district court to get a restraining order against their doing the dumping. Such a restraining order did issue.

Now we have quite a few questions. How far that court would have gone if we had gone to the full limit of a trial I do not know. I have a serious doubt that I could have won that particular action on the issue itself, because we do not have jurisdiction outside the 3-mile limit at the present time in my opinion. Some people think we have jurisdiction 12 miles out. I do not agree with them—not for this purpose—but even if we did, that would not have been the answer to this case, in which we would have seen 300,000 gallons of toxic fluid dumped 12 miles off the coast, which is 8 miles outside the 12-mile limit people think we have.

At any rate, by agreement, the State of Pennsylvania as well as the other parties involved, agreed that they would take this particular fluid to a point which the New Jersey biologists for marine life would say was a safe place for the dumping, and they agreed on coordinates 100 miles off the New Jersey coast, past the Continental Shelf, where there was 8,000 feet of water.

We had a second case only 5 months ago, where again I was the plaintiff in the U.S. district court. This action was to prohibit the dumping of 60 tons of arsenic in the Atlantic Ocean. It was going to be dumped off the coast of New Jersey—not any other State. At the present time we have no laws to stop that kind of dumping in my opinion, because it was still going to be at sea, and it was going to be under a method where I do not think we have jurisdiction at the present time.

The strongest point in this whole bill, as I see it, is the section that pertains to the issuance of permits, which I think is strong, which I think is good, and I am confident it is the only way we can get jurisdiction. Because of this section, I propose to vote for the bill. Under this section in the two cases to which I referred, the Secretary would not issue a permit for the loading of this kind of substance.

If the Secretary named in this bill, which is the Secretary of the Army, refused to issue a permit, then the ships would not be even loaded.

The CHAIRMAN. The time of the gentlemen from New Jersey has expired.

Mr. MOSHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SANDMAN. Mr. Chairman, this particular bill would have great force and would give for the first time jurisdiction to the U.S. district court to stop this kind of promiscuous dumping at sea.

I have an amendment I propose to offer at another time, when it is time for consideration of amendments, which pertains to the rights of States likewise to have some legislation in this field. I believe this is important. I agree with the gentleman from Delaware (Mr. DU PONT) when he says we should not have conflicting jurisdictions. I do not believe we will. Section 106, paragraph (d), I believe, should be deleted because it preempts from any State the right to make any law which would affect dumping in the ocean.

At my insistence my own State, the State of New Jersey, did adopt a bill which I introduced in this House in January of this year, as a matter of State law. I believe that is necessary, because that bill gives to the State of New Jersey a right which I consider every State should have, to guard over what is being loaded in the ports of New Jersey aboard ships, which is going to be taken from those ports and is going to be dumped off the coasts somewhere.

I believe this gives a tighter requirement, and tight requirements we must have in this field.

At any rate, whether the amendment is agreed to or not, I still think this is a good bill. I propose to vote for it. I urge the House to vote for it. It is one of the major pieces of legislation introduced this year.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. PIKE, 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. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, pursuant to House Resolution 554, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offered a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HALL. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HALL moves to recommit the bill H.R. 9727 to the Committee on Merchant Marine and Fisheries.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 305, nays 3, not voting 125, as follows:

[Roll No. 251]

YEAS—305

Abbitt
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gude
Hagan
Halpern
Hammer-schmidt
Hanley
Hanna
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McMillan
Madden
Mahon

Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Rangel
Reid, N.Y.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Roybal
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Selberling
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Spence
Stafford
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Aspinall
Hall
Rarick

NOT VOTING—125

Abernethy
Abzug
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Baring
Bell
Betts
Blackburn
Blatnik
Bray
Brown, Mich.
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Clark
Colmer
Conyers
Corman
Culver
Davis, S.C.
Delaney
Derwinski
Devine
Diggs
Drinan
Eckhardt
Edmondson
Edwards, La.
Eshleman
Evins, Tenn.
Flood
Fraser
Fulton, Tenn.
Fuqua
Goldwater
Grasso
Green, Oreg.
Gross
Gubser
Haley
Hamilton
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Heckler, Mass.
Holifield
Horton
Hosmer
Ichord
Jarman
Jones, Ala.
Kee
Koch
Landgrebe
Landrum
Long, La.
Lujan
McClory
McCloskey
McCulloch
McEwen
McKinney
Macdonald, Mass.
Martin
Mayne
Melcher
Michel
Minshall
Monagan
Moorhead
Morgan
Morse
Murphy, Ill.
Nichols
Patman
Pirnie
Powell
Price, Ill.
Quillen
Railsback
Rees
Reid, Ill.
Riegle
Rooney, N.Y.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
St Germain
Saylor
Scheuer
Schwengel
Sebelius
Shipley
Sisk
Slack
Smith, Iowa
Snyder
Springer
Staggers
Stephens
Stubblefield
Sullivan
Symington
Talcott
Teague, Tex.
Thone
Tiernan
Vander Jagt
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Abernethy with Mr. McClory.
Mr. Hébert with Mr. Bob Wilson.
Mrs. Green of Oregon with Mr. McEwen.
Mr. Fulton of Tennessee with Mr. Andrews of North Dakota.
Mr. Rooney of New York with Mr. Pirnie.
Mr. Delaney with Mr. Horton.
Mr. Clark with Mr. Eshleman.
Mr. Monagan with Mr. Springer.
Mr. St Germain with Mr. Michel.
Mr. Diggs with Mr. Rees.
Mr. Long of Louisiana with Mr. Wiggins.
Mr. Edwards of Louisiana with Mr. Betts.
Mrs. Abzug with Mr. Fraser.
Mr. Edmondson with Mr. Devine.
Mrs. Sullivan with Mrs. Heckler of Massachusetts.
Mr. Carney with Mr. Ashbrook.
Mrs. Chisholm with Mr. Eckhardt.
Mr. Teague of Texas with Mr. Bray.
Mr. Moorhead with Mr. Brown of Michigan.
Mr. Morgan with Mr. Saylor.
Mr. Davis of South Carolina with Mr. Schwengel.
Mr. Celler with Mr. Cederberg.
Mr. Wolff with Mr. Bell.
Mr. Charles H. Wilson with Mr. Hosmer.
Mr. Hamilton with Mr. Vander Jagt.
Mr. Rostenkowski with Mr. Michel.
Mr. Shipley with Mr. Carter.
Mr. Nichols with Mr. Blackburn.
Mr. Carey of New York with Mr. Camp.
Mr. Caffery with Mr. Lujan.
Mr. Blatnik with Mr. Martin.
Mr. Anderson of Tennessee with Mr. Hansen of Idaho.
Mr. Holifield with Mr. Thone.
Mr. Jones of Alabama with Mr. Landgrebe.
Mr. Macdonald of Massachusetts with Mr. Morse.
Mr. Price of Illinois with Mr. Ruppe.
Mr. Slack with Mr. Derwinski.
Mr. Staggers with Mr. Clancy.
Mr. Tiernan with Mr. Talcott.
Mr. Stephens with Mr. Sebelius.
Mr. Hawkins with Mr. Symington.
Mr. Koch with Mr. Conyers.
Mr. Casey of Texas with Mr. Minshall.
Mr. Landrum with Mr. Snyder.
Mr. Sisk with Mr. Gross.
Mr. Smith of Iowa with Mr. McCloskey.
Mr. Stubblefield with Mr. McKinney.
Mr. Baring with Mr. Mayne.
Mr. Colmer with Mr. Rousselot.
Mr. Corman with Mr. Gubser.
Mr. Culver with Mr. Powell.
Mrs. Grasso with Mrs. Reid of Illinois.
Mr. Runnels with Mr. Railsback.
Mr. Patman with Mr. Riegle.
Mr. Murphy of Illinois with Mr. Scheuer.
Mr. Melcher with Mrs. Hansen of Washington.
Mr. Ichord with Mr. Drinan.
Mr. Evins of Tennessee with Mr. Haley.
Mr. Flood with Mr. Roush.
Mr. Fuqua with Mr. Roy.
Mr. Yatron with Mr. Kee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the provisions of H.R. 9727.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

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

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

Mr. BOGGS. Mr. Speaker, in reply to the gentleman from Michigan, this completes our program for this week, and it is my intention to ask to go over to Monday when we conclude this evening.

As to the programs for next week, Monday is District day, but there are no bills from the District Committee, so we will consider on Monday and Tuesday the bill H.R. 234, prohibiting detention camps, which will be considered under an open rule with 3 hours of debate.

On Wednesday and the balance of the week we will have:

H.R. 1746, Equal Employment Opportunities Enforcement Act, which will be considered under an open rule, with 3 hours of debate.

Then, subject to rules being granted, we will have:

H.R. 9936, Drug Listing Act; and

H.R. 7072, airport and airways trust fund.

Conference reports may be brought up at any time, of course, and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Louisiana respond to this question. Next Friday—not tomorrow, but next Friday—is the third Friday in September. That is one of the Fridays that we should be anticipating there might be legislative business?

Mr. BOGGS. I will be happy to respond. In the event that the legislative program as announced is not completed by Thursday evening, it is our intention to meet on Friday. It is also our intention to follow the Friday schedule that we were following during the summer, subject to amendment. If the October and November program is heavy, we will meet on every Friday, as necessary.

ADJOURNMENT TO MONDAY, SEPTEMBER 13

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

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

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE UNREASONABLE BUSING SITUATION

(Mr. HAGAN asked and was given permission to address the House for 1 min-

RECORD to be blank as to why the proponents of the conference report have not made some response to some of the things which have been said.

I have given the reasons why and I hope to have a chance tomorrow, or again on the next day, to make this presentation.

I yield the floor.

QUORUM CALL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1971—JOINT REFERRAL TO COMMITTEE ON COMMERCE AND COMMITTEE ON PUBLIC WORKS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the bill (H.R. 9727) relating to the Marine Protection, Research, and Sanctuaries Act of 1971, which is being held at the desk, be referred jointly to the Committee on Commerce and the Committee on Public Works.

The PRESIDING OFFICER laid before the Senate a bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER FOR ADJOURNMENT FROM TOMORROW TO THURSDAY, SEPTEMBER 16, 1971, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 o'clock Thursday morning.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders under the standing order tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

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

ORDER FOR CONFERENCE REPORT ON EXTENSION OF THE DRAFT TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the routine morning business tomorrow the Chair lay before the Senate the conference report on the extension of the draft, which is highly privileged.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON EXTENSION OF THE DRAFT ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Thursday, the Senate return to the consideration of the conference report on the extension of the draft, which is a privileged matter.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. BYRD of West Virginia when he offered on behalf of Mr. WILLIAMS the introduction of S. 2515, and two statements, an analysis, and text of the bill are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon.

After the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Following the period for the transaction of routine morning business, the Senate will return to the consideration of the privileged matter which is before the Senate, the conference report on the extension of the draft.

There will be no rollcall votes on tomorrow. Any votes which would otherwise occur will be put over until Thursday.

During the afternoon of tomorrow, I understand from the distinguished majority leader, the Senate will stand in recess for a brief period while the funeral services are being conducted in Vermont for our late departed colleague, Senator Winston Prouty.

Following the services there, the Senate will resume its consideration of the conference report.

When the Senate completes its business tomorrow, it will stand in adjournment until 10 a.m. on Thursday next.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and as a further mark of respect to the memory of the late Senator Winston L. Prouty, of Vermont, that the Senate now stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 12 o'clock and 32 minutes p.m.), the Senate adjourned until tomorrow, Wednesday, September 15, 1971, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate September 14, 1971:

U.S. DISTRICT COURTS

William J. Bauer, of Illinois, to be a U.S. district judge for the northern district of Illinois, vice Joseph S. Perry, retiring.

in which men have been committed on opposite sides against each other.

I am mindful of the revival hymnal which is included in the new play Godspell. It is an old Chartist hymn of about 1848, when there was a revolt against the corn laws.

Many British people rose and demanded a better era and a happier life and more decent treatment for the disadvantaged people in the British Isles.

The hymnal contains these words:

The people, Lord, the people. Not thorns, nor crowns, but men. Let them not pass like leaves away their heritage in sunless day. The people, Lord, the people; not thorns, nor crowns, but men.

RESCISSION OF ORDER FOR RECOGNITION OF SENATOR HARRIS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for recognition of the distinguished Senator from Oklahoma (Mr. HARRIS) this morning be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio will now be recognized for not to exceed 15 minutes.

(The remarks of Mr. TAFT when he introduced S. 2850 are printed in the RECORD under Introduction of Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk called the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BURDICK) laid before the Senate the following letter, which was referred as indicated:

REPORT ON EXCESS DEFENSE ARTICLES

A letter from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on excess defense articles (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, with amendments, with concurrence of the Committee on Public Works:

H.R. 9727. An act to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes (Rept. No. 92-451).

REPORT ENTITLED "THE MULTIPLE HAZARDS OF AGE AND RACE: THE SITUATION OF AGED BLACKS IN THE UNITED STATES"—REPORT OF THE SPECIAL COMMITTEE ON AGING (S. REPT. NO. 92-450)

Mr. CHURCH. Mr. President, I submit a report from the Senate Special Committee on Aging entitled "The Multiple Hazards of Age and Race: The Situation of Aged Blacks in the United States."

The PRESIDING OFFICER (Mr. WILLIAMS). The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Scott P. Crampton, of Virginia, to be an Assistant Attorney General.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TAFT:

S. 2850. A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes. Referred to the Committee on Labor and Public Welfare.

By Mr. ALLOTT:

S. 2851. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions. Referred to the Committee on Finance.

By Mr. RANDOLPH:

S. 2852. A bill to amend section 131 of title 23 of the United States Code, relating to the control of outdoor advertising along the Interstate and the Federal-aid primary systems, in order to permit certain signs for environmental and antipollution purposes. Referred to the Committee on Public Works.

By Mr. McCLELLAN:

S. 2853. A bill for the relief of the Vladimiro Canulla family (Vladimiro, Romana Bardella, Marco Valerio, and Paolo). Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. HRUSKA, and Mr. HARTKE):

S. 2854. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2855. A bill to declare that certain federally owned lands are held by the United States in trust for the Covelo Indian Community of the Round Valley Indian Reservation, Calif. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 2856. A bill to provide for the compensation of persons injured by criminal acts. Referred to the Committee on the Judiciary.

S. 2857. A bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT:

S. 2850. A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes. Referred to the Committee on Labor and Public Welfare.

EMERGENCY LABOR DISPUTES ACT OF 1971

Mr. TAFT. Mr. President, I share with the majority leader and the minority leader the fervent hope that by the 1st of next month we may at least be in sight of returning to our homes. However, I also this morning want to call to the attention of the Senate the fact that there are certain circumstances in the overall labor-management relations area that might well interfere with that goal or, even after we have returned to our homes, might require some extraordinary action by Congress requiring Congress to return to Washington.

In particular I invite attention to the fact that on December 25, Christmas Day, the 80-day term of the injunction dealing with the west coast dock strike will expire. From all we can see at present, it seems extremely likely that the workers again will go off the docks on the west coast and that the problems there will be aggravated.

I also call attention to the fact, as I am sure all Senators know from the communications they are receiving in connection with electric power in this country, that the present coal strike in our bituminous coal industry is having a very serious curtailing effect upon the supply of electric power. It may be that this will result in a crisis that could occur within this period of the month of December, if not earlier in some areas.

It was with these problems in mind, Mr. President, that I asked for time this morning to discuss some legislation that I feel is vital.

I serve on the Labor Subcommittee. We have been, of course, considering in hearings before the subcommittee improvements in the emergency strike legislation presently pending there under a number of measures.

I have little hope, however, that there will be a reporting by that subcommittee or the committee of measures adequately approaching this problem.

For that reason, I shall speak about some legislation I expect to introduce today and about the necessity of it. It will put all concerned on notice that if the committee and subcommittee fail to report legislation which it seems may be

nent change of station was ordered to report for duty at his new station in Pinedale, Wyoming, on December 31, 1967, the real estate expenses which would have been payable to him under the provisions of section 5742(*a*) of title 5, United States Code, and Bureau of the Budget Circular Numbered A-56, revised October 12, 1966, without regard to the time limitation contained in section 4.1d of the Circular: *Provided*, That no part of the amounts authorized to be paid by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim of Mr. Crumb, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-508), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill as amended is to authorize the Secretary of the Interior to pay to David J. Crumb out of funds appropriated for payment of travel expenses, expenses incurred in the sale and purchase of a residence, to which expenses he would have been entitled under section 5724(a) of title 5, U.S. Code, and Bureau of the Budget Circular Numbered A-56, revised October 12, 1966, without regard to the time limitation contained in section 4.1d of the Circular.

STATEMENT

Mr. Crumb was an employee of the Bureau of Land Management who was transferred from Roseburg, Oregon, to Pinedale, Wyoming, on January 12, 1968. At that time, there was no available housing in Pinedale. It was therefore necessary to leave his family in his residence at the old station at Roseburg. Housing did not become available at Mr. Crumb's new station until six months after the effective date of transfer, at which time he proceeded to purchase a home, and arranged to sell the residence at the old official station.

Mr. Crumb entered into a contract to sell his house on November 13, 1968. The sudden death of his wife on November 23, 1968, necessitated changing all the documents to remove references to Mrs. Crumb. This process was delayed because Mr. Crumb was unable to obtain a copy of the death certificate until January 1969. The sale and purchase arrangements were complete on February 20, 1969. Under the existing regulations, the matter should have been terminated by January 12, 1969—one year after Mr. Crumb's transfer—in order for him to qualify for payment of settlement costs.

This claim was submitted to the Comptroller General, but payment was judged not allowable under Circular A-56. However, the Department of the Interior feels that Mr. Crumb's case is unique and that relief is justified in the circumstances. He sold his house with ample time left to complete the transaction within the time limit. Only his wife's death prevented him from doing so. Moreover, after his wife's death he acted as quickly as possible in processing the necessary papers, but narrowly missed completing the sale within the specified period in order to be eligible for reimbursement. The amount of Mr. Crumb's claim is $2,308.50.

The Committee is in agreement with the Department of the Interior and recommends that the legislation be favorably considered.

MARINE PROTECTION AND RESEARCH ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 439, H.R. 9727, on which I understand there will be a rollcall vote in a very short while.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Public Works with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Marine Protection and Research Act of 1971".

FINDING, POLICY, AND PURPOSE

SEC. 2. (a) Unregulated dumping of material into the oceans, coastal, and other waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) The Congress declares that it is the policy of the United States to regulate the dumping of all types of material into the oceans, coastal, and other waters and to prevent or strictly limit the dumping into the oceans, coastal, and other waters of any material which could adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. To this end, it is the purpose of this Act to regulate the transportation of material for dumping into the oceans, coastal, and other waters, and the dumping of material by any person, subject to the jurisdiction of the United States from any source if the dumping occurs in waters beyond the territorial jurisdiction of the United States.

DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Oceans, coastal, and other waters" means oceans, gulfs, bays, salt water lagoons, salt water harbors, other coastal waters where the tide ebbs and flows, the Great Lakes and their connecting waters, and the Saint Lawrence River.

(c) "Material" means, but is not limited to, dredged material, solid waste, incinerator residue, garbage, sewage, sludge, munitions, radiological, chemical, and biological warfare agents, high-level radioactive waste, chemicals, biological and laboratory waste, wrecker or discarded equipment, rock, sand, excavation debris, and industrial, municipal, agricultural and other waste; but such term does not mean oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161), and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163).

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(e) "Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government (except as to the provisions of subsections (a) through (f) of section 104), of any State or local unit of government, or of any foreign government.

(f) "Dumping" means the addition of any material or combination of materials to that part of the oceans, coastal and other waters beyond the territorial jurisdiction of the United States: Provided, That it does not mean a disposition of any effluent from any outfall structure where such disposition is regulated under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151-1175) or under the provisions of section 13 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 407), nor does it mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels: Provided further, That it does not mean the construction of any fixed structure or artificial island nor the intentional placement of any device in the oceans, coastal, and other waters or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program: And provided further, That it does not include the deposit of oyster shells or other materials when such deposit is made for the purpose of developing, maintaining, or harvesting fisheries resources and is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program.

(g) "District court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of Puerto Rico, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising therein.

(h) "Secretary" means the Secretary of the Army.

(i) "Dredged material" means any material excavated or dredged from the navigable waters of the United States.

(j) "High-level radioactive waste" means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels, or irradiated fuel from nuclear power reactors.

(k) "Transport or transportation" means the carriage by a vessel, and related handling, of any material or combination of materials for the purpose of adding such material or combination of materials to the oceans, coastal, and other waters.

TITLE I—OCEAN DUMPING

PROHIBITED ACTS

SEC. 101. (a) No person shall transport any radiological, chemical, or biological warfare agent or high-level radioactive waste, or, except as may be authorized in a permit issued under this title, and subject to regulations issued under section 106(c) hereof by the Secretary of the department in which the Coast Guard is operating, any other material from the United States for the purpose of dumping into the waters described in section 101(b).

(b) No person shall dump any radiological chemical, or biological warfare agent or high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material, (1) in a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical

miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States, or (2) in said contiguous zone or in other high seas areas of the oceans, coastal, and other waters, when transported by any person subject to the jurisdiction of the United States by the fact of removing material therefrom.

(c) No officer, employee, agent, department, agency, or instrumentality of the United States shall transport any radiological, chemical, or biological warfare agent or high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material from any location outside the territory of the United States for the purpose of dumping it into the oceans, coastal, and other waters.

ENVIRONMENTAL PROTECTION AGENCY PERMITS

SEC. 102. (a) Except in relation to radiological, chemical, and biological warfare agents and high-level radioactive waste, as provided for in section 101 of this title, the Administrator may issue permits, after notice and opportunity for public hearing, for the transportation of material for dumping or for the dumping of material into the waters described in section 101(b), where the Administrator determines that such transportation, or dumping, or both, will not degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

(A) The need for the proposed dumping.

(B) The effect of such dumping on human health and welfare, including economic, esthetic, and recreational values.

(C) The effect of such dumping on fisheries resources, plankton, fish, shellfish, wildlife, shorelines and beaches.

(D) The effect of such dumping on marine ecosystems, particularly with respect to—

(i) the transfer, concentration, and dispersion of such material and its byproducts through biological, physical, and chemical processes,

(ii) potential changes in marine ecosystem diversity, productivity, and stability, and

(iii) species and community population dynamics.

(E) The persistence and permanence of the effects of the dumping.

(F) The effect of dumping particular volumes and concentrations of such materials.

(G) Appropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring use of such alternate locations or methods upon considerations affecting the public interest.

(H) The effect on alternate uses of the oceans, such as scientific study, fishing, and other living resource exploitation, and nonliving resource exploitation.

In establishing or revising such criteria, the Administrator shall consult with the Secretaries of Commerce, Interior, State, Defense, Agriculture, Health, Education, and Welfare, and Transportation, the Atomic Energy Commission, and other appropriate Federal, State, and local officials. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary.

(b) The Administrator may establish and issue various categories of permits, including the general permits described in section 103(c).

(c) The Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary, also designate sites or times within which certain materials may not be dumped.

(d) Any application for a permit under this section for the transportation for dumping or dumping of dredged material into the waters described in section 101(b) shall be accompanied by a certificate from the Secretary that the area chosen for dumping is the only reasonably available alternative and, unless the Administrator finds that the material to be dumped will adversely affect municipal water supplies, shellfish beds, wildlife, fisheries (including spawning and breeding areas), or recreation areas, such permit shall issue.

PERMIT CONDITIONS

SEC. 103. (a) Permits issued under this title shall designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transportation for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; (5) any special provisions deemed necessary by the Administrator, after consultation with the Secretary of the department in which the Coast Guard is operating, for the monitoring, surveillance, and enforcement of the transportation or dumping; and (6) such other matters as the Administrator deems appropriate.

(b) The Administrator may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued by him under this title as he deems appropriate.

(c) Notwithstanding any other provision of this title, the Administrator may issue general permits for the transportation for dumping, or dumping, or both, of specified material or classes of materials for which he may issue permits, which he determines will have a minimal adverse environmental impact.

(d) Any permit issued under this Act shall be reviewed not less frequently than every three years, and, if appropriate, revised. The Administrator may limit or deny the issuance of permits, or may alter or revoke partially or entirely the terms of permits issued by him under this title, for the transportation for dumping, or the dumping, or both, of specified material or classes of material, where he finds that such material cannot be dumped consistently with the criteria and other factors required to be applied in evaluating the permit application. No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for hearing on such action as proposed.

(e) The Administrator shall require an applicant for a permit under this title to provide such information as he may consider necessary to review and evaluate such application.

(f) Information received by the Administrator as a part of any application or in connection with any permit granted under this title shall be available to the public as a matter of public record, at every stage of the proceeding subject to the provisions of section 552 of title 5 of the United States Code. The final determination of the Administrator shall be likewise available.

(g) A copy of any permit issued under this title shall be placed in a conspicuous place in the vessel which will be used for the transportation or dumping authorized by such permit, and an additional copy shall be furnished by the issuing official to the Secretary of the department in which the Coast Guard is operating, or his designee.

PENALTIES

SEC. 104. (a) Any person who violates any provision of this title, or of the regulations promulgated under this title, or a permit issued under this title shall be liable to a civil penalty of not more than $50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such violation. In determining the amount of the penalty, the gravity of the violation, prior violations, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. For good cause shown, the Administrator may remit or mitigate such penalty. Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a) of this section, a person who knowingly violates this title, regulations promulgated under this title, or a permit issued under this title shall be fined not more than $50,000, or imprisoned for not more than one year, or both.

(c) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(d) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense as shall the dumping from each of several vessels, or other sources.

(e) The Attorney General or his delegate may bring actions for equitable relief to enjoin an imminent or continuing violation of this title, of regulations promulgated under this title, or of permits issued under this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(f) A vessel, except a public vessel within the meaning of section 13 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1163), used in a violation, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation a consenting party or privy to such violation.

(g) If the provisions of any permit issued under section 102 are violated, the Administrator may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation.

(h)(1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States

and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any prohibition, limitation, criterion, or permit, established or issued by or under this title. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such prohibition, limitation, criterion, or permit, as the case may be.

(2) No action may be commenced—

(A) prior to sixty days after notice of the violation has been given to the Administrator and to any alleged violator of the prohibition, limitation, criterion, or permit; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the prohibition, limitation, criterion, or permit; or

(C) If the Administrator has commenced action to impose a penalty pursuant to subsection (a) of this section, or has initiated permit revocation or suspension proceedings under subsection (f) of this section; or

(D) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of this title.

(3)(A) Any suit under this subsection may be brought only in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator of a State agency).

(i) No person shall be subject to a civil penalty or to a criminal fine or imprisonment for dumping materials from a vessel if such materials are dumped in an emergency to safeguard life at sea. Any such emergency dumping shall be reported to the Administrator under such conditions as he may prescribe.

RELATIONSHIP TO OTHER LAWS

SEC. 105. (a) After the effective date of this title, all licenses, permits, and authorizations other than those issued pursuant to this title shall be void and of no legal effect, to the extent that they purport to authorize any activity regulated by this title, and whether issued before or after the effective date of this title.

(b) Prior to issuing any permit under this title, if it appears to the Administrator that the disposition of the material, other than dredged or fill material, to be transported for dumping or to be dumped may affect navigation in the navigable waters of the United States or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary and no permit shall be issued if the Secretary determines that navigation will be unreasonably impaired.

(c) After the effective date of this title, no State shall adopt or enforce any rule or regulation relating to any activity regulated by this title. Any State may, however, propose to the Administrator criteria relating to the dumping of materials into the waters described in subsection 101(b) which might affect waters within the jurisdiction of such State and, if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this title, he may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term "State" means any State, interstate, or regional authority, Federal territory or Commonwealth, or the District of Columbia.

(d) Nothing in this title shall be deemed to affect in any manner or to any extent any provision of the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661–666c).

ENFORCEMENT

SEC. 106. (a) The Administrator may, whenever appropriate, utilize by agreement, the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis, in carrying out his responsibilities under this title.

(b) The Administrator may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of his agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance, monitoring as requested by the Secretary of Commerce, and other appropriate enforcement activity to prevent unlawful transportation of material for dumping, or unlawful dumping. Such enforcement activities shall include, but not be limited to, enforcement of regulations issued by the Secretary of the department in which the Coast Guard is operating, establishing specifications for safe transportation, handling, carriage, storage, and stowage. Upon request by other departments and agencies having responsibilities under this Act, the Secretary of the department in which the Coast Guard is operating shall supply such information as they may require on a reimbursable basis.

REGULATIONS

SEC. 107. In carrying out the responsibilities and authority conferred by this title, the Administrator and the Secretary of the department in which the Coast Guard is operating, are authorized to issue such regulations as they may deem appropriate.

INTERNATIONAL COOPERATION

SEC. 108. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

EFFECTIVE DATE AND SAVINGS PROVISION

SEC. 109. (a) This title shall take effect six months after the date of the enactment of this Act.

(b) No legal action begun, or right of action accrued, prior to the effective date of this title shall be affected by any provision of this title.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 110. There are hereby authorized to be appropriated not to exceed $3,600,000 for fiscal year 1973 or $5,500,000 for fiscal year 1974 for the purposes and administration of this title.

ANNUAL REPORTS

SEC. 111. The Administrator shall report annually on or before June 30 of each year beginning June 30, 1972, to the President and to the Congress on his administration of this title, including recommendations for additional legislation if deemed necessary.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

SEC. 201. (a) The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of research regarding the effects of the dumping of material in the ocean, coastal and other waters, and shall from time to time report his findings (including an evaluation of the short-term ecological effects and the social and economic factors involved) to the Congress.

(b) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such fiscal year may not exceed $1,000,000.

SEC. 202. (a) The Secretary of Commerce, in consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean eco-systems. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans, coastal and other waters may best be preserved for the benefit of succeeding generations of mankind.

(b) In carrying out its responsibilities under this section, the Secretary of Commerce, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of its activities by such channels of communication as may appear appropriate.

(c) In January of each year, the Secretary of Commerce shall report to the President and to the Congress on the results of activities undertaken by it pursuant to this title during the previous fiscal year.

(d) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the Secretary of Commerce in carrying out the purposes of this title and, to the extent permitted by law, to furnish such information as may be requested.

(e) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such fiscal year may not exceed $1,000,000.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that a member of my staff may have the privilege of the floor during debate on the bill.

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

Mr. HOLLINGS. Mr. President, I ask

unanimous consent that majority and minority counsel be granted the privilege of the floor during the debate on the bill.

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

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, man's wastes have reached the oceans since time immemorial, for the oceans are the natural repository of water running off the land, and of particles settling out of the air. The oceans have an enormous capacity to assimilate wastes, although we can look into our own history and find examples where organic wastes, which we normally expect to be assimilated easily by the oceans, must have caused problems. As far as I can tell, the first regulation of wastes into the ocean originating from the United States in 1675, when Governor Edmund Andros of New York decreed that all persons were forbidden—

> To cast any dung, dirt or refuse of ye city, or anything to fill up ye harbor or among ye neighbors or neighboring shores, under penalty of forty shillings.

But since the industrial revolution we have seen an ever-accelerating amount of waste being poured into our rivers, and, more recently, increased amounts dumped at sea. We have treated the oceans as enormous and indestructible, as the universal sewer of mankind. Previously we thought that the legendary immensity of the ocean was such that man could do nothing against such a gigantic force. Just the opposite is now true. Since World War II, our technological productivity has created exotic, highly toxic wastes that are not found in a natural state. And these toxic wastes are frequently long lived and can induce untold harm to birds, fish, ocean mammals, and to man.

Against a background of burgeoning wastes from our society and a growing concern for their disposal, the Council on Environmental Quality published a report to the President, entitled "Ocean Dumping—A National Policy," in October 1970. The report summarizes the dimensions and immediacy of the problems created by disposal of wastes at sea and the need for clear national policy and legislation to regulate the pollutants being added to the oceans by the United States. It also calls for appropriate international action. Of particular significance were their summary findings on current regulatory authority and activities:

> Current regulatory activities and authorities are not adequate to handle the problems of ocean dumping. States do not exercise control over ocean dumping and generally their authority extends only within the 3-mile territorial sea. The Army Corps of Engineers authority to regulate ocean dumping is also largely confined to the territorial sea. The Corps has responsibility to facilitate navigation, chiefly by dredging navigation channels. As such, it is in the position of regulating activities over which it also has operational responsibility. The Coast Guard enforces several Federal laws regarding pollution but has no direct authority to regulate ocean dumping. The authority of the Federal Water Quality Administration does not provide for issuance of permits to control ocean dumping. And the Atomic Energy Commission has authority only for disposal of radioactive materials. . . ."

Acting on the recommendation of the Council on Environmental Quality, the President submitted proposed legislation early in the 92d Congress to regulate ocean dumping. The bill was introduced by Senator CALEB BOGGS for himself and 37 Senators as S. 1238, and was referred jointly to the Committees on Commerce and Public Works. Other bills were also introduced to regulate or ban the disposal of waste materials in the oceans. These include S. 192, introduced by Senator NELSON, S. 1082, introduced by Senator CASE, and S. 1286, introduced by Senator BOGGS.

Hearings were held in the Committee on Commerce by the Subcommittee on Oceans and Atmosphere during March and April of this year. At the same time, the House Committee on Merchant Marine and Fisheries was acting on a companion bill, H.R. 9727, which passed the House on September 28. After three executive sessions, the Committee on Commerce ordered H.R. 9727 reported favorably, with amendments in the nature of a substitute text and an amended title, on November 8. The bill was reported with the concurrence of the Committee on Public Works, to which, as I pointed out earlier, the bill had been jointly referred.

As reported, H.R. 9727 is divided into two titles: title I—Ocean Dumping, and title II—Comprehensive Research on Ocean Dumping.

The purpose of title I of the bill is to regulate the dumping and transportation for dumping of waste material in those parts of the oceans, coastal and other waters beyond the territorial jurisdiction of the United States. The bill bans under all circumstances the transportation for dumping and dumping in waters beyond the territorial jurisdiction of the United States of radiological, chemical, or biological warfare agents and high level radioactive wastes. The bill also bans the transportation for dumping and dumping beyond the territorial jurisdiction of the United States of all other waste materials unless authorized by a permit issued by the Administrator of the Environmental Protection Agency, EPA.

The Administrator of EPA is authorized to issue permits for the transportation for dumping and dumping of materials when he deems that such action will not degrade the marine environment or endanger human life, in accordance with criteria that he is to establish by regulation. Civil penalties may be assessed by the Administrator, after notice and opportunity for hearing, and an action may be brought to impose criminal penalties for knowingly violating title I.

The sum of $3.6 million is authorized to be appropriated for fiscal year 1973, and $5.5 million for fiscal year 1972 to carry out the purposes and administration of title I.

Title II of the bill authorizes and directs the Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and the Administrator of EPA, to initiate a comprehensive program of research on the effects of ocean dumping. There is authorized to be appropriated not to exceed $1 million to carry out the provisions of section 201 and not to exceed $1 million to carry out the provisions of section 202 for each of the 3 fiscal years following enactment.

Mr. President, this bill was referred jointly to the Committees on Commerce and Public Works. As reported, H.R. 9727 reflects an agreement between the chairmen of the two committees insuring consistency between H.R. 9727 and the proposed Federal Water Pollution Control Act Amendments of 1971 (S. 2770). By way of background, the Committee on Commerce has exclusive legislative jurisdiction over transportation within the internal and territorial waters of the United States, and beyond in the contiguous zones and other high seas areas of the oceans. The committee shares equally with the Committee on Public Works jurisdiction over legislation affecting the discharge of pollutants into the territorial waters of the United States, other than from outfalls extending from land. Beyond the territorial waters of the United States, the Committee on Commerce has exclusive legislative jurisdiction over discharge of pollutants into the contiguous zone and other high seas areas of the oceans, with the exception of outfalls extending from land into such areas.

Under the agreement between the Commerce and Public Works, all dumping of waste materials and pollutants into the Great Lakes and the territorial seas surrounding the United States, and all discharges from outfall structures extending from land, would be governed and regulated under the proposed Federal Water Pollution Control Act Amendments of 1971 (S. 2770). All dumping and transportation for dumping of waste materials and pollutants in those parts of the oceans beyond the territorial jurisdiction of the United States would be governed and regulated by the Marine Protection and Research Act of 1971 (H.R. 9727). Both acts would be administered by the Administrator of the Environmental Protection Agency. Both acts contain the same criteria requirements to be established by the Administrator. Both acts contain similar enforcement and penalty provisions. In as many ways as possible, Mr. President, the Committees on Commerce and Public Works have worked together to insure the consistency between our respective bills, and to erase the possibility of loopholes in the two bills, with respect to ocean dumping.

Mr. STEVENS. Mr. President, as a member of the Committee on Commerce, and as the ranking minority member of the Subcommittee on Oceans and Atmosphere which conducted hearings on this legislation, I rise to urge that the Senate pass the bill, H.R. 9727, in substantially the same form as it was reported by our committee. Although in due course I intend to bring up a minor perfecting amendment to the bill, I want to express at this time my complete support for the legislation, and commend my colleagues on the committee for the truly bipartisan approach which has been adopted in our efforts to eradicate this growing threat of ocean pollution.

I would like to commend our distinguished chairman of the Committee on Commerce (Mr. MAGNUSON) and the distinguished chairman of our Subcommittee on Oceans and Atmosphere (Mr. HOLLINGS) for their attention to this problem and for the capable leadership they have provided the committee in its deliberations on this matter.

The bill which we are today considering, H.R. 9727, is an amended version of the bill passed by the House of Representatives on September 9, 1971. Although it differs greatly in scope, it takes the same regulatory approach as was taken in the House passed bill, and as recommended to the President by the Council on Environmental Quality in their October 1970 report entitled "Ocean Dumping: A National Policy." That approach was incorporated in the bill, S. 1238, introduced by Senator BOGGS at the request of the administration, and which among other bills was the subject of several days of hearings by our subcommittee in March and April of this year.

As previously stated, the scope of H.R. 9727 as we are considering it today is largely a result of an agreement between the Committee on Commerce and the Committee on Public Works, to whom both the bill, as originally introduced (S. 1238), and as passed by the House (H.R. 9727), were referred jointly. This agreement, arrived at to facilitate consideration of the legislation pending before the respective committees, provided that all dumping of waste materials and pollutants into the Great Lakes and the territorial seas surrounding the United States, and all discharges from outfall structures extending from land, would be governed and regulated under the proposed Federal Water Pollution Control Act Amendments of 1971 (S. 2770). This legislation, reported by the Committee on Public Works, was approved by the Senate on November 2, 1971.

As for the Marine Protection and Research Act of 1971 (H.R. 9727), it was determined that it would regulate all dumping and transportation for dumping of waste materials and pollutants into those waters beyond the territorial jurisdiction of the United States.

Thus, the purpose of H.R. 9727 is threefold:

First, it would completely ban the transportation for dumping and dumping of radiological, chemical, or biological warfare agents and high level radioactive wastes in the oceans beyond the territorial jurisdiction of the United States;

Second, it would ban such transportation for dumping and dumping of all other materials in those waters unless authorized by a permit issued by the Administrator of the Environmental Protection Agency, subject to certain criteria; and

Third, it would authorize and direct the Secretary of Commerce to initiate a program of research into the short-term and long-term effects of such dumping.

Mr. President, the need for this legislation is well established and begs no additional documentation. H.R. 9727 is the result of our relatively sudden realization that the sea is not a bottomless septic tank, but a delicately balanced ecosystem dependent upon the good sense of man for its continued existence. It differs from other bodies of water only in its physical dimensions and the corresponding conceptions in our minds. As the world has grown smaller, so have the scales of that delicate balance grown more tenuous, until we have finally become aware of the weight of unnecessary pollutants which we ourselves have been tipping against our own best interests. We now take a step which will help tip those scales back a little, and gives us a means to control the deposit of such wastes to protect the marine life upon which we grow increasingly more dependent.

Yet, such unilateral action on behalf of the Congress and the United States is not enough to afford us and our oceans the kind of protection which we need. I am pleased with the assertion that legislation such as this will greatly enhance our position in deliberations for the 1972 United Nations Conference on the Human Environment. It is my hope that that conference and similar international gatherings will produce an important and effective agreement for the control of marine pollution.

The importance of such an agreement was given emphasis recently by an observation of Thor Heyerdahl at the International Conference on Ocean Pollution conducted by our Subcommittee on Oceans and Atmosphere. It is an observation which makes some of our jurisdictional assertions here in Congress seem problematic at best, although we recognize their regrettable necessity. Mr. Heyerdahl said:

> There is no such thing as territorial water . . . We can draw a line on the ocean floor and lay claims to the static land on the bottom, but the body of water above it is as independent of the map as is the atmosphere above dry land . . . The salt sea is a common human heritage. We can divide the ocean floor between us, but we shall forever be doomed to share the common water which rotates like soup in a boiling kettle: The spices any nation puts in will be tasted by all the consumers.

I urge that the Senate today adopt this legislation so essential to our national program of pollution control, and I look forward to a cooperative spirit that will produce similar commitments by all nations on behalf of our world environment.

Mr. HOLLINGS. Mr. President, we have an amendment from the Senator from Wisconsin (Mr. NELSON). We have a couple of amendments from the Senator from New Jersey (Mr. CASE). And we have an amendment from the Senator from Alaska.

I hope to have worked out the one with the Senator from Wisconsin, and we will try to take that up and engage in a dialog without a rollcall vote. I cannot say until the Senator from New Jersey appears whether that matter can be worked out without a rollcall. I hope so.

We will accept the amendment of the Senator from Alaska.

I yield now to the Senator from Wisconsin to call up his amendment for the convenience of those Senators who may want to engage in a dialog and then leave the floor later.

AMENDMENT NO. 630

Mr. NELSON. Mr. President, I send to the desk a modification of my amendment No. 630 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

At the end of the bill insert the following:

TITLE III—MARINE SANCTUARIES

SEC. 301. (a) The President, after obtaining the views of the Secretaries of Commerce, Defense, Interior, State and Transportation and the Administrator, shall designate as marine sanctuaries those areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention on the Continental Shelf (15 U. S. T. 741; TIAS 5578), which he determines necessary for the purpose of preserving or restoring the ecological, esthetics, recreation, resource and scientific values of and related to such areas.

(b) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the President shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the President that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) When a marine sanctuary is designated, pursuant to this section, which includes an area outside the United States Territorial Seas, the Secretary of State shall take action, as appropriate, to enter into agreements with other Governments, in order to protect such sanctuary and promote the purposes for which it was established.

(d) The President shall make his initial designations under this section within two years following the date of enactment of this title, and no mineral leases shall be issued for the area seaward of the territorial sea off the east coast of the United States to the outer edge of the Continental Shelf as defined in the Convention on the Continental Shelf (15 U. S. T. 741; TIAS 5578) until such designations have been made. Thereafter, he shall periodically designate such additional areas as he deems appropriate. The President shall submit a report annually to the Congress, setting forth a comprehensive review of his actions under the authority under this section, together with appropriate recommendations for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Before a marine sanctuary is designated under this section, the President shall hold public hearings in the coastal area which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. All public hearings required under this title must be announced at least thirty days before they take place, and all relevant materials, documents, and studies must be made readily available to the public for study at least thirty days in advance of the actual hearing or hearings.

(f) After a marine sanctuary has been designated under this section, the President shall issue necessary and reasonable regulations to control any activities permitted

within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the President shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section. Such regulations shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory.

SEC. 302. (a) Whoever violates any regulation issued pursuant to this title shall be liable to a civil penalty of not more than $50,000 for each such violation, to be assessed by the President. Each day of a continuing violation shall constitute a separate violation.

(b) No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the President, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) A vessel used in the violation of a regulation issued pursuant to this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

(d) The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the President.

SEC. 303. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed $10,000,000.

Mr. NELSON. Mr. President, I ask unanimous consent that the names of the Senator from Montana (Mr. METCALF) and the Senator from Michigan (Mr. HART) be added as cosponsors of the amendment.

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

Mr. NELSON. Mr. President, I have discussed this amendment in some detail with the Senator from Rhode Island (Mr. PELL), the Senator from South Carolina (Mr. HOLLINGS), the senior Senator from Washington (Mr. MAGNUSON), the junior Senator from Washington (Mr. JACKSON), the Senator from New Mexico (Mr. ANDERSON), and the Senator from West Virginia (Mr. RANDOLPH). Although we are all in accord on the objectives sought to be accomplished by my amendment, there are some difficult jurisdictional problems and international problems that we need to be sure we have carefully resolved in the drafting of the amendment.

As everyone here knows, there are several jurisdictional matters involving the Continental Shelf and the water columns above it, with the 50 States having jurisdiction over the first 3 miles and the Federal Government having jurisdiction of the waters above the shelf out to the 12-mile limit, with our Government not claiming jurisdiction over the fisheries beyond the 12-mile limit. Some other governments do. However, our Government asserts jurisdiction over the Continental Shelf for purposes of the extraction of minerals.

The object and purpose of my amendment is to establish marine sanctuaries off our coast as far out as the Continental Shelf goes for purposes of protecting these ocean areas against the extraction of minerals or other activities which might destroy their wealth.

It is not the objective of the amendment to assert jurisdiction of our country over the marine fisheries in the water columns above the shelf beyond the 12-mile limit. That is where the difficulty comes in drafting the amendment and reaching agreement on it.

I think there is no dispute between any of us on the fact that at this stage of history, the United States does assert the right to control the extraction of oils and minerals from the Continental Shelf itself out from the coastline to the end of the Continental Shelf.

I have had discussions, as I previously mentioned, with the distinguished Senators who are chairmen of the various committees with jurisdiction over various aspects of the issues here.

It concerns, as everyone knows, the right of the States in the first 3 miles, and the Commerce Department jurisdiction over the fisheries above the shelf out for 12 miles. It involves the jurisdiction of the Secretary of the Interior and the authority to issue permits for the extraction of minerals for the whole width of the Continental Shelf.

Mr. HOLLINGS. Mr. President, after careful study of the rationale for marine sanctuaries as proposed in title III of the House-passed version of H.R. 9727, and now by Senator NELSON in his amendment, the Committee on Commerce concluded that such sanctuaries should be rejected as proposed. The issue is not the usefulness or the desirability of marine sanctuaries. As I will show later, marine sanctuaries are very desirable in certain circumstances. But the issues are how to establish them, to whom they will apply, and with what ramifications on other interests of the United States. In raising the question of marine sanctuaries in international waters, we are caught in the middle of one of the most complex international legal arenas known today. And when all the interests are weighed in balance, I feel that we must reject the proposal.

The committee believes that the establishment of marine sanctuaries is appropriate where it is desirable to set aside areas of the seabed and the waters above for scientific study, to preserve, unique, rare, or characteristic features of the oceans, coastal, and other waters, and their total ecosystems. We envision such sanctuaries as natural areas set aside primarily to provide scientists the opportunity to make baseline ecological measurements. In coastal areas such measurements will be essential to many coastal and estuarine zone management decisions that will have to be made, as well as helping to predict and measure the impact of human activity on the natural ecosystem. Such sanctuaries should not be chosen at random, but should reflect regional differentiation and a variety of ecosystems so as to cover all significant natural variations.

Scientific research and ecological data can aid significantly in providing a rational basis for intelligent management of coastal and estuarine areas where such sanctuaries might be located. They could be used to monitor vital changes in the estuarine environment, or forecast possible deterioration from anticipated human activities. In our hearings on coastal zone management, Dr. Eugene Odum, director of the Institute of Ecology, University of Georgia, likened such sanctuaries to "pilot plants." He told us:

> Scientists have to have "pilot plants" to check out broad theories on a large environmental scale, just as an industrialist would not want to market a product directly from a laboratory; he would want to have a "pilot plant" study first.

And it was with these thoughts in mind that the Committee on Commerce reported out favorably S. 582, the National Coastal and Estuarine Zone Management Act of 1971, which contains a provision for estuarine sanctuaries and authorizes $6 million to be appropriated for them. Sanctuaries authorized under that act, however, could not extend seaward farther than the outer limits of the territorial waters of the United States. And therein lies the principal difference between our committee's provision and the Nelson amendment.

As presently written, the Nelson amendment purports to authorize the Secretary of Commerce to designate marine sanctuaries in international waters which are not subject to the jurisdiction and control of the United States. This is the fatal flaw. It would extend American jurisdiction in violation of international law and contrary to the very interests that the United States is trying to promote in the 1973 law of the sea conference.

The 1973 conference on the law of the sea has been called by the 25th U.N. General Assembly to produce agreements on a wide spectrum of outstanding, unresolved oceans issues. The United States is actively involved in the preparations for that conference and has proposed a draft seabeds convention, among other things. But central to American objectives in that conference is the need to obtain international agreement on a narrow territorial sea and guaranteed transit through and over international straits, so as to insure the continued mobility of our military and naval forces and merchant fleets around the world. These objectives can best be achieved through multilateral agreement, and are most seriously threatened by unilateral coastal state claims over areas of the high seas. It is very important that we do not attempt to exert control over ocean areas beyond national jurisdiction unilaterally, without multilateral international agreement, thereby encouraging other countries to do so.

Advocates of the marine sanctuaries argue that the Nelson amendment would not be a unilateral grab of high seas areas, which would exclude foreigners

from the sanctuaries. They argue that the amendment would only apply to Americans. Perhaps. But it completely avoids the international issue and our historical experience. This thinking is very similar to the fine distinctions that the United States made when President Truman declared that the Continental Shelves surrounding the United States are subject to the jurisdiction and control of the United States. We claimed that we were not asserting full sovereignty over the shelves. We claimed that the rights of freedom of navigation in high seas areas were unimpaired. We claimed a number of international legal niceties to justify and limit the extent of the American claim to the resources of the Continental Shelves.

No other nation complained. In fact, many thought we had a good idea. So good, that they went well beyond, and the rest is history. The claims of Latin American countries to full sovereignty over the oceans and seabed and subsoil extending 200 miles from land grew from that original limited U.S. claim. And you can see some of the results every time Ecuador or Peru hauls in one of our tuna boats for violating their territorial waters, even though they may be 150 miles from land.

The advocates for the Nelson amendment have a legal nicety when they say that our unilateral designation of marine sanctuaries in high seas areas would govern only Americans. But, in fact, what they are trying to achieve is well known in the literature as "creeping jurisdiction." And it puts the United States in an untenable position in our international negotiations. On the one hand we would be nibbling away at the international freedoms of the high seas, unilaterally asserting authority to regulate activities in high seas areas. On the other hand we are taking the position in international negotiations that our best interests are served by narrow territorial claims and the greatest freedom of navigation. The two are diametrically opposed.

Mr. President, there are methods by which we can create marine sanctuaries in high seas areas without violating international law and without taking an inconsistent stance in international negotiations on the law of the sea. But the methods involve use of the treaty power under our Constitution, and not the unilateral assertion of authority through domestic legislation alone.

The Committee on Commerce has already reported a bill that would provide estuarine sanctuaries. And it would provide for those sanctuaries in an area where the United States has exclusive jurisdiction, recognized by all nations of the world, and consistent with our national objectives on the law of the sea. For this and the reasons that I have just stated, I recommend that the Senate vote to reject the Nelson amendment.

Mr. NELSON. Since very difficult problems are involved here, I understand that the distinguished Senator from Washington is prepared to give this matter hearings in his committee jointly with the other committees which have jurisdiction if I, at this time, withdraw the amendment.

Mr. JACKSON. Mr. President, will the Senator yield for that purpose?

Mr. NELSON. I yield.

Mr. JACKSON. The Senator from Wisconsin is correct. We had a discussion prior to this colloquy in the cloakroom with the chairman of the Commerce Committee, the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. ANDERSON), and the Senator from West Virginia (Mr. RANDOLPH), the chairman of the Public Works Committee.

It would be my suggestion that in view of the fact that the amendment does involve jurisdictional questions pertaining to the Committee on Interior and Insular Affairs as it relates to the Continental Shelf itself, and the fisheries as it relates to that activity with its impact on the Commerce Committee, and the question of pollution and its involvement both on the Commerce Committee and the Public Works Committee, hearings held upon the point in connection with the Senator's amendment.

I would be glad to arrange for such a hearing and call in, on a joint basis, the Public Works Committee and the Commerce Committee and any other committee that might be involved in this.

I would further point out that under the authority of the Senate we are undertaking an energy study in the Interior and Insular Affairs Committee, as the Senator knows. Involved in that energy study, of course, is the whole question of the conflict between the need for energy on the one hand and the environmental impact on the other.

So, for all these reasons and others that I have not mentioned, I would be very pleased at an appropriate time to arrange for such a hearing in concert with other committees that would be involved. We could get into the whole question effectively.

I certainly applaud the Senator's concern which has been a long and continuous one regarding this problem. It is a serious problem.

I further point out that there has been an oil or gas discovery just to the north of Maine, I believe, on an island off the coast of Nova Scotia, which could have an impact on this question of fisheries and the environment as a whole, and it raises some considerations regarding the need for joint consultations with the Canadian Government.

I raise this as a further part of this question as it relates to east coast activity in the Outer Continental Shelf.

Mr. NELSON. I appreciate the comments of the Senator and his assurance that we will have an opportunity to explore this before the appropriate committees.

As I said previously, I know we share the same concern. We have issued Federal permits for ocean oil wells—some 6,600, or thereabouts—in the Gulf of Mexico—and also off the west coast—and are now beginning to consider the issuance of permits off the east coast, with Canada already having oil wells drilled off its east coast.

We all agree our concern is that when we proceed, we proceed with sensible controls that protect the recreational values of the shoreline of the east coast, and that we be sure we do not destroy fisheries or important marine habitat or other ocean environment and economic values by authorizing extractions in the Continental Shelf on other activities.

I know we are all in agreement on that. The question is the best way to proceed.

Mr. JACKSON. Mr. President, will the Senator yield briefly?

Mr. NELSON. I yield.

Mr. JACKSON. In a speech a few days ago I pointed out the need for a joint energy policy with Canada. I believe the Senator's amendment raises some good questions in that area. If we are going to solve our energy problem, consistent with the maintenance of a good environment, we have to look at the continent of North America. This area obviously is critical for our own requirements, but whatever we do in this area as it pertains to the sea—Canada and the United States—it can adversely affect either; as a matter of fact, it could adversely affect both Canada and the United States.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I wholly approve of the remarks, particularly of the Senator from Washington, the chairman of the Committee on Interior and Insular Affairs; and I think it is advisable, and I am sure we all appreciate the attitude of the distinguished Senator from Wisconsin in withdrawing the amendment at this time.

This does involve many important considerations. I have been discussing the matter with members of the Interior Committee this morning, particularly Senators JACKSON, ANDERSON, and BIBLE, and some minority members of that committee, and since we are in a position where this bill would go to conference, I have some remarks dealing with some of the questions posed by this particular amendment, or title III, as it appears in the House bill.

Mr. President, the provisions of title III as passed by the House of Representatives, H.R. 9727, contains a title III which authorizes the Secretary of Commerce ". . . after consultation with the Secretaries of State, Defense, Interior, and Transportation and the Administrator . . ." to designate as marine sanctuaries those areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, as defined in the 1958 convention, which he determines necessary for the purpose of preserving or restoring such areas for their "conservation, recreational, ecological, or esthetic values." Where State waters are included within a sanctuary, the Governor of the State has 60 days to certify that the State portion or any specified portion thereof is unacceptable and that area will remain outside the sanctuary until the Governor withdraws his certification of unacceptability. When an area beyond the 12-mile limit is included within a sanctuary, the Secretary of State is instructed to enter into such agreements with other governments

". . . in order to protect such sanctuary and promote the purposes for which it was established."

After a sanctuary is established, ". . . no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section."

Enforcement is in any U.S. district court, and penalties include a civil penalty of $50,000 for each violation—each day constitutes a separate violation—in rem civil penalties against vessels, and authority to restrain the offending activity.

The Secretary shall make his initial designation within 2 years of enactment, and from time to time thereafter he shall add new areas "as he deems appropriate." An annual report is to be submitted to Congress, and hearings are to be held in the affected area upon 30 days notice.

As Senators know, the bill (H.R. 9727) was reported to the Senate with title III stricken. However, since it is in the House-passed version it will be a matter before the conference committee, and therefore, I believe that these comments are both pertinent and timely:

First. By authorizing the Secretary of Commerce to designate marine sanctuaries for the purpose of preserving or restoring such areas for their "conservation, recreational, ecological or esthetic values", the title would appear to extend the jurisdiction of the United States over the water column—as opposed to merely the shelf itself—overlying the Outer Continental Shelf in contravention of recognized international law which regards under the high seas doctrine, such waters as high seas. A coastal nation may not exercise any claims of sovereignty over such waters. Title III would authorize such prohibited claims of sovereignty over portions of the high seas, and is, therefore, inconsistent with recognized principles of international law.

Second. If the intent of title III is to authorize the executive department to withdraw certain areas of the Outer Continental Shelf from use for future leasing purposes, this committee has already made adequate provision for such withdrawals in its Outer Continental Shelf Lands Act, which at 43 U.S.C. 1341(a) provides:

> The President of the United States may, from time to time withdraw from disposition any of the unleased lands of the Outer Continental Shelf.

This section has been used by the President as the principal source of authority for his withdrawing an area of the Outer Continental Shelf to create a marine sanctuary. President Eisenhower on March 17, 1960, withdrew portions of the Outer Continental Shelf adjacent to Key Largo, Fla. to create a Coral Reef Preserve—see 25 F.R. 2352. Accordingly, there is no need for the Congress to repeat itself by providing new authority for such withdrawals when ample authority already exists.

Third. The Secretary of Commerce would be withdrawing areas of the Outer Continental Shelf which are under the jurisdiction of the Secretary of the Interior for mineral leasing. As Chairman Aspinall stated on the floor of the House:

> The enactment of this title could result in locking up unnecessarily offshore resources valued at billions of dollars, reducing revenues available in the land and water conservation fund for the acquisition of much needed recreation areas, park areas, and wildlife refuges, and curtailing the President's program for meeting the growing energy needs of this Nation.

Furthermore, to authorize one Cabinet member to select areas of the Outer Continental Shelf for leasing and another Cabinet member to select areas which will not be leased would only promote mischief, conflict, and ineffective government within the executive branch.

Fourth. Under the authority of Senate Resolution 45, the Senate Interior Committee with the participation of the Commerce Committee, the Public Works Committee, and the Joint Committee on Atomic Energy are conducting a comprehensive energy study. One of the major sources for petroleum resources is the Continental Shelf. To provide for the locking up of vast areas of the shelf before our energy needs have been examined and the potential sources have been explored to determine availability of the sources, tends to preempt a large part of the study. Certainly, the potential for satisfying our energy needs from the OCS will be a significant part of the energy study.

Fifth. The Department of State, Department of Defense, and the Office of Management and Budget as well as the Department of the Interior have expressed their concern about the claim to extraterritorial jurisdiction proposed in title III. It may suffice to note that any such assertion of jurisdiction beyond established limits has been carefully and properly avoided in title I of the same bill.

Sixth. The Secretary of State is instructed to enter into agreements with other governments in order to protect the sanctuaries. Such agreements should, ordinarily be in the form of conventions, and as such would be subject to Senate ratification. The bill tends to preempt the constitutional powers of the President to negotiate treaties and of the Senate to ratify treaties. Such a provision is of doubtful constitutionality and could not only be a source of embarrassment to the executive branch and the Senate, but would appear to be a proper subject for review by the Foreign Relations Committee.

Mr. President, I have raised these six points concerning title III of the House bill for the purpose of pointing out some of the complicated issues involved. None of my remarks should be construed as a prejudgment on my part as to the bill to be introduced in accordance with the colloquy between the chairman of the Interior Committee and the Senator from Wisconsin (Mr. NELSON). However, I do hope that the draftsmen of that measure as well as the conferees on H.R. 9727 will take cognizance of them in their respective endeavors.

Mr. NELSON. I certainly appreciate any commentary or evaluation of the proposal since what we are seeking to do is to get an amendment which accomplishes what we would like to accomplish without creating problems in the international law field or jurisdictional problems.

Mr. ALLOTT. It does create very complicated questions. I thank the Senator for yielding to me.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I associate myself with the comments which we have been privileged to hear. The chairman of the Committee on Commerce (Mr. MAGNUSON) has for some time been addressing himself to this subject matter, as has the Senator from Wisconsin.

The Senator from Washington (Mr. JACKSON), the chairman of the Committee on Interior and Insular Affairs, and the chairman of the subcommittee (Mr. HOLLINGS) handling this important legislation, as well as the Senator from Colorado (Mr. ALLOTT), are all concerned about the objective sought by the Senator from Wisconsin.

There are several facets of the problem, as Senator NELSON well understands, and as he says now he would withdraw the amendment. This of course, would not indicate in any wise that any of us will withdraw from continued cooperation with him in the months ahead as we develop the base on which his concept can logically be incorporated into law.

I pledge, as chairman of the Committee on Public Works, to the other chairmen (Mr. MAGNUSON and Mr. JACKSON) who are interested and concerned with this subject, that I am eager and anxious to proceed with the legislation proposed by Senator NELSON because his purpose is good, he is knowledgeable on the subject, and he brings to our attention an important recommendation.

Mr. NELSON. I thank the Senator.

STATEMENT IN OPPOSITION TO NELSON AMENDMENT

Mr. STEVENS. Mr. President, I oppose amendment No. 630 offered by the distinguished Senator from Wisconsin (Mr. NELSON). With all due respect to the Senator, I consider such an amendment inconsistent with previous action taken by the Committee on Commerce on other legislation; inadvisable from the standpoint of current efforts now being undertaken internationally with respect to the Law of the Sea Conference; and unnecessary because of existing provisions of the bill and existing authority now exercised by the Secretary of the Interior.

First, I would like to emphasize that if such an amendment is adopted here in the Senate and if it becomes law, it will do so without the benefit of hearings either here or in the House. Without such hearings and an attendant opportunity to hear differing views and differing interpretations, there exist numerous questions concerning both its intent and its effects.

Testimony has been received by the

Committee on Commerce with respect to estuarine sanctuaries, and as a result of favorable committee action, section 312 of S. 582, the National Coastal and Estuarine Zone Management Act of 1971, deals with such a concept. The bill, S. 582, as reported by the Committee on Commerce, woud authorize the Secretary of Commerce—the same Secretary which would administer the proposed marine sanctuaries program—to make available to the States grants of up to 50 percent of the cost of "acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occuring within the estuaries of the coastal and estuarine zone."

The bill provides for a first-year authorization of $6,000,000—as opposed to $10,000,000 in the proposed amendment—for up to 15 such sanctuaries, with the Federal share of the cost of each such sanctuary not to exceed $2,000,000.

The provisions of this section of S. 582 are well understood; they are supported by a majority of the committee's membership; and they accomplish what I would understand to be the major purpose of the amendment offered by the Senator from Wisconsin—that of preservation. In addition, it is more consistent with the following recommendation of the Council on Environmental Quality in its report on ocean dumping than is the proposal before us now:

> High priority should be given to protecting those portions of the marine environment which are biologically more active: namely the estuaries and the shallow near-shore areas in which many marine organisms breath or spawn. These biologically critical areas should be delimited and protected.

On the other hand, the committee, after thorough consideration of title III of the House-passed bill, and after studying the rationale for such a title as expressed during the House debate, chose to reject such a provision as a part of its legislation regulating ocean dumping. Its reasons for doing so have been well set forth by Senator HOLLINGS, as well as in the report of the Committee on Commerce to accompany H.R. 9727, beginning on page 14—see Senate Report No. 92-451.

Of great importance in my own rejection of such an amendment is its apparent intent—as opposed to the provisions of S. 582—to establish marine sanctuaries in the waters extending beyond both the territorial sea and the contiguous zone. Such a unilateral action on the part of the United States—irrespective of the questionable supposition that it would apply to Americans only—without the benefit of a prior treaty or international agreement to which the United States is signatory, would seem inadvisable.

As a member of the Committee on Interior and Insular Affairs, I must observe that the proposed amendment No. 630 would provide for a duplication of laws. If, in fact, one of the purposes of the proposed amendment—as indicated in section 302(d) thereof—is to protect certain marine areas from damage as a result of mineral extraction, then I would point out that such protection is already afforded by the Outer Continental Shelf Lands Act administered by the Secretary of Interior.

If the purpose also is to protect certain marine areas from the effects of dumping, then I wish to point out that such protection is already authorized in section 102(d) of H.R. 9727. This section would authorize the administrator to designate recommended sites or times for dumping; and, if he deems it necessary to protect critical areas, he is directed to designate both sites and times within which no dumping can occur.

Mr. President, as I stated previously, in the absence of prior opportunity to inquire and satisfy, I find there are several ambiguities in the proposed amendment:

First. Despite numerous assertions by Members of the House during debate in that body, I am not at all satisfied that the designation of the marine sanctuaries is discretionary. Despite the word "may" which appears in section 302(a), I find the following language in subsection (d):

> The Secretary shall make his initial designation under this section within two years following the date of enactment of this title . . .

Would this be considered the operative section which would become binding on the Secreary? If so, then the designation of such sanctuaries is clearly mandatory.

Second. What is meant by the language appearing in section 302(a):

> . . . or which hereafter may become subject to such jurisdiction and control?

This would seem to suggest the possibility that if the Secretary should decide that at some future point in time the United States would assert jurisdiction over a 200-mile territorial sea, he could now establish a sanctuary encompassing the full 200 miles.

Third. What would be the extent of the activities controlled pursuant to subsection (f)? Would this include, for example, the development of certain fisheries resources even though such development would be excluded from the definition of dumping in title I of H.R. 9727?

Fourth. What is the justification for an authorization of $10 million?

For all of the above stated reasons, I urge that amendment No. 630 proposed by the Senator from Wisconsin be rejected.

Mr. RIBICOFF. Mr. President, as a cosponsor, I am pleased to support the amendment offered by the distinguished Senator from Wisconsin (Mr. NELSON) to the Marine Protection and Research Act now before the Senate.

It has become all too clear that the Interior Department and the oil companies have their eyes on possible oil and gas deposits off the east coast. If we who live on the east coast hope to prevent its spoilation, now is the time to act. Before a single exploratory well is drilled the most thorough examination possible must be made of the area in order to protect the vital recreational and environmental resources which still exist.

Under the amendment, the Federal Government would be given 2 years to designate an initial set of sanctuaries to protect marine resources, recreation, ecological and esthetic values in the ocean. This provision is similar to title III of the House-passed version of H.R. 9727, which was deleted by the Senate Commerce Committee.

The amendment further provides that, in the case of east coast offshore waters, Federal leasing for oil well drilling may not begin until after the 2-year period for the initial establishment of permanent marine sanctuaries.

While the amendment's marine sanctuary authorization would apply to U.S. Pacific Ocean and Gulf of Mexico areas, the 2-year delay in oil leasing would not, inasmuch as oil drilling is already underway in these waters.

To avoid any conflict with questions of international jurisdiction, the amendment specifically provides that the marine sanctuaries must be established and regulated in accordance with principles of international law.

The amendment is strongly supported by the national environmental organizations, including the Sierra Club, Izaak Walton League, Friends of the Earth, Environmental Action, National Wildlife Federation, Wildlife Management Institute, and the National Audubon Society.

I urge all my colleagues to join with Senator NELSON and I in reinstating this important provision.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement in support of my amendment prepared for delivery by the distinguished Senator from Massachusetts.

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

STATEMENT BY SENATOR KENNEDY

Mr. President, I rise to join the Senator from Wisconsin in support of his amendment to H.R. 9727 which is designed to give the Atlantic Coast a 2-year moratorium on any off-shore oil drilling.

Essentially, the amendment would establish this two-year period to permit the establishment of marine sanctuaries along the Atlantic Coast, areas where there are unique research, conservation, recreational, ecological or esthetic values.

Equally important, the two-year mortatorium would permit independent evaluations of the risks of off-shore oil drilling on the Atlantic seaboard.

Currently, the Department of the Interior has a tentative schedule that could permit the sale of oil leases as early as 1973. A schedule which was released by the department in June and which has not been substantively altered as it affects the Atlantic, calls for a hearing notice to be issued next August, with a sale possible later that year.

But even that date is much too close for comfort.

I merely want to call to the attention of my colleagues what occurred on January 28, 1969, when an oil well being drilled in the Santa Barbara channel blew out.

At that time more than $1 billion damage was estimated to have occurred and for months the beaches of the southern California coast were blackened by the oil slicks from the Union Pacific wells.

When we understand the dimensions of the dangers and imagine the 3.25 million gal-

lons of oil rolling ashore on Cape Hatteras or Cap Cod, then I think we begin to understand the importance of providing the Congress with the time necessary in which to obtain independent studies of the ecological hazards of offshore drilling in the Atlantic.

In this regard, let me remind my colleagues of the recent experience with the Cannikin underground nuclear test. There, we expected that all agency evaluations of the environmental impact of the proposed test would be public documents.

Yet, for more than a year, the key report by the President's chief environmental adviser, the chairman of the Council of Environmental Quality, remained hidden.

It took a court order before we were able to see even portions of that report and that was 3 days prior to the test.

If we do not take steps now to assure ourselves that we will have the information necessary to act; then two years from now we may find ourselves without the information we need to protect the Atlantic coastline.

Therefore, I have recently asked the National Academy of Sciences to undertake an independent study of the potential hazards to the environment involved in off-shore drilling in the Atlantic, along with possible alternatives.

I want to also note that I have asked for a separate independent study as well by the environmental protection agency. These investigations would go beyond the more narrow responsibility of EPA under the National Environmental Protection Act.

I also have asked the governors of the Atlantic seaboard States to join me in my request for independent studies.

Passage of this amendment would be one step to assure that we have the time to thoroughly investigate the hazards to the environment created by the proposed sale of offshore oil leases in the Atlantic.

Mr. HOLLINGS. Mr. President, for the purpose of the RECORD, and on behalf of the committee at this time, 2 weeks ago we enacted the Federal Water Pollution Control Act Amendments of 1971, which came from the Committee on Public Works, governing, among other things, dumping within the coastal waters out to the 3-mile limit of the U.S. territorial seas, and granting to the Environmental Protection Agency the authority to issue permits.

Now, we are trying to pick up in the Committee on Commerce to enact legislation to authorize the Environmental Protection Agency to issue permits for transportation for ocean dumping, and the general control over ocean dumping in a contiguous zone extending from the 3-mile limit to 12 miles from our shores.

The difficulty with the amendment offered by Senator Nelson is not the intent to establish marine sanctuaries. The Committee on Commerce will report shortly the coastal zone management bill (S. 582), which will provide estuarine sanctuaries to the outer limits of our territorial waters. But the language designating as marine sanctuaries those areas of the oceans coastal, and other waters as far seaward as the outer edge of the Continental Shelf, would put it out 100 miles in the case of my State of South Carolina, and in the case of the State of Alaska, it would go out 600 miles. These are obviously in international waters and not subject to the jurisdiction and control of the United States.

At this point there is no use to belabor the problem. The Senator has agreed to withdraw the amendment. We are all working together to establish these sanctuaries.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD the correspondence which the Senator from Washington (Mr. MAGNUSON) has received from the Department of State, the General Counsel of the Department of Commerce, the Executive Office of the President, and the Secretary of the Department of the Interior, Mr. Rogers C. B. Morton, as well as a tentative schedule of Outer Continental Shelf leasing prepared by the Department of the Interior.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., November 24, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to a request from a member of your staff for the Department of State's views on amendment 630 to HR 9727 as proposed by Senator Nelson.

We have serious problems with this amendment as we did with the original Title III of HR 9727. While it is US policy to seek solution to the problems of marine environment, it is of the highest importance that we do not attempt to exert control over ocean areas beyond national jurisdiction unilaterally and thereby encourage others to do likewise. This involves a very important aspect of our national security as unilateral extensions of national jurisdiction over the oceans restrict the areas in which the US has the right of free navigation without dispute.

Although the proposed amendment to HR 9727 appears in Section 302(a) to limit the authority of the Secretary to designate marine sanctuaries to waters subject to the jurisdiction and control of the US, i.e., the territorial sea, this appears to be contradicted by paragraphs C and D which would appear to claim authority to act in areas further seaward. Under current international law the US has no authority unilaterally to take such actions as designating and controlling marine sanctuaries beyond three miles.

We are seeking international agreements to protect the marine environment beyond our territorial sea. We expect that the 1972 Conference on Human Environment, the 1973 Conference on the Law of the Sea and the 1973 Intergovernmental Maritime Consultative Organization (IMCO) Conference will all make significant contributions in this area and will result in the adoption of international conventions to help in the protection of the ocean environment.

The Administration expects, of course, to work with the Congress in an effort to solve these problems. If we should take any unilateral actions which would exceed the authority of the U.S. under international law, we would thereby make it more difficult to achieve success in our efforts to find international solutions to environmental and law of the sea problems.

We therefore strongly urge that H.R. 9727, as reported out by the Senate Commerce and Public Works Committee on November 12, 1971, be adopted by the Senate without the amendment proposed by Senator Nelson.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., November 24, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We have reviewed Amendment No. 630 to H.R. 9727, an Act, to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes. Amendment No. 630 would add to the bill provisions relating to marine sanctuaries. Specifically, the amendment would authorize the Secretary of Commerce, after notice and public hearings, to establish marine sanctuaries in waters subject to the jurisdiction of the United States. It would provide that, with respect to prospective sanctuaries to be located within the territorial limits of any state, the Governor of such state would have the right to withdraw lands from the proposed sanctuary. Under the amendment, all activities in the sanctuary would be subject to regulation by the Secretary of Commerce. Furthermroe, the amendment would require that all Federal mineral leasing activities off the east coast of the United States would be banned until initial establishment of the sanctuaries.

The Department of Commerce recognizes that there may be important scientific or ecological values the preservation of which would justify special portective measures as to particular areas of the ocean. However, we feel that the issue requires considerable additional study and we recommend against enactment of this amendment for the following reasons:

1. The amendment does not clearly define the areas in which the Secretary would be authorized to establish sanctuaries. The present authority of the United States to provide that degree of control of the seabed and the superadjacent water column necessary for maintenance of a sanctuary does not extend into the contiguous zone. The amendment, however, would suggest an intention that the sanctuaries extend into the contiguous zone and beyond. There should be no attempt to extend the territorial jurisdiction of the United States beyond international norms to which the United States adheres.

2. The amendment provides no guidelines regarding the criteria for the establishment and administration of any sanctuaries authorized to be established under this Act. We believe that any proposal for the establishment of such sanctuaries and their reasonable use should be based on a balancing of ecological factors against the short-term economic gains as well as the long-term economic potentials of a particular area.

3. We also find that the banning of all Federal leasing activities off the entire east coast, pending the initial designation of sanctuaries, is unnecessary at this time. Moreover, we note the Secretary of the Interior in his November 4, 1971 statement did not at that time contemplate any leasing activities in the subject area for the next two years.

4. Finally, the authority of the Environmental Protection Agency and the authority of the Department of the Interior under the Outer Continental Shelf Lands Act, if exercised consistently with the philosophy of the National Environmental Policy Act and the requirements of the Fish and Wildlife Coordination Act, provide a basis for the protection of critical areas of the marine environment against unwise exploitation.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our report to the Congress from the standpoint of the Administration's program.

Sincerely,

MICHAEL F. BUTLER,
General Counsel

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 24, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
United States Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to an informal request from a member of your staff for the Administration's views regarding Amendment 630 to H.R. 9727, the "Marine Protection and Research Act of 1971." This amendment, sponsored by Senator Nelson, would authorize the Secretary of Commerce to designate marine sanctuaries, would require him to make the initial such designation within two years after enactment, and would bar mineral leasing activities off the U.S. east coast until such initial designation had occurred.

The Departments of State, Defense, Commerce and the Interior, in separate letters to you in opposition to the subject amendment, will discuss in some detail the various international, national security, and natural resources problems to which enactment of Amendment 630 could give rise. We fully concur with the views expressed in those letters, and likewise urge that the Congress not enact legislation of this type. We also wholeheartedly endorse the rationale set out on pages 14 and 15 of the November 12, 1971 report of the Senate Commerce Committee, concurred in by the Public Works Committee, for rejecting the marine sanctuaries provisions of the House-passed H.R. 9727, which provisions are substantively the same as those in Amendment 630.

In this letter we wish to emphasize two additional considerations. Under this Amendment, the Secretary of Commerce would, at the least, be injected statutorily into the energy development responsibilities of Interior, the foreign policy implementation responsibilities of State, the national defense concerns of Defense, and the environmental protection mission of EPA. Such a broad range of considerations should not devolve, in our judgment, upon a single cabinet department, especially given the limited time frame provided by the Amendment for the initial designation of marine sanctuaries. We believe that this easily could lead to confusion and conflicts that could impede our attainment of important national objectives.

Our second concern arises from the apparent absence of any consideration of the potential costs associated with formally establishing marine sanctuaries, as compared with any scientific or ecological benefits which might be realized thereby. This could mean in some cases potentially heavy losses of Federal revenue from mineral leasing, without commensurate benefits to environmental quality. Creating sanctuaries in the fashion envisioned in Amendment 630 might involve "taking" the rights of States or private parties, with concomitant Federal indemnification costs that are difficult to estimate but which could be very significant.

The Administration recognizes that there very well may be good reasons, having to do with scientific studies or environmental protection, to take special protective measures in certain areas of the oceans and coastal waters under our jurisdiction. The ocean dumping controls that would be provided under H.R. 9727 will make a major contribution in this regard. In addition, we have initiated special measures to minimize other dangers to the marine environment, particularly in connection with the development of the resources of the outer continental shelf. More generally, the National Environmental Policy Act of 1969 was enacted by the Congress to require that, in the conduct of their programs, all Federal agencies must give full consideration to environmental protection, and we strongly believe this approach to be the preferable to the restrictive one contemplated by Amendment 630.

The comprehensive ocean dumping regulatory authority which H.R. 9727, as reported by your Committee, would confer on the Administrator of EPA will enable us to make important strides toward our common objective of protecting and preserving the resources and environmental quality of the oceans. Accordingly, we urge the prompt enactment of this legislation without Amendment 630.

Sincerely,
CASPAR W. WEINBERGER,
Deputy Director.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 23, 1971.

DEAR MR. CHAIRMAN: This responds to your request for our comment on Amendment No. 630, which would add to H.R. 9727 as reported by the Committee a Title III concerning the designation of marine sanctuaries. This Department concurs in the decision of your Committee to strike a similar title from H.R. 9727 as passed by the House, and strongly recommends against the adoption of Amendment No. 630.

With respect to the program responsibilities of this Department, we are very much concerned about the prospective effect of Amendment No. 630. It provides generally for designation by the Secretary of Commerce of marine sanctuaries within a broad area of the oceans, coastal and other waters, and for the regulation of any activities permitted within the designated marine sanctuary. Unlike the House provision deleted by your Committee, Amendment No. 630 would also prohibit the issuance of mineral leases in an area "seaward of the territorial sea off the East Coast of the United States" until such time, within two years from enactment, as the Secretary of Commerce makes his initial designation of a marine sanctuary.

We do not believe that the designation of marine sanctuaries as contemplated by Amendment No. 630 is either a necessary or desirable means of assuring full consideration of environmental values in developing the resources of the Outer Continental Shelf. You are no doubt aware that section 12(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(a)) provides the Secretary of the Interior with authority to withdraw from mineral leasing particular areas of the Outer Continental Shelf, or in the exercise of his discretion, to withhold certain tracts within an area otherwise available for leasing. Both the National Environmental Policy Act of 1969 and regulations promulgated by this Department pursuant to the Outer Continental Shelf Lands Act, a copy of which is attached, require thorough consideration of environmental consequences prior to the issuance of mineral leases and during extraction, if a lease is issued. The several agencies of this Department, with broad program responsibility for outdoor recreation, fish and wildlife, and related values, as well as resource development, are acutely aware that extractive activity must be conducted so as to avoid environmental degradation.

The enactment of the provision in Amendment No. 630, which would seem to have the practical effect of prohibiting for two years mineral leasing seaward of the East Coast, is unnecessary. As I announced on November 4, no decision has been made to conduct an Atlantic Outer Continental Shelf oil and gas lease sale, and no such decision is now planned. While the tentative schedule for Outer Continental Shelf leasing released on June 15 (copy attached) indicates that a sale of Atlantic resources *could* be held prior to 1976, it is now quite obvious that we could not possibly proceed with any action on exploratory drilling for two years. I can assure you, Mr. Chairman, that no decision to proceed would be made in any event without public hearings and an opportunity for complete exchange of information with all parties, public and private.

The Department of the Interior has long expressed concern about the environmental effects of ocean dumping, and we recommend that dumping be regulated through enactment of H.R. 9727 as reported by your Committee. We appreciate your interest in this important matter, and stand ready to provide what ever additional information you might require.

Sincerely yours,
ROGERS C.B. MORTON,
Secretary of the Interior.

Mr. HOLLINGS. I wish to say to the Senator from Wisconsin that I think this language from Secretary Morton sets forth the problem. He stated in his letter dated yesterday:

As I announced on November 4, no decision has been made to conduct an Atlantic Outer Continental Shelf oil and gas lease sale, and no such decision is now planned. While the tentative schedule for Outer Continental Shelf leasing released on June 15 (copy attached) indicates that a sale of Atlantic resources *could* be held prior to 1976, it is now quite obvious that we could not possibly proceed with any action on exploratory drilling for two years. I can assure you, Mr. Chairman, that no decision to proceed would be made in any event without public hearings and an opportunity for complete exchange of information with all parties, public and private.

Does that complete the record as the Senator desired it?

Mr. NELSON. Yes. I introduced a bill, which is in the Committee on Interior and Insular Affairs, to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and offshore management areas with comprehensive regulations to reconcile ocean use conflicts and protect marine values, and for other purposes, on January 26, 1971.

I think it would be appropriate to submit that bill for printing in the RECORD at this place, and I ask unanimous consent to do so.

Mr. President, I also ask unanimous consent that a statement that I made on February 19, 1970, on the introduction of the Marine Environment and Pollution Control Act of 1970, similar to S. 275 of this Congress be printed at this point in the RECORD.

There being no objection, the statement and the bill were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Feb. 19, 1970]

S. 3484—INTRODUCTION OF THE MARINE ENVIRONMENT AND POLLUTION CONTROL ACT OF 1970

Mr. NELSON. Mr. President, I am introducing legislation today which, in its broadest terms, is a human survival act. Its concern is with the pollution of the Great Lakes, and now, of the sea, a situation that poses dangers to the future of the human race that rank with those posed by the threat of nuclear war.

The legislation is entitled the Marine Environment and Pollution Control Act of 1970. One portion of the bill would establish a tough new national policy to halt the reckless exploitation and the destruction of our vital marine environment, and would substitute an environmental management plan beyond State waters that would be aimed at achieving a harmonious relationship between man and the source of all life, the sea.

Another part of the legislation would deal specifically with the disposal of tens of mil-

lions of tons of wastes into the sea from New York and other major cities on the ocean coastlines, in the Gulf of Mexico, and in the Great Lakes. I will explain in detail the provisions of this legislation later in the statement.

For the past year, the tragic story about the destruction of the sea has been unfolding at an accelerating pace. For people the world over, it is a shocking, surprising story, which they may first receive in disbelief. Throughout history, we have believed the sea was a limitless resource, as indestructible as the earth itself. And, as with all our other resources, we have acted accordingly, abusing it in the name of "Progress," somehow never realizing until very, very late that, like all other systems of the planet, the sea is a fragile environment, sensitive and vulnerable to the debris of civilization.

Our persistent refusal to accept these facts about all environments on earth is, in the view of many scientists, hurling us headlong to unprecedented worldwide disaster.

The sea is a fragile environment because among other things, its only really productive areas are extremely limited. They are the Continental Shelves, the narrow bands of relatively shallow, highly fertile areas that extend from our coastlines, the same areas on which our myriad and dramatically increasing ocean activities are focused. Our shipping, mineral extraction, fishing, recreation, and waste disposal all are concentrated in these relatively small, fragile areas.

Destroy life on the Continental Shelves—which is what we are doing now—and, for practical purposes, the oceans are rendered a desert. Fertile coastal waters are 20 times as productive as the open ocean.

Destroy the richness of the sea, and you eliminate one of the greatest potential resources for feeding an exploding world population. Even today, there are nations, such as Japan, that depend almost entirely on the sea for their food and for many other critical resources.

Upset the intricate ecological systems of the oceans, and you run the grave risk of throwing all natural system so seriously out of balance that the planet will no longer sustain any life.

The evidence is pouring in that we are already well on the way to causing drastic and lasting damage to the ocean's environment.

Citing the steady buildup of toxic, persistent pesticides in the oceans, many scientists now believe that another 25 to 50 years of pesticide use will wipe out the oceanic fisheries.

Scientists investigating a massive dieoff of seabirds last year off Britain found in the dead birds unusually high concentrations of another deadly pollutant, toxic industrial chemicals used in making paints and plastics, and in other industrial processes. Concentrations of toxic mercury and lead have been reported in instances at alarming ocean levels.

Scientists now see new dangers to marine life and human beings as well from the potential buildup through the food chain of long-term poisons from the crude oil leaked into the oceans by man's activities at a rate of 1 million tons a year.

The oil is showing up far from its original sources. Scientists towing a net recently in the Sargasso Sea hauled in oil tar lumps as much as 2 inches thick. The Sargasso Sea is 500 miles south of Bermuda in the Atlantic Ocean.

In additioin to oil, author-explorer Thor Heyerdahl sighted plastic bottles, squeeze tubes and debris in the mid-Atlantic during his papyrus raft trip last year. At one point, the ocean water was so filthy the raft crew could not use it to wash the dirty dishes.

In the Pacific Ocean, some still undetermined ecological change has caused a population explosion among a species of starfish. It might be just another fascinating incident if it were not for the fact that the starfish, which feeds on living coral, can, in great enough quantities, cause serious erosion on islands protected by coral reefs and lead to the destruction of food-fish populations that inhabit the reefs.

Closer to home, the oil well blowout in the Santa Barbara Channel last year stunned our Nation. Anyone who still believes the sea is invulnerable to the same devastation we now see in rivers across the land should talk to the citizens of Santa Barbara.

Or they should ask the residents of Cleveland, Detroit, Toledo, Chicago, Milwaukee, Green Bay, or Duluth-Superior. For the past several decades, we have been methodically destroying the Great Lakes, among the largest bodies of fresh water on earth. Lake Erie is degraded almost to the point of a cesspool. Lake Michigan is seriously polluted, and is about to be ringed with nuclear power-plants discharging massive heat wastes. Lake Superior, the largest, cleanest Great Lake, is now threatened. On the Minnesota north shore, a mining company is dumping 60,000 tons of iron ore process wastes into the lake each day.

One need only to have glanced over the newspapers for the past few days to get a sense of the pattern that is developing off our coastlines. Off the gulf coast, an intense fire has been burning out of control for several days on an oil well platform. If the situation is not brought under proper control, raw oil from the well could seep over vast areas of the gulf, spreading to wildlife and bird preserves, stretches of coastal marshland and recreation beaches. Off Nova Scotia, oil spreading from a wrecked tanker has contaminated nearby shores and is killing sea birds, and the same thing is happening off Florida as oil spreads from another wrecked tanker.

The situation in a few years will be much worse. If present trends continue, according to a recent report by the President's Panel on Oil Spills, we can expect a Santa Barbara-scale disaster every year by 1980.

The report also confirmed that we do not have the technology to contain the oil from massive blowouts and spills. In fact, scientists are pointing out that current control techniques, such as massive use of detergents to break up oil slicks, can be even more damaging than the spills themselves.

Yet, in blunt testimony to our sorry history of exploiting our resources at any risk to the environment, 3,000 to 5,000 new oil wells will be drilled annually by 1980 in the marine environment. The pressure is on even in polluted Lake Erie, where only widespread public resistance has prevented drilling there to date.

By ironic coincidence, Federal plans for new oil lease sales in U.S. offshore areas were announced only a few days before the Presidential panel's 1969 oil spill report.

Because of the dramatic and sudden nature of its occurrences and damages, oil pollution has been the most visible of the marine environment problems. A second, less visible, but just as significant threat is from the wastes that are overrunning the industralized, crowded metropolitan areas along our coastlines.

Progress—American style—is adding up each year to 200 million tons of smoke and fumes, 7 million junked cars, 20 million tons of paper, 76 billion "disposable" containers, and tens of millions of tons of sewage and industrial wastes.

It is estimated that every man, woman, and child in this country is now generating 5 pounds of refuse a day from household, commercial, and industrial wastes. To quote Balladeer Pete Seeger, Americans now find themselves "standing knee deep in garbage, throwing rockets at the moon."

The rational way out of this dilemma would be using the country's technology and massive resources to develop systems to recycle our wastes, making them valuable "resources out of place," or treating wastes to the highest degree that technology will permit.

Instead, in the classic American style, we have been taking the easy way out. Rather than planning ahead to handle the byproducts of our affluent society, we have invariably taken the cheapest, most convenient route to their disposal, regardless of the environmental consequences. Until fairly recently, the easy way has been to dump our debris outside the city limits, or into the nearest river or lake.

But now, the end of one city means the beginning of another, especially in our sprawling metropolitan areas. And either the river or lake is already grossly polluted with other wastes, or water quality standards are demanding that the polluters install decent treatment facilities.

With this tightening situation, one might think that we would finally begin a national effort to establish effective and environmentally safe waste management plans.

Instead, we have found another way to avoid the costs of environmental controls: Dump the debris into that supposedly bottomless receptacle, the sea. The attractions are many. The fact is that environmental regulations in our coastal waters are so loose it is like frontier days on the high seas, a field day for laissez faire polluters. One recent private report points out the inadequacies in offshore environmental regulations.

Few applications for offshore waste dumping permits are ever denied, even when environmental agencies strongly oppose the dumping. In fact, the report could find no instance where the U.S. Army Corps of Engineers—in most cases, the lead agency for regulating the dumping—had ever rescinded a disposal permit, even when the polluter had clearly violated it. The reason, according to the report, is that authorities and responsibilities in the marine environment, are so uncertain that public agencies may be reluctant to take action that might lead to court tests;

Furthermore, most dumping is carried out so far offshore that no present regulations of any Federal, State or local agency explicitly apply;

Although many public agencies are concerned in various ways with ocean dumping, rarely do any of them have a comprehensive picture of the total offshore waste disposal activities in the area;

Regular monitoring of ocean dumping is almost nonexistent, leaving the way wide open for abuse of already inadequate permit terms;

Finally, guidelines to determine how dumping will affect fragile ocean ecology and the marine food chain do not exist. Thus, decisions on the dumping permits are made with a tragic lack of vital information as to the consequences.

In this situation, it is often cheaper for a city to send its municipal wastes out to the ocean depths via a barge; or for an industry to relocate to the coastline from an inland area with tough water quality standards, so it can discharge its wastes directly into coastal waters without having to install costly pollution control equipment.

Because the effects of the ocean dumping are slow to appear, it is a problem that only now is breaking into public view. But when all the facts are in, I am convinced that continued unrestrained dumping clearly will spell a tragedy that will make Santa Barbara pale by comparison.

In the United States, cities, industries, and other polluters are now disposing 37 million tons of wastes into the marine environment every year, and this does not include Great Lakes figures.

Predictably, our mass consumption, mass disposal society is responsible for one-third

to one-half the world's pollution input to the sea.

The cities and metropolitan areas involved include San Francisco, Los Angeles, San Diego, Boston, New York, Philadelphia, Baltimore, Charleston, St. Petersburg, Miami, Port Arthur, Galveston, Texas City and Houston.

The wastes—dumping at sea from barges and ships—run the gamut of by-products from the "affluent" society. They include garbage and trash; waste oil; dredging spoils; industrial acids, caustics, cleaners, sludges, and waste liquor; airplane parts; junked automobiles and spoiled food. Radioactive wastes, poison gas, and obsolete ordnance have also been dumped in the sea by atomic energy and defense agencies.

Along our Pacific coast, 8.8 million tons of these wastes were dumped in 1968 alone.

Along the heavily populated east coast, 23.7 million tons were dumped that year.

And along the gulf coast in 1968, 14.6 million tons of wastes were dumped.

A leader for the whole country in the dumping of wastes into the sea is metropolitan New York. In a recent year, dumping for this area off the New Jersey and Long Island coasts came to 6.6 million tons of dredge spoils, 4 million tons of sewage sludge, 2.6 million tons of dilute industrial waste acids, and 573,000 tons of cellar dirt.

The sewage sludge, dumped 11 miles offshore, has spread over a 10- to 20-square-mile area of the ocean bed, killing bottom life, cutting oxygen levels, poisoning the sea waters. A wide area outside the dumping grounds is also contaminated, possibly by the sewage sludge. Dumping of other wastes is being carried out in five other undersea areas off New York.

The results of several decades of ocean waste disposal off this vast metropolis are grim portents for the future of much of the U.S. marine environment if the practice is allowed to continue.

Off New York, outbreaks of a strange fish disease, where fins and tails rot away, have been reported since 1967.

Recreation-destroying red tides have recently closed local beaches, particularly during the summer of 1968.

Massive growths of nuisance organisms, such as seaweeds and jellyfish, are now prevalent.

Once huge oysterbeds in New York Harbor have been all but eliminated.

Nearly all local clamming areas have been closed because of contamination.

Many swimming beaches are now closed every summer for the same reason, and there are indications that the sewage sludge dumped far offshore may now be creeping back in on the currents.

Now, in the face of this marine disaster, suggestions are being made that the New York dumping grounds be moved anywhere up to 100 miles offshore. Whether this is feasible on even an interim basis, it is highly doubtful it offers any permanent solution. New Yorkers 40 years ago thought they had escaped much of their waste problem when the present offshore dumping grounds were selected. Past history gives little cause for confidence that dumping even 100 miles into the sea will prevent grave consequences 40 years from now.

In fact, the evidence from the present New York situation, and from the effects of other United States and worldwide marine activities, indicates firmly that if we are to avoid setting off further disaster in our vital offshore areas, the dumping should be phased out entirely along our coastlines and the Great Lakes. The legislation I am proposing would require such a phase-out in 5 years, a deadline which respected authorities have indicated would be reasonable, if a concerted effort is started now to find alternative, safe means of waste disposal or recycling.

The only exception would be when the Secretary of the Interior determined that an alternative was not yet technically available. Then, a temporary permit could be issued until an alternative was developed.

The legislation will also deal with the wastes pouring directly into the ocean and the Great Lakes from numerous outfalls of municipal and industrial waste disposal systems. As I pointed out earlier, the alternative of piping our wastes directly into the sea is becoming increasingly attractive from an economic point of view, as water quality standards are tightened inland. Yet from an environmental point of view, moving to the edge of the sea for cheap waste disposal and cheap water supplies will only accelerate the pollution of the sensitive offshore areas. It is a trend that must be halted now, and the legislation I am introducing will allow only liquid, nontoxic wastes, treated at levels equal to the natural quality of the receiving waters, to be disposed of at sea, with the exception noted above, where an alternative was not technically available.

Now, on one 30-mile stretch of the New Jersey coast alone, there are 14 sewer outfalls discharging directly into the ocean, with more planned. In New York harbor, 20 New Jersey companies are either in court or under orders to halt pollution. According to Federal figures several years ago, the estuarine waters of the United States received 8.3 billion gallons of municipal waste discharges per day.

Clearly, wholesale waste disposal and dumping into the ocean environment is a practice that is rapidly becoming a national scandal. It reflects another near total failure of our institutions to come to grips with a grave new challenge of this modern, complex age. And it is one more tragic instance of polluters and Government, with the consent of a lethargic public, avoiding rational environmental planning now, and letting future generations pay the price.

To date, we have been spending only a pittance in this country on new, more effective ways of handling our wastes, while we spend tens of billions of dollars to put man on the moon, or to fight the Vietnam war. Legislation now pending before the Senate, the Resource Recovery Act, would be an important step forward in the urgently needed effort to manage this country's mounting solid wastes.

Ironically, while we continue to accelerate the gruesome process of polluting the sea, industry, our crowded cities, commercial ventures of all kinds, and even public agencies are making big new plans to carve up this rich, little regulated frontier for profit or for the tax dollar.

Already, the Defense Department holds one of the biggest chunks of marine environment—a total of approximately 300,000 square miles used for missile testing grounds and military operations.

But jurisdictions are so confused in the increasingly busy offshore waters that one mining operator had to turn back his sea bed phosphate lease when he found it was in an old Defense Department ordnance dump.

Crowded metropolitan areas are looking to the sea as the answer not only to their waste disposal problems, but for their space shortages as well. In the next few years, it is possible that construction of floating airports will begin for New York City, Los Angeles, and Cleveland. Floating seaports and floating cities may not be far behind.

And population and use pressures on our coastal areas will continue to escalate. Already, more than 75 percent of the Nation's population, more than 150 million people, now lives in coastal States, and more than 45 percent of our urban population lives in coastal counties.

Now, the coasts provide recreation for tens of millions of citizens. And the demand for outdoor recreation is increasing twice as fast as our burgeoning population. Yet in the face of these growing needs and expectations, the coasts are in danger of being crowded and polluted out of the market as recreation resources. In effect, Americans are slamming the door on their last escape route to a livable world. Our choice now is to either clean up our environment, or survive in surroundings we never thought we would have to accept.

Again, we look to the sea for distant answers. Within 33 years, we can expect permanent inhabited undersea installations and perhaps even colonies, according to the commission on the year 2000, a group established by the American Academy of Arts and Sciences.

In another activity, oil tankers, a more frequent source of pollution than oil wells, are being built to huge scales, cutting transportation costs but increasing environmental danger. The *Torrey Canyon* tanker was carrying 118,000 tons of crude oil when it broke up off England in 1967, a disaster that soaked miles of beaches with oil and killed more than 25,000 birds. Today, there are tankers being designed with a 500,000 ton capacity.

In addition to bringing new pollution dangers, the tankers will probably help create a new industrial seascape off our coasts. Since our ports are not big enough to handle these super ships, offshore docking facilities will have to be built.

In the Gulf of Alaska, heavy tankers could soon be operating to ship oil from the southern end of the proposed Trans-Alaska pipeline. Meanwhile, other oil and gas interests are proposing leases for drilling in the gulf. Leasing could put the tankers and oil rigs on a collision course, with massive oil spills as a result.

In another area of resource use, a company will soon begin an experimental mining operation off the southeast Atlantic coast in which a vacuum device will draw materials off the sea bed, and half way up, separate out fine wastes and spew them into the undersea in a broad fan. An almost certain result will be the smothering of bottom life over a wide area.

On Georges Bank, a rich international fishery off the New England coast, studies have identified areas with tremendous oil and gas potential, posing possible conflicts.

The evidence is clear. If tough environmental management steps are not taken now, the outcome of this bustle of new activity is certain. We will ultimately make as much a wreckage of the oceans as we have of the land. There will be constant conflicts between users, more reckless exploitation, perhaps the total destruction of marine life, and through the whole process, public agencies will be relegated to their all too frequent ineffective role of referees between competing resource users.

The legislation I am proposing today as the Marine Environment and Pollution Control Act of 1970 prescribes far-reaching steps to establish rational protection of the ocean environment.

The first section makes it unlawful for U.S. citizens, which includes corporate and municipal officers, to dispose of refuse materials into the Great Lakes, the territorial sea, Outer Continental Shelf waters, or the high seas without a permit from the Secretary of the Interior issued with the concurrence of the Council on Environmental Quality in the White House. Before the Secretary can grant such a permit, he will be required to undertake a broad-ranging investigation into the effects the disposal would have on the marine environment. In addition, public hearings will be held if requested, to give concerned citizens the opportunity to speak on the matter. In general, this legislation provides for public involvement in the

decisionmaking process at every available opportunity, an involvement that has far too frequently been lacking in the making of Federal environmental policies.

Under this bill, the Secretary will only grant a waste disposal permit if there is convincing evidence that the disposal will not have any adverse effects on plant and animal life and the marine environment generally. As I have pointed out earlier, consideration of the impact of dumping on the fragile marine ecology of dumping has been entirely inadequate.

The bill would phase out all marine dumping by June 30, 1975, which is a reasonable and essential step for environmental protection, except for the exceptions noted earlier in the statement. It also provides a fine of not more than $1,000 per ton of material disposed of in violation of the act.

In the important second section of the bill, a system for marine environment management is established, which will apply to the submerged offshore lands under the jurisdiction of the Secretary of the Interior. As a first step, the bill provides for an Advisory Committee on the Marine Environment, to be appointed by the Secretary with the concurrence of the Council on Environmental Quality. The private citizen committee will include scientists trained in disciplines dealing with marine environment concerns. It will be responsible for the general scientific overview of the whole new program.

Also called for is a series of comprehensive programs and studies designed to increase our knowledge of the marine environment and its complex ecological systems, and the effects of our activities on this vital environment. Under the bill, the Secretary would develop models of physical and ecological systems of the marine environment which would be used to predict in advance the effects of proposed activities, an unprecedented step in marine environment protection.

I have also included a provision in the bill requiring truly long range forecasts of our needs and requirements, not only for minals, but for recreation, fisheries, shipping, and natural ecological balance, over the next 50 years, another unprecedented step fundamental to making sound decisions about our ocean activities. This information will be made available to the public as it is developed by the Secretary, with the advice and recommendations of the scientific commission.

The next section of the bill provides for the application of the information and knowledge gained by the Secretary and the commission to the development of comprehensive resource management plans for the marine environment. Such plans will be developed whenever the Secretary is notified that present or proposed uses of the marine environment involve a risk of serious environmental damage or serious conflict with present or future users, or when any submerged lands under the jurisdiction of the Secretary are proposed to be leased. As a part of the plan, the Secretary would conduct an intensive study of the specific area involved, and of all the plant and animal life in it, and would attempt to develop means for avoiding adverse effects or conflicts among uses. The Secretary will also seek the views of the Governors of the coastal States in the vicinity of the area of proposed activity.

These efforts will culminate in a management plan which will be submitted to the Advisory Committee on the Marine Environment and also to the Council on Environmental Quality and there will also be opportunity for a public hearing. After concurrence of the council in the plan, the Secretary will implement it in public regulations which will constitute a comprehensive and mandatory guide for the use of the seabed and waters governed by the plan.

I believe these management plans would be a major step in avoiding Santa Barbara-type disasters brought on by lack of foresight and information, and this approach might well merit consideration by the States for the Great Lakes and their offshore territorial waters. Public participation would be an important part of the development of these plans.

It should be made clear that even the adoption of this legislation will only be a beginning in protecting our oceans. Inland, our water standard and cleanup programs must be strictly enforced and well financed, not only for the sake of our rivers and lakes, but for the future of the sea itself, which ultimately receives these wastes. And it is clear too that although the activities of this Nation are a major factor in the threat to the sea, all nations are having an impact, and have responsibilities which they too must exercise if this common world resource is to be protected. It is clear this will require new international cooperation and agreements.

Mr. President, I introduce this legislation for reference to the appropriate committee, and ask that it be printed in the CONGRESSIONAL RECORD at this point.

S. 275

A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331–1343) is amended by the addition of the following new sections to title 43 of the United States Code:

"SEC. 1344. (a) There is established in the Department of the Interior an Advisory Committee on the Marine Environment, appointed by the Secretary of the Interior with the concurrence of the Council on Environmental Quality, comprised of eleven members who shall be qualified by training and experience to advise the Secretary of the Interior in the management and protection of the marine environment of the United States. The disciplines represented by the members of the Committee shall include, among others, marine biology and ecology, physical or chemical oceanography, marine geology, resource economics, and marine resources law. The Committee shall consult with and advise the Secretary in the discharge of his responsibilities under section 1345 and in the development of the inventories and analyses required by subsections (c) and (d) of section 1347, and shall analyze and review management plans under subsection (e) of section 1347 and the implementation and enforcement of such plans. The Committee shall conduct annual or more frequent studies of the status and quality of the Secretary's efforts undertaken to implement section 1345, investigations of the quality and the effectiveness of management plans developed under section 1348, including investigations of the effectiveness of public participation in the development of such plans, reviews of the Secretary's actions in the implementation and enforcement of management plans, and generally shall make such investigations, studies, and recommendations at such times as are required for the successful implementation and administration of the program under sections 1344–1349.

The Committee shall transmit the reports of its investigations, studies, and recommendations to the Secretary and the Council on Environmental Quality, and shall make such reports available to the public. The Committee also shall transmit to the Secretary and the Chairman of the Council and make publicly available a report annually on the progress achieved during the preceding year in protecting and enhancing the marine environment together with its recommendations.

"(b) No officer or employee of the United States or of any State shall be appointed to membership on the Committee. The Committee shall be served by a permanent professional staff comprised of persons who are qualified by training and experience in the disciplines relevant to the management and protection of marine environment.

"(c) Members of the Committee shall each receive $100 per diem when engaged in the actual performance of duties of the Committee and reimbursement of travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2), for persons employed intermittently.

"(d) The Committee shall appoint and fix the compensation of such personnel as it deems advisable in accordance with the civil service laws and the Classification Act of 1949, as amended. In addition, the Committee may secure temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810), but at rates not to exceed $100 per diem for individuals.

"(e) As used in sections 1344–1348, the term—

"(1) 'marine environment' means the air, the waters, and the submerged lands of the Outer Continental Shelf lying seaward of the boundaries of the coastal States of the United States, and all the resources and values of such air, water, and submerged lands, and

"(2) 'Secretary' means the Secretary of the Interior.

"SEC. 1345. (a) The Secretary, in regular consultation with the Advisory Committee on the Marine Environment and in cooperation with other Federal and State agencies, shall conduct—

"(1) comprehensive programs for the continuing collection and analysis of data concerning the physical systems existing in the marine environment including, but not limited to, data on tides and wind and ocean currents and geological and topographical data, and develop and refine models of such physical systems which will adequately describe the operation of such systems and also provide reliable predictions of the effects of various activities conducted in the marine environment upon such systems;

"(2) comprehensive programs for the continuing collection and analysis of data concerning the plant and animal life found in the marine environment and data concerning the sensitivity of unique as well as representative species of such life to changes in the marine environment resulting from development or use of the marine environment;

"(3) comprehensive investigations of the ecological systems of the marine environment, and develop and refine models of both unique and representative ecological systems which will adequately describe such systems and also provide reliable predictions of the effects of various activities conducted in the marine environment upon such systems;

"(4) a continuing comprehensive analysis of the several activities presently being conducted in the marine environment or likely to be conducted there in the reasonably immediate future, and present and likely future conflicts among such uses with a view to developing an understanding of the basic purposes which those activities serve and to minimizing such conflicts through development of novel and alternative means of serving those purposes;

"(5) a program for the development of baseline data concerning the marine environment, and a comprehensive monitoring program for the marine environment designed to provide immediate notice of changes in such environment;

"(6) far-reaching, long-range studies which will yield forecasts and predictions concerning the activities which may be car-

ried out in, and the uses which may be made of, the marine environment and its resources during the period ending fifty years from the date of each such study, including analyses of the characteristics of and means by which such activities and uses may be conducted, analyses of the likely impact of and constraints imposed by such activities and uses upon other uses of the marine environment, and the likely effects of such activities and uses upon the marine environment itself, predictions of the frequency and significance of future conflicts among uses of the marine environment and of the frequency and the magnitude of any damages to the marine environment which may result from such activities and uses, and recommendations concerning development of technology, management concepts, or other means of preventing or minimizing conflicts among uses of the marine environment and of preventing or minimizing adverse effects upon the marine environment;

"(7) studies necessary to the development of criteria and standards for the protective management of unique or unusually valuable types or species of plant and animal life, of types or species of plant and animal life which are particularly susceptible to damage or destruction from alteration of the marine environment, of areas of the marine environment which present special hazards of environment damage or conflicts among uses, and of areas which exhibit unique or unusually valuable characteristics or values; and

"(8) continuing studies of the susceptibility of the marine environment and its resources to present and future beneficial uses for commercial and sport fisheries, production of fuel and other mineral resources, marine transportation, enjoyment of natural beauty and other nonexploitative recreational uses, scientific research, national defense, and other purposes.

"(b) The Secretary shall publish on a regular basis the reports and results of the studies and investigations and programs authorized by subsection (a) of this section.

"SEC. 1346. (a) The Secretary shall establish by regulation in the Department of the Interior an Inter-Agency Committee on Marine Resources Management to be comprised of one representative each of the Departments of Defense, State, Transportation, Health, Education, and Welfare, Housing and Urban Development, and Commerce, and the Chairman of the Atomic Energy Commission, the Director of the National Science Foundation, and the Secretary of the Smithsonian Institution. The Committee shall assist the Secretary in the development of management plans for the management and protection of the marine environment.

"(b) (i) Whenever the Secretary is advised by the Chairman of the Council on Environmental Quality, the head of any department or agency of the United States or other organization named in subsection (a) of this section, or the Governor of any coastal State of the United States, that any present or proposed use or uses of the marine environment involves a potential risk of serious environmental damage or potential risk of serious conflict with present or likely future uses of the marine environment, and (ii) whenever any submerged lands of the Outer Continental Shelf are proposed to be offered for leasing for oil and gas or sulfur or other minerals, or (iii) whenever it appears to the Secretary that such action is desirable, he shall immediately publish notice pursuant to subsection (e) of section 1347 of his intention to develop a management plan, and shall thereafter proceed with the development of a management plan, for the area identified as being susceptible of potential environmental damage, or within which risks of conflicts among uses may occur, or the area proposed to be offered for leasing, or the area which he judges should be the subject of a management plan. The oil, gas, sulfur, and all other mineral resources of the Outer Continental Shelf which are unleased on the date of enactment of these amendments are hereby designated as the National Marine Mineral Resources Trust and shall be held in an unleased status until the Secretary, with the concurrence of the Council on Environmental Quality, determines (i) that there are technological, managerial, and other means adequate to prevent damage to the marine environment resulting from exploration, extraction, and transportation of marine mineral resources in accordance with these amendments, and (ii) that ecologically sensitive areas of the marine environment will be identified and permanently preserved in accordance with these amendments, and (iii) that there is a national requirement for these resources which cannot be satisfied, consistent with the requirements of national security, by any other practicable means. In no event shall any submerged lands of the Outer Continental Shelf be leased except in strict compliance with a management plan developed, approved, and implemented in accordance with the provisions of sections 1344–1349.

"SEC. 1347. (a) The development of management plans shall be preceded by public notice given in the manner prescribed by subsection (b) of this section and shall reflect the results of the inventories and studies required by subsection (c) of this section, the analyses specified in subsection (d) of this section, and information developed in the course of consultations and public hearings pursuant to subsection (c) of this section in the manner specified in section 1348.

"(b) The notice required by subsection (b) of section 1346 of the Secretary's intention to develop a management plan for an area shall be published in the Federal Register and in a newspaper of general circulation in the general vicinity of the area for which the management plan will be developed. The notice shall indicate that a management plan will be developed for the marine environment in the area described in the notice, indicate that uses of the area involved will be affected by adoption of the management plan, describe the area for which the management plan will be developed, describe the procedural steps by which the management plan will be developed, and state that an opportunity will be extended to all interested persons to express their views and recommendations with respect to development of the management plan.

"(c) As soon as practicable after publication of the notice of intention to develop a plan for an area of the marine environment pursuant to subsection (b) of section 1346 the Secretary shall develop an inventory of the plant and animal life and nonliving resources and intangible values of the area, studies of the physical and ecological factors and systems present in the area, and an inventory of present uses and forecasts of future uses of the area.

"(d) Concurrently with development of the inventories and studies conducted under subsection (c) of this section, the Secretary shall analyze the characteristics of the plant and animal life and nonliving resources and intangible values of the area, the physical and ecological factors and systems present in the area, and the characters and purposes of the present and future uses of the area with a view to developing a comprehensive detailed model or models of the area which will adequately describe the systems existing in the area and their responses to the activities presently being conducted in the area and also provide reliable predictions of the longer range effects of present uses of the area and reliable predictions of the effects of future activities upon the systems and resources existing in the area. In analyzing the present and future uses of the area, the Secretary shall develop information on the frequency and seriousness of present conflicts among uses of the area and the effects of such conflicts on the marine environment, and projections of the frequency and seriousness of future conflicts among such uses, including estimates of the probable frequency of such conflicts, and the types and degrees of seriousness of potential damage to the marine environment resulting from such conflicts. The Secretary also shall include in his analysis under this subsection an investigation of available technological, managerial, or other means of preventing or reducing the adverse impact of activities conducted in the marine environment on the marine environment and on other uses of it and shall identify present and future needs for new or improved technological or other means for preventing or reducing the adverse effects of particular types of activities on the marine environment or on other uses of the marine environment.

"(e) In conducting the inventory under subsection (c) of this section and the analyses required by subsection (d) of this section, the Secretary shall consult with the Advisory Committee on the Marine Environment established by section 1344 and shall request all interested departments and agencies of the Federal Govrenment to prepare and submit to him written reports concerning their interests in the present and future uses of the area for which a management plan is being developed for commercial and sport fisheries, production of fuel and other mineral resources, marine transportation, enjoyment of scenic beauty and other nonexploitative recreational purposes, scientific research, national defense, and other uses, together with their recommendations with respect to the final form, content, and operation of the management plan. In developing the inventory and analyses, the Secretary shall solicit the views and recommendations of the Governor of the coastal State or States in the vicinity of the area for which a management plan is to be developed and invite the views and recommendations of industry and other interested groups and may hold public hearings in the vicinity of such area for the purpose of obtaining the views and recommendations of other interested persons.

"(f) The reports of inventory and analyses conducted pursuant to subsections (c) and (d) of this section, the reports submitted by the interested departments and agencies of the Federal Government, the submissions by the Governors of coastal States and by industry and other interested groups, and the records of any public hearings held by the Secretary shall be included in the administrative record of the proceedings for the development of the management plan and shall be public documents which shall be made available upon request and payment therefor to any interested person.

"SEC. 1348. (a) After completion of the inventory and analyses under subsections (c) and (d) of section 1347 and receipt of the views and recommendations of the Governors of coastal States, interested industry and other groups, and other interested persons under subsection (e) of section 1347, the Secretary shall make comprehensive written findings of fact and written conclusions concerning the area of the marine environment which will be subject to the management plan and shall develop a comprehensive management plan for the area of the marine environment described in the notice issued pursuant to subsection (b) of section 1346 which shall preserve the quality of the marine environment at the highest practicable level and enhance the quality of the marine environment to the highest practicable level where damage to the marine environment already has taken place, prevent or minimize the adverse effects of present and future activities in the marine environ-

ment on such environment and its resources and values, and prevent or minimize conflicts among competing uses of the marine environment.

"(b) The management plan shall identify, describe the locations of, and afford appropriate protection for plant and animal life, ecological systems, and recreational and other values which are so unique or valuable or important that they should not be exposed to the risks associated with particular uses of the marine environment and describe any areas of the marine environment which present special hazards of environmental damage or conflicts among uses or which exhibit unique or unusually valuable characteristics or values.

"(c) The management plan shall be expressed in the form of public regulations which shall be consistent with international law and agreements and which will provide a mandatory guide for the use of the land and water areas covered by it. To the maximum degree permitted by international law and agreements, it shall include such prohibitions, constraints, and conditions upon the conduct by citizens of the United States and of foreign nations of specified activities within specific areas covered by it as are appropriate to the protection of the environmental features within such areas or any other areas in which the effects of such activities within the specified areas might be manifested or are necessary to prevent or minimize conflicts among uses of such areas.

"(d) Upon completion of the management plan for an area of the marine environment, the Secretary shall submit such plan to the Advisory Committee on the Marine Environment and to the Council on Environmental Quality. Upon request of any interested party and after not less than thirty days' notice, he shall hold one or more public hearings in the general vicinity of the area covered by the management plan at which all interested parties shall be given an opportunity to express their views with respect to any matter pertaining to the management plan.

"(e) After considering the views of the Advisory Committee and the Council on Environmental Quality, and after reviewing the record of any public hearing held pursuant to subsection (d) of this section, the Secretary shall affirm or modify, as appropriate, the written findings and conclusions made pursuant to subsection (a) of section 1348, and the management plan, if necessary, and submit it together with his written findings and conclusions to the Council on Environmental Quality for its concurrence.

"(f) Upon the concurrence of the Council of Environmental Quality, the Secretary shall adopt and order the implementation of the management plan and shall publish comprehensive regulations embodying the management plan in the manner specified in section 553 of title 5 of the United States Code. No management plan shall be adopted by the Secretary unless it has been concurred in by the Council on Environmental Quality.

"(g) In making his written findings of fact and conclusions pursuant to subsection (a) of section 1348 and in the development and adoption of management plans pursuant to this section, particular activities and uses shall not be permitted in specific areas covered by the management plan except upon the Secretary's findings, supported by clear and convincing evidence, that such activities and uses can be conducted in such areas without significant risks of environmental damage or conflicts among uses. In no event shall any management plan afford a lesser degree of protection to the marine environment than that degree of protection afforded by the laws and regulations of the coastal State or States to marine areas under State jurisdiction which are situated adjacent to or in the vicinity of the area covered by such management plan.

"SEC. 1349. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 1344–1348."

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. MAGNUSON. Mr. President, I want to join the distinguished chairman of the Committee on Public Works in assuring the Senator from Wisconsin of the fact that what we are doing here in no way diminishes my support of the objectives of the Senator's amendment, and I am looking forward to those hearings.

The reason I am pleased to say that is that at those hearings we may resolve America's position on fisheries. We have a constant international struggle going on, with us claiming a 12-mile fisheries limit, others a 200-mile limit, and others threatening to go to 1,500 miles. At those hearings we may resolve that problem.

It is pretty hard to separate what is being proposed from marine life in the area. Our problem is that it is going to put them in such a position that it may cause some controversy in the hearings. But I assure the Senator that both Senators from Alaska and both Senators from Washington and other Senators are going to bring up the question of the U.S. territorial limits in relation to fish at those hearings. And we may be able to do a great deal toward resolving this problem internationally.

I congratulate the distinguished Senator from Wisconsin for what he is doing.

Mr. NELSON. I appreciate the comments of the Senator from Washington. As everyone here knows, the distinguished Senator from Washington (Mr. MAGNUSON) has a long, long record of involvement in constructive activity in the preservation and integrity of the environment for the past quarter of a century.

Mr. President, I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment, and the amendment is now withdrawn.

The bill is open to further amendment.

Mr. AIKEN. Mr. President, I wish to offer an amendment to correct an apparent oversight in the preparation of the bill, on page 26, line 26, to strike out the second "and" and the period at the end of the line and add "and its connecting waters." By "connecting waters" I mean to also include "tributaries."

The reason for this amendment is that most of the connecting waters of western Vermont and northeastern New York empty into Lake Champlain, which in turn empties into the St. Lawrence River. There are other rivers and lakes in Vermont the waters of which empty into the St. Lawrence River. Those should be covered because we have had considerable trouble with dumping of sludge and waste material in some of them.

I hope the sponsor of the bill, the Senator from South Carolina, will accept the amendment, because, as I say, it was an oversight. This is important because it is about the largest body of fresh water in the United States.

Mr. HOLLINGS. Mr. President, the committee agrees that it is an oversight and we appreciate the Senator from Vermont's pointing it out. We will be glad to have the language added at the end of the line "and its connecting waters."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENTS NOS. 729 AND 730

Mr. CASE. Mr. President, I call up my amendments (Nos. 729 and 730) and ask that they be stated.

The PRESIDING OFFICER. The clerk will read the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed and that they be printed in the RECORD in full at this point.

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

The amendments (No. 729) are as follows:

On page 44, line 11, strike out "(a)".

On page 44, strike out lines 21 through 25.

On page 46, strike out lines 3 through 12, and insert in lieu thereof the following:

"SEC. 203. (a) The Secretary of Commerce shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of ending all dumping of materials within five years of the effective date of this Act.

"(b) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the Department of Commerce in carrying out the purposes of this title and, to the extent permitted by law, to furnish such information as may be requested.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out this title.".

Mr. CASE. Mr. President, the purpose of the amendment is to broaden the admirable bill which has been reported by the committee and to add to it authority for the Secretary of Commerce to obtain the resources of public and private organizations and industries outside the Federal Government for research.

The bill as written provides for research only by the Federal Government itself. In addition, this amendment provides new authority for research into alternate means of disposing of wastes that are currently dumped into the oceans. The bill as submitted reads "for research into the effects of ocean dumping." This additional research would be into alternate means of disposal of the wastes that are dumped, and not just the effects on the oceans of dumping.

It also would have a goal for the research, that is, to find, within 5 years, the means for not halting all dumping of material into the oceans.

It is in line with legislation that I have introduced in separate bill form.

I hope very much that it will be possible for the committee to accept this amendment and incorporate additional authority in the bill. As I have said, it is an admirable bill as it is now, but I would like to make it an even better bill.

Mr. HOLLINGS. Mr. President, the difficulty we have with this particular amendment—and I am passing to my colleague from New Jersey a proposed alteration of the amendment to see if we cannot agree and forego a rollcall—is that the amendment knocks out the authorization provisions of sections 201 and 202, which limit the expenditure to $1 million on research under each of the two sections.

The Senator from New Jersey is not a member of the Commerce Committee, which has insisted that we do not leave these authorizations for appropriations open-ended. Otherwise, the actual goal of trying within 5 years to set a policy against dumping the committee will welcome and gladly go along with, but we are trying to set a specific limit on the amount. I am trying to see if the Senator would not agree. My proposed amendment to his involves one-third of the moneys authorized under sections 201 and 202.

Mr. CASE. I appreciate that suggestion and also the spirit in which it is offered. I am afraid that it would lead to a very niggardly result. It seems to me if we take $1 million and divide it into three parts, we are not going to have very much for serious research into an alternate means of dumping, which I think, frankly, ought to include a pilot plant or two, so we could make an all-out effort along this line.

Would the Senator give me his thinking about that? We have got to find out how these things work and we cannot do it on an experimental basis except with the help of the Federal Government.

Mr. HOLLINGS. We are trying to fix an authorization therein. I would think that, rather than delete sections 201 and 202 from the bill, we could include that and put in a dollar figure in this particular amendment of the Senator from New Jersey.

How much does the Senator want?

Mr. CASE. I think the Senator's idea is a very good one. What would he think about $10 million?

Mr. HOLLINGS. I think that would be a good figure.

Mr. CASE. Mr. President, I ask unanimous consent to incorporate in the amendment language which will be sent to the desk to put a limitation of $10 million on this particular authority.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. CASE. It is so modified.

Mr. HOLLINGS. Would the Senator also modify it by not striking out the authorizations in sections 201 and 202?

Mr. CASE. I am very happy to accept that suggestion, and do so modify my amendment.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. STEVENS. I note, on page 2 of the amendment the following language:

For the purpose of determining means of ending all dumping of materials within five years of the effective date of this Act.

I call the Senator's attention to the fact that some materials that are dumped, for instance organic fish wastes, are returning to the oceans natural waste. I point out that millions of salmon in my State die in the streams after they spawn. They then are washed down into the bays. Or canneries that catch a part of the salmon return the organic waste of the fish-canning process to the sea. We have an amendment here later dealing with that.

By the goal of attempting to end all dumping of materials, I would assume that the Senator means the dumping of harmful or nonorganic materials, not that he is trying to set a congressional goal of ending all dumping per se. Is that correct?

Mr. CASE. The Senator is quite right. The purpose here, in any event, is not to place an embargo upon dumping, but rather to provide for research which will make it possible for us to decide, on the basis of an orderly means, what dumping is harmful and what dumping is permissible, which would be a later decision. The purpose here is to discover the alternate means.

Mr. STEVENS. I thank the Senator. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey (Mr. CASE), as modified.

The amendment, as modified, was agreed to, as follows:

On page 46, after line 12, insert the following:

"SEC. 203. (a) The Secretary of Commerce shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of ending all dumping of materials within five years of the effective date of this Act.

(b) There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such fiscal year may not exceed $10,000,000.

AMENDMENT NO. 730

Mr. CASE. Mr. President, I call up my amendment No. 730, and ask for its immediate consideration.

The second assistant legislative clerk proceeded to read the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD at this point.

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

Mr. CASE's amendment (No. 730) is as follows:

On page 33, immediately after the period in line 11, insert the following: "In designating recommended sites, the Administrator shall give preferences to locations beyond the edge of the Continental Shelf.".

On page 34, strike out lines 14 through 19.

On page 34, line 20, strike out "(d)" and insert in lieu thereof "(c)".

On page 35, line 9, strike out "(e)" and insert in lieu thereof "(d)".

On page 35, line 12, strike out "(f)" and insert in lieu thereof "(e)".

On page 35, line 19, strike out "(g)" and insert in lieu thereof "(f)".

On page 41, line 6, strike out the period and "Any" and insert in lieu thereof "unless such rule or regulation meets or exceeds the minimum requirements of this title. In addition, any".

On page 44, line 15, after "of" insert "monitoring and".

On page 44, line 17, strike out "from time to time" and insert in lieu thereof "on a semiannual basis".

On page 45, line 23, after "January" insert "and in July".

On page 46, line 2, strike out "fiscal year" and insert in lieu thereof "six months".

Mr. CASE. I further ask unanimous consent that the several amendments embraced herein be considered en bloc. I would be happy to have separate consideration of any that were desired.

Mr. HOLLINGS. Mr. President, let me make this observation: I have no objection to their being considered en bloc, but what we have here is language that "in designating recommended sites, the Administrator shall give preference to locations beyond the edge of the Continental Shelf."

Mr. President, I oppose this proposed amendment. I oppose it because it tends to diminish the discretion of the Administrator in selecting sites for ocean dumping, and because dumping beyond the edge of the Continental Shelf may, in some cases, do more damage to life in the sea and on the ocean floor than would dumping closer to shore in shallower waters.

Mr. President, written into the bill in section 102 are stringent criteria which the Administrator must meet in reviewing permit applications. Properly applied, these criteria will provide the Administrator with adequate information to minimize or eliminate any adverse impact that any given ocean dumping of materials might have. The Administrator must consider: first, the need for the proposed dumping; second, the effect of such dumping on human health and welfare, including economic, esthetic, and recreational values; third, the effect of such dumping on fisheries resources, plankton, fish, shellfish, wildlife, shorelines, and beaches; fourth, the effect of such dumping on marine ecosystems, particularly with respect to the transfer, concentration, and dispersion of such material and its byproducts through biological, physical, and chemical processes, potential changes in marine ecosystem diversity, productivity, and stability, and species and community population dynamics; fifth, the persistence and permanence of the effects of the dumping; sixth, the effect of dumping particular volumes and concentrations of such materials; seventh, appropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring use of such alternate locations or methods upon considerations affecting the public interest; and eighth, the effect on alternate uses of the oceans, such as scientific study, fishing, and other living resource exploitation, and nonliving resource exploitation.

These criteria undoubtedly would guide the Administrator in his designation of recommended sites for ocean

dumping. But the effect of the Case amendment would be to tend to cut off his review of these criteria. And it seems to me wholly arbitrary for the Congress to give the Administrator discretion to apply criteria, based on scientific knowledge and careful monitoring, and then to nibble away at it by requiring him to give preference to sites beyond the edge of the Continental Shelf. The arbitrariness is compounded because we do not know sufficiently what is beyond the edge of the Continental Shelf. And that is the only basis—knowledge—on which we shall be able to deal effectively with ocean pollution. The amendment would tend to perpetuate the "out of sight, out of mind" philosophy on which we have been operating to date, and should be opposed.

This makes the duty on the Administrator a little tenuous. In Alaska, he could not consider any kind of permit unless it went out, under that mandatory directive, some 500 or 600 miles. The Senator has only to look at a map of the Alaska Continental Shelf to see what I mean.

We would not mind this being included as a part of the criteria, but to put in first the criteria section, and then later putting in this one, that the Administrator shall give preference to locations beyond the edge of the Continental Shelf, I think unduly burdens the Administrator. It is unrealistic, and does not give due cognizance to the fact that the Administrator, under the general provisions of the bill, must give consideration, before issuing a permit for the proposed dumping, to the effect of such dumping on human health and welfare, fisheries resources, plankton, fish, shellfish, wildlife, and marine ecosystems.

All of those things are being considered. We would not mind this as a consideration. But we do not want it as a mandatory provision that he has got to give preference to determining first whether it can possibly be dumped beyond the Continental Shelf.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. CASE. If I may first comment, I shall be happy to yield to the Senator from Alaska.

I appreciate the attitude the manager of the bill has taken, and it is not my desire to interfere with the work of the Administrator, or to make this the sole criterion by any means. My first concern is providing emphasis on and the direction of all our thinking to the fact that it is in the area near the shore, on the Continental Shelf, that most of the activity which we want to protect exists, that is, the breeding of fish and wildlife and all the rest, and where the danger of pollution and its effects undoubtedly will be found by the research contemplated by this bill to be most harmful.

It is therefore a matter of emphasis and direction of everyone's thinking, including particularly the administrator's thinking, toward the fact that we want to get at pollution where it is most harmful.

Mr. HOLLINGS. That is why we have included in the criteria that the Administrator must determine the effect of such dumping on fisheries resources, plankton, fish, shellfish, wildlife. All of that, as the Senator has indicated, occurs in breeding areas usually within 3 or 4 miles of the coastline, and those criteria are in there. But if when the Senator says "beyond the Continental Shelf" he means going out 70 or 80 miles, where there is no breeding and spawning——

Mr. CASE. Some places it is closer than that, and there is sensitivity to the close-at-hand places we are particularly concerned about in our part of the world.

But as to the suggested change, I am perfectly agreeable, with the colloquy we have had.

Mr. HOLLINGS. Would the Senator want to reward it, and put it in as a part of the criteria?

Mr. CASE. I will amend the amendment in that fashion, and appropriate language will be inserted.

The PRESIDING OFFICER. Will the Senator send his modification to the desk?

Mr. CASE. Yes, I shall do that in due course.

The PRESIDING OFFICER. The amendment is so modified.

Mr. CASE's amendment (No. 730), as modified, is as follows:

On page 32, after line 16, insert the following new subsection (I): (I) In designating recommended sites, the Administrator shall utilize wherever possible locations beyond the edge of the Continental Shelf.".

On page 44, line 15, after "of" insert "monitoring and".

On page 44, line 17, strike out "from time to time" and insert in lieu thereof "on a semiannual basis".

On page 45, line 23, after "January" insert "and in July".

On page 46, line 2, strike out "fiscal year" and insert in lieu thereof "six months".

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. STEVENS. I agree that the administrator should, wherever possible, utilize these locations beyond the Continental Shelf, but there are areas, such as Alaska, where it would be almost impossible to go beyond the Continental Shelf, and I would think, if we have an injunction to utilize areas beyond the edge of the Continental Shelf wherever possible, that that would meet the objections of the Senator from New Jersey, rather than requiring him to give preference to those areas. It is possible, in some areas of Alaska, to go beyond the Continental Shelf, but not very many. I would call that to the attention of the Senator from New Jersey. We have 65 percent of the areas off the coast of Alaska where it is not possible to go beyond the Continental Shelf.

Mr. CASE. I would suggest that the amendment we have already agreed to, taking away the effect of absolute priority, but rather to include it as an inclusion among the several criteria, would take care of the objection the Senator from Alaska has in mind.

Mr. STEVENS. Would it be possible, before the amendment is finally offered, for us to examine the language that the Senator has in mind? I particularly, for instance, would like to understand the reasons for striking out subsection (c) on page 34. This goes to another subject, but as I understand it, the Senator from New Jersey is objecting to the authorization to issue permits for transportation for dumping, or for dumping, or both, of classes of material that the administrator determines will have a minimal adverse environmental effect.

Keeping in mind the transitional period we are dealing with, I think that it would be almost impossible to live with that section. That was a very critical section, subsection (c) on page 34.

Mr. HOLLINGS. I would hope, Mr. President, if the Senator from New Jersey will yield, that the Senator will not insist on this one. This is a part of the proviso, as the Senator from Alaska has pointed out, that the Administrator shall have the authority to issue general permits.

Section 103(c) which Senator CASE's amendment would delete, authorizes the Administrator to issue general permits in connection with specified material or classes of material which are determined to have a minimal adverse environmental impact on the areas designated. The amendment would propose to delete that authority.

Mr. President, we have proceeded under this bill on the knowledge that all ocean dumping is not harmful. Some materials are highly toxic, and we have either banned the dumping of them or have set criteria on which permits could not be issued for such substances. But in other cases, materials are inert or have no known adverse impact on the marine environment. And there are nonproductive areas of the oceans into which they could be dumped without damage. The sea is not uniformly productive. Some areas are more comparable to deserts than to highly productive agricultural lands.

All that section 103(c) does is reduce the administrative burden for the Administrator and applicants in those cases where there are periodic or continuing dumping activities of materials that have little or no adverse environmental impact when dumped. I urge that this authority be retained.

Mr. CASE. Mr. President, will the Senator yield? I believe the Senator is talking on my time. Perhaps it does not matter.

I understand the purpose of the provision, in the first place, and the concern of the Senator from Alaska as well as the manager of the bill. I do not want to do anything that is silly.

On the other hand, I do not want the town of Nome, or whatever the place may be, to get a general permit to dump x pounds of sludge wherever it wants to, make no report, dump it anywhere it pleases, and do it with any waste material of that sort. The point is that I do want this under complete control, and I do not want the administrator, once he has issued a permit to anyone, to figure that he has done his job and does not have to follow up what is actually being done, get reports in precise detail of the

amount of the stuff, and how often it is dumped. That is the purpose.

Mr. HOLLINGS. The general proviso is that they have to report at least once a year. He is given authority to keep it under constant review.

Mr. CASE. The administrator must make his report once a year.

Mr. HOLLINGS. That is right.

Mr. CASE. We must make it clear that we want him to keep an eye at all times on the people who get these permits so that he knows actually what they are doing.

Mr. STEVENS. I think we are entirely in accord with the Senator from New Jersey.

The preceding subsection authorizes the administrator to prescribe reporting requirements for actions taken pursuant to the permits, which would be periodic reports of those who have the permits, stating to the administrator what had been done under the permits. There is a further injunction to the administrator to periodically review the permits themselves.

We are in a transitional period. I think the prior amendment of the Senator from New Jersey indicates that we are working to study what is happening in the 5 years. Subsection (c), I think, would completely jeopardize the transitional aspects.

Mr. CASE. The Senator from New Jersey has no desire even to suggest, let alone put to a test, anything that is regarded as arbitrary or unreasonable. I will be happy to withdraw those two parts of the amendment and leave, however, as quite seriously offered, the last section—namely, the one dealing with the authority of the States. That is one about which my State is deeply concerned, because we have very strict statutory regulation of dumping; and the authorities in the State—the Governor and his administrator—are most anxious, as I am, not to see any impairment of that strict regulation.

I would suggest to the manager of the bill, if I may, that perhaps he might accept my suggestion here and then go to conference with the House, in case he wanted to work out some language—because the House bill contains some provision for Federal preemption—so that whichever is the stricter of the two regulations will clearly apply, and that people subject to the New Jersey law now will not be able, once this bill is passed, as surely it must be passed, to escape the New Jersey regulation.

The PRESIDING OFFICER. Will the Senator please send the modification to the desk? The clerks cannot follow it if they do not have the modification.

Mr. CASE. I will be happy to do so.

Mr. STEVENS. Could the Chair delay that? There may be further modifications.

Mr. HOLLINGS. I think we will have to have a little dialog here, which will give time to take the first two parts of the amendment that the Senator wrote and the parts that were stricken.

The PRESIDING OFFICER. The Chair has a problem. The Senate has already agreed to one amendment as modified, without the written modification. That still is not at the desk. So there is no way that the Chair can follow this question or that the clerks can do so, without the modifications, until we receive the modifications.

Mr. CASE. Mr. President, I suggest the absence of a quorum, so that the desires of the Chair may be accommodated.

The PRESIDING OFFICER. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

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

Mr. CASE. Mr. President, I have sent to the desk a modified amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

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

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 32, after line 16, insert the following new subsection (I):

"(I) In designating recommended sites, the Administrator shall utilize wherever possible locations beyond the edge of the Continental Shelf.".

On page 44, line 15, after "of" insert "monitoring and".

On page 44, line 17, strike out "from time to time" and insert in lieu thereof "on a semiannual basis".

On page 45, line 23, after "January" insert "and in July".

On page 46, line 2, strike out "fiscal year" and insert in lieu thereof "six months".

Mr. CASE. Mr. President, the manager of the bill, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alaska (Mr. STEVENS), and I have agreed on this amendment. It is satisfactory with us all. The only thing I want to do is to express my appreciation for the consideration of the Senators. While I have agreed to strike the provision, as I had it originally ready as to the preemption of State laws, I do want it understood that the bill is not intended, and as far as we are concerned, would not have the effect of taking away from New Jersey a particular right that it has under its statutes now. It would not preclude the barring of loading of ships in New Jersey. We are not precluding what the State does have a clear right to do.

Mr. HOLLINGS. Mr. President, I want to join in the concern of the Senator from New Jersey that we do not take any police power from the State or attempt to do so by legislation with respect to the State. Each State retains its control of dumping within its jurisdictional limits that is within the 3-mile limit.

The concern we had—which is now deleted—was when we had on page 41:

No State shall adopt or enforce any rule or regulation relating to any activities regulated by this title.

We then went on to say in effect, "as originally proposed unless within the minimum standard." Inferentially we were saying to a State, "As long as you abide by the Federal standards, you can go ahead and legislate thereon to enforce standards equally as strong. And if the State wants stronger measures, we provide a way for those measures to be adopted by the Administrator.

The State does not have jurisdiction beyond the 3-mile limit. I do not think that by legislation we could give the States jurisdiction.

We wanted to clarify that matter. That is one point of confusion. The other point is the general criteria that the Senator from New Jersey pointed out were needed. That is, that wherever utilization is possible, the Administrator shall designate sites beyond the edge of the Continental Shelf.

Those are the two substantial changes. We deleted the amendment that would give the States any jurisdiction under this bill as to matters regulated by the bill. The intent again, as I said, is to make a start where the Federal Water Pollution Control Act Amendments of 1971 stopped, that is, beyond the 3-mile limit, and pick up there in this measure and have jurisdiction from the 3-mile limit on out on the global oceans.

Mr. CASE. Mr. President, I appreciate very much the Senator's statement in that respect. I point out that what I have said is meant to improve the difficulty with "transport," namely, the language on "transport" on page 29 of the bill.

Mr. HOLLINGS. Mr. President, the Senator from Alaska has a statement to make and then we will be willing to accept the amendment.

Mr. STEVENS. Mr. President, I thank the Senator from New Jersey for his modification. I am sure that wherever possible, consideration will be given to areas like Alaska where we have areas of 500 or 600 miles in talking about the possibility of using areas beyond the Continental Shelf in that light.

I am grateful to the Senator for having clarified that in terms of this very far-reaching bill. I think these are two substantial improvements to the bill.

Mr. CASE. Mr. President, I thank both Senators. I would be very happy to have a vote at this time.

Mr. HOLLINGS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. CASE. Mr. President, for the record, I make the statement that I have agreed upon and incorporated in the first amendment I offered the change we were working on, and that it will so appear in the RECORD.

Mr. HOLLINGS. That will so appear in the RECORD. It will be limited to $10 million for each of the first 3 fiscal years after enactment.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, I do not have an amendment, but I want to comment on the bill. First I want to commend the distinguished Senator from South Carolina (Mr. HOLLINGS) not only for this particular legislation, an act to

regulate dumping of materials in the oceans, coastal, and other waters, but for his leadership in this body on the subject of marine resources and engineering development, commonly called oceanography.

It was my privilege for better than 2 years to serve as chairman of a body established by Public Law 89–454, known as Marine Resources and Engineering Development Council. It was established under an act of Congress in 1966, and I served as chairman of that Council as Vice President of the United States. I want to call to the attention of the Senate the work of that Council and the importance of its continuity.

In 1966, there was established a Commission on Oceanography, and also a Council on Marine Resources and Engineering Development. The commission made its study and reported to the President and Congress.

The Council, which was a form of organization to coordinate the activities of several offices of the Federal Government, continued to work under appropriation and has presented several reports to the President and Congress.

The distinguished Senator from Washington (Mr. MAGNUSON) was a prime mover in the establishment of both the Council and the Commission. I want to again commend him for his foresight.

The establishment of the Marine Resources Council was over the objection of the executive branch, as was the Commission.

These two initiatives came as a result of congressional action, without any counsel, advice, or encouragement from the executive branch of Government. I have always felt that the executive branch in previous administrations and now has been derelict in the field of oceanography.

The field of oceanography has a national security involvement. The Soviet Union has a tremendous program in the study of the oceans for purposes of national security, and for purposes of defense. It also has a tremendous program in terms of utilizing the oceans for purposes of food, for purposes of study of the environment, and a host of other activities.

It is only because this Congress and others before it have emphasized anything in the field of oceanography that we have a program.

I know the Senator from South Carolina (Mr. HOLLINGS), under the mantle of the Committee on Commerce, is giving us leadership in Congress in this field of oceanography and marine resources and sciences. It is a subject matter that is given all too little attention by Congress.

I suggest it relates not only to our national security, but it relates also to sources of food, and it relates to proper use of our estuaries, rivers, and coastal waters, the industry called fishing, and to the environment.

This particular bill before us is a basic environmental protection bill. I want to say, however, in order for this bill to be truly effective our Government must take the lead in international activities. We are imposing under this bill severe limitations and restrictions upon the disposal of waste by the people of the United States, the Government of the United States, industries, and other areas of our economy. The oceans are international waters.

We have read only recently of the Mediterranean Sea and how it is in danger of becoming a dead sea. We know, for example, that the so-called beautiful Blue Danube is a flowing sewer. We know the Rhine River has become actually a fire hazard. The Rhine River, because of oil slicks and other waste, is subject to becoming a fire hazard to the industries around it.

I commend the committee for its report. On page 16 of the report there is a section entitled "International Impact of This Legislation." I would hope we would look beyond it, not only from the environmental point of view, but the economic point of view because whatever restrictions we impose on ourselves will cost money, which is entirely proper, but I think we also have to understand that the European nations, in particular, have been using the oceans as a dumping ground, as an easy economical way of getting rid of industrial and human waste, and the oceans have currents, just like the rivers, as we know, so the debris and waste going into the oceans from Western European countries, Japan, and any industrialized nations, finds its way to the shores of this land, just as the debris and waste which we put in the oceans along our coast finds its way to London, Stockholm, and other parts of the world.

Of course, we are going to pass this act. This is a tremendous improvement in the environmental protection. It may be one of the most significant pieces of legislation because what happens in the oceans can affect everything on land. We know that a slight degress of change in temperature in the ocean waters can change the entire environment of a planet. Studies show this can be dangerous to plant and human life. Also, as the ocean floor is cluttered with debris and waste it affects life of the sea, and that life is very delicate and fragile.

So I urge on Congress that we put special emphasis on coordinating agencies of the Federal Government in the field of oceanography and marine resources. It is vital that this be done. I hope the President will activate the Marine Resources and Engineering Development Council. I understand it is in limbo now. This is unfortunate. That Council helped to write the Sea Bed Treaty which was ultimately passed by the United Nations. I had a hand in that, so I know something about it. Dr. Edward Wenk, who was a top technician from the Legislative Research Service of the Library of Congress, was staff director. He is an unusual man. He is presently a professor at the University of Washington in Seattle. He is one of the most competent men in his field.

My purpose is to commend the committee. I see my friend, the senior Senator from Washington (Mr. MAGNUSON), in the Chamber. We owe him a debt of gratitude for his foresight. Believe me, we do, just as we owe a debt of gratitude to Representative ROGERS from the other body, Representative LENNON, from the other body, and others who made contributions.

I have served with the Senator from South Carolina (Mr. HOLLINGS). I know he conducted seminars and studies in marine resources and development.

Having served for more than two and a half years as Chairman of that Council, I know of no more important work that could be undertaken by this Congress. The safety of this Nation may be involved. We are a maritime power. We have thousands of miles of coastline. In Alaska alone there are many thousands of miles of coastline. We have the Great Lakes, we have the coastal waters; we have a great stake in the resources of the ocean.

In terms of resources near our coast and the Continental Shelf we have a great stake but, as a maritime power, and we are basically a maritime power—let me make that clear—we should be studying the oceans with meticulous detail.

I believe there is a serious danger to the future of this country if we ignore the meaning and value in hidden secrets of the oceans, as a nation that has been proud of its Navy, as a nation that has been proud of its commerce. If we neglect this area, not only in terms of environmental protection, but also the economic resources and the scientific data which can be discovered, it will be at our peril.

So I rise to make these general observations, not as a theorist, but as one who has been deeply involved and who has made a good deal of study of this matter.

I have in my hand a document known as House Document No. 275, a report of the 90th Congress, second session, "Marine Science Affairs—A Year of Transition." It is a report of the President to the Congress on Marine Resources and Engineering Development. That report outlines what we attempt to do every year.

To show my colleagues the nature and complexity of this subject, may I point out that that Council consists of the State Department, the Department of the Interior, the Department of Commerce, the Department of Health, Education, and Welfare, the Department of Transportation, the Atomic Energy Commission, the National Science Foundation, the National Aeronautics and Space Administration, the Smithsonian Institution—which, by the way, pioneered this area—the Agency for International Development, the Bureau of the Budget, the Council of Economic Advisers, and the Director of the Office of Science and Technology. The respective Cabinet officers served on the Council, and I insisted, during my vice presidency, that the Cabinet officer be there, and not one of his underlings, because this is so important, it seemed to me, that we ought to give it priority attention.

Mr. MAGNUSON. Mr. President, will the Senator from South Carolina yield to me?

Mr. HOLLINGS. I yield.

Mr. MAGNUSON. I am glad I was on the Senate floor when the Senator from Minnesota made his statement. I have

been involved in this subject for a long time. When we first started, I learned that there were 28 different departments and agencies dealing with the field of oceanography, the Navy being the biggest in the field. I became interested in it mainly because I come from a coastal State, and I realized the importance of all forms of oceanography. I come from a university that is steeped in the tradition of oceanography. It was the one university that gave a degree in oceanography for a long time. Now there are three or four. So I have a long background in this subject.

It has been a long struggle in the Government to get these matters together. In handling the space appropriation, I used to sometimes make the remark, less in jest than in seriousness, that we ought to have a Department of Oceonography like the Space Agency. I found that we know more about the back side of the moon than we know of three-quarters of the earth's surface. That is still true today. I do not depreciate the space program, but we should have had both going, because this subject is very important.

But we have finally come around and we have made a turnaround. That first happened when the Senator from Massachusets Mr. Kennedy, before he became President, and I tried to correlate these different efforts into the field of oceanography. The Senator from South Carolina (Mr. HOLLINGS) has done yeoman work in establishing NOAA, and in other matters.

I would be somewhat derelict, knowing what has happened in this field, if I did not suggest to Senator HUMPHREY that when we finally had the Council, and when all these other matters were established, through the help of the Senator from Minnesota—and I believe it was my bill that established the Stratton Commission——

Mr. HUMPHREY. That is right.

Mr. MAGNUSON. Of which I was a member. I must say, in all frankness, that through the years there were many feuds and jealousies between the different departments as to who should be handling the program. I think we are piecing them together.

The Senator from Minnesota, when he was Vice President, never lost an opportunity that I know of to try to reach this objective. I think we have succeeded. When we total up all the appropriations, they are eight or 10 times higher in the field of Federal contributions than they were 10 or 12 years ago, or when President Kennedy and I started on this program. We first got involved in it when he was in the U.S. Senate because he came from Massachusetts and I came from the State of Washington. We both had fishery problems. We started to look at these problems together.

I think the Senator from Minnesota has done so much work on this matter that I would be derelict if I did not mention it to the Senate, and he has followed it through.

I am glad we have this bill. This is one facet. We are going to have hearings on the marine sanctuaries of the Senator from Wisconsin (Mr. NELSON), which will cover many other facets. We have been moving ahead.

Mr. HUMPHREY. Exactly.

Mr. MAGNUSON. We do not know much about the bottoms. We are going to have to rely on fish for supplying large quantities of protein to the world in the next 2 or 3 generations. There are enough fish in the oceans to take care of the protein needs of millions of people for a long, long time, if we just practice conservation in what we do.

Referring to defense purposes, we are going to have submarines that will be going down to 20,000 feet some day. What do we know about the pressures and the other problems connected with that?

I am so glad to have been here today, because this is an important facet of the whole problem, and to have listened to the Senator from Minnesota and to acknowledge the great work that the chairman of the Subcommittee on Oceans and Atmosphere is doing in this field. It is a many faceted problem. It is not an exact science, either; it is a combination of many things.

I want to mention one more thing and then I shall conclude.

Ten or 15 years ago there was hardly a youngster growing up in the United States who had any interest in pursuing oceanography. There may have been studies of fisheries in some schools, but very few knew anything about it and most did not have any interest in it. Now schools that provide teaching in this field have more applicants than they can take care of.

Mr. HUMPHREY. May I thank my colleague and say that this effort, which the Senator from Washington and others have been behind, has been a godsend in terms of marine resources study.

The Senator made the point of appropriations. May I say the appropriations are not only greater but are very well balanced. For the first time in the last few years we have had some relationship between the appropriations of different agencies and what the priorities are and how they are to be used, instead of doing it in a helter-skelter fashion.

My point is that I want to see the council's work continued so the executive branch can help us here in Congress better to do our job as legislators.

I ask unanimous consent that page 16 of the report under the heading "International Impact of This Legislation," be printed at this point in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

INTERNATIONAL IMPACT OF THIS LEGISLATION

The United States is presently proceeding with the negotiation of an international convention to deal with ocean dumping on a global scale. These negotiations are taking place in the forum provided by sessions of a working group preparing for the 1972 UN Stockholm Conference on the Human Environment. The present U.S. efforts would be materially aided by prompt passage of a separate ocean dumping act along the lines of H.R. 9727, as reported by the Committee.

Other negotiations on new environmental conventions also are underway in three different forums. Besides the ocean dumping topic, work taking place for the Stockholm Conference also covers proposals for a World Heritage Trust and protection of endangered species. The 1973 Law of the Sea Conference preparatory committees are examining the environmental aspects of seafloor mining and drilling activities. And the 1973 Intergovernmental Maritime Consultative Organization (IMCO) Conference will consider measures to control pollution from ships, including replacement of the 1954 Oil Pollution Convention with a more stringent set of provisions, and ship construction standards for carriers of oil and other noxious substances, which like Public Law 89-551 will be considered by the Committee on Commerce at such future date, if such international action is taken. Together, these efforts should culminate in a new second generation of environmental conventions, following on the first set of agreements relating only to oil spills negotiated through IMCO in 1969.

Most of the subjects now being discussed are important not only environmentally but economically as well. Since much of current economic concern stems from the relative competitive position of different nations in world markets, it is important to get as many nations as possible to impose like environmental restraints upon themselves.

At the moment, each of the subjects of the foregoing conventions relate to a matter which is traditionally a focus of international concern. Even though the U.S. draft convention did not reach into international affairs in the ocean dumping negotiations the U.S. has found that a number of eastern and western European nations are so concerned about this possibility that they have stated that they will resist any application of such a convention to such matters. Accordingly, the U.S. domestic legislation can promote international agreement by treating the subject of ocean dumping in international waters separately. By taking this route, the U.S. can tend to equalize our competitive position relative to European industry. A good part of European industry uses the sea as a dumping ground for wastes. Under the proposed U.S. draft convention these practices would have to change, resulting in a considerable economic impact.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent that the transmittal letter from the National Council on Marine Resources and Engineering Development and an extract from the report be printed in the RECORD.

There being no objection, the letter and extract were ordered to be printed in the RECORD, as follows:

THE VICE PRESIDENT,
Washington.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to forward the second annual report of the National Council on Marine Resources and Engineering Development entitled "Marine Science Affairs—A Year of Plans and Progress."

This report is an account of policies, programs, and accomplishments of the Federal Government for utilizing the oceans more effectively in meeting goals and aspirations of our Nation. The report highlights opportunities deserving special emphasis and details funding requirements for marine sciences included in your Fiscal Year 1969 proposals to the Congress. Finally, the report contains an evaluation of progress toward meeting public needs and identifies impediments to further advancements related to this Nation's stake in the sea.

During the past year the agencies of our Government, separately and collectively, have continued to develop a substantial base of research. And they have focused ideas, facili-

ties, and manpower with a clearer sense of direction and priorities to:

Strengthen our economy by identifying new sources of food, fuel, and mineral resources; by encouraging innovation in marine technology; and by enlarging U.S. participation in the world's maritime activities;

Enhance the quality of urban living by arresting degradation and erosion of the shoreline, fostering urban waterfront development, and expanding water recreation opportunities;

Strengthen world understanding and security through international, cooperative marine endeavors, international legal arrangements to avoid potential conflicts, and an unexcelled naval capability to deter aggression;

Foster education and training of oceanographers, engineers, technicians, and those from other professions through collaboration with and assistance to our universities and technical institutes.

The Council has endeavored to clarify goals, to identify unmet needs and opportunties—especially those of concern to several agencies—and to meet urgent problems by encouraging constructive programs. We have provided guidance for implementing the marine science initiatives that you recommended to the Congress last year.

Finally, we have endeavored to utilize the high quality base of science and engineering within an institutional framework which will insure that new concepts can be translated effectively and promptly into practice—a framework that includes participation by State and local Governments, private industry, and the academic community.

The Council has selected several areas for additional emphasis in Fiscal Year 1969, and is recommending that we:

Inaugurate an expanded program of international ocean exploration;

Intensify our use of Food from the Sea in the War on Hunger;

Promote optimal use of the Coastal Zone with stress on Federal, State, and regional cooperation;

Prepare for improvements to our harbor and port systems;

Institute new measures to insure safety of life and property at sea;

Increase investments in manpower and research, including support of the Sea Grant College programs;

Foster marine applications of new technological developments such as spacecraft, deep ocean buoys, and automatic data processing;

Improve our capabilities to work in the deep oceans;

Expand Arctic and subpolar research;

Extend reconnaissance mapping of the Continental Shelf.

There have been many recent reminders that our task has only begun. The world population continues to grow while food supplies stretch thinner. The U.S. has slipped from fifth to sixth place among fishing nations. Oil slicks frequently wash ashore on our beaches. The need for new recreational opportunities becomes increasingly critical as our coastal cities expand and impose new demands on our limited seashores. And attempts by some nations to unilaterally abrogate the traditional freedoms of the seas have threatened long-standing principles of international law.

The Marine Resources and Engineering Development Act of 1966 established a clear mandate for this Nation to employ the sea, as we do the land, to meet the growing needs of our expanding population. I can report to you that with the full cooperation and support of all agencies we shall use our marine resources to respond to the challenge of the decades ahead.

This program is dedicated to the pursuit of excellence. It is proving how the power of science, transformed through our various institutions and the democratic process to a technology, may serve our Nation's diverse interests.

Sincerely,

HUBERT H. HUMPHREY.

A REPORT TO THE PRESIDENT FROM THE NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT, FEBRUARY 1968

INTRODUCTION

America's involvement with the sea began when maritime explorers from Europe discovered and settled this new land. America's utilization of the sea began soon after. Our history reveals cycles of maritime interest and apathy, and today we are re-examining our stake in the oceans in a new context of modern science and technology.

The early seaboard colonies, with a hostile wilderness to their backs, depended for survival on a thread of logistic support 3,000 miles long. As a consequence, this Nation's founding fathers recognized the importance both of the concept of the freedom of the seas and of the necessity for expanding maritime programs and policies.

In the 19th Century we began to explore and develop a continent. Steam power replaced sail; the railroads replaced the pony express; and the people turned their attention to the opening of the West, strictly a land frontier. Interest in the oceans declined.

Only in the 20th Century, as the United States became a great world power, did the importance of the surrounding oceans and of seapower once again become evident. Two world wars demonstrated to the United States that it must have both a strong Navy and merchant fleet.

Since World War II, the Nation has become increasingly aware of the geography of economic and strategic competition, in which the oceans are the principal highways to world trade.

Man's involvement with the oceans is, however, far broader than national security and trade:

The oceans are the principal source of rainfall.

They help to stabilize our climate, for the seas gain and lose heat from the sun more slowly than the land.

They supply food of great variety, rich in protein.

The seabed contains abundant oil, gas, minerals, and precious metals.

The coastal zone is a major arena for rest and recreation and the nursery for marine life.

The entire marine environment serves as a gigantic laboratory of science.

In the middle 1950's, the Government requested a major review by the National Academy of Sciences to assess the importance of oceanography in peace and war. The resulting landmark study treated two important questions:

Should both naval and civil uses of the sea be expanded to help meet national goals and aspirations?

Is man's basic knowledge of the marine environment growing in proportion to his diverse requirements?

Answers to these questions were influenced by broad developments in economic and political affairs at home and abroad, and, after 1959, by specific developments in the marine sciences themselves. The United States had become ever more deeply concerned over the danger of conflicts and threats to world order. Simultaneously, advances in scientific research and space exploration had made man appreciate how little he knew of his natural world and impatient to apply science and technology, whenever possible, to the improvement of society.

In the maritime field, a new impetus occurred to explore and exploit the sea. First, a technological readiness began to emerge from broad advances in science and engineering. Next, important new international conventions provided a legal framework more conducive to orderly development of marine resources. Finally, over the past decade, the United States developed a high-quality fleet of research ships, supporting laboratory facilities, and a substantial body of scientific and engineering personnel.

Despite such evidence of progress in the oceans, the Nation remained undecided as to what fraction of its scientific and industrial resources should be devoted to marine science affairs.

In 1966, declaring that the public interest required a clear statement of national determination to utilize the seas and the Great Lakes more effectively, the Congress created a mechanism by which Federal marine science programs would have greater momentum and sharper direction.

It passed the *Marine Resources and Engineering Development Act of 1966, Public Law 89–454.*[1] This measure set forth an unprecedented national policy to intensify study of the sea and to convert to practical reality its inherent promise for man's benefit. It reaffirmed the leadership of the President of the United States in marine science affairs. It provided the President with two new instruments of assistance—a policy planning and coordinating Council at Cabinet-level chaired by the Vice President, and an advisory Commission of distinguished citizens to develop long-range recommendations.

As the Act recognized, scientific research, exploration, and development of resources in the oceans must be related to man's activities on land. Thus, while marine science goals, policies, and programs must be examined in terms of unique characteristics of the natural environment which they share in common, they must also be examined in relation to the social environment—the major goals of society and the Nation.

The Chairman of the Marine Sciences Council enumerated many of these relationships between the sea and society when he reported to the Congress that:

"There are one and one-half billion hungry people in the world. The full food potential of the seas, seriously neglected in the past, must be realized to combat famine and despair. Technologies now at hand can be directed toward increasing the world's fishing catch and enriching the diets of the underfed.

"Seventy-five percent of our population lives along our coasts and Great Lakes. Nine of our fifteen largest metropolitan areas are on the oceans and Great Lakes, and there are on ocean tributaries. Twenty million children live in these metropolitan areas within sight of potential water recreation areas but are often denied their use. Only three percent of our ocean and Great Lakes coastline has been set aside for public use or conservation.

"More than 90 percent by value of our intercontinental commerce travels by ship. Al-

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[1] Following are some abbreviations and definitions generally used in the marine sciences field:

The Act is customarily called the *Marine Sciences Act.*

The National Council on Marine Resources and Engineering Development is usually abbreviated to the *Marine Sciences Council.*

The Commission on Marine Science, Engineering, and Resources is usually referred to as the *Marine Sciences Commission.*

Marine science is a term employed in Public Law 89–454 to describe scientific research, engineering, and technological development related to the marine environment.

The *marine environment* is considered to include the oceans, the Continental Shelf and estuaries of the United States and its territories, the Great Lakes, and the resources of the oceans and Great Lakes.

though there have been rapid changes in the character of ocean cargoes and technologies of cargo handling, the average age of our port structures is 45 years and the average age of our merchant ships is 19 years.

"The continuing threats to world peace require our Navy to maintain a high level of readiness and versatility through a sea-based deterrent and undersea warfare capability. Middle East conflicts following closure of the Gulf of Aqaba vividly emphasize the urgent need for a strengthened code of international law of the sea.

"Thirty million Americans swim in the oceans, eleven million are saltwater sport fishermen, and eight million engage in recreational boating in our coastal States. All these activities are threatened by the dumping of industrial wastes into ocean tributaries. This pollution will increase seven-fold by the year 2000 unless there are drastic changes in waste handling.

"Ocean-generated storms cause millions of dollars of damage annually along our coasts, but marine weather warning services are available to less than one-third of our coastal areas."

The first annual report to the President, entitled *Marine Science Affairs—A Year of Transition*, described initial efforts to respond to these challenges. It emphasized the transition from scientific oceanography to application of these scientific discoveries, and the transition from considerations largely at the program level to a new concern and responsibility at the policy level of Government. The phrase *marine science affairs* reflects the necessity of coupling marine science and technology to the publicly agreed upon needs and desires of our society.

During the past year, the agencies of the United States Government, separately and in collaboration, have made many accomplishments.

The transition to more effective use of the seas has been continued and accelerated.

This Second Annual Report to the President is entitled *Marine Science Affairs—A Year of Plans and Progress*. The first chapter outlines the Government-wide program and approach and highlights new developments. The next six chapters describe Federal programs in marine sciences that serve the following basic needs and national purposes:

Expanding international cooperation and understanding

Accelerating use of food from the sea

Encouraging development of non-living resources

Enhancing benefits from the Coastal Zone

Facilitating transport and trade

Strengthening military programs for national security.

The remainder of this report is primarily devoted to activities oriented to serve a variety of purposes, namely:

Understanding and surveying the ocean environment

Information management

Scientific research

Manpower: education, training, and facilities

Engineering in the ocean.

Each chapter sets forth priority areas in marine sciences recommended by the Council to the President and reflected in the President's budget for Fiscal Year 1969, now before Congress. To place these special areas in perspective, the report also discusses ongoing efforts and associated funding for the Government as a whole, with funding data delineated both by purpose and by agency.

Mr. HOLLINGS. Mr. President, I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I just want to say that North Carolina has two schools of oceanography, one at the University of North Carolina and one at Duke University. The Senator from Minnesota stated a moment ago that the River Rhine is now a fire hazard. I want to tell a South Carolina story that was once very funny, when the rivers of South Carolina were pure water.

South Carolina has always excelled in all respects, in the character of its Senators and also in the character of the liars it has produced.

In Darlington County they had one of the most gifted liars, who was known as Huckleberry Hart. He could tell a magnificient lie on any occasion, with the slightest opportunity or provocation. One day he was driving along the road, and one of his friends met him, and said:

Huckleberry, tell us a lie.

He said:

I will not do it. I haven't got time. And besides the Pee Dee River is on fire, and I have got to put it out.

That was before rivers became fire hazards, and while the rivers of South Carolina were still pure streams.

I commend the Senator from South Carolina for doing a most magnificent job for his country in the area covered by this bill. I believe he deserves the thanks of all the people of this country for his magnificent efforts in behalf of this measure. I thank the Senator very much.

Mr. HOLLINGS. I thank my colleague from North Carolina, and also the Senator from Minnesota and the Senator from Washington, the chairman of our committee.

Mr. President, I know the troops are restless. Thanksgiving is coming, and everyone wants to go.

Mr. JORDAN of North Carolina. Mr. President, will the Senator give me 1 minute?

Mr. HOLLINGS. I yield 1 minute.

Mr. JORDAN of North Carolina. I join with my colleague (Mr. ERVIN) in congratulating the Senator from South Carolina.

As Senator ERVIN has pointed out, we have two schools of oceanography in our State, one at the University of North Carolina, and one at Duke University. The one at Duke has a very large ship, which they use to go far out to sea and to foreign lands. North Carolina realized a long time ago that we have to take care, not only of our inland waters, but also of ocean waters, because shellfish is a big part of our industry in eastern North Carolina, along with regular fish, oysters, clams, and all those fish, just as it is in South Carolina. We set out to protect that industry a long time ago, and we have been doing a good job; and I congratulate the Senator from South Carolina on this fine piece of legislation.

Mr. HOLLINGS. I thank the Senator from North Carolina. I want to observe in commending our distinguished chairman, the Senator from Washington, that he has been working for 12 years on this subject. Our former Vice President, the Senator from Minnesota (Mr. HUMPHREY) was most active in the Marine Science Council, which brings me to the point of President Nixon's program.

Under the succeeding Vice President, the Marine Science Council did not even meet for more than 6 months before going essentially defunct, and I have been critical of the Vice President on that score. But President Nixon has initiated the National Oceanic and Atmospheric Administration. And I would only hope that the Nixon administration would ride on, and that they would realize we have a real program here, as evidenced by the colloquy we have had on this floor this afternoon.

Recently we passed a big public service employment bill, in the interest of getting everyone back on the job. When I asked, during the Appropriations Committee hearings, what they could do, I was told that they could clean up, they could pick up cans in the park, and work in the city halls and the Statehouses, when the fact of the matter is that we could have taken that billion dollars and several more and put it into the work of the National Oceanic and Atmospheric Administration, and used it to hire engineers, technicians, and others in this marine science field. That is the purpose of S. 1986, which I have introduced, and on which I hope we will act in the next session. I hope we can get a little cooperation from the people at the Office of Management and Budget and the White House. And, with the help of the Senator from Alaska, who has done an excellent job, I would hope we can have a very effective program.

The point of this is that the United States is a maritime power, but we are quickly becoming second class. The sea is essential to us for our national security, but we do not fund the ULMS adequately. The sea has a potential economic return far surpassing anything in space, but we appropriate only nickels and dimes, while thousands of scientists, engineers, and technicians are unemployed. The seas are dying according to Jacques Cousteau, but we have not done much to find out whether he is right or not. And if we wait much longer, we may not have the luxury of time to find out. Because if the oceans die, we die. I appreciate very much the remarks of the Senator from Minnesota and the chairman of the Commerce Committee. They are absolutely right about the need for a strong national oceanic program, and the bill we are acting on today is but one step in that direction.

I yield to the Senator from Alaska for the purpose of offering an amendment.

Mr. STEVENS. Mr. President, I call up an amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 27, lines 9 and 10, strike "and does not mean".

On page 27, line 11, strike the period and insert in lieu thereof ", or organic fish wastes."

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

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

Mr. STEVENS. Mr. President, the purpose of this amendment is to exempt from the provisions of the act organic fish wastes, including such materials as meat, bones, scales and mollusk and

fish processors, both floating and ashore, dispose of these items as residue and by-products of their operations.

Mr. MAGNUSON. Will the Senator yield?

Mr. STEVENS. I yield.

Mr. MAGNUSON. I am aware that, although these materials are not utilized by the processors, they are quickly eaten by fish and other marine life. They contribute in no discernible way to oceanic pollution. In fact, many forms of marine life have come to depend upon such residue for their existence.

I was wondering, however, whether there is any pollution from such residue solids suspended in cannery waste water.

Mr. STEVENS. Recent studies in Alaska and British Columbia indicate only doubtful ecological benefits from reducing the biological oxygen demand—BOD—in cannery waste water. There appears to be no appreciable effect on oxygen levels in marine receiving waters.

Mr. MAGNUSON. Will this amendment affect the disposition of fish found to be unfit for human consumption and seized under authority of law by government officials?

Mr. STEVENS. No. It would have no effect on the disposition of such fish.

Mr. MAGNUSON. That brings up another point. This act will unnecessarily impose severe economic hardships upon many coastal processors, particularly in Washington, Alaska, and the Pacific Northwest, if such an exemption is not adopted.

Mr. STEVENS. Yes. To cite but a single example. One such company, Washington Fish & Oyster Co. headquartered in Seattle, but with significant operations in Kodiak and Wrangell, Alaska, and employing many people in my State, wrote me nearly 2 years ago on this subject. They indicated that individual salmon canneries and small communities do not have the financial resources available to comply with such laws economically. Prohibitions against oceanic discarding by small processors may mean that salmon cannery operations as presently conducted will virtually cease to exist, the cost will be so great. They said, and I quote part of their letter:

Salmon, unlike our other sea products, die and decompose immediately after spawning. Their life cycle is complete *except for furnishing the fingerlings with the necessities of life made available by the decomposition process.* Salmon cannery waste is essentially the same product reduced to smaller pieces that is normally put into the same waters by the spawned out fish. In some areas it is necessary to add artificial food to bring the cycle back to balance when the food levels are depleted due to successive years of poor spawning.

"It appears that continuation of the resource needs this waste food and if it is not available then some other food, not natural to the waters, will have to be provided by man.

"Why spend money to remove this food only to spend more money to replace it? I'm not against pollution control but feel the requirements of this resource are unique and totally unlike mining, logging, manufacturing, etc. Nothing is being added to the sea that would not be there if the industry did not exist.

"In Kodiak we anticipate 24 million Pink Salmon during the months of July and August, 1970. If no fishery operates, all 24 million fish will die in the streams and bays by October, 1970. A normal Salmon operation would result in about 40 million pounds less decaying Salmon solids than if no operations exist.

"I feel Alaska Salmon processing operations should be treated accordingly and separately when final pollution controls are put into effect.

This letter, which I have retained in my files, was dated November 25, 1969 and signed by W. C. Hingston, president of King Crab, Inc., of Kodiak, Alaska, and vice president of Washington Fish and Oyster Co.

Mr. MAGNUSON. You can see how important this amendment is for the economic well-being of our States which are so heavily dependent upon fishing. As that letter indicates, nothing is being added to the sea that would not be there if the fishing industry did not exist. They are just returning to the sea what came from it. I urge that the amendment be adopted.

Mr. STEVENS. I thank the distinguished chairman very much for clarifying the purposes and effects of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I have just been advised by legislative counsel that the law which established the Marine Science Council has expired, on June 30 of this year. I say that this is a regrettable development. That Council could be of great help in the proper programing of the resources of the Federal Government. I know it can be effective in doing a job that needs to be done in coordinating and broadening the work of these agencies of the Federal Government to do the job that they ought to do in conjunction with State and local governments and private industry, and in international areas.

I shall not offer any amendment here today. I merely suggest to the committee chairman and to the subcommittee chairman that we look into this matter. It was a very economical operation, and frankly, it does not need any additional appropriation; it can be funded out of the executive office itself. But I believe we need it.

Mr. HOLLINGS. Mr. President, if the Senator will yield, we do have a Federal interagency coordinating committee with the Administrator of NOAA himself chairing that committee, and it takes the place of the Marine Science Council. The Senator's point is well taken; we were trying to continue the function but we wanted to avoid duplication. I would only hope, as a result of the Senator's observation, that coordinating can continue along that line.

Mr. HUMPHREY. Mr. President, I respectfully suggest to the distinguished Senator from South Carolina, who in his work in this field has so well covered it, that at the appropriate time, the subcommittee of which he is chairman look into this matter to see whether or not that coordination is under way and is truly sufficient, and doing the job of long range planning that needs to be done as well.

Mr. HOLLINGS. I thank the Senator.

Mr. President, I ask unanimous consent that the amendment of the Senator from Vermont (Mr. AIKEN), which was to page 26, line 26, reading "and connecting waters" should read "and its tributaries and connecting waters," so that there will be no misunderstanding. I ask unanimous consent that it read in that fashion.

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

The amendment of the Senator from Vermont (Mr. AIKEN), as modified, is as follows:

On page 26, line 26 strike the second "and" and the period at the end of the line and add "and its' tributaries and connecting waters"

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Mr. STEVENS. Mr. President, I commend the chairman of the subcommittee for his actions. This bill deals with the area beyond the 3-mile limit. We have already dealt with the water pollution subject that came from the Committee on Public Works, and the area within the 3-mile limit off the United States.

This is probably the most far-reaching bill we have dealt with in terms of this ocean dumping bill, and it is a significant contribution.

As has been pointed out today, my State has 56 percent of the coastline and 65 percent of the Outer Continental Shelf more directly affected by this bill than any other State in the Union. We support it wholeheartedly as a way to prevent pollution from coming to our great north country, and we hope it will combat the pollution in what we call the South 48.

Mr. HOLLINGS. Mr. President, it is a distinct privilege to work with the Senator from Alaska (Mr. STEVENS) on this measure. We have worked together, we have traveled together, and we have conducted most of the hearings together.

As he has indicated, his State represents more than 50 percent of the coastline of the United States. He has done an outstanding job, without question.

Mr. BOGGS. Mr. President, I wish to express my strong support for the Senate version of H.R. 9727, the Marine Protection and Research Act of 1971. This is legislation that will effectively regulate the dumping of pollutants into the oceans off the United States.

As my colleagues have noted, this legislation was reported by the Committee on Commerce with the concurrence of the Committee on Public Works. Such concurrence was necessary because the Committee on Public Works holds responsibility for legislation that affects the disposition of pollutants, while the

Committee on Commerce holds responsibility for matters relating to ocean transportation and basic oceanographic and marine research.

This legislation, S. 9727, is essential if our Nation is to have an effective total program for environmental enhancement. Without control over ocean disposal of wastes, we could not assure pollution abatement for our Nation.

Three weeks ago, the Senate adopted amendments to the Federal Water Pollution Control Act by a vote of 86 to 0. These amendments would control pollution anywhere within the 3-mile territorial sea of the United States, as well as by any outfall pipe into the ocean.

For the information of my colleagues, I ask unanimous consent that the report language dealing with ocean dumping from the Senate report on the Federal Water Pollution Control Act amendments be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BOGGS. Those advances could be lost unless disposal of wastes by vessels beyond 3 miles is effectively controlled. The control system established in title I of the bill should prove a fair and effective one. It requires the issuance of permits by the Environmental Protective Agency for any dumping of wastes, a system and a criteria similar to that established under EPA for waters within 3 miles.

The Senate Subcommittee on Air and Water Pollution held a very informative and helpful hearing on the problems of ocean dumping in Rehoboth Beach, Del., on March 26, 1971. During the daylong hearing, the subcommittee took testimony from numerous witnesses pointing out the danger of unregulated ocean dumping.

For example, sewage sludge from municipal waste treatment plants is dumped by barge regularly about 12 miles outside the entrance to Delaware Bay. This dumping has caused the closing of the area to shellfishing, and thus hampered the local fisheries industry.

In addition, there is a danger that eventually this sludge, or other forms of dumping, could endanger local recreational beaches in New Jersey or Delaware.

A permit system established by H.R. 9727 would allow dumping only if it can be shown that the disposal will not "endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities."

I urge my colleagues to support this important bill. I believe it is an essential component of any full and effective national environmental enhancement program.

EXHIBIT 1

SENATE REPORT 92-414: SECTION 403—OCEAN DISCHARGE CRITERIA

This section sets standards under which a permit can be issued for a discharge of pollutants into the territoral sea, the contiguous zone, or the ocean.

The Administrator shall establish guidelines on the effect of disposal of pollutants on human health and welfare, on marine life, and on recreational and economic values, as well as guidelines for determining the persistence of the pollutant and other possible locations for its disposal.

The Committee on Public Works has exclusive jurisdiction over legislation affecting the discharge of pollutants into the navigable waters of the United States. This includes territorial seas of the United States, which under present law, is a band of the oceans extending in most States three miles from the shore. In addition, the Committee has exclusive jurisdiction over the discharge of pollutants from any facility located within States through a pipeline into any part of the oceans including the contiguous zone or beyond. The Committee has established a regulatory framework to control the discharge of pollutants into the navigable waters and from pipelines beyond the territorial seas in Sections 301, 402 and 403. The framework is in concert with the ultimate objective of the Act to eliminate the discharge of pollutants.

The Committee shares equally jurisdiction with the Senate Commerce Committee over the disposal of pollutants from vessels beyond the territorial seas. Both the Committee on Public Works and the Commerce Committee have had before them several bills which would create a regulatory scheme to control the discharge of pollutants from vessels beyond three miles. Both Committees have held hearings on the subject of ocean degradation. There can be no doubt that there is presently serious deficiency that exists in present law that must be repaired if this Nation is to lead in protecting the quality of the ocean.

In order to expedite the legislative process, the Committee on Public Works and the Committee on Commerce have jointly agreed on a bill to provide the regulatory framework to control the dumping of pollutants from vessels into the waters beyond the territorial seas. It has been further agreed that this provision will be contained in a bill to be reported from the Commerce Committee with the concurrence of the Committee on Public Works as to those portions on which there is a joint agreement. The basic outline of the bill would provide the Administrator of the Environmental Protection Agency with authority to control all dumping of pollutants from vessels beyond three miles to twelve miles to control discharge of pollutants from vessels beyond 12 miles wherever such pollutants are generated in the territorial jurisdiction of the United States.

Coupled with the provisions in the bill reported by the Committee on Public Works, the bill to be reported from the Commerce Committee should enable the United States to have complete and integrated regulation of the disposal of pollutants into all waters and over all sources of pollutants subject to its jurisdiction. It is expected that the leadership so exercised by the United States will be the model for other nations and should in a short time produce the framework for international agreement over the protection of the oceans.

The disposal of pollutants into ocean waters is regulated under this bill when it involves a discharge from any outfall beyond the shoreline of the United States or any discharge into the territorial sea from a vessel. Under a bill to be jointly reported by the Committee on Public Works and the Committee on Commerce, the discharge of pollutants from vessels into the waters of the contiguous zone and the oceans would be regulated.

Under section 403, no discharge into ocean waters would be allowed, except in compliance with the criteria established under this section. The Federal role in establishing conditions on any permit for discharge into ocean waters could not be waived. In subparagraph (c) (1) (A) of the section, the contamination of marine organisms or waters which prevents the harvesting of sea food that is safe to eat, the use of oceans for recreation, or its use as drinking water after desalination, among other things, would be recognized as detrimental to human health or welfare.

The ocean's waters are in constant circulation, so that any discharge beyond any arbitrary limit, such as 3 or 12 miles, may reach the beaches of the United States. Thus, in considering discharge effects, the Administrator must consider the effect that the discharge may have elsewhere on the integrity of marine systems.

In subparagraph (c) (1) (G) the Committee wishes to emphasize the need to preserve the ocean in as natural a state as possible at least until we understand its tolerances and characteristics, so that discharges permitted today will not irreversibly modify the oceans for future uses. Any discharge which would so alter the ocean's character that scientific study of that feature of the ocean is forever destroyed would seem to the Committee inconsistent with the objective of maintaining the integrity of the Nation's coastal waters, which constantly circulate with waters in the open ocean. For example, discharge of a harmful pollutant at 15 miles may migrate into the coastal zone region, killing large numbers of one or more species, altering the character of the marine ecosystem characteristic of the coastal zone, and preventing study of the zone's natural features before alteration by man's discharges.

Mr. ROTH. Mr. President, I support the pending bill.

The people of my State are vitally concerned with the effects that unlimited and unregulated dumping in the oceans can have on our shoreline and, in turn, on our economy. We are concerned with the disastrous effects it can have not only on our shoreline as we consider it for recreational purposes, but also for the disastrous effects it has, for example on the shellfish industry on which many of our citizens depend for a living. And we are concerned, in the larger sense, with the effects that indiscriminate ocean dumping can have on marine life which does not directly relate to the economy of my State.

The recent report of the Council on Environmental Quality made it perfectly clear that there is a critical need today for a national policy on ocean dumping.

For that reason, I was pleased to join many other Senators earlier this year in sponsoring legislation (S. 1238) to prevent harmful ocean dumping. This bill essentially would permit the U.S. Government to regulate what is dumped into the oceans insofar as the material to be disposed of originates in the United States, by requiring permits to transport material to be dumped.

The enactment of this legislation will be a significant step toward alleviating a potential crisis in our oceans insofar as the Federal Government is concerned, I believe it to be most important that complete authority to regulate and manage the disposal of waste in the oceans be vested in one agency and that agency should be the Environmental Protection Agency, whose primary mission is to protect and enhance our environment. Fairness and efficiency demand that our

municipalities, as well as industry, should have to deal with only one Federal agency rather than a multiple of agencies in processing applications for disposal of wastes at sea.

I do, of course, have a particular interest in the immediate effects ocean dumping has on my State of Delaware and I know it is a concern which is shared by all of us.

I believe the bill is of vital importance, not only to the coastal States most immediately effected, but to everyone who is concerned about the protection of our environment.

I wholeheartedly support the bill.

Mr. COOPER. Mr. President, the bill before the Senate today, H.R. 9727, The Marine Protection and Research Act of 1971, is a necessary complement to the bill recently passed the Senate to amend the Federal Water Pollution Control Act, S. 2770. In what I believe is an outstanding example of the legislative process, the Committee on Public Works and the Committee on Commerce have acted together to grant authority to the EPA to provide for the comprehensive and integrative control of the discharge and dumping of pollutants into the waters of the oceans.

The chairman of the Committee on Public Works, Senator RANDOLPH, and the chairman of the Committee on Commerce, Senator MAGNUSON, and the ranking member of the Committee on Commerce, Senator COTTON, deserve special commendation for their unusual manner in which the committees have acted.

As stated in the report of the Committee on Commerce accompanying H.R. 9727, the Committee on Public Works concurs in the provisions of H.R. 9727 to regulate the dumping of pollutants in the oceans beyond 3 miles. I would like to point out that the bill, S. 2770 the 1971 amendments to the Federal Water Pollution Control Act controls the addition of pollutants to the waters within the 3-mile limit, as well as all discharges beyond the 3 miles where such discharge occurs through outfall structures. Together the bills would provide comprehensive framework to regulate the discharge of all pollutants which are generated within the territorial jurisdiction of the United States. In addition, the bills set forth essentially the same criteria for guidance to the Administrator in the exercise of his regulatory authority.

I am especially interested in the problems of the discharge of pollutants into the ocean, Mr. President, for in addition to serving on the Committee on Public Works, I serve on the Committee on Foreign Relations where the international implications of the problems related to the environment are becoming of paramount importance. I believe it is especially appropriate for the United States to take very progressive and forthright action to regulate the discharge of pollutants which are generated within its territorial boundaries as they affect the oceans. This Nation, along with the other nations of the world is preparing for the 1972 United Nations Conference on the Environment to be held in Stockholm, Sweden. One of the primary issues before that Conference will be degradation of the world's oceans.

The action the Senate takes today, along with the action it took on the bill S. 2770—actions, I am confident, that will be supported by the House of Representatives—will be an exercise of leadership which will provide example to the other nations of the world. The actions the United States takes today are not self-serving, the protection of the oceans is a matter which is important to all mankind.

I compliment the administration and the Congress for acting together in taking such a vital step in establishing environmental quality.

Mr. President, the provisions of the bill H.R. 9727 and the appropriate portions of the bill, S. 2770 together will conform basically to the recommendations of the administration as contained in the bill, S. 1238, introduced by Senator BOGGS as part of the President's environmental package. The bill S. 1238 would implement the report of the Council on Environmental Quality on Ocean Dumping. The President deserves special commendation for his leadership in recognizing the importance of regulating the discharge of pollutants into the ocean and recommending to the Congress appropriate legislation. I think the bill before the Senate today implements the basic elements of the President's proposal.

The control of the environmental impact resulting from the maintenance of navigation is one of the most difficult problems of environmental quality. It is essential to have a uniform plan of regulation in control of dredging if we are to avoid uncertainty and recrimination that will serve no ones interest. I believe the provision concerning dredging was worked out through the efforts, among others, of Senator RANDOLPH, Senator MUSKIE, Senator BOGGS and Senator ELLENDER is sound and fair.

I therefore hope that the Senate conferees will insist on retaining the provisions first adopted in the Senate passed Federal Water Pollution Control Act.

I also congratulate the Senator from South Carolina, Senator HOLLINGS, for his fine work in the development and management of the bill and Senator STEVENS who has labored to protect his State and all the United States.

WE MUST PROTECT THE OCEANS

Mr. RANDOLPH. Mr. President, the oceans which cover vast areas of the globe are perhaps man's greatest natural resource. Since the dawn of time man has utilized the seas as a source of food, as a means of transportation and, regrettably, as a dumping place for his wastes. The seas have, on occasion, been worshipped as gods, but they have not always been treated with the respect due a diety.

It is late, but I am glad we have realized that the oceans, for all of their great expanse, cannot be subjected to endless abuse. It is also gratifying that the United States, among the nations of the world, is taking the lead in establishing controls over use of the oceans. We are demonstrating good world citizenship in regulating the dumping of materials into the oceans.

We know that the oceans are the one great world resource and that the abusive actions of one nation can seriously affect people everywhere.

Mr. President, the bill before the Senate was developed by the Committee on Commerce and was concurred in by the Committee on Public Works which shares jurisdiction in this area. This distinguished Senator from Washington (Mr. MAGNUSON) who chairs the Committee on Commerce has provided leadership. The Senator from South Carolina (Mr. HOLLINGS) is a leading advocate of effective controls over ocean dumping and made valuable contributions to the measure before us.

A special commendation has been earned by the Senator from Tennessee (Mr. BAKER) who is the only Senator who is a member of both the Commerce and Public Works committees. In this role he provided liaison between the two bodies so that each was fully aware of the work and viewpoints of the other.

Mr. President, the Federal Water Pollution Control Act Amendments of 1971 contains provisions for control of ocean dumping under certain circumstances. These provisions and those of the measure now before the Senate were coordinated to be compatible with the jurisdictions of the two committees and to provide complete controls over ocean dumping. The Senator from Kentucky (Mr. COOPER) has discussed this aspect of the legislation fully and I concur with his observations.

Recent Senate passage of the Water Pollution Act was an important step in strengthening control over the misuse of the oceans. This control cannot be complete, however, without enactment of H.R. 9727.

Mr. GURNEY. Mr. President, I should like at this time to make clear my support for the pending legislation, H.R. 9727. Coming from the State of Florida with its 13,058 miles of coastline potentially affected by ocean pollutants the provision of this bill regulating ocean dumping are exceptionally important to me.

Of particular note is the provision which would ban the transportation and dumping of radiological, chemical, or biological warfare agents or high-level radioactive wastes in our oceans. I say of particular importance because, if you recall, only a year ago despite the firm protests of many of us, the Department of the Army dumped some 65 tons of liquid nerve gas off the coasts of South Carolina, Georgia, and Florida. Fortunately, no side affects have occurred from that dumping up until this point in time. However, possible dangers still exist, and dangers from future actions of this sort exist as well.

While the bill does permit the authorization of exceptions to this overall prohibition, the restrictions involved in obtaining a permit for such dumping would be a significant improvement over the present situation.

Another provision worth mentioning is that present license and permits author-

izing the performance of such actions as dumping or dredging and filling have not been grandfathered in. I think that this provision is important. I think it is necessary that a review be made not only of future actions of this nature but of presently approved actions if we are to maintain some semblance of environmental protection.

The practice of ocean dumping has, of course, been with us for quite awhile. After all, what are the famed canals of Venice but open sewers. The Norwegian explorer and scientist, Thor Heyerdahl in describing his trip from Egypt to the New World on a papyrus raft quite graphically pointed out the fact that not only are inland waters polluted but the very Atlantic Ocean itself has become a sea of refuse.

Thus, we see that ocean dumping has been with us since early time. Doing something about this ocean pollution is long overdue, and the Nation will unanimously applaud the passage of this bill.

I should like to also commend title II of the pending bill dealing with comprehensive research on ocean dumping. We have neglected such research far too long and know far too little about the possible long-range affects of pollution, overfishing, and man-induced changes of ocean ecosystems. It is my hope that this legislation will help, and help rapidly, correct this situation.

Mr. President, I do not mean to indicate that I believe that the pending legislation regulating ocean dumping is the absolute answer to our increasingly serious problem of ocean pollution. What I do mean to indicate is, that I believe that it represents an important and significant step toward rectifying environmental imbalances that have resulted from centuries of ignorance and neglect.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. LONG), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), and the Senator from Idaho (Mr. CHURCH) are absent on official business.

I further announce that if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. STEVENSON), and the Senator from Massachusetts (Mr. KENNEDY), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

If present and voting, the Senator from Hawaii (Mr. FONG) would vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 399 Leg.]

YEAS—73

Aiken	Ervin	Mondale
Allen	Fulbright	Montoya
Allott	Gambrell	Nelson
Anderson	Gravel	Packwood
Bayh	Griffin	Pearson
Beall	Gurney	Pell
Bellmon	Hansen	Proxmire
Bentsen	Harris	Randolph
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brooke	Hatfield	Schweiker
Buckley	Hollings	Scott
Burdick	Hruska	Smith
Byrd, Va.	Hughes	Sparkman
Byrd, W. Va.	Humphrey	Spong
Cannon	Jackson	Stafford
Case	Jordan, N.C.	Stennis
Chiles	Jordan, Idaho	Stevens
Cook	Magnuson	Thurmond
Cooper	Mansfield	Tower
Cranston	Mathias	Tunney
Curtis	McClellan	Williams
Dole	McIntyre	Young
Eagleton	Metcalf	
Ellender	Miller	

NAYS—0

NOT VOTING—27

Baker	Goldwater	Muskie
Bennett	Inouye	Pastore
Brock	Javits	Percy
Church	Kennedy	Saxbe
Cotton	Long	Stevenson
Dominick	McGee	Symington
Eastland	McGovern	Taft
Fannin	Moss	Talmadge
Fong	Mundt	Weicker

So the bill (H.R. 9727) was passed.

The title was amended, so as to read: "An act to regulate the transportation for dumping and dumping of material in the oceans, coastal, and other waters, and for other purposes."

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical corrections in the engrossment of the bill, and that the bill be printed as passed.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on today, November 24, 1971, the President had approved and signed the following acts:

S. 389. An act for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender;

S. 2216. An act to amend the Investment Company Act of 1940, as amended; and

S. 2339. An act to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission, docket numbered 227, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

ECONOMIC STABILIZATION ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 493, S. 2891. I do this so that the bill may be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 2891, to extend and amend the Economic Stabilization Act of 1970.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, there will be no debate on the pending measure, which is Phase II of the President's economic program. However, it will be the pending measure upon our return next Monday.

As I see the distinguished chairman of the committee in the Chamber, let me say that it is quite possible the debate will get underway sometime after the Senate comes in and before the votes on the two amendments and the one protocol to which the Senate has agreed to previously as to time.

Mr. SPARKMAN. Mr. President, if I may ask the Senator, did the leader say before?

Mr. MANSFIELD. In view of the changes in the situation with the votes occurring at 1 o'clock p.m. rather than at 11——

Mr. SPARKMAN. I did not realize that——

Mr. MANSFIELD. That we may get started on the consideration——

Mr. SPARKMAN. Yes, I understand. I notice there is to be a period for the transaction of routine morning business for 30 minutes. Would it be agreeable to have a quorum call at that time in order

on November 19, the Washington Post acknowledged that the U.S. economy is faring better. And indeed it was right. Revised statistics show that the real gross national product grew at an annual rate of 3.9 percent during the third quarter of 1971, rather than the 2.9 percent shown in earlier projections. Simultaneously, inflation, as measured by the GNP deflator, rose at an annual rate of 3 percent during the third quarter, as compared to 4 percent in the second quarter and 5.3 percent in the first. The rise in the Consumer Price Index during the month of October was 0.1 percent, after seasonal adjustment. This was the smallest monthly rise in the CPI since April 1967.

It is obvious that President Nixon's new economic policy is working. Phase I—the freeze—was a great success. It clamped down hard on the inflationary spiral which we inherited from the fiscal irresponsibility of the previous administration. It united the American people in a massive attack on the monster which has been eating away at the purchasing power of the American worker. In constructing phase II the administration has sought to incorporate a high degree of equity into the framework of its policies. Requests for exception to or exemption from the guidelines of the Pay Board and the Price Commission will be examined carefully on an individual basis.

Because of these positive, innovative administration policies, 1972 will fulfill President Nixon's prediction that it will be a great year economically. The prestigious Organization for Economic Cooperation and Development Secretariat has predicted that the U.S. economy will grow at a real rate of over 6 percent during the first 6 months of 1972. Economic expansion at this rate will constitute a strong recovery from the economic slowdown which we experienced during most of 1970 and will return us to a path of steady economic growth in a climate of price stability.

THE PRESIDENT'S PREDICTIONS

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

Mr. BOGGS. Mr. Speaker, I listened with great interest to the statement just read by the distinguished minority leader.

I would express the hope that his rosy prediction would come to pass. But if the past and if the present are any indication of the future, then I am afraid that the result will be quite different.

We have had phase II now for several weeks—and most people do not know what it is. I have had more inquiries about what it is and what it does, and what it means and what it does not mean, and what it freezes and what it does not freeze or unfreezes, than any other so-called economic policy that this country has ever seen.

Certainly, you see the results in the confusion and utter pandemonium now prevailing elsewhere in the free world. There has never been a time when the balance-of-payments deficit has been so large nor has there ever been a time in modern history when the balance of trade has been in such a deficit position. The stock market which some claim to be a barometer of business conditions, although it had apparently a little advance on Friday, has been going down and down and down. Unemployment remains at almost 6 percent and our industrial capacity is still unused to the extent of about 30 percent.

So I say, Mr. Speaker, if these conditions present a rosy picture, I would hate to see a gloomy one.

AMERICAN PEOPLE SHOULD KNOW WHAT PRESIDENT PLANS TO DISCUSS WITH COMMUNIST LEADERS

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

Mr. PUCINSKI. Mr. Speaker, I read with great interest over the weekend that President Nixon will tell Prime Minister Trudeau, Prime Minister Heath, Prime Minister Pompidou, Prime Minister Sato, Prime Minister Brandt, and a lot of other foreign leaders what it is that he plans to discuss with the Communist leaders in Peking and with the Communist leaders in Moscow.

I wonder if it would be asking too much for the President to be good enough to tell the American people and to tell the Congress of the United States what he intends to discuss with the Communist leaders in Peking and Moscow.

We have heard a great deal of talk about the President's contemplated visit to Peking and Moscow, but at this moment nobody in this country really knows what it is that the President hopes to achieve at Peking and Moscow.

In view of the dismal track record of summit meetings by previous Presidents—including Yalta—I think it would be pretty nice if the American people knew what their President plans to do before all these foreign dignitaries. After all, its the American taxpayer who is funding these trips and it is not asking too much that he be taken into the President's confidence.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 411]

Anderson, Calif.	Bell	Chisholm
Anderson, Tenn.	Betts	Clark
Arends	Blatnik	Clausen, Don H.
Ashley	Burton	Clay
Aspinall	Byrne, Pa.	Collins, Ill.
Badillo	Caffery	Colmer
Barrett	Camp	Cotter
	Celler	Davis, S.C.
	Chappell	
Dent	Helstoski	Reuss
Derwinski	Hillis	Rhodes
Dickinson	Hogan	Rodino
Diggs	Jarman	Rogers
Dowdy	Jones, N.C.	Roy
Dulski	Landrum	Roybal
Edwards, La.	McClory	Sandman
Eilberg	McCloskey	Saylor
Erlenborn	McCormack	Scheuer
Eshleman	McKevitt	Shriver
Evins, Tenn.	Martin	Sikes
Foley	Mayne	Slack
Fraser	Michel	Springer
Gallagher	Miller, Calif.	Steele
Grasso	Minish	Stephens
Gray	Mitchell	Stuckey
Green, Oreg.	Nelsen	Thone
Green, Pa.	Pepper	Ullman
Griffin	Pike	Waldie
Gubser	Pirnie	Whitehurst
Halpern	Poage	Whitten
Hanna	Pryor, Ark.	Wiggins
Hébert	Railsback	Wilson, Charles H.
Heckler, Mass.	Rangel	

The SPEAKER. On this rollcall, 335 Members have answered to their names, a quorum.

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

APPOINTMENT OF CONFEREES ON H.R. 9727, MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1971

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees; Messrs. GARMATZ, DINGELL, LENNON, PELLY, and MOSHER.

FEDERAL ELECTION REFORM

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes.

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 further consideration of the bill H.R. 11060, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, November 18, 1971, the Clerk had read the enacting clause of the bill.

For what purpose does the gentleman from Massachusetts (Mr. MACDONALD) rise?

AMENDMENT OFFERED BY MR. MACDONALD

Mr. MACDONALD of Massachusetts. Mr. Chairman, pursuant to House Resolution 694, I offer an amendment in the form of a new title I.

local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), such State may, within sixty days after notice of such action file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the Court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a project (referred to herein as a 'nutrition project') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

"(2) to provide such nutrition project for individuals aged sixty or over and their spouses (referred to herein as 'eligible individuals');

"(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, and, preferably within walking distance where possible and, where appropriate, to furnish home-delivered meals to eligible individuals who are home-bound;

"(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

"(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals;

"(6) to provide a setting conducive to expanding the nutrition project to include recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

"(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

"(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, and of persons who are knowledgeable with regard to the needs of elderly persons;

"(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

"(10) to give preference to persons aged sixty or over for any staff positions full or part time, for which such persons qualify; and

"(11) to comply with such other standards as the Secretary may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

"(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"SURPLUS COMMODITIES

"SEC. 707. (a) Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition project commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivision of a State.

"(b) The Secretary of Agriculture may utilize the projects authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 612c).

"APPROPRIATIONS AUTHORIZED

"SEC. 708. For the purpose of carrying out the provisions of this title, there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

"RELATIONSHIP TO OTHER LAWS

"SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization to carry out the provisions of this title and of the appropriate State plan."

The title was amended so as to read:

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes.

MARINE PROTECTION AND RESEARCH ACT OF 1971

Mr. HOLLINGS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9727.

The PRESIDING OFFICER (Mr. McGEE) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOLLINGS. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HOLLINGS, Mr. HART, Mr. BAKER, and Mr. STEVENS conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate a message from the President of the United States submitting the nomination of Shiro Kashiwa, of Hawaii, to be an Associate Judge of the U.S. Court of Claims, which was referred to the Committee on the Judiciary.

ECONOMIC STABILIZATION ACT OF 1971

The Senate resumed the consideration of the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970.

The PRESIDING OFFICER (Mr. McGEE). The question now before the Senate is on agreeing to amendment No. 768 of the Senator from Indiana (Mr. HARTKE), which the clerk will state.

The assistant legislative clerk read as follows:

ing space would be required if the operation were continued at Rhein-Main, whereas adequate aircraft parking space is available at Ramstein. Another $300,000 would be required for the construction of a new fleet services facility to continue the operation at Rhein-Main. Besides this $800,000 additional cost to continue the operation at Rhein-Main, the Air Force would continue to be faced with serious operational limitations due to airfield congestion, a very undesirable mix of military/civilian air traffic, and the 90-mile surface transportation from Rhein-Main to the Army activities being supported.

After a thorough discussion, the Senate receded.

Kelly AFB, Texas—Aircraft Jet Engine Test Facility, $961,000

The House Committee deferred this project without prejudice because it was felt that the project could be deferred to a future program without impinging upon the mission of the Air Force. The Senate bill included this project.

In conference, the Senate conferees were adamant in pointing out to the House conferees that this test facility for the F-100-PW engine is needed to (1) carry out the F-15 Integrated Logistics System Plan, (2) prevent overruns in the F-15 procurement program, and (3) establish organic logistics support for this mission-essential weapons system. The F-15 is on schedule with the sixth highly successful flight conducted on 3 August 1972.

The Senate conferees pointed out that a year's delay during the critical rapid buildup of workload could jeopardize logistics support to operational units.

The House recedes.

TITLE IV—DEFENSE AGENCIES

Section 402

The Department of Defense requested $30 million for the Secretary of Defense's contingency fund. This figure is double the amount requested last year. Testimony revealed that the average use of the contingency authority for calendar years 1968 through 1971 has been $27 million per year. Also, Defense witnesses testified that just under $37 million was presently available in the contingency fund. Therefore, the House authorized $20 million and the Senate authorized $15 million.

After a thorough discussion of the possible needs in FY 1973, the conferees agreed to an authorization of $17,500,000.

TITLE V—FAMILY HOUSING

The House denied but the Senate approved one unit of housing for the Director of the Cold Region Research Engineering Laboratories, Hanover, New Hampshire, at the cost of $45,000, which includes the cost of about one half acre of land on which to locate the set of quarters. A set of quarters have heretofore been leased from Dartmouth College, which quarters are no longer available. The Senate took the position that this set of quarters should be approved since the increased activity at Dartmouth College makes it extremely difficult, if not impossible, to locate adequate quarters on the economy. The House was adamant in their position that the cost of the proposed set of quarters is excessive, being some $3,000 above the maximum statutory limitation, and they believe that through concentrated efforts adequate quarters can be located on the economy. The Senate reluctantly agreed.

The Senate denied, but the House approved, a request of the Army for $5,525,000 to repair 2,838 sets of quarters occupied by American military families at five locations in Germany. The Senate did not question the need for these repairs, which relate primarily to updating plumbing and electrical systems. The Senate pointed out that these quarters were built by the Germans for use by American military families, and will revert to the Germans when no longer used. They were strongly of the opinion that these units should be repaired by the Germans under the Offset Agreement. The House does not disagree, but was of the opinion that authority for these repairs should be granted but funding denied in order that the repairs can be performed from savings or when funds do become available. The Senate agreed.

This year the Department requested an increase in the number of units that may be leased under the Domestic Leasing Program. The statutory limitation would be increased from 10,000 to 12,900 units. The request was denied by both the House and the Senate. This resulted in the reduction by the House in the amount requested for the leasing program of $4,089,000. While denying the increase in units, the Senate permitted the funds to remain in the Housing account to be applied against a great backlog of deferred maintenance. The House reluctantly agreed in consideration of the fact that the deferred maintenance backlog is in excess of $173 million.

The Senate added a new section to the bill (sec. 508) which will authorize the Secretaries of the Military Departments, based upon regulations laid down by the Secretary of Defense, to designate as rental housing such housing units now in inventories that are determined to be inadequate as public quarters, and that cannot be economically upgraded to meet the standards of adequacy. Such housing could then be leased to eligible personnel at the fair market rental value, but not to exceed 75 percent of their basic allowance for quarters, except that in no event shall the total charge be less than the cost of operation and maintenance thereof. The House conferees reluctantly agreed to the Senate language on inadequate quarters with an amendment limiting the number of units that could be declared inadequate under this section to 20,000.

The House conferees pointed out that the House Committee has consistently opposed this theory of declaring the quarters inadequate because it would seem to perpetuate marginal housing for our military families. However, with the amendment mentioned above, the House conferees stated they would try this concept for one year and again review the housing situation to see whether or not consideration should be given to a modest increase in this limitation in the future if there appears to be definite need to do so.

TITLE VII—GENERAL PROVISIONS

The Senate added a provision (Section 707) amending Section 2683 of Title 10, United States Code, which would amend the existing authority of the Military Departments to retrocede legislative jurisdiction over military installations within the 50 States to also include any Commonwealth, territory, or possession.

Section 2683 of Title 10, United States Code, provides an expeditious administrative procedure for retroceding legislative jurisdiction over military installations located in the several States. There is considerable question as to the application of the law with respect to such installations located in any other Governmental entity subject to the United States. Parenthetically, this problem was recently brought to light in connection with the proposed outgranting of a portion of Ramey Air Force Base to the Commonwealth of Puerto Rico.

In order to remove any doubt as to the application of Section 2683 in situations such as that involving Ramey Air Force Base, the Senate added, after the word State in said code section, "or to a Commonwealth, territory, or possession of the United States, . . ."

House conferees agreed that the technicality brought on by joint use of Ramey AFB with the Commonwealth of Puerto Rico should be cleared up with the proposed Senate amendment.

The House receded.

TITLE VIII—RESERVE FORCES FACILITIES

During the extensive review of the Reserve Forces facilities program, the House Committee developed considerable concern as to the adequacy for Air National Guard facilities. The House Committee also expressed a similar concern over the adequacy of the Naval Reserve program and concluded that additional authorization would be needed for these programs in fiscal year 1973.

Accordingly, the House Committee added $5 million to the Air National Guard and Naval Reserve requests.

In its deliberation, the Senate adjusted the figures to add $5.5 million to the Air National Guard program and $4.5 million to the Naval Reserve program.

After much discussion as to the needs of each of these Reserve programs, the House receded.

O. C. FISHER,
LUCIEN N. NEDZI,
ALTON LENNON,
G. ELLIOTT HAGAN,
SPEEDY O. LONG,
W. C. "DAN" DANIEL,
G. V. MONTGOMERY,
WILLIAM G. BRAY,
ALEXANDER PIRNIE,
DONALD D. CLANCY,
WALTER E. POWELL,
Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
SAM J. ERVIN, Jr.,
HOWARD W. CANNON,
HARRY F. BYRD, Jr.,
STROM THURMOND,
JOHN G. TOWER,
PETER H. DOMINICK,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 9727, RESTRICTION ON DUMPING OF MATERIAL IN OCEANS, COASTAL, AND OTHER WATERS

Mr. LENNON, on behalf of Mr. GARMATZ, filed the following conference report and statement on the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-1546)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9727), to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following:

That this Act may be cited as the "Marine Protection, Research, and Sanctuaries Act of 1972".

FINDING, POLICY, AND PURPOSE

SEC. 2. (a) Unregulated dumping of material into ocean waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the

dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

To this end, it is the purpose of this Act to regulate the transportation of material from the United States for dumping into ocean waters, and the dumping of material, transported from outside the United States, if the dumping occurs in ocean waters over which the United States has jurisdiction or over which it may exercise control.

SEC. 3. For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Ocean waters" means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(c) "Material" means matter of any kind or description, including, but not limited to, dredged material, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wreck or discarded equipment, rock, sand, excavation debris, and industrial, municipal, agricultural, and other waste; but such term does not mean oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161) and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163).

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(e) "Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(f) "Dumping" means a disposition of material: *Provided*, That it does not mean a disposition of any effluent from any outfall structure to the extent that such disposition is regulated under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), under the provisions of section 13 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 407), or under the provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011, et seq.), nor does it mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels: *Provided further*, That it does not mean the construction of any fixed structure or artificial island nor the intentional placement of any device in ocean waters or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program: *And provided further*, That it does not include the deposit of oyster shells or other materials when such deposit is made for the purpose of developing, maintaining, or harvesting fisheries resources and is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program.

(g) "District court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of Puerto Rico, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising therein.

(h) "Secretary" means the Secretary of the Army.

(i) "Dredged material" means any material excavated or dredged from the navigable waters of the United States.

(j) "High-level radioactive waste" means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels, or irradiated fuel from nuclear power eactors.

(k) "Transport" or "transportation" refers to the carriage and related handling of any material by a vessel, or by any other vehicle, including aircraft.

TITLE I—OCEAN DUMPING

PROHIBITED ACTS

SEC. 101. (a) No person shall transport from the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or except as may be authorized in a permit issued under this title, and subject to regulations issued under section 108 hereof by the Secretary of the Department in which the Coast Guard is operating, any other material for the purpose of dumping it into ocean waters.

(b) No person shall dump any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material, transported from any location outside the United States, (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States.

(c) No officer, employee, agent, department, agency, or instrumentality of the United States shall transport from any location outside the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material for the purpose of dumping it into ocean waters.

ENVIRONMENTAL PROTECTION AGENCY PERMITS

SEC. 102. (a) Except in relation to dredged material, as provided for in section 103 of this title, and in relation to radiological, chemical, and biological warfare agents and high-level radioactive waste, as provided for in section 101 of this title, the Administrator may issue permits, after notice and opportunity for public hearings, for the transportation from the United States or, in the case of an agency or instrumentality of the United States, for the transportation from a location outside the United States, of material for the purpose of dumping it into ocean waters, or for the dumping of material into the waters described in section 101(b), where the Administrator determines that such dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

(A) The need for the proposed dumping.

(B) The effect of such dumping on human health and welfare, including economic, esthetic, and recreational values.

(C) The effect of such dumping on fisheries resources, plankton, fish, shellfish, wildlife, shore lines and beaches.

(D) The effect of such dumping on marine ecosystems, particularly with respect to—

(i) the transfer, concentration, and dispersion of such material and its byproducts through biological, physical, and chemical processes,

(ii) potential changes in marine ecosystem diversity, productivity, and stability, and

(iii) species and community population dynamics.

(E) The persistence and permanence of the effects of the dumping.

(F) The effect of dumping particular volumes and concentrations of such materials.

(G) Appropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring use of such alternate locations or methods upon considerations affecting the public interest.

(H) The effect on alternate uses of oceans, such as scientific study, fishing, and other living resource exploitation, and nonliving resource exploitation.

(I) In designating recommended sites, the Administrator shall utilize wherever feasible locations beyond the edge of the Continental Shelf.

In establishing or revising such criteria, the Administrator shall consult with Federal, State, and local officials, and interested members of the general public, as may appear appropriate to the Administrator. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary. No permit shall be issued for a dumping of material which will violate applicable water quality standards.

(b) The Administrator may establish and issue various categories of permits, including the general permits described in section 104(c).

(c) The Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary, also designate sites or times within which certain materials may not be dumped.

(d) No permit is required under this title for the transportation for dumping or the dumping of fish wastes, except when deposited in harbors or other protected or enclosed coastal waters, or where the Administrator finds that such deposits could endanger health, the environment, or ecological systems in a specific location. Where the Administrator makes such a finding, such material may be deposited only as authorized by a permit issued by the Administrator under this section.

CORPS OF ENGINEERS PERMITS

SEC. 103. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, the Secretary may issue permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it into ocean waters, where the Secretary determines that the dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

(b) In making the determination required by subsection (a), the Secretary shall apply those criteria, established pursuant to section 102(a), relating to the effects of the dumping. Based upon an evaluation of the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States, the Secretary shall make an independent determination as to the need for the dumping. The Secretary shall also make an independent determination as to other possible methods of disposal and as

to appropriate locations for the dumping. In considering appropriate locations, he shall, to the extent feasible, utilize the recommended sites designated by the Administrator pursuant to section 102(c).

(c) Prior to issuing any permit under this section, the Secretary shall first notify the Administrator of his intention to do so. In any case in which the Administrator disagrees with the determination of the Secretary as to compliance with the criteria established pursuant to section 102(a) relating to the effects of the dumping or with the restrictions established pursuant to section 102(c), relating to critical areas, the determination of the Administrator shall prevail. Unless the Administrator grants a waiver pursuant to subsection (d), the Secretary shall not issue a permit which does not comply with such criteria and with such restrictions.

(d) If, in any case, the Secretary finds that, in the disposition of dredged material, there is no economically feasible method or site available other than a dumping site the utilization of which would result in noncompliance with the criteria established pursuant to section 102(a) relating to the effects of dumping or with the restrictions established pursuant to section 102(c) relating to critical areas, he shall so certify and request a waiver from the Administrator of the specific requirements involved. Within thirty days of the receipt of the waiver request, unless the Administrator finds that the dumping of the material will result in an unacceptably adverse impact on municipal water supplies, shellfish beds, wildlife, fisheries (including spawning and breeding areas), or recreational areas, he shall grant the waiver.

(e) In connection with Federal projects involving dredged material, the Secretary may, in lieu of the permit procedure, issue regulations which will require the application to such projects of the same criteria, other factors to be evaluated, the same procedures, and the same requirements which apply to the issuance of permits under subsections (a), (b), (c), and (d) of this section.

PERMIT CONDITIONS

SEC. 104. (a) Permits issued under this title shall designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transport for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; (5) any special provisions deemed necessary by the Administrator or the Secretary, as the case may be, after consultation with the Secretary of the Department in which the Coast Guard is operating, for the monitoring and surveillance of the transportation or dumping; and (6) such other matters as the Administrator or the Secretary, as the case may be, deems appropriate.

(b) The Administrator or the Secretary, as the case may be, may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued by him under this title as he deems appropriate.

(c) Consistent with the requirements of sections 102 and 103, but in lieu of a requirement for specific permits in such case, the Administrator or the Secretary, as the case may be, may issue general permits for the transportation for dumping, or dumping, or both, of specified materials or classes of materials for which he may issue permits, which he determines will have a minimal adverse environmental impact.

(d) Any permit issued under this title shall be reviewed periodically and, if appropriate, revised. The Administrator or the Secretary, as the case may be, may limit or deny the issuance of permits, or he may alter or revoke partially or entirely the terms of permits issued by him under this title, for the transportation for dumping, or for the dumping, or both, of specified materials or classes of materials, where he finds that such materials cannot be dumped consistently with the criteria and other factors required to be applied in evaluating the permit application. No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for a hearing on such action as proposed.

(e) The Administrator or the Secretary, as the case may be, shall require an applicant for a permit under this title to provide such information as he may consider necessary to review and evaluate such application.

(f) Information received by the Administrator or the Secretary, as the case may be, as a part of any application or in connection with any permit granted under this title shall be available to the public as a matter of public record, at every stage of the proceeding. The final determination of the Administrator or the Secretary, as the case may be, shall be likewise available.

(g) A copy of any permit issued under this title shall be placed in a conspicuous place in the vessel which will be used for the transportation or dumping authorized by such permit, and an additional copy shall be furnished by the issuing official to the Secretary of the department in which the Coast Guard is operating, or its designee.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title, or of the regulations promulgated under this title, or a permit issued under this title shall be liable to a civil penalty of not more than $50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing of such violation. In determining the amount of the penalty, the gravity of the violation, prior violations, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. For good cause shown, the Administrator may remit or mitigate such penalty. Upon failure of the offending party to pay the penalty the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a) of this section, a person who knowingly violates this title, regulations promulgated under this title, or a permit issued under this title shall be fined not more than $50,000, or imprisoned for not more than one year, or both.

(c) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense as shall the dumping from each of several vessels, or other sources.

(d) The Attorney General or his delegate may bring actions for equitable relief to enjoin an imminent or continuing violation of this title, of regulations promulgated under this title, or of permits issued under this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(e) A vessel, except a public vessel within the meaning of section 13 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1163), used in a violation, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation a consenting party or privy to such violation.

(f) If the provisions of any permit issued under section 102 or 103 are violated, the Administrator or the Secretary, as the case may be, may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation.

(g)(1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any prohibition, limitation, criterion, or permit established or issued by or under this title. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such prohibition, limitation, criterion, or permit, as the case may be.

(2) No action may be commenced—

(A) prior to sixty days after notice of the violation has been given to the Administrator or to the Secretary, and to any alleged violator of the prohibition, limitation, criterion, or permit; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the prohibition, limitation, criterion, or permit; or

(C) if the Administrator has commenced action to impose a penalty pursuant to subsection (a) of this section, or if the Administrator, or the Secretary, has initiated permit revocation or suspension proceedings under subsection (f) of this section; or

(D) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of this title.

(3)(A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator or Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator, the Secretary, or a State agency).

(h) No person shall be subject to a civil penalty or to a criminal fine or imprisonment for dumping materials from a vessel if such materials are dumped in an emergency to safeguard life at sea. Any such emergency dumping shall be reported to the Administrator under such conditions as he may prescribe.

RELATIONSHIP TO OTHER LAWS

SEC. 106. (a) After the effective date of this title, all licenses, permits, and authorizations other than those issued pursuant to this title shall be void and of no legal effect, to the extent that they purport to authorize any activity regulated by this title, and whether issued before or after the effective date of this title.

(b) The provisions of subsection (a) shall

not apply to actions taken before the effective date of this title under the authority of the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended (33 U.S.C. 401 et seq.).

(c) Prior to issuing any permit under this title, if it appears to the Administrator that the disposition of material, other than dredged material, may adversely affect navigation in the territorial sea of the United States, or in the approaches to any harbor of the United States, or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary and no permit shall be issued if the Secretary determines that navigation will be unreasonably impaired.

(d) After the effective date of this title, no State shall adopt or enforce any rule or regulation relating to any activity regulated by this title. Any State may, however, propose to the Administrator criteria relating to the dumping of materials into ocean waters within its jurisdiction, or into other ocean waters to the extent that such dumping may affect waters within the jurisdiction of such State, and if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this title, may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term "State" means any State, interstate or regional authority, Federal territory or Commonwealth or the District of Columbia.

(e) Nothing in this title shall be deemed to affect in any manner or to any extent any provision of the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661–666c).

ENFORCEMENT

SEC. 107. (a) The Administrator or the Secretary, as the case may be, may, whenever appropriate, utilize by agreement, the personnel, services and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis, in carrying out his responsibilities under this title.

(b) The Administrator or the Secretary may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of his agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping, or unlawful dumping. Such enforcement activity shall include, but not be limited to, enforcement of regulations issued by him pursuant to section 108, relating to safe transportation, handling, carriage, storage, and stowage. The Secretary of the department in which the Coast Guard is operating shall supply to the Administrator and to the Attorney General, as appropriate, such information of enforcement activities and such evidentiary material assembled as they may require in carrying out their duties relative to penalty assessments, criminal prosecutions, or other actions involving litigation pursuant to the provisions of this title.

REGULATIONS

SEC. 108. In carrying out the responsibilities and authority conferred by this title, the Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating are authorized to issue such regulations as they may deem appropriate.

INTERNATIONAL COOPERATION

SEC. 109. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

EFFECTIVE DATE AND SAVINGS PROVISIONS

SEC. 110. (a) This title shall take effect six months after the date of the enactment of this Act.

(b) No legal action begun, or right of action accrued, prior to the effective date of this title shall be affected by any provision of this title.

SEC. 111. There are hereby authorized to be appropriated not to exceed $3,600,000 for fiscal year 1973, and not to exceed $5,500,000 for fiscal year 1974, for the purposes and administration of this title, and for succeeding fiscal years only such sums as the Congress may authorize by law.

SEC. 112. The Administrator shall report annually, on or before June 30 of each year, with the first report to be made on or before June 30, 1973 to the Congress, on his administration of this title, including recommendations for additional legislation if deemed necessary.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

SEC. 201. The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters and shall report from time to time, not less frequently than annually, his findings (including an evaluation of the short-term ecological effects and the social and economic factors involved) to the Congress.

SEC. 202. (a) The Secretary of Commerce, in consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(b) In carrying out his responsibilities under this section, the Secretary of Commerce, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of his activities by such channels of communication as may appear appropriate.

(c) In January of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by his pursuant to this section during the previous fiscal year.

(d) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the Secretary of Commerce in carrying out the purposes of this section and, to the extent permitted by law, to furnish such information as may be requested.

(e) The Secretary of Commerce, in carrying out his responsibilities under this section, shall, to the extent feasible utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities (including those of the Coast Guard for monitoring purposes), and is authorized to enter into appropriate inter-agency agreements to accomplish this action.

SEC. 203. The Secretary of Commerce shall conduct and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of minimizing or ending all dumping of materials within five years of the effective date of this Act.

SEC. 204. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed $6,000,000.

TITLE III—MARINE SANCTUARIES

SEC. 301. Notwithstanding the provisions of subsection (h) of section 3 of this Act, the term "Secretary", when used in this title, means Secretary of Commerce.

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, the Interior, and Transportation, the Administrator, and the heads of other interested Federal agencies, and with the approval of the President, may designate as marine sanctuaries those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The consultation shall include an opportunity to review and comment on a specific proposed designation.

(b) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the Secretary shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) When a marine sanctuary is designated, pursuant to this section, which includes an area of ocean waters outside the territorial jurisdiction of the United States, the Secretary of State shall take such actions as may be appropriate to enter into negotiations with other Governments for the purpose of arriving at necessary agreements with those Governments, in order to protect such sanctuary and to promote the purposes for which it was established.

(d) The Secretary shall submit an annual

report to the Congress, on or before November 1 of each year, setting forth a comprehensive review of his actions during the previous fiscal year undertaken pursuant to the authority of this section, together with appropriate recommendation for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Before a marine sanctuary is designated under this section, the Secretary shall hold public hearings in the coastal areas which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

(f) After a marine sanctuary has been designated under this section, the Secretary, after consultation with other interested Federal agencies, shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section.

(g) The regulations issued pursuant to subsection (f) shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign State of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag State of the vessel, no regulation applicable to ocean waters outside the territorial jurisdiction of the United States shall be applied to a person not a citizen of the United States.

SEC. 303. (a) Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to this title shall be liable to a civil penalty of not more than $50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(b) No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) A vessel used in the violation of a regulation issued pursuant to this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

(d) The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

SEC. 304. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed $10,000,000.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: "An Act to regulate the transportation for dumping, and the dumping, of material into ocean waters, and for other purposes."

And the Senate agree to the same.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
ALTON LENNON,
THOMAS M. PELLY,
CHARLES A. MOSHER,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
PHILIP A. HART,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9727), to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment; it also amended the title of the bill. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the Senate amendments thereto.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

Sec. 3(b). As enacted, the House bill extended the coverage of this act to oceans, estuarine waters, other coastal waters affected by the tides, and the Great Lakes. The Senate amendment provided coverage only to the oceans, coastal and other waters beyond the territorial jurisdiction of the United States, insofar as the act regulates dumping of materials. The conferees resolved the conflict by drawing the line at the "base line"—the line from which the 3- and 12-mile limits are computed, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on April 29, 1958. This action was taken not only in recognition of the fact that the ocean waters should be treated as a single unit, but also because of the potential administrative and enforcement difficulties attendant upon making the permit provisions applicable only to ocean waters outside the territorial sea. Dumping of materials within internal waters, that is, inside the base line is, according to information provided to the conference, adequately covered by existing and proposed legislation regulating water quality, and need not be covered under this act.

Sec. 3(f). The House bill specifically included "radioactive materials" under the definition in subsection (c) of "material" covered by the act; the Senate bill did not. The conference resolved to include such material, but excluded, in subsection (f) the coverage of such material where it passes through outfalls already regulated under the terms of the Atomic Energy Act of 1954, as amended. Thus, discharges from nuclear powerplant outfalls, to the extent that they contain quantities of radioactive material which are subject to regulation and control by the Atomic Energy Commission, need not be also covered by a dumping permit issued under the terms of this act.

Sec. 102. Organic fish wastes (derived from commercial fishing and cannery operations) while not specifically listed as such, were encompassed within the description of "material" in the House bill, but were specifically excluded from coverage in the Senate version. This conflict was resolved by the conferees by allowing such material, including fish, shellfish, crustaceans, other marine life or parts thereof, to be dumped without a permit from either floating or fixed facilities unless (a) placed in harbors or other protected or enclosed coastal waters, or (b) where the Administrator made a positive finding that such material could endanger health, the environment, or ecological systems, placed in a specific location. He may make such a finding only after investigations on the location involved disclosed that such effects might be anticipated. In this case, the Administrator might require any person wishing to deposit such materials to obtain a general or specific permit to do so, although materials placed elsewhere may continue to be placed without such a permit. The exception relating to harbor and other enclosed waters is intended to prohibit the dumping of such materials in areas where tidal flushing action may be inadequate to disperse quantities of discarded fish wastes within a reasonable period of time.

Sec. 103. The House bill assigned the responsibility for issuing dumping permits to the Administrator of the Environmental Protection Agency in all cases except those involving dredge and fill operations; in this instance the U.S. Army Corps of Engineers, which presently is responsible for such operations, was to continue in its responsibilities. As to Corps-issued dredge permits, the Administrator was given power to designate areas which might not be used as disposal sites. Material could be placed in those areas only where the Secretary of the Army certified that no economically feasible alternative was reasonably available.

The Senate alternative was to concentrate the disposal permit issuing responsibilities in EPA, but permitted the Secretary of the Army to request the issuance of such a permit, and indicated that the permit would issue unless the Administrator made a positive finding that the material would adversely affect municipal water supplies, shellfish beds, wildlife, fisheries or recreation areas.

This extremely complex and controversial question was resolved by the committee on conference by allowing the Secretary to issue permits for transportation of dredged material for dumping, following the criteria set down by the Administrator under section 102(a) of the act.

Before issuing a permit, the Secretary must notify the Administrator of his intention to do so, and may proceed unless the Administrator disagrees with the determination of the Secretary as to the proper application of EPA criteria on dumping effects or as to EPA restrictions relative to critical areas. It is expected that the first notice by the Secretary to the Administrator of his intent to issue a permit shall be from the date of public notice. In making the determination, the Secretary is required to evaluate the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States. It is expected that the Secretary, in selecting a site for the disposal of dredged material, will select economically feasible sites.

The Secretary is authorized to request a waiver from EPA in any case in which he finds that there is no economically feasible site which would not violate the EPA criteria or the EPA restrictions as to critical areas, and the Administrator must grant such a waiver unless he finds that the proposed dumping will result in an unacceptably adverse impact upon the area concerned.

The section also authorized the Secretary to handle Federal dredging projects through the use of regulatory powers in lieu of the permit procedures described above, subject to the same general requirements for issuance of permits.

This system, as agreed upon by the conferees, leaves to the Secretary of the Army the permit authority for disposal of dredged material, which would be used in connection with his existing authority to issue permits for dredging. The Secretary is required to utilize this disposal permit authority consistent (1) with the criteria established between the Administrator as to the effects of the proposed dumping and (2) with the restrictions established by the Administrator relating to critical areas.

It is expected that permit applications will be processed promptly and that there will be a minimum of delay in agency review of these applications before a final decision has been made. While the Administrator is given a 30 day review period over proposed waivers by the Corps of Engineers, this does not in any way indicate that the review period should or could be protracted once all of the information required has been received and processed. It is also anticipated that, to the greatest extent practicable, the permit review process will be consolidated to allow review and decision on all aspects of the proposed permit operations known at the time application is made by the proposed permittee. The permit review process was not designed, and is not intended to be used, as a bottleneck to prevent otherwise meritorious activities from being carried out.

To facilitate processing of permit applications the Administrator is expected to review the requirements for maintenance dredging of non-Federal dock and berthing facilities contiguous to the authorized Federal project at the same time as consideration is given to the Federal project requirements. The Secretary is also encouraged to use general dredging permits to maintain such non-Federal facilities where the work is in the same general area and the character of the work is similar.

The conferees fully expect that the Secretary is capable of performing, and will perform, his duties reasonably and intelligently, and foresee very few occasions where the Administrator would disagree with the Secretary in his determinations relative to the two specific points raised. Nevertheless, to take care of the rare case, subsection (c) provides that in the case of such a disagreement, the Administrator's determination shall prevail.

As the conferees expect the Secretary to perform his duties reasonably and intelligently, they are also confident that the Administrator will perform likewise and not whimsically or capriciously. It is, therefore, expected that it will be a rare occasion when the subsection (c) disagreement provision will be invoked.

In any case, where the Secretary finds that there is no economically feasible alternative to a site which, if used, would violate either the "effects" criteria or the "critical area" restrictions, whether that violation determination is made initially by the Secretary or results from a determination by the Administrator under subsection (c), the Secretary is enjoined to certify that fact and to request a waiver of the disabling provision. That waiver must be granted by the Administrator, without option on his part, unless he finds that the result of the dumping would be so unacceptable in its adverse impact on one of the specifically named considerations as to justify denial of the permit which could terminate the Federal project.

It is intended that designation of critical areas by the Administrator shall be exercised with circumspection. Such confined areas are expected to be limited in size and numbers. For the most part, the conferees assume that existing sites for the disposal of dredged material will continue to be used and available. Where this proves impractical, the review and waiver provisions of the bill would be used.

It is expected that until such time as economic and feasible alternative methods for disposal of dredge material are available, no unreasonable restrictions shall be imposed on dredging activities essential for the maintenance of interstate and foreign commerce, and that, consistent with the intent of this act, the disposal activities of private dredgers and the Corps of Engineers will be treated similarly.

SEC. 105. The House bill contained a provision allowing "finders' fees" to citizens notifying enforcement officials of criminal violations of the act. This was eliminated by the Senate. The Senate version was accepted by the conferees.

Both bills contained citizens' action provisions allowing the public to intervene to enjoin violations of the act; the House allowed such actions to be brought according to existing requirements under the Judicial Code, whereas the Senate version permitted actions to be brought only in the judicial district where the violation occurred. The House version was accepted by the conferees.

SEC. 106. As it passed the House, H.R. 9727 contained language permitting any State, territory, or subdivision to impose additional requirements to those imposed by the act. The Senate restricted the right to cases in which a State proposed additional criteria, which were accepted by the Administrator and thereafter treated as Federal. The Senate version of this provision was adopted by the conference.

SEC. 111. The House version of the bill contained on open-ended authorization, whereas the Senate version authorized not to exceed $3,600,000 for fiscal year 1973, and $5,500,000 for fiscal year 1974. The conference adopted the Senate version, and added that later fiscal years would be provided for by subsequent congressional action.

SEC. 112. The Senate version of the bill provided for annual reports by EPA on the administration of title I of the bill, while the House was silent on the issue. The conferees adopted the Senate language, with the reports to begin in 1973.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

The House version of H.R. 9727 provided for research by the Secretary of Commerce, the Department in which the National Oceanic and Atmospheric Administration is currently operating, on the effects of dumping and on global monitoring of ocean problems. It authorized $2 million for these purposes. The Senate bill increased the authorization to $12 million, added a reporting requirement and instructed the Secretary of Commerce to do research to determine means of ending all dumping within 5 years. The conferees decreased the authorization to $6 million, incorporated an annual reporting requirement and instructed the Secretary, in cooperation with other interested agencies, to do research aimed at reducing or eliminating ocean dumping within 5 years.

TITLE III—MARINE SANCTUARIES

The House bill incorporated a title allowing the establishment of marine sanctuaries by the Secretary of Commerce, acting through NOAA. The concurrence of the governors of affected States was required where the proposed sanctuary fell within State jurisdiction, either territorially or as to resources. The Senate bill was silent on the subject.

The committee on conference adopted the House approach, but modified the language in some respects to make it clear that the regulations and enforcement activities under the title would apply to non-citizens of the United States only to the extent that such persons were subject to U.S. jurisdiction, either by virtue of accepted principles of International law, or as a result of specific intergovernmental agreements.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
ALTON LENNON,
THOMAS M. PELLY,
CHARLES A. MOSHER,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
PHILIP A. HART,
TED STEVENS,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to recognize Members with respect to conference reports. This is legislative action, and, of course, can lead to legislative action of the House in the nature of motions to instruct.

The Chair, in view of the announcement of the leadership, would feel that conferees could meet informally and get permission tomorrow. They would not really lose much time.

LEGISLATIVE PROGRAM

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

Mr. YOUNG of Texas. Mr. Speaker, I rise for the purpose of addressing an inquiry to the majority leader with respect to the schedule. Would the majority leader please advise whether or not it is the intention to bring up the debt expenditure limitation tomorrow.

Mr. BOGGS. That is the schedule, and it will be brought up tomorrow.

Mr. YOUNG of Texas. I thank the gentleman.

BILL TO REFORM PENTAGON PRACTICES

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the Pentagon has literally wasted billions of dollars because of its pro-contractor bias. On Tuesday, I will introduce legislation to establish an independent board to monitor defense contractors' profits, claims, and incentive payments.

For too long, the giant defense contractors and the military brass in the Pentagon have had a free rein to pay large profits, excessive claims, and incentives without any independent review. My legislation would make permanent an existing temporary five-man panel known as the Renegotiation Board, which currently examines some companies' overall profits.

It is high time to expand the Renegotiation Board's authority and give it some muscle to make sure contractors are not paid any excessive fees. My bill would require the Renegotiation Board to review all claims in excess of $1 million.

At present, contractors can file claims with the Pentagon for any increased cost of a contract that is allegedly not the contractor's fault. But time and time again, independent reviews by the Gen-

help millions of handicapped Americans to live fuller and better lives.

Simply stated, the goal of this new law is to help handicapped individuals to achieve their full potential of participation within our society. The Senate-House Conference Committee, I think, has worked out a significant step forward in our vocational-rehabilitation programs that are well worthy of becoming law during the closing days of the 92d Congress.

There are an estimated 7 to 12 million handicapped individuals in our Nation who have not realized their full potential in performing at some job. In the most recent fiscal year, more than 1.1 million disabled persons were served by State vocational rehabilitation agencies, and more than 300,000 of those individuals were reported to have been rehabilitated.

It is clear that we still have a long way to go, just as it is clear that this new law and the funds authorized by it will not meet all of our national needs.

But, this new law can guarantee that many more individuals with severe handicaps will be served than at present. The new law provides particular emphasis on a method of making available services that will be responsive to individual needs. It will also insure that no one will be excluded from the program simply because his or her handicap is too severe.

During extensive hearings on the bill, I became convinced that this Nation could improve the effectiveness of our vocational rehabilitation programs by giving our handicapped citizens the power to help shape their own future in the program.

With that conviction in mind, I proposed a method by which the handicapped client would be guaranteed the right to participate in planning his own rehabilitation program. I am pleased to report that idea was accepted by the conference committee.

The idea is called the individualized written rehabilitation program, and it insures the protection of the individual rights of the handicapped person in the system. It offers both the system and the handicapped person the opportunity to work together in developing a program designed for the rehabilitation of the individual.

In short, the written program represents an understanding between the vocational rehabilitation agency and the handicapped individual. It is expected that the terms of the understanding will be carried out unless circumstances convince both parties that the original goal should be renegotiated.

I am convinced that this new approach will bring more dignity and greater achievement to our rehabilitation efforts. It will also help us to better evaluate our system at all stages of its operation.

In keeping with the belief that the handicapped should have a greater voice in the shaping of their own future, the Congress also adopted my proposal that requires special consideration be given to hiring handicapped individuals to fill all positions in the new Office of the Handicapped and on the President's Committee on Employment of the Handicapped. The Federal Government is asked to match its words with deeds.

The law breaks new ground in other areas of vocational rehabilitation, and it will bring new hope, dignity, and fulfillment to thousands of handicapped citizens of our Nation.

Mr. President, I can assure you that the many long, hard and arduous hours that went into developing the bill in both the House and Senate were well spent when we look at the end product. This conference report and bill deserves unanimous support of all the Congress and the American people.

Thank you, Mr. President.

Mr. CRANSTON. Mr. President, I move adoption of the conference report.

The motion was agreed to.

RESTRICTION ON DUMPING OF MATERIAL IN OCEANS, COASTAL, AND OTHER WATERS—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 9727, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 9, 1972, at pages 34378–34382.)

Mr. HOLLINGS. Mr. President, the conferees on this bill were in conference for quite some time, but the report submitted today was ultimately agreed to without dissent. Three issues occupied most of our time in conference: The matter of permits for the discharge of dredge spoil into the oceans, the geographical coverage of the bill, and the question of marine sanctuaries. On the dredging question, the Senate had given primary authority to the Environmental Protection Agency to regulate dredge spoil discharges, while the House bill conferred lead agency authority on the Corps of Engineers. After considerable discussion the conferees reached agreement that the corps would issue the permits but subject to a veto from the Environmental Protection Agency in the case of each and every permit. We regard this compromise as essentially favorable to the Senate position since in the event of disagreement between the two agencies, the Environmental Protection Agency will prevail.

On the two other issues, the Senate yielded as the price necessary to get a bill out of conference. The two Houses had differed on the geographical coverage of the statute, with the House favoring control of discharges into all ocean waters and the Senate covering only those discharges 3 miles from the coast and beyond. On the question of marine sanctuaries, the House had adopted a provision authorizing the Secretary of Commerce to create sanctuaries for the purpose of preserving such areas for their ecological or recreational values, while the Senate was silent on the subject. In the case of each of these provisions, the Senate position was based less on substantive considerations than on a reluctance to impinge upon jurisdictional relationships among Senate committees. Having agreed to the House provisions on these matters, I think the record should show that it was not our intention to disturb existing jurisdictional divisions of labor now or in the future.

Mr. President, what has emerged from the conference in my view is a fine bill which I believe will prove adequate to deal with the immediate and long-range problems of ocean pollution. Too long we have allowed indiscriminate ocean dumping of pollutants without examining the harmful consequences that may result. This bill will give us reason to breathe easier with respect to the future of our precious ocean resources.

It was the intent of the framers of this legislation that the kinds of dumping which are now going on be prohibited, except under criteria to be established by the Administrator of the Environmental Protection Agency. Present dumping activities, except as expressly provided for in the legislation, must come under new permit requirements as set forth by the Administrator. Any existing permits, once the law takes effect, shall be superseded by new permits which may be issued by the Administrator.

Much credit is due the administration, of course, for its efforts in promoting this legislation. Thanks should also go to the very able conferees and committee members who participated in the development of the bill. What we have is a good report which I would hope my colleagues would adopt quickly and without reservation. The health and welfare of our oceans demands no less.

Mr. JACKSON. Mr. President, I want to compliment the distinguished Senator from South Carolina for the important work he has done on the Marine Protection, Research, and Sanctuaries Act of 1972. This important measure establishes new Federal policies designed to protect the marine environment and to improve the Nation's management of our ocean resources.

Title III of the conference report deals with the designation of marine sanctuaries by the Secretary of Commerce. This title did not appear in the Senate-passed bill which was considered in the

Senate on November 24, 1971. During debate on the measure on the Senate floor there was discussion of the Interior and Insular Affairs Committee's legislative jurisdiction and interest in any changes which were proposed for the management of the resources of the Outer Continental Shelf.

Mr. President, I have worked closely with the Senator from South Carolina on this matter and he has kept me advised of developments in the conference committee. We are in agreement that adoption of the conference report will not in any way affect the present legislative jurisdiction of either the Senate Commerce Committee or the Senate Committee on Interior and Insular Affairs over the ocean resources and the Outer Continental Shelf. I understand that the Senator from South Carolina has acknowledged that this is the case in his statement on the conference report.

Mr. HOLLINGS. Mr. President, I want to confirm the statement of the Senator from Washington (Mr. JACKSON) and his understanding with relation to the jurisdiction of the Committee on Interior and Insular Affairs and the Committee on Commerce, that he is correct.

Mr. STEVENS. Mr. President, H.R. 9727, the antiocean dumping bill, is a major piece of environmental legislation. It involves intensive effort by both the Senate and the House. This will prohibit the transportation from the United States of any radiological, chemical, or biological warfare agent or any high level radioactive wastes or any other material for dumping except under permit. It will prohibit the dumping of any such warfare agent or radioactive wastes or any other material except under permit transported from any location outside the United States into either the territorial sea or the contiguous zone which extends 12 miles seaward from shore. Additionally, it prohibits Federal Agencies from transporting any such warfare agent or radioactive wastes or other material except under permit for the purpose of ocean dumping. This is a major step forward to insure the cleanliness of our ocean.

Jacques Cousteau, Thor Heyerdahl, and other ocean explorers have commented extensively upon the pollution problem of the world's oceans. Material dumped offshore thousands of miles away across the Pacific can within a matter of weeks find its way onto our beaches. No nation is safe. The oceans are everyone's concern.

This bill will significantly advance the cleanup of the world's oceans. Marine life will directly benefit. So will those people around the world who depend upon marine resources for their livelihoods. People far inland who journey to the sea for recreation or travel will similarly reap the benefits of this massive cleanup.

I hope other countries will take heed and enact similar legislation. I hope this country takes the lead internationally in cleaning up the world's oceans. This country must work together with other nations around the world. No nation is safe from pollution which travels by water. The Convention for the Prevention of Marine Pollution by Dumping From Ships and Aircrafts signed at Oslo, Sweden, in February of this year was a major step in the right direction.

When William Ruckelshaus, Administrator of the Environmental Protection Agency, testified before the Senate on this subject, he recommended—

> The creation of the farthest reaching and strongest authority that law and technology will allow.

Mr. Ruckelshaus and all citizens genuinely concerned about this problem can be proud of H.R. 9727.

I am particularly pleased that the conference committee has exempted organic fish wastes in areas of tidal flushing. This provision in section 102(b) will permit the return of natural fish wastes to the oceans where they form a vital source of food for the other animals in the oceanic food chain. This provision will mean much to fishermen on both coasts and will also positively assist the sea creatures themselves.

As the Senate committee stated in its report on this bill:

> We have treated the oceans as enormous and indestructible—145 million square miles of surface—the universal sewer of mankind. Previously we thought that the legendary immensity of the ocean was such that man could do nothing against such a gigantic force. But the real volume of the ocean is very small when compared to the volume of the earth and to the volume of toxic wastes that man can produce with his technological capacity. And, again, as Captain Cousteau has said:
>
> "The cycle of life is intricately tied with the cycle of water. Anything done against the water is a crime against life. The water system has to remain alive if we are to remain alive on this earth."

I am extremely pleased that Congress has taken strong steps to preserve the oceans and to prevent the continuation of this "crime against life."

Mr. HOLLINGS. Mr. President, I move adoption of the conference report.

The motion was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on H.R. 16593, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GAMBRELL). The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. McCLELLAN. Mr. President, this report represents the results of three long meetings of the conference committee which were well attended by the conferees on the part of both Houses. While the total money differences between the House and Senate versions of the bill were small, there were many major differences with respect to various programs and activities. The conference committee considered and resolved approximately 250 separate areas of disagreement between the two Houses. This conference was typical of conferences on major appropriation bills in that there were strong feelings on the part of the conferees on many of the issues, but these differences were compromised in the spirit of give and take which must prevail in order for the legislative process to function.

As the bill passed the other body, it provided for appropriations totaling $74,577,548,000 for the programs and activities of the Department of Defense, the Army, Navy, Marine Corps, and Air Force. The Senate bill provided $74,571,698,000 for these programs and activities—$5,850,000 less than the House bill.

The conference committee agreed to appropriations totaling $74,372,976,000 which is under the budget requests of $79,594,184,000 by $5,221,208,000; under the House allowances by $204,572,000; and under the Senate allowances by $198,722,000.

When I presented this bill to the Senate, I called attention to the fact that the committee's recommendations for reductions in the budget requests totaling $4,989,486,000 reflected reductions resulting from the transfer to appropriations in the bill of $1,315,900,000 from other accounts and funds available to the Department of Defense. The conference committee adopted the Senate proposals for these transfers of funds which exceed the transfers proposed in the House bill by $666.4 million. When you compare the conference committee's recommendation for new appropriations and transfers providing a total availability of $75,688,876,000, it is under the budget program by $3,905,308,000; over the House program by $461,828,000; and under the Senate program by $198,722,000.

Mr. President, I ask unanimous consent to have included in the RECORD at this point in my remarks a summary tabulation reflecting the action of the conference committee on the basis of new appropriations and total availability.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142 and 359, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Sisseton and Wahpeton Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided in this Act.

SEC. 2. (a) The Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe, who were born on or prior to and are living on the date of this Act, and who are entitled to enrollment on their respective membership rolls in accordance with the applicable rules and regulations of the tribe or group involved, using available records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on the date of this Act whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

SEC. 3. No person shall be eligible to be enrolled under section 2 who is not a citizen of the United States.

SEC. 4. Any person qualifying for enrollment with more than one of the named Indian groups shall elect the group with which he shall be enrolled for the purpose of this Act.

SEC. 5. (a) After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of reservation residence and other residence shown on the 1909 McLaughlin Annuity Roll, as follows:

Tribe or Group:	*Percentage*
Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribe of the Fort Peck Reservation, Mont.	10.3153
All other Sisseton and Wahpeton Sioux	25.0225

(b) The shares of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribe of the Fort Peck Indian Reservation, Montana, as apportioned in accordance with subsection (a), shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to their tribal members: *Provided,* That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 2(a) of this Act. The remainder of such funds may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided,* That, in the case of the Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes: *And provided further,* That the Sisseton-Wahpeton Sioux Tribe of South Dakota shall act in concert with its membership residing in the Upper Sioux Community in Minnesota and its membership affiliated with the Urban Sisseton-Wahpeton Council of the Minneapolis-St. Paul area in jointly submitting programing proposals to the Secretary.

(c) The funds allocated to all other Sisseton and Wahpeton Sioux, as provided in subsection (a), shall be distributed per capita to the persons enrolled on the roll prepared by the Secretary pursuant to section 2(b) of this Act.

SEC. 6. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons after considering the recommendations of the governing bodies of the groups involved: *Provided, however,* That no restrictions shall be placed upon payments to persons eighteen years of age or over who are married and are not under a legal disability for any reason other than age.

SEC. 7. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

AMENDMENT OFFERED BY MR. ASPINALL

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

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 1462 and insert in lieu thereof the provisions of H.R. 6067, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6067) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have permission to extend their remarks immediately preceding passage of this bill.

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

There was no objection.

CONFERENCE REPORT ON H.R. 9727, MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

Mr. LENNON. Mr. Speaker, I call up the conference report on the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 9, 1972.)

Mr. LENNON. Mr. Speaker, I urge the support of the House for the conference report on H.R. 9727. It represents, in my opinion, a reasonable, rational, and a practical resolution of the differences between the two bodies on this very important legislation.

For many years, this Nation, along with other nations in the world, have treated the oceans as an unrestricted dumping ground. Quantities of garbage, sewage sludge, laboratory wastes, contaminated dredge spoils, industrial wastes, munitions, and radioactive materials have all be casually disposed of into the ocean "sink," in ever-increasing quantities, with little or no consideration of the impact on the receiving waters. In the past few years, we have begun to realize some of the consequences of our past actions.

Our attention has been drawn to emergency situations where large quantities of nerve gas, enclosed in supposedly leakproof containers, have been transported from the center of our country to be loaded on vessels for disposition at sea. Congressional hearings to inquire into the need for such an action resulted only in declarations that it was too late to take any other disposal action. The truth of the matter is that no alternative plans were considered, and the nerve gas, together with its propellant charges, were simply allowed to reach a point where their threatened deterioration might create a major hazard unless they were immediately disposed of. The solution for the disposal was the selfsame ocean waters where the feeling in the past has been "out of sight, out of mind."

The various dumping activities have been coupled with agricultural runoff from the land and vast quantities of waste materials deposited into our river systems for transportation to the sea. Added together, they have had a massive

deleterious effect on our offshore waters. Plants and animals have been killed by toxic wastes, areas of ocean bottom, such as the New York Bight, have been suffocated and turned into "ocean deserts," cancerous growths have been found on fishes in areas polluted by waste material, reduced growth rates and lowered reproductivity activity of fishes have occurred.

The lower levels of the food chain in the ocean waters have been obliterated in some areas, the concentrations of pesticides and heavy metals have rendered some fish species unsafe for consumption and have threatened the existence of other species higher in the food chain, the oxygen in many water areas have been depleted below the level necessary either to support marine life or to degrade the deposited wastes, and beaches have been closed to swimming and shellfish beds closed to harvesting because of high concentrations of coliform bacteria and of viruses causing various types of infection and diseases.

Aside from the massive threat to animal and human health, the results of this pollution have caused significant economic losses. Resort areas have experienced a loss of income-producing visitors, and commercially valuable fisheries have suffered, with the loss to the shellfish catch alone estimated at $63 million in the 1969 harvest. This situation requires prompt action.

The Members of the House will recall that this body on September 9, 1971, took a major step down the long road to correction by passing H.R. 9727. The bill did several important things. It banned the transportation from the United States for dumping at sea of all radiological, chemical, and biological warfare agents, as well as high-level radioactive waste. In addition, it required for materials other than those banned, a permit system to be administered by the Environmental Protection Agency for materials with the exception of dredged material, the permits for which would be handled by the Corps of Engineers.

The division of responsibility was deliberate in that the Environmental Protection Agency was given the primary responsibility for protecting the oceans from materials transported from the United States at the same time the bill recognized the responsibility of the Army Engineers in that maintenance of our waterways and, therefore, left the disposal of dredged material to be handled by the Engineers subject to the overall direction and standard development by the Environmental Protection Agency. I felt then and I feel now that the result is a reasonable balance between the demonstrated needs to protect our marine environment and economic needs of our domestic and foreign water commerce.

The bill included two additional titles which are complementary to title I. The first of these focused attention on necessary research to evaluate both short-term and long-range effects of ocean pollution, and the second title provided a scheme whereby particular areas may be preserved or restored in order to insure their maximum overall potential.

H.R. 9727 developed from an administration proposal which was considered along with some 50 other bills in joint hearings and executive sessions of the Subcommittees on Oceanography and Fish and Wildlife Conservation. The bill was unanimously reported from the joint subcommittees, unanimously adopted and reported to the House by the Merchant Marine and Fisheries Committee, and passed by the House by a vote of 304 to 3.

I have reviewed the background for a specific purpose, since the conference report has in general resolved the differences between the two bodies in favor of the House approach. As to the coverage of the bill, there was a compromise. The House version applied to all navigable waters, consistent with the recommendation of the administration. In view of the fact that it felt that the dumping problem was adequately taken care of in the Federal Water Pollution Control Act in internal waters, the Senate made the coverage applicable only to the waters outside the territorial limits of the United States.

The conferees compromised at the baseline, that is the line between internal waters and the open seas. This decision was based on a simple truth. As far as movement of ocean pollutants are concerned, there is no such thing as territorial waters. While we may draw a line on the ocean floor, and lay claim to the bottom land, the water above it is as independent as the atmosphere above dry land. Since the ocean waters constitute one unified mass, the conferees felt that it made little sense to handle dumping permits for ocean waters outside the territorial seas and leave the ocean waters within the territorial sea to be handled by other means.

In other respects, the conferees, with refining language changes, adhered to the House position. They retained the title III marine sanctuary provisions, tightening the language to make it clear that the implementation of that title could not in any way conflict with international law or principles. The conferees also retained, at the insistence of the House conferees, the provisions relating to the Corps of Engineers control over the disposal of dredge material, subject to more explicit language delineating the overall responsibilities of the EPA. The resolution of other differences is covered explicitly in the report, resulting in overall improvement to the legislation.

The conference report contains no nongermane matters. As to the appropriation authorizations, the conferees accepted the Senate limitations for title I, compromised between the House and Senate provisions for title II, and accepted the House provisions under title III.

I urge your support of the conference report.

Mr. MOSHER. Mr. Speaker, I rise in support of the conference report on H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1972.

Approximately 2 years ago on October 7, 1970, President Nixon transmitted to the Congress a message recommending the enactment of legislation to ban the unregulated dumping of all materials into the oceans. At that time, he submitted a study conducted by the Council on Environmental Quality which found that the volume of waste material being dumped into the oceans is increasing rapidly throughout the world, and that unless we act now the problem will reach unmanageable proportions in the very near future.

At the same time, the President initiated a number of steps to bring the problem of ocean dumping to the attention of the international community, recognizing that in the long run the health of the world's oceans must be preserved through internationally agreed and enforced measures. As a result of the President's initiatives at the international level, a plenipotentiary conference to adopt an ocean-dumping convention will convene in London on October 23.

Our enactment of H.R. 9727 will place the United States in the forefront of nations at this conference as the only major power to have adopted comprehensive domestic legislation curtailing the use of the oceans for disposal of land-generated waste.

This legislation, therefore, marks a turning point in man's destructive use of the seas as a garbage dump. Hopefully, in the very near future all nations will follow our lead recognizing that the global oceans can no longer tolerate such abuses. This legislation and an earlier bill, the Ports and Waterways Safety Act, form a comprehensive package of legislation to minimize pollution of the oceans resulting from deliberate discharges of material into the seas and accidental pollution, the result of marine casualties.

Again, at the international level, amendments to the Oil Pollution Convention have been adopted to minimize global oil pollution from the routine discharge of oily wastes from tankers and to minimize the pollution potential of very large tankers in the event of a casualty. The 92d Congress, therefore, has been an extremely productive Congress from the standpoint of reversing this dangerous spiral of ocean pollution.

It has been a bipartisan effort, both in the Congress and between the Congress and the administration.

The work of the committee on conference has extended over a period of almost 11 months. There were significant differences between the bill as passed in the House and in the other body. These differences have been fully explained by my distinguished colleague, the gentleman from North Carolina (Mr. LENNON), and I will not attempt to amplify on his concise remarks.

The principal issue resolved by the conference committee dealing with the issuance of permits for the disposal of dredge spoil material has been, I believe, resolved in a manner which is satisfactory to all interested parties, and which will insure that dredge spoil will pose no threat to the quality of our ocean waters in the future.

In closing, Mr. Speaker, I would like to comment briefly upon titles II and III of

the bill, dealing with research and marine sanctuaries, respectively.

The research work to be conducted by the Commerce Department acting through NOAA, in coordination with the Coast Guard and the Administrator of EPA, is of vital importance to our long-range effort to stop all dumping. It is important to note that the research work called for in title II is not limited to international ocean areas but also encompasses our domestic coastal waters, the Great Lakes, and their connecting waters.

The problem of pollution in the Great Lakes is acute, and as a Representative from the Great Lakes area, I am naturally anxious that every possible effort be made to insure that the quality of the Great Lakes is restored to a high level of purity. I expect that the Secretary of Commerce will utilize the authority set forth in title II of the act to significantly expand efforts already underway in the Environmental Protection Agency and NOAA to restore the Great Lakes. It should be noted that sections 202 and 203 of the act authorize the Secretary of Commerce to utilize other agencies and to render financial assistance to Federal, State, interstate, or local authorities that are engaged in projects leading toward the termination of dumping.

In a similar vein, title III authorizes the Secretary of Commerce to establish marine sanctuaries in the Great Lakes and their connecting waters which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. Again, I anticipate that the Secretary, in cooperation with the Governors of the Great Lakes States, as called for in section 302(b) of the act, will move vigorously to establish marine sanctuaries at appropriate Great Lakes areas. The marine sanctuary concept should be an important adjunct to our efforts to preserve shoreline areas of the Great Lakes that are of significant value.

Last night, Mr. Speaker, the House adopted the conference report on the coastal zone management bill, S. 3507.

Section 312 of that bill authorizes the Secretary of Commerce to make grants to the States of up to 50 percent of the cost of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone.

This is another complementary step which, in conjunction with the ocean dumping bill, will insure a great advance in our understanding and wise use of ecologically fragile estuarine areas.

Mr. Speaker, this legislation is a well-developed approach to ocean dumping regulation which deserves the support of every Member of this House. I urge adoption of the conference report.

Mr. DINGELL. Mr. Speaker, I rise in support of the conference report on H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1972.

Clearly, Mr. Speaker, the present system we have for controlling ocean dumping is not working. In fact, it is not a system at all. We have a permit program which is administered by the Army Corps of Engineers, but it is so full of gaps and loopholes that it cannot fairly be called a regulatory system. It is more like a sieve through which is filtered every kind of junk imaginable: sewage sludge, dredge spoil, garbage, chemical wastes, and debris of all sorts. I recall a CBS documentary of about a year ago in which the writer said we were spilling into the oceans "the gross national product of yesterday." And gross it is: "black liquor" from paper mills, sulfuric acid residues, germ-laden sludge from sewers, the junk and filth from a thousand towns that border the oceans or touch on the Great Lakes.

The Corps of Engineers is really not to blame for the sorry state of affairs: there are no standards or criteria in the present law which would give them guidance. The present statute and the regulations issued under it came into being before our national consciousness was aroused, before we began to realize the danger to our environment. The considerations of the past were economic. The oceans that surround our country were looked upon as cheap, convenient areas in which to discard the garbage and wastes we had generated. And that was not long ago, Mr. Speaker. In 1965, for example, officials of New York City were boasting of the "flush action" of the tides in New York Harbor. Because of this "flush action" they said there was no danger to human health in dumping thousands of tons of raw sewage in the Hudson at midtown Manhattan.

We know now how distastrously wrong those gentlemen were: whole areas of the New York Bight are now dead, incapable of supporting life. Many beaches are unsafe. Spawning grounds of countless local fish species have been fouled and catches drastically reduced. The stench that pervades the harbor gives the lie to their assurances and their promises.

To my mind, that is the important thing about this ocean dumping bill: it recognizes in its preamble the fact that we should have recognized long since: that unregulated dumping of material into ocean waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentials.

In section 2(b), Congress declares that "it is the national policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health—or the marine environment . . .".

This is done, Mr. Speaker, by a strict permit system administered by the Administrator of the Environmental Protection Agency or the Corps of Engineers, as the case may be. The bill essays to control all dumping into the ocean, estuaries and the Great Lakes where the material and cargoes originate from our shores as well as dumping within waters over which the United States exercises jurisdiction by foreign nationals or where the dump cargoes originate from other nations. There are stiff penalties—civil and criminal. The bill directs a civil penalty for each violation of up to $50,000 and criminal penalties of $50,000 per day for each violation or imprisonment for up to 1 year.

We are particularly concerned in this legislation about radioactive wastes, chemical or biological warfare agents, and high level radioactive wastes: we expect that if this bill becomes law, dumping of this material will be stopped.

A special provision was written in this bill concerning dredge spoils, material which is dredged or excavated from the navigable waters of the United States. Dredge spoils, according to the 1970 report on ocean dumping by the Council on Environmental Quality—CEQ—makes up 80 percent of the material currently dumped from our shores. It has been estimated that a third of this tonnage is polluted. The Corps of Engineers is, of course, responsible for creating most of this dredge spoil. Therefore, under section 103, the Secretary of the Army is authorized to issue permits permitting the disposal of dredge spoils at sea after notice and an opportunity for public hearings "where the Secretary determines that the dumping will not unreasonably degrade or endanger human health, welfare or amenities or the marine environment, ecological systems or economic potentialities." The bill spells out what criteria the Secretary must use in arriving at that determination—section 103(b).

Mr. Speaker, in the course of our hearings on ocean dumping, we began to realize that in so many areas our knowledge of the ocean environment was fragmentary and incomplete.

Ignorance, St. Thomas Aquinas said in the Summa, is essentially a failure to know something which we ought to know. Our ignorance of the lifegiving oceans and marine ecosystems in this context is to my mind inexcusable. To make a beginning then at knowing what we ought to know, we have provided in this bill for a comprehensive program of research on ocean dumping, its effects, long and short term.

This research will be carried out by the Department of Commerce, the Coast Guard, the Corps of Engineers, and the EPA. The Secretary of Commerce will coordinate and report his findings to Congress on a semiannual basis.

The bill also provides for the creation of marine sanctuaries to be designated by the Secretary of Commerce within our territorial waters. If the sanctuary is to be located outside our territorial waters, the bill authorizes the Secretary of State to enter into negotiations with other governments to accomplish this end. Section 109 also authorizes the Secretary of State, after consultation with the Administrator, to "seek effective international action and cooperation to insure protection of the marine environment * * *" and to "formulate, present, and support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this act."

Mr. Speaker, this is a bill which deserves the support of the House. Much hard work has gone into it. We have

relied heavily on the report on ocean dumping which was issued by the Council on Environmental Quality in October of 1970. It was an excellent report and many of its more important recommendations are found in this bill. Our hearings were long and informative. What we found the problems to be, we addressed in this bill. If this conference report is passed—and I am confident it will be—and if President Nixon signs this measure into law—and I am confident that he will—we will have done something which we can be proud of—something which the American people will be proud of.

Under the law of trusts, a trustee cannot with impunity dissipate the property which forms the corpus of the trust. He is held strictly accountable for his actions, and if he wastes the resources of the trust, he must make restitution; he must square the accounts.

We have been given our world in trust by a beneficent and a benevolent God. We are going to be held strictly accountable. We cannot dissipate the corpus of the trust—our land, our air or water—our oceans. The time has come to begin to make restitution for the negligences of the past, the recklessness with which we have spent our resources.

I invite the attention of my colleagues to a statement by Capt. Jacques-Yves Cousteau submitted for inclusion in the printed record of our hearings. It is not an ordinary piece of prose or everyday sort of testimony before a congressional hearing. It is simple, direct, and almost poetic:

> Because 96 percent of the water on earth is in the ocean, we have deluded ourselves into thinking of the seas as enormous and indestructible. We have not considered that earth is a closed system. Once destroyed, the oceans can never be replaced. We are obliged now to face the fact that by using it as a universal sewer, we are severely overtaxing the ocean's powers of self-purification.
>
> The sea is the source of all life. If the sea did not exist, man would not exist. The sea is fragile and in danger. We must love and protect it if we hope to continue to exist ourselves.
>
> Men of all nations must join together in an effort to save our seas. I am sure that by such measures as are called for in H.R. 805 (now H.R. 9727) we will succeed. (Committee on Merchant Marine and Fisheries, Subcommittee on Fisheries and Wildlife Conservation and Subcommittee on Oceanography: *Ocean Dumping of Waste Materials*, April 6, 1971 at page 162.)

Mr. Speaker, I urge my colleagues to support the conference report and to put the Congress on record in opposition to irresponsible and indiscriminate dumping in the beautiful waters that surround our country.

Mr. Speaker, I would like at this time to briefly describe the conference bill and make a few comments on the differences between the House and Senate versions of the bill.

Title I of H.R. 9727 would prohibit unregulated dumping of waste material into our coastal and offshore waters.

In accomplishing this purpose, the transportation and dumping of radiological, chemical, or biological warfare agents or high level radioactive waste would be banned. There would also be a ban placed upon the transportation and dumping of all other waste material, unless authorized by a permit to be issued by the Administrator of the Environmental Protection Agency or the Secretary of the Army, as the case may be.

The House bill assigned the responsibility for issuing dumping permits to the Administrator of EPA in all cases except those involving dredge and fill operations; in which case the Corps of Engineers would continue in its responsibilities. As to corps issued dredge permits, the Administrator would be given power to designate areas which might not be used as disposal sites. Material could be placed in those areas only when the Secretary of the Army certified that no economically feasible alternative was reasonably available.

The Senate alternative to this approach was to concentrate the disposal permit issuance responsibilities in EPA.

This extremely complex question was resolved by the committee of conference by allowing the Secretary to issue permits for transportation of dredged material for dumping. However, in issuing such permits, he would be required to follow the criteria set down by EPA.

It is expected that the Secretary, when selecting sites for disposal of dredged material, will select economically feasible sites. In any case in which he finds that there is no economically feasible site which would not violate the EPA criteria or the EPA restrictions as to critical areas, then the Secretary would be authorized to request a waiver from EPA. In turn, the Administrator of EPA would have to grant the waiver unless he found that the preposed dumping would result in an unacceptably adverse impact upon the area concerned.

As enacted, the House bill extended the coverage of the Act to oceans, estuarine waters, other coastal waters affected by the tides, and the Great Lakes. The Senate bill provided coverage only to the ocean waters beyond the territorial sea of the United States. The conference bill would resolve the conflict by drawing the line at the "base line," that is the line from which the territorial sea is measured.

The House bill contained language that would permit any State to impose additional requirements to the criteria developed by the Administrator relating to dumping of materials. The Senate version of the bill restricted the right to cases in which a State proposed additional criteria which was subsequently accepted by the Administration and thereafter treated as Federal. The Senate version was adopted by the conferees.

The House bill contained an open-ended authorization as to time and funds whereas the Senate version of the bill would authorize to be appropriated not to exceed $3.6 million for fiscal year 1973 and $5.5 million for fiscal year 1974. The conference bill adopted the Senate version and added that for fiscal years after fiscal year 1974, funds would be provided for by subsequent congressional action.

The House version of title II provided for research by the Secretary of Commerce, the department in which the National Oceanic and Atmospheric Administration is currently operating, on the effects of dumping and on global monitoring of ocean problems. It authorized $2 million for these purposes. The Senate bill increased the authorization to $12 million, added a reporting requirement and instructed the Secretary of Commerce to do research to determine means of ending all dumping within 5 years. The conferees decreased the authorization to $6 million, incorporated an annual reporting requirement and instructed the Secretary, in cooperation with other interested agencies, to do research aimed at reducing or eliminating ocean dumping within 5 years.

The House version of the bill contained a title III which would authorize the Secretary of Commerce to establish marine sanctuaries in our coastal and offshore water out to the edge of the Continental Shelf. The concurrence of the Governors of the affected States would be required where the proposed sanctuary falls within State jurisdiction.

There was authorized to be appropriated $10 million per year for a period of 3 years to carry out the purposes of this title.

The Senate version of the bill contained no provision at all on marine sanctuaries.

Mr. DOWNING. Mr. Speaker, I am proud to rise in support of the conference report on H.R. 9727, the so-called ocean dumping bill. I urge its rapid passage because I believe it is essential for the Congress to act now, in order to stop the indiscriminate and uncontrolled dumping of harmful waste material into America's coastal and offshore waters.

In an era that has been distinguished by a new and genuine concern for our environment, this report should certainly become landmark conservation legislation, because it represents the first attempt by Congress to prevent the oceans from becoming dangerously polluted and irreversibly damaged.

Basically, the conference report we are considering today is designed to establish a concerted, national policy on ocean dumping. It represents the final results of the sincere efforts of both the Senate and the House to produce a practical, workable program.

Mr. Speaker, I am especially proud of the role our Committee on Merchant Marine and Fisheries played in the evolution of this report, because our members drafted the legislation with great care and thoroughness. In addition to extensive open hearings, long hours of executive sessions were held, and I estimate that more than 75 hours were spent on the legislation by the committee members.

The hearings were jointly held by our Subcommittee on Oceanography and our Subcommittee on Fisheries and Wildlife Conservation. Congressman ALTON LENNON, and Congressman JOHN D. DINGELL, the respective chairmen of those subcommittees, jointly chaired the hearings. I am indebted to both of these distinguished colleagues for the exceptional job they did on this subject.

I would like to say, however, that in addition to probably becoming landmark

legislation, this conference report will be an outstanding contribution to the environmental cause for another reason: I think it will set an example for all future environmental legislation. I say this because it attempts to guard against over-reaction to pollution problems by establishing a sensible balance between the need to protect and preserve our environment and the need to maintain and promote industrial and economic development.

That kind of balance was not easy to attain, and this is one of the reasons the committee members worked so long and hard. Their efforts were fruitful, because they have produced legislation that will effectively protect and preserve the vast ocean resources, and at the same time, satisfy the justifiable concerns expressed during our hearings by the port authorities, by the steamship industry and by the great industrial interests of our Nation; all of these were concerned, and justifiably so—that our Nation's economy and, therefore, our national welfare, could be adversely affected by legislation that was too hurriedly drawn, or that was drawn with a prejudiced viewpoint.

Mr. Speaker, this is a good and a sensible report. And, when enacted, the legislation will fulfill a great and vital need. The Senate approved this conference report today, just a few hours ago. I urge all my colleagues in the House to join me in supporting and passing this report, and I earnestly hope it will be enacted yet this year.

I rise to pay my great respect to a gentleman in our midst who has done so much for his district, State, and Nation and who should really go down in history as the father of the Nation's oceanography program as the chairman of the Subcommittee on Oceanography he has done more than any Member of the Congress to see that this "last frontier" for mankind is properly explored and exploited by this nation. He has studied. He has worked. He has persevered. Our Nation's progress in the field of oceanography is directly attributed to the efforts of ALTON LENNON.

I often think of my friend as the "ideal" Congressman. For in him, I see what I would like to be. Hidden by modesty is a man of intelligence, integrity, and courage, a man who has dedicated himself to his country as few ever have.

When ALTON LENNON retires from the Congress this year our Nation will have suffered a loss. Someone will replace him, of course, but no one will ever fill his shoes.

From here on in, whenever I hear the phrase "the gentleman from North Carolina," I shall think of my friend ALTON LENNON.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LENNON. 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 matter of the conference report just agreed to.

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

There was no objection.

CONFERENCE REPORT ON S. 3419, CONSUMER PRODUCT SAFETY ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to call up the conference report on the Senate bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the requests of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 12, 1972.)

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, with relatively few substantive amendments, the committee of conference has agreed to accept the House bill. Let me comment briefly on the most significant matters agreed to in conference.

As the Members will recall, the House bill proposed to establish a new independent regulatory commission with comprehensive authority to protect consumers from hazardous products. The House bill did not disturb the Food and Drug Administration's authority over foods, drugs, medical devices, or cosmetics. The Senate bill went much further. Under its terms the Food and Drug Administration would have been abolished and its responsibilities entirely transferred to a new safety agency. The committee of conference has agreed to the more limited purposes and scope of the House bill.

Two amendments to the House bill agreed to by your conferees require special mention. First, we have accepted a Senate amendment which adds to the provisions in the House bill which allowed interested persons to petition the Product Safety Commission to initiate a rulemaking proceeding for the development of a consumer product safety standard or to ban a hazardous product. The House provisions required the Commission to publish in the Federal Register its reasons for denying any such petition. The Senate amendment agreed to by the conferees will allow a petitioner whose request is denied to apply to district court for review of the Commission's denial. If the petitioner is able to convince the court by a preponderance of evidence that the product presents an unreasonable risk of injury and that the Commission's failure to initiate a rulemaking proceeding unreasonably exposes the petitioner or other consumers to a risk of injury, the court may compel the Commission to begin a proceeding. Two important limitations are placed on this authority.

First, the court may not order the Commission to take any action beyond the initiation of a proceeding. It could not, for example, order the Commission to adopt a particular standard. Second, we have decided to delay the effective date of this provision until 3 years after enactment. Several members of the conference expressed concern that the Commission should have an opportunity in the first years of its existence to properly order its priorities.

The National Commission on Product Safety has identified over 40 products which may require mandatory safety standards. Accordingly, the committee felt that the Commission should be given 3 years in which to act before allowing interested persons to bring a proceeding to compel action.

The second substantive addition to the House bill which I want to mention relates to stockpiling. In the past, under other safety laws, unscrupulous manufacturers have taken advantage of the lag between the date on which a safety standard is promulgated and the date on which it takes effect to produce nonconforming products in great quantity. This practice obviously defeats the purpose of the safety standard. Accordingly, the Committee on Conference has agreed to accept a provision from the Senate bill which would allow the Commission to prohibit stockpiling in order to prevent circumvention of a consumer product safety rule.

Mr. Speaker, I believe the committee of conference has reported a good bill. As I noted, it departs in only minor ways from the House passed bill and I strongly urge the House to agree to the conference report.

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise in support of the conference report and the following is a brief discussion of the major differences.

The House bill was used as the vehicle for conference and came out essentially unchanged although numerous language changes were involved.

When the bill was before the House many members were concerned about a provision called the Nelson amendment which did not appear in the House bill but which had been inserted in the Senate bill.

The Nelson amendment prohibited manufacturers and other business interests from participating in the standard-setting process. This was diametrically opposed to the philosophy of the House bill which encouraged such participation.

The conference version retains a very limited portion of the Nelson amendment providing that in the very limited situation wherein a manufacturer of a product is the one and only offeror in a bid to create a product standard, the Commission may concurrently investigate and develop a similar standard.

Such a provision is justified in that the Commission should have independ-

"(f) The Secretary shall promulgate regulations within 90 days (which time may be extended by the Secretary by a notice published in the Federal Register stating good cause therefor) after the date of the enactment of this subsection for applications for exemption from any motor vehicle safety standard provided for in this section. The Secretary may make public within 10 days of the date of filing an application under this section all information contained in such application or other information relevant thereto unless such information concerns or relates to a trade secret, or other confidential business information, not relevant to the application for exemption.

"(g) For the purpose of this section, the term 'low-emission motor vehicle' means any motor vehicle which—

"(1) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under section 202 of the Clean Air Act (42 U.S.C. 1857f 1) at the time of manufacture to that type of vehicle; and

"(2) with respect to all other air pollutants meets the new motor vehicle standards applicable under section 202 of the Clean Air Act at the time of manufacture to that type of vehicle."

Mr. HARTKE. Mr. President, I move that the Senate agree to the House amendment to the Senate amendment to H.R. 15375, authorizing appropriations for the National Traffic and Motor Vehicle Safety Act.

The motion was agreed to.

QUORUM CALL

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FANNIN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1973. An act to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes;

S. 2674. An act to remove a cloud on the title to certain lands located in the State of New Mexico;

S. 3755. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes;

H.R. 8756. An act to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes;

H.R. 9727. An Act to regulate the transportation for dumping, and the dumping, of material into ocean waters, and for other purposes;

H.R. 14128. An Act for the relief of Jorge Ortuzar-Varas and Maria Pabia de Ortuzar;

H.R. 14370. An act to provide fiscal assistance to State and local governments, to authorize Federal collection of State individual income taxes, and for other purposes;

H.R. 14424. An act to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging;

H.R. 14989. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes;

H.R. 16593. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 16754. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS BILL, 1973—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on H.R. 16654, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. FANNIN). The report will be stated by title.

The second assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16654) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 12, 1972 at page 35592.)

Mr. MAGNUSON. Mr. President, conferees met on Thursday, on H.R. 16654, on the second Labor and HEW appropriation bill for 1973. One was vetoed. The conferees accepted in concept the Senate bill—the total Senate bill—which approved of a formula which would meet some of the objections, hopefully we think, of the veto. The Senate bill would allow the President to scale down any item in the Senate bill by as much as 10 percent of what was in the vetoed bill. Therefore, the Senate programs would be existent and no one could take this program and throw it out and put this other one in. It was a question of priority.

The one difference in the conference agreement is that we lowered the total floor amount of the bill. The percentage now that the President may reduce the Senate bill by, in any item he may choose, is from 10 to 13 percent, and this would bring the bill, if he did this on every one, within the figure of the House bill, which lowered the original vetoed bill close to $935 million.

The conference bill now limits the use of the funds contained in the bill for operation and maintenance of schools in federally impacted areas to the entitlements based on the number of so-called A and B children. In all other respects, the House agreed with the Senate bill.

I think we should state that we had many votes here the other night on whether the industrial occupational health and safety laws would apply to anyone employing under 15 people.

The Senate finally arrived at the figure of 3, after several amendments. The House accepted that. So I want that in the RECORD.

Frankly, I was very pleased about it, because I thought maybe we might have to get somewhere in between, because originally they stuck to the 15. These are the only two amendments in the bill.

I move the adoption of the conference report, subject to any discussion other Senators may have.

Mr. JAVITS. Mr. President, would the Senator be kind enough to yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. I think the conference led by Senators MAGNUSON and COTTON did very well, considering the temper of the situation and the House and even here.

I would like to pledge, as I pledged before, our utmost effort in legislative oversight to see that it is intelligently administered. I would also say that we are pushing very hard for the bill, which will allow consultation with employers of 25 or less workers, without their places being inspected. Members of the Senate will remember that we discussed that the other day.

So I think the conferees did very well with that and I certainly am pleased. I think the Senate should be very gratified by the work of its conferees.

On the other subject of the cuts being made by the President, the plan of the Senate-adopted bill remains the same, except that the Senate included from 12 to 13 percent.

Mr. MAGNUSON. That is correct. In simple terms, if under the Senate program we appropriated and agreed on a thousand dollars, which was a vetoed bill, the President could make that $870, if he wished.

Mr. JAVITS. I see.

Mr. MAGNUSON. But he could not cut out the program.

Mr. JAVITS. I see. I think again, we do not like the whole thing; but still it is de minimis, and I wish we could have settled the debt ceiling that easily.

Mr. COTTON. If the Senator will yield.

Mr. JAVITS. I yield.

Mr. COTTON. I want to thank the Senator from New York for his kind words of assurance, particularly in view of the matter of trying to straighten out the situation so that employers with less than 25 employees can receive inspections without necessarily being penalized.

I also would emphasize, and I am sure that my chairman has already made

lative program and any special orders heretofore entered, was granted to:

Mr. McCLORY, for 5 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. CARLSON) to revise and extend their remarks and include extrane- 15 minutes, today.

Mr. HALPERN, for 20 minutes, today.

Mrs. HECKLER of Massachusetts, for 15 minutes, today

Mr. KYL, for 1 hour, today.

Mr. DERWINSKI, for 10 minutes, today.

Mr. RUPPE, for 10 minutes, today.

Mr. MILLER of Ohio, for 1 hour, October 17.

Mr. FINDLEY, for 5 minutes, today.

Mr. WILLIAMS, for 10 minutes, today.

Mr. BUCHANAN, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Iowa, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mrs. GRIFFITHS, for 15 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. O'HARA, for 20 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

(The following Member (at the request of Mr. BREAUX) and to revise and extend his remarks and include extraneous matter:)

Mr. BURTON, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ZABLOCKI, in two instances, and to revise and extend his remarks and include extraneous matter.

Mr. GERALD R. FORD (at the request of Mr. KYL) to extend his remarks in the body of the RECORD.

Mr. MILLER of California, in 5 instances.

(The following Members (at the request of Mr. CARLSON) and to include extraneous material:)

Mrs. HECKLER of Massachusetts.

Mr. JONAS.

Mr. DENNIS.

Mr. WYMAN in two instances.

Mr. SEBELIUS in two instances.

Mr. GROVER.

Mr. HOSMER in three instances.

Mr. HARVEY.

Mr. LANDGREBE in two instances.

Mr. GUBSER in the five instances.

Mr. TERRY.

Mr. BOB WILSON in three instances.

Mr. KEITH.

Mrs. DWYER.

Mr. MIZELL in 10 instances.

Mr. RAILSBACK in three instances.

Mr. WYATT.

Mr. BUCHANAN in five instances.

Mr. SPRINGER.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous material:)

Mr. SIKES in five instances.

Mr. SMITH of Iowa in five instances.

Mr. FASCELL in three instances.

Mr. JOHNSON of California in two instances.

Mr. ICHORD in three instances.

Mr. ANDERSON of California in four instances.

Mr. BINGHAM in five instances.

Mrs. GRASSO in five instances.

Mr. FLOWERS.

Mr. BEGICH in three instances.

Mr. DANIELS of New Jersey in 10 instances.

Mr. GONZALEZ in three instances.

Mr. SISK.

Mr. RARICK in eight instances.

Mr. KLUCZYNSKI.

Mr. COLMER in two instances.

Mr. O'NEILL.

Mr. FLOOD in two instances.

Mr. McFALL.

Mr. HELSTOSKI in two instances.

Mr. BRINKLEY in two instances.

Mr. VANIK in three instances.

Mr. ADAMS in three instances.

Mr. GAYDOS in three instances.

Mr. HAGAN in three instances.

Mr. WILLIAM D. FORD in seven instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4039. An act to amend Public Law 90-553 concerning an international center for sites for chanceries for foreign embassies; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8756. An act to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes;

H.R. 9727. An act to regulate the transportation for dumping, and the dumping, of material into ocean waters, and for other purposes.

H.R. 10556. An act to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof.

H.R. 14128. An act for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar;

H.R. 14370. An act to provide fiscal assistance to State and local governments, to authorize Federal collection of State individual income taxes, and for other purposes;

H.R. 14424. An act to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging;

H.R. 14542. An act to amend the act of September 26, 1966, Public Law 89-606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes;

H.R. 14989. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes;

H.R. 15280. An act to amend the act of August 16, 1971, which established the National Advisory Committee on Oceans and Atmosphere, to increase the appropriation authorization thereunder;

H.R. 16444. An act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes;

H.R. 16593. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes;

H.R. 16754. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 16987. An act to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 216. An act to permit suits to adjudicate certain real property quiet title actions;

S. 1852. An act to establish the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes;

S. 1973. An act to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes;

S. 1928. An act to amend the Wild and Scenic Act by designating a segment of the St. Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers system;

S. 2411. An act to establish the Chamberland Island National Seashore in the State of Georgia, and for other purposes;

S. 2454. An act to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes;

S. 2674. An act to remove a cloud on the title to certain lands located in the State of New Mexico;

S. 2741. An act to amend the Act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act;

S. 3310. An act to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes;

S. 3337. An act to amend the Small Business Investment Act of 1958, and for other purposes;

S. 3507. An act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes;

S. 3755. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes;

S. 4018. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

S.J. Res. 199. Joint resolution to recognize Thomas Jefferson University, Philadelphia, Pa., as the first university in the United States to bear the full name of the third President of the United States;

S.J. Res. 204. Joint resolution to authorize the preparation of a history of public works in the United States;

tial facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972;

S. 3943. An act to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes;

S. 3959. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments;

S. 4022. An act to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Wash., in 1974, and for other purposes;

S. 4062. An act to provide for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus systems engaged in scheduled regular route operations in the National Capital area, and for other purposes;

S. 4059. An act to provide that any person operating a motor vehicle within the District of Columbia, shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the alcohol content; and

S. J. Res. 221. Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 14, 1972:

H.R. 7117. An Act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other puropses;

H.R. 8756. An act to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes;

H.R. 9554. An act to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes;

H.R. 9727. An act to regulate the transportation for dumping, and the dumping, of material into ocean waters, and for other purposes;

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes;

H.R. 13067. An act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.;

H.R. 13694. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended;

H.R. 14128. An act for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar;

H.R. 14370. An act to provide fiscal assistance to State and local governments, to authorize Federal collection of State individual income taxes, and for other purposes;

H.R. 14424. An act to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging;

H.R. 14989. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes;

H.R. 15641. An act to authorize certain construction at military installations, and for other purposes;

H.R. 16593. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 16754. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

On October 16, 1972:

H.R. 10556. An act to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof;

H.R. 14542. An act to amend the act of September 26, 1966, Public Law 89-606, to extend for four years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes;

H.R. 15280. An act to amend the act of August 16, 1971, which established the National Advisory Committee on Oceans and Atmosphere, to increase the appropriation authorization thereunder;

H.R. 16444. An act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes; and

H.R. 16987. An act to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 59 minutes p.m.) the House adjourned until tomorrow, Wednesday, October 18, 1972, 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:

2425. A letter from the Secretary of the Army, transmitting the annual report of the U.S. Soldiers' Home for fiscal year 1971, and a copy of the report of Annual General Inspection of the Home, 1971, pursuant to 24 U.S.C. 59, 60; to the Committee on Armed Services.

2426. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, covering the quarter ended September 30, 1972, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2427. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the effect of the formula now in use for allotment to the States of new construction funds in the Hill-Burton program, pursuant to section 103(c) of Public Law 91-296; to the Committee on Interstate and Foreign Commerce.

2428. A letter from the vice president for public affairs, National Railroad Passenger Corporation, transmitting reports on (1) the average number of passengers per day on board each train operated by Amtrak, and (2) the on-time performance at the final destination of each train operated, by route and by railroad, covering the month of September 1972, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

2429. A letter from the Attorney General, transmitting the first annual report on Federal law enforcement and criminal justice assistance activities, pursuant to section 12 of Public Law 91-644; to the Committee on the Judiciary.

2430. A letter from the Commissfoner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2431. A letter from the Secretary of Health, Education, and Welfare, transmitting the third annual report on services to AFDC families, pursuant to section 402(c) of the Social Security Act, as amended; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee of conference. Conference report to accompany H.R. 1467 (Rept. No. 92-1607). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report to accompany S. 3230 (Rept. No. 92-1608). Ordered to be printed.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on the position and problems of small business in Government procurement (Rept. No. 92-1609). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on U.S. assistance programs in Vietnam (Rept. No. 92-1610). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee of conference. Conference report on House Joint Resolution 1331. (Rept. No. 92-1611). Ordered to be printed.

Mr. RODINO: Committee of conference. Conference report to accompany S. 2087. (Rept. 92-1612). Ordered to be printed.

Mr. COLMER: Committee on Rules. House Resolution 1168. Resolution providing for the consideration of conference reports on the same day reported and waiving the rule requiring a two-thirds vote for the consideration of reports from the Committee on Rules on the same day reported on October 18, 1972. (Rept. No. 92-1613). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 17190. A bill to provide for a Federal loan guarantee and grant program to enable educational institutions and individuals to purchase the optacon, a reading aide for the blind; to the Committee on Education and Labor.

By Mr. BRADEMAS:

H.R. 17191. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 17192. A bill to amend the Internal Revenue Code of 1954 to provide that contributions to the Indoor Sports and Outdoor Athletic Recreation Foundation shall be de-

olution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law.

On October 18, 1972:

H.R. 2118. An act for the relief of the estate of Amos E. Norby;

H.R. 9676. An act to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee;

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, New York, to Sonnenberg Gardens, a nonprofit educational corporation;

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft;

H.R. 16870. An act to amend the Sockeye Salmon or Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes; and

H.J. Res. 1301. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act.

On October 19, 1972:

H.R. 9756. An act to amend the Merchant Marine Act, 1936, as amended; and

H.R. 10655. An act to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness.

On October 20, 1972:

H.J. Res. 984. Joint resolution to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property.

H.R. 14370. An act to provide fiscal assistance to State and local governments, to authorize Federal collection of State individual income taxes, and for other purposes; and

On October 21, 1972:

H.R. 8756. An act to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes;

H.R. 10420. An act to protect marine mammals; to establish a Marine Mammal Commission, and for other purposes;

H.R. 10556. An act to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Bulso, the record owner of the surface thereof;

H.R. 10638. An act for the relief of John P. Woodson, his heirs, successors in interest or assigns;

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes;

H.R. 11032. An act to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia;

H.R. 11563. An act to amend chapter 87 of title 5, United States Code, to waive employee deductions for Federal Employees' Group Life Insurance purposes during a period of erroneous removal or suspension;

H.R. 13067. An act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.;

H.R. 14128. An act for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar;

H.R. 15965. An act to amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, to provide certain revisions in the retirement benefits of public school teachers, and for other purposes; and

H.R. 16987. An act to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

On October 23, 1972:

H.R. 9727. An act to regulate the transportation for dumping, and the dumping, of material into ocean waters, and for other purposes;

H.R. 10384. An act to release certain restrictions on the acquisition of lands for recreational development and for the protection of natural resources at fish and wildlife areas administered by the Secretary of the Interior;

H.R. 12186. An act to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes;

H.R. 13694. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended;

H.R. 15597. An act to authorize additional funds for acquisition of interests in land within the area known as Piscataway Park in the State of Maryland; and

H.R. 16883. An act relating to compensation of members of the National Commission on the Financing of Postsecondary Education.

On October 24, 1972:

H.R. 12828. An act to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes;

H.R. 15883. An act to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes; and

H.J. Res. 748. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to develop cooperative arrangements between institutions of higher education, hospitals, and other nonprofit health service institutions affiliated with the Veterans' Administration to coordinate, improve, and expand the training of professional and allied health and paramedical personnel; to develop and evaluate new health careers, interdisciplinary approaches and career advancement opportunities; to improve and expand allied and other health manpower utilization; to afford continuing education for health manpower of the Veterans' Administration and other such manpower at Regional Medical Education Centers established at Veterans' Administration hospitals throughout the United States; and for other purposes.

On October 25, 1972:

H.R. 5066. An act to authorize appropriations for fiscal year 1973 to carry out the Flammable Fabrics Act;

H.R. 11091. An act to provide additional funds for certain wildlife restoration projects, and for other purposes;

H.R. 11773. An act to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection;

H.R. 14542. An act to amend the act of September 26, 1966, Public Law 89-606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes;

H.R. 14989. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes;

H.R. 15280. An act to amend the act of August 16, 1971, which established the National Advisory Committee on Oceans and Atmosphere, to increase the appropriation authorization thereunder;

H.R. 15375. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973;

H.R. 15461. An act to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes;

H.R. 15475. An act to provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis;

H.R. 15641. An act to authorize certain construction at military installations, and for other purposes;

H.R. 15735. An act to authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the city of New York for educational purposes;

H.R. 15763. An act to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes;

H.R. 16675. An act to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to extend for 1 year the program of grants for State and local prevention, treatment, and rehabilitation programs for alcohol abuse and alcoholism;

H.R. 16754. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; and

H.J. Res. 733. Joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia.

On October 26, 1972:

H.J. Res. 1331. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

H.R. 7117. An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes;

H.R. 9554. An act to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes;

H.R. 16593. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; and

On October 27, 1972:

H.R. 1467. An act to amend the Internal Revenue Code of 1954 with respect to personal exemptions in the case of American Samoans, and for other purposes;

H.R. 3786. An act to provide for the free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wis.;

H.R. 4678. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara, and for other purposes;

H.R. 7093. An act to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma;

H.R. 8273. An act to amend section 301 of the Immigration and Nationality Act;

H.R. 10751. An act to establish the Pennsylvania Avenue Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes;