cy's attention since then which have indicated that any conflict of interest has arisen. Further, with respect to the administration of the Agency's contracts with the National League of Insured Savings Associations, this Agency's Office of General Counsel looked into that matter in detail following a suggestion by former Senator John J. Williams of Delaware in October 1969 that Mr. Baruch's administration of this contract relationship might be improper. Our General Counsel found at that time that there would be no violation of conflict of interest regulations as long as Mr. Baruch's savings and loan association received no benefits in the housing guaranty program and as long as neither it nor Mr. Baruch took part in the management of the National League activities.

Possible Question: Doesn't the fact that secretarial help is furnished by the National League of Insured Savings Associations indicate conflict of interest, or at least improper relations between the League and AID?

Answer: We do not feel that this constitutes any conflict of interest. On the other hand, we agree that it is not a desirable management practice and those individuals will no longer be working in the Agency's offices. Two of the three secretaries in question are no longer working at the housing office and the third will be retiring at the end of this week.

VOTING RECORD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 1972

Mr. SHRIVER. Mr. Speaker, while the work of this 92d Congress continues I want to take this opportunity to report to the people of the Kansas Fourth District on my voting record. There already have been nearly 400 recorded votes on legislation in the U.S. House of Representatives during the first and second session of this Congress. During this second session to date I have maintained a voting attendance record of 95 percent, and my total voting attendance record for the first session was 95.3 percent. In my 12 years in the House, I have accumulated a 94-percent voting attendance record.

For the first time this Congress has operated under a new reform procedure, which I supported, providing for recorded teller votes on many amendments to bills. There have been approximately 200 teller votes in the two sessions of the present Congress.

Since coming to Congress in 1961, I have been recorded upon nearly 2,000 yea-and-nay votes. It is not practical, nor does space permit, a listing of every vote cast by me in the 92d Congress. However, I herewith present a listing on some of the more important bills:

LEGISLATION SUPPORTED BY CONGRESSMAN SHRIVER

I voted in favor of the following bills:

Omnibus Education Amendments of 1972 providing expanded support to colleges and universities, junior colleges and for vocational education, and including increased student financial aid and anti-busing provisions.

To provide increased manpower for the health professions.

Strengthening the National Cancer Institute and other National Institutes of Health to conquer cancer as soon as possible.

Advance the national attack against heart, blood vessel, lung and blood diseases by enlarging authority of the National Heart and Lung Institute.

General revenue sharing providing over $5 billion to local and state governing bodies to help return power to the people.

Revenue Act of 1971 reducing individual income taxes and eliminating certain excise taxes.

Extend Economic Stabilization Act to assist in the fight against inflation.

Treatment and rehabilitation program in the Veterans Administration for servicemen, veterans and ex-servicemen suffering drug abuse or drug dependency.

Increase educational training benefits for Vietnam veterans.

Water Pollution Control Act.

Create public service jobs for unemployed person during times of high unemployment.

To delete funds for Labor Department inspection of small business firms with 25 employees or less under provisions of Occupational Safety and Health Act.

To assist elementary and secondary schools, community agencies and other public and nonprofit private agencies to prevent juvenile delinquency.

To strengthen and improve the Older Americans Act of 1965.

LEGISLATION OPPOSED BY CONGRESSMAN SHRIVER

I voted against the following legislation:

1972 Foreign Aid authorization Act.

Providing increased U.S. contributions to the Asian Development Bank.

Increased U.S. participation in the International Development Association.

To establish an Office of Technology Assessment for the Congress.

To give House Administration Committee authority to act without House action on certain allowances to members, officers and standing committees.

Public assistance to mass transit bus companies in the District of Columbia.

HOUSE OF REPRESENTATIVES—*Tuesday, September 26, 1972*

The House met at 12 o'clock noon.

Bishop James K. Mathews, bishop, Washington Area United Methodist Church, offered the following prayer:

Eternal God, Ruler of all nations and Father of all humankind, acknowledging our dependence upon You and our accountability before You, let us live today: Thankful for Your kindness, renewed by Your forgiveness, empowered by Your goodness.

We would live in the present age where You, too, are at work. Help us not to escape into another age, for easy answers to easy problems our fathers found as perplexing in their time as ours are for us today.

May we, then, do what must be done in such a way that our children will not need to undo our deeds, nor have to do them because we have failed to act wisely, in accord with your purposes, and the needs of society. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 21, 1972:

H.R. 2. An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes;

H.R. 7375. An act to amend the statutory ceiling on salaries payable to U.S. magistrates.

H.R. 10670. An act to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes; and

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

On September 23, 1972:

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; and

H.J. Res. 1193. Joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week."

MESSAGE FROM THE SENATE

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

H.R. 4634. An act to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway;

H.R. 14015. An act to amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended; and

H.R. 16251. An act to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3316. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

FREE LETTER MAIL AND AIR TRANSPORTATION MAILING PRIVILEGES FOR MEMBERS OF U.S. ARMED FORCES

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3808) to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail

and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out all after line 2 over to and including "Section" in line 23 on page 2 and insert "That section".

Page 2, lines 24 and 25, strike out "as enacted by the Postal Reorganization Act (84 Stat. 756 and 757; Public Law 91-375),".

Page 3, line 5, strike out "five" and insert "15".

Page 3, line 6, strike out "sixty" and insert "60".

Page 3, line 12, strike out "and".

Page 3, after line 12, insert:

"(2) parcels not exceeding 70 pounds in weight and 100 inches in length and girth combined, which are mailed at any such Armed Forces post office; and

Page 3, line 13, strike out "(2)" and insert "(3)".

Page 3, line 13, strike out "five" and insert "15".

Page 3, line 14, strike out "seventy" and insert "70".

Page 3, lines 14 and 15, strike out "one hundred" and "100".

Page 3, line 19, after "2." insert: "Section 3401 of title 39, United States Code, is amended by—

"(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f); and

"(2) inserting the following new subsection "(c)":".

Page 3, line 19, strike out all after "2." over to and including line 14 on page 4.

Page 4, after line 14, insert:

"(c) Any parcel, other than a parcel mailed at a rate of postage requiring priority of handling and delivery, not exceeding 30 pounds in weight and 60 inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title, shall be transported by air on a space available basis on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment of a fee for such air transportation in addition to the rate of postage otherwise applicable to such a parcel not transported by air. If adequate service by scheduled United States air carriers is not available, any such parcel may be transported by air carriers other than scheduled United States air carriers."

Page 4, strike out all after line 14 down to and including the second line following line 17.

Amend the title so as to read: "An Act to increase the size and weight limits on military mail and for other purposes."

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to obtain a very brief explanation of the bill.

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

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

Mr. DULSKI. Mr. Speaker, on October 4, 1971, by a voice vote, the House passed H.R. 3808, which provided for additional free letter mail and extended air transportation privileges for certain members of the Armed Forces.

The Senate approved the bill on June 16, with amendments, resulting in two substantive changes in the bill. They are as follows:

It deleted that provision which would have extended the free letter mail privilege to all servicemen stationed outside the 48 contiguous States. Present law limits this privilege only to servicemen assigned to combat areas. The estimated cost of this provision—eliminated by the Senate—was $5 million.

In view of the fact that there have been recent generous increases in pay benefits for the military, I am inclined to agree with the Senate action in this regard.

The Senate also revised those provisions in the bill relating to transportation of parcels by air to and from overseas areas.

The House-passed bill would have reenacted the so-called PAL provisions of former title 39, which were inadvertently left out of the Postal Reorganization Act of 1970, and in addition, would have extended the size and weight limitations. It would have permitted the mailing of parcels not exceeding 70 pounds in weight and 100 inches in length and girth combined to and from overseas areas upon payment of surface rates plus a fee to cover the additional costs of air transportation.

The Senate version reenacts the former PAL provisions, but does not increase size and weight limitations which remain at 30 pounds and 60 inches length and girth combined.

The Senate also agreed to increase the size and weight limitations of parcels to be transported by air on a space available basis—SAM—by further amendments as follows:

First. It would permit air transportation of incoming parcels mailed at overseas APO's, which do not exceed 70 pounds and 100 inches length and girth combined; and

Second. It would also permit air transportation of outgoing parcels mailed to overseas APO's, which do not exceed 15 pounds and 60 inches.

The Senate report indicates that different standards were necessary since the Postal Service was not physically equipped at the present time to handle the larger parcels at its facilities which process outgoing mail. We have had discussions with representatives from the Postal Service and are satisfied that this is the case.

I might add at this point, in order to dispel any confusion which may arise in the future, that the Senate report incorrectly indicates that all incoming parcels of increased size and weight can be mailed under the PAL provisions. This is not the case under the bill, since incoming parcels more than 30 but less than 70 pounds and more than 60 but less than 100 inches are permitted only under the so-called SAM provisions.

In view of the fact that the Senate has substantially adopted the House position relative to the necessity of airlifting military mail parcels of increased sizes and weights, I see no purpose in opposing the Senate amendments to H.R. 3808.

Mr. Speaker, I strongly urge concurrence with the Senate amendments.

I include the following:

H.R. 3808

FREE MAIL

As passed the House

Extended free letter mail privileges of servicemen in combat areas to all servicemen outside the 48 States.

As passed the Senate

Deleted.

SAM [1]

As passed in the House

SAM transportation privileges to combat areas for news publications extended to include any APO outside the 48 States.

As passed in the Senate

Retained.

Not in House Bill:

Incoming Parcel Mail: Extended present limits of 5 lbs. and 60 inches in length and girth to 70 lbs. and 100 inches.

Outgoing Mail: Extended 5 lbs. limit to 15 lbs. and retained size limitation of 60 inches in length and girth.

PAL [2]

As passed in the House

Reenacted PAL provisions and also extended limitations from 30 lbs. and 60 inches to 70 lbs. and 100 inches.

As passed in the Senate

Reenacted PAL provisions with amendments.

Struck the extended weight and size limitations (70 lbs.—100 inches) and retained the former limitations of 30 lbs. and 60 inches.

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

Mr. DULSKI. I yield to the gentleman.

Mr. GROSS. It is not my purpose to take time on this bill, because I believe I can support it. This is a bill which was approved by the House Post Office and Civil Service Committee and among other things it provided the free mail privilege to all servicemen overseas. The Senate limited the free mail privilege to servicemen in combat areas; is that not correct?

Mr. DULSKI. That Senate amended the House bill eliminated the extension of the free letter mail privilege and made several adjustments in the authority to mail parcels.

Mr. GROSS. At any rate, that is the legislation now pending before the House, and the limitation on free mail will result in saving in Federal funds in the handling of mail for servicemen.

Mr. DULSKI. That is right.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

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[1] SAM—Provides that parcels are afforded surface transportation within the 48 contiguous states and air transportation, on a space available basis, outside the 48 states upon payment of surface rates.

[2] PAL—Provides that parcels are afforded worldwide air transportation, on a space available basis, upon payment of surface rates plus a fee to cover adidtional costs of air transportation.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3808.

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

There was no objection.

SOVIET-AMERICAN TRADE RELATIONS

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

Mr. WHITEHURST. Mr. Speaker, a new era seems to be dawning in Soviet-American trade relations. While I welcome increased commerce between our two countries, it seems clear that the Soviet Union has been the supplicant because of its crop failure this year.

Ordinarily, I would not favor driving a hard bargain with another country by taking advantage of an economic disaster which has befallen it. However, when that nation is pursuing an inhumane policy, extracting what amounts to a ransom from a portion of its people who wish to emigrate, then I think that our own Government ought to use its economic leverage on behalf of defenseless and helpless human beings who seek only to live out their lives in peace and dignity, free from persecution.

Just over a generation ago, the most vile genocide was practiced in Central Europe while the free world stood by and wrung its hands. We in the West cannot again ignore the cries for help. No sacrifice in blood is required of us, and very little in treasure. Can we do less than withhold a commercial advantage for the sake of thousands of Russian Jews who are being held for a false and distorted debt claimed by the Soviet Government?

Mr. Speaker, I believe that this Congress should pass a resolution insisting that no trade advantages be granted the Soviet Government until its policy of requiring educational ransom is formally repealed.

CALL OF THE HOUSE

Mr. ARENDS. 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. 385]

Abourezk	Byrnes, Wis.	Dowdy
Anderson, Ill.	Byron	Dwyer
Anderson, Tenn.	Clark	Edmondson
	Clay	Eilberg
Badillo	Conyers	Erlenborn
Baring	Crane	Evans, Colo.
Betts	Dellums	Findley
Bevill	Derwinski	Frenzel
Biaggi	Devine	Galifianakis
Blanton	Dorn	Gallagher
Blatnik	Dow	Garmatz
Gettys	McDonald, Mich.	Rooney, N.Y.
Giaimo	McMillan	Runnels
Grasso	Macdonald, Mass.	Saylor
Green, Oreg.		Scheuer
Griffiths	Mailliard	Schmitz
Gubser	Minshall	Sikes
Halpern	Mitchell	Springer
Hébert	Monagan	Stokes
Heckler, Mass.	O'Hara	Symington
Hosmer	O'Konski	Teague, Calif.
Howard	Patten	Teague, Tex.
Hunt	Pelly	Thompson, Ga.
Jonas	Peyser	Thomson, Wis.
Jones, Tenn.	Pike	Wiggins
Kuykendall	Pirnie	Wilson, Charles H.
Latta	Powell	Wolff
Lujan	Pryor, Ark.	Wylie
McClory	Pucinski	Yatron
McCloskey	Reid	Young, Tex.
McCormack	Rhodes	
McCulloch		

The SPEAKER. On this rollcall 339 Members have answered to their names, a quorum.

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

CONFERENCE REPORT ON H.R. 12652, COMMISSION ON CIVIL RIGHTS

Mr. CELLER submitted the following conference report and statement on the bill (H.R. 12652) to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92–1444)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12652) to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, 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 Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 8 and 9, and agree to the same.

EMANUEL CELLER,
JACK BROOKS,
WILLIAM L. HUNGATE,
WILLIAM M. MCCULLOCH,
EDWARD HUTCHINSON,
Managers on the Part of the House.
PHILIP A. HART,
ROMAN L. HRUSKA,
HUGH SCOTT,
HIRAM L. FONG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12652) to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendments numbered 1 through 7: Delete technical renumbering changes proposed by the Senate and appropriate only if amendment numbered 10 had been retained.

Amendment numbered 8: Authorizes Civil Rights Commission appropriation for fiscal year 1973 of $5,500,000, as proposed by the Senate, instead of $6,500,000, as proposed by the House.

Amendment numbered 9: Authorizes annual Civil Rights Commission appropriation for fiscal years 1974 through 1978 of $7,000,000, as proposed by the Senate, instead of $8,500,000, as proposed by the House.

Amendment numbered 10: Senate recedes.

EMANUEL CELLER,
JACK BROOKS,
WILLIAM L. HUNGATE,
WILLIAM M. MCCULLOCH,
EDWARD HUTCHINSON,
Managers on the Part of the House.
PHILIP A. HART,
ROMAN L. HRUSKA,
HUGH SCOTT,
HIRAM L. FONG,
Managers on the Part of the Senate.

PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to insert his remarks at this point in the RECORD.)

Mr. MIKVA. Mr. Speaker, I regret that I was necessarily absent when the House voted on several matters recently. Had I been present I would have voted as follows:

"Yes" on rollcall No. 372, final passage of H.R. 16654, fiscal year 1973 appropriations for the Departments of Labor and HEW;

"No" on rollcall No. 370, adoption of an amendment to H.R. 16654 exempting certain employers from the safety and health requirements of the Occupational Safety and Health Act;

"Yes" on rollcall No. 371, adoption of an amendment to H.R. 16654, increasing funds for bilingual education;

"Yes" on rollcall No. 375, final passage of H.R. 15003, the Consumer Product Safety Act;

"Yes" on rollcall No. 376, adoption of the rule for consideration of H.R. 16705, foreign aid appropriations for fiscal year 1973;

"No" on rollcall No. 380, adoption of an amendment to the foreign assistance appropriations bill (H.R. 16705) ending guarantees of private overseas investments;

"Yes" on rollcall No. 382, adoption of the rule for consideration of H.R. 16754, military construction appropriations for fiscal year 1973;

"Yes" on rollcall No. 383, final passage of the military construction appropriations bill;

"Yes" on rollcall 384, final passage of House Joint Resolution 1227, approving the interim SALT agreement with the U.S.S.R.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2770, WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight, September 26, 1972, to file the conference report on S. 2770, the Water Pollution Control Act Amendments of 1972.

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

There was no objection.

SECOND ANNUAL REPORT ON HEALTH MATTERS COVERED BY FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am pleased to submit to you the second annual report on health matters covered by the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173.

The report covers the implementation of the health program carried out by the National Institute for Occupational Safety and Health of the Department of Health, Education, and Welfare. The report provides a compendium of coal mine health research, medical examinations of coal miners, and other activities of 1971.

It is encouraging to note that, in 1971, the Department of Health, Education, and Welfare completed the first round of medical examinations of coal workers required in the act. Many of the X-rays taken in the examination have been completely processed and those miners with abnormal chest conditions have been notified of these conditions and of their rights under the act.

A comprehensive research program, which has as its basic objective the determination of the development and progression of coal workers' pneumoconiosis, continued in 1971 along the lines established in 1970. Significant progress was made in 1971 toward the attainment of this goal.

I commend this report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *September 26, 1972.*

PROVIDING FOR CONSIDERATION OF H.R. 1121, GATEWAY NATIONAL SEASHORE, NEW YORK AND NEW JERSEY

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1135 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1135

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. 1121) to provide for the establishment of the Gateway National Seashore in the States of New York and New Jersey, 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 Interior and Insular Affairs, 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 Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute are hereby waived for failure to comply with the provisions of clause 7, Rule XVI. 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. After the passage of H.R. 1121 the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 1852, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 1121 as passed by the House.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. 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 1135 provides an open rule with 2 hours of general debate for consideration of H.R. 1121 to establish the Gateway National Seashore. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and, because the substitute would not be germane to the original bill, points of order are waived for failure to comply with clause 7 of rule XVI. After passage of H.R. 1121, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 1852 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 1121 is to establish a national seashore in the States of New York and New Jersey to be known as the Gateway National Seashore. This unit of the national park system will provide a recreational area for more than 20 million people within a four-State region and 2 hours travel time. The prime recreation resource in the area is its beaches.

The total size of the area is 26,172 acres, of which 403 acres are privately owned. The city of New York owns approximately 16,980 acres; the State of New York owns approximately 2,090 acres; New Jersey owns approximately 2,962 acres; the Federal Government owns 3,737 acres.

About $11,450,000 are authorized for land acquisition and $92,813,000 are authorized for development of the recreation area.

There is no comparable recreation area at the present time.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from New York (Mr. DELANEY) has explained the rule precisely in accordance with the manner and in the way I understand it. Accordingly I associate myself with his remarks. I will not take additional time from that standpoint.

I might add or emphasize that there is some controversy on this housing that is being built on Floyd Bennett Field, in that area and, as has been indicated, as I recall, there are no sewers or streets or lighting at the present time.

I simply mention this so the Members can be prepared from that standpoint.

There are four provisions in this bill that are subject to a point of order, in view of clause 7, rule XVI.

The original bill was amended—and it comes in as a substitute in the nature of an amendment. There are four parts therein which are in violation of clause 7, rule XVI. These are section 2(d), authorizing housing on Floyd Bennett Field; section 3(c), which permits the Secretary of the Interior to cooperate with the Secretary of the Army on Corps of Engineers projects; the third is 3(d), which provides that the Secretary of Interior may cooperate with the Secretary of Transportation on operating airway facilities.

Section 4 sets up a new advisory committee. All points of order were waived as to clause 7, rule XVI, to cover these matters.

At this time, Mr. Speaker, I yield 3 minutes to the distinguished minority leader (Mr. GERALD R. FORD).

(By unanimous consent, Mr. GERALD R. FORD was allowed to speak out of order.)

FOREIGN AID APPROPRIATION BILL

Mr. GERALD R. FORD. Mr. Speaker, last Thursday during our consideration of the foreign aid appropriations the gentleman from Ohio (Mr. VANIK), with the very best of motives and intentions, offered an amendment to bar any funds to finance or guarantee investments in any country which charges its citizens more than $50 for the right to emigrate.

The gentleman and others argued eloquently that by adding this language the House would utter a "moral outcry" against the reprehensible practice of the Soviet Union in forcing its Jewish citizens to pay as much as $25,000 ransom—more than most people in Russia can legally earn or save in a lifetime—for an exit permit to emigrate to Israel or any other country. After very brief debate the amendment was agreed to by voice vote.

Both the distinguished chairman of the subcommittee handling the bill, Mr. PASSMAN, and I cautioned at the time that the amendment was badly drawn and unnecessary, although we were wholly sympathetic with its symbolic purpose. It has now turned out that the amendment was actually harmful to the very cause its sponsors sought to help. The State of Israel, among other governments friendly to us, charges a travel tax of $140 plus 10 percent of travel ticket costs for persons leaving the country. So this well-meaning but hastily considered floor amendment would, if concurred in by the Senate, have the effect of cutting off all the funds and assistance we voted for Israel in this year's foreign aid appropriation.

In this rare instance the other body

appears to have saved us from our folly. The Senate subcommittee considering foreign aid appropriations, upon learning the facts, deleted this provision, and I trust the conferees on the part of the House will go along. I would say that there are other proper ways for this body and the Congress to express our disgust and disapproval of such shameful Soviet exploitation of its Jewish citizens.

Mr. DELANEY. I yield 1 minute to the gentleman from Ohio (Mr. VANIK).

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

VANIK AMENDMENT

Mr. VANIK. Mr. Speaker, I would like to take this time to speak out of order and address myself to the comments just made by the minority leader (Mr. GERALD FORD).

Mr. VANIK. Mr. Speaker, I violently disagree with the distinguished gentleman from Michigan (Mr. GERALD FORD), and his interpretation of the Vanik amendment to the foreign aid bill adopted by the House of Representatives last Thursday evening. This amendment was designed to prohibit trade credits and loans to any nation charging an excessive visa fee on emigrating citizens. The amendment was designed to manifest America's indignation at Soviet policy in selling liberty to departing citizens at prices up to $37,000.

The adoption of this amendment was telegraphed immediately to the Kremlin, which desperately needs American wheat and other commodities.

I question the interpretation of the State Department which contends that the amendment would deprive aid to nations which impose a travel tax on their citizens. A travel tax is imposed by many nations to protect their balance of payments and to discourage tourism by their own citizens. In the legislative history on this bill, the amendment is applicable only where there is an exorbitant and discriminatory visa charge on a citizen who departs for permanent residence in another nation.

I am shocked that the administration is nitpicking on this issue and has no plan of its own with which to attack the Soviet visa extortion devise. Apparently the administration is more concerned with protecting the wheat deal with the Soviets than ending the barter in human lives.

In this situation, the administration is on the wrong side, and so is the gentleman from Michigan.

I will urge the Senate to adopt the amendment. If necessary, language can be added to accommodate the travel tax issue.

In any event, Congress must not pass by any opportunity to demonstrate to the Soviet Union our moral outrage at present Soviet emigration visa policies.

Mr. DELANEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

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

EXORBITANT EMIGRANT VISAS CHARGED BY RUSSIA

Mr. DENT. Mr. Speaker, I notice that the minority floor leader stated that he hoped the conferees would agree with the Senate. This brings to mind the fact that we have been held up in our attempt to get the minimum wage to a conference by the argument that the Members of the House conferees must be those who voted with the majority in the House, and that that position must be upheld by the conference.

Now, if that argument is correct for one, why ought it not be good for the other? If we are to be held to a position taken by the House on the minimum wage bill, then why is the minority leader not insisting that the House Membership be held to the same position on this particular bill we have been discussing?

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resoluton.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. DELANEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from New York.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 16645, DWIGHT D. EISENHOWER MEMORIAL BICENTENNIAL CIVIC CENTER ACT

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1136 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1136

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. 16645) 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. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, 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 Public Works 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 intervention motion except one motion to recommit with or without instructions. After the passage of H.R. 16645, it shall be in order in the House to take from the Speaker's table the bill S. 3943 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16645 as passed by the House.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1136 provides an open rule with 1 hour of general debate for consideration of H.R. 16645 to amend the Public Buildings Act. The resolution provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and, after passage of H.R. 16645, it shall be in order to take S. 3943 from the Speaker's table, move to strike all after the enacting clause of the Senate bill, and amend it with the House passed language.

The primary purpose of H.R. 16645 is to amend the Public Buildings Act to provide for the construction of a civic center in the District of Columbia to be named for President Eisenhower. The bill further provides for the naming of a number of Federal buildings throughout the United States in honor of the Members of the 92d Congress who are deceased or retiring at the end of this session. Also, the new FBI Building would be named for J. Edgar Hoover; the HEW South Building would be named the Mary Switzer Memorial Building, after the former Administrator of Social and Rehabilitation Services at HEW; the Federal Building in Wilkesboro, N.C., would be named after the late Federal District Judge Johnson J. Hayes.

The site of the civic center is in northwest Washington bounded by Eighth Street, H Street, 10th Street, New York Avenue, and K Street. It will cover approximately 10 acres. The Commissioner of the District of Columbia is authorized to develop, construct, operate and maintain the center and to enter into purchase contracts therefor. The purchase contract may not extend more than 30 years of the date of acceptance. Title shall vest in the District.

A maximum of $14 million is authorized to be appropriated to the District to ease its financial burden during the initial years of the project and it is stated that no additional funds will be recommended. Such funds as necessary are authorized to be appropriated from the District of Columbia budget.

In addition, the legislation extends for 2 years the act passed in the 91st Congress which provided office space and staff for the use of former Speaker McCormack.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

The SPEAKER. The Chair recognizes the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, the gentleman from Massachusetts (Mr. O'NEILL) has ably explained the purpose of the rule and the provisions of the bill.

I merely want to state that I am one of the cosponsors of this measure.

Mr. Speaker, House Resolution 1136 provides a 1 hour open rule, making in order the consideration of H.R. 16645, the Dwight D. Eisenhower Memorial Bicentennial Civic Center Act. The rule makes the committee substitute in order as an original bill for the purpose of amendment. After passage of the bill in the House, the rule then makes it in order to insert the House passed language in the Senate bill.

The purpose of the bill is to authorize the District of Columbia government to construct a civic center in downtown Washington, to be named in honor of President Dwight David Eisenhower. In addition, the bill names new or planned Federal buildings in honor of either deceased or retiring Members of Congress. The bill also extends for an additional 2 years the provisions of House Resolution 1238 of the 91st Congress, enacted into law by the Supplemental Appropriations Act of 1971, which gives Speaker McCormack office space in Boston.

The bill authorizes the Commissioner of the District to provide for the development, construction, operation, and maintenance of the center in Northwest Washington—an area bounded by Eighth Street, H Street, 10th Street, New York Avenue, and K Street. The Commissioner is authorized to enter into purchase contracts which may not extend beyond a 30-year period from the date of acceptance of the center. The center will house an exhibit area of at least 300,000 square feet as well as multiple meeting rooms, but does not contain a sports arena as earlier considered.

The 26 Members having Federal buildings named after them are: WILLIAM COLMER, H. ALLEN SMITH, Mr. ABBITT, Mr. ABERNETHY, Mr. George Andrews, Mr. ASPINALL, Mr. BELCHER, Mr. BETTS, Mr. BOW, Mr. CELLER, Mr. GARMATZ, Dr. HALL, Mr. HULL, Mr. JONAS, Mr. KEITH, Mr. LENNON, Mr. McMILLAN, Mr. MILLER, Mr. Philbin, Mr. Poff, Mr. Rivers, Mr. Watts, Mr. Ellender, Mr. MUNDT, Mr. Prouty, and Mr. Russell.

The report contains six letters, including one from the President, Mayor Washington, District of Columbia Council, et cetera, all in favor of this legislation.

Federal appropriations are authorized at a maximum of $14 million to ease the financial burden of the District budget during the initial years of the project.

Mr. Speaker, I urge the adoption of the rule and the passage of the bill.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. O'NEILL. 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.

PROVIDING FOR CONSIDERATION OF H.R. 9128, CONTAINER BARGE SERVICE

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1121 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1121

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. 9128) to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the 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, and all points of order against said substitute for failure to comply with the provisions of clause 7, Rule XVI are hereby waived. 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 Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks, I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 1121 provides an open rule with 1 hour of general debate for consideration of H.R. 9128, container barge service legislation, and it shall be in order to consider the committee substitute as an original bill for the purpose of amendment. Because the committee substitute amends the Shipping Act of 1916 and the original bill did not, points of order are waived for failure to comply with clause 7 of rule XVI regarding germaneness.

The purpose of H.R. 9128 is to confer to the Federal Maritime Commission jurisdiction over merchandise being moved by barge in foreign commerce.

The Commission would have exclusive jurisdiction over rates and charges for the transportation of containerized cargo moving between points in the United States under certain conditions: First, the cargo is moving between a foreign country or noncontiguous State or possession and the United States. Second, the cargo is being transported on a through bill of lading between such points. Third, the barge transportation within the United States is furnished by a terminal operator as a substitute in lieu of a direct vessel call by a common carrier by water. Fourth, the terminal operator is a State, municipality or other public agency subject to the jurisdiction of the Maritime Commission. Fifth, the terminal operator complies with the regulations of the Commission for the operation of the barge service.

The legislation will result in no costs to the Government.

Mr. Speaker, I urge the adoption of the rule.

Mr. Speaker I now yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

The distinguished gentleman from Massachusetts (Mr. O'NEILL) have explained the rule in detail. It is in accordance with my understanding of the rule and the reason for which we waived the points of order. I concur in his remarks and associate myself with him.

In addition thereto, the main problem we are trying to solve has to do with container barge shipments that go from San Francisco up to Sacramento, Calif., a distance of some 79 miles. There seems to be jurisdictional conflict between the Federal Maritime Commission and the Interstate Commerce Commission. This simple little bill is presented for passage in order to take care of that particular instance, and any others which may happen to follow in that category.

Mr. Speaker, I urge the adoption of the rule.

Mr. O'NEILL. 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.

GATEWAY NATIONAL SEASHORE, NEW YORK AND NEW JERSEY

Mr. TAYLOR. 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. 1121) to provide for the establishment of the Gateway National Seashore in the States of New York and New Jersey, and for other purposes.

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

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. 1121, with Mr. THOMPSON of New Jersey 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 North Carolina (Mr. TAYLOR) will be recognized for 1 hour, and the gentleman from Kansas (Mr. SKUBITZ) will be recognized for 1 hour.

The Chair recognizes the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, it is a pleasure to appear before the House to present the bill—H.R. 1121—which would establish the Gateway National Urban Recreation Area in the States of New York and New Jersey.

BACKGROUND

COMMITTEE WORK

This legislation is the outgrowth of years of work by many people and many hours of work by the members of the Committee on Interior and Insular Affairs—and by the members of the Subcommittee on National Parks and Recreation in particular.

Field hearings were conducted on this measure and related proposals in New York City last year and additional public hearings were held in Washington. There have been numerous conferences with interested persons in an effort to work out a sound, constructive legislative proposal. The bill before you represents the product of those efforts.

BRIEF EXPLANATION OF THE BILL

Mr. Chairman, H.R. 1121 begins a relatively new concept for the national park system. Its objective is to provide significant, nearby outdoor recreation opportunities for the millions of people living within the Newark-New York metropolitan region. Within 2 hours of some part of this proposed recreation complex, 20 million people live.

If approved as recommended, the recreation area would comprise a total of 26,172 acres of land and water. Much of the area is submerged land or marshland with natural values which will interest schoolchildren, the casual visitor, and ecologists.

It is important to note, however, that the area also includes several beachfront properties which will be highly suitable for massive outdoor recreation use. Public beaches in the area are extremely crowded during hot summer seasons. In fact, the mayor of New York City told us that on a hot summer Sunday Coney Island, alone, would have a million visitors. This far exceeds the carrying capacity for that relatively small waterfront area and certainly precludes a pleasant outdoor experience. If H.R. 1121 is enacted, the beach front available to the public will nearly double and some of the finest clean, sandy beaches in the entire region will be opened for public use and enjoyment.

The ocean beaches are suitable for swimming; however, the water quality along the bayside areas will not permit direct water contact activities at the present time. The city of New York under the leadership of Mayor Lindsay and the other communities nearby are making a major effort to clean up the waters of this area and they are hopeful that sometime in the foreseeable future the beaches along Staten Island and on the north shore of Jamaica Bay can be safely used for swimming purposes. In the meantime, these open areas must be preserved and protected from other uses which might preclude forever their use for recreation purposes. Until that time, the members of the committee firmly believe that recreational uses of the lands themselves will be significant.

LANDOWNERSHIP

The interesting feature about this important legislation is that practically all of the lands directly involved are already in public ownership. Much of the area is owned by the city of New York and will be donated to the Federal Government for the purpose of creating this recreation area. About 3,700 acres are presently in Federal ownership. Most of these Federal lands are under the jurisdiction of the Department of Defense, but many of these holdings are no longer needed for defense purposes. Only about 403 acres of land in the entire project are privately owned, and of those only 90 acres are to be acquired.

COST

This brings us to the question of the cost of this project. For land acquisition, the bill authorizes the appropriation of $11,450,000 which will be used primarily to acquire the 90-acre beachfront on the ocean side of the Breezy Point Cooperative. Under the terms of the bill, State and city lands would be acquired by donation only, and title to the Federal lands would be transferred without transfer of funds.

I might say at this point that title to the Federal lands would shift immediately to the Secretary of the Interior under the terms of the legislation, but the present agency would retain a right of use and occupancy of the lands which are deemed essential to its current mission. In other words, it is not the intent of this legislation to upset the current uses of any of the existing Federal lands, but it is intended that when they are no longer essential to present needs that they will be used as a part of this recreation complex. We hope that a large portion can be converted to recreation uses in the next few years.

POSSIBLE AMENDMENTS

Mr. Chairman, I am advised that some amendments may be offered to this legislation. Naturally, it will be my job to represent the committee and to argue for the bill which it recommended. I understand, however, that the provision in the bill which authorizes the Secretary to make available up to 350 acres of land at the Floyd Bennett Field area to the State of New York for a housing development is quite controversial and that an amendment will be offered to delete that provision from the bill. There may be a few other amendments offered, but I am not aware of the details concerning them and will discuss them as they arise.

CONCLUSION

Mr. Chairman, probably no one worked harder for this proposal than our late colleague from New York, Mr. Ryan. Along with many other people, he dreamed of a major recreation facility within reach of the city's poor and underprivileged and he found the place which he thought would accomplish this objective in the Gateway proposal. He liked the concept of an urban recreation area and he succeeded in convincing his colleagues on the committee that the Staten Island unit should be included in the program. While I know he was proud of the bill which the committee reported, he was even happier to know that the program which he had sponsored would become the gateway to happiness for millions of children, young people, and adults in the New York City area just as it had been the gateway to opportunity for millions of immigrants who came through New York Harbor.

This is a large bill and it is an important bill, but I believe that the committee has ironed out most of the difficult details. In general, I believe that it enjoys broad public support. I feel that the legislation merits the favorable consideration of the House and I urge its approval in the form recommended by the committee.

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

Mr. ASPINALL. I am glad to yield to the gentleman from New Jersey.

Mr. SANDMAN. Mr. Chairman, you say that the committee dealt at great length with the situation involved here. Of course, I am interested in this as it affects the State of New Jersey.

Was there any consideration given by your committee to take into this National Park setup the great Hackensack Meadows, 25,000 acres right on the boundary between the two States all the way up to the city of Hackensack?

Mr. ASPINALL. To the best of my knowledge, I have never heard that brought up as a part of the proposal. Some other members of the committee may have, but I will yield to my chairman of the subcommittee (Mr. TAYLOR).

Mr. TAYLOR. I thank the gentleman for yielding. I might state that the administration did not recommend including this area. No witness appeared before the committee recommending including the area. It was not included.

Mr. SANDMAN. Which administration is the gentleman referring to; State or Federal?

Mr. TAYLOR. I am referring to the Federal administration.

Mr. SANDMAN. No one from New Jersey, I understand, appeared before your committee to testify in regard to the Hackensack Meadows?

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

Mr. TAYLOR. Mr. Chairman, I yield 3 additional minutes to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, we would state that no witness, to my recollection, appeared before the committee recommending the inclusion of this area.

Mr. SANDMAN. Mr. Chairman, I have several other serious questions. We are dealing here with one of the largest shipping centers, and we are continually plagued with dredging problems when vessels will require some 75 feet of depth.

Has any consideration been given by the committee as to where the dredge fill is going to be placed if it cannot be placed in these areas, which will become park areas?

Mr. ASPINALL. Mr. Chairman, to the best of my knowledge, we have never taken into consideration this question, because nobody saw fit to come before our committee or asked to appear before

our committee and bring it to our attention.

Mr. SANDMAN. Mr. Chairman, do you not think this is a very risky thing, to take all of the areas where we can possibly put dredge fill from the Hudson River, which is one of the largest commercial rivers in the world. I do not know why we are going to have it there if we cannot conduct the world's commerce up the Hudson River.

Mr. ASPINALL. I might say to my colleague, I would have been glad to listen to him if he had asked, if he had shown any interest while we were considering the legislation in our committee.

Mr. SANDMAN. I was never aware your committee was holding committee hearings on this, or I certainly would have been there.

I think it is very premature at this time, with as little as we know about what is going to happen in this particular area, to promiscuously throw thousands of acres into a national park.

I am all for a national park. Some 25,000 acres that could have been available in the Hackensack Meadows were not even considered. They are certainly a lot more available than this territory, and this should be taken up before we pass this bill.

Mr. ASPINALL. If my colleague will permit me to respond, I do not object to his statement except for the use of two words. The word "promiscuously" is not in order and the word "willy-nilly" is certainly not in order.

Everybody in the New York-New Jersey area who knows anything about this proposal, knows that this area has been under consideration for years, as I stated in the first part of my statement. Anybody who sits in the Congress and says that he does not know that this legislation is even being considered, is not informing himself.

Mr. SANDMAN. How can the gentleman say we do not have a grave problem here, when the committee has never considered what is going to happen when it is necessary to deepen the Hudson River?

Mr. ASPINALL. I am not in informed authority on such values on that part of America, but I was working with experts for the past several years on this matter and they never brought this to our attention.

I believe the Subcommittee on National Parks and Recreation has done its duty, and there should not be a direction of any unfair statement against them relative to such matter.

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

Mr. Chairman, 100 years ago—the Congress enacted legislation creating Yellowstone National Park—the first National Park in the world.

In that Congress first laid down the criteria for selecting areas that should be set aside as national parks.

They should, said the law, be large and spacious, and they should contain scenic values, scientific values, and national values.

Since the enactment of that law, times have changed and people have changed.

For example, 100 years ago four out of five people lived in rural areas. Today 70 percent of our population reside in urban areas.

To meet the needs of people our concepts must change.

Hence, since the enactment of the Yellowstone act many new parks have come into being. They are in some respects a far cry from the original Yellowstone concept.

We have created national seashores, riverways, national recreation parks. All of them to meet the needs of people particularly for people living in crowded urban areas. After all, parks are for people.

The record has been good—but not good enough—to meet the demands of a burgeoning and mobile population. More recreational areas are needed.

Gateway National Recreation Area is an effort to provide an outdoor recreation area for those millions of people living in greater New York.

The proposed Gateway National Urban Recreation Area is in keeping with the President's program to foster the creation of open space areas with recreational opportunities in and near the large metropolitan areas of the Nation. In May 1969, the Department of the Interior undertook a study of the New York Harbor area to identify the available urban recreation resources. This study showed a most pressing need for open space recreation opportunities in the New York metropolitan area.

The proposed Gateway National Urban Recreation Area envisions the use of Federal resources and management to create a wide variety of year-round recreational, educational and other cultural opportunities in a natural environment to serve a metropolitan area of more than 14 million people.

The Committee on Interior and Insular Affairs in proposing the establishment of Gateway National Urban Recreation Area is creating a new unit and a new era for our national park system.

The proposed Gateway National Urban Recreation Area contains 26,172 acres of land and water comprised of five basic units, with some 11 miles of oceanfront beaches suitable for swimming and other direct contact water-oriented activities and approximately 19 miles of bayside shoreline with future potential for water-oriented activities.

The five basic components of the proposed Gateway National Urban Recreation Area are as follows:

First. The Jamaica Bay unit. This is the largest unit of the area comprising some 15,680 acres. The unit is considered an ecological treasure. It will be retained in a relatively natural state for the enjoyment of fishing, boating, nature observance, hiking, riding trails, and picnic areas. A peripheral shoreline can be developed for swimming with the improvement in water quality in the area. In the Floyd Bennett Field area of this unit, there will be more intensive development of land-based recreation facilities suitable to the housing to be developed in this area and the adjacent Broad Channel community.

Second. The Breezy Point unit. This unit contains 2,892 acres of land and water. This unit will be intensively developed to provide outstanding water-based recreation opportunities including beach centers, and hiking trails, picnic areas, and other facilities to develop the areas back from the beaches, such as the historical interpretation of coastal defenses at Fort Tilden.

Third. The Sandy Hook unit. This unit is 4,650 acres in size and provides 6.4 miles of ocean beach and 6.6 miles of shoreline on the bay on the New Jersey side of the recreation area. This unit will be developed primarily for swimming and bathing. In addition, its historical and natural value will be preserved through the development of hiking trails, picnic shelters, sanctuary facilities, and an environmental study center.

Fourth. The Staten Island Unit. This unit comprises 2,930 acres of land and water and contributes 7.4 miles of shoreline. This unit will be developed for walking and bicycling trails, boating and fishing, picnic facilities, and cultural and historic opportunities.

Fifth. The Hoffman and Swinburne Islands Unit. These islands add 11.5 and 2.5 acres to the area respectively and are not intended for intensive development. These islands will afford the opportunity for boat visitors to dock and enjoy a panoramic view of the New York Harbor.

These five units comprising the Gateway National Urban Recreation Area will involve a minimum of land acquisition since most of the area is already in public ownership. Land acquisition costs are estimated at not more than $11,450,000 for approximately 90 acres of ocean beach front property. Development of public facilities in the recreation area will require substantial investment and the development costs are estimated at $92,813,000.

H.R. 1121, as amended and reported by the Committee on Interior and Insular Affairs, after describing the units comprising the National Urban Recreation Area, sets forth in section 2 the land acquisition policies to be applicable in this recreation area. Section 3 of the bill sets forth the administrative authority of the Secretary of the Interior and section 4 establishes an advisory board. Section 5 of the bill contains the appropriation authorizations for the recreation area.

The need for such a park is apparent when one realizes that the New York beaches experience 50 million visitor-user days annually with space limited to 10 square feet per person, whereas the Federal standards recommend 58 square feet per person.

We need more parks that can be enjoyed by people on a daily—or at least weekly basis. The time has come for a reappraisal of all our parks and recreation areas—State and national.

National parks are fine for those who have an opportunity to visit them once or twice in a lifetime. Seashores are fine for those who live near the coasts—but they are only names—to those who live in the central part of our country.

What is needed today is a whole layer of regional parks oriented to the needs of people—in all parts of our country.

I urge my colleagues to support the passage of H.R. 1121 as amended and reported by the Committee on Interior.

Mr. TAYLOR. Mr. Chairman, I yield myself 5 minutes.

Mr. ADDABBO. Will the gentleman yield?

Mr. TAYLOR. I will be glad to yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I take this opportunity to commend the chairman of the full committee and the chairman of the subcommittee on all the personal work they have put into this particular bill. We know that the chairman of the full committee and the chairman of the subcommittee and their committee members personally inspected the entire Gateway National Park.

This bill has been before this Congress for almost 2 years, and extensive hearings were held both in New York and here in Washington, so that every Member had an opportunity to express his view, and I wish to commend the committee for keeping in the bill the provision which will prevent the further expansion of the Kennedy Airport into the Jamaica Bay.

Mr. CAREY of New York. Mr. Chairman, will my colleague yield to me?

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

Mr. CAREY of New York. I thank the gentleman for yielding.

Mr. Chairman, I just wish to rise and commend the chairman of the subcommittee on which I served for about 10 years as a member of the Committee on Interior and Insular Affairs.

This park and recreation area for New York City is long overdue. I am pleased that the committee leadership brought this legislation to the floor in this form. This park will be a great asset to the country.

I want to say also that our late and beloved colleague, William Fitts Ryan, in his last remaining months in this Congress sought and fought to get this legislation to the floor.

I commend the committee for a job well done. I hope we can get the bill passed today and make available this area which I have enjoyed for many years and which should be available for the enjoyment of all of the people of New York, New Jersey, and the Nation.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 1121, to establish the Gateway National Recreation Area. During the 91st and 92d Congresses, I sponsored versions of the Gateway National Park bill because I recognized the unique recreational value of the more than 20,000 acres of land and water at the entrance to New York Harbor.

More than 20 Members of the New York and New Jersey congressional delegations joined in cosponsoring this important legislative measure to protect areas including Jamaica Bay, Breezy Point Beach, and Sandy Hook. None of our colleagues was more interested in this bill nor more active in seeking support for its early passage than the late Member from New York, the Honorable William Fitts Ryan. It is therefore quite fitting and appropriate for us to take this opportunity to recognize his efforts by renaming this national recreational complex "the William Fitts Ryan National Park."

I want to commend the House Committee on Interior and Insular Affairs for its outstanding work in forming and shaping this major piece of legislation which will when enacted benefit literally millions of people in the New York metropolitan area and surrounding areas. The distinguished chairman of the committee is to be praised for his knowledgeable approach to this proposal and for scheduling a number of days of public hearings, both in New York and Washington, D.C., for the purpose of hearing all civic organizations, public officials, and many other interested witnesses who testified on the legislation.

My only regret was the last minute addition of the provision exempting 350 acres for housing. I oppose this provision as it is the luxury housing taking away funds from the city in other needed areas. I will support the amendment to be offered by my colleague, Congressman BRASCO, to strike this exclusion.

I believe this proposal will best serve the recreational and conservation interests of the more than 15 million people who live in within a 2-hour drive of this unique area of our Nation.

This bill will also prevent future proposals for expanding Kennedy International Airport thereby posing a threat to the recreational enjoyment of future generations. The people immediately adjoining this area have long suffered from air and noise pollution by reason of operation of Kennedy Airport and I believe they are now entitled to some future hope and help as to the surrounding ecology and environment.

Mr. Chairman, this proposal has bipartisan support in the House of Representatives and has broad community support in the New York-New Jersey communities which border the area. Civic organizations have endorsed the proposal without reservation and I hope this widespread support will encourage this subcommittee to act favorably and swiftly to protect this valuable resource from the threatened destruction of pollution and lack of a master plan for its maintenance.

This is clearly a national concern and a proper Federal responsibility for protecting an area this large and developing a plan which will serve millions of Americans for years to come. It has been estimated that more than 500,000 people a day would be able to use the facilities of Gateway—swimming, boating, fishing, and other recreational and cultural activities. The potential is so vast and so important that only a Federal undertaking can assure success.

The legislation authorizes the Secretary of the Interior to acquire all lands and water within the area by donation, purchase, or exchange with all State or locally owned lands to be acquired only by donation including proposed open park areas such as Spring Creek Park and excluding residential areas such as Broad Channel and Breezy Point Cooperative.

This area includes some of the most valuable and unique recreational lands in the northeast part of our Nation. The horrors of water pollution have already destroyed literally thousands of acres of this natural resource. We have an opportunity to act now in order to prevent further destruction and to assure that future generations will be able to enjoy this legacy.

The Department of the Interior has endorsed the concept of establishing a Gateway National Recreation Area and this legislation is consistent with the President's environmental message to the Congress.

Mr. Chairman, this legislation is important now and as much land as possible must be included. The second World Conference on National Parks pointed out the shortage of national parks and the possibility of future rationing based on approaching the stage of overuse.

Mr. Chairman, I urge my colleagues in the House to support H.R. 1121 as a most important proposal for the protection of valuable resources of our Nation and for the benefit of our future generations.

Mr. SKUBITZ. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. TERRY).

Mr. TERRY. Mr. Chairman and Members of the House, but for the grace of God, Bill Ryan would be standing before us today as the last remaining member of the New York delegation to serve this 92d Congress as a member of the Committee on Interior and Insular Affairs that has exhaustively gone over this proposal.

And I pay tribute to him for the work that he has done in the past several years, the times that he came down here of recent date when really his health did not permit it, not only in connection with this measure, but other matters. The last time I talked to him was just before the Labor Day recess, and we talked about this very measure.

Most of my colleagues have wondered why I, as an upstate New Yorker, have taken an interest in this, which appears to be a New York City problem essentially. At the outset, I would like to note that the Gateway shoreline is more than a New York concern, or a New York State concern, for that matter. For the 13 years that I have had the pleasure of serving as assistant secretary to the Governor, and a member of the State legislature, the problems of New York City and the problems of upstate New York have become very intertwined. In my mind, there is a national interest involved. The Gateway National Seashore Urban Recreation Area will serve 10 percent of the population of this country.

I note further that this upstate Member has been cognizant that for too many years our Nation's waterfronts, which are in fact national treasures, have been looted.

What has happened in the city of New York is virtually no different than what has happened elsewhere in the Nation. An area which should be an esthetic eco-

logical delight unfortunately assaults our vision. Rather than seeing cloud-filled skies and natural wetlands, we look today at the abused waterfronts, sometimes used as a refuse and garbage dumping grounds, and at other times utilized for such misplaced land uses like noxious industries which pollute our streams and blot out the horizons.

Gateway is a part of a new concept in planning within the National Park System. It is an urban recreation area. And as the distinguished chairman, the gentleman from Colorado (Mr. ASPINALL) together with the other members of the committee who worked so hard on this, has said, this is a new concept calling for the funding of a much-needed recreation area for those living in urban centers. This is an important aspect of the situation that has been neglected in the past, the providing of recreation spots for the masses of people gathered within the inner cities. Gateway is one of the solutions for the people of New York and New Jersey.

Gentlemen, when I think of Gateway many thoughts crop up in my mind. I think of recreation, of conservation, and of other improvements which form a park-like environment at the doorstep of a totally new residential community.

I think of taking a bay which is very badly polluted today and, as the distinguished chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR) noted, that perhaps today you might sail a boat on it, but that some day we are hopeful to bring it back and convert it into a recreational reservoir for the delight of millions where pleasure craft as well as people can enjoy this very water and, yes, so that they can provide ways to carry this out properly.

To me a shoreline is a proper place for beautiful beaches, a place where the water is safe and attractive for bathing, a location that will delight every fisherman's heart and line.

Looking beyond Gateway as a recreational resource, this upstater recognizes that New York City housing needs must be answered. I am distant enough from the scene to be able to separate the forest from the trees, recognizing that almost every local New York Representative, regardless of political persuasion, must recognize in his heart that the housing needs of the people must be answered.

I am astute enough to realize that there will be local community opposition to housing even where there is a concept of a total new residential community sponsored and built by private corporations for moderate-income families.

In today's supercharged, polarized atmosphere, local constituents fight against the unknown new neighbor with vehemence and vengeance regardless of from what race, creed, color, or national origin they spring. Theirs is the philosophy of "Pull up the ladder, Mac, we are on board now."

I state for the record that, as I view this as a total community, it will be a model for future generations to emulate, a place of pride for every resident and every neighbor.

That is, it will be an entirely self-contained new community with housing and infrastructure necessary to support the housing, including schools, health, day-care centers, cultural, recreational, shopping, and waste-disposal facilities as well as police and fire services.

The new community will require no services from the surrounding community and will not, therefore, impose any strain on existing facilities.

It will be a high-quality, low-density development including scaled high-rise and townhouse garden apartments.

It will have an internal vehicular traffic circulation system interrelated with an improved surrounding road system which will help all residents of the area.

Designwise, it will utilize acoustical considerations in placement and shapes of buildings and the use of materials.

It will not only give full ecological consideration to both a superior Floyd Bennett Field environment, but it will also upgrade the surrounding natural environment.

It will offer a substantial boost to our State's economy due to an aggregate construction cost reaching a magnitude of $1.2 billion over a 10-year period. This can be translated into approximately 12,000 new jobs per year involving the construction and related industries, and an additional 5,000 permanent service-related jobs in the shopping centers and other employment opportunities per year after the project is completed.

It will offer an assist to the New York City tax base by generating $20 million in annual taxes.

In addition, many of the public facilities will be given to the city of New York without cost. Yes—the continued maintenance—of $20 million in taxes coming into the city of New York as a result of this new project in the dimension of $1,200 million.

My fellow Representatives, New York City's housing inventory has been described as critically short—and it is getting consistently worse.

This Representative has empathy not just for the people of my area of Syracuse, but for people of New York City and the State of New York.

I am interested in seeing that our aged, our handicapped, our returning Vietnam veteran, our young, our newly employed and the newly wedded youngsters have housing.

At this point in time sufficient objections have not been advanced as to why the 350-acre reservation at Floyd Bennett Field should not be constructed for a population of 60,000 residing in 17,500 units. It is an opportunity that cannot be missed, large enough in scale to make a difference, and with a land price low enough to make it feasible.

The gentleman from North Carolina talked about a cost of $11 million to acquire the land along Breezy Point—yes, but offset by $8 million to the net cost of just over $3 million to the Federal Government for the development of this facility, 95 percent of which is owned by the Government to be donated by this source.

In addition by the fact that it is vacant land, no relocation hardships will be foisted upon families or businesses.

Why do I take an interest in Gateway? Out of a compassion for how people will live in their homes, and how their homes will set into a surrounding environment. This is what causes me to press on for a Gateway National Urban Recreation Area containing an entirely new community.

Mr. Chairman, there is a definite need for both recreation and housing in New York and the surrounding area. Within a 2-hour travel distance from the proposed Gateway beaches live some 20 million people in some 35 counties of four States: New York, Pennsylvania, New Jersey, and Connecticut.

The Gateway proposal as reported by the House Interior and Insular Affairs Committee will not only give the people of the New York-New Jersey area a much needed recreation site but it will also give the New York City residents a chance to recoup some of the disastrous housing losses as well.

The Gateway proposal, as reported before you now, should be kept intact and we should discuss the question of naming it for our late and beloved colleague, Mr. Ryan, and discuss the overall aspects.

But, let me urge you to defeat any amendment to remove that housing.

Mr. Chairman, I yield to the gentleman from New York (Mr. ROSENTHAL).

The CHAIRMAN. The time of the gentleman has expired.

Mr. TERRY. I ask for 1 additional minute for the purpose of responding.

Mr. SKUBITZ. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I wholeheartedly suppport the bill for Gateway National Seashore. I want to commend the committee for the very good, diligent, and arduous work they have done. The passage of this bill, I think, will be a magnificent accomplishment on the part of the House of Representatives in giving to the people in this area, some 20 million people who will use these facilities, a remarkable opportunity to take advantage of the natural opportunity that exists. I do hope that all of the Members, without exception, will support the amendment by Mr. MURPHY of New York to name this park after our late, beloved colleague, William F. Ryan, who did so much to bring this piece of legislation to fruition. This will be a unique opportunity on our part to make the House of Representatives a part of this magnificent accomplishment.

Mr. TAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. BRASCO).

(Mr. BRASCO asked and was given permission to revise and extend his remarks.)

Mr. BRASCO. Mr. Chairman, I rise in support of H.R. 1121, a bill establishing the Gateway National Seashore in the States of New York and New Jersey, and I urge its adoption with one exception—that is the portion of the legislation allowing the Secretary of the Interior to exclude from the park 350 acres in the Floyd Bennett Field unit for the pur-

pose of constructing 17,500 State-sponsored middle-income units of housing for more than 60,000 residents.

At the appropriate time, I will offer an amendment to delete that portion of the bill and to restore all of Floyd Bennett Field into the national park network.

I want to make two points perfectly clear at the outset. This is not an anti-housing amendment, in the sense that it is an antipeople amendment; for the same State is presently constructing some 6,000 units of low-, moderate-, and middle-income housing in the Spring Creek area of my district—a site less than 2 miles away from Floyd Bennett Field. Point No. 2: The Floyd Bennett unit in its entirety lies in my congressional district, and this amendment affects no other congressional district.

Why then do I oppose housing at this site? First, while it is true that New York City is in need of additional housing stock, it is equally true that New York City is in dire need of recreational areas. There are alternate sites for housing, but no alternate site for the national park.

Second, housing is completely incompatible with the park, and further, it is geographically and economically unsound to build a housing development at that location.

Floyd Bennett Field is completely unimproved. There are no sewers, no sidewalks, no curbs, and no streets. There are no schools, medical facilities, or houses of worship. Floyd Bennett Field is totally filled land, with water 8 feet below the surface, making construction costs, according to reliable estimates, more than $100 per room.

Transportation facilities in the area are virtually nonexistent, for Floyd Bennett Field is about 12 miles from the center of Manhattan, and the nearest subway station is 4 miles from the site. A single bus route now serves the area.

Since the people of the State of New York have long since rejected the transportation bond issue, no locally financed improvements can be expected in the foreseeable future. Further, since this location is surrounded by existing neighborhoods, any attempt to build surface highways for transportation would of necessity destroy thousands of units of existing housing.

The proposed housing development is less than 5 miles away from Kennedy International Airport, and it lies directly beneath the major noise abatement flight pattern approaching and departing the airport. This approach is the product of a long and intense effort on the part of the Federal Aviation Administration, the airlines, and the Port of New York Authority to develop a pattern for aircraft using Kennedy Airport, which would give the residents of the adjacent communities maximum relief from jet noise.

Approximately 35 percent of the operations at Kennedy use this approach and departure pattern. Last year, there were more than 110,000 operations over Floyd Bennett—an average of more than 300 per day at altitudes of 1,000 to 1,800 feet on approach and 1,200 to 2,500 feet on departure.

If a housing development is built on that site, the airport will be faced with the decision of changing the flight pattern. Due to the high density of population in other communities surrounding the airport, no acceptable change could be made—thus creating the atmosphere for the curtailment of airport operations and eventually threatening the very existence of the airport, which is desperately needed for the economic life of New York City.

Floyd Bennett Field is in what is known as a "one 3" noise level area, for the noise rate there exceeds 80 dB(A) 60 minutes per 24 hours.

Under these guidelines, as they were reiterated by Under Secretary of Housing and Urban Development Richard Van Dusen, in a colloquy before the Appropriations Committee when they were considering appropriations for HUD, the intention here is to avoid using Federal subsidies to put housing in places where occupants will be subjected to pollution of any kind, whether it be the result of flood damage or noise.

Therefore, Federal subsidies needed to build this development, which will cost more than $1 billion to complete, will be nonexistent. Assuming that the State of New York could complete construction without Federal funds, noise pollution levels would run the same, and it seems ludicrous to me that if the Federal Government will not invest Federal moneys under these circumstances, we, as an arm of the Federal Government, would even consider authorizing the construction of 17,500 housing units under the same circumstances.

We would be literally jamming this proposal down the throats of local government and local communities who are vehemently opposed to it, when there are hundreds of more appropriate alternate sites on which the State could build. I speak of the deteriorated communities of New York City: of Brownsville, parts of East New York, Manhattan, South Bronx, where people are begging that their neighborhoods be rebuilt, neighborhoods which already have sewers, sidewalks, curbs, streets, schools, medical and transportation facilities.

At this point, let me explain who is for this housing development and who is against it.

For the development, we have the State of New York and its housing commissioner.

Against the housing proposal, we have the administration of the city of New York, the president of the Borough of Brooklyn, the president of the Borough of Queens, the Brooklyn Chamber of Commerce, the Queens Chamber of Commerce, all local, State, and Federal officials representing the surrounding areas. The Air Transport Association, representing all domestic airlines, the coordinator of the central Brooklyn model cities program, the environmental groups—including the Sierra Club, the National Wildlife Federation, the Wilderness Society, and the Audubon Society. All of the residents in the surrounding areas of Brooklyn and Queens, represented by dozens of civic associations who have come to Washington to express their strong opposition to the housing proposal.

Mr. Chairman, I request permission to insert in the CONGRESSIONAL RECORD at this point correspondence from the sources I have referred to.

With all of this opposition, one would logically ask, "How have we come to this point?"

The answer, my colleagues, is very simple. In this proposal, the needs and wishes of the people are being subverted to the desires of large builders, who would be the only ones to gain from such a proposal.

I ask you to adopt my amendment not only as a reflection of my desires, and the desires of the people already mentioned, but also as a reflection of your own desires. For as a member of the Banking and Currency Committee, that recently passed a housing bill which will be considered shortly by this House, I have received numerous requests from Members on both sides of the aisle to make every effort to insure that the building of federally assisted programs throughout the country would not be done without the complete consultation and participation of local government and local residents.

This was your request, and the committee made every effort to comply. And I am sure that on the House floor, there will be further movements along these lines.

Now, you are asked to support a bill containing a provision which bypasses, in a very harsh and brash way, local government and community participation. This is diametrically opposed to what you stand for and what I stand for.

If they do it in my district, can they and will they do it in yours? I urge you to support an amendment which I believe is based in logic and in equity.

Thank you.

Mr. TAYLOR. Mr. Chairman, I would like to state that the housing language was not in the bill when it was approved by the National Parks Subcommittee. It was added when the bill was being considered by the full Committee on Interior and Insular Affairs, and submitted by the gentleman from New York (Mr. TERRY).

I voted against the housing amendment at that time. I believe now we can have a viable park even with the housing amendment. However, I think we will have a better park if the Brasco amendment is adopted to strike out the housing provisions. I will support the Brasco amendment.

Mr. BRASCO. I thank the gentleman.

Mr. Chairman, I certainly do not want to leave the well before I commend Chairman ASPINALL and Chairman TAYLOR and the entire committee, because a great portion of this park is in my congressional district. I suppose they saw more of me than they would like to see in the future because of this. I thank them for their courtesy and their diligent efforts in behalf of this legislation.

Mr. SKUBITZ. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, we talk about the environment, which is a popular subject today. Of course every-

body wants to turn the entire country into a park. That is a popular thing to talk about.

It would seem to me when we do this we should look at the whole picture and study what we are doing.

I should like to call to your attention that this particular area happens to be the largest commerce area in the whole world—not in the country but in the whole world.

When I was a member of the State senate in New Jersey I had the privilege of sponsoring a bill which created the New York Port Authority's ability to build the World Trade Center in New York, to the tune of $600 million, none of which is being paid by the taxpayers but which is being paid on a revenue basis by the New York Port Authority

The river which creates the world commerce happens to be the Hudson River. This river today is not nearly deep enough to facilitate the deep-draft vessels we are told we will have to have. Yet almost all of the area where spoil would normally be put is now to become a part of the park system, and once it becomes a part of the Federal registry it will be guarded night and day by those people who have taken over the front pages and in most States have taken over the power of the State in the name of ecology.

I can predict, my friends, that once this becomes a part of the park system these people will stop the dredging of the Hudson River in key places where it needs dredging.

Let us talk about what we are going to do with the Hudson River. Down where I live we have a beautiful area we would like to preserve. We have interests from all over the world who try to turn this into an oil port down on the Delaware Bay, between the States of Delaware and New Jersey. They are talking about building a massive oil pipeline buoy to facilitate 350,000-ton freighters that cannot go up the Hudson River, that cannot go up the Delaware River, that cannot go up any other river today in the Northeast, where the metropolitan population is.

There are no oil fields within 100 miles of the place they want to put the oil terminal, and everybody today is pleased to let them do it, because the oil companies want to do it and the oil companies are strong enough to do almost anything they want.

We are told the land already has been acquired to do this particular kind of thing.

If we are going to do something to facilitate world commerce, if we are going to fill the World Trade Center, with two of the biggest buildings in the world, costing $600 million, if we are going to build up commerce which is going to give jobs to more than 200 million Americans, it would seem to me there should be some planning done in that direction.

I have tried to find out from this authority: "What have you done? What do you plan to do? How do you plan to deepen the Hudson River?"

Now, we have heard the chairman of this committee say that no discussion whatever was had about deepening the Hudson River when this came before the committee, and I can understand that to be true.

Secondly, and more important there is no argument against the fact that it has to be deepened.

Where can you put the fill, if you take away all the areas where the fill is presently being put? I would like to have someone answer that question. Nobody has thought about that one yet.

If we are talking about parks—and I am a great believer in parks—I would like this committee to consider 22,000 acres in New Jersey which is all in sight of the Empire State Building—where there is not a single person who lives on it—known as the Hackensack Meadow. Why did no one offer the Hackensack Meadow as a part of this great park?

The Governor of New Jersey, of course, wants to build a sports complex there and a couple of racetracks. I am not sold on the idea as good for the State, and I do not know where the ecologists were when they were thinking of this plan. Nobody has said anything about it yet, and I guess nobody will.

There is a piece of land as large as all the land you are taking in this bill, and no one has said a word about it.

Another project in New Jersey which affects New York and Pennsylvania is the Tocks Island Reservoir. We have opposition to the Tocks Island Reservoir, which is needed for all of those States for water control as well as water supply, because it is taking 15,000 acres of land and putting it into a reservoir and they say we should not do that.

But, on the other hand, the people who say we should not do that are willing to turn the Hackensack Meadow, 22,000 acres of it, into a sports arena complex consisting of some racetracks and some sports facilities. This does not seem, to me, to make sense; it is not consistent.

The only possible thing we have to hang our hats on in this bill happens to be on the bottom of page 11, carried over on to page 12, down through and including line 7. It does give some authority to the Army for the sake of the development of water resources and for navigational purposes in conjunction with the Secretary of the Interior to do certain things. It does not say what; I think that it should be spelled out.

I think that this bill needs an amendment that would pertain to what you do when you come to the time when you want to deepen the Hudson River.

I would like to be for this bill. I am in favor of the park system that you are trying to promote. But all of the land that you hope to turn into a park, my friends, happens to be polluted. If you think there is any wildlife, if you think there is anything that is nourishable in the Raritan Bay, I would like to know what it is. The whole thing is contaminated for the taking of shellfish, and so are the surrounding areas.

If we are going to do something about cleaning that up. Let us do it. Let us do it with a long-range plan; let us do it with a bill that does allow improvement by way of that dirty word, "dredging."

This is an incomplete piece of legislation, because it does not provide for those things which are most sorely needed. The shipping channel from the Atlantic Ocean to New York Harbor must be deepened and it must be maintained—let us provide for it.

Mr. TAYLOR. Mr. Chairman, I yield myself 1 minute.

I would like to point out that this bill came to the Congress as an executive communication. During the hearings, Mr. William Cronin, the chief of the Legislative Services, testified for the Army. His testimony did not present any problem concerning dredging. He said nothing about the problem of disposal of dredged materials being created, and no other witness testified before the committee concering a problem of this type.

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

Mr. STRATTON. Mr. Chairman, I support the Gateway project in concept and have for some time. I take this time however, to bring to the attention of the committee a serious conflict which is included in this bill both within the committees of the Congress and also within the agencies of the Federal Government.

I have learned only this morning that the legislation which the distinguished Committee on Interior and Insular Affairs finally approved and which is before us now is different from the legislation that was originally discussed in the committee. I learned that the proposal contained in this bill before us actually flies in the face of the original recommendation of the Department of the Army in three specific instances.

What we have in this bill, if it is not amended, is legislation which would turn over active Army installations to the Secretary of the Interior who then would operate those installations and allow the Army to remain on them at his sufferance.

Not only is this an absurd policy as far as the Defense Department is concerned, but it also flies in the face of the rules and regulations of the House of Representatives, which gives to the Committee on Armed Services the authority to determine whether property now under the control of the Defense Department shall be declared excess or not.

In other words, if this bill is not amended, as I propose to amend it, then we will have flouted the authority of the Committee on Armed Services in our own body.

I can say that the chairman of our committee was deeply disturbed this morning when he discovered what had happened in this bill.

Just to be specific, there are four areas included in this bill which are still operational in the armed services and which have not been approved for release by the service involved. In the case of three of these areas the Army is on record as strongly opposing, as does the chairman of our committee, their release to the Interior Department. These are Fort Tilden, Fort Hancock, and Fort Wadsworth.

Let me read to you from the committee report exactly what the Army has said about each of these three installations. On page 26 there is a paragraph referring

to the Fort Tilden section of this bill. The concluding sentence of that paragraph says:

The Secretary of Defense has determined and has advised the Secretary of the Interior that Army operational requirements preclude the release of any lands now remaining at Fort Tilden.

On page 27, in the second paragraph on that page, with regard to Fort Hancock;

The Department of the Army has a continuing requirement for the remaining 433 acres of land at Fort Hancock to meet the needs of the Nikes Hercules mission, Army Reserve activities, the First United States Army recreational area, and family housing units. Also, the Department of the Navy will continue to require facilities it now uses at Fort Hancock for the training of Naval Reserve units dedicated to the operation of the defense system of New York Harbor and for installation and operation of the Inshore Undersea Warfare Defense System (formerly Harbor Defense Unit) of the Port of New York should mobilization be so directed.

Finally, on page 28, the top paragraph on that page with regard to Fort Wadsworth, it says:

It is emphasized, however, that no portion of Fort Wadsworth can be relinquished at the present time and some portions of the installation will not become excess to military requirements within the foreseeable future.

Not only that, but with regard to Floyd Bennett Field, which has already been discussed by my colleague, the gentleman from New York (Mr. BRASCO) with regard to proposed housing, the Committee on Armed Services deliberated at great length with regard to the status of Floyd Bennett Field, and finally determined that all of Floyd Bennett Field except 95 acres could be determined to be surplus to the requirements of the Navy. That 95 acres, incidentally, involved housing for servicemen in that area, as well as maintenance facilities. This bill as presently written would take all of the acreage at Floyd Bennett Field for the recreational area, including these 95 acres, contrary to the specific action of our committee.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. TAYLOR. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York.

Mr. STRATTON. I thank the distinguished chairman of the committee for yielding me this additional time.

So we have four areas, as I have said three of which the Army says they need, and one of which the Committee on Armed Services, under authority established by this House and by statute, has determined should remain under control of the Department of Defense. This bill would transfer all four areas to the Secretary of the Interior in accordance with the provisions of section 2(b) on page 8.

Then the Secretary of the Interior could tell the Army and the Navy how long they could continue to use these properties, for such reasonable periods, etcetera, etcetera, etcetera. Well, this to me is ridiculous and in violation of the rules of this House.

Mr. Chairman, I therefore propose to offer, with the concurrence and full approval of the chairman of our full committee and on behalf of the committee, an amendment at the proper time which would delete the provisions of section 2 (b) and insert in place thereof a provision which would simply say that without concurrence of the agency having custody thereof no Federal property within the jurisdiction of the seashore could be transferred to the administrative jurisdiction of the Secretary of the Interior.

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

Mr. STRATTON. I am happy to yield to my distinguished friend, the gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, the gentleman in the well is the Chairman of the Subcommittee that handles real estate for the Army, the Navy and the Air Force, and so forth, and he does a very effective job. It is my pleasure to serve on that committee with him. We have reviewed many, many requests where property becomes surplus and usually goes to the General Services or one of the other departments. As I recall, Floyd Bennett Field was discussed a great many times in the committee.

Mr. STRATTON. That is correct.

Mr. KING. And after careful consideration by the gentleman in the well and by the committee it was determined that it would be turned over. But were there ever any hearings at all or any discussion as to these other forts and other Army posts in the area that they were to be turned over to anyone?

Mr. STRATTON. I must say to the gentleman that there were not any. The Army specifically—as I have already indicated here—has said that it cannot turn these properties over because they are actively being utilized, and in the case of Fort Wadsworth are going to continue to be utilized into the foreseeable future.

So what this bill would do would be to take active Army installations and turn them over to the Secretary of the Interior. And that, of course, is absurd. Not only that, but let me say to the gentleman from New York, who is a distinguished member of our subcommittee, that my amendment has the support of the administration, and therefore, I hope that it will be accepted by both sides.

Mr. KING. There is more that we can say on the matter, if it comes to that point. I hope the committee will review your amendment and understand what you are driving at and agree to it so that we will not have to get into a fight here.

Mr. STRATTON. I hope the gentleman will also take some time under the 5-minute rule so that we can discuss this matter at length.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. MURPHY of New York. I have appeared before the gentleman's Subcommittee on Real Property Disposal of the Armed Services Committee. In past years they had relocated from the Miller Field area, that is included in this bill, to the Fort Wadsworth area and the U.S. Army Reserve and the Naval Reserve training installations in an effort to consolidate in one piece of Federal property those Army activities that were Reserve activities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MURPHY of New York. The reason for the change in location of the Reserve training facility from Miller Field to Fort Wadsworth was to keep Miller Field unencumbered of new construction with the idea of having Miller Field free of expensive construction so that it would be ideal for recreational purposes.

But as we analyze the military properties in New York, I hope full recognition is taken of the fact that Fort Wadsworth and Fort Hamilton are basically military complexes located in the same geographical position and the U.S. Army was disposed to take Fort Wadsworth off their disposal list this year, which is a move that I had recommended over the years. If there is military property disposal in New York I have recommended that the consolidated bases be maintained together and the outlying bases be the ones disposed of, for obvious communication purposes.

Mr. STRATTON. The gentleman's position is absolutely sound and this is precisely what our committee has tried to do.

We recognize that there has been an excess of property in the hands of military agencies. We made Floyd Bennett Field available for this seashore purpose and we did consolidate other installations as the gentleman has suggested.

But to turn this new installation at Fort Wadsworth over to the control and operation of the Secretary of the Interior at this time would be insane, in my judgment.

In fact, on page 31 of the report, Secretary Froehlke says in a letter reproduced there that his recommendation is that—

After the enactment of the Gateway National Recreation Area, orderly transfer of these areas to the Department of the Interior will be proposed as soon as the missions now assigned to this installation are either relocated or phased out if there is no longer any national defense requirement for them.

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

Mr. STRATTON. I yield to the gentleman.

Mr. TERRY. Mr. Chairman, the 350 acres referred to here for turning over by sale to the State of New York is nowhere involved with respect to military properties that you just talked about.

Mr. STRATTON. I cannot answer that question absolutely because——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STRATTON. Mr. Chairman, will the distinguished chairman of the subcommittee yield me 3 additional minutes to respond to the gentleman from New York?

Mr. TAYLOR. Mr. Chairman, I yield to the gentleman 3 additional minutes.

Mr. STRATTON. I am not certain as to whether the 95 acres which we ordered retained overlap in any regard the 350

acres desired by the State of New York for housing purposes.

Mr. TERRY. I know the Flatbush area in the northwest corner of that piece, I have land there. I do not see why this comes as such a surprise because as my colleague, who just leaned over, said that time and time again from the standpoint of inspection by the committee of more recent date I have been——

Mr. STRATTON. I do not want to yield to the gentleman further to discuss that particular point.

I do believe that the 95 acres I have referred to are in the northern portion of the field rather than on the part adjoining Flatbush Avenue.

Mr. TERRY. Not the area we are talking of?

Mr. STRATTON. That is my understanding.

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

Mr. STRATTON. I yield to the gentleman.

Mr. WYDLER. I do not want to pursue this matter further, but I think we should have it very clearly defined where the Army area is going to be in relation to these 350 acres because the proposal for the 350 acres is going to bring 60,000 people into that Army area and even necessary plants could greatly affect the Army's use of the area that it will retain.

I think from your point of view and from the point of view of the Army, they know exactly how that development for 60,000 people is going to affect the use of the Army installation.

Mr. STRATTON. Let me say, I support the Brasco amendment and I would agree thoroughly with the gentleman's position.

As a matter of fact, our committee looked into this subject and we released these areas with the understanding that they would not be used for housing. But we have no authority to put that requirement specifically into our formal decision.

So the Brasco amendment is in full accord with the thinking of our subcommittee.

Mr. WYDLER. I thank the gentleman.

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

Mr. STRATTON. I yield to the gentleman.

Mr. GROSS. Should the military installations be taken over by the Secretary of the Interior, thereby stopping the use of them, who would put up the money to relocate these facilities?

Mr. STRATTON. The gentleman has raised a very good question. I honestly do not know whether this is one that the Interior Committee has gone into, I certainly would not be in a position to answer that question.

Mr. GROSS. It would cost probably several hundreds of millions of dollars to relocate these three military installations?

Mr. STRATTON. Exactly. There is no question about it. The gentleman from Iowa, of course, always reads the reports in great detail, and the gentleman, I am sure, has noted that in the case of several of these installations the development costs have been enormous—several millions of dollars—so that obviously the taxpayers would have to pay all of these costs over again, if they were to be disposed of.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TAYLOR. Mr. Chairman, I yield 1 additional minute to the gentleman. Will the gentleman yield to me?

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

Mr. TAYLOR. I should like to state that there was on intention by the committee to relocate these facilities and place them somewhere else. The whole intention was that they be continued to be used by the military so long as they are needed and then become a park. Perhaps the language we have in the bill does not spell that out fully, and we have no objection to spelling it out fully.

Mr. STRATTON. I think the gentleman's attitude certainly is sound, and I think the simplest way to handle this matter is to accept the amendment which I will offer at the proper time.

Mr. SKUBITZ. I yield 1 minute to the gentleman from New York (Mr. TERRY).

Mr. TERRY. I should like to ask the gentleman from New York the names of the individuals who reported this information, since we, as members of this committee, who have been studying this for 2 years, have gone to the Department of Defense and the Department of the Interior and the Office of Management and Budget to discuss this measure in its present language several months ago. The Committee on Interior and Insular Affairs reported this bill on June 14, more than 3 months ago.

I have no objection to the amendment by the distinguished chairman of the subcommittee that we consent to the gentleman from New York's and member of the Armed Services Committee amendment, but I believe that it comes at an inopportune time.

Mr. STRATTON. I would simply say to the distinguished gentleman from New York that the views of the Secretary of the Army are contained not in just one letter but in two letters which are in the subcommittee's report, and which I read specifically. Those, as I understand it, were the views which the Army presented to the committee, and that, at the end of the committee's hearings and discussions with the Army, a new bill was substituted in place of the bill originally under discussion, and for some reason or other the Army was not aware of that.

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

Mr. VANIK. Mr. Chairman, I rise in support of H.R. 1211, a bill to create a 26,000-acre national park and recreational area in the heart of our Nation's largest urban complex. The creation of this park at the mouth of New York Harbor will preserve, forever, this open space for the enjoyment of milions. It will make available for public recreation about 11 miles of ocean-front beach which is suitable for swimming or other water-oriented activities. As our new systems of water pollution treatment become effective, an additional 19 miles of bayside shoreline will be opened up for swimming and recreational use.

This bill is landmark legislation. It is the first time that the Federal Government has made its resources and energies available for the creation of a major park in the midst of an urban area. This park will be a park, an open space, a place of beauty and solitude for millions who will probably never be able to visit some of the great national parks in the Western United States.

It is fitting that we are considering in this Congress this bill which was first introduced by our late colleague, Congressman William Ryan of New York. All his life he worked for the people—and the creation of this park will be a living and lasting memory to his spirit.

Last year, it was my privilege to submit testimony in support of the Gateway National Park to the Senate Interior Committee.

My particular interest in the park lies in the concept of national parks "where the people are." This bill sets the framework for Federal assistance in other urban areas, to help these urban areas preserve open spaces and places of historical and recreational interest.

In particular, there is a fantastic potential for the creation of a national recreation area in the open and unspoiled land that lies along the Cuyahoga River and old Ohio Canal between Cleveland and Akron, Ohio. Some 21 Members of the House have joined with me in sponsoring H.R. 7673, "The Ohio Canal and Cuyahoga Valley National Historical Park and Recreation Area." This bill would create a network of three separate but interrelated park and open-space areas for the use of Ohioans and all persons traveling in the State.

The three parks can be summarized as follows:

First. A park along the Cuyahoga River and old Ohio Canal stretching between Route 17 in southern Cuyahoga County and the northern city limits of Akron in Summit County.

This park will preserve some of the last remaining beautiful open land which lies between these two major Ohio cities. It is expected that portions of the canal will be restored and a regular "operating canal boat ride" can be provided for visitors.

The development of the beautiful wooded park is being coordinated with a major Army Corps of Engineers project currently underway to clean up the Cuyahoga River itself.

Second. Portions of the Cuyahoga River stretching upstream from the eastern city limits of Cuyahoga Falls to its headwaters in Geauga County would be designated as a recreational river under the provisions of the Wild and Scenic Rivers Act passed by Congress in 1968. Such a designation means that such portions of the river shall be preserved in a free flowing condition and "that it and its immediate environment shall be protected for the benefit and enjoyment of present and future generations."

Third. The right-of-way along the old Ohio Canal extending south of Akron through Summit, Stark, and into Tuscarawas Counties shall be preserved, new parks along the Tuscarawas River will be developed and an operating canal boat ride developed for the enjoyment of visitors.

The concept of the Gateway National Seashore must be extended to potential parks such as the one I have just described.

In reading the Interior and Insular Affairs' Committee's excellent report on this bill, I was struck by the applicability of that report to the Cuyahoga Valley situation. For example, in commenting on the legislation, Secretary of the Interior Morton wrote the committee:

This Department believes that the quality of urban life is one of the most pressing problems facing our Nation today. It is our policy to foster the creation of open space areas with recreational opportunities in and near large metropolitan areas. Meeting the recreation needs of our urban populations is an undertaking that must involve government at all levels. While primary responsibility for local, community, and district parks should be in municipal governments, there are special instances where the direct involvement of the Federal Government is necessary to provide adequate protection of resources and to assure that the recreation potential of these resources is developed in such a manner that the areas are accessible to all income groups.

As the President noted in his Message on the environment of February 8, "the acquisition and development of open space, recreation lands and natural areas accessible to urban centers is often thwarted by escalating land values and development pressures". In that same message, President Nixon announced a "comprehensive effort to preserve our national environment and to provide more open spaces and parks in urban areas where today they are often so scarce".

In justifying the bill, the committee report states:

Unlike some of the Nation's more remote areas, this recreation complex can be a place for all people and can serve the recreation needs of huge crowds if properly developed and administered. Since there is no comparable recreation area in existence at the present time which can serve as a model, the Committee is recommending that the area be designated as a national urban recreation area. In the future, comparable areas will undoubtedly be proposed and considered for other major metropolitan regions where the need for outdoor recreation opportunities is the greatest and where the only hope would be the acquisition, development, and operation of open areas by the Federal Government.

The combination of circumstances at Gateway presents an ideal opportunity for this Federal venture. Here, a significant, relatively compact, outdoor recreation resource land base remains available. The area is relatively free of intensive developments which would otherwise bar its use for recreation purposes forever.

These are exactly the reasons that the Cuyahoga Valley park is needed—and needed soon. I hope, Mr. Chairman, that the concept of urban park legislation which we are considering today will be extendend in the next Congress to include areas such as the Cuyahoga Valley between Cleveland and Akron.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 1121 to create the Gateway National Recreation Area in southern New Jersey-New York Harbor. This project will afford New Jersey and New York residents with access to prime recreation facilities.

In past years we have concentrated many of our national recreation resources too far from people. But too many of them are in areas of the country which are inaccessible to most Americans. We need, within an hour's distance, facilities for relaxation, for recreation, a place to escape from the tensions of daily urban life. These areas must be close at hand. In urban areas they must not be dependent on the automobile but must provide an escape from traffic jams and pollution.

I regret, therefore, the decision of the committee to drop from the bill a proposal to include Liberty Park and the Statue of Liberty in the Gateway project. It seems most logical to take advantage of this nearby land which is available now. I have been informed, however, that the Office of Management and Budget is so adamantly opposed to the inclusion of Liberty Park that it has threatened to suspend funding and development of the Gateway project if it is included. OMB's position that it would be too expensive to integrate Liberty Park into Gateway, because of the distance is simply shortsighted and without foundation. Liberty Park is no farther from Hoffman-Swinburne Island than Sandy Hook is from Breezy Point. Furthermore, a ferry service connecting the Statue of Liberty with the rest of the proposed Gateway area is a logistical recreational attraction. Indeed, this very day, President Nixon dedicated a new museum at the Statue of Liberty. for reasons of its own, threatened that inclusion of Liberty Park will jeopardize its funding of the rest of the Gateway project, I have been convinced that pressing the issue at this time would not be in the best interests of New Jersey and New York residents. It is unfortunate that the administration has taken this shortsighted approach and I am sure that they will regret depriving millions of people from a unique recreational opportunity.

Mr. BOLAND. Mr. Chairman, I support the Gateway National Seashore Act (H.R. 1121).

This bill is considered to be a major breakthrough in recreation planning in that it will be the first Federal recreation area in the heart of an urban complex. The Gateway Urban Rrecreation Area will consist of five basic units totaling over 26,000 acres in the States of New York and New Jersey. Because this is the first urban recreation park program, it will bring the national park program closer to the people than ever before. For the first time, 20 million people who live in the densely populated New York-New Jersey metropolitan area will have easy access to their own national recreation area. Because there is no other such recreation area now in existence, the Gateway National Seashore will provide a model for future projects on other comparable areas.

We must support this bill (H.R. 1121) for it provides Congress with the opportunity to provide a national outdoor recreation area for the use and enjoyment of the people living in one of the most congested areas of our country.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute 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 in Congress assembled, That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Gateway National Urban Recreation Area (hereinafter referred to as the "recreation area") is hereby established.

(a) The recreation area shall comprise the following lands, waters, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map, Gateway National Urban Recreation Area," numbered 951–40017 sheets 1 through 3 and dated May, 1972:

(1) Jamaica Bay Unit—including all islands, marshes, hassocks, submerged lands, and waters in Jamaica Bay, Floyd Bennett Field, the lands generally located between highway route 27A and Jamaica Bay, and the area of Jamaica Bay up to the shoreline of John F. Kennedy International Airport;

(2) Breezy Point Unit—the entire area between the eastern boundary of Jacob Riis Park and the westernmost point of the peninsula;

(3) Sandy Hook Unit—the entire area between Highway 36 Bridge and the northernmost point of the peninsula;

(4) Staten Island Unit—including Great Kills Park, Miller Field in its entirety, Fort Wadsworth, and the waterfront lands located between the streets designated as Cedar Grove Avenue, Seaside Boulevard, and Drury Avenue and the bay from Great Kills to Fort Wadsworth;

(5) Hoffman and Swinburne Islands; and

(6) All submerged lands, islands, and waters within one-fourth of a mile of the mean low water line of any waterfront area included above.

(b) The map referred to in this section shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 2. (a) Within the boundaries of the recreation area, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the States of New York or New Jersey or any political subdivisions thereof may be acquired only by donation.

(b) Federal property within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of such area, subject to the continuation of such existing uses as may be permitted by the Secretary for such reasonable periods as may be agreed upon with the head of the agency formerly having jurisdiction over the property.

(c) Within the Breezy Point Unit (1) the Secretary shall acquire an adequate interest in the area depicted on the map referred to in section 1 of this Act to assure the public use of and access to the entire beach. The Secretary may enter into an agreement with any property owner or owners to assure the continued maintenance and use of all remaining lands in private ownership as a residential community composed of single-family dwellings. Any such agreement shall be irrevocable, unless terminated by mutual agreement, and shall specify, among other things:

(A) that new construction will be prohibited on any presently undeveloped lands between the line of existing dwellings and

the beach area to be acquired by the Secretary;

(B) that all construction commencing within the area, including the conversion of dwellings from seasonal to year-round residences, shall comply with standards to be established by the Secretary;

(C) that additional commercial establishments shall be permitted only with the express prior approval of the Secretary or his designee.

(2) If a valid, enforceable agreement is executed pursuant to paragraph (1) of this subsection, the authority of the Secretary to acquire any interest in the property subject to the agreement, except for the beach property, shall be suspended and the Secretary is authorized to designate, establish, and maintain a buffer zone on Federal lands separating the public use area and the private community.

(3) The Secretary is authorized to accept by donation from the city of New York any right, title, or interest which it holds in the parking lot at Rockaway which is part of the Marine Bridge project at Riis Park. Nothing herein shall be deemed to authorize the United States to extinguish any present or future encumbrance or to authorize the State of New York or any political subdivision thereof to further encumber any interest in the property so conveyed.

(d) Within the Jamaica Bay Unit, (1) the Secretary may accept title to lands donated by the city of New York subject to a retained right to continue existing uses for a specifically limited period of time if such uses conform to plans agreed to by the Secretary, and (2) the Secretary may accept title to the area known as Broad Channel Community only if, within five years after the the date of enactment of this Act, all improvements have been removed from the area and a clear title to the area is tendered to the United States, and (3) the Secretary is further authorized to exclude from the boundaries of the recreation area a tract of not more than three hundred and fifty acres adjacent to Flatbush Avenue in the Floyd Bennett Field Unit; said tract to be made available under other applicable provisions of law, to the State of New York for housing and related facilities: *Provided*, That if construction of said housing project now contemplated has not commenced within five calendar years after the passage of this Act, said three hundred and fifty acres will be included in the Gateway National Urban Recreation Area.

SEC. 3. (a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented. In the administration of the recreation area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act: *Provided*, That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose, except as provided in subsection 2(d).

(b) The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(c) The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements, on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

(d) The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided*, That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

(e) In the Sandy Hook and Staten Island Units, the Secretary shall inventory and evaluate all sites and structures having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

SEC. 4. (a) There is hereby established a Gateway National Urban Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years after the date of the establishment of the recreation area.

(b) The Commission shall be composed of eleven members each appointed for a term of two years by the Secretary as follows:

(1) two members to be appointed from recommendations made by the Governor of the State of New York;

(2) two members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) two members to be appointed from recommendations made by the mayor of New York City;

(4) two members to be appointed from recommendations made by the mayor of Newark, New Jersey; and

(5) three members to be appointed by the Secretary to represent the general public.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibility under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the recreation area.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $11,450,000 for the acquisition of lands and interests in lands and not more than $92,813,000 (July, 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Mr. TAYLOR (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: Page 7, line 12, strike out "in its entirety" and insert "(except for approximately 26 acres which are to be made available for public school purposes),".

Mr. MURPHY of New York. Mr. Chairman, at the outset I would like to congratulate the chairman of the full committee and the chairman of the subcommittee and the ranking minority members and the members of the committees for a tremendous move for the benefit not only of the citizens of the east coast of the United States but particularly for those who reside in the New York metropolitan area. This bill certainly represents a position and tangible movement toward parks for the people.

The Miller Field area of this park that the committee decided to include in its boundary map warrants inclusion in the bill and I support completely the committee action in June of this year that included the area known as Miller Field. I must relate to you briefly some history of this land. Three years ago Miller Field was an Army air base, it had been declared excess for military purposes, and it had been turned over to the General Services Administration for disposal.

During that 3-year period I involved myself in a colloquy as to the use of that land. Finally, after many months, in fact, years of negotiations with the General Services Administration and the city of New York, 26 acres of Miller Field was set aside for the building of a high school, a public high school in this particular area of New York City, an area of New York City where no land is available for school construction.

At present the young children who go to high school in this area sometimes eat lunch at 9:30 in the morning because of the three shifts that are necessary for them to complete their education. It is almost impossible for them to field an athletic team because of the shifting of young men and women in the classrooms at all hours of the morning, afternoon, and evening.

The city agreed, the Department of Health, Education, and Welfare agreed, the General Services Administration agreed and the Congress agreed that 26 acres of Miller Field should be set aside for a high school.

There was some disagreement on other areas of Miller Field, but in this southwestern corner that the map showed the 26 acres should be set aside for the high school, there was no disagreement.

Unfortunately the city of New York did not move quickly enough with the Department of Health, Education, and Welfare and with the General Services Administration to have 26 acres taken

out of the map of Miller Field. Consequently the committee in June included all of Miller Field in the Gateway National Park, including this 26 acres. The chairman said he did not feel it would be proper to override the judgment of the committee to revise the map and exclude this 26 acres by correspondence with the Department of the Interior and GSA. We therefore have really an administrative problem of setting aside this 26 acres that all Government agencies had agreed upon. Already budgeted in the public school educational program is this high school which is set aside in such a congested and necessary area.

This particular 26 acres does not encroach on the seashore areas nor the central areas that are so necessary for recreation of the people of this community. I certainly hope that the committee in its wisdom will agree to amend this map so that the 26 acres in the southwest area known as Miller Field can be removed from the map of Gateway Park for the specific purpose of going into that public school educational requirement.

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

Mr. MURPHY of New York. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, Miller Field is shaped like a football field of some 200 acres. Where is the 26 acres located which the gentleman desires for a school project?

Mr. MURPHY of New York. The east end of Miller Field fronts on New York Bay. The west side almost fronts on a major thoroughfare known as Hylan Boulevard, a commercial development area. The 26 acres is on the west portion in the southerly corner.

Mr. TAYLOR. On the back side away from the waterfront?

Mr. MURPHY of New York. Away from the waterfront; that is correct.

Mr. TAYLOR. It is on the end and the corner of the field farthest from the waterfront?

Mr. MURPHY of New York. The gentleman is correct. The gentleman's amendment just exempts the area from the bill.

Mr. TAYLOR. Does the gentleman have any assurance that the Federal Government will convey this property for the school purposes?

The Federal Government has already committed itself in writing; the mayor of New York has accepted in writing, but unfortunately the commissioners did not get to the governmental agencies in the early part of this year. In June the committee included the entire area in its map, or this site would not have been included.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MURPHY of New York. Mr. Chairman, I ask an additional 1 minute.

Mr. TAYLOR. Mr. Chairman, I would just like to state that in view of the gentleman's explanations and statements, I have no objection to this amendment. To some extent I think it was an oversight on the part of the committee.

Mr. MURPHY of New York. I thank the chairman.

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

Mr. MURPHY of New York. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, initially I was not opposed to this amendment. I thought it was an oversight. Now, we begin the process of emasculation. First of all, we take out 26 acres for a school. Soon, another amendment to take out housing projects will be introduced then will come the Stratton amendment, which will change the entire meaning of the bill.

I say this for this reason: The total acreage is 27,000 acres: 16,980 are owned by the State of New York; 4,900 acres are owned by New York and New Jersey. This is a total of 22,000 acres that are owned by the State of New York and the State of New Jersey, which can only be added to the recreation area if donated.

If we accept the Stratton amendment, 4,000 acres which are now owned by the Federal Government can only be added to the area if the agencies which now own the land concur.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MURPHY of New York. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. SKUBITZ. Mr. Chairman, if the 4,000 acres owned by the Federal Government can only be added if the agencies concur, there can be no park. Why should a State donate land when the Federal agencies themselves refuse to give up the land?

Mr. MURPHY of New York. If I may say this to the gentleman, the thrust of the Stratton amendment has nothing to do with this conveyance.

Mr. SKUBITZ. I agree with you.

Mr. MURPHY of New York. This conveyance is Federal land, Federal land for the last 90 years. What it is going to do is move this public land into a public use that had already been agreed upon by all of the agencies involved with the exception of the county.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SKUBITZ. Mr. Chairman, I ask unanimous consent that the gentleman may continue for 1 additional minute.

Mr. SKUBITZ. Mr. Chairman, what I am saying to the gentleman from New York is that this is the first nickel-and-dime operation on this particular bill. The next one will be the Brasco amendment, which is to cut out the housing project in the bill, which this committee considered in its wisdom and decided should be included. Add the Stratton amendment which says that federally owned land shall not be taken without the consent of the agency, will only encourage the States to refuse to donate their lands.

Mr. Chairman, I oppose the amendment.

Mr. MURPHY of New York. I can only say in response that the purpose of the use of the 26 acres is for an educational purpose. The lands are conveyed free. The other amendments to which the gentleman referred, to take housing out, has nothing to do with free transferral. This is for public use. It is vital to this community.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY).

The question was taken; and on a division (demanded by Mr. SKUBITZ) there were—ayes 27, noes 4.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. STRATTON

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

The Clerk read as follows:

Amendment offered by Mr. STRATTON: On page 8, beginning on line 13, strike out everything down through line 20 and insert the following:

"(b) With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreational area may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the seashore."

Mr. STRATTON. Mr. Chairman, I have already explained the purpose of this amendment. I do not believe there is any great need to go over it again.

I might simply make, however, some small response to the points the gentleman from Kansas (Mr. SKUBITZ) raised a moment ago with the gentleman from New York (Mr. MURPHY). The bill as now drafted does not suggest that the recreational area is going to begin operating in those very areas where the Army is already operating. The bill does recognize that the Army and the Navy can continue to operate in these four areas until their functions have been transferred. So we are not really excluding a lot of Federal acreage from the recreational area as a result of my amendment; we are simply following orderly procedure, so that when something is being used for a military purpose and, as the Secretary of the Army indicates, will probably continue to be used for that purpose into the foreseeable future, then the title ought to remain in the Army.

I might also point out to the gentleman that actually the Federal Government has given up already a very substantial amount of acreage. The gentleman was suggesting that as a result of my amendment and the amendment offered by the gentleman from New York (Mr. MURPHY), the Federal Government would not be giving up anything, only the States. But all of Floyd Bennett Field, with the exception of 95 acres, has been given up. All the other military installations listed in the report, except the three I mentioned, are also being given up: Highlands Army Air Defense Site, Manhattan Beach, Naval Ammunition Depot Earle, and Fort Hamilton; these are all being given up.

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

Mr. STRATTON. I am glad to yield to the distinguished chairman.

Mr. ASPINALL. I should like to say to my friend from New York that we never considered those areas. Those areas are

not in the provisions of the bill. The gentleman is correct about the three areas referred to, but these other areas were such that we adhered to the wishes of the Department of Defense.

Mr. STRATTON. I stand corrected by the chairman.

Let me say, however, that I have had some preliminary discussions with the distinguished gentleman from Colorado, the chairman of the full committees, and as I understand it the only real problem with my amendment concerns several beach areas at Fort Tilden, I believe, and possibly Fort Wadsworth. I believe the answer to this concern is that the orderly procedure which we followed in our committee with regard to making parts of Camp Pendleton in California available for recreational purposes would be to leave title to these beaches in the hands of the Defense Department and then allow the Defense Department to propose leasing them for recreational purposes. That is what was done very successfully in the case of Camp Pendleton.

I can say, as chairman of the Real Estate Subcommittee, that I am sure our committee would very favorably consider such a recommendation. Then, as I say, we would be following the normal and orderly procedures in having the appropriate committees of the Congress deal with each specific proposal.

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

Mr. STRATTON. I yield to my friend from New York.

Mr. KING. I rise in support of the gentleman's amendment.

The gentleman in the well (Mr. STRATTON) chairs an important subcommittee. I have the pleasure of serving with him. He is always careful as are we all to protect the interest of the American taxpayer whose funds created these installations. We jealously guard the jurisdiction of the Defense Department over them and their disposal.

I cannot agree that these defense areas should be turned over to the Interior Department without a hearing before the gentleman's subcommittee. If it is surplus we will release it. If it is not, we will not, I can assure you.

I support the gentleman's amendment.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

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

Mr. MURPHY of New York. Will the gentleman yield?

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

Mr. MURPHY of New York. When we speak of Fort Wadsworth and Fort Hamilton and Fort Tilden of course, we are talking about what were formerly coast artillery bases. Fort Wadsworth being the oldest continually manned installation in North America. It has flown the flags of three countries.

In today's military requirement or at some time in the future this real estate itself may not be necessary. In my testimony before the committee earlier this year I stated: Because of the historical significance, the beautiful scenic overlook and impact on the area, at such time as the military does not have a role for this property it should then revert to this Gateway National Park for public uses.

Mr. STRATTON. This was the statement of the Secretary of the Army, of course, but he did indicate in the case of Fort Wadsworth that they saw the probability that certain parts of that area would be required into the foreseeable future.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. McCLURE, and by unanimous consent, Mr. STRATTON was allowed to proceed for 3 additional minutes.)

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

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

Mr. McCLURE. I thank the gentleman for yielding.

As has been suggested, there is a great deal more to Fort Wadsworth that is significant for this proposed park than just the beach areas. I think one of the things that impressed the committee when we visited that area was the historic significance of Battery Weed, which is indeed one of the oldest fortifications, which overlooks the Narrows and the approaches to the harbor, and if the installation in this case is not needed at the present time, and if the amendment is adopted, I hope there will be a continuing guideline for the Department of Defense for the early and expeditious transfer of those portions of Fort Wadsworth which are not now necessary for military purposes, which would be a substantial portion of the fort.

Mr. STRATTON. Mr. Chairman, of course I cannot speak for all the members of our committee, but I can assure the gentleman, as the chairman of the subcommittee, that I will do all I can to see that any request referring to areas which the Army declares to be excess will be promptly considered by our subcommittee.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. DON H. CLAUSEN. I want to join in the comments that were made by my friend, the gentleman from Idaho (Mr. McCLURE) because of the similarity which exists between Fort Wadsworth in the East and the Fort Point Museum that we established previously out in the Golden Gate area of San Francisco.

I would hope the gentleman in the well would give very serious consideration to this, because here we see an excellent opportunity to advance a parallel situation on both sides of the United States.

Mr. STRATTON. I think the situation is very similar between these two, as the gentleman has indicated.

AMENDMENT OFFERED BY MR. ASPINALL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. STRATTON

Mr. ASPINALL. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. ASPINALL for the amendment offered by Mr. STRATTON: Page 8, line 13, strike out all of subsection (b) and insert:

"(b) Except for such beachfront areas not exceeding 300 feet from the mean high tide at Fort Tilden and Fort Hancock which shall be transferred to the Secretary of the Interior upon his request for the purposes of this Act, any Federal property within the boundaries of the recreation area may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as a part of the recreation area by the agency having custody thereof."

Mr. ASPINALL. Mr. Chairman, the only difference between the language of the amendment offered by the gentleman from New York (Mr. STRATTON) and myself has to do with the first provision of the proposed substitute:

Except for such beachfront areas not exceeding 300 feet from the mean high tide at Fort Tilden and Fort Hancock which shall be transferred to the Secretary of the Interior upon his request for the purposes of this Act, any Federal property within the boundaries of the creation area may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as a part of the recreation area by the agency having custody thereof.

The reason I asked for this time is that we have an understanding here in the committee as to what is really involved as far as the recreational benefits from these beach areas are concerned. Most certainly our committee did not wish to transgress on the jurisdiction of the Committee on Armed Services.

We thought we had paid our respects to the report of the Secretary of Defense. In fact, we did not consider most of the matters that the Secretary of Defense took exception to in his report on this bill.

What we are trying to provide for the people of this area is recreational benefits consisting primarily of beach fronts. At the present time these beach fronts referred to in this substitute amendment are used by the military. The military can have their guests, but they are not public beaches.

If my friend from New York (Mr. STRATTON) could assure me, as I think he attempted to do in the explanation he gave on his amendment, that the Committee on Armed Services of the House of Representatives would consider this matter immediately upon the request of the Secretary of the Interior so that these areas could be leased or turned over, whichever is more appropriate, for the use of the public rather than for the use of the military alone, I would appreciate that assurance.

Mr. STRATTON. Will the gentleman yield?

Mr. ASPINALL. I will be glad to yield to the gentleman.

Mr. STRATTON. I will certainly give the chairman of the full committee my personal assurance—and I think I can also speak for the Committee on Armed Services—that we would very promptly entertain any request by the Army for any lease arrangement for these beach areas and I feel certain we would approve it very promptly. This was our

procedure, for example, in connection with the beach areas at Camp Pendleton which President Nixon wanted to make available for public use in California. The Marines indicated to us that from time to time they needed some of those areas for landing operations and were therefore reluctant to transfer title to the State of California. But at the request of our committee they did agree to a lease arrangement, and those beaches are now available to the people of California.

I feel sure that our subcommittee and the full committee would approve of a similar arrangement with regard to the beaches in this area.

Mr. ASPINALL. As one who is familiar with this area, I wonder if my colleague knows of any present situations such as those he referred to on the west coast.

Mr. STRATTON. I certainly do not know of any such operations. I think there may be some areas which may occasionally be used as enlisted men's beaches for recreational purposes, but I see no reason why this usage would interfere with the use of the rest of the beaches by the general public.

Mr. ASPINALL. With that assurance, Mr. Chairman, I ask unanimous consent to withdraw my substitute amendment.

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

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I have been concerned by the "without consideration" provisions in all of these amendments and in the bill. May we assume from that the Federal Government never paid for any portion of the lands acquired for the military installations involved in this takeover?

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

Mr. GROSS. I will be delighted to yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I am certain my friend, the gentleman from Iowa, understands the situation as well as I do, but it is the general law that whenever an agency of the Government is through with the use of a particular piece of property, Federal property, then it is turned over as excess to its needs, and then another agency of the Government is given the opportunity to come in and secure that property if its proposed use is correct, without any payment whatever. Is that not correct?

Mr. GROSS. I am not on the committee, and I am not fully conversant with the law. I know there is a fair market value provision in any number of bills that come from the Committee on Interior and Insular Affairs, and on occasion they have been put in the bills on the floor of the House. I just wonder whether all of this property was taken originally by the Federal Government or purchased by the Federal Government. In Iowa we cannot acquire Federal property without paying for it. I have no knowledge of any Federal property we have obtained without paying fair market value for it. I would think it ought to be the same on the eastern seaboard, as well taken care of as they are by the Federal Government.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman.

Mr. ASPINALL. It is my understanding that even in the State of Iowa if there is no Federal agency that wishes some property that has been declared excess to the uses of another Federal agency, all that they have to do is to make their request, and they do not have to make any contribution in return.

Mr. GROSS. I thank the gentleman, but I am afraid I still do not know the answer to the question I asked a few moments ago: if these military installations are turned over, and if the Stratton amendment should not be adopted, who is going to put up the very substantial amount of money that would be required to relocate them? Was that given any consideration by the committee that wrote the provision in the bill which the gentleman from New York (Mr. STRATTON) seeks to remedy?

Mr. ASPINALL. Will the gentleman yield further?

Mr. GROSS. I yield further to the gentleman from Colorado.

Mr. ASPINALL. It is my understanding that these will be declared as surplus to the needs of the Defense Department, and that there will not be any other properties that will be constructed in lieu of these properties.

Mr. GROSS. But under the terms of this bill without the amendment there could be a taking of the military property there now?

Mr. ASPINALL. A taking of the property?

Mr. GROSS. Yes.

Mr. ASPINALL. The property automatically reverts.

Mr. GROSS. The bill as it stands transfers control to the Secretary of the Interior and the military will exist on the property, in part, at least, by sufrance of the Secretary of the Interior, not the Secretary of Defense, and the former could circumscribe activities, particularly with respect to military personnel to the point that the bases would be closed and relocated. Then who would put up the money to relocate the installations?

Mr. STRATTON. Mr. Chairman, will the gentleman from Iowa yield?

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

Mr. STRATTON. Mr. Chairman, I would like to say to the gentleman that if my amendment is accepted then those properties could be subject to the usual routine procedure that we carry out in our committee with regard to all surplus property, or a property that is declared surplus by the Defense Department, as to whether they should be sold at public auction, or transferred to some other agency.

Mr. GROSS. Through the GSA, is that correct?

Mr. STRATTON. If a property is declared excess to their needs, or those of any other agency, then it would go to the GSA. Or under title X procedures it could be transferred to another agency.

Mr. GROSS. I certainly support the gentleman's amendment.

Mr. STRATTON. Mr. Chairman, I ask unanimous consent to correct a typographical error in my amendment to strike out the last word in the amendment "seashore" and substitute the words "Recreational area".

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

In the amendment offered by Mr. STRATTON, the final word of the final sentence in the amendment, strike out the word "seashore" and insert "Recreational Area".

The CHAIRMAN. Without objection, the modification will be made accordingly.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON), as modified.

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

Mr. TERRY. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment, as modified, was agreed to.

PARLIAMENTARY INQUIRY

Mr. MURPHY of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to make a parliamentary inquiry at this point.

The CHAIRMAN. The gentleman will state it.

Mr. MURPHY of New York. Mr. Chairman, I have three amendments at the desk.

One amendment is parliamentarially to be offered in the House. The other two amendments are conforming amendments of the bill.

The amendment, in effect, would revise the title of the bill so that the bill would be called the William Fitts Ryan Gateway National Urban Recreation Area in the States of New York and New Jersey.

Mr. Chairman, I would ask unanimous consent when I offer that amendment in the Whole House that the other two conforming amendments be considered at that time.

The CHAIRMAN. The gentleman may offer the amendments, that is his three amendments to the text of the bill at this point, and ask unanimous consent that they be considered en bloc.

Does the gentleman care to do so?

AMENDMENTS OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I make that request, that the three amendments, which I offer, be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. MURPHY of New York: Page 6, line 16, immediately after "the" insert "William Fitts Ryan".

Page 11, line 2, immediately after "the" insert "William Fitts Ryan".

Page 13, line 1, immediately after "a" insert "William Fitts Ryan".

The CHAIRMAN. Is there objection to the request of the gentleman from New York (Mr. MURPHY)?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. MURPHY of New York. Mr. Chairman, legislation coming up within the next 2 weeks will be naming Federal buildings and other national lands after 30 Members of this body, some who are still sitting in this body. I think we have ample precedents and we all know and understand the tremendous contribution and the great work that Congressman Ryan did to bring this legislation to its rightful enactment into law.

He labored under the most trying physical circumstances, particularly in the last 6 months and we, his colleagues, knew of his work and sacrifice in the face of the handicaps he faced.

For his courage alone we are justified in our action but when we add to it his determination, great honesty, and diligence, we are vindicated in our judgment.

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

Mr. MURPHY of New York. I yield to the gentleman.

Mr. BURTON. Mr. Chairman, I would like most earnestly to commend the gentleman now in the well.

Every Member of this body is aware of the enormous contribution that our departed colleague, William Fitts Ryan, made to the public dialog and debate.

I can think of no more fitting action by this body than to reflect tangibly our stated sorrow—by recognizing Congressman Ryan's contribution and leadership with reference to this landmark urban recreation area legislation.

We would honor ourselves if we recognized the last act literally in a political sense of this dear, departed colleague of ours—despite political pressures in terms of an election and despite a very serious physical illness. The effort expended by our colleague, Mr. Ryan, in bringing to fruition this hope of the millions of people on the east coast must be recognized by the adoption of the amendment proposed by our colleague from New York (Mr. MURPHY).

I heartily congratulate him.

I urge with every possible ounce of conviction and persuasion that I may possess that our colleagues give recognition to this gentle soul who has passed to his everlasting reward.

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

Mr. MURPHY of New York. I yield to the dean of the New York delegation (Mr. CELLER).

Mr. CELLER. Mr. Chairman, I gladly endorse the amendment offered by my distinguished colleague from New York paying a tribute of honor and respect to Bill Ryan who has gone to his last reward.

Bill was a quiet, most effective Member of the House. He was tireless in his efforts to bring about the fruition of this Gateway National Park. I joined with him several years ago in this effort and was very happy to work under his leadership.

I think the Members may remember Mark Anthony in his oration said:

> The evil that men do lives after them; the good is oft interred with their bones.

That will not be the case with Bill Ryan. His good will not be interred with his bones. That will be especially so if we name the park after him. Future generations will view with adoration his wonderful efforts on the floor of the House, and more particularly his work in establishing this park.

Mr. ADDABBO. Mr. Chairman, I rise in support of the amendment.

I wish to join with my colleague from New York in asking that this House now name this park in memory of a great colleague Bill Ryan, a man who lived a life for people, who believed in the environment and its protection. I believe this commemoration will be a fitting tribute to his great works on behalf of the Nation and, most importantly, all people.

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

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

Mr. KOCH. Mr. Chairman, many Members of Congress attended the funeral of our colleague, Bill Ryan. Bill Ryan's son, William Fitts Ryan, Jr., delivered a brilliant and moving eulogy. One line in particular stood out when he said:

> My father was a rare man.

Yes, Bill Ryan was a rare man, a rare Member of Congress, and a unique individual. This Congress would honor itself by honoring his memory. I rise in support of the amendment to name the Gateway National Seashore after this rare man.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

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

Mr. CAREY of New York. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as one who came to the Congress with Bill Ryan in 1961, I recognized his many great qualities, his commitment to his ideals, and his devotion in particular to this park. I think it is a most fitting way in which to remember Bill Ryan. I hope those who visit the park in future generations will inquire about the greatness this man brought to Congress and how he performed here. In this way they will get more out of the park than sheer enjoyment. If they look into the naming of this park, it will stand as a monument to all the ideals with which Bill Ryan was identified: Decency, integrity, equality, and above all, the preservation of the kind of quality living people of a city may have. Gateway will add to the quality of life in New York City, and therefore it should properly be named for the man who gave new quality to life in New York City throughout his career.

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

Mr. ADDABBO. I yield to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I am pleased to join with my colleague the gentleman from New York (Mr. MURPHY) in urging the adoption of this amendment to name the Gateway National Seashore after Congressman William F. Ryan.

Bill Ryan cared a great deal about recreation and worked for many years to make a reality this first national park in an urban area. His concern for recreation and its availability to all the people as but a part of his concern for the quality of life for the people of his district, his city, and his Nation.

I believe that we should honor his commitment and ability, not only in the field of recreation, but also in the fields of peace and social justice by naming this great new park after him. The people for whom Bill Ryan fought so hard will look with great favor upon this House if it takes this opportunity to pay tribute to his work and his dedication.

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

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

Mr. BINGHAM. Mr. Chairman, I too rise in support of the amendment. I think it is most fitting indeed that this kind of tribute and permanent memorial be instituted for our friend, the late gentleman from New York, Bill Ryan. He was a man of extraordinary courage and extraordinary dedication, a man who perhaps will be more appreciated after his death than he was at times during his life. His dedication to and his work for this project is well known. I think it is highly suitable that we make this gesture to perpetuate his good name in the New York area.

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

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

Mr. BRASCO. Mr. Chairman, I rise in support of the amendment.

As the Member in whose district a great portion of this park lies geographically I had an opportunity to work with Bill Ryan very closely and I can attest at first hand to his energetic and conscientious dedication to the development of the park. I believe his colleagues could think of and could perform no greater tribute to Bill Ryan than to name the park after him, the park which was a creation of his and something he dreamed of. Let it bear his name.

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

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

Mr. PODELL. Mr. Chairman, I too, would like to join my colleagues in supporting this amendment which will truly make the park a memorial to a great and dedicated public servant.

Mr. Chairman, this afternoon the House of Representatives approved an amendment naming the proposed Gateway National Seashore the William Fitts Ryan Gateway National Seashore. It was the right thing to do and Gateway is a fitting memorial to a man whose interests were with the people, first, last, and always.

The late Congressman initiated the project and worked relentlessly to make

it a reality. It is pure irony that he is not here to see his work come to fruition.

It is appropriate that Bill Ryan's memorial be bright, a thing associated with the better things of life. Still a young man at his untimely death, Mr. Ryan was a leader often described as "ahead of his time." That was true. Much of what he advocated was novel, ahead of its time. He did the right thing by instinct, and was relentless in its pursuit. Some critics said he saw things as 100 percent right or 100 percent wrong, would not compromise, could not be induced to relax and found it difficult to delegate authority.

To that his response was, "Is that criticism?"

Because of this dedication to what he believed in, Bill collected a lot of lumps along the way. Some saw him as an outsider and told him so, but to no avail. He spoke out of conviction and sincerity. He was uniformly respected for it.

Beyond that tribute, the genuine respect of his colleagues naming Gateway in his honor will cause millions of people who use those facilities to recall the Congressman, and the dedication he brought to making the national seashore possible.

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

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

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

Mr. RANGEL. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, I rise in support of the amendment. Renaming the Gateway National Seashore in honor of the late Congressman from New York, William Fitts Ryan, is an extremely fitting tribute to a man who labored long and hard to make this proposal a reality. His vigorous support of this project was an inspiration to me, and I am sure for the rest of the New York delegation as well.

The death of my beloved friend and colleague from New York will be a great loss to our home State, the Congress, and the Nation.

The love and respect he was accorded by the residents of his district, whether they be black or white, Protestant or Catholic, Jewish or gentile, Spanish-speaking or English-speaking, was the best testimony to the success with which this man dedicated his life to making the words "equal justice under law" a reality for all New Yorkers and all Americans.

The coalition for progress he welded together stands as a model of what each of us in public service and every American must achieve in order to solve the critical problems facing us as a nation and as a community.

Bill Ryan was a pioneer in the struggle for peace in Southeast Asia, as well as in the battle for action on behalf of this Nation's poor, especially the young. We have lost a spokesman for peace. We have lost a spokesman for the future of our children. I have lost a close personal friend and mentor and the people of New York, the House and the Nation have lost a man of conscience.

Mr. GRAY. Mr. Chairman, as chairman of the Subcommittee on Public Buildings and Grounds it has been the feeling in our committee for a long time that the prestige, dedication, and great work of the Members of this body should be perpetuated. We have brought for House consideration a bill to name 29 Federal buildings throughout the United States after deceased and retiring Members of Congress. I believe this gesture today on the part of the New York delegation to name the Gateway Park after our late and beloved colleague Bill Ryan is certainly a fitting memorial to his dedication and service. There are ample precedents I could cite. I will not take the time to do it now but hope that this amendment can pass unanimously.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. MURPHY).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. BRASCO

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

The Clerk read as follows:

Amendment offered by Mr. BRASCO: Page 10, line 16, after "United States," change the comma to a period and delete the remainder of subsection 2(d).

Mr. BRASCO. Mr. Chairman, this amendment would delete that portion of the legislation which allows the Secretary of the Interior to exempt some 350 acres in the Floyd Bennett Field unit to be developed as a State housing unit which would consist of 17,500 units of housing, residing in which would be a little more than 60,000 residents.

At the outset, I want to make two points absolutely clear. I made this statement in general debate, and I think it is worth repeating. This is not an anti-housing amendment in the sense that it is antipeople. The city of New York is planning to construct in my district in Brooklyn some 6,000 units of low-, moderate-, and middle-income housing located on Pennsylvania Avenue and Flatlands Avenue in the Spring Creek area of my district.

Further, I want to make it absolutely clear, and I am sure those people who spoke in behalf of naming the park for our late beloved Member, Bill Ryan, understand very clearly that Bill was not anti anything; Bill in committee voted against housing at Floyd Bennett Field.

The next point I want to make absolutely clear is that the area known as Floyd Bennett Field lies in my congressional district and does not affect the district of any other Member.

A third point is that the Senate has already passed this particular legislation, and in that legislation the entire unit of Floyd Bennett Field is in the Gateway Park without any exemption for housing.

I suggest at this time to my friends in the committee that inasmuch as we approved just previous to this amendment, two amendments taking out in excess of 100 acres for other purposes, it would be most appropriate to put these 350 acres back into the park.

The reasons that I oppose housing at Floyd Bennett Field are based in logic and equity. Yes, I will be the first one to agree that New York is short of good housing stock, but it is equally true that New York is short and in desperate need of recreational facilities for its inhabitants. We can always find alternate sites for housing, and I will show you in my remarks that there are, indeed, alternate sites for housing, but there are no alternate sites for a national park.

Certainly, housing is completely incompatible with a park. It is geographically and economically unsound to bring housing to Floyd Bennett Field.

Floyd Bennett Field is completely unimproved property. There are no sewers, no streets, no curbs, no medical facilities, no schools, no places of worship, no transportation facilities.

The city of New York, at least its residents, have long since rejected the State transportation bond issue, and we can expect to get no help locally for the financing of additional transportation facilities. As a matter of fact, that area is served now by one bus route. The nearest subway stop is more than 4 miles away from the site.

There is an additional problem with the aspect of jet noise. I am sure all of you have received letters from the Air Transport Association which represents all the domestic airlines. They are vehemently opposed to the placement of housing at the Floyd Bennett Field, and they are opposed for a very logical reason.

As a result of the hue and outcry from people of the surrounding area, they developed a very unique pattern of approach and takeoff that would have most of the landings and takeoffs right over Floyd Bennett Field. Their statistics as compiled by the FAA require right now that 35 percent of the arrivals and departures at Kennedy Airport use that airspace over Floyd Bennett Field.

Some of them come in as low on approach as 1,000 feet, and going off, some 2,000 feet in departure. They are deeply concerned that if you put 60,000 residents at Floyd Bennett Field, the hue and cry again will cause them to curtail operations at Kennedy Airport, and indeed possibly suffer the closing of the airport.

I think that is the most economic point for the city of New York to be concerned about.

The CHAIRMAN pro tempore (Mr. PRICE of Illinois). The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BRASCO was allowed to proceed for 5 additional minutes.)

Mr. BRASCO. Mr. Chairman, I saw, not too long ago, residents of the surrounding area go with baby carriages onto the runways at Kennedy Airport to protest the jet noise. Kennedy Airport and its facility have been hauled into court in a Federal suit with respect to this noise problem. If they are forced to change the present delicately balanced pattern with respect to approach and departure, they say, very simply that: One, it cannot be done; and two, it threatens the airport.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. So that I have a clear understanding of what the gentleman is stating, can he tell me who is the authority he refers to when he says "they"? Is the gentleman talking about the FAA?

Mr. BRASCO. I will be glad to answer. I am talking about the Air Transport Association, from whom I have a letter. It has been sent to the entire membership. I will include it with the statement. As I understand it, they represent the domestic airlines. Their statistics and compilations have come from the FAA.

Mr. DON H. CLAUSEN. Has this been verified with the FAA?

Mr. BRASCO. Has this been personally verified? Yes; on previous occasions it has. I have been involved in the jet noise problem since long before the development of proposed housing at Floyd Bennett Field. This has been verified. That is how we developed this approach.

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

Mr. BRASCO. I yield to my distinguished colleague from New York.

Mr. CELLER. I understand from personal examination that there is available in New York City today potential large-scale development sites which involve a range of over 50,000 family units. With the vast land available, why should they pick on this Gateway Park?

Mr. BRASCO. If my friend will allow me to proceed, I want to make that point right now.

Who is for housing at Floyd Bennett Field? One individual and one individual alone, the State Commission of Housing.

Who is against housing at Floyd Bennett Field, which is supposed to be a gift to the city of New York and to the people of New York?

My friends were very correct when they spoke about the mayor of the city of New York working since 1966 for this National Gateway complex. They were correct when they said that we took a helicopter ride around the area of the park at the courtesy of the Mayor to promote the quick passage of this bill. But the mayor of the city of New York himself is vehemently opposed to placing housing at Floyd Bennett Field.

More importantly, the Borough President of Brooklyn is opposed to placing housing at Floyd Bennett Field. Every local legislator, Federal, State, and city, in the surrounding area opposes it.

The people of that community came down here, and I dare say visited many of the Members of Congress, to tell them about their vociferous objection to this particular development.

One point I want to make now, which is most important, gets back to what the gentleman from New York (Mr. CELLER) alluded to. We have with us today in the Halls of Congress a man by the name of Horace Morancie, the deputy director of the Brooklyn model cities program. He came to my office today. I have a letter from him, as well as others which will go into the RECORD. His letter voices strong objection against the building of housing at Floyd Bennett Field.

He does say, with good logic, that right now in the central Brooklyn model cities they have a possibility of more than 20,000 units of housing to be built at Brownsville, East New York, and portions of Bedford-Stuyvesant. That is a commitment we should have made long ago, without getting involved in the development of more than $1.2 billion for this particular project, which cannot work and which the people do not want.

Mr. RANGEL. Mr. Chairman, will the gentleman yield on the question of commitment?

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

Mr. RANGEL. Is the gentleman suggesting to this body that if his amendment is passed, the Federal funds will be available to fulfill these alternate sites?

Mr. BRASCO. Yes, I am.

Mr. RANGEL. Would the gentleman share with us this private knowledge that he has?

Mr. BRASCO. Excuse me. I did not hear the gentleman.

Mr. RANGEL. Could the gentleman share with us the nature of the commitment?

Mr. BRASCO. Well, I always like to share things with my distinguished friend and colleague from New York.

I cannot share any secret knowledge, but the basis of what Mr. Morancie and the borough president and the mayor and all the local officials are concerned about regarding the housing is that if we tie up the Federal funds which must be tied up to this project, which will cost in excess of $1,200,000, those projects which are presently in the pipeline—and I might suggest my friend, the gentleman from New York, has two in his own district—will not be fulfilled.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BRASCO was allowed to proceed for 2 additional minutes.)

Mr. BRASCO. Mr. Chairman, let me say this in closing.

I ask you to adopt my amendment not only as a reflection of my desires, and the desires of the people already mentioned, but also as a reflection of your own desires. For as a member of the Banking and Currency Committee, that recently passed a housing bill which will be considered shortly by this House, I have received numerous requests from Members on both sides of the aisle to make every effort to insure that the building of federally assisted programs throughout the country would not be done without the complete consultation and participation of local government and local residents.

This was your request, and the committee made every effort to comply. And, I am sure that on the House floor, there will be further movements along these lines.

Now, you are asked to support a bill containing a provision which bypasses, in a very harsh and brash way, local government and community participation. This is diametrically opposed to what you stand for and what I stand for.

If they do it in my district, can they and will they do it in yours? I urge you to support an amendment which I believe is based in logic and in equity.

Mr. RANGEL. Will the gentleman yield?

Mr. BRASCO. I yield to the gentleman.

Mr. RANGEL. On the question, if we support your amendment and agree with this, as provided in this legislation, what commitment does the gentleman have that he can share with us today that these funds will be used to develop the sites we are interested in?

Mr. BRASCO. Well, let me say this: I have spoken personally with the mayor of the city of New York, I have spoken with Mrs. Donanzio of the city planning commission, who is here today, I have spoken to Mr. Horace Morancie, all of them having been here today, and with the borough president of Brooklyn in my own district, and with the Committee on Banking and Currency, which has jurisdiction over banking, and as a matter of fact, when the housing bill hits the floor, I will offer an amendment making it a priority that we go into these areas I am talking about. The areas I am talking about are not Dresden, Germany, 1945; they are part of my district in 1972. This is where we should be putting housing, not on Floyd Bennett Field.

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

Mr. Chairman, every Member of this House has more important things to do than listen to a dialogue between Members of the New York delegation as to what should happen to 350 acres of land, and I am not so certain that much of this problem was not cleared up by the amendment by the gentleman from New York (Mr. STRATTON) which was adopted with the concurrence of the gentleman from New York who just answered to this.

And I want it clear on that, that section 2(a) on page 8 was amended by adding a new section (b): With the concurrence of the agency having custody thereof any Federal property within the boundaries of the recreation area may be transferred without consideration to the administrative boundaries of the Secretary for administration as part of the recreation area.

I think that clearly put with the Secretary of the Interior the right to dispose of that land as he sees fit, and I want that very definitely on the record.

Returning to some of the points that were covered—and all of them can be answered, and many of them are erroneous—I think the best way is to quote from a letter from the Governor of the State of New York, in which he laid stress to the fact that they heartily endorse the Gateway National Urban Recreational Area and would take no steps to jeopardize or diminish the benefits which this long-needed recreation area will promise.

It stated further: But the city of New York is in desperate need of housing, because of the desperate deterioration of its housing stock. The city is losing 50,000 units to abandonment each year.

Hundreds of thousands of units are inadequate and need replacement. The proposal of the State to develop the hous-

ing for 17,500 families is what we are talking about here. Housing on Floyd Bennett Field will have only 350 acres out of 1,282 acres, and what we are talking about is this amount out of a total of 26,000 in the entire William Fitts Ryan Gateway National Urban Recreational Area facility. This is only a small incursion and it will not diminish it in any way.

How many baseball diamonds can be built on one particular project? We are talking about the northeast corner of these lands, which will serve so much to benefit people in these middle-income families. The Floyd Bennett site is ideal for a "new-town in-town" concept. The State proposes to develop them in that way. It will give us an opportunity properly to plan the roads and schools and shopping and educational facilities.

Quite to the contrary, Members of the House, from what the last speaker said to you, these will be included within a bond issue to be floated by the developing agency and then turned over by that agency to the city of New York. So it will not cost the taxpayers of the city of New York anything.

What we are talking about here is an internal development, one and a half miles from the closest center at the present time across the bay. We are only talking about 17 percent of this new 350-acre site in order to properly space and locate all of the facilities so as to assure the maximum amount of recreation. landscaping, and so forth.

The State in only 6 years developed a similar community at Co-op City.

Our colleague, Mr. BIAGGI, told you what kind of an outstanding development that is. It is located in his district. It provides housing for 15,500 families who are living there and who are upgraded as a result of this. This project does not take care of low-income families but takes care of middle-income families. That is what we are talking about here.

But as a result, as you step down the line, it relieves the inferno which we have burning in New York today and the need to create proper and adequate housing for all of our people.

Mr. Chairman, I am now quoting from a letter from the governor of the State of New York in refutation of the statements earlier made:

No vacant sites of nearly equal size are now available nor can they be made available without undertaking the impossible task of relocation.

Middle-income families concerned over security would not have moved where their schools and their shopping centers and recreational facilities were not located in the project area, and we have to provide all of these facilities necessary today. We require a site the size of that which we are requesting at Floyd Bennett Field. You cannot do it with these small pieces.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. TERRY was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman.

Mr. SEIBERLING. Could you not put an awful lot of housing in Central Park if that were turned over to a developer?

Mr. TERRY. Yes. But we are talking here about $8 million in value of land out in the Brooklyn area, whereas if you did it in Central Park, the land cost for the developer would be absolutely astronomical and price you out of the market.

Mr. SEIBERLING. But the point is do they not need open space in Brooklyn the same as they do in Manhattan?

Mr. TERRY. Oh, yes. But we are talking about land right across the road from this particular site which is 1,230 acres of city park which exists today. Only a small portion of that is really used, because the golf course is there and the rest is seldom used. I have been there on a number of occasions myself. It is not that much used today. But when we develop the whole complex of this area, the William Fitts Ryan Gateway National Urban Recreation Area, we will be talking about generating the facilities, the transportation facilities, to bring the people there.

We are talking about 65,000 people coming into this area; they will need transportation on a 12-month basis, and this would make feasible the extension of a subway line to this project, which is assured by the same Commissioner to which the gentleman from New York (Mr. BRASCO) referred earlier. This project will not be undertaken unless the transportation problem is resolved.

One other thing that I should like to point out to those people who were not on the committee, and perhaps have not had the opportunity to read through the bill that thoroughly, is that we have—and I say "we" under the committee—have 5 years in which to develop it. If it fails to develop it, if it does not work out, it comes back to the Secretary. This is merely a bill that gives the right for 5 years.

We are merely talking about giving it over for sale, and for $8 million to buy it back in the event that it does not work out, if there are objections by local zoning, and it cannot be worked out. But many of these properties, as you will note right here, require long-term working out.

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

Mr. TERRY. I will yield to the gentleman at the conclusion of my remarks in the same manner that I did not interrupt the gentleman.

We are talking about providing civic, recreational, and other community facilities, and this new community will not cost the city of New York any capital construction money. The cost of these facilities will be borne by the State-created development agency, very similar to what we have done in Battery Park, the Battery Park Authority, and Co-Op City; we are talking about ground rents that will be charged for housing and for rental facilities and these revenues will meet the cost for paying in the same manner as for Battery Park, the 100-acre new community, to guarantee construction of low and medium housing. The work timing is favorable. And this is the same man, the commisisoner of housing, that we talk about here.

Mr. BRASCO said in 1966 that Mayor Lindsay was advocating that this be turned over as a recreational area. Let me quote from a letter from the commissioner of planning in the city of New York at that time, and that is the commissioner of planning who today is objecting on behalf of Mayor Lindsay, and let me quote from a letter by Donald H. Elliott, chairman of the city planning commission, dated October 25, 1967, in which he stated, and this has not changed today, that—

> Floyd Bennett Field offers an excellent opportunity to build in excess of 20,000 units of housing and supporting community and commercial facilities. In our judgment, this housing would be marketable at a broad range of economic levels. Construction could be timed so as not to undermine other areas in the city.

So, despite what has been said to you, this is a feasible project, and one which will greatly assist.

Another point that has been made is one in connection with air patterns.

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

Mr. TERRY. As soon as I finish this one point I will yield.

I have here in front of me for your inspection the air routes of the Kennedy Airport, and outlined here in red it shows that this is not within zone 3, but within zone 2, and perfectly plausible for construction today.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wholeheartedly support the amendment offered by my colleague, the gentleman from New York (Mr. BRASCO).

I want to say to the members of the Committee—who knows best what is necessary or what is essential or what is efficacious for New York City? Who knows better than the Members from New York? We are in somewhat of an expert position to tell you Members from other parts of the country what is worthwhile for New York.

I want to indicate to you beyond peradventure of doubt that we need more and more recreation land in the city of New York for our teeming millions. If you go to Coney Island or to Brighton Beach, you see the seashore there with myriads of people, and particularly on Saturday and on Sundays. We need to siphon off from those ocean washed shores those who seek recreation by having a park like the Gateway National Seashore Park which is not far distant from Coney Island or from Brighton Beach.

I fear that if we do not adopt this amendment, the Gateway National Park will be, in a way, commercialized. It will be commercialized by real estate interests.

The conception of recreation is of paramount interest and should be of the highest degree of importance to every member of this Committee and more particularly of paramount importance to the

Members from New York City who want to care for the denizens of that great metropolis, who need recreation from the asphalt jungles.

I do not think most of you Members know what it means to live during the hot summer on the asphalt streets of Brooklyn or of Manhattan or of the Bronx or of Queens. It is an intolerable situation. So this is a need for the teaming hot and bothered millions—and I repeat that term, because it is most expressive, the teeming millions—it is a need for the teeming millions of people to get recreation and surcease from the turmoil and from the heat of summer in places like the Gateway National Park.

If we do not adopt this amendment, we create a dangerous precedent—we chip off from the Gateway National Park a considerable amount of acreage for commercial housing. That sets up a precedent. Next year, and in the next 5 years, they will chip off some more from the Gateway National Park. Finally, the whole conception of the Gateway National Park will have been blown away like a puff of smoke.

Can you imagine what would happen to New York City if we did not have Central Park? Can you imagine what would happen to Brooklyn if we did not have the great Prospect Park? I am sure that the arguments you are hearing now against the setting up of the Gateway National Park in the interest of real estate are similar to the arguments that were advanced against the setting up of Central Park way back in the middle part of the last century. Those arguments, you may remember, led Boss Tweed to serve a prison term because he sought to prevent the establishment of a park and thereby to line his own pockets. He went to jail.

I know from the history of Brooklyn that those arguments were delivered years ago against the setting up of the great Prospect Park of Brooklyn, that wonderful recreation center, in my own borough. I am quite sure they were not dissimilar to the arguments that you are hearing now. They argue that we are only going to take a slice or a portion of the Gateway National Park. In those early days they argued they were only going to take a portion of the proposed Central Park and the proposed Prospect Park.

But, as public spirited citizens, then said, "No, you shall not lay selfish hands on that land—we need that land for Brooklyn—we need that land for the recreation of the Brooklyn citizenry." Today we need every stitch of that land called the Gateway National Park for the recreation of our millions of people in New York City and elsewhere.

Finally, just one more thing. I want you to know that the parks are the very lungs of great populations in the cities. We want to keep those lungs strong and healthy. We will do it by voting for this amendment offered by my distinguished colleague, the gentleman from Brooklyn. Keep Gateway intact.

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

Mr. WYDLER. I yield to the gentleman.

Mr. ADDABBO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. BRASCO). The amendment before the House would preserve the true character of H.R. 1121, a bill to establish a national park to protect a unique conservation and recreation area. The amendment would prevent the construction of luxury housing on a site to be preserved as a national area for all Americans.

Mr. Chairman, this legislation is important now and as much land as possible must be included. Today's New York Times reported that the Second World Conference on National Parks pointed out the shortage of national parks and the possibility of future rationing based on approaching stage of overuse.

The overcrowding results from increase in population, income, easy transportation, and leisure.

Rationing has already become a reality at 37 national parks in our country, either in turning people away due to lack of accommodation, or in the experimental reservations systems. National parks are for the people. Passage of the Gateway bill will best serve the interests of more than 15 million people who live within a 5-minute to 2-hour drive of this unique area.

Part of the Gateway National Park area was originally within my congressional district and I am personally familiar with the vast natural resources of the area. Following the recent congressional redistricting, the area became part of the district now represented by our colleague from New York (Mr. BRASCO), the sponsor of the amendment now under debate. He knows the significance of the plan supported by our State's Governor to build luxury housing adjacent to a national park site. What better site for those who can afford it to view the beauty of a national recreation area?

I ask you instead to consider how unfair that kind of proposed housing development would be in light of the urgent needs for other kinds of housing in other areas in New York and need for maximum recreational acreage.

Mr. Chairman, we cannot authorize the construction of seaside apartments for the upper-income while millions continue to live in substandard housing. The Brasco amendment recognizes that inequity and would prevent the development of luxury housing on the national park property. We cannot afford to spend tax dollars on the streets, sewers, transportation and housing for the wealthy seashore apartment dweller while other districts in New York which desperately need help go without basic human needs.

In addition to the type of housing involved in the proposed State plan, I would point out to my colleagues that the very environmental considerations which lead to the Gateway bill, dictate against the construction of any kind of housing at this site. The area in question is near or under flight paths for aircraft landing at Kennedy Airport. The aircraft noise zone is considered intolerable and incompatible with housing of any kind. It should be declared a buffer zone for this reason.

The area already suffers from air and noise pollution which has been declared a national problem by the Federal Government. We must not compound that problem by authorizing more housing at the site.

These reasons which I have cited have also been the reasons why other city officials including the mayor of the city of New York, have opposed the housing plan. There are other sites—more suitable sites—available throughout the city for housing and those sites should be used to provide housing for those in need and those in middle-income brackets, not for the wealthy who already have access to seashore housing.

I urge my colleagues to vote for the Brasco amendment.

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

Mr. WYDLER. I yield to the gentleman.

Mr. KOCH. Mr. Chairman, I rise in support of the Brasco amendment. Today the members of the New York delegation met with State Commissioner Charles J. Urstadt, City Planning Commissioner Donald H. Elliott, Brooklyn Borough President Sebastian "Sam" Leone, and others to discuss the merits of the plan to build housing at Floyd Bennett Field. Commissioner Elliott made it very clear that Federal 236 moneys which New York State proposes to use to build housing at Floyd Bennett could far better be used to complete the many projects already planned and in the pipeline which the city is unable to either undertake or complete because of a lack of Federal funds. It was pointed out by both Commissioner Don Elliott and Borough President "Sam" Leone that this project will be far more costly than the developments planned by the city.

They pointed out that in addition to the immediate costs in constructing the housing on this undeveloped site, hundreds of millions of dollars would have to be expended to build sewage lines and sewage plants, schools, and mass transportation, not now existing. They further pointed out that these very vital services do exist in those parts of the city in which the city plans to build housing. Mr. Horace Moranci, who is the head of the model cities program in Brooklyn, told the New York delegation that building housing at Floyd Bennett would be at the expense of building housing in central Brooklyn which desperately needs it.

Commissioner Urstadt let the cat out of the bag when he admitted that in order to provide transportation to Floyd Bennett he would have to recommend the resurrection of the Cross Brooklyn Expressway. That very expressway has been opposed by the people of Brooklyn for many years and ultimately killed by the State legislature because of local opposition. Were that expressway revived, it would mean that good homes would be destroyed, thousands of people adversely affected, and the whole borough irreparably damaged.

Mr. Chairman, I am for housing in New York City: low, moderate and middle, all of which are desperately needed. When we vote against using Floyd Ben-

net: Field for housing and support the Brasco amendment to include Floyd Bennett in the Gateway Park, we will be allowing the city of New York to use the 236 moneys allotted to it for constructing new housing in those areas of the city which desperately need it and need it now. And we will be providing additional park acreage for the generations of New Yorkers to come.

Mr. WYDLER. I thank the gentleman.

Mr. Chairman, I have a message for the Members here. I have the greatest respect for the gentleman from New York (Mr. TERRY) and I think he has presented his case for the proposal as best as it could possibly be presented, but there should be borne in the minds of this Committee a full awareness of what they are doing as a deliberative legislative body in planning to put 60,000 people in the worst—and I say this without any reservation—the worst jet-noise-affected area in our country. The very site that has been chosen to house 60,000 people is an area over which 110,000 jet aircraft flew last year. Any man with any sense realizes that people living in that kind of area are going to demand that the planes be taken away. They are not going to stand for such a situation once they move in. We all know what is going to happen.

That is why the Air Transport Association, whom I rarely agree with on jet noise, has written and stated that they do not want this to take place. They know it will result in the closing of Kennedy Airport or the curtailment of its operations or, more likely, a diversion of flights over Nassau County. I do not think that is the kind of action that this Congress should take.

I am going to close by just pointing out one fact to the Members, which makes this proposal in my mind almost incredible. The plan for this proposal is put forth in a booklet calling it a total residential community. It tells you they are going to have housing there. It tells you they are going to have hospitals there. It tells you they are going to have schools there. This is a B, jet-noise area as rated by HUD. The HUD rules do not allow the construction of schools in B noise areas, so this would be a total community without any schools. That gives you the kind of idea we have here. It should be totally rejected by this Committee.

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

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

Mr. RANGEL. If I understand, these houses are supposed to be built by the private sector which involves billions of dollars. Is the gentleman telling me that these builders are willing to invest this type of money, knowing that no schools will be located in the area we are concerned with?

Mr. WYDLER. I do not think they know it, and it is a fact they may be hearing here for the first time, but it is a fact.

Mr. RANGEL. I understand they are going forward with Federal funding for part of this building, and there are 23 Federal agencies who have to look at the area and determine the noise factor before it can be done.

Mr. WYDLER. The only way it could be done would be to change the existing regulations. The only way to change them would be to make them fit this project. I do not think that is something we should be considering here.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I appreciate the argument and certainly if this is going to happen I would certainly be in support of the amendment, which I am not. But it seems to me if the standards have already been set by existing law and regulation that the private sector or the Federal Government cannot build housing here if they are in violation of existing law, then basically what the gentleman is saying is they cannot build if the condition of air pollution is as the gentleman presently described it.

Mr. WYDLER. That is correct. I hold in my hand the land use compatibility report put out by HUD. Under zone B they say one of the types of buildings not allowed in zone B areas, and that is Floyd Bennett Field, is schools.

Mr. RANGEL. If they cannot build, then there is absolutely no need for the amendment.

Mr. WYDLER. I think there is a need for the amendment because we want to make it absolutely clear that this Congress will not be a part of this type of proposal.

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

Mr. Chairman, although I am not a member of the New York delegation, I happen to have lived for 7 years in New York and I married a Brooklyn girl, so I am quite familiar with the area, and Floyd Bennett Field, in particular.

I think this amendment is of great interest to every Member of this House who comes from an urban area and who is concerned with preserving open space in and around the cities. The 350 acres they are talking about is more than one-third of the total land area of Floyd Bennett Field. If that one-third goes, then the next move will be to develop the other two-thirds. Then we will lose 1,100 acres of land, which is very scenic land, with great recreational potential. Unlike housing, which can be built in many places, you just are not going to get any more land around New York City.

Anybody who has lived any time in New York City knows that one of its most desperate needs is open space. I happened to sit yesterday next to one of our most distinguished scientists, a Nobel Prize winner, at lunch. He runs, jogs for exercise, and he says he has visited every major city in the world and that only in the United States is it hard to find in the major cities, a place where a person can get out and get some of that kind of exercise. What a commentary.

Mr. Chairman, every time we try to preserve the open space around one of our great cities, the developers come in and try to take the choicest land for private gain. The people of New York need this land desperately for recreation. This bill is pioneer legislation. It will provide a precedent for the future. If we allow this important acreage to be excluded, then the next time there is a similar piece of legislation here, there will be similar pressure, and they will cite this precedent as the reason why the Congress should go along with the developers.

Mr. Chairman, I urge adoption of the amendment.

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

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

Mr. TERRY. Mr. Chairman, does the gentleman have any figures to dispute the statement which I made earlier that there are 50,000 housing units abandoned in the city of New York each year over the past 6 years?

Mr. SEIBERLING. I have no basis for disputing those figures. I will say that, assuming the figures are correct, they indicate a need to build good new housing in the areas in which housing is deteriorating.

Mr. TERRY. Can the gentleman build on an individual basis? We are talking about building economically here on land and for which the State of New York has offered to pay $8 million, which would provide an economical way of building housing to the tune of $1.2 billion. It will be a whole concept, a town within a town, and will not be biting off a bite of the apple at one point at a time, but it will go to the core and create some 17,500 units.

Mr. SEIBERLING. New York City does not need more people; the people who are there need better housing, but they also need more open space.

Mr. LENT. Mr. Chairman, I rise in support of the amendment offered by Mr. BRASCO for two basic reasons.

First of all, I do not believe that this body should countenance the imposition of a large publicly supported housing development of the scope contemplated without the concurrence of the community affected. In this case, this is being done in Brooklyn, to the district represented by Mr. BRASCO. The lessons should be obvious to all of my colleagues: The next development could be imposed upon your districts.

If we have any respect for each other, or for the offices we hold, we should honor the wishes of the community and the wishes of Mr. BRASCO.

Second, my own district in Nassau County would be adversely affected by this housing development because of its proximity to John F. Kennedy International Airport.

Presently, the Floyd Bennett Field is uninhabited. Present noise abatement procedures and flight patterns call for some 300 jet flights daily to overfly Floyd Bennett at altitudes between 1,000 and 3,000 feet. This is called the Canarsie approach, and it accommodates 35 percent of the flights in and out of John F. Kennedy Airport.

Thus, to a substantial degree, the Canarsie approach alleviates the jet-noise problem for the residents of Nassau

and Queens Counties surrounding the Kennedy Airport.

If Floyd Bennett is developed with high-rise apartments, something which would violate the current external noise exposure standard for new construction set by HUD, a very substantial revision of flight patterns for Kennedy Airport will have to be made by the FAA. The result will certainly be to direct more flights over Nassau and Queens Counties, which are presently densely populated.

This is unacceptable. Congress should not knowingly invite the opportunity for thousands of low- and middle-income families to make their homes in an area of excess jet noise.

But, neither should Congress permit the building of a housing project beneath a primary flight pattern knowing that such construction will divert the assault of jet noise to hundreds of thousands of suburban homeowners in Nassau and Queens Counties who already are enduring more than their fair share.

This housing project does not make sense, and the amendment should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BRASCO).

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

Mr. TERRY. Mr. Chairman, I demand tellers.

Tellers were refused.

Mr. TERRY. Mr. Chairman, I demand a division.

The question was taken; and on a division (demanded by Mr. TERRY) there were—ayes 76, noes 13.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. HOWARD: Page 12, immediately after line 25 insert the following:

"(f) (1) Notwithstanding any other provision of law, the Secretary may provide such services and facilities, including the purchase or rental of ferry services and docking facilities, as he deems necessary or desirable for access to the recreation area. The Secretary may provide such services and facilities directly, or by negotiated contract with public and private agencies or persons without advertising and without securing competitive bids. The Secretary shall make every effort to provide public access to the recreation area by means of mass transit and water transportation in order to minimize the impact of automotive transit on the environment within the recreation area and to increase the opportunities for access by the populations of nearby urban areas.

"(2) The Secretary of Transportation is authorized and directed to assist the Secretary in developing a plan for a water-based rapid transit demonstration project designed to provide rapid and economical transportation to the areas established by this Act."

Page 14, line 14, immediately after "lands" insert the following: ", not more than $30,000,000 to carry out the purposes of section 3(f) (relating to the establishment of ferry services and docking facilities),".

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that the amendments be considered en bloc?

Mr. HALL. Mr. Chairman, reserving the right to object, I did not fully understand where the one amendment ended and the other amendment began, which the gentleman asks unanimous consent be considered en bloc.

The CHAIRMAN. Without objection, the Clerk will rereport the second amendment.

The Clerk reread the second amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that the amendments be considered en bloc?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. HALL. Mr. Chairman, I make a point of order against the first amendment, and I will reserve the point of order if the gentleman would like to be heard.

The CHAIRMAN. The gentleman from Missouri reserves a point of order against the amendment.

Mr. HOWARD. Mr. Chairman, the reason why I asked the amendments be considered en bloc is that they are so interrelated. The one amendment provides for an activity which the Secretary of the Interior and the Secretary of Transportation would have in relation to this act, and the second amendment provides the funds for the implementation of that action. I feel it would not be practical to have one without the other.

Mr. Chairman, the record of this Congress will go down in history and be looked back upon with great pride in relation to the legislation we have before us today. I wish to commend the committee for bringing out this bill.

We have had great national parks and national seashores created throughout this Nation, mostly preserving the great areas where the population is small, in the West, the Midwest, and the South. But in this legislation, Mr. Chairman, the committee has taken one of the most populous areas of the United States, where we have a precious little amount of natural area, and has stated that this shall be preserved and this shall remain for the utilization and enjoyment of the people of that area as well as the people throughout the country.

There are not many areas of sand dunes, holly forests, and wildlife areas available to the people in the New York and New Jersey area.

But with the creation of the Gateway National Park, Mr. Chairman, we will have a national park, a beautiful national park, which I have been told is within a 2-hour driving distance of 23 million Americans.

Mr. Chairman, the people should be able to use this to its fullest. However, we have a difference between this urban national park and our more rural national parks, and that is access. For many of the parks throughout this country, unless it is relatively easy to get to them, there are not an awfully lot of people going there each day.

But this national park, in the New York-New Jersey metropolitan area, is in an area where the roadways are congested, where the rail lines are congested and where there is no easy highway access.

The Department of the Interior, looking toward the establishment of this park, agreed and stated in its program that there would be mass transportation facilities available to be used by the people in getting to this facility. They would be able to use the ferryboat system across the New York Bay and across Sandy Hook Bay to be able to get to the Sandy Hook portion of this park.

This was included in this legislation before the other body.

Mr. Chairman, the bottom of this park, which is in my district, in the Sandy Hook area in Monmouth County, is in the middle of a very old, very quaint, and very historic part of America, going back to the Revolutionary days.

The roads are not adequate to handle the traffic that we have now. They cannot be widened to any great degree without doing great damage to the heritage of this great area.

So I feel that it is most important that the people have access to this park, access which cannot be provided to them by an automobile and by a highway. A ferryboat system is the answer to the problem and I would hope Members of the Committee would agree to this.

It is only permissive legislation. It says that the Secretary of Interior may investigate and may enter into contracts to be able to see that the people can get to the park.

One final point, Mr. Chairman: This is considered a national park for urban people. Many of the people who live in this urban area, the people in Newark, the people in Jersey City, and the people in New York City, many of them do not have automobiles. Many of them find it is very difficult even to get out of the city.

By accepting this amendment, we will be able to provide that there will be public transportation. They will be able to take a bus, they will be able to take a trolley to get down to the docks and they will be able to utilize the ferry boat system and go to the park and get back.

So I am hopeful the committee will complete the work that has been done. Do not create the Gateway National Park and then strangle it at the same time without due regard to the problem of access of the people.

So I hope the committee will accept this permissive legislation and that the Secretary of Interior and the Secretary of Transportation will be able to consider mass transit facilities to enable the people to use the great national park project.

POINT OF ORDER

The CHAIRMAN. The gentleman from Missouri (Mr. HALL) is recognized on his point of order. Does the gentleman wish to press his point of order?

Mr. HALL. I do press my point of order, Mr. Chairman.

Mr. Chairman, I would say for the benefit of the Chair that this point of order is obviously based on mandating others not involved in the bill under con-

sideration, implementing regulations and devices which would call upon the Treasury of the United States in a manner not contemplated by the bill itself.

Mr. Chairman, I would point out further that repeatedly the phrase, "notwithstanding any other provision of law and without limitation," is used in order to provide the service that the gentleman from New Jersey (Mr. HOWARD) visualizes.

By the gentleman's own admission, it provides appropriation in a legislative act and, indeed, directs another Secretary, other than the one referred to as the "Secretary" in the bill, hereinafter and before as mentioned and stipulated under "definitions," to perform certain functions not encompassed in the bill under consideration.

For these reasons, I say that it is direction not contemplated; it is without the jurisdiction of this Committee, in the ordinary review and surveillance of this Committee or of the Department mentioned as the principal operator of this bill; and is an appropriation on a legislative bill.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard further on the point of order?

Mr. HOWARD. I do, Mr. Chairman.

Mr. Chairman, I hate to debate with the gentleman from Missouri (Mr. HALL) on his point of order.

I would say, No. 1, this amendment that is being considered now is legislation which was in the entire bill as it passed the other body, so it certainly has a basis for being in the bill.

The gentleman from Missouri stated that it mandates the Secretary to do certain things. I would state several times in the amendment it states that "the Secretary may" and again "the Secretary may", and so forth. So there are no mandatory provisions in there.

As to the point of order that the gentleman made about amounts of money being appropriated, it does not appropriate anything. This is an authorization bill. The amount in the second amendment, should this amendment carry, is contained in a list in section 5 on page 14, which says that there are hereby authorized to be appropriated. This amendment authorizes and does not appropriate money. Therefore I feel the point of order should not be sustained.

The CHAIRMAN (Mr. THOMPSON of New Jersey). The Chair is prepared to rule.

The Chair has read the gentleman's amendment and has listened to the arguments with respect to it.

It is indeed a broad amendment conferring a general discretionary authority to provide transportation services and facilities, including but not limited to, the purchase or rental of ferry services and docking facilities, if the Secretary deems them necessary or desirable for access, the Chair presumes, to the recreational areas involved. It is not necessarily limited to transportation within the recreation area.

Further, in section 2 of the amendment the authorization is given to the Secretary of Transportation to develop a plan for water-based transit demonstration projects and so on, which would seem to the Chair to involve the jurisdiction of a committee other than the Committee on Interior and Insular Affairs.

The Chair recognizes the gentleman's argument that some of this language is in the Senate bill, but he must rule that amendments offered at this point must be germane to the committee amendment in the nature of a substitute to the House bill and that the gentleman's amendment is not confined to the authority conferred in section 3 of the committee amendment.

The Chair therefore sustains the point of order.

PARLIAMENTARY INQUIRY

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. If the last five lines of this amendment, the part known as section 2, which deals with other jurisdictions, were deleted from the amendment, would the amendment at that time be germane?

The CHAIRMAN. The Chair is unable to rule in advance on these matters. However, his ruling was not based solely on the last five lines but, also, on the broadness of the language in the first section of the amendment.

Mr. HOWARD. In the first section as well?

The CHAIRMAN. Yes.

Mr. HOWARD. I thank the Chairman.

AMENDMENT OFFERED BY MR. SANDMAN

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

The Clerk read as follows:

Amendment offered by Mr. SANDMAN: Page 12, line 2, after "improvements," insert "pertaining to the deepening of the shipping channel from the Atlantic Ocean to the New York harbor,".

Mr. SANDMAN. Mr. Chairman, I shall not take the full 5 minutes. I intended to offer three amendments today, but I am going to offer only this simple amendment. The amendments that would have embodied the takeover of the Hackensack meadows cost about $500 million. I did not want to destroy this act with that. So this amendment is a very simple one that only pertains to dredging.

I yield to the chairman of the subcommittee.

Mr. TAYLOR. I thank the gentleman for yielding.

Mr. Chairman, both Chairman ASPINALL and I have seen this amendment, and we have no objection to it, so we are willing to accept it.

Mr. SKUBITZ. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SANDMAN).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of New Jersey, 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. 1121) to provide for the establishment of the Gateway National Seashore in the States of New York and New Jersey, and for other purposes, pursuant to House Resolution 1135, 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 adopted by the Committee of the Whole? 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.

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. O'KONSKI. 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 350, nays 4, not voting 76, as follows:

[Roll No. 386]

YEAS—350

Abbitt	Cabell	Dulski
Abernethy	Caffery	Duncan
Abzug	Camp	du Pont
Adams	Carey, N.Y.	Dwyer
Addabbo	Carlson	Eckhardt
Alexander	Carney	Edwards, Ala.
Anderson, Calif.	Carter	Edwards, Calif.
Anderson, Ill.	Casey, Tex.	Esch
Andrews, Ala.	Cederberg	Eshleman
Andrews, N. Dak.	Celler	Evins, Tenn.
Annunzio	Chamberlain	Fascell
Archer	Chappell	Fish
Arends	Chisholm	Fisher
Ashley	Clancy	Flood
Aspin	Clark	Flowers
Aspinall	Clausen, Don H.	Flynt
Badillo	Clawson, Del	Foley
Baker	Cleveland	Ford, William D.
Barrett	Collier	Forsythe
Begich	Collins, Ill.	Fountain
Belcher	Collins, Tex.	Fraser
Bell	Colmer	Frelinghuysen
Bennett	Conable	Frey
Bergland	Conover	Fulton
Biester	Conte	Fuqua
Bingham	Conyers	Gaydos
Blackburn	Corman	Gibbons
Boggs	Cotter	Goldwater
Boland	Coughlin	Gonzalez
Bolling	Crane	Goodling
Bow	Culver	Gray
Brademas	Curlin	Griffin
Brasco	Daniel, Va.	Grover
Bray	Daniels, N.J.	Gubser
Brinkley	Danielson	Gude
Brooks	Davis, Ga.	Haley
Brotzman	Davis, S.C.	Hamilton
Brown, Mich.	Davis, Wis.	Hammer-schmidt
Brown, Ohio	de la Garza	Hanley
Broyhill, N.C.	Delaney	Hanna
Broyhill, Va.	Dellenback	Hansen, Idaho
Buchanan	Dellums	Hansen, Wash.
Burke, Fla.	Denholm	Harrington
Burke, Mass.	Dennis	Harsha
Burleson, Tex.	Dent	Harvey
Burlison, Mo.	Dickinson	Hastings
Burton	Dingell	Hechler, W. Va.
Byrne, Pa.	Donohue	Heinz
Byron	Downing	Helstoski
	Drinan	

Henderson	Mink	Seiberling
Hicks, Mass.	Mitchell	Shipley
Hicks, Wash.	Mizell	Shoup
Hillis	Mollohan	Shriver
Hogan	Montgomery	Sisk
Holifield	Moorhead	Skubitz
Horton	Morgan	Slack
Howard	Mosher	Smith, Calif.
Hull	Moss	Smith, Iowa
Hungate	Murphy, Ill.	Smith, N.Y.
Hunt	Murphy, N.Y.	Snyder
Hutchinson	Myers	Spence
Ichord	Natcher	Springer
Jacobs	Nedzi	Staggers
Jarman	Nelsen	Stanton,
Johnson, Calif.	Nix	J. William
Johnson, Pa.	Obey	Stanton,
Jonas	O'Hara	James V.
Jones, Ala.	O'Konski	Steed
Jones, N.C.	O'Neill	Steele
Karth	Passman	Steiger, Ariz.
Kastenmeier	Pelly	Steiger, Wis.
Kazen	Pepper	Stephens
Keating	Perkins	Stokes
Kee	Pettis	Stratton
Keith	Pickle	Stubblefield
Kemp	Pike	Stuckey
King	Poage	Sullivan
Kluczynski	Podell	Symington
Koch	Powell	Talcott
Kyl	Preyer, N.C.	Taylor
Kyros	Price, Ill.	Teague, Calif.
Landgrebe	Price, Tex.	Terry
Landrum	Pryor, Ark.	Thompson, N.J.
Leggett	Purcell	Thomson, Wis.
Lennon	Quie	Thone
Lent	Quillen	Tiernan
Link	Railsback	Udall
Lloyd	Randall	Ullman
Long, La.	Rangel	Van Deerlin
Long, Md.	Rees	Vander Jagt
McCloskey	Reuss	Vanik
McClure	Riegle	Veysey
McCollister	Roberts	Vigorito
McDade	Robinson, Va.	Waggonner
McEwen	Robison, N.Y.	Wampler
McFall	Rodino	Ware
McKay	Roe	Whalen
McKevitt	Rogers	Whalley
Macdonald,	Roncalio	White
Mass.	Rooney, Pa.	Whitehurst
Madden	Rosenthal	Whitten
Mallary	Rostenkowski	Widnall
Mann	Roush	Wiggins
Martin	Rousselot	Williams
Mathias, Calif.	Roy	Wilson, Bob
Mathis, Ga.	Roybal	Wilson,
Matsunaga	Ruppe	Charles H.
Mayne	Ruth	Winn
Mazzoli	St Germain	Wyatt
Meeds	Sandman	Wydler
Melcher	Sarbanes	Wyman
Metcalfe	Satterfield	Yates
Michel	Scherle	Young, Fla.
Miller, Calif.	Scheuer	Young, Tex.
Miller, Ohio	Schneebeli	Zablocki
Mills, Ark.	Schwengel	Zion
Mills, Md.	Scott	Zwach
Minish	Sebelius	

NAYS—4

Ashbrook	Hall	Rarick
Gross		

NOT VOTING—76

Abourezk	Gallagher	McMillan
Anderson,	Garmatz	Mahon
Tenn.	Gettys	Mailliard
Baring	Giaimo	Mikva
Betts	Grasso	Minshall
Bevill	Green, Oreg.	Monagan
Biaggi	Green, Pa.	Nichols
Blanton	Griffiths	Patman
Blatnik	Hagan	Patten
Broomfield	Halpern	Peyser
Byrnes, Wis.	Hathaway	Pirnie
Clay	Hawkins	Pucinski
Derwinski	Hays	Reid
Devine	Hébert	Rhodes
Diggs	Heckler, Mass.	Rooney, N.Y.
Dorn	Hosmer	Runnels
Dow	Jones, Tenn.	Saylor
Dowdy	Kuykendall	Schmitz
Edmondson	Latta	Sikes
Eilberg	Lujan	Teague, Tex.
Erlenborn	McClory	Thompson, Ga.
Evans, Colo.	McCormack	Waldie
Findley	McCulloch	Wolff
Ford, Gerald R.	McDonald,	Wright
Frenzel	Mich.	Wylie
Galifianakis	McKinney	Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Rooney of New York with Mr. Rhodes.
Mr. Monagan with Mr. Erlenborn.
Mr. Reid with Mr. Mailliard.
Mr. Runnels with Mr. Broomfield.
Mr. Eilberg with Mr. Lujan.
Mr. Bevill with Mr. Wylie.
Mr. Biaggi with Mr. Peyser.
Mr. Wolff with Mr. Halpern.
Mrs. Grasso with Mr. McDonald of Michigan.
Mr. Patton with Mr. Pirnie.
Mr. Mikva with Mr. Derwinski.
Mr. Nichols with Mr. Betts.
Mr. Blatnik with Mr. Minshall.
Mr. Hawkins with Mr. Yatron.
Mr. Hays with Mr. Devine.
Mr. Sikes with Mr. Findley.
Mr. Teague of Texas with Mr. Frenzel.
Mr. Waldie with Mr. Hosmer.
Mr. Dorn with Mr. Byrnes of Wisconsin.
Mr. Garmatz with Mr. Kuykendall.
Mr. Giaimo with Mr. McKinney.
Mr. Green of Pennsylvania with Mr. Saylor.
Mr. Dow with Mr. Baring.
Mr. Gettys with Mr. Latta.
Mrs. Green of Oregon with Mr. McClory.
Mrs. Griffiths with Mrs. Heckler of Massachusetts.
Mr. Blanton with Mr. Thompson of Georgia.
Mr. Hathaway with Mr. McCulloch.
Mr. Wright with Mr. Schmitz.
Mr. Anderson of Tennessee with Mr. McMillan.
Mr. Diggs with Mr. Dowdy.
Mr. Clay with Mr. Gallagher.
Mr. Jones of Tennessee with Mr. Edmondson.
Mr. Evans of Colorado with Mr. Hagan.
Mr. Galifianakis with Mr. Pucinski.
Mr. McCormack with Mr. Mahon.
Mr. Patman with Mr. Abourezk.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TITLE AMENDMENT

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Amend the title so as to read: "A bill to establish the Gateway National Urban Recreation Area in the States of New York and New Jersey, and for other purposes."

SUBSTITUTE AMENDMENT FOR THE TITLE AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Speaker, I offer a substitute amendment for the title amendment.

The Clerk read as follows:

Amend the title so as to read: "A bill to establish the William Fitts Ryan Gateway National Urban Recreation Area in the States of New York and New Jersey, and for other purposes."

The substitute amendment for the title amendment was agreed to.

The title amendment, as amended, was agreed to.

The SPEAKER. Pursuant to the provisions of House Resolution 1135, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill S. 1852.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. TAYLOR

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

The Clerk read as follows:

Mr. TAYLOR moves to strike out all after the enacting clause of S. 1852 and insert in lieu thereof the provisions contained in H.R. 1121, as passed, as follows:

That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the William Fitts Ryan Gateway National Urban Recreation Area (hereinafter referred to as the "recreation area") is hereby established.

(a) The recreation area shall comprise the following lands, waters, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map, Gateway National Urban Recreation Area," numbered 951–40017 sheets 1 through 3 and dated May, 1972:

(1) Jamaica Bay Unit—including all islands, marshes, hassocks, submerged lands, and waters in Jamaica Bay, Floyd Bennett Field, the lands generally located between highway route 27A and Jamaica Bay, and the area of Jamaica Bay up to the shoreline of John F. Kennedy International Airport;

(2) Breezy Point Unit—the entire area between the eastern boundary of Jacob Riis Park and the westernmost point of the peninsula;

(3) Sandy Hook Unit—the entire area between Highway 36 Bridge and the northernmost point of the peninsula;

(4) Staten Island Unit—including Great Kills Park, Miller Field (except for approximately 26 acres which are to be made available for public school purposes), Fort Wadsworth, and the waterfront lands located between the streets designated as Cedar Grove Avenue, Seaside Boulevard, and Drury Avenue and the bay from Great Kills to Fort Wadsworth;

(5) Hoffman and Swinburne Islands; and

(6) All submerged lands, islands, and waters within one-fourth of a mile of the mean low water line of any waterfront area included above.

(b) The map referred to in this section shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 2. (a) Within the boundaries of the recreation area, the Secretary may acquire lands and waters or interests therein by donation, purchases or exchange, except that lands owned by the States of New York or New Jersey or any political subdivisions thereof may be acquired only by donation.

(b) With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreational area may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the recreational area.

(c) Within the Breezy Point Unit, (1) the Secretary shall acquire an adequate interest in the area depicted on the map referred to in section 1 of this Act to assure the public use of and access to the entire beach. The Secretary may enter into an agreement with any property owner or owners to assure the continued maintenance and use of all remaining lands in private ownership as a residential community composed of single-family dwellings. Any such agreement shall be irrevocable, unless terminated by mutual agreement, and shall specify, among other things:

(A) that new construction will be prohibited on any presently undeveloped lands between the line of existing dwellings

and the beach area to be acquired by the Secretary;

(B) that all construction commencing within the area, including the conversion of dwellings from seasonal to year-round residences, shall comply with standards to be established by the Secretary;

(C) that additional commercial establishments shall be permitted only with the express prior approval of the Secretary or his designee.

(2) If a valid, enforceable agreement is executed pursuant to paragraph (1) of this subsection, the authority of the Secretary to acquire any interest in the property subject to the agreement, except for the beach property, shall be suspended and the Secretary is authorized to designate, establish, and maintain a buffer zone on Federal lands separating the public use area and the private community.

(3) The Secretary is authorized to accept by donation from the city of New York any right, title, or interest which it holds in the parking lot at Rockaway which is part of the Marine Bridge project at Riis Park. Nothing herein shall be deemed to authorize the United States to extinguish any present or future encumbrance or to authorize the State of New York or any political subdivision thereof to further encumber any interest in the property so conveyed.

(d) Within the Jamaica Bay Unit, (1) the Secretary may accept title to lands donated by the city of New York subject to a retained right to continue existing uses for a specifically limited period of time if such uses conform to plans agreed to by the Secretary, and (2) the Secretary may accept title to the area known as Broad Channel Community only if, within five years after the date of enactment of this Act, all improvements have been removed from the area and a clear title to the area is tendered to the United States.

SEC. 3. (a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented. In the administration of the recreation area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act: *Provided*, That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose, except as provided in subsection 2(d).

(b) The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(c) The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements, pertaining to the deepening of the shipping channel from the Atlantic Ocean to the New York harbor, on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

(d) The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided*, That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

(e) In the Sandy Hook and Staten Island Units, the Secretary shall inventory and evaluate all sites and structures having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

SEC. 4. (a) There is hereby established a William Fitts Ryan Gateway National Urban Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years after the date of the establishment of the recreation area.

(b) The Commission shall be composed of eleven members each appointed for a term of two years by the Secretary as follows:

(1) two members to be appointed from recommendations made by the Governor of the State of New York;

(2) two members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) two members to be appointed from recommendations made by the mayor of New York City;

(4) two members to be appointed from recommendations made by the mayor of Newark, New Jersey; and

(5) three members to be appointed by the Secretary to represent the general public.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibility under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the recreation area.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $11,450,000 for the acquisition of lands and interests in lands and not more than $92,813,000 (July, 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Amend the title so as to read: "An Act to establish the William Fitts Ryan Gateway National Urban Recreation Area in the States of New York and New Jersey, and for other purposes."

The motion 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 establish the William Fitts Ryan Gateway National Urban Recreation Area in the States of New York and New Jersey, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1121) was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 99. Concurrent resolution authorizing the printing of additional copies of the Senate report to accompany H.R. 1, the Social Security Amendments of 1972.

ADDITIONAL LEGISLATIVE PROGRAM

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

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that in addition to the consideration of the continuing appropriation resolution, House Joint Resolution 1306, the House will also consider on tomorrow H.R. 16012, the reclamation project authorization. The latter bill has an open rule with 1 hour of debate.

CONFERENCE REPORT ON H.R. 14370, REVENUE SHARING

Mr. ULLMAN, on behalf of Mr. MILLS of Arkansas, filed the following conference report and statement on the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes:

CONFERENCE REPORT (H. REPT. No. 92–1450)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 14, and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, and 18, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Subtitle A—Allocation and Payment of Funds

SEC. 101. SHORT TITLE

This title may be cited as the "State and Local Fiscal Assistance Act of 1972".

SEC. 102. PAYMENTS TO STATE AND LOCAL GOVERNMENTS.

Except as otherwise provided, in this title, the Secretary shall, for each entitlement period, pay out of the Trust Fund to—

(1) each State government a total amount equal to the entitlement of such State government determined under section 107 for such period, and

(2) each unit of local government a total amount equal to the entitlement of such unit determined under section 108 for such period.

In the case of entitlement periods ending after the date of the enactment of this Act, such payments shall be made in installments, but not less often than once for each quarter, and, in the case of quarters ending after September 30, 1972, shall be paid not later than 5 days after the close of each quarter. Such payments for any entitlement period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a State government or a unit of local government to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid.

SEC. 103. USE OF FUNDS BY LOCAL GOVERNMENTS FOR PRIORITY EXPENDITURES.

(a) IN GENERAL.—Funds received by units of local government under this subtitle may be used only for priority expenditures. For purposes of this title, the term "priority expenditures" means only—

(1) ordinary and necessary maintenance and operating expenses for—

(A) public safety (including law enforcement, fire protection, and building code enforcement),

(B) environmental protection (including sewage disposal, sanitation, and pollution abatement),

(C) public transportation (including transit systems and streets and roads),

(D) health,

(E) recreation,

(F) libraries,

(G) social services for the poor or aged, and

(H) financial administration; and

(2) ordinary and necessary capital expenditures authorized by law.

(b) CERTIFICATES BY LOCAL GOVERNMENTS.—The Secretary is authorized to accept a certification by the chief executive officer of a unit of local government that the unit of local government has used the funds received by it under this subtitle for an entitlement period only for priority expenditures, unless he determines that such certification is not sufficiently reliable to enable him to carry out his duties under this title.

SEC. 104. PROHIBITION ON USE AS MATCHING FUNDS BY STATE OR LOCAL GOVERNMENTS.

(a) IN GENERAL.—No State government or unit of local government may use, directly or indirectly, any part of the funds it receives under this subtitle as a contribution for the purpose of obtaining Federal funds under any law of the United States which requires such government to make a contribution in order to receive Federal funds.

(b) DETERMINATIONS BY SECRETARY OF THE TREASURY.—If the Secretary has reason to believe that a State government or unit of local government has used funds received under this subtitle in violation of subsection (a), he shall give reasonable notice and opportunity for hearing to such government. If, thereafter, the Secretary of the Treasury determines that such government has used funds in violation of subsection (a), he shall notify such government of his determination and shall request repayment to the United States of an amount equal to the funds so used. To the extent that such government fails to repay such amount, the Secretary shall withhold from subsequent payments to such government under this subtitle an amount equal to the funds so used.

(c) INCREASED STATE OR LOCAL GOVERNMENT REVENUES.—Not State government or unit of local government shall be determined to have used funds in violation of subsection (a) with respect to any funds received for any entitlement period to the extent that the net revenues received by it from its own sources during such period exceed the net revenues received by it from its own sources during the one-year period beginning July 1, 1971 (or one-half of such net revenues, in the case of an entitlement period of 6 months).

(d) DEPOSITS AND TRANSFERS TO GENERAL FUND.—Any amount repaid by a State government or unit of local government under subsection (b) shall be deposited in the general fund of the Treasury. An amount equal to the reduction in payments to any State government or unit of local government which results from the application of this section (after any judicial review under section 143) shall be transferred from the Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

(e) CERTIFICATES BY STATE AND LOCAL GOVERNMENTS.—The Secretary is authorized to accept a certification by the Governor of a State or the chief executive officer of a unit of local government that the State government or unit of local government has not used any funds received by it under this subtitle for an entitlement period in violation of subsection (a), unless he determines that such certification is not sufficiently reliable to enable him to carry out his duties under this title.

SEC. 105. CREATION OF TRUST FUND; APPROPRIATIONS.

(a) TRUST FUND.—

(1) IN GENERAL.—There is hereby established on the books of the Treasury of the United States a trust fund to be known as the "State and Local Government Fiscal Assistance Trust Fund" (referred to in this subtitle as the "Trust Fund"). The Trust Fund shall remain available without fiscal year limitation and shall consist of such amounts as may be appropriated to it and deposited in it as provided in subsection (b). Except as provided in this title, amounts in the Trust Fund may be used only for the payments to State and local governments provided by this subtitle.

(2) TRUSTEE.—The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and statuts of the Trust Fund during the preceding fiscal year.

(b) APPROPRIATIONS.—

(1) IN GENERAL.—There is appropriated to the Trust Fund, out of amounts in the general fund of the Treasury attributable to the collections of the Federal individual income taxes not otherwise appropriated—

(A) for the period beginning January 1, 1972, and ending June 30, 1972, $2,650,000,000;

(B) for the period beginning July 1, 1972, and ending December 31, 1972, $2,650,000,000;

(C) for the period beginning January 1, 1973, and ending June 30, 1973, $2,987,500,000;

(D) for the fiscal year beginning July 1, 1973, $6,050,000,000;

(E) for the fiscal year beginning July 1, 1974, $6,200,000,000;

(F) for the fiscal year beginning July 1, 1975, $6,350,000,000; and

(G) for the period beginning July 1, 1976, and ending December 31, 1976, $3,325,000,000.

(2) NONCONTIGUOUS STATES ADJUSTMENT AMOUNTS.—There is appropriated to the Trust Fund, out of amounts in the general fund of the Treasury attributable to the collections of the Federal individual income taxes not otherwise appropriated—

(A) for the period beginning January 1, 1972, and ending June 30, 1972, $2,390,000;

(B) for the priod beginning July 1, 1972, and ending December 31, 1972, $2,390,000;

(C) for the period beginning January 1, 1973, and ending June 30, 1973, $2,390,000;

(D) for each of the fiscal years beginning July 1, 1973, July 1, 1974, and July 1, 1975, $4,780,000; and

(E) for the period beginning July 1, 1976, and ending December 31, 1976, $2,390,000.

(3) DEPOSITS.—Amounts appropriated by paragraph (1) or (2) for any fiscal year or other period shall be deposited in the Trust Fund on the later of (A) the first day of such year or period, or (B) the day after the date of enactment of this Act.

(c) TRANSFERS FROM TRUST FUND TO GENERAL FUND.—The Secretary shall from time to time transfer from the Trust Fund to the general fund of the Treasury any moneys in the Trust Fund which he determines will not be needed to make payments to State governments and units of local government under this subtitle.

SEC. 106. ALLOCATION AMONG STATES.

(a) IN GENERAL.—There shall be allocated to each State for each entitlement period, out of amounts appropriated under section 105(b)(1) for that entitlement period, an amount which bears the same ratio to the amount appropriated under that section for that period as the amount allocable to that State under subsection (b) bears to the sum of the amounts allocable to all States under subsection (b).

(b) DETERMINATION OF ALLOCABLE AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), the amount allocable to a State under this subsection for any entitlement period shall be determined under paragraph (2), except that such amount shall be determined under paragraph (3) if the amount allocable to it under paragraph (3) is greater than the sum of the amounts allocable to it under paragraph (2) and subsection (c).

(2) THREE FACTOR FORMULA.—For purposes of paragraph (1), the amount allocable to a State under this paragraph for any entitlement period is the amount which bears the same ratio to $5,300,000,000 as—

(A) the population of that State, multiplied by the general tax effort factor of that State, multiplied by the relative income factor of that State, bears to

(B) the sum of the products determined under subparagraph (A) for all States.

(3) FIVE FACTOR FORMULA.—For purposes of paragraph (1), the amount allocable to a State under this paragraph for any entitlement period is the amount to which that State would be entitled if—

(A) ⅓ of $3,500,000,000 were allocated among the States on the basis of population,

(B) ⅓ of $3,500,000,000 were allocated among the States on the basis of urbanized population,

(C) ⅓ of $3,500,000,000 were allocated among the States on the basis of population inversely weighted for per capita income,

(D) ½ of $1,800,000,000 were allocated among the States on the basis of income tax collections, and

(E) ½ of $1,800,000,000 were allocated among the States on the basis of general tax effort.

(c) NONCONTIGUOUS STATES ADJUSTMENT.—

(1) IN GENERAL.—In addition to amounts allocated among the States under subsection (a), there shall be allocated for each entitlement period, out of amounts appropriated under section 105(b)(2), an additional amount to any State (A) whose allocation under subsection (b) is determined by the formula set forth in paragraph (2) of that subsection and (B) in which civilian employees of the United States Government receive an allowance under section 5941 of title 5, United States Code.

(2) DETERMINATION OF AMOUNT.—The additional amount allocable to any State under this subsection for any entitlement period is an amount equal to a percentage of the amount allocable to that State under subsection (b)(2) for that period which is the same as the percentage of basic pay received by such employees stationed in that State as an allowance under such section 5941. If the total amount appropriated under section 105 (b)(2) for any entitlement period is not sufficient to pay in full the additional amounts allocable under this subsection for that period, the Secretary shall reduce proportionately the amounts so allocable.

SEC. 107. ENTITLEMENTS OF STATE GOVERNMENTS.

(a) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—The State government shall be entitled to receive one-third of the amount allocated to that State for each entitlement period. The remaining portion of each State's allocation shall be allocated among the units of local government of that State as provided in section 108.

(b) STATE MUST MAINTAIN TRANSFERS TO LOCAL GOVERNMENTS.—

(1) GENERAL RULE.—The entitlement of any State government for any entitlement period beginning on or after July 1, 1973, shall be reduced by the amount (if any) by which—

(A) the average of the aggregate amounts transferred by the State government (out of its own sources) during such period and the preceding entitlement period to all units of local government in such State, is less than,

(B) the similar aggregate amount for the one-year period beginning July 1, 1971.

For purposes of subparagraph (A), the amount of any reduction in the entitlement of a State government under this subsection for any entitlement period shall, for subsequent entitlement periods, be treated as an amount transferred by the State government in such State.

(2) ADJUSTMENT WHERE STATE ASSUMES RESPONSIBILITY FOR CATEGORY OF EXPENDITURES.—If the State government establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then, under regulations prescribed by the Secretary, the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent that increased State government spending (out of its own sources) for such category has replaced corresponding amounts which for the one-year period beginning July 1, 1971, it transferred to units of local government.

(3) ADJUSTMENTS WHERE NEW TAXING POWERS ARE CONFERRED UPON LOCAL GOVERNMENTS.—If a State establishes to the satisfaction of the Secretary that since June 30, 1972, one or more units of local government within such State have had conferred upon them new taxing authority, then, under regulations prescribed by the Secretary, the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent of the larger of—

(A) an amount equal to the amount of the taxes collected by reason of the exercise of such new taxing authority by such local governments, or

(B) an amount equal to the amount of the loss of revenue to the State by reason of such new taxing authority being conferred on such local governments.

No amount shall be taken into consideration under subparagraph (A) if such new taxing authority is an increase in the authorized rate of tax under a previously authorized kind of tax, unless the State is determined by the Secretary to have decreased a related State tax.

(4) SPECIAL RULE FOR PERIOD BEGINNING JULY 1, 1973.— In the case of the entitlement period beginning July 1, 1973, the preceding entitlement period for purposes of paragraph (1)(A) shall be treated as being the one-year period beginning July 1, 1972.

(5) SPECIAL RULE FOR PERIOD BEGINNING JULY 1, 1976.—In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (1)(A) for the preceding entitlement period and the aggregate amount taken into account under paragraph (1)(B) shall be one-half of the amounts which (but for this paragraph) would be taken into account.

(6) REDUCTION IN ENTITLEMENT.—If the Secretary has reason to believe that paragraph (1) requires a reduction in the entitlement of any State government for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (1) requires the reduction of such entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State government under this subtitle an amount equal to such reduction.

(7) TRANSFER TO GENERAL FUND.—An amount equal to the reduction in the entitlement of any State government which results from the application of this subsection (after any judicial review under section 143) shall be transferred from the Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

SEC. 108. ENTITLEMENTS OF LOCAL GOVERNMENTS.

(a) ALLOCATION AMONG COUNTY AREAS.—The amount to be allocated to the units of local government within a State for any entitlement period shall be allocated among the county areas located in that State so that each county area will receive an amount which bears the same ratio to the total amount to be allocated to the units of local government within that State as—

(1) the population of that county area, multiplied by the general tax effort factor of that county area, multiplied by the relative income factor of that county area, bears to

(2) the sum of the products determined under paragraph (1) for all county areas within that State.

(b) ALLOCATION TO COUNTY GOVERNMENTS, MUNICIPALITIES, TOWNSHIPS, ETC.—

(1) COUNTY GOVERNMENTS.—The county government shall be allocated that portion of the amount allocated to the county area for the entitlement period under subsection (a) which bears the same ratio to such amount as the adjusted taxes of the county government bear to the adjusted taxes of the county government and all other units of local government located in the county area.

(2) OTHER UNITS OF LOCAL GOVERNMENT.—The amount remaining for allocation within a county area after the application of paragraph (1) shall be allocated among the units of local government (other than the county government and other than township governments) located in that county area so that each unit of local government will receive an amount which bears the same ratio to the total amount to be allocated to all such units as—

(A) the population of that local government, multiplied by the general tax effort factor of that local government, multiplied by the relative income factor of that local government, bears to

(B) the sum of the products determined under subparagraph (A) for all such units.

(3) TOWNSHIP GOVERNMENTS.—If the county area includes one or more township governments, then before applying paragraph (2)—

(A) there shall be set aside for allocation under subparagraph (B) to such township governments that portion of the amount allocated to the country area for the entitlement period which bears the same ratio to such amount as the sum of the adjusted taxes of all such township governments bears to the aggregate adjusted taxes of the county government, such township governments, and all other units of local government located in the county area, and

(B) that portion of each amount set aside under subparagraph (A) shall be allocated to each township government on the same basis as amounts are allocated to units of local government under paragraph (2).

If this paragraph applies with respect to any county area for any entitlement period, the remaining portion allocated under paragraph (2) to the units of local government located in the county area (other than the county government and the township governments) shall be appropriately reduced to reflect the amounts set aside under subparagraph (A).

(4) INDIAN TRIBES AND ALASKAN NATIVE VILLAGES.—If within a county area there is an Indian tribe or Alaskan native village which has a recognized governing body which performs substantial governmental functions, then before applying paragraph (1) there shall be allocated to such tribe or village a portion of the amount allocated to the county area for the entitlement period which bears the same ratio to such amount as the population of that tribe or village within that county area bears to the population of that county area. If this paragraph applies with respect to any county area for any entitlement period, the amount to be allocated under paragraph (1) shall be appropriately reduced to reflect the amount allocated under the preceding sentence. If the entitlement of any such tribe or village is waived for any entitlement period by the governing body of that tribe or village, then the provisions of this paragraph shall not apply with respect to the amount of such entitlement for such period.

(5) RULE FOR SMALL UNITS OF GOVERNMENT.—If the Secretary determines that in any county area the data available for any entitlement period are not adequate for the application of the formulas set forth in paragraphs (2) and (3)(B) with respect to units of local government (other than a county government) with a population below a number (not more than 500) prescribed for that county area by the Secretary, he may apply paragraph (2) or (3)(B) by allocating for such entitlement period to each such unit located in that county area an amount which bears the same ratio to the total amount to be allocated under paragraph (2) or (3)(B) for such entitlement period as the population of such unit bears to the population of all units of local government in that county area to which allocations are made under such paragraph. If the preceding sentence applies with respect to any county area, the total amount to be allocated under paragraph (2) or (3)(B) to other units of local government in that county area for the entitlement period shall be appropriately reduced to reflect the amounts allocated under the preceding sentence.

(6) ENTITLEMENT.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the entitlement of any unit of local government for any entitlement period shall be the amount allocated to such unit under this subsection (after taking into account any applicable modification under subsection (c)).

(B) MAXIMUM AND MINIMUM PER CAPITA ENTITLEMENT.—Subject to the provisions of subparagraphs (C) and (D), the per capita amount allocated to any county area or any unit of local government (other than a coun-

ty government) within a State under this section for any entitlement period shall not be less than 20 percent, nor more than 145 percent, of two-thirds of the amount allocated to the State under section 106, divided by the population of that State.

(C) LIMITATION.—The amount allocated to any unit of local government under this section for any entitlement period shall not exceed 50 percent of the sum of (i) such government's adjusted taxes, and (ii) the intergovernmental transfers of revenue to such government (other than transfers to such government under this subtitle).

(D) ENTITLEMENT LESS THAN $200, OR GOVERNING BODY WAIVES ENTITLEMENT.—If (but for this subparagraph) the entitlement of any unit of local government below the level of the county government—

(i) would be less than $200 for any entitlement period ($100 for an entitlement period of 6 months), or

(ii) is waived for any entitlement period by the governing body of such unit,

then the amount of such entitlement for such period shall (in lieu of being paid to such unit) be added to, and shall become a part of, the entitlement for such period of the county government of the county area in which such unit is located.

(7) ADJUSTMENT OF ENTITLEMENT.—

(A) IN GENERAL.—In adjusting the allocation of any county area or unit of local government, the Secretary shall make any adjustment required under paragraph (6)(B) first, any adjustment required under paragraph (6)(C) next, and any adjustment required under paragraph (6)(D) last.

(B) ADJUSTMENT FOR APPLICATION OF MAXIMUM OR MINIMUM PER CAPITA ENTITLEMENT.—The Secretary shall adjust the allocations made under this section to county areas or to units of local governments in any State in order to bring those allocations into compliance with the provisions of paragraph (6)(B). In making such adjustments he shall make any necessary adjustments with respect to county areas before making any necessary adjustments with respect to units of local government.

(C) ADJUSTMENT FOR APPLICATION OF LIMITATION.—In any case in which the amount allocated to a unit of local government is reduced under paragraph (6)(C) by the Secretary, the amount of that reduction—

(i) in the case of a unit of local government (other than a county government), shall be added to and increase the allocation of the county government of the county area in which it is located, unless (on account of the application of paragraph (6)) that county government may not receive it, in which case the amount of the reduction shall be added to and increase the entitlement of the State government of the State in which that unit of local government is located; and

(ii) in the case of a county government, shall be added to and increase the entitlement of the State government of the State in which it is located.

(c) SPECIAL ALLOCATION RULES.—

(1) OPTIONAL FORMULA.—A State may by law provide for the allocation of funds among county areas, or among units of local government (other than county governments), on the basis of the population multiplied by the general tax effort factors of such areas or units of local government, on the basis of the population multiplied by the relative income factors of such areas or units of local government, or on the basis of a combination of those two factors. Any State which provides by law for such a variation in the allocation formula provided by subsection (a), or by paragraphs (2) and (3) of subsection (b), shall notify the Secretary of such law not later than 30 days before the beginning of the first entitlement period to which such law is to apply. Any such law shall—

(A) provide for allocating 100 percent of the aggregate amount to be allocated under subsection (a), or under paragraphs (2) and (3) of subsection (b);

(B) apply uniformly throughout the State, and

(C) apply during the period beginning on the first day of the first entitlement period to which it applies and ending on December 31, 1976.

(2) CERTIFICATION.—Paragraph (1) shall apply within a State only if the Secretary certifies that the State law complies with the requirements of such paragraph. The Secretary shall not certify any such law with respect to which he receives notification later than 30 days prior to the first entitlement period during which it is to apply.

(d) GOVERNMENTAL DEFINITIONS AND RELATED RULES.—For purposes of this title—

(1) UNITS OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of a county, municipality, township, or other unit of government below the State which is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes). Such term also means, except for purposes of paragraphs (1), (2), (3), (5), (6)(C), and (6)D of subsection (b), and, except for purposes of subsection (c), the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions.

(2) CERTAIN AREAS TREATED AS COUNTIES.—In any State in which any unit of local government (other than a county government) constitutes the next level of government below the State government level, then, except as provided in the next sentence, the geographic area of such unit of government shall be treated as a county area (and such unit of government shall be treated as a county government) with respect to that portion of the State's geographic area. In any State in which any county area is not governed by a county government but contains two or more units of local government, such units shall not be treated as county governments and the geographic areas of such units shall not be treated as county areas.

(3) TOWNSHIPS.—The term "township" includes equivalent subdivisions of government having different designations (such as "towns"), and shall be determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes.

(4) UNITS OF LOCAL GOVERNMENT LOCATED IN LARGER ENTITY.—A unit of local government shall be treated as located in a larger entity if part or all of its geographic area is located in the larger entity.

(5) ONLY PART OF UNIT LOCATED IN LARGER ENTITY.—If only part of a unit of local government is located in a larger entity, such part shall be treated for allocation purposes as a separate unit of local government, and all computations shall, except as otherwise provided in regulations, be made on the basis of the ratio which the estimated population of such part bears to the population of the entirety of such unit.

(6) BOUNDARY CHANGES, GOVERNMENTAL REORGANIZATION, ETC.—If, by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other governmental reorganizations, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this subtitle, the application of such provision shall be made, under regulations prescribed by the Secretary, in a manner which is consistent with such purposes.

SEC. 109. DEFINITIONS AND SPECIAL RULES FOR APPLICATION OF ALLOCATION FORMULAS.

(a) IN GENERAL.—For purposes of this subtitle—

(1) POPULATION.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(2) URBANIZED POPULATION.—Urbanized population means the population of any area consisting of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes.

(3) INCOME.—Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

(4) PERSONAL INCOME.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

(5) DATES FOR DETERMINING ALLOCATIONS AND ENTITLEMENTS.—Except as provided in regulations, the determination of allocations and entitlements for any entitlement period shall be made as of the first day of the third month immediately preceding the beginning of such period.

(6) INTERGOVERNMENTAL TRANSFERS.—The intergovernmental transfers of revenue to any government are the amounts of revenue received by that government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

(7) DATA USED; UNIFORMITY OF DATA.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be.

(B) USE OF ESTIMATES, ETC.—Where the Secretary determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

(b) INCOME TAX AMOUNT OF STATES.—For purposes of this subtitle—

(1) IN GENERAL.—The income tax amount of any State for any entitlement period is the income tax amount of such State as determined under paragraphs (2) and (3).

(2) INCOME TAX AMOUNT.—The income tax amount of any State for any entitlement period is 15 percent of the net amount collected from the State individual income tax of such State during 1972 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(3) CEILING AND FLOOR.—The income tax amount of any State for any entitlement period—

(A) shall not exceed 6 percent, and

(B) shall not be less than 1 percent,

of the Federal individual income tax liabilities attributed to such State for taxable years ending during 1971 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(4) STATE INDIVIDUAL INCOME TAX.—The individual income tax of any State is the tax imposed upon the income of individuals by such State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1954.

(5) FEDERAL INDIVIDUAL INCOME TAX LIABILITIES.—Federal individual income tax liabilities attributed to any State for any period shall be determined on the same basis as such liabilities are determined for such period by

the Internal Revenue Service for general statistical purposes.

(c) GENERAL TAX EFFORT OF STATES.—

(1) IN GENERAL.—For purposes of this subtitle—

(A) GENERAL TAX EFFORT FACTOR.—The general tax effort factor of any State for any entitlement period is (i) the net amount collected from the State and local taxes of such State during the most recent reporting year, divided by (ii) the aggregate personal income (as defined in paragraph (4) of subsection (a)) attributed to such State for the same period.

(B) GENERAL TAX EFFORT AMOUNT.—The general tax effort amount of any State for any entitlement period is the amount determined by multiplying—

(i) the net amout collected from the State and local taxes of such State during the most recent reporting year, by

(ii) the general tax effort factor of that State.

(2) STATE AND LOCAL TAXES.—

(A) TAXES TAKEN INTO ACCOUNT.—The State and local taxes taken into account under paragraph (1) are the compulsory contributions exacted by the State (or by any unit of local government or other political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(B) MOST RECENT REPORTING YEAR.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of such period.

(d) GENERAL TAX EFFORT FACTOR OF COUNTY AREA.—For purposes of this subtitle, the general tax effort factor of any county area for any entitlement period is—

(1) the adjusted taxes of the county government plus the adjusted taxes of each other unit of local government within that county area, divided by

(2) the aggregate income (as defined in paragraph (3) of subsection (a)) attributed to that county area.

(e) GENERAL TAX EFFORT FACTOR OF UNIT OF LOCAL GOVERNMENT.—For purposes of this subtitle—

(1) IN GENERAL.—The general tax effort factor of any unit of local government for any entitlement period is—

(A) the adjusted taxes of that unit of local government, divided by

(B) the aggregate income (as defined in paragraph (3) of subsection (a)) attributed to that unit of local government.

(2) ADJUSTED TAXES.

(A) IN GENERAL.—The adjusted taxes on any unit of local government are—

(i) the compulsory contributions exacted by such government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes,

(ii) adjusted (under regulations prescribed by the Secretary) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education.

(B) CERTAIN SALES TAXES COLLECTED BY COUNTIES.—In any case where—

(i) a county government exacts sales taxes within the geographic area of a unit of local government and transfers part or all of such taxes to such unit without specifying the purposes for which such unit may spend the revenues, and

(ii) the Governor of the State notifies the Secretary that the requirements of this subparagraph have been met with respect to such taxes,

then the taxes so transferred shall be treated as the taxes of the unit of local government (and not the taxes of the county government).

(f) RELATIVE INCOME FACTOR.—For purposes of this subtitle, the relative income factor is a fraction—

(1) in the case of a State, the numerator of which is the per capita income of the United States and the denominator of which is the per capita income of that State;

(2) in the case of a county area, the numerator of which is the per capita income of the State in which it is located and the denominator of which is the per capita income of the geographic area of that unit of local government; and

(3) in the case of a unit of local government, the numerator of which is the per capita income of the county area in which it is located and the denominator of which is the per capita income of the geographic area of that unit of local government.

For purposes of this subsection, per capita income shall be determined on the basis of income as defined in paragraph (3) of subsection (a).

(g) ALLOCATION RULES FOR FIVE FACTOR FORMULA.—For purposes of section 106(b)(3)—

(1) ALLOCATION ON BASIS OF POPULATION.—Any allocation among the States on the basis of population shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the population of such State bears to the population of all the States.

(2) ALLOCATION ON BASIS OF URBANIZED POPULATION.—Any allocation among the States on the basis of urbanized population shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the urbanized population of such State bears to the urbanized population of all the States.

(3) ALLOCATION ON BASIS OF POPULATION INVERSELY WEIGHTED FOR PER CAPITA INCOME.—Any allocation among the States on the basis of population inversely weighted for per capita income shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as—

(A) the population of such State, multiplied by a fraction the numerator of which is the per capita income of all the States and the denominator of which is the per capita income of such State, bears to

(B) the sum of the products determined under subparagraph (A) for all the States.

(4) ALLOCATION ON BASIS OF INCOME TAX COLLECTIONS.—Any allocation among the States on the basis of income tax collections shall be made by allocating to each State an amount which bears the same ratio to the total amount to be allocated as the income tax amount of such State bears to the sum of the income tax amounts of all the States.

(5) ALLOCATION ON BASIS OF GENERAL TAX EFFORT.—Any allocation among the States on the basis of general tax effort shall be made by allocating to each State an amount which bears the same ratio to the total amount to be be allocated as the general tax effort amount of such State bears to the sum of the general tax effort amounts of all the States.

Subtitle B—Administrative Provisions

SEC. 121. REPORTS ON USE OF FUNDS; PUBLICATION.

(a) REPORTS ON USE OF FUNDS.—Each State government and unit of local government which receives funds under subtitle A shall, after the close of each entitlement period, submit a report to the Secretary setting forth the amounts and purposes for which funds received during such period have been spent or obligated. Such reports shall be in such form and detail and shall be submitted at such time as the Secretary may prescribe.

(b) REPORTS ON PLANNED USE OF FUNDS.—Each State government and unit of local government which expects to receive funds under subtitle A for any entitlement period beginning on or after January 1, 1973, shall submit a report to the Secretary seting forth the amounts and purposes for which it plans to spend or obligate the funds which it expects to receive during such period. Such reports shall be in such form and detail as the Secretary may prescribe and shall be submitted at such time before the beginning of the entitlement period as the Secretary may prescribe.

(c) PUBLICATION AND PUBLICITY OF REPORTS.—Each State government and unit of local government shall have a copy of each report submitted by it under subsection (a) or (b) published in a newspaper which is published within the State and has general circulation within the geographic area of that government. Each State government and unit of local government shall advise the news media of the publication of its reports pursuant to this subsection.

SEC. 122. NONDISCRIMINATION PROVISION.

(a) IN GENERAL.—No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under subtitle A.

(b) AUTHORITY OF SECRETARY.—Whenever the Secretary determines that a State government or unit of local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State (or, in the case of a unit of local government, the Governor of the State in which such unit is located) of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the Governor fails or refuses to secure compliance, the Secretary is authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (3) to take such other action as may be provided by law.

(c) AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SEC. 123. MISCELLANEOUS PROVISIONS.

(a) ASSURANCES TO THE SECRETARY.—In order to qualify for any payment under subtitle A for any entitlement period beginning on or after January 1, 1973, a State government or unit of local government must establish (in accordance with regulations prescribed by the Secretary, and, with respect to a unit of local government, after an opportunity for review and comment by the Governor of the State in which such unit is located) to the satisfaction of the Secretary that—

(1) it will establish a trust fund in which it will deposit all payments it receives under subtitle A;

(2) it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) during such reasonable period or periods as may be provided in such regulations;

(3) in the case of a unit of local government, it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) only for priority expenditures (as defined in section 103(a)) and will pay over to the Secretary (for deposit in the general fund of the Treasury) an amount equal to 110 percent of any amount expended out of such trust fund in violation of this paragraph, unless such amount is promptly repaid to such trust fund (or the violation is otherwise corrected) after notice and opportunity for corrective action;

(4) it will provide for the expenditure of amounts received under subtitle A only in accordance with the laws and procedures applicable to the expenditure of its own revenues;

(5) it will—

(A) use fiscal, accounting, and audit procedures which conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States),

(B) provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretar may reasonably require for purposes of reviewing compliance with this title (or, in the case of the Comptroller General, as the Comptroller General may reasonably require for purposes of reviewing compliance and operations under subsection (c)(2)), and

(C) make such annual and interim reports (other than reports required by *section* 121) to the Secretary as he may reasonably require;

(6) all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project, 25 percent or more of the costs of which project are paid out of its trust fund established under paragraph (1), will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and that with respect to the labor standards specified in this paragraph the Secretary of Labor shall act in accordance with Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

(7) individuals employed by it whose wages are paid in whole or in part out of its trust fund established under paragraph (1) will be paid wages which are not lower than the prevailing rates of pay for persons employed in similar public occupations by the same employer; and

(8) in the case of a unit of local government as defined in the second sentence of section 108(d)(1) (relating to governments of Indian tribes and Alaskan native villages), it will expend funds received by it under subtitle A for the benefit of members of the tribe or village residing in the county area from the allocation of which funds are allocated to it under section 108(b)(4).

Paragraph (7) shall apply with respect to employees in any category only if 25 percent or more of the wages of all employees of the State government or unit of local government in such category are paid from the trust fund established by it under paragraph (1).

(b) WITHHOLDING OF PAYMENTS.—If the Secretary determines that a State government or unit of local government has failed to comply substantially with any provision of subsection (a) or any regulations prescribed thereunder, after giving reasonable notice and opportunity for a hearing to the Governor of the State or the chief executive officer of the unit of local government, he shall notify the State government or unit of local government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it will be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

(c) ACCOUNTING, AUDITING, AND EVALUATION.—

(1) IN GENERAL.—The Secretary shall provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that the expenditures of funds received under subtitle A by State governments and units of local government comply fully with the requirements of this title. The Secretary is authorized to accept an audit by a State of such expenditures of a State government or unit of local government if he determines that such audit and the audit procedures of that State are sufficiently reliable to enable him to carry out his duties under this title.

(2) COMPTROLLER GENERAL SHALL REVIEW COMPLIANCE.—The Comptroller General of the United States shall make such reviews of the work as done by the Secretary, the State governments, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this title.

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with the following amendments:

Strike out the matter proposed to be stricken out by the Senate amendment, on page 35 of the House engrossed bill strike out lines 1 through 6, and in lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(1) The period beginning January 1, 1972, and ending June 30, 1972.

(2) The period beginning July 1, 1972, and ending December 31, 1972.

(3) The period beginning January 1, 1973, and ending June 30, 1973.

(4) The one-year periods beginning on July 1 of 1973, 1974, and 1975.

(5) The period beginning July 1, 1976, and ending December 31, 1976.

(c) DISTRICT OF COLUMBIA.—

(1) TREATMENT AS STATE AND LOCAL GOVERNMENT.—For purposes of this title, the District of Columbia shall be treated both—

(A) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Commissioner of the District of Columbia), and

(B) as a county area which has no units of local government (other than itself) within its geographic area.

(2) REDUCTION IN CASE OF INCOME TAX ON NONRESIDENT INDIVIDUALS.—If there is hereafter enacted a law imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia, then the entitlement of the District of Columbia under subtitle A for any entitlement period shall be reduced by an amount equal to the net collections from such tax during such entitlement period attributable to individuals who are not residents of the District of Columbia. The preceding sentence shall not apply if—

(A) the District of Columbia and Maryland enter into an agreement under which each State agrees to impose a tax on income earned in that State by individuals who are residents of the other State, and the District of Columbia and Virginia enter into an agreement under which each State agrees to impose a tax on income earned in that State by individuals who are residents of the other State, or

(B) the Congress enacts a law directly imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia.

On page 36, line 23, of the House engrossed bill, strike out "July 1, 1972" and insert: "January 1, 1973".

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with the following amendments:

On page 37, line 9, of the Senate engrossed amendments, strike out "104(d)" and insert: "107(b)".

On page 37, line 11, of the Senate engrossed amendments, strike out "109(b) 110(b)" and insert: "104(b) or 123(b)".

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

On page 40, line 20, of the Senate engrossed amendments, strike out "one or more" and insert: "at least 2".

And the Senate agree to the same.

Amendment numbered 20: The committee of conference reports amendment numbered 20 in disagreement.

AMENDMENT TO TITLE

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:

Amend the title so as to read: "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 the Senate agree to the same.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
Mrs. GRIFFITHS,
JACKSON E. BETTS,
HERMAN T. SCHNEEBELI,
JOEL T. BROYHILL,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN E. TALMADGE,
WALLACE F. BENNETT,
CARL CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATION STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment Numbered 1: The bill as passed the House contained a title I consisting of three subtitles: subtitle A (relating to local government high-priority assistance), subtitle B (relating to State tax supplements), and subtitle C (relating to general provisions).

Senate amendment numbered 1 struck out the text of subtitles A and B of title I and inserted in lieu thereof a subtitle A relating to allocation and payment of funds both to the States and to local governments, and a subtitle B relating to supplementary grants to State and local governments.

The House recedes with an amendment under which a new subtitle A and a new subtitle B of title I are substituted for both

the provisions of the bill as passed the House and as passed the Senate. The principal differences in substance between the text of the bill as it would be under the action recommended in the accompanying conference report (referred to in this statement of managers as the "conference agreement") on the one hand, and the House bill and the Senate amendment on the other hand, are explained below, in the order in which the provision concerned appears in the conference agreement.

Subtitle A—Allocation and Payment of Funds

SEC. 101. SHORT TITLE.

Section 101 of the conference agreement provides that title I of the bill may be cited as the "State and Local Fiscal Assistance Act of 1972".

This short title is the short title which was provided for the bill by section 1 of the House bill. Section 101 under the Senate amendment provided that title I of the bill was to be cited as the "Revenue Sharing Act of 1972".

SEC. 102. PAYMENTS TO STATE AND LOCAL GOVERNMENTS.

Section 102 of the conference agreement provides for the payment out of the trust fund created by section 105 of the bill of the entitlements to the State governments and to local governments. In the case of entitlement periods ending after the date of the enactment, payments are to be made in installments, but not less often than once for each quarter, and, in the case of quarters ending after September 30, 1972, are to be paid not later than 5 days after the close of each quarter. There are some cases, however, where payment within this period is impossible because data are not available or because some action must be taken before the payments are made. In such cases the payments shall be made after the 5-day period as soon as it becomes possible to obtain such data or when such other action is taken. For example, it may not be possible to obtain sufficient data initially to make the division of payments in some county areas between Indian tribes and other units of local government, in which case partial payments may be made promptly on the basis of such information as is initially available with the remaining amounts paid as the necessary data are obtained. Similarly it is understood that in some States it may be necessary for the State governments to enact enabling legislation before local governments may receive assistance funds. The payments may be initially made on the basis of estimates.

For the corresponding provisions of the House bill, see section 101 (relating to payments to local governments) and section 121 (relating to payments to States). For the corresponding provisions of the Senate amendment, see section 103 (relating to payments to State and local governments).

SEC. 103. USE OF FUNDS BY LOCAL GOVERNMENTS FOR PRIORITY EXPENDITURES.

Section 103(a) of the conference agreement provides that funds received by units of local government pursuant to their entitlements under section 108 of the bill may be used only for priority expenditures. As defined in section 103(a), the term "priority expenditure" means only—

(1) ordinary and necessary maintenance and operating expenses for—

(A) public safety (including law enforcement, fire protection, and building code enforcement),

(B) environmental protection (including sewage disposal, sanitation, and pollution abatement),

(C) public transportation (including transit systems and streets and roads),

(D) health,

(E) recreation,

(F) libraries,

(G) social services for the poor or aged, and

(H) financial administration; and

(2) ordinary and necessary capital expenditures authorized by law.

The House bill (see section 102) contained a similar provision which set forth a list of "high-priority expenditures" which were the only expenditures for which the local governments could spend their entitlements. This list contained the items for public safety, environmental protection, and public transportation listed under subparagraphs (A), (B), and (C) of item 1 of the preceding paragraph, and limited capital expenditures to expenditures for sewage collection and treatment, refuse disposal systems, and public transportation (including transit systems and street construction). The House bill also contained a provision (see section 102(b) of the House bill) under which a State could by law exclude any category of items from the list of "high-priority expenditures" under certain prescribed circumstances. The conference agreement does not include this provision for excluding categories of items.

The Senate amendment contained no limitations on the purposes for which a local government could expend its entitlements under the bill.

Section 103(b) of the conference agreement authorizes the Secretary of the Treasury to accept a certificate of compliance with section 102(a) unless he determines that the certificate is not sufficiently reliable to enable him to carry out his duties under title I of the bill.

SEC. 104. PROHIBITION ON USE AS MATCHING FUNDS BY STATE AND LOCAL GOVERNMENTS.

Section 104 of the conference agreement provides that no State government or unit of local government may use, directly or indirectly, any part of the funds it receives under subtitle A of title I of the bill as a contribution for the purpose of obtaining Federal funds under any law of the United States which requires such government to make a contribution in order to receive Federal funds.

This provision is the same in substance as section 109 of the Senate amendment.

The House bill (see section 101 thereof) contained a provision that a unit of local government was not to treat funds it received under the bill as a contribution made from non-Federal funds for purposes of any formula provided by a law of the United States under which non-Federal funds must be made available in order to receive Federal funds.

Section 104(e) of the conference agreement authorizes the Secretary of the Treasury to accept a certificate of compliance with the prohibition on the use of amounts as matching funds unless he determines that the certificate is not sufficiently reliable to carry out his duties under title I of the bill.

SEC. 105. CREATION OF TRUST FUND; APPROPRIATIONS.

Section 105(a) of the conference agreement creates a trust fund to be known as the "State and Local Government Fiscal Assistance Trust Fund". The Trust Fund is to remain available without fiscal year limitation.

Section 105(b)(1) of the conference agreement provides for the appropriation to this Trust Fund, out of amounts in the general fund of the Treasury attributable to the collection of the Federal individual income taxes not otherwise appropriated—

(1) for the period beginning January 1, 1972, and ending June 30, 1972, $2,650,000,000;

(2) for the period beginning July 1, 1972, and ending December 31, 1972, $2,650,000,000;

(3) for the period beginning January 1, 1973, and ending June 30, 1973, $2,987,500,000;

(4) for the fiscal year beginning July 1, 1973, $6,050,000,000;

(5) for the fiscal year beginning July 1, 1974, $6,200,000,000;

(6) for the fiscal year beginning July 1, 1975, $6,350,000,000; and

(7) for the period beginning July 1, 1976, and ending December 31, 1976, $3,325,000,000.

Section 105(b)(2) of the conference agreement provides for appropriations for certain adjustments necessitated by the provisions of the allocation formulas as they relate to noncontiguous States. The amounts appropriated for this purpose are—

(1) for each of the six-month periods beginning January 1, 1972, July 1, 1972, and January 1, 1973, $2,390,000;

(2) for each of the fiscal years beginning July 1, 1973, July 1, 1974, and July 1, 1975, $4,780,000; and

(3) for the period beginning July 1, 1976, and ending December 31, 1976, $2,390,000.

The House bill (in section 104) appropriated amounts for payments to the local governments which were at the level of $3,500,000,000 for each 12 month period of the five-year program, and appropriated (see section 123 of the House bill) amounts for payments to the States which began at an annual rate of $1,800,000,000 for the first entitlement period of the five-year program and then increased at the annual rate of $300,000,000 for each of the remaining periods after the first full year.

The Senate amendment (in section 104) appropriated amounts for the payment of State and local entitlements and also contained (see section 121) appropriations for supplemental payments to the State and local governments.

The comparison of the appropriations made by section 105(b) of the conference agreement, by the House bill, and by the Senate amendment for each period of the five-year program is shown by the following table (all amounts are shown in millions of dollars):

	Conference agreement	House bill	Senate amendment[1]
Period:			
Jan. 1 through June 30, 1972	2,652.39	2,650	2,652.39
Fiscal year beginning—			
July 1, 1972	5,642.28	5,450	5,954.78
July 1, 1973	6,054.78	5,750	6,754.78
July 1, 1974	6,204.78	6,050	7,054.78
July 1, 1975	6,354.78	6,350	7,354.78
July 1 through Dec. 31, 1976	3,327.39	3,325	3,827.39
Total	30,236.40	29,575	33,598.90

[1] These amounts are based on (1) the appropriations contained in sec. 102 of the Senate amendment as limited by sec. 104(a) thereof, and (2) the appropriations contained in sec. 121(a) of the Senate amendment.

SEC. 106. ALLOCATION AMONG STATES.

Section 106 of the conference agreement provides for the allocation to a State for each entitlement period on the basis of whichever of two formulas yields the greater amount for that State for that period. The first of these formulas is the three-factor formula which was contained in section 104(b) of the Senate amendment. This formula multiplies the population of the State by its general tax effort, multiplies this product by the relative income of the State, and then compares the resulting product for the State with the sum of the products similarly determined for all of the States.

The second of these formulas is based on the House bill. The House bill (see sections 103(a) and 122) in effect provided a five-factor formula under which the annual rate at the start of the program was (1) $3,500,000,000, divided among the States one-third

on the basis of population, one-third on the basis of urbanized population, and one-third on the basis of population inversely weighted for per capita income, and (2) $1,800,000,000, divided among the States one-half on the basis of individual income tax collections by State governments and one-half on the basis of the general tax effort of the State and local governments.

The conference agreement also contains a provision (in section 106(c)) for those States in which civilian employees of the United States Government receive an allowance under section 5941 of title 5 of the United States Code. At present, these allowances are applicable only in the case of Alaska and Hawaii. Under the conference agreement, in determining whether any such State is to receive its allocations for any entitlement period under the three-factor formula or the five-factor formula, the amount allowable to it under the three-factor formula is increased by that percentage of increase which is applicable in the case of such State under such section 5941. Section 105(b)(2) of the conference agreement also sets up a separate appropriation for each entitlement period at the level of $4,780,000 for each full fiscal year. This special appropriation will be available for payment to any State to which such section 5941 applies if for the entitlement period the allocation to the State is determined under the three-factor formula rather than under the five-factor formula.

This is similar to a provision contained in the Senate amendment (see section 104(f)). There was no comparable provision in the House bill.

SEC. 107. ENTITLEMENTS OF STATE GOVERNMENTS.

Division between States and local governments.—Section 107(a) of the conference agreement provides that of the amounts allocated to each State for any entitlement period—

(1) the State government is entitled to one-third, and

(2) the remaining portion is to be allocated among the units of local government of that State.

This is the same division between the States and local governments as was contained in section 104(c) of the Senate amendment.

Under section 123(a) of the House bill, the States were to receive $900,000,000 for the period beginning January 1, 1972, and ending June 30, 1972, $1,950,000,000 for the fiscal year beginning July 1, 1972, $2,250,000,000 for the fiscal year beginning July 1, 1973, $2,550,000,000 for the fiscal year beginning July 1, 1974, $2,850,000,000 for the fiscal year beginning July 1, 1975, and $1,575,000,000 for the period beginning July 1, 1976, and ending December 31, 1976.

Maintenance of State efforts.—Section 107(b)(1) of the conference agreement provides that for any entitlement period beginning on or after July 1, 1973, the entitlement of any State government is to be reduced by the amount by which—

(1) the average of the aggregate amounts transferred by the State government (out of its own sources) during the entitlement period and the preceding entitlement period to all units of local government in the State, is less than

(2) the similar aggregate amount for the one-year period beginning July 1, 1971.

The substance of this provision is the same as the substance of the provision contained in section 104(d) of the Senate amendment. The House bill (see section 122(e)) contained a similar requirement that the State maintain the level of transfers to the local governments, but under the House bill—

(1) the first period for which a reduction in entitlement could be made was the entitlement period beginning July 1, 1972, and

(2) the comparison for any entitlement period was made on the basis of the transfers during such period (rather than, as under the Senate amendment and the conference agreement, on the basis of the average of such transfers during the current entitlement period and the immediately preceding entitlement period).

New taxing authority.—Section 107(b)(3) of the conference agreement provides that if a State establishes to the satisfaction of the Secretary of the Treasury that after June 30, 1972, one or more local governments in such State have had conferred upon them new taxing authority then the aggregate amount of State transfers for the base period (the one-year period beginning July 1, 1971) is to be reduced by an amount equal to the larger of—

(1) the amount of the taxes collected by reason of the exercise of the new taxing authority by the local governments, or

(2) the amount of the loss of revenue to the State by reason of the new taxing authority being conferred on the local governments.

The substance of this provision is the same as the substance of section 104(d)(3) of the Senate amendment. There was no comparable provision in the House bill for new taxing power conferred on local governments.

Section 107(b)(3) of the conference agreement also makes it clear that for purposes of this provision no amount is to be treated as collected by a reason of the exercise of new taxing authority by local governments if the new taxing authority is an increase in the authorized rate of tax under a previously authorized kind of tax, unless the State is determined by the Secretary of the Treasury to have decreased a related State tax.

SEC. 108. ENTITLEMENTS OF LOCAL GOVERNMENTS

Allocation among county areas.—Section 108(a) of the conference agreement provides for the allocation among the county areas of a State on the basis of the same three-factor formula which is used under section 106(b)(2) of the conference agreement as the first of the two alternative formulas for determining the allocations among the States. Thus, the amount allocated to a county area within a State is to bear the same ratio to the amount to be allocated among the units of local government within a State as—

(1) the population of that county area, multiplied by the general tax effort factor of that county area, and further multiplied by the relative income factor of that county area bears to,

(2) the sum of such products for all county areas within that State.

This is the formula for allocation among county areas contained in section 105(a) in the Senate amendment. Under the House bill (see section 203(b)) the allocations among the county areas were made on the same basis as the allocations among the States were made under the House bill. That is to say, amounts allocated among the States on the basis of population were allocated among the county areas on the basis of population; amounts allocated among the States on the basis of urbanized population were allocated among the county areas on the basis of urbanized population; and amounts allocated among the States on the basis of population inversely weighted for per capita income were allocated among the county areas on the basis of population inversely weighted for per capita income.

Allocations to county governments.—Under section 108(b)(1) of the conference agreement, the county government's share of the county area's allocation is to be determined by the ratio which the adjusted taxes of the county government bear to the adjusted taxes of the county government and all other units of local government located in the county area. This is the same allocation formula as was used for county governments in the House bill (see section 103(c)(1)) and in the Senate amendment (see section 105(b)(1)).

Allocations to municipalities, etc.—Under section 108(b)(2) of the conference agreement, the allocations among the units of local government located in the county area (other than the county government and township governments) are to be made, out of amounts not allocated to the county government or to township governments, on the basis of the three-factor formula. That is to say, this allocation is to be made on the basis of population multiplied by general tax effort and multiplied again by the relative income factor.

This method of allocating among such units of local government is the method used in the Senate amendment (see section 105(b)(2)). Under the House bill (see section 103(c)(2)) the allocation among the units of local government (other than the county government) was made (1) on the basis of population, in the case of allocations to the county area based on population, (2) on the basis of population inversely weighted for per capita income, in the case of amounts allocated to the county area on that basis, and (3) in proportion to the amounts allocated to the unit under the two preceding methods, in the case of amounts allocated to the county area on the basis of urbanized population.

Allocations to township governments.—Under section 108(b)(3) of the conference agreement there is set aside for allocation to the township governments within any county area an amount based on the ratio which the adjusted taxes of the township governments bears to the adjusted taxes of the county government, the township governments, and all other units of local governments in the county area. This amount set aside for township governments is then divided among the township governments on the basis of the three-factor formula described above in connection with section 108(b)(2) of the conference agreement.

The substance of this provision is the same as section 105(b)(3) of the Senate amendment. Under the House bill (see section 103(c)(3)) the amount set aside for township governments was determined on the same basis as in the conference agreement (that is, on the basis of their respective adjusted taxes), but the amount so set aside was then divided among the township governments on the same basis as applied under the House bill in the case of divisions among municipalities.

Indian tribes and Alaskan native villages.—Section 108(b)(4) of the conference agreement contains a provision for allocating part of the county area allocation to the recognized governing body of an Indian tribe or Alaskan native village where that recognized governing body performs substantial governmental functions. This allocation is to be made on the basis of population.

This provision is based on section 104(e) of the Senate amendment. Under the Senate amendment, one-fourth of one percent of the amount available for allocation among the States under section 104 of the Senate amendment was to be set aside for allocation and payment to Indian tribes, bands, groups, pueblos, communities, and Alaskan native villages which performed governmental functions. Under this provision, the Secretary of the Treasury was to prescribe regulations for dividing the funds, which regulations were to reflect the policies contained in subtitle A of the bill.

The House contained no provision comparable to section 108(b)(4) of the conference agreement.

Rule for small units of government.—Section 108(b)(5) of the conference agreement provides that if the Secretary of the Treasury determines that the data available with respect to units of local government with a population not in excess of 500 in

any county area are not adequate for the application of the three-factor formula set forth in section 108(b)(2) of the conference agreement, he may allocate the amount available for allocation to such units solely on the basis of the ratio of their population to the population of the municipalities located in the county area. This authority applies equally to allocations under section 108(b)(3) among township governments, permitting a substitution of population for the three-factor formula where data as to township governments with population not in excess of 500 are inadequate.

Maximum and minimum per capita entitlement.—Section 108(b)(6)(B) of the conference agreement provides that, in general, the per capita amount allocated to any county area or to units of local government (other than a county government) within a State for any entitlement period is to be not less than 20 percent, and not more than 145 percent, of two-thirds of the per capita amount allocated to the State under section 106 of the conference agreement.

This provision for a maximum and minimum per capita entitlement is in substance the same as the provision contained in section 105(b)(4)(B) of the Senate amendment. There was no comparable provision in the House bill.

Optional formulas for allocations among county areas, municipalities, etc.—Section 108((c) of the conference agreement provides that a State may by law provide for the allocation of funds among county areas, or among units of local government (other than county governments)—

(1) on the basis of population multiplied by the general tax effort factor,

(2) on the basis of population multiplied by the relative income factor, or

(3) on the basis of a combination of these two factors.

Any such optional formula is to apply uniformly throughout the State and to apply for the remainder of the five-year program. Also, any such formula is to provide for allocating all of the amount to be allocated among the county areas of the State, or all of the amount to be allocated among the units of local government of the State (other than the county governments, and other than the Indian tribes and Alaskan native villages to which section 108(b)(4) of the conference agreement applies).

This provision is the same in substance as section 105(c) of the Senate amendment.

The House bill (see section 103(d)) contained different special allocation rules. These included rules that the State could by law (1) provide that relative taxes were to be taken into account in allocating among county areas, (2) provide that relative taxes were to be taken into account in allocating below the county level, (3) vary (within prescribed percentage limits) the amounts to be allocated under each of the applicable factors among county areas, and (4) provide that certain amounts had to be used for area-wide projects. These special allocation rules of the House bill are not contained in the conference agreement.

SEC. 109. DEFINITIONS AND SPECIAL RULES FOR APPLICATION OF ALLOCATION FORMULAS.

Section 109(a) of the conference agreement provides definitions for the terms "population", "urbanized population", "income", and "personal income". The terms "population", "income", and "personal income" have the same meanings as used in both the House bill and the Senate amendment. The term "urbanized population" has the same meaning as used in the House bill.

Section 109(a) also provides rules relating to the dates for determining allocations and entitlements and defining intergovernmental transfers of revenue. Such section also provides that the data used shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be. Where the Secretary of the Treasury determines that the data are not current enough or not comprehensive enough, he may use additional data, including data based on estimates, as may be provided for in regulations. These rules are substantially the same as contained in both the House bill and the Senate amendment.

Subsections (b), (c), (d), (e), and (f) of section 109 of the conference agreement set forth the factors necessary for application of the 3-factor and 5-factor allocation formulas contained in the conference agreement for allocations among States and for application of the formulas contained in the conference agreement for allocations to units of local government. These are the income tax amount of a State; the general tax effort amount of a State; the general tax effort factor of a State, county area, and unit of local government; the relative income factor of a State, county area, and unit of local government; and the adjusted taxes of units of local government. These are substantially the same as the rules contained in the House bill with respect to the 5-factor formula and in the Senate amendment with respect to the 3-factor formula and the formulas for making allocations to local governments.

Section 109(g) of the conference agreement sets forth the rules for applying the factors in the 5-factor formula. These are the same as the rules contained in the House bill.

Subtitle B—Administrative Provisions

SEC. 121. REPORTS ON USE OF FUNDS; PUBLICATION.

Section 121 of the conference agreement requires each State government and unit of local government which receives funds under the bill to submit a report to the Secretary of the Treasury, after the close of each entitlement period, setting forth the amounts and purposes for which funds received during the entitlement period have been spent or obligated. Such section also requires each State government and unit of local government which expects to receive funds under the bill for any entitlement period beginning on or after January 1, 1973, to submit a report to the Secretary of the Treasury, before the beginning of the entitlement period, setting forth the amounts and purposes for which it plans to spend or obligate the funds which it expects to receive.

Section 121 of the conference agreement also requires each State government and unit of local government to publish a copy of each report referred to in the preceding paragraph in a newspaper which is published within the State and has general circulation within the geographic area of the government making the report, and to advise the news media of the publication of these reports.

This provision, except for the beginning date, is the same as section 107 of the Senate amendment. The House bill did not contain any similar provision.

SEC. 122. NONDISCRIMINATION PROVISION.

Section 122 of the conference agreement provides that no person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or any activity funded in whole or in part with funds made available under the bill. This section is substantially the same as section 106 of the House bill and section 108 of the Senate amendment, except that the House bill applied only to local governments.

SEC. 123. MISCELLANEOUS PROVISIONS.

Section 123(a) of the conference agreement provides that, in order to qualify for any payment under the bill for any entitlement period beginning on or after January 1, 1973, a State government or unit of local government must establish, to the satisfaction of the Secretary of the Treasury, that it will—

(1) establish a trust fund and deposit all payments received under the bill in that trust fund,

(2) use amounts in its trust fund within such reasonable periods as may be provided in regulations,

(3) in the case of a local government, use amounts in its trust fund only for priority expenditures,

(4) expend amounts received under the bill only in accordance with the laws and procedures applicable to the expenditure of its own revenues,

(5) use fiscal, accounting, and audit procedures conforming to guidelines established by the Secretary of the Treasury, provide access to and the right to examine books, documents, papers, or records required for purposes of reviewing compliance with the bill, and make reports (other than reports required by section 121) as the Secretary may reasonably require,

(6) comply with the provisions of the Davis-Bacon Act in the case of construction projects 25 percent or more of the costs of which are paid out of funds received under the bill,

(7) pay wages to individuals whose wages are paid in full or in part out of funds received under the bill at rates which are no lower than the prevailing rates of pay for individuals employed in similar public occupations by the same employer, if, with respect to any category of employees, 25 percent or more of the wages paid to all employees of the government concerned in that category are paid from funds received under the bill, and

(8) in the case of the governing body of an Indian tribe or Alaskan native village, expend funds received under the bill for the benefit of members of that tribe or village residing in the county area from the allocation of which it received such funds.

The committee of conference expects that, insofar as possible, guidelines established by the Secretary of the Treasury with respect to fiscal, accounting, and audit procedures (see item (5) of this paragraph) will permit State and local governments to use the fiscal, accounting, and audit procedures used by them with respect to expenditures made from revenues derived from their own sources.

Section 105 of the House bill contained provisions similar to the items enumerated in the preceding paragraph, other than items (4) and (8), but the House bill applied only with respect to local governments. Section 110 of the Senate amendment contained provisions similar to the items enumerated in the preceding paragraph, other than items (3) and (8).

Section 123(b) of the conference agreement authorizes the Secretary of the Treasury to withhold payments from any State government or unit of local government which he determines has failed to comply substantially with any provision of subsection (a) or any regulation prescribed thereunder until such time as he is satisfied that appropriate corrective action has been taken and there will no longer be any failure to comply. This provision is substantially the same as section 105(b) of the House bill and section 110(b) of the Senate amendment, except that the House bill applied only with respect to local governments.

Section 123(c) of the conference agreement directs the Secretary of the Treasury to provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that expenditures of funds received under the bill comply fully with the requirements of the bill. Such section also directs the Comptroller General of the United States to make such reviews of the work as done by the Secretary, State gov-

ernments, and units of local government as may be necessary for the Congress to evaluate compliance and operations under the bill. This section is substantially the same as section 105(c) of the House bill and section 110(c) of the Senate amendment, except that the House bill applied only with respect to local governments.

Amendment Numbered 2: The bill as passed by the House provided that if a law is enacted imposing a tax on income earned in the District of Columbia by nonresidents of the District, then the entitlements of the District of Columbia under the bill are to be reduced by an amount equal to the net collections from such tax. Senate amendment numbered 2 eliminated this provision.

The House recedes with amendments. Under the conference agreement, this provision of the House bill is restored but is not to apply if the District of Columbia enters into agreements with both Maryland and Virginia providing reciprocal taxation of nonresidents who are residents of the other State. The House provision is also not to apply if a nonresident income tax on income earned in the District of Columbia is directly imposed by a law enacted by the Congress.

Amendments Numbered 3, 4, and 5: These are technical and clarifying amendments. The House recedes on amendment numbered 3 with clerical amendments and recedes on amendments numbered 4 and 5.

Amendments Numbered 6 and 10: The bill as passed by the House adds a new subchapter to the Internal Revenue Code of 1954 which provides for Federal collection of the individual income taxes imposed by those States which enter into an agreement with the United States under the new subchapter. In order to qualify for Federal collection, the State individual income tax law must meet certain requirements set forth in the new subchapter. In general, the State income tax must either be a tax based on the individual's taxable income as defined in section 63 of the Internal Revenue Code of 1954 or a tax which is a percentage of Federal income tax liability. In either case, certain adjustments in computing taxable income or Federal income tax liability are required and certain other adjustments are permitted.

Under the bill as passed by the House, one of the permitted adjustments was an adjustment for a nonrefundable credit for general sales taxes. Senate amendments numbered 6 and 10 eliminate this permitted adjustment. The House recedes.

Amendments Numbered 7, 8, 13, 15, 16, 17, and 18: These are technical and clerical amendments. The House recedes.

Amendment Numbered 9: Under the bill as passed by the House, in order to qualify for Federal collection, one of the required adjustments is that taxable income, as determined for Federal income tax purposes, must be increased for State tax purposes by an amount equal to the interest on State and local bonds which is exempt from Federal income tax under section 103(a)(1) of the Internal Revenue Code of 1954. In the case of a State income tax based on a percentage of Federal liability, this adjustment is required in computing Federal liability for purposes of the State tax. Under the bill as passed by the House, this adjustment applied with respect to the interest on obligations of the State imposing the tax and its political subdivisions as well as obligations issued by other States and their political subdivisions.

Under Senate amendment numbered 9, the adjustment must be made for interest on obligations issued by another State and its political subdivisions, but is required for interest on obligations issued by the State imposing the income tax and its political subdivisions only if the interest is, under the law of that State, subject to the individual income tax. The House recedes.

Amendments Numbered 11 and 14: Under the bill as passed by the House, among the requirements which must be met by a State individual income tax on nonresidents in order to qualify for Federal collection are that such tax applies (1) only to wage and other business income derived by an individual from sources within the State and (2) only if 25 percent or more of the individual's total wage and other business income is derived from sources within the State.

Amendment numbered 11 increased the 25 percent requirement to 50 percent in the case of certain employees engaged in interstate transportation. Amendment numbered 14 provided that, for withholding purposes, an employer could rely on a declaration filed by an employee in determining whether this 50 percent requirement for transportation employees was met. The Senate recedes.

Amendment Numbered 12: Under the bill as passed by the House, once a State individual income tax qualified for Federal collection, any change made by the State in its individual income tax law must be enacted before September 1 of a calendar year in order to be effective for taxable years beginning in that calendar year. Amendment numbered 12 changes the September 1 date to November 1. The House recedes.

Amendment Numbered 19: Under the bill as passed by the House, the new Internal Revenue Code provisions providing Federal collection of State individual income taxes are to become effective on January 1, 1974, or, if later, on the first January 1 which is more than one year after the first date on which at least 5 States having residents who in the aggregate filed 5 percent or more of the Federal individual income tax returns filed during 1972 have notified the Secretary of the Treasury or his delegate of an election to enter into an agreement for Federal collection. Senate amendment numbered 19 eliminated the 5-State requirement, but retained the 5 percent of Federal individual income tax returns requirement.

The House recedes with an amendment which provides that (in addition to the 5 percent requirement) at least two States must enter into agreements for Federal collection before the new Internal Revenue Code provisions become effective.

Amendment Numbered 20: In this amendment, the Senate added a new title III to the bill, which provided for the limitation of Federal funding for social services under State public assistance plans approved under titles I, X, XIV, and XVI, and part A of title IV, of the Social Security Act.

The Senate amendment provided that:

(a) Effective January 1, 1973, all authority for funding social services under programs of Aid to the Aged, Blind, and Disabled would be repealed;

(b) Effective January 1, 1973, Federal matching for social services under programs of Aid to Families with Dependent Children would be limited to—

(1) 75 percent matching for child care (limited to child care needed to enable a member of the family to work or to take job training, or to provide necessary supervision for a child whose mother is dead or incapacitated);

(2) 75 percent Federal matching for family planning services;

(3) Services necessary to enable AFDC recipients to participate in the Work Incentive Program (for which 90 percent matching would apply as under present law; funding of these services has been limited to the amounts appropriated); and

(4) Emergency social services, for which 50 percent matching will apply rather than 75 percent as under present law.

(c) Not more than 12½ percent of all Federal funds for child care and family planning services could go to any one State;

(d) Beginning July 1, 1973, no State could receive, for any fiscal year, more Federal funds for child care and family planning services than its share of $600,000,000 based on its proportion of urbanized population in the United States;

(e) For the period between July 1 and December 31, 1972, the State welfare agency would receive 75 percent of the cost of child care and family planning services and in addition would receive the higher of (1) its share of $500,000,000 distributed among the States on the basis of urbanized population, or (2) 75 percent of the cost of providing social services between July and December, 1972, excluding the cost of any new social services provided after August 9, 1972, and also excluding the cost of any expansion of ongoing social service programs after August 9, 1972.

The amendment would not apply to Puerto Rico, Guam, and the Virgin Islands, which are already subject to an appropriation ceiling under the Social Security Act.

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to substitute, for the matter contained in the Senate amendment, the matter set forth below, and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

TEXT OF SUBSTITUTE

The substitute, referred to above, would add a new title III to the bill which would read as follows:

TITLE III—LIMITATION ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

SEC. 301. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"LIMITATION ON FUNDS FOR CERTAIN SOCIAL SERVICES

"SEC. 1130. (a) Notwithstanding the provisions of section 3(a) (4) and (5), 403(a)(3), 1003(a) (3) and (4), 1403(a) (3) and (4), or 1603(a) (4) and (5), amounts payable for any fiscal year (commencing with the fiscal year beginning July 1, 1972) under such section (as determined without regard to this section) to any State with respect to expenditures made after June 30, 1972, for services referred to in such section (other than the services provided pursuant to section 402(a)(19)(G)), shall be reduced by such amounts as may be necessary to assure that—

"(1) the total amount paid to such State (under all of such sections) for such fiscal year for such services does not exceed the allotment of such State (as determined under subsection (b)); and

"(2) of the amounts paid (under all of such sections) to such State for such fiscal year with respect to such expenditures, other than expenditures for—

"(A) services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (i) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (ii) because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child;

"(B) family planning services;

"(C) services provided to a mentally retarded individual (whether a child or an adult), but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such individual by reason of his condition of being mentally retarded;

"(D) services provided to an individual who is a drug addict or an alcoholic, but only if such services are needed (as deter-

mined in accordance with criteria prescribed by the Secretary) by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

"(E) services provided to a child who is under foster care in a foster family home (as defined in section 408) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such child because he is under foster care,

not more than 10 per centum thereof are paid with respect to expenditures incurred in providing services to individuals who are not recipients of aid or assistance (under State plans approved under titles I, X, XIV, XVI, or part A of title IV), or applicants (as defined under regulations of the Secretary) for such aid or assistance.

"(b)(1) For each fiscal year (commencing with the fiscal year beginning July 1, 1972) the Secretary shall allot to each State an amount which bears the same ratio to $2,500,000,000 as the population of such State bears to the population of all the States.

"(2) The allotment for each State shall be promulgated for each fiscal year by the Secretary between July 1 and August 31 of the calendar year immediately preceding such fiscal year on the basis of the population of each State and of all of the States as determined from the most recent satisfactory data available from the Department of Commerce at such time; except that the allotment for each State for the fiscal year beginning July 1, 1972, and the following fiscal year shall be promulgated at the earliest practicable date after the enactment of this section but not later than January 1, 1973.

"(c) For purposes of this section, the term 'State' means any one of the fifty States or the District of Columbia."

(b) Sections 3(a)(4)(E), 403(a)(3)(D), 1003(a)(3)(E), 1403(a)(3)(E), and 1603(a)(4)(E) of such Act are amended by striking out "subject to limitations" and inserting in lieu thereof "under conditions which shall be."

(c) Section 403(a)(5) of such Act is amended to read as follows:

"(5) in the case of any State, an amount equal to 50 per centum of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children."

(d) Sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a), of such Act are amended, in the matter preceding paragraph (1) of each such section, by striking out "shall pay" and inserting in lieu thereof "shall (subject to section 1130) pay."

(e) The amendments made by this section (other than by subsection (b)) shall be effective July 1, 1972, and the amendments made by subsection (b) shall be effective January 1, 1973.

Under the substitute, Federal matching for social services under programs of aid to the aged, blind, and disabled and aid to families with dependent children would be subject to a State-by-State dollar limitation, effective beginning with fiscal year 1973. Each State would be limited to its share of $2,500,000,000 based on its proportion of population in the United States. Child care, family planning, services provided to a mentally retarded individual, services related to the treatment of drug addicts and alcoholics, and services provided a child in foster care could be provided to persons formerly on welfare or likely to become dependent on welfare as well as present recipients of welfare. At least 90 percent of expenditures for all other social services, however, would have to be provided to individuals receiving aid to the aged, blind, and disabled or aid to families with dependent children. Until a State reaches the limitation on Federal matching, 75 percent Federal matching would continue to be applicable for social services as under present law.

Under the substitute, services necessary to enable AFDC recipients to participate in the Work Incentive Program would not be subject to the limitation described above; they would continue as under present law, with 90 percent Federal matching and with funding of these services limited to the amounts appropriated. In addition, the conference substitute incorporates the provision of the Senate bill reducing Federal matching for emergency social services from 75 percent to 50 percent.

The conference substitute directs the Secretary of Health, Education, and Welfare to issue regulations prescribing the conditions under which State welfare agencies may purchase services they do not themselves provide.

The conferees were told that the Secretary of Health, Education, and Welfare has issued new regulations which require reporting of how social services funds are used. The conferees expect the Secretary to have available detailed information on how social service funds are being spent and on their effectiveness.

Amendment Numbered 21: This amendment added a new title to the bill which directed the Joint Committee on Internal Revenue Taxation to undertake a comprehensive examination of real estate tax administration and the property tax and to report back to the Congress by June 30, 1973. The Senate recedes.

Amendment to Title: The bill as passed by the House had the following title: "An Act to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes." Under the Senate amendment the title of the bill was "An Act to provide for sharing with State and local governments a portion of the revenues derived from Federal individual income taxes, and for other purposes." Under the conference agreement the title of the bill is "An Act to provide fiscal assistance to State and local governments, to authorize Federal collection of State individual income taxes, and for other purposes."

W. MILLS,
AL ULLMAN,
JAMES A. BURKE,
MRS. GRIFFITHS,
JACKSON E. BETTS,
HERMAN T. SCHNEEBELI,
JOEL T. BROYHILL,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON ANDERSON,
HERMAN E. TALMADGE,
WALLACE F. BENNETT,
CARL CURTIS,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 16810, PUBLIC DEBT LIMIT INCREASE, UNTIL MIDNIGHT WEDNESDAY

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Wednesday, September 27, 1972, to file a report on the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973, along with any separate and/or dissenting views.

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

Mr. GROSS. Mr. Speaker, reserving the right to object to what date did the gentleman ask permission for?

Mr. ULLMAN. Until midnight Wednesday, September 27.

Mr. GROSS. This Wednesday; tomorrow?

Mr. ULLMAN. That is right.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF SENATE REPORT TO ACCOMPANY H.R. 1

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 99.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 99

Resolved by the Senate (the House of Representatives concurring), That there be printed five thousand additional copies of the Senate report to accompany H.R. 1, the Social Security Amendments of 1972, of which two thousand copies shall be for the use of the Senate Committee on Finance, one thousand five hundred copies shall be for the use of the Senate Document Room, and one thousand five hundred copies shall be for the use of the House Document Room.

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

Mr. HANSEN of Idaho. Mr. Speaker, reserving the right to object, I ask the gentleman if he will explain the purpose of the concurrrent resolution to the House.

Mr. BRADEMAS. If the gentleman will yield, I will be glad to explain to my colleague from Idaho.

Mr. HANSEN of Idaho. I yield to the gentleman.

Mr. BRADEMAS. The purpose of this resolution is to take into account the need of the Senate Finance Committee for additional copies of their report on H.R. 1. Were we not to print these reports concurrently, there would be a considerable additional cost.

Mr. HANSEN of Idaho. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING SCHEDULE ON SENDING MINIMUM WAGE BILL TO CONFERENCE

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

Mr. DENT. Mr. Speaker, I wish to make an announcement to the House that, pur-

suant to the heated debate on the floor, and the promises made by our committee on the minimum wage bill wherein we promised to give the Members of the House a 48-hour notice of the taking up the motion to send the minimum wage bill to conference, that, pursuant to that promise to the House, I wish to advise the House that we intend to make the motion next Tuesday.

I also wish to advise the House that we have conferred with the various views and the persons who hold those views on the minimum wage bill, and will continue to do so until we bring the motion up on Tuesday.

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

Mr. DENT. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I would ask the gentleman from Pennsylvania if it is the intention to bring it up as the first order of business on Tuesday, or after the other business, or what is the intention?

Mr. DENT. Mr. Speaker, I will say to the gentleman from Minnesota that we will decide that after we consult with the ranking member on the committee.

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

CONTAINER BARGE SERVICE

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. 9128) to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce.

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. 9128, with Mr. THOMPSON of New Jersey 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 30 minutes, and the gentleman from Ohio (Mr. MOSHER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

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

Mr. Chairman, I rise to urge passage of H.R. 9128, a bill that would resolve the question whether the Interstate Commerce Commission or the Federal Maritime Commission has regulatory jurisdiction over the movement of containers and containerized cargo by barge between U.S. ports where it is not practical for an ocean container vessel to call at both ports.

The bill would vest in the Federal Maritime Commission exclusive regulatory jurisdiction over rates and charges for the transportation of containers and containerized cargo moving by barge between points in the United States where the following conditions are met:

The container or containerized cargo is moving between a point in a foreign country or a noncontiguous State, territory or possession, and a point in the United States;

The container or containerized cargo is being transported on a through bill of lading between a point in a foreign country or a noncontiguous State, territory or possession, and a point in the United States;

The transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by a common carrier by water transporting the containers or containerized cargo;

The terminal operator is a State, municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission; and

The terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of the barge service.

It is clear that the bill is very limited in scope. Subject to the stringent conditions I have outlined above, the bill would vest in the Federal Maritime Commission exclusive jurisdiction over this one small segment of containers moving in international or the noncontiguous trades in order to insure that this innovative concept is not frustrated by interposing the regulation of the Interstate Commerce Commission in what is essentially a nondomestic movement.

As a senior member of both the Interstate and Foreign Commerce Committee and the Merchant Marine and Fisheries Committee, I am aware that the problem to be resolved by H.R. 9128 required a balancing of the equities as to whether the Federal Maritime Commission or the Interstate Commerce Committee should regulate this type movement. I am in complete agreement with the finding of the Interstate Commerce Commission that, to a limited extent, operations of the specific type performed by the Port of Sacramento through its Container Barge Service have no more than a de minimis effect on interstate or foreign commerce as regulated by the ICC. The Interstate Commerce Commission could foresee no adverse effects to the public or the inland water carriers if the Congress were to remove such operations from their jurisdiction and place them entirely in the hands of the Federal Maritime Commission. I am in complete agreement.

The bill would vest this jurisdiction in the Federal Maritime Commission. I am pleased to inform the House that not only does the Interstate Commerce Commission not object, but that the language of H.R. 9128, as reported by the committee, is generally the language proposed by the Interstate Commerce Commission to resolve this problem.

The bill was ordered reported, unanimously, by the committee. The reported bill is endorsed by both the Federal Maritime Commission and the Interstate Commerce Commission. Further, the Office of Management and Budget advises that they have no objection to the enactment of H.R. 9128. Therefore, I strongly urge the House to support H.R. 9128.

Mr. Chairman, there are other members of the committee that would like to speak in support of this legislation.

Mr. Chairman, I would like to attach the following letters on the subject bill.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., August 4, 1972.

Hon. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the comments of the Office of Management and Budget with respect to H.R. 9128, a bill "To confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce."

For the reasons expressed by the Federal Maritime Commission in its report to you on this bill, the Office of Management and Budget would have no objection to the enactment of H.R. 9128.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

FEDERAL MARITIME COMMISSION,
August 4, 1972.

Hon. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This refers to your request of July 27, 1972, for the views of the Federal Maritime Commission with respect to H.R. 9128 as ordered reported out by the Merchant Marine and Fisheries Committee on July 27.

H.R. 9128 as reported would vest in the Federal Maritime Commission exclusive regulatory jurisdiction over the transportation of containers or containerized cargo moving by barge between points in the United States provided the following conditions are met:

(a) The cargo is moving between a point in a foreign country or a noncontiguous State, territory or possession and a point in the United States.

(b) The transportation by barge between points in the United States is furnished by a terminal operator as a service substituted in lieu of a direct vessel call by the common carrier by water transporting the containers or containerized cargo.

(c) The containers or containerized cargo are being transported on a through bill of lading between a point in a foreign country or a noncontiguous State, territory or possession and a point in the United States.

(d) The terminal operator is a State, municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission.

(e) The terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operator of the barge service.

The Federal Maritime Commission is the agency charged by the Congress with the responsibility of regulating, among other things, the waterborne foreign and domestic offshore commerce of the United States. In the discharge of these responsibilities the Commission has jurisdiction over common carriers by water serving these trades and persons carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with such common carriers by water. Such persons are required to file with the Commission tariffs setting forth rates and charges pertaining to the transportation of property and rules and regulations affecting such rates and charges, and to comply with the Ship-

ping Act, 1916, and other pertinent shipping statutes and the Commission rules and regulations issued pursuant to such statutes.

The Interstate Commerce Commission has jurisdiction over the domestic movement of property in interstate commerce and in the foreign or domestic offshore commerce but only insofar as such transportation takes place within the United States. Where the movement between points in the United States is by water that portion which precedes transshipment on an outbound movement or follows transshipment on an inbound movement is subject to Interstate Commerce Commission regulation. This results in some cases in subjecting the movement to unnecessary and fragmented duplication of regulation. Thus, in a through shipment from a point in California to a foreign country the cargo may be transported by motor carrier to the part of Sacramento where it is loaded on a barge, transported downstream to the port of San Francisco where it is transferred to an ocean-going common carrier and thence overseas to final destination. Under the present regulatory scheme, in accordance with interpretation of the Interstate Commerce Act, that movement is first subject to Interstate Commerce Commission regulation, thence Federal Maritime Commission jurisdiction (over the port of Sacramento as a terminal operator)—upon being loaded on the barge and transported to San Francisco the movement would again be subject to Interstate Commerce Commission jurisdiction. At San Francisco the Federal Maritime Commission once again would take over and the balance of the transportation would then be governed by the shipping statutes. As inbound movement between the same two points would reverse this procedure.

This fragmentation would be avoided under H.R. 9128. The Interstate Commerce Commission would relinquish jurisdiction at the port of Sacramento and the entire movement beyond the port would be subject to the exclusive jurisdiction of the Federal Maritime Commission in these instances where the conditions heretofore specified are met, thereby removing unnecessary obstacles to newly developing water services.

It is our understanding that the Interstate Commerce Commission also endorses H.R. 9128 as ordered reported by your Committee.

Sincerely,

HELEN DELICH BENTLEY, *Chairman.*

EXECUTIVE OFFICE
OF THE PRESIDENT,
Washington, D.C., August 4, 1972.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the comments of the Office of Management and Budget with respect to H.R. 9128, a bill "To confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce."

For the reasons expressed by the Federal Maritime Commission in its report to you on this bill, the Office of Management and Budget would have no objection to the enactment of H.R. 9128.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

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

Mr. DINGELL. I yield to the gentleman from Missouri for a question.

Mr. HALL. I appreciate my friend, the gentleman from Michigan, yielding for a point of information.

The gentleman mentioned considerable changes and adjustments that have been made in the bill since it was originally introduced.

Have there been any changes made since it was listed under suspension of the rules on August 7.

Mr. DINGELL. To the best of my knowledge, the bill was reported on August 7 with an amendment in the nature of a substitute, and that is the bill before us today, without any change since the time the bill was reported to the House.

Mr. HALL. Will the gentleman yield further?

Mr. DINGELL. I yield to the gentleman.

Mr. HALL. It is a fact, of course, that House Resolution 1121 did pass and it was considered under due process and orderly procedure according to the House rules today and does waive points of order in this bill. I shall not discuss this at this time. But, it waives points of order against the substitute for failure to comply with the provisions of clause 7, rule XVI.

Mr. DINGELL. The gentleman is correct on that point also.

Mr. HALL. This in itself, of course, is adequate reason for its ordinarily not being listed under the rule of suspension. I want to compliment the committee on bringing this needed bill out through due and orderly process within the procedures of the House even though it was necessary to waive all points of order. I think the bill should be supported.

Mr. DINGELL. I thank my friend from Missouri.

Mr. MOSHER. Mr. Chairman, I join in supporting H.R. 9128, a bill designed to clarify the agency jurisdiction between the Federal Maritime Commission and the Interstate Commerce Commission as it relates to the Port of Sacramento container barge service.

Under present law, the Interstate Commerce Commission extends generally to water carriers operating between points in the United States and to other forms of transportation. The jurisdiction of the Federal Maritime Commission extends generally to water carriers operating in foreign commerce and certain associated domestic activities. At times, there exists a "gray area" where this authority overlaps. This is particularly acute with the advent of new concepts of cargo movement such as the container barge service of the Port of Sacramento.

At the present time, an ocean carrier container vessel calling at the Port of San Francisco has two options available to it if the carrier has cargo destined for the Port of Sacramento, a landlocked port approximately 79 miles inland from San Francisco. First, the container vessel itself can journey up river, assuming proper vessel draft, and discharge its cargo in Sacramento. Second, the ocean carrier can utilize the "Container Barge Service" provided by the Port of Sacramento by transferring its container cargo destined for that port within the Port of San Francisco and having it barged up river.

The need for enactment of this legislation is simple but should be more readily understood by the citing of an example. Assume that a container vessel is moving on a through bill of lading from Tokyo to Sacramento, and can deliver its cargo under the two options previously mentioned. Under appropriate statutory law, the Federal Maritime Commission would have regulatory jurisdiction over the rate of the ocean common carrier from Tokyo to Sacramento, and also would have jurisdiction over the ocean terminals at San Francisco and Sacramento. However, if container cargo is offloaded from the ocean carrier in San Francisco and transferred to the Container Barge Service of the port of Sacramento for movement to that port, such movement and its rates would be subject to the regulatory jurisdiction of the Interstate Commerce Commission.

Under the very narrow circumstances described by the gentleman, this bill would avoid duplication of regulatory authority by vesting jurisdiction for this one small segment of the entire cargo's movement from Tokyo to Sacramento in the Federal Maritime Commission. Enactment of the legislation would materially benefit the port of San Francisco by encouraging the increased call of container vessels and would assist the port of Sacramento in the movement of such container cargo destined for delivery in Sacramento.

I wish to strongly indicate that the jurisdiction vested in the Federal Maritime Commission by this legislation would not, in any way, adversely affect the statutory and continued jurisdiction of the Interstate Commerce Commission in regard to their other regulatory activities. FMC jurisdiction would relate solely to rates and charges for the barging or affreighting of containers by barge between points in the United States in accordance with the narrow provisions of this bill.

Your committee has been most diligent in drafting the legislation to meet the express concerns of the agencies involved, and has provided for adequate protection of the respective commercial entities engaged in this type of water carrier transportation by drafting the legislation in accordance with the recommended amendments of the Interstate Commerce Commission in their July 24, 1972 letter and obtaining the concurrence of the Federal Maritime Commission. Thus, the two principal agencies affected concur in the bill. I know of no opposition to the legislation, and I urge its immediate passage.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to my friend and colleague, the gentleman from California (Mr. LEGGETT), the author of the bill who has worked very hard for its passage.

Mr. LEGGETT. Mr. Chairman, I want to compliment the chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL) on his expertise in handling this legislation at all stages of the hearings. At times it got rather sticky, but as finally resolved, it is without conflict and it has the full support of all the executive agencies of Government.

It conforms existing contracts operative on the west coast and it costs no money.

I think it will help our trade position both in the West and nationally.

Mr. Chairman, I rise to urge passage of H.R. 9128, a bill that for certain very limited purposes would vest in the Federal Maritime Commission exclusive regulatory jurisdiction over the movement of container and containerized cargo by barge on the inland waters of the United States.

Mr. Chairman, the bill before us is especially significant because the Interstate Commerce Commission, who would normally assert jurisdiction over such a water movement, endorses the legislation.

The genesis of this legislation was the advent of the container vessel in international trade. These fast, highly productive vessels cannot afford to call at more than one or two ports on one leg of a voyage. Usually, these are the larger ports on each coast of the United States. Other ports are bypassed.

The Port of Sacramento, located 79 miles up river from San Francisco, was losing business, and came up with an innovative solution to the problem. The port instituted what they call a Container Barge Service. This service consists of a tug and barge that transports containers between Sacramento and the San Francisco Bay area. As a result, a container vessel with cargo for Sacramento can either proceed up river to that port, or transfer the containers to the Container Barge Service at San Francisco.

The container barge service is offered to ocean carriers only. The shipper pays the ocean carrier the freight rate for the movement to or from the Port of Sacramento, and the ocean carrier absorbs the cost of the container barge service from this rate. The obvious advantage to the ocean container vessel is that the charge of the container barge service is usually less than the vessel cost of a direct call to the Port of Sacramento.

H.R. 9128 would obviate the problem that arose as to whether the Federal Maritime Commission or the Interstate Commerce Commission should have regulatory jurisdiction over the container barge service, and similar substitute service in lieu of a direct vessel call.

For example, in the movement of a container from Tokyo to Sacramento:

It is settled that the Federal Maritime Commission has jurisdiction over the rate of the ocean common carrier from Tokyo to Sacramento.

It is settled that the Federal Maritime Commission has jurisdiction over the ocean terminals at San Francisco and Sacramento.

Therefore, the sole question was whether the Federal Maritime Commission or the Interstate Commerce Commission should have regulatory jurisdiction over the container barge service water movement between San Francisco and Sacramento that is provided so that the ocean common carrier does not have to proceed up river to Sacramento, and similar substitute service in lieu of a direct vessel call at a port.

The Port of Sacramento filed a petition for a declaratory order with the Interstate Commerce Commission, and on June 5 of this year the ICC found that the Interstate Commerce Act required a finding that the container barge service was subject to their jurisdiction. However, in that decision, the Interstate Commerce Commission recognized that, to a limited extent, operations of the specific type performed by the Port of Sacramento through its container barge service have no more than a de minimis effect on interstate or foreign commerce as regulated by them. Within those limits the Interstate Commerce Commission could foresee no adverse effects to the public or the inland water carriers if the Congress were to remove such operations from their jurisdiction and place them entirely in the hands of the Federal Maritime Commission. The Interstate Commerce Commission went on to propose statutory amendments to the Interstate Commerce Act and the Shipping Act of 1916 in order to vest this jurisdiction in the Federal Maritime Commission. The Interstate Commerce Commission endorsed such legislation.

H.R. 9128, as reported by your committee, is the amendment to the Shipping Act of 1916 proposed by the Interstate Commerce Commission in its June 5 decision, with certain minor amendments cleared with that Commission.

The bill is very limited in scope and would vest in the Federal Maritime Commission exclusive regulatory jurisdiction over rates and charges for the transportation of containers or containerized cargo moving by barge between points in the United States only where all of the following conditions are met:

The container or containerized cargo is moving between a point in a foreign country or a noncontiguous State, territory or possession, and a point in the United States.

The container or containerized cargo is being transported on a through bill of lading betwen a point in a foreign country or a noncontiguous State, territory or possession, and a point in the United States.

The transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by a common carrier by water transporting the containers or containerized cargo.

The terminal operator is a State, municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission, and

The terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of the barge service.

The legislation would specifically provide that the terminal operators providing such service shall be subject to the provisions of the Shipping Act of 1916. Section 2 of the bill would require the Federal Maritime Commission to promulgate rules and regulations for such barge operations within 120 days after enactment.

Mr. Chairman, vesting in the Federal Maritime Commission exclusive jurisdiction over this one small segment of containers moving in international or the noncontiguous trades will insure that this innovative concept is not frustrated by interposing the regulation of the Interstate Commerce Commission in what is essentially a nondomestic movement. And let me repeat: the Interstate Commerce Commission and the Federal Maritime Commision endorse H.R. 9128, as reported by your Committee. I strongly urge the House to support this legislation.

Mr. CLARK. Mr. Chairman, I rise to urge passage of H.R. 9128, a bill that would resolve the question whether the Interstate Commerce Commission or the Federal Maritime Commission has regulatory jurisdiction over the movement of containers and containerized cargo by barge between U.S. ports where it is not practical for an ocean container vessel to call at both ports.

The problem arose with respect to the Container Barge Service instituted by the Port of Sacramento. Sacramento is located 79 miles upriver from San Francisco, and the Container Barge Service gives deep sea container vessels the option to:

Proceed up river to Sacramento, or

Transfer the containers at San Francisco; the movement between Sacramento and San Francisco handled by a tug and barge provided by the Port of Sacramento.

The Federal Maritime Commission is the agency charged by the Congress with the responsibility of regulating, among other things, the waterborne foreign and domestic offshore commerce of the United States. In the discharge of these responsibilities, the FMC has jurisdiction over common carriers—by water—serving these trades and persons carrying on the business of forwarding or furnishing terminal facilities in connection with such common carriers by water.

The Interstate Commerce Commission has jurisdiction over the domestic movement of property in interstate commerce and in the foreign or domestic offshore commerce but only insofar as such transportation takes place within the United States. Where the movement between points in the United States is by water that portion which precedes transshipment on an outbound movement or follows transshipment on an inbound movement is subject to Interstate Commerce Commission regulation.

As has been pointed out, this situation results in some cases in subjecting the movement to unnecessary and fragmented duplication of regulation. This fragmentation would be avoided under H.R. 9128.

H.R. 9128 is very limited in scope and would vest in the Federal Maritime Commission exclusive regulatory jurisdiction over rates and charges for the transportation of containers or containerized cargo moving by barge between points in the United States only where all of the following conditions are met:

The containers or containerized cargo is moving between a point in a foreign country or a noncontiguous State, territory, or possession, and a point in the United States.

The container or containerized cargo is being transported on a through bill of

lading between a point in a foreign country or a noncontiguous State, territory, or possession, and a point in the United States.

The transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by a common carrier by water transporting the containers or containerized cargo.

The terminal operator is a State, municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission, and

The terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of the barge service.

The legislation would specifically provide that the terminal operator providing such services shall be subject to the provisions of the Shipping Act of 1916. Section 2 of the bill would require the Federal Maritime Commission to promulgate rules and regulations for such barge operations within 120 days after enactment.

I strongly urge the House to support this legislation.

(Mr. MOSS (at the request of Mr. DINGELL) was granted permission to extend his remarks at this point in the RECORD.)

Mr. MOSS. Mr. Chairman, I rise to urge passage of H.R. 9128. Although not a member of my distinguished colleague's committee, I am well aware of the problems faced by smaller ports in the United States, and strongly support the bill.

The Port of Sacramento originated this innovative solution to the problem of being bypassed by ocean container vessels. They instituted so-called container barge service, which is nothing more than a barge service to move containers between Sacramento and the San Francisco Bay area. The service is offered only to the ocean carrier. The port is the agent of the ocean carrier. The sole purpose of the service is so that these large productive vessels need not make the trip upriver to call at Sacramento. With the container barge service, the ocean vessel can drop off containers at San Francisco and they will be barged up to Sacramento.

As the Federal Maritime Commission now has jurisdiction over the rate of the ocean common carrier to Sacramento and the terminals at San Francisco and Sacramento, it would make no sense to interpose the jurisdiction of the Interstate Commerce Commission for the movement between San Francicso and Sacramento. Both the Federal Maritime Commission and the Interstate Commerce Commission agree.

The container barge service offered by the Port of Sacramento will not be the only substitute service offered by other smaller ports in the future. However, the proposed legislation is tightly drawn, and will insure that the jurisdiction conferred upon the Federal Maritime Commission for such substituted service does not conflict with the activities of the Interstate Commerce Commission. The language of H.R. 9128, as reported, is generally the language proposed by the Interstate Commerce Commission.

I strongly urge the House to support this legislation, not only for the benefit of the Port of Sacramento, but for all of the other smaller ports in the United States.

Mr. PICKLE. Mr. Chairman, will the gentleman from Michigan (Mr. DINGELL) yield?

Mr. DINGELL. I yield to the gentleman from Texas for a question.

Mr. PICKLE. I assume that the ICC and the Maritime Commision have resolved the differences that were raised at the time the bill was introduced between the two bodies, as to which would have jurisdiction. Is there accord now between the two agencies?

Mr. DINGELL. The gentleman from Texas is correct.

The Interstate Commerce Commission has indicated to the committee, advising it that it has no objection to the passage of the bill in the form that it was reported by the committee.

We also have a clear statement in writing from the Federal Maritime Commission indicating that they support the bill, as reported as amended.

The Bureau of the Budget has submitted on behalf of the entire executive department a statement that there is no objection on the part of the administration to the enactment of the bill, as being in conformity with the present program.

Mr. PICKLE. This bill in no way conflicts with the barge bill that the Congress passed recently—last year, I believe?

Mr. DINGELL. I am familiar with the bill to which the gentleman from Texas refers, and I make him the assurance that this bill does not in any way conflict with that piece of legislation.

Mr. PICKLE. If I may ask the gentleman one other question. Do the shippers under this bill file a tariff with the Maritime Commission showing at what rate they will be charged for the movement of goods on the barges?

Mr. DINGELL. That is true. They send a direct bill of lading, and the tariff shows the charges from the point of origin to the final point where the substitute barge service on containerized goods or containers finally terminates.

Mr. PICKLE. I thank the gentleman from Michigan.

Mr. Chairman, we have no further requests for time on this side.

Mr. MOSHER. Mr. Chairman, there are no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the amendment in the nature of a substitute printed in the 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 the Shipping Act, 1916, as amended (46 U.S.C. 801–842), is amended by inserting a new section 3 to read as follows:

SEC. 3. Notwithstanding part III of the Interstate Commerce Act, as amended (49 U.S.C. 901 et seq.), or any other provision of law, rates and charges for the barging or affreighting of containers or containerized cargo by barge between points in the United States, shall be filed solely with the Federal Maritime Commission in accordance with rules and regulations promulgated by the Commission where: (a) the cargo is moving between a point in a foreign country or a noncontiguous State, territory, or possession and a point in the United States, (b) the transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by the common carrier by water transporting the containers or containerized cargo under a through bill of lading, (c) such terminal operator is a State, municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission, and (d) such terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of such barge service. The terminal operator providing such services shall be subject to the provisions of the Shipping Act, 1916."

SEC. 2. Within 120 days after enactment of this Act, the Federal Maritime Commission shall promulgate rules and regulations for the barge operations provided herein.

Mr. DINGELL (during the reading). I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of New Jersey, 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. 9128) to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce, pursuant to House Resolution 1121, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

SALE OF SECOND-HAND MILITARY EQUIPMENT TO LATIN AMERICAN COUNTRIES

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

Mr. GAYDOS. Mr. Speaker, James Foster, a Scripps-Howard staff writer, reported recently that the United States is running into difficulties in selling second-

hand military equipment to Latin American countries—even at "almost scrap prices."

Rather than buying from us, the Latin Americans are filling the order books of West European suppliers, Mr. Foster learned. In fact, West European sales reportedly have totaled $1.2 billion over the past 5 years compared to $250 million for us.

Mr. Foster explains:

The swing away from U.S. goods—new or used—is accelerating as the Europeans, trying to nourish their own economies, become more and more competitive.

Mr. Foster tells of U.S. offers in used warships, planes, weapons, and so forth, even discounted in price to "1 cent on the dollar," being spurned while our neighbors to the south, chiefly Venezuela, Brazil, and Argentina, prefer buying from Europeans. Our orders remain far under the $100 million limit set by Congress on annual arms sales to Latin America.

This appears to me to be another of the many, many instances in which this country and its taxpaying citizens are continuing to play the sucker role. We annually give the Latin Americans scores of millions of dollars in foreign aid—largely with no strings attached. This money goes to support the governments which, as we learn from Mr. Foster, elect to deal with Europeans for the used arms they want. These Europeans, in turn, are finding this Latin American market, in the words of Mr. Foster, a handy way to "nourish their own economies"—a purpose of marked interest to us with our big deficit in foreign trade.

It is not difficult to extend this situation to the point where, with our foreign aid funds going to Latin America, we, indeed, are subsidizing the Latin American arms purchases in Europe. Without our gift dollars they would not have had anything like $1.2 billion to spend on weapons over the past 5 years.

How long are the American people going to stand for arrangements such as this? More pointedly, how long is the Congress going to bow to White House requests by continuing to vote the hard-earned tax money of our constituents for these "patsy" games? The time certainly is here, in view of our worsening position in the world's business affairs, for us to cut through the doubletalk of the "giveaway" advocates and look first to the American interest.

CHIPPEWA FLOWAGE PROJECT, NORTHERN WISCONSIN

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

Mr. OBEY. Mr. Speaker, I am introducing in the House today legislation which will provide for the Federal recapture of the so-called Chippewa flowage project in northern Wisconsin. The bill also provides for the return of about 6,000 acres of land to the Lac Courte Oreilles Indian Reservation.

The Chippewa flowage, located on the Chippewa River in Sawyer County, Wis., is a 17,000-acre reservoir. It was created when the Northern States Power Co., built a dam across the river, having received a license from the Federal Power Commission to do so in 1921. The company obtained a 50-year license to operate the dam for the regulation of water flow to assure that there would be an adequate supply of water at several Northern States Power hydrogeneration plants downstream. That license expired on August 8, 1971, and the company has been operating the project under a 1-year license from the FPC.

The flowage is beautiful, highly regarded for its undeveloped lands and recreational opportunities. Some of the best fishing in Wisconsin is to be found within its boundaries. And almost all of the birds and animals indigenous to northern Wisconsin—including the bald eagle and the osprey—can be found in the area.

While the flowage covers 17,000 acres during spring and summer, it shrinks considerably in winter, when the dam is opened at various times to stabilize the river flow for hydrogeneration and flood control purposes. By March the flowage shrinks to 2,000 acres or less. The water level may drop anywhere from 11 to 21 feet, and over the past 10 years these winter drawdowns have averaged 16 feet.

It is not known yet whether the constant yo-yo rise and fall of water level creates significant environmental problems, because appropriate studies are only now being conducted. It is known that during the winter drawdown period there is a limited habitat available for fish.

Significantly, the flowage ranks as Wisconsin's third largest lake. It embraces 125 islands and touches 106 miles of shoreline, of which 92 percent remains ir an undeveloped state of natural wilderness. The question is: Will this beautiful area stay undeveloped?

Mr. Speaker, more and more people have the time, the resources and the need to find a place where they can get away from it all. When they find one, the place grows roads, trailers, campers, cottages, and motor boats. Where the people go, so goes development.

Chicago, Milwaukee, Madison, and Minneapolis-St. Paul are all within easy automobile reach of the Chippewa flowage. With pressure like that, it is imperative that we act while we can to keep the area unspoiled, and that is why I am introducing legislation today providing for Federal recapture of these lands. This legislation—identical to a bill introduced in the Senate by Senator GAYLORD NELSON of Wisconsin—would require that these lands be kept in their natural state.

Federal recapture is possible under the Federal Power Act.

Under that act, when the license for a power project expires, the FPC is authorized to hold hearings on an application for license renewal. If the FPC then decides that the Federal Government ought to recapture a project, it recommends this course of action to the Congress. Since 1964 there have been 64 projects subject to recapture, but in none of them did the FPC actually recommend recapture.

If the FPC decides in favor of relicensing, however, it must stay its order for relicensing for 2 years if any Federal agency has recommended recapture. Congress is thus given an opportunity to examine the matter itself. After 2 years, if Congress has not authorized a Federal takeover, the new license becomes effective.

An important fact to remember when considering the future of the Chippewa flowage is that the Federal Power Act also authorizes the FPC to issue licenses for power transmission on Indian reservations, if licensing will not interfere with the purposes for which the reservation was created. This permitted some 6,000 acres of Lac Courte Oreilles Indian Reservation lands to be included when the flowage was created.

When the dam was built, 525 acres of this land were flooded. A Lac Courte Oreilles burial ground and rice field were flooded then and remain flooded today.

The tribe has filed a petition with the FPC opposing the issuance of a license to Northern States Power or any other applicant to operate the flowage for hydroelectric power production. The tribe wants recapture and the return to the tribe of all Flowage project lands within the Lac Courte Reservation.

The FPC has ordered that public hearings on the license renewal application be held in Wisconsin within the vicinity of the project. Meanwhile, two other Federal agencies recommend recapture:

First. The Department of Agriculture recommended to the FPC 4 years ago that the project—exclusive of the dam and Flowage lands lying within the Lac Courte Oreilles Indian Resrevation—be recaptured by the Federal Government and placed within the Chequamegon National Forest.

Second. The Department of the Interior concurred with the USDA recommendation in a letter to the FPC of last February 29, in which it said:

Activities of the present licensee, Northern States Power Company, of the leasing, or cabin and resort sites, building of docks, boat landings, and the creation of access roads are, in some cases, not consistent with the highest and best use of the area for the common public good. Uncontrolled development of recreational activities could adversely affect the Flowage wilderness.

Now the Department of the Interior has agreed with the position of the Lac Courte Oreilles Tribe and recommends that the Federal Government recapture for the tribe all project lands lying withing the reservation. Interior has said:

It is the position of the Secretary of the Interior that the interest of the public in the preservation of the environmental values of the Flowage and the protection of the land base of the Lac Courte Oreilles Band should take precedence over the issuance of a license to operate the project for downstream power production. The administration of the project lands by the Departments of the Interior and Argiculture would result in protection of both the Indians' and the public's interest in the project and is commensurate with the intent of Congress in providing for the recapture of power projects.

Mr. Speaker, it is important that the Chippewa flowage area be recaptured by the Federal Government if its continued existence in a wilderness state is

to be guaranteed. Pressures for the development of recreational areas are great, certainly in this area of northern Wisconsin. While Northern States Power—to its credit—has resisted such pressures in the past, there is no guarantee that, with a change in management or personnel, it will continue to do so.

Moreover, this Nation's interest in preserving areas like the Chippewa flowage should not be dependent upon the good judgment or good will of a private firm. In my opinion we in the Congress have an obligation to preserve those few attractive, unspoiled areas that are left, and it is for this reason that I am introducing legislation today to recapture this unique wilderness area.

This legislation would return to the Lac Courte Oreilles Indians lands originally taken from them, provided the tribe restricts development and utilization of the Flowage shoreline.

The Council on Environmental Quality and Bureau of Outdoor Recreation are directed by the bill to determine the Federal agency which shall manage this land, and the Council is further directed to decide how that land ought to be managed so its wilderness and recreational attributes are best promoted.

Mr. Speaker, I am hopeful the House will give this legislation careful consideration. Its passage would insure the continuation in its natural state one of the most beautiful areas in northern Wisconsin.

EQUAL STICKER TIME

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

Mr. MOORHEAD. Mr. Speaker, the White House has made available for political campaign purposes mailing lists obtained from the Department of State. These are very exclusive lists because the Department of State does not make available gummed mailing labels for political purposes—except to the White House. I am referring to some campaign propaganda mailed out September 15 to thousands of college professors and other intellectuals interested in international relations by Mr. Leo Cherne, a vice chairman of a group called Democrats for Nixon. Mr. Cherne, a Key Biscayne neighbor of President Nixon, failed to identify himself as part of the Nixon campaign apparatus in his letter, however. He also, in the course of his condemnation of Senator McGOVERN's Vietnam proposals, did not reveal that he had been decorated by the Government of Vietnam.

I am sure that Senator McGOVERN, who never travels under false colors, would like to reply to Mr. Cherne's spurious allegations that the Senator, if elected President—and I quote—"would abruptly terminate the humanitarian programs for refugees, orphans, injured children, even emergency shipments of food." That charge is an evil lie.

Now here is what I suggest. In all fairness, I think the White House ought to give Senator McGOVERN "equal sticker time" to make a mailing of his own to the thousands of Americans on the State Department mailing lists. Then perhaps truth and common decency will prevail.

Mr. Speaker, I have in my hand photostated copies of two mailings by Mr. Cherne to Prof. Daniel G. Partan, professor of law at Boston University. They use identical symbols appearing on labels used on two State Department mailing lists which contain Professor Partan's name. The State Department also confirmed that the labels had been made available to the White House.

SOVIET JEWS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, the world has witnessed in recent weeks the most blatant effort by the Soviet Union to restrict the travel of Soviet Jews to Israel. This latest pronouncement requiring the payment of enormous emigration fees is an unjust and discriminatory act which represents a denial of fundamental human rights.

For far too long we, in this country, have accepted the official anti-Semitic policy of the Soviet Government and have done little to condemn it except to voice an occasional protest. We are now confronted with the unique opportunity of being able to bargain with the Soviet Government, a bargain that would exchange wheat, grain, and machinery for the rights and lives of human beings. We must be willing to make a full commitment to this cause, a commitment that would deny the Soviets of needed materials if they refuse to recognize the immorality of their actions and change their emigration policy. We must stand firm in our position of being willing to deny granting the Soviet Union the status of a "most favored nation."

Mr. Speaker, I have writen the following letter to Secretary General Leonid Brezhnev apprising him of the possible economic ramifications if this unjust emigration policy continues. I urge each of my colleagues to join me in writing Secretary General Brezhnev demanding that the Soviet Union immediately discontinue all discriminatory policies directed against Soviet Jews.

I would now like to read this letter into the RECORD.

WASHINGTON, D.C.,
September 26, 1972.

LEONID BREZHNEV,
Secretary General, Central Committee of the Communist Party, The Kremlin, Moscow, U.S.S.R.

DEAR SECRETARY GENERAL BREZHNEV: I am writing this letter to express my deep concern over the recently announced policy of the Soviet Union requiring emigration fees for Soviet Jews desiring to establish residency and citizenship in the state of Israel. Speaking as a private citizen of the United States and as an elected representative to the Congress of the United States it is imperative that I voice my firm opposition to this suppressive policy.

In recent years the Soviet Union and the United States have evidenced a recognition of the need to develop harmonious relations in the interest of world peace. For years third party countries had to impress on our two nations the necessity for mutual cooperation. Our relations have only recently matured to the point where our countries no longer must be prodded and coaxed to meet with one another, where fear is no longer the hallmark of our relations, but instead, where our relations are now founded on the concepts of mutual respect and trust. Both of our countries have worked hard to attain this level of trust and respect, and we cannot permit our arbitrary actions to jeopardize this new found understanding.

There is a severe danger that any attempt to refine our relations and develop trade agreements will be adversely affected by your country's enunciated emigration policy. I, for one, will be forced to do all within my power to prevent the Soviet Union from gaining the status of "most favored nation" as long as this blatantly anti-Semitic policy remains.

Mr. Secretary General, it is imperative that we not expose our people to a world in which tension thrives and distrust prevails. Both the governments of the United States and of the Soviet Union have the tremendous responsibility of insuring world tranquility. We must not permit our governments to adopt official policies which clearly impose unjust and cruel restrictions on certain religious, ethnic or racial groups. The current hostilities in Uganda demonstrate the danger and the probable consequence of such a discriminatory policy. It is no excuse that injustice and discrimination exist throughout the world. We, as citizens and representatives of the two most powerful and influential countries in the world, cannot allow our countries to conform their laws and policies to what are clearly inhumane, unjust and immoral standards. I ask you, therefore, as a man whose responsibilities and accountabilities are among the greatest of any man on earth, to reevaluate your emigration policy to permit those of the Jewish faith to travel to and reside in the land of their religious and historic origin.

I firmly urge you to give this matter your personal and immediate attention.

Respectfully,

ALPHONZO BELL,
U.S. Congressman.

ABORTION RIGHTS BILL PROPOSED BY THE HONORABLE BELLA ABZUG

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 1 hour.

Mr. HOGAN. Mr. Speaker, last May 2 the Congresswoman from New York (Mrs. ABZUG) attracted special attention to herself when she had the equivalent of a long proabortion book inserted into the CONGRESSIONAL RECORD. The insertion amounted to 139 pages of material, mostly in small type, in support of a bill she was introducing, her so-called Abortion Rights Act of 1972. This bill of Representative ABZUG's, if enacted, would establish the right of a woman, anywhere in America, to have an abortion any time she wanted one for no other reason than that she wanted one. The bill frankly abandons any pretense of health or therapeutic benefits for the woman; its effect would be simply to forbid the United States or any State to interfere in any way with what the Congresswoman from New York asserts is the constitutional right of any female to terminate a pregnancy that she does not wish to continue. The language of the bill is so absolute on the matter of this alleged constitutional right of females—though if the existence of such

a right is so obvious, one wonders why a bill establishing it is necessary—that by its passage the Congress would apparently remove from the State the very authority even to regulate abortions otherwise considered legal.

In her backup material inserted into the CONGRESSIONAL RECORD, Representative ABZUG includes lengthy legal briefs and journal articles not only justifying completely elective abortion but claiming that the Congress by itself has the authority to prohibit the United States or the States from restricting or regulating it. She includes the full text, down to detailed citations and footnotes, of virtually every significant court decision which might tend to establish the aims she has in view. She neglected to include any of the available and representative material which might have cast considerable doubt on her thesis.

All this massive documentation may or may not convince a majority of the Congress to support her bill. The principal effect it has had to date has been to change the procedure on insertions into the CONGRESSIONAL RECORD. It is unfortunate, however, that a controversy over the sheer volume of material inserted by Representative ABZUG, distracted attention from the substance of her arguments and their supporting documentation. The American taxpayer should not have to subsidize the printing of repetitious documents which derive from and quote each other to such an extent that their full texts are of no possible interest to anybody but specialists or legal scholars. Nevertheless, the cost of this extravagance is small compared to what the cost would be to human rights and to the rule of law in America if this abortion rights bill were ever enacted into law.

In this bill Congresswoman ABZUG is proposing a virtual legal and constitutional revolution under the guise of upholding the supposed right of a woman. By means of this bill, she is proposing that entire categories of human beings—in this case, the unborn—be declared outside the protection, or even of the interest, of the law.

Thus it is important that the substance of her bill be considered and understood. The 1972 national political conventions have demonstrated that abortion on demand is now a national political issue, even if more heat than light was generated on the issue in Miami Beach. At any rate, the issue is not going to go away. Right-to-life proponents everywhere are now carefully scrutinizing the stands of candidates and parties. On the other side, typical of the efforts of proponents of abortion on demand are the efforts of the so-called Woman's National Abortion Action Coalition—WONAAC—which is mobilizing to lobby for enactment of this legislation. WONAAC plans, for example, an international tribunal in New York on October 21–22 at which this women's organization, in my opinion totally unrepresentative of the average woman, will function simultaneously as prosecutor, judge, and jury in hearing evidence about crimes against women who have suffered as a result of present abortion and contraceptive laws. Apparently this self-constituted tribunal will not hear any evidence about the crimes against children committed as a result of legalized abortion; more than 400,000 unborn children have been destroyed in New York alone in little more than 2 years of legal abortion on demand.

WONAAC, of course, is only one of the many organizations now agitating for abortion-on-demand, abortion as a woman's alleged right. The tempo, intensity and shrillness of proabortion agitation has been increasing. At the same time the proabortionists are no longer getting things their own way in the courts and in the State legislatures, as initially seemed to be the case when the big drive for legalized abortion started about 5 years ago. It is true that legalized abortion has made impressive gains in America, but there are also many signs that a new trend against legalized abortion is growing, particularly where the dreadful results of legalized abortion are becoming manifest to the public consciousness, as in New York.

Up to now, Mr. Speaker, abortion has probably been little more than a word for most Americans. The fact that the killing of a living child is always involved in any abortion has not been clearly understood. Nor has it been clearly understood that abortions are no longer being done for true medical reasons determined by a physician; they are being sought and performed at the request of women who do not wish to continue a pregnancy, to use Representative ABZUG's words. Where the law still requires a medical reason, one is usually fabricated, usually the mental health of the woman. With unprecedented semantic flexibility some medical men are even managing to consider the distress of a woman who finds herself pregnant when she does not want to be pregnant a new form of mental illness justifying an abortion. Other semanticists in the medical profession are now prepared to consider any economic, social, or personal inconvenience whatever that might be involved in the bearing of a child a matter of health.

Such semantic gymnastics are considered justified today pending the full legalization of abortion-on-demand, everywhere which the antilife forces say is now favored by a growing majority of Americans. The U.S. Commission on Population Growth and the American Future, for example, claimed in early 1972 that 50 percent of all Americans favored the removal of legal restrictions on abortions. A later Gallup poll found 64 percent of respondents agreeing with the statement that the decision to have an abortion should be made solely by a woman and her physician. The reason such polls as these cannot be taken as true measures of public opinion is that the questions are not framed in a way which brings out what the public is actually being asked to agree to. For more serious studies of public opinion have long shown that, where Americans tend to favor or tolerate abortion, they do so because it is assumed that there is some reason for the abortion, such as a medical reason. To ask, as the Gallup poll does, whether an abortion should be a matter between a woman and her doctor, implies that there is some medical reason involved. Otherwise what is the point of the doctor being involved? Do not doctors deal with medical matters by definition? Most Americans have not yet grasped that some doctors are now prepared to do abortions whether or not any medical reason is involved. The way the Gallup poll question is framed actually conceals the fact that the public is being asked to endorse Representative ABZUG's position that abortion should simply be a woman's "right," overriding all other considerations whatever, including the possibility that the woman herself can be gravely harmed by the performance of an abortion.

Similarly, to ask, as the U.S. Population Commission's poll asked, whether or not legal restrictions should be removed from the performance of abortions, might suggest to the average person that there are legal restrictions on abortions believed medically necessary to save a woman's life. The fact is that there are not, and never have been in America, legal restrictions on abortions performed to save a mother's life.

In order to ascertain the true state of public opinion on abortion-on-demand—the long-stated goal of the abortion lobby, as well as the aim of Representative ABZUG's bill—the pollsters should in simple honesty ask the public: "Do you think a woman should have a right to have killed by abortion any child she does not want to carry to term?" Or, to use a sample of one of actual arguments employed before the Supreme Court included in Representative ABZUG's copious documentation, pollsters should ask whether laws should be repealed which condemn women to share their bodies with another organism against their will, to be child breeders and rearers against their will.

The average American might well wonder how the law has condemned any woman against her will. Did the law make her pregnant? Should women—or men—be exempted by the law from taking the consequences of their own acts? Should women—or men—be freed from the responsibility for those dependent upon them? The unborn child is dependent upon his mother in a unique way. Incidentally, this argument against women sharing their bodies with another organism destroys at one stroke another favorite argument of the proabortionists; namely, the abortion involves only the woman's right to control her own body.

It is incredible that any rational legal or constitutional system could admit such principles as that people are no longer responsible for the consequences of their own acts, or that the lives of some can be snuffed out for the convenience of others. It taxes one's faith in the American legal system to realize that such arguments could be brought into any court of law, let alone into the Supreme Court of the United States. But the legal brief just quoted goes on to argue before the Supreme Court that laws forbidding the wanton destruction of unborn children by abortion impose on women a form of cruel and unusual punishment forbidden by the eighth

amendment to the Constitution. Most American women will be surprised to hear that the power and privilege of motherhood which women possess is any such thing. There is little doubt that if Americans understood exactly what abortion is, and what the abortionists are claiming for it—and what BELLA ABZUG's bill would impose by law—they would scarcely be disposed to favor it in anything like the numbers claimed in some of these polls.

The most careful in-depth study of public opinion on abortion, published in 1971 by an avowed proponent of liberalized abortion, Dr. Judith Blake of the University of California, found, in fact, that no less than 80 percent of all Americans were against simple abortion-on-demand. Dr. Blake concluded from her study that abortion-on-demand would never become established through legislative action, if public opinion alone were the inspiration of such legislative action. Personally, she felt that abortion-on-demand would have to be imposed on America by sympathetic courts.

And, in fact, it is dismaying the degree to which the courts have been taken in by the proabortion arguments and mentality, denying to the unborn child the equal protection of the laws guaranteed by the Constitution, while ruling in favor of a woman's supposed right to destroy her unborn child which is, of course, nowhere mentioned in the Constitution. Representative ABZUG has included most of these court decisions in her documentation; they make melancholy reading. Similar decisions continue to appear declaring that the abortion laws of still other States are unconstitutional. Unless one reads each of these decisions in turn, it is hard to realize the extent to which they derive completely, and in almost mechanical fashion, from the same two or three innovative court decisions which first advanced the novel thesis that the State is unable to forbid by law the killing of the unborn by abortion. It is disconcerting to see the courts striking down the abortion laws in State after State, but all it proves is that some judges are slavishly prepared to follow other judges, like so many sheep plunging over a cliff.

In fact, of course, sufficient legal and constitutional principles exist to enable any court to uphold not only the State's right, but its obligation, to afford legal protection to the lives of the unborn. Other courts, both State and Federal, have upheld traditional abortion statutes as strictly constitutional. Most recently, in July 1972, the Indiana Supreme Court found the argument that there is—

> A State interest in protecting what is, *at the very least* (emphasis added), from the moment of conception, a living being and potential human life, both valid and compelling.

The wonder would be, in a democracy founded on the proposition that the first of all unalienable rights is the right to life, as the Declaration of Independence says, that State and U.S. courts could not uphold laws which protect the life of the unborn child.

The ultimate resolution of the abortion issue in the courts is far from clear, however. Proabortion forces have made a major investment in the courts; they command legal talent of the most skillful kind; this has undoubtedly been responsible for getting before the Supreme Court itself the proposition, absurd on its face, that only a woman and not also a child is involved in abortion. A ruling, or perhaps a series of rulings, by the Supreme Court will undoubtedly be necessary before much of the legal confusion that has been generated by the abortion issue can be cleared up.

In the meantime, in the State legislatures, the proabortion forces are no longer achieving the successes they achieved during the first 2 or 3 years of their nationwide drive to relax or repeal State abortion laws. Except in Florida, where the legislature was constrained by still another court decision which would have left the State without any law—exactly the situation Representative ABZUG desires for the country as a whole—no permissive abortion laws have been enacted in any State since 1970.

Instead laws are being passed reinstating the earlier restrictions on abortion which were originally in force in all the 50 States. In 1972, probably reacting to the casual and callous slaughter of hundreds of thousands of infants since abortion-on-demand was legalized in New York in 1970, the legislatures of both New York itself and of neighboring Connecticut reenacted statutes strictly forbidding abortion except in cases of a direct physical threat to the life of a mother. In Connecticut, the legislature acted to restore a law which had been thrown out by a Federal court; in New York, the legislature was reversing its own action of 2 years ago, after intense citizen pressure, which, according to the proabortion New York Times, actually clogged the legislative halls in Albany until the law was passed. In Pennsylvania, where the State law has also been under court challenge, the legislature has similarly voted new restrictive legislation. In Massachusetts, the legislature voted for a constitutional amendment explicitly recognizing the right to life of the unborn child. Meanwhile intensive efforts by the abortion lobby resulted in permissive abortion legislation being introduced, which, however, failed to pass in some 13 States during the 1972 legislative sessions.

Clearly, the legislators in all these States have been getting the message from their constituents that noisy proabortion groups do not represent informed American opinion on the abortion issue. Indeed the massive, active sentiment against abortion which has been rapidly developing at the grass roots all over the country is one of the most remarkable political phenomena of recent times. This antiabortion sentiment has been generated among those who have come to realize what abortion really is—the killing of a living child.

Mr. Speaker, once this conviction takes hold a person, he will no longer be passive on the subject of abortion; he will actively work against it. As the education of the American people about abortion continues, and many right-to-life groups are now busily engaged in this educational task, it is to be expected that more and more citizens and voters will express themselves against abortion.

While proabortionists have made considerable gains in the courts, they are still unsure whether they can finally achieve their goal of abortion-on-demand all over America through the courts. Meanwhile, in spite of the polls, public opinion is not going for them as far as the State legislatures are concerned. After their early successes, they have failed to get any more permissive laws enacted and in some legislatures their gains are even being rolled back. Their goal is to bypass both the courts and the State legislatures, and try for a national abortion-on-demand law through the U.S. Congress. This is the light in which Representative BELLA ABZUG's so-called abortion rights bill must be viewed. It is an attempt to make and end run around the obstacles the antilife people are finding in their path in the courts and the State legislatures.

Mr. Speaker, it is therefore necessary to examine at this point the legal and constitutional basis on which Representative ABZUG takes her stand. Basically, the Representative from New York (Mrs. ABZUG) rests her case for an alleged woman's constitutional right to abort a pregnancy on a 1965 Supreme Court decision, Griswold against Connecticut. This Supreme Court decision overturned a Connecticut law forbidding the use of contraceptives by married couples. On the face of it, such a decision would scarcely establish any right to have an abortion—any more than the Constitution itself provides for any such right. What the decision, according to the court, did establish was a general constitutional right to privacy which, though not specifically mentioned among the rights enumerated in the Constitution, could reasonably be assumed to be among those unenumerated constitutional rights possessed by all Americans. The Supreme Court overturned the Connecticut birth control statute because it violated the right to privacy of married couples.

Now it would be hard to argue against a constitutional right to privacy, particularly today when some of the very same people who are promoting abortion on demand are also advocating direct Government intervention in the procreative habits of Americans on the grounds of a supposed need for population controls. Once they succeed in establishing elective abortion as a private matter, presumably these population controllers will then move on to try to establish compulsory abortion as a public matter. The hypocrisy of such a proceeding is clear.

However desirable and even necessary a constitutional right to privacy is, however, there is nevertheless some doubt about whether the Supreme Court can simply decree that a particular unenumerated right such as the right to privacy is indeed constitutional. In the Griswold against Connecticut case both Justices Black and Stewart vigorously dissented from the majority of the Court on the grounds that the right of Americans to

privacy should be safeguarded by appropriate and specific legislation enacted by the legislative branch. Even the majority of the Supreme Court could not agree which provision of the Constitution guaranteed a right to privacy, and three different majority opinions were written in the case. The majority did agree that there was such a right to privacy, however, and that is where the matter stands at the moment.

It remains to be seen how a constitutional right to privacy would apply to abortion. It is surely unlikely that the Supreme Court would allow parents privately to kill their own children in the exercise of their own right to privacy. But that is what abortion would involve. While the law has not traditionally cloaked the unborn with all the same rights as persons who have been born, it is also true that it was in the past unnecessary for the law to do so. The rights of the unborn were not under attack as they are today. No well-financed lobby existed to persuade courts and legislatures that the protection which the law did afford to the unborn should be thrown out and the rights of the unborn disregarded. Abortions were only performed by physicians for what were believed to be serious medical reasons affecting the life of the mother—in contrast to the attitude of many physicians today who apparently believe that because, technically, relatively safe abortions can be performed, doctors should therefore be legally able to perform them. Abortions for convenience were considered in the past criminal abortions, as, in my opinion, they should be so considered in any ethically sane society.

Today, however, elements of American society apparently do not see it that way. Representative ABZUG, along with the lawyers upon whom she depends for her prolix supporting documentation, holds, quite simply, that the right to privacy affirmed by the Supreme Court in Griswold against Connecticut includes the right of a woman to elect to destroy any child she might conceive. Yet nowhere in this Supreme Court decision can the faintest suggestion be found that the right to privacy would prevent the State from forbidding or regulating abortion by law. In his concurring opinion in Griswold against Connecticut, Mr. Justice Goldberg declares that, in determining which rights not enumerated in the Constitution are nevertheless so fundamental that they are entitled to constitutional protection, the court must look to the traditions and conscience of our people to determine whether a principle is so rooted there as to be ranked as fundamental. Can the right of a woman to elect abortion be found anywhere in the traditions and conscience of our people? Has such a right ever been asserted, or even imagined, throughout all of American history until today? Until the abortion lobby started its drive against abortion laws a few years ago, all 50 States consistently forbade abortion except in narrow, strictly medical circumstances.

The proabortionists, of course, citing the slenderest evidence, allege that these abortion laws were intended only to protect the woman from the effects of unsterile surgery. If that were the case, why were there not laws against all surgery, equally unsterile, instead of merely against abortion?

The fact is, that prior to the present day, abortion was universally understood to be the killing of a child, or at any rate a potential child; and the moral wrong of destroying a potential child was as real as the moral wrong as destroying an actual child. The first mention of abortion in English law refers to it flatly as homicide. Neither the fact that the precise moment when an embryo became a person was not understood scientifically nor the fact that abortion laws assigned penalties less strict than the penalties for other types of homicides can detract from the essential point that the unborn child has traditionally been accorded legal status and protection. Unborn children have traditionally had the right to sue in tort, inherit, have guardians appointed for them, et cetera. After all, from a legal point of view, there are different degrees of homicide, too.

Undoubtedly most of the legislators of the 19th century who voted in most of the American abortion laws assumed they were providing adequate protection for the unborn, and never dreamed of a time when people would seriously argue that the rights, indeed the very existence, of living human beings were irrelevant to the issue of a woman's alleged rights. Now that science has established that each individual human life begins at conception, it would be logical for the law to move toward a greater degree of protection for the unborn, and toward stricter penalties for the violation of the child's right to life by abortion. This is a task toward which the various State legislatures, and the Congress as far as the District of Columbia is concerned, should be addressing themselves by positive protective legislation, rather than merely dealing with the issue as the proabortionists have framed it, namely, in terms of whether or not the rights which the unborn child already enjoys under the law should be removed in favor of a woman's right to choose.

It is all the more incumbent upon the legislative branch of the State and Federal governments to face up to their responsibilities because too many courts are dealing with the abortion issue entirely on the terms put forward by the proabortionists. Following Griswold against Connecticut primarily, these courts are holding that, because couples have a constitutionally protected right to prevent conception, they also have the right to destroy the child after he is conceived if their preventive measures fail. This is an astounding argument, of course, but most of the court decisions overturning abortion laws are based on precisely this reasoning. The effect of these court decisions is actually to go beyond guaranteeing married couples the right to privacy in preventing conception; by giving to the woman alone the right to choose whether or not to continue a pregnancy, they also effectively nullify the father's rights to his children since in exercising her right to get an abortion she can effectively ignore the father's wishes in the matter. Thus the interpretation which the courts are giving to Griswold against Connecticut in extending it to cover abortion, evacuates the father's parental rights while supposedly guaranteeing his constitutional rights in matters of the privacy of his home, family, or married life. This is the weird logic of abortion on demand. It is logic which Representative BELLA ABZUG's so-called abortion rights bill would translate into the law of the land.

A Federal judge in Illinois, dissenting in one of the recent court cases which adopts the logic of abortion as merely another and especially effective method of contraception, has spoken pertinently if not definitively on the manner in which State laws restricting abortion are being thrown out by the courts:

> To support their conclusion that the people of Illinois have exceeded the proper bounds of legislative interest, the majority [of the court] primarily rely on the rationale of the Supreme Court in *Griswold* v. *Connecticut*, 381 U.S. 479, 85 S. Ct. 1678. 14 L. Ed. 2d 510. But *Griswold* held only that a statute which forbade the use of contraceptives by married couples violated their rights to privacy. In writing the opinion of the Court, Mr. Justice Douglas indicated that the Connecticut statute was 'unnecessarily broad' and prevented activities which might otherwise be subject to state regulation (381 U.S. 485 S.Ct. 1678). The more thorough concurring opinion, written by Mr. Justice Goldberg, stressed that there was in that case no showing that the statute was necessary to accomplish a permissible state interest.
>
> In this case, however, there is in my opinion a valid and permissible state interest—the protection of human life or at least the protection of potential human life in the fetus. In my opinion the statute in question is no broader than is necessary to accomplish this valid and permissible state interest, even though it does not distinguish or provide exceptions, as my brothers would prefer, for those which are "defective" or "intensely unwanted," or have not matured to "the first trimester of pregnancy."
>
> In citing *Griswold*, the majority concludes: "We cannot distinguish the interests asserted by the plaintiffs in this case from those asserted in Griswold." In other words, in their views, there is no distinction that can be made between prohibiting the use of contraceptives and prohibiting the destruction of fetal life, which as explained above may reasonably be construed to be human life. I find this assertion incredible. Contraception prevents the creation of new life. Abortion destroys existing life. Contraception and abortion are as distinguishable as thoughts or dreams are distinguishable from reality.
>
> As for myself I am confronted with and bound by the plain facts before us. The people of Illinois have a legitimate and sufficient interest in protecting fetal life to support the statute here considered. I find nothing in the Court's teachings in *Griswold* to the contrary.
>
> No individual right or freedom is ever advanced in this country through an unwarranted intrusion of the judiciary into the proper province of the legislature. Indeed, in these days of pressure groups regularly seeking from courts that which only legislatures can only properly give, constitutional government is weakened each time courts place their personal philosophical views above the law.
>
> I would grant the motion of the defendants for summary judgment and leave the

plaintiff's cause where under the Constitution it belongs—in the Illinois Legislature.

Mr. Speaker, it is to be hoped that the Congress, except where it legislates directly as in the District of Columbia, will also leave the question of abortion where it belongs—in the legislatures of the 50 States. I am confident that the Congress will reject Representative ABZUG's so-called abortion rights bill as well it should be rejected.

U.S. SOVEREIGNTY OVER CANAL ZONE AND PANAMA CANAL—MORE INFORMATION

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in an address in this House on August 2, 1972, on the subject "U.S. Sovereignty Over Canal Zone and Panama Canal—Not Negotiable," I quoted a July 26, 1972, letter from the Secretary of the Army stating that the Department of State had sent a diplomatic note to the Panamanian Government regarding its alleged actions relative to the conduct of elections in the Canal Zone.

I have now received a letter from the Department of State quoting the substantive part of the May 3, 1972, note of our Embassy in Panama to the Foreign Minister of that country. The note emphasizes the State Department's understanding that the Panamanian Cabinet Decree concerning voting does not represent any effort by the Government of Panama to assert authority in the Canal Zone contrary to international agreements in force between our two nations.

Because the indicated letter quoting the May 3, 1972, note forms an important part of the record concerning the voting incident and should be generally available, I quote the entire letter as part of my remarks:

DEPARTMENT OF STATE,
Washington, D.C., August 24, 1972.

Hon. DANIEL J. FLOOD,
House of Representatives,
Washington, D.C.

DEAR MR. FLOOD: I am pleased to reply to your letter to Secretary of State Rogers of August 1 in which you inquired about a diplomatic note concerning the establishment of electoral districts in the Panama Canal Zone.

As you know from Deputy Under Secretary of the Army Koren, several newspaper articles in Panama gave erroneous interpretations of the Decree of the Panamanian Government which established those electoral districts. Our subsequent examination of the Decree revealed that it in no way affected United States treaty rights. Thereupon we instructed our Embassy in Panama, with the concurrence of the Department of the Army, to dispatch a Note affirming our understanding that treaty rights were not affected.

The text of the substantive portion of the Embassy's note of May 3, 1972, to the Foreign Minister follows:

"We note that Your Excellency's Government has, consistent with the agreements in force between our two nations, designated polling places for the use of such Panamanian citizens at locations within the Republic of Panama outside the Canal Zone. We have traditionally encouraged both Panamanian and United States citizens residing in the Canal Zone to vote in their respective elections.

"As you know, the United States has, as a measure of cooperation with the Government of Panama, long maintained the policy that persons in the Canal Zone should not interfere in the internal politics of the Republic of Panama. In accordance with this policy, individual U.S. agencies in the Canal Zone have established regulations respecting the conduct of political activities of their employees. One such regulation provides that a Panamanian citizen employee elected or appointed to hold office in the Government of Panama may not concurrently be employed by the Panama Canal agencies. One purpose of this provision is to avoid allegations that a conflict of interest exists between the duties of such a person as an employee of the United States Government and his duties as an officer of the Government of Panama. We assume that the application of this policy and the above-described regulation will continue to be satisfactory to Your Excellency's Government.

"My Government understands that the aforementioned Cabinet Decree does not represent any effort by the Government of Panama to assert authority in the Canal Zone contrary to international agreements in force between our two nations. My Government will endeavor to avoid any misinterpretation of this decree on the part of interested persons and authorities in the United States, and is confident that Your Excellency's Government will do likewise."

I hope that this will be helpful to you. Please continue to call on me whenever you believe I might be of assistance.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

INTERSTATE SMUGGLING OF CIGARETTES

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to advise the House that Subcommittee No. 1, Immigration and Nationality, Committee on the Judiciary, will hold hearings on H.R. 12184, a bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes. These hearings will be held in room 2237 Rayburn Office Building at 10:30 a.m. on Thursday, September 28. Testimony will be heard from Members of Congress, representatives from the Department of Justice and representatives from various States which are vitally interested in this problem.

The legislation would prohibit the transportation of contraband cigarettes in interstate commerce and would make it a felony punishable by a fine of up to $10,000 and/or imprisonment for not more than 2 years.

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 5 Minutes.

Mr. HOWARD. Mr. Speaker, on Monday, September 25, 1972, I was necessarily away from House business because of a trip I made to St. Louis as a member of the House Subcommittee on Flood Control and Internal Development.

I have been serving as chairman of a special investigation into our growing energy crisis and went to St. Louis to tour a project sponsored by the city of St. Louis and Union Electric of St. Louis in conjunction with the Environmental Protection Agency.

Although I was unable to be on the floor during consideration of H.R. 16754, the Military Construction Appropriations Act of 1973, I was paired with Mr. SCOTT. However, had I been present I would have voted in favor of this important legislation which include a $1.7 million appropriation for a very important project for Fort Monmouth in my district.

I also would have voted in favor of House Joint Resolution 1227.

PROTECTION FOR WORKERS ON GOVERNMENT CONTRACT CHANGES

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 5 minutes.

Mr. BEGICH. Mr. Speaker, today, I am introducing a bill which addresses itself both to a specific Alaskan problem, and to a problem which is well known throughout the country. The problem is one which occurs when a Government contract change occurs, and the new contractor brings a totally new set of wages, conditions and other factors to the job. Included may be a wage structure which actually results in a lower wage for those working on the job which is the subject of the contract.

Recently, this occurred in Alaska, at a NASA tracking station near Fairbanks. The contract changed from one large corporation to another, and the new contractor brought with it a set of different, and lower, wage rates. The result was that, of the employees who would be working for the new contractor, only about 70 percent would either receive a raise or remain at the same salary. The other 93 percent were asked to take cuts ranging from 5 percent to over 30 percent.

Quite frankly, some of these cuts were not occasioned by anything more than different pay policies by the new contractor. Still, the workingman must not be the victim of such a change. We all know that we come to depend on a constant salary, and make our decisions based on that level we are entitled to earn.

I might add that the immediate and understandable response of the employees was to seek union representation. The net result of the entire situation was confusion and concern which did not work to the benefit of important objectives of the contract in the first place.

The bill I am introducing today, which has been introduced in the Senate by Senators GURNEY and WILLIAMS, would prevent wage losses in a turnover of contractors on a government job. In regular Federal employment, a wage loss such as I described in Alaska would not occur, and I see no special reason that the same standard should not apply to Government contracts.

I commend this legislation to the at-

tention of my colleagues and urge that you join me in seeking its early consideration. Thank you.

SAN PEDRO Y SAN PABLO

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, San Pedro y San Pablo is the name given one of the first of nine missions established in the Apalachee Province of Florida as the Spanish moved westward across our State in the 1630's.

This site is now a part of the grounds of the home of the distinguished comptroller of the State of Florida, the Honorable Fred O. (Bud) Dickinson, Jr.

The reason I wanted to mention this particular site here today is that it was recently entered on the National Register of Historic Places and as such is considered to be of national significance in the history of this Nation.

This is a tremendous program, giving recognition for the first time to those places and sites which are worthy of preservation and recognition for time to come.

Might I add a particular note of recognition to the Tallahassee Democrat and Mrs. Hallie Boyles of that paper's staff for their untiring efforts over the years to point out the need for historical preservation. They have reason to be proud of the fact that we have seen a large number of sites in their area given this recognition this year.

Comptroller Dickinson was one of our State's finest legislators and has rendered equal service as a member of our State cabinet. He is to be commended for his great interest in preserving this and other sites for preservation.

I share the pride which Comptroller Dickinson feels in this honor and commend all those responsible for one of the finest programs that we have embarked upon in historical preservation.

This was the site of the San Pedro y San Pablo de Patali Mission, one of the first of nine missions established in Apalachee Province during the westward expansion of the Spanish from St. Augustine in the 1630's.

The Patali Mission was part of the chain of 18 Spanish missions established across the top of Florida. Built in the early 1640's, it was destroyed during the last battle of the Spanish to control western Florida. On June 23, 1704, British soldiers and Yamassee Indians from the Charleston, S.C., area attacked. The mission was consumed by fire and the Spanish were decisively defeated. About 17 captives were taken and soon afterward tortured to death in the Patali plaza. Thus, the Apalachee Province was lost to Spain.

The ruins of the mission were unearthed by workmen when Florida Comptroller Fred O. Dickinson, Jr., moved his home from Tallahassee to this site in 1971. Subsequent excavations have revealed the remains of two churches, a convent, a cooking building, and a cemetery.

The remains of some 64 individuals were found in the 60- by 80-foot cemetery. The dead were buried facing west, toward the setting sun.

Indian ceramics previously unknown in the area were uncovered in the graves—perhaps the most important discovery, for they are evidence of the association of one or more allied tribes with the Apalachee in the area. The allied tribes include the Chatot, Chines, Amacanos, and the Yamassee.

The excavations also proved that what is known today as the Old St. Augustine Road is really a combination of roads built in 1779 and 1823. The original road connected missions from St. Augustine to Tallahassee between 1633 and 1704.

WHITE HOUSE RERUN

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, yesterday morning's New York Times contained an editorial entitled "White House Rerun" which I would commend to my colleagues reading. It describes yet another facet of the battle by the Office of Telecommunications Policy to usurp the authority of congressionally established bodies in the making of communications policy.

In his latest gambit OTP Director Clay T. Whitehead has admonished broadcasters to improve the rerun situation or he will explore whatever regulatory recommendations are in order.

Certainly there is every reason to be concerned about the rerun situation when 60 percent of prime time programming has been seen before—and this at a time of unprecedented profit levels in the broadcasting industry.

What the editors of the New York Times correctly concern themselves with, however, is the appropriateness of a White House staffer, heading an office created by executive fiat without the consent of Congress and not responsible to its elected officials, attempting to make policy in an area where Congress has created an independent regulatory authority. To quote the editorial:

> There may well be a case for a better balancing of original and repeat broadcasts in entertainment shows; summer reruns have indeed stretched back to early spring. But the proper forum for study and possible rulemaking should be the Government agency designated by law and Congress for this purpose, the Federal Communications Commission. The agency with the licensing and rulemaking authority can and must conduct hearings before taking drastic steps that, in effect, tell stations what the proper mix should be in programming.

The question as I see it is whether broadcasting policy, with its tremendous impact on the life of every American, will be made on the basis of a public record, or behind the closed doors of the plush suites at the Office of Telecommunications Policy. Not even the huge salaries that OTP workers receive can make up for the vigorous and open competition of ideas that at least theoretically must characterize the proceedings of regulatory agencies.

A good example of this closed decision-making system can be seen in recent OTP activity relating to cable television. In a series of secret off-the-record meetings with the interests involved the White House Office pushed through a compromise agreement which took everyone into account except the public. As a result we have an intricate series of rules governing the growth of what could be a revolutionary communications technology designed primarily to protect powerful economic interests.

A trend in the direction of tight-fisted control by OTP is clear. Only recently it sacrificed public broadcasting so that Congress would understand that OTP had clout and expected to be listened to.

As another example I would cite disclosures that the President would like to replace Federal Communications Commission Chairman Dean Burch with someone who would be more responsive to direction by the White House. This is understandable since Chairman Burch, unlike the vast majority of Nixon appointees, has distinguished himself as an outstanding regulator by consistently rejecting industry propaganda and party politics in favor of the public interest as he sees it.

Mr. Nixon has made it clear that Clay Whitehead speaks for the administration. Consequently, it is he who must answer the charge made by the editorial that OTP has operated to the detriment of the public interest.

I include a copy of the editorial in the RECORD at this point:

[From the New York Times, Sept. 25, 1972]

WHITE HOUSE RERUN

Once again the White House broadcasting czar, Clay T. Whitehead, has raised political implications in a statement about what American TV viewers ought to be watching. Previously he had let it be known that the stations would be better off not putting on controversial subjects and also that public service activities ought to be localized, meaning that major documentaries on the issues of the day could be ignored. Now Mr. Whitehead is worried about the increased number of reruns in prime time—the second or umteenth showing of the family, situation, medical and similar half-hour or hour shows.

The networks maintain that the high cost of producing entertainment programs necessitates repeats, enables viewers to see a program they may have missed or want to see again, and, indirectly, provides the wherewithal for the less profitable coverage of news and information broadcasts. The White House counters by saying that the networks increase their profits through reruns, harm the Hollywood studios as well as actors and craft unions suffering from unemployment, and open the door further for importation of programs from abroad (mainly Great Britain).

There may well be a case for a better balancing of original and repeat broadcasts in entertainment shows; summer reruns have indeed stretched back to early spring. But the proper forum for study and possible rulemaking should be the Government agency designated by law and Congress for this purpose, the Federal Communications Commission. The agency with the licensing and rulemaking authority can and must conduct hearings before taking drastic steps that, in effect, tell stations what the proper mix should be in programing. The F.C.C. represents the public interest and the television viewers rather than the networks and the unions.

The suspicion exists that California unions and votes—and not TV viewers and

programs—are the first consideration in the White House statement. If the President felt otherwise, he would hardly have vetoed the modest two-year appropriation for the Corporation for Public Broadcasting and caused the despair and resignation of its leadership. The first remarks about the diminished role of public broadcasting by the President's new head of the C.P.B., Henry Loomis, give little hope for bold programming in news, documentaries or entertainment in this election year.

DOESN'T CONGRESS WANT TO KEEP ANY POWER?

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 30 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, it has been decided in the last few hours that the Ways and Means Committee on which I have been proud to serve these many years will accede to the President's request and include in the debt ceiling legislation soon to be before this House a spending ceiling of $250 billion this fiscal year. At first, the concept of a spending ceiling legislated by Congress and signed into law by the President cannot but appeal to anyone concerned with inflation and its toll. There is no question but that certain Federal programs, in fact almost all Federal programs, have been growing like Topsy and seem to have nowhere to go but up. Mind you, these Federal programs are growing because Congress and the President have passed and signed legislation to authorize them to grow and provide the necessary funding. Anyone who has ever tried to get a bill through Congress knows that Congress does not move swiftly or recklessly in 99 out of 100 cases and one must, therefore, conclude that all this is going on after the most thorough examination, review and deliberations in the various authorization committees of both Houses, on the floor of both Houses, and in the executive departments that recommend the program funding levels; and then again in the various appropriation subcommittees of both Houses, the full Appropriations Committees of both Houses, the floor of both Houses, and finally in the White House. In other words, months of review have gone into these programs—cross-examination of Government department witnesses with each program having to defend itself—in fact, lately the cry has been that Congress has been taking more and more time each year in getting through the budget and that continuing resolutions and delayed funding have become the order of business in the last few years.

In other words, what I am saying is that spending has been authorized and appropriated only after all the various and numerous programs competing for the funding available have been thoroughly reviewed and justified themselves for a piece of the pie. Sure, there are constituencies which are vitally interested in particular programs and wage a continuing lobbying effort for the continuance and increased funding of any given program. But there are also lobbying groups and vitally interested constituencies behind new programs that are competing with existing programs for the funding available. What it all boils down to is a matter of priorities as the various authorization committees see them and as this House in passing authorizing legislation sees them. And then, we all have a second crack at determining a particular year's actual level of funding when we go through the appropriations process. If Congress is not about its proper business in reviewing priorities and establishing priorities after considering executive department recommendations then I do not know what Congress' true business really is. We, the Representatives of the people, having raised the revenues, have incumbent upon our shoulders the responsibility to pick and choose the various competing programs, to determine what the real problems facing this Nation are, in 1972 and 1973, and then what funds are available to channel into the most worthwhile programs.

All right. What has happened is that we have been overspending. We have been trying to fund that little bit extra each year and in the process, we have raised the national debt and we have, no doubt, contributed to inflation. The solution apparently is—and in its very simplicity, it is bound to be attractive—if Congress cannot discipline itself and exercise restraint, put a legal clamp on the funds that can be spent this fiscal year, whatever Congress appropriates.

Mr. Speaker, before we all break a leg to rush up the aisle in the next few days to endorse this simplistic concept which, when tried before, has never worked, we would do well to examine some of the implications in what we would be doing. At the same time we have been hearing the hue and cry over inflation and spiraling costs of Government, there has also been another cry across the land over Congress' increasing abdication of responsibility.

Students of government argue that Congress is no longer an equal partner in governing but has increasingly become little more than a rubber stamp and a weak sister to the other two branches. I thought that if the tragic war in Southeast Asia had taught this House a lesson in the past decade it was what can happen when Congress abdicates its responsibilities and its right to be consulted as an equal partner in the field of foreign affairs and the conduct of war. I had gained the distinct impression in the past few months that even those who still could not bring themselves to vote for an immediate end to the war, felt that they would never again allow themselves to be put in a position where they were forced to make such a difficult choice, where they felt so powerless to influence the course of events or where they had to support an unpopular war out of loyalty to the President even though they had never had a chance to declare it or to determine whether our national interests really required our involvement in Southeast Asia.

Or take another area which has been a source of disgruntled feelings of late. I refer to the impounded funds controversy which has been swirling through this Congress since its start. Studies have been made, speeches have been given, special orders have been taken, all to focus attention on another area where the executive department seems to be encroaching on congressional power. While those in the executive department can point to a silence in the Constitution on the question of whether the executive must spend every penny Congress appropriates and can cite past instances under previous administrations in recent years where funds have been impounded, there can be no denial that the practice has become more a way of life and reached higher figures than ever before in our history. As far as I am concerned in the very consistency with which funds have been impounded, in the very fact that it has become a way of life for the executive, the impounding controversy has its most serious implications. At any given time every Member here has been frustrated over the dollar amounts involved and impounding's impact on a particular program as it affects his district; but important as this concern is, it does not begin to approach the concern we all should feel over the long-range constitutional implications of impounding as a daily tool of government.

Mr. Speaker, we have witnessed in the past several years the growth of a new center of power in our Government. I am referring, of course, to the Office of Management and Budget. When the proposal was made to consolidate the budget authority and its management in one advisory office in the White House, there were few Members of Congress, I am sure, who felt that this was more than a routine Government reorganization bill which would tidy up some loose ends and give a sense of direction and control to the Chief Executive Officer in our Government, the President, over the far-flung bureaucracy. But the OMB has not stopped here. Not satisfied with establishing its suzerainty over the executive department, the OMB has decided to act as a super review agency over decisions of Congress and in the process, we are witnessing a shift of power from Congress to the executive.

If our Constitution enshrines any role in the political process as the prerogative of Congress, the representative bodies in our Government, it is the power of the purse strings, power to raise and collect revenue, and power to determine how those moneys should be spent. What we are witnessing increasingly, however, is that after Congress decides, its decisions are reviewed by that new super agency, the OMB. An agency over which Congress has no control seems to be exercising quite a bit of control over Congress. Now, I know that one can never be precise about such matters as this and one can search the Constitution in vain for clear lines between the executive and Congress, but one would have to be positively blind not to see the intent of our Founding Fathers in framing the Constitution was to give the power of determining national priorities and channeling the limited funds available to Congress, not the executive. One would also have to be insensitive to tradition to see that this is the way it has worked, by and large, for the nearly two centuries we have been in business. One would also have to be extremely naive not to see the clear trend in the last 4 years or the

last decade goes against the spirit and I would argue, the letter of the Constitution. Carried to its logical and absurd conclusion, we could theoretically be faced with the situation where the executive department chooses not to spend a single penny on what Congress deems to be the national priorities.

To some extent, Congress has been an unwitting participant in this erosion of authority in allowing too much leeway to Government departments in determining priorities within certain areas and permitting funds to be allocated as deemed appropriate. What has happened is that this discretion has in many cases, left the Government departments at the local level and filtered upward to that new center of power, the OMB, with the resulting irony that discretion originally intended by Congress to be exercised by an agency in the field familiar with local needs and conditions has been absorbed by that most bureaucratic of all agencies, tucked away in the Executive Office Building, the OMB. The fact of the matter is, Mr. Speaker, that the OMB and its bookkeeping mentality with its double entry approach to things is not capable of either appreciating or reflecting genuine human needs where they exist. This Congress is and has this responsibility. We have no business abdicating authority such as this to a bank of calculators and computers whose sole criteria in allocating funds are ledgers and bookkeeping. We were elected to represent people and their problems, to respond to them when help was needed. The more decisions we defer to the OMB the more we are abdicating our responsibilities to the people we were elected to represent.

What is the problem? Are the decisions too difficult to make or the political risks too great? Have we decided we would rather have the tough decisions made for us by some backroom computers and when the electorate faces us, we can simply commiserate with them and say, "the decision was not ours to make, but rather the OMB's?" The decision is ours to make and not the OMB's, and anything to the contrary constitutes abdication of power.

If this Congress wants to do something about inflation, then we could do it ourselves, program by program. And I am convinced we should be doing more about inflation. But stop passing the buck, depreciated as it is these days, to the OMB. If we want to have a $250 billion ceiling this fiscal year, then it is up to us to make the cuts where they must be made, to tell the voters, to tell our constituents what we have done and if it displeases them, we will be the first to know. That is what we were elected to do. If the voters make it clear to us they do not want to see programs cut back, and the majority feeling is for deficit spending, then we might legislate differently. I know the same ones who want to control inflation and put a lid on spending are the same people who will be the first to write to you when their favorite program of Government spending is cut back. Everyone wants somebody else's favorite program to be reduced as long as their own is left untouched. But this is the way it has always been in a democracy. This is the way it has been for the last 200 years. And if you cannot take the heat, then stay out of the kitchen. If these problems and dilemmas are too great for any Representative in this House, then he should resign his seat rather than resign his authority to a Federal agency. He should abdicate his position rather than abdicate his responsibility to a Federal agency.

Mark my words, in voting to put a ceiling on spending without specifying where the cuts are to be made or where they are not to be made, Congress is abdicating its power. Congressional authority is being further eroded. The executive department will be stronger tomorrow because of it. The agency which has become a past master at impounding will become the supreme master of Government spending. The emergency will not be lifted next month or next year. We could well be establishing a precedent today which will characterize the next decade or more of government. We are creating today another Henry Kissinger in the executive department, a new czar—only this time over all Government spending. Now, when Congressmen return home to their districts they can tell their constituents to write to the OMB to see how much money will be available for their constituents' problems this fiscal year. Congress can act, but the OMB has the final decision. If the sound of this bothers anybody here, it should because without being melodramatic and without exaggerating one iota, we will be taking one step further down the road to government by decree, rather than by law; government by an all-powerful executive, rather than by representative Government. Dictatorship, no matter how benevolent, is not what this Government was supposed to be.

One of the reasons I fought hard to have periodic reviews of requested increases in the national debt was because I felt that the national debt was getting out of control.

In other words, Government spending had to be subjected to greater scrutiny. I also felt it was a way for Congress to become actively involved every 3 or 4 months in budget review and economic planning. It was a way of examining what the OMB and the Council of Economic Advisers were up to, how accurate the administration's forecasts were, and how successfully they were managing the Nation's economy on a day-to-day basis. We considered the national debt early this session, we considered it again in June and now, we meet to consider it again. In my opinion, however, we will be defeating our whole purpose of riding herd on the managers of our economy by attaching this insidious, nefarious rider to this latest debt increase.

It is not bad enough we are giving the administration a comfortable cushion to operate the economy for the next few months. We are now giving the OMB power to control spending. Between the cushion we will be giving them with the debt ceiling and the power to keep spending below $250 billion, I think we are going to be in for a new era of phony statistics, slight of hand, and mirror tricks. We are going to be hearing such glowing reports about keeping within the debt ceiling and cutting back deficits that anyone is going to look good managing our economy. If you give somebody a $250 billion margin to play with and they only get us a further $10 billion in debt, they are bound to look good when you consider how badly they might have done. This kind of freedom of maneuver and margin of error goes far beyond the bounds of prudent generosity in my opinion.

I do not think that anyone here need worry about this problem much before November. I do not think we are going to see any big cutbacks in any of these programs before election day. But wait until after the election and you will have only yourself to blame. Yesterday I offered in committee several amendments to the spending ceiling, providing that no expenditure cuts shall be made in the areas of social security, aid to the blind, disabled, and aged, medicare and medicaid, child welfare, health, education, and veterans benefits. Mr. Speaker, everyone of my efforts met with failure. The mood was: Give it to them, no strings attached.

Mr. Speaker, I intend to testify before the Rules Committee against the bill as presently drawn up and in view of the serious constitutional questions involved, I doubt whether I will be able to support this latest increase in our national debt. Mr. Speaker, what more power do we have to give the President. The President already has the power to make the budget requests. The President already has the power to veto both any authorization bill and any appropriation bill. Mr. Speaker, the President is already impounding funds, whether he has the authority or not, and now Congress is prepared to add yet another ring of authority to the monarch's fingers and give him legislative authority to determine which programs will be fully funded and which programs will be substantially reduced. Are not there any committee chairmen left who feel capable of wielding power? Are not there any Members left in this House who feel they would like a say in what programs get what money? Are not there any Members left who are concerned about implications and what the future has in store?

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

Mr. BURKE of Massachusetts. I shall be happy to yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman state to the House what ceiling the committee fixed?

Mr. BURKE of Massachusetts. They fixed a ceiling of $250 billion.

Mr. GROSS. $250 billion?

Mr. BURKE of Massachusetts. Yes.

Mr. GROSS. Was any effort made in committee to reduce that amount? I do not think I understand the point.

Mr. BURKE of Massachusetts. I made an effort, as a result of the testimony on the part of the administration that they would only need up to $225 billion, to cut it to $225 billion. But unfortunately I did not get enough votes.

Mr. GROSS. The gentleman tried to reduce it to $225 billion, is that correct?

Mr. BURKE of Massachusetts. Actually, this spending ceiling gives them a

big, fat cushion, from $18 billion to $25 billion, to play with. This concerns me in addition to the other concerns which I will explain later in my statement.

Mr. GROSS. I thank the gentleman for his response. I am glad that someone on the committee made the effort to reduce the amount, because, as I said, I know nothing sacred about $250 billion.

In order to stop inflation in this country, we are going to have to cut below—in my opinion—below $250 billion. It will be done voluntarily, or it will be done involuntarily some day in the not too distant future.

Mr. BURKE of Massachusetts. I thank the gentleman. I want to point out, in the committee I publicly pointed out that this part of the bill is a hoax and a fraud and a joke.

Mr. DUNCAN. Mr. Speaker, would the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Tennessee.

Mr. DUNCAN. At the committee hearing, did you not object to any type of spending ceiling?

Mr. BURKE of Massachusetts. I did not object to any. I tried to write into the bill some specifics and retain what congressional power we have always had under the Constitution.

Mr. DUNCAN. I was a member of the committee, and I do not recall any vote having been taken to reduce the amount from $250 billion to $225 billion.

Mr. BURKE of Massachusetts. If the gentleman will consult with the staff of the committee, he will find that that motion was made and it was voted on.

Mr. DUNCAN. Thank you.

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

Mr. BURKE of Massachusetts. I am happy to yield to the gentleman from Ohio.

Mr. VANIK. I believe the gentleman has touched on what is really the most important part of his objection and our objection to the legislation reported out by the committee today. What this amounts to is a conveying over of a tremendous body of the responsibility of this Congress under the Constitution, turning it over carte blanche to a President who will then have the power to do as he sees fit. Can he cut back social security?

Mr. BURKE of Massachusetts. Yes, he can cut social security.

Mr. VANIK. Can he cut out the 20-percent increase going into the mails in October?

Mr. BURKE of Massachusetts. Yes.

Mr. VANIK. Could he cut it out in December?

Mr. BURKE of Massachusetts. Yes.

Mr. VANIK. Could he cut out veterans' benefits?

Mr. BURKE of Massachusetts. Yes.

Mr. VANIK. Is he in a position to cut out disability benefits to people getting disability benefits under government programs?

Mr. BURKE of Massachusetts. Yes.

Mr. VANIK. In view of these tremendous powers that the President is given by the Congress, carte blanche, by this proposal, what can we expect? Will he respect the need to provide for human needs in this country, or will he look out for those who hold we should spend on buildings and pay out money for concrete and material and other things under contracts? What is he likely to do with this tremendous conveyance of authority by the Congress of the United States to the Executive?

Mr. BURKE of Massachusetts. Actually, what we are doing is giving the President the same powers of a monarch. He is going to have complete and explicit control over everything. Congress is going to be a debating society.

Mr. VANIK. This will be certainly a rubber stamp.

Mr. BURKE of Massachusetts. Yes.

Mr. VANIK. Once Congress gives these authorities to the President he can just do as he pleases with the whole spectrum of Federal expenditures, with one exception. I believe one exception is provided in the bill; that is, that he cannot provide more than is appropriated in a given year within a given department.

Mr. BURKE of Massachusetts. That is right, but he has up to a $25 billion cushion there to play with.

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

Mr. BURKE of Massachusetts. I am happy to yield to the gentleman from California.

Mr. CORMAN. So far as the actual limit on expenditures is concerned for any one department, that is not in the bill. The fact of the matter is he has approximately $260 billion in the pipeline left over from last year, so there is no realistic limit as to what he can spend in any department. He really has total authority to make whatever expenditures he wants within the $250 billion limitation.

I want to thank the gentleman for calling this to the attention of the House. I hope serious consideration will be given to this bill before it comes to the floor.

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

Mr. BURKE of Massachusetts. I am happy to yield to the gentleman from Ohio.

Mr. VANIK. In the recollection of the distinguished member of the Ways and Means Committee, my colleague from Massachusetts, in our hearings and in our discussions of this legislation does he recall ever a comparable piece of legislation to give to the Executive powers comparable to those contemplated by this legislation?

Mr. BURKE of Massachusetts. In my 14 years in the Congress I do not remember anything like it. I am a student of government. I have studied the Congress back to the early days. I know of no legislation which ever gave to the President of the United States such far-reaching powers, unless it was the powers he was granted during wartime. This goes far and above even those powers, because it gives a life and death say over every dollar appropriated by the Congress.

Mr. VANIK. Is it not true that this same legislation gives the President this power specifically, notwithstanding any other law enacted by the Congress of the United States?

Mr. BURKE of Massachusetts. Oh, yes.

Mr. VANIK. Does this affect future laws?

Mr. BURKE of Massachusetts. It makes a shambles out of all the bills that will be passed this year and in early next year, the first 6 months of next year.

Mr. VANIK. Will the gentleman yield further?

Mr. BURKE of Massachusetts. Yes, I will yield to the gentleman.

Mr. VANIK. I concur in the need for a spending limitation, and I think it is the sort of thing that should be done by the Congress early in the session, so we can put an overall limitation on what we do related to the income and revenue expectations of the Government. But it seems to me that Congress, under the Constitution, has the responsibility of fixing the priorities, and I think that an expenditure ceiling should be made to apply proportionately to all the appropriation actions of the Congress so that each appropriation receives the same percentile cut that every other one does, and so that the actions of the Congress in establishing priorities are not completely ignored or overlooked by the executive.

Mr. BURKE of Massachusetts. That is correct.

It is amazing under this bill to contemplate such prospects—in fact, I am shocked to see it come as far as it has—and, of course, we did not have too much time for the public hearings and not too much time for consideration.

It is my opinion that we have acted too hastily and we have jumped into a real hornet's nest here, and this may be something that will be discussed in our universities and colleges in years to come if it becomes law, because it is a complete abdication of power on the part of Congress, and it makes this place a debating society.

Why, we could pass legislation expending as high as $350 billion, and every Member of this House could vote for it and look very good voting for all the spending bills. What they would be doing is whetting their appetities, like they did on the revenue sharing, and it grew disproportionately, it "grew like Topsy" it grew like a big snowball, and it finally developed to the point where it went through. In this way all they are doing here is, they are setting up a system where they are going to whet the appetites of people all over the country, where they are going to have these projects, they are going to have a dam built in this area, a flood control program or the building of a Federal building or something else. And after it goes through, the Congress can pass it, the President can sign it, and some little fellow back there in the Budget Bureau can say, "No, it cannot be spent."

In other words, this man who is behind the scenes——

Mr. VANIK. Unelected.

Mr. BURKE of Massachusetts (continuing). Unelected, unanswerable to anybody will be making this decision after a year or so this man will disappear from the scene.

Mr. VANIK. Will the gentleman yield?

Mr. BURKE of Massachusetts. I will yield to the gentleman.

Mr. VANIK. He can probably get a job

with a grain company or an exporter of grain, or move on to some other area.

Mr. BURKE of Massachusetts. There will be plenty of places open to him, because he is going to have more power than any man in this Government ever had.

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

Mr. BURKE of Massachusetts. Yes, I will be glad to yield.

Mr. HOGAN. I am amused by the colloquy that is going on between my two distinguished colleagues, but I might point out that unless something has happened in the last few days that I did not hear, both the Senate and the House are controlled by the other party, by the Democratic Party, who ought not to now be regretting giving power to the President of the opposite party.

Now, to consider that the President is going to take milk away from babies and cut social security and medicare seems a little bit ludicrous. The President is going to express the same kind of consideration for the people of the country as he always has, but your criticism of the President now has been transferred to some boy in the Budget Bureau.

Mr. BURKE of Massachusetts. The trouble with you, my good friend—and I like you very much, because you are a very intelligent Member and one of the ablest Members of the House—is that you are reading the polls every day.

Now, does the gentleman want to give all this power to the opposite candidate to Mr. Nixon if he is elected?

Mr. HOGAN. I do not think it has anything to do with it.

Mr. BURKE of Massachusetts. Oh, yes, it does. He will have the power if he is elected that this bill will give him.

Is the gentleman in favor of giving Mr. Nixon's opponent the same power you are giving him in this bill? Is that what the gentleman is saying here today?

I am against giving it to either one of them.

Mr. HOGAN. What I am saying is that both Houses in Congress are concerned——

Mr. BURKE of Massachusetts. Why does not the gentleman answer my question? Are you in favor of giving this power to the opponent of Mr. Nixon if the people elect him?

Mr. HOGAN. Not being a member of the committee, I am not familiar with the legislation.

Mr. BURKE of Massachusetts. Of course, that is a nice way out, but that is what the bill does. The bill gives the President the power.

I am against either one of them getting that power, and I would like to know from you: Is the gentleman willing to give this power to Mr. Nixon's opponent?

Mr. HOGAN. When the bill comes to the floor, if I consider it is good legislation and should be passed, I recognize this authority is going to be given to the President of the United States regardless of his party affiliation. Again I point out that I hope most Members make their decision on that basis rather than on something else.

Mr. BURKE of Massachusetts. I am against giving this power either to Mr. McGOVERN or Mr. Nixon. You evaded the answer and said that you will read the bill over. You injected yourself into this debate. This bill here gives the President complete despotic power.

Mr. HOGAN. Will the gentleman yield further?

Mr. BURKE of Massachusetts. Yes. I yield to the gentleman.

Mr. HOGAN. Then we might say this gives the President, Mr. McGOVERN, if that be the case, the power to cut social security.

Mr. BURKE of Massachusetts. That is right.

Mr. HOGAN. And to do all of those other things?

Mr. BURKE of Massachusetts. And to cut the Defense Department by 35 percent. Are you in favor of that?

Mr. HOGAN. No, I am not.

Mr. BURKE of Massachusetts. Then, if you are not, you had better vote against the bill.

Mr. HOGAN. I thank the gentleman.

Mr. VANIK. Will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman.

Mr. VANIK. This proposal is labeled as an inflation-controlling device, and we are concerned about what the Executive will do with this power. Let us look at the record. The Executive has already built into the inflation stream some items that were put in by executive decree or executive assignment or by executive inaction, which will add a $20 billion impact to next year's inflation.

I want to refer to the $7.7 billion increase in natural gas which is going to occur next year because of a Federal Power Commission order which will pretty much eliminate Federal control of pricing in the natural gas field. You might call this the Connally concession.

I want to direct the gentleman's attention to a proposal of a projected $3 billion increase in the cost of oil next year which will follow the increase in the cost of natural gas.

I want to direct the gentleman's attention to a 3-cent-per-gallon gasoline price increase resulting from administrative acquiescence to a proposal to eliminate discounting, which will raise the cost of gasoline 3 cents per gallon for 90 billion gallons of gasoline that we consume every year. That looks like another $2.7 to $3 billion packed onto the inflationary spiral. A government thinking about people would never let this happen.

I want to direct the gentleman's attention to the wheat deal where we are imposing a Soviet bread tax on every single American of at least 3 cents per loaf. In my community better bread made by bakers not under controls has already risen 5 or 6 cents per loaf. This will cost the consumers of America $350,000,000 in increased bread prices, along with the wheat export subsidy of $124 to $143 million along with a grain program subsidy of $1,100,000,000. The Russians are coming. The Russians are coming. There goes our bread.

I want to direct the gentleman's attention to the bilking the consumer is taking on milk purchases. The milk producers kicked in $666,000 to a special campaign fund and as a result they will get $300 million or $400 million back in the form of increased milk prices. The milk tax will cost the consumers of America 2 cents per quart for every quart of milk they buy.

And now they are thinking of a value-added tax—which is a tax on family life. The tax burden is multiplied by each dependent.

I say to the gentleman that the way to approach the inflation problem is primarily in the area of consumer prices. I am very much afraid indeed of what the Executive will do with this power. If I am to measure his actions by the treatment of these other special privilege groups in our economy, and the treatment they have had, then I am indeed very much worried as to what will happen to the American people in the exercise of the power given in this bill.

I think every Member of Congress ought to be very acutely aware of this great power that is sought under this proposal. There is a dangerous precedent being made here. There is certainly no indication that the consumer interests of America and the plight of the general citizens will be safeguarded in the exercise of this tremendous grant of power. The expenditure ceiling will not be used to cut back fat contracts. This power will not be used to cut back loans and grants to mismanaged companies. This power will not be used to cut back subsidies made to big contributors. It will be used to cut service to people.

Mr. BURKE of Massachusetts. I want to thank my good friend from Ohio for his excellent statement here today.

I would like to remind my good friend on the other side of the aisle of 1948. You know that was a great year. The polls were going the way they are right now. Dewey was to be elected, and Congress appropriated three times as much money for the inauguration ceremony as they ever had before. They were going to have the biggest day on Inauguration Day for Dewey. The flags would be flying and the bands would be out and everyone would enjoy it. But who enjoyed it? Harry Truman. Harry Truman enjoyed it. And listen. That can happen again this year just as sure as you are standing there today, irrespective of what the polls indicate. GEORGE McGOVERN is on the ballot, and I think he has a good chance to be elected, and if he does, every one of you fellows on your side of the aisle will jump off the top of this building if this bill goes through.

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

Mr. BURKE of Massachusetts. I will be happy to yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, my observations had nothing to do with the proposals, but it just seems to me the height of irresponsibility for us to complain about spending in the executive branch. I have not been here as long as either of my colleagues, but I have been here long enough to see a repetitious pattern for virtually every bill which comes before the Congress. The President proposes, the Committee of the House increases the President's request; it goes over to the

other body and the other body increases the House provision. It comes back again and we end up compromising on a spending proposal which is in excess of the House version, and way in excess of the President's original request.

So it seems to me a little bit hypocritical to criticize the President for spending when it is this body which authorizes and appropriates money. And that is why we have the big spending problem in the country.

Mr. BURKE of Massachusetts. I am sure my good friend, the gentleman from Maryland, knows the Government and its procedures, and what the gentleman is telling us is this: that Congress should not legislate, the President should not exercise his veto power, the President should not exercise the authority he has been using in freezing funds or withholding funds; that he needs all this power in addition to the power he already has.

Our Founding Fathers set up this Government with a great deal of wisdom, and they gave the President the power of the veto. It takes a two-thirds vote to override that veto. And if the President wants to be President, and he is in the White House, he should assume that power any time he believes that an appropriation bill is too high. He has the authority to do it. But he does not want to do it that way. Instead he would like to have a bill come down to the White House and he can sign it. Then he can look just as popular as some of the Members who spend all the money that he is talking about, and the people back home will think the money is going to be spent.

Then a little fellow back there in the Bureau of the Budget, some little fellow that nobody knows will say, "No, you cannot spend it because the ceiling is set at $250 billion."

Let us be realistic. We have either got a representative form of government or we have not, and if we cannot run this Government under the procedures that were set up by our Founding Fathers then we should abolish the legislative branch of the Government. Irrespective of all the spending bills that we have sent in, there is no bill that the President has to sign into law, because he has the right to veto that bill, and it takes a two-thirds vote of the Members to override that veto. But under this bill here, as it is proposed, the bill can go through, he can sign it, and then that little fellow in the Budget Director's office can say, "No." That is not the U.S. Government as I understand it, it is a government of a dictatorship; more than that, it is actually setting up a monarchy in this Government because you are giving one man the life and death say over every dollar that is appropriated. I do not believe that any man deserves that kind of power, irrespective of who he is, and even if our good President could walk on the water I would not give him that power.

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

Mr. BURKE of Massachusetts. I yield to the gentleman from Ohio.

Mr. VANIK. I just want to say that I think the gentleman from Massachusetts put his finger on the really critical issue here, and that is, is this legislation to substitute for the veto authority of the President?

He vetoed a large bill here, the Labor-HEW bill, and we had to come back. And he has had the power to veto every appropriation bill that was submitted to him by the Congress. He has all of the power he needs to hold the spending of this country to $250 billion, or any other figure. All he had to do was veto the bills that were out of line with his estimates and projections on spending. And that would be the appropriate and constitutional way. I do not think we ought to go around the veto by giving him this power.

Mr. BURKE of Massachusetts. The truth of the matter is that this President has been the biggest spender that this country has ever had.

There has never been as much waste and extravagance and fat in the various items down there that they have spent money on. It is interesting to note that the debt in this country has gone up over $150 billion—$150 billion in a little over 3½ years.

No President since World War II has ever raised the debt that high.

Here is the debt limit coming in here again—and what do they do—they hand out this bill here that they say is going to solve all the problems. It is a sham. It is a hoax on the public. You might as well abolish the whole House and abolish the press gallery because there would be no reason for those gentlemen to be up there once this bill is passed. All the power is going to be down at the White House. The press will not even have to cover the activities of the Senate. There is no point in it—because this legislation makes it meaningless—it puts all the powers right in the White House.

It is something unheard of and it is the most shocking proposal that I believe has ever come before the Congress.

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

Mr. BURKE of Massachusetts. I yield to the gentleman from California.

Mr. CORMAN. I would like to point out to the gentleman that so far as the appropriation bills are concerned, this year the Appropriations Committee have done a pretty good job. They have appropriated less in gross amount of money than the President asked for.

One of the troubles has been that we have circumvented the Appropriations Committee.

But aside from that, the $250 bililon expenditure ceiling is a hoax.

I supported the gentleman's motion in committee to reduce it below that figure. I think we need more money than we have to spend, but I do not think we can justify the $25 billion deficit which is planned by this administration for this year. The allegation of the administration is that if we keep expenditures at $250 billion, we do not need a tax increase. That is great between now and November 7. But how can we say, when we are not meeting our public needs and when we are $25 billion in the red that we are not going to have a tax increase next year? We are going to have it no matter who is in the White House.

Mr. BURKE of Massachusetts. The gentleman and I know, being on the House Ways and Means Committee, and the gentleman from Ohio knows that there are plans and studies being made right now by the Treasury for a tax increase. We know this is all in the works down there.

I wish that our candidates for public office would be a little bit more honest The gentleman from Wisconsin (Mr. BYRNES), the ranking member of our committee, says he does not see how a tax increase can be avoided. He is one highly respected member of our committee who is very knowledgeable—and I have never heard him make any reckless statements—but he says that he does not see how it can be avoided. We hear administration spokesmen saying that in all probability there will be no tax increases. We know they are working on tax increases.

If it is the added value tax, you know what that will mean to the average fellow—he is going to get hit three ways from Sunday, and he will have to pay for it.

Mr. CORMAN. I think there is no question about the fact that we are going to have more taxes paid in this country. The big issue is who is going to pay? Will it be heaped on the backs of the consumers with a Federal sales tax or a value added tax or will we eliminate some of the tax shelters and the tax loopholes and broaden the income tax base and require everybody to pay some reasonable amount of their income in taxes?

OPEN THE HIGHWAY TRUST FUND TO MASS TRANSIT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Congressman FRANK BRASCO and I will be working in the next week to gain support for amendments that will be offered on the floor to the Federal aid-highway bill to open the highway trust fund to mass transit. We expect the bill will be considered by the House next week.

Earlier this week the Public Works Committee reported out a bill providing $7 billion annually for highway construction. Even while almost doubling the present $4.5 billion highway program, the committee's bill continues the singular purpose of the highway trust fund: Highway construction and highway safety and beautification programs. Furthermore, because the Interstate System is almost complete, the committee now recommends that we start building what might be called "a second generation Interstate Highway System": 10,000 miles in new highways to supplement the Interstate System.

The committee bill allocates $800 million annually for the Federal-aid urban highway system. Congressman BRASCO and I will be supporting an amendment to allow municipal transportation agencies in urbanized areas to use their share of this $800 million for whatever urban transportation capital projects—high-

ways or mass transit—they deem necessary to meet the needs of their communities. In the Senate this provision, known as the Cooper-Muskie amendment, was accepted by a vote of 48 to 26.

Another important provision in the Senate bill, not included in the committee bill, is that allowing for a review of controversial segments of the Interstate System still not constructed. Should it be determined that a particular segment should not be built, the money allocated for its construction would be made available to the locality for mass transit or other modes of transportation needed to solve its transportation problems. There are approximately 30 urban segments of the Interstate System that have become the subject of intense controversy. Some of these segments, like the Cross-Brooklyn Expressway and the Lower Manhattan Expressway, would cost as much as $100 million a mile to construct, and both have been rejected by the citizens of New York and the State legislature.

Last year Congressman BRASCO and I introduced legislation, H.R. 4571, to create a national transportation trust fund combining the highway, mass transit, and airport programs. Only when localities have one source of transportation funding, namely, a single trust fund, will they be given a real choice in determining what form of transportation to construct. It is time that the Congress act to provide some of this needed flexibility in the Federal aid-highway bill.

PENSION REFORM BILL GUTTED WITH ADMINISTRATION HELP

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, the recent parliamentary maneuvering which resulted in the Javits-Williams Pension Reform being referred to the Senate Finance Committee is far from being in the public interest.

A useful and highly desirable piece of legislation with bipartisan support has been sent to its graveyard. The most reliable observers have charged that the rereferring of the bill was the work of chamber of commerce lobbyist joining forces with Nixon administration staffers.

The Senate Labor and Public Welfare Committee spent 2½ years and $1 million in considering this measure. In a few short days the Senate Finance Committee knocked out the most meaningful sections of the bill, vesting, portability, insurance and a funding supplement. In effect they have left no bill at all.

On December 8, 1971, President Nixon sent a message to the Congress urging that a pension reform bill be promptly enacted into law. We who had fought for reform thought reform was on the way.

Unfortunately, as they do in many areas the Nixon administration talks out of both sides of its mouth. Left holding the bag were millions of Americans who still have no assurance that the pension plans which they purchase with their hard earned wages will be worth anything when the time comes for retirement.

Mr. Speaker, those who know me in this House realize that I almost never speak harshly about anyone. I prefer to discuss issues rather than personalities and always have felt that honey is a more effective weapon than vinegar.

Candor, however, requires me to say, harsh as it may sound, that the President has sold out 50 million working men and women by gutting the pension reform bill. There are thousands of residents of Hudson County who have much to lose if this bill does not pass in its original reform. Even today the principal sponsors, the able Senators from New York and New Jersey (Messrs. JAVITS and WILLIAMS) are working to obtain passage of the reform bill. Millions of American working men and women say: Right on.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ERLENBORN (at the request of Mr. GERALD R. FORD), from September 26, on account of official business.

Mrs. GREEN of Oregon (at the request of Mr. ULLMAN), starting September 25, for indefinite period, on account of illness.

Mr. HALPERN (at the request of Mr. GERALD R. FORD), from September 25, on account of illness.

Mr. MCCULLOCH (at the request of Mr. ARENDS), for today and balance of the week, on account of attendance at International Atomic Energy Conference at Mexico City.

Mr. GRAY (at the request of Mr. O'NEILL), for the balance of this week, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. BELL, for 5 minutes, today.

Mr. WYMAN, for 60 minutes, on September 28.

Mr. HOGAN, for 60 minutes, today.

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

Mr. FLOOD, for 10 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. BEGICH, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. TIERNAN, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 30 minutes, today.

Mr. HOWARD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CLARK (at the request of Mr. LEGGETT), to extend his remarks following Mr. LEGGETT on H.R. 9128.

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

Mr. BROOMFIELD.

Mr. SPRINGER.

Mr. HALPERN in three instances.

Mr. SCHWENGEL.

Mr. DELLENBACK.

Mr. NELSEN.

Mr. CONTE in three instances.

Mr. WYMAN in two instances.

Mr. VEYSEY.

Mr. TALCOTT in three instances.

Mr. MATHIAS of California.

Mr. BOB WILSON.

Mr. STEIGER of Wisconsin.

Mr. DUNCAN.

Mr. ASHBROOK in three instances.

Mr. KEATING.

Mr. KEITH.

Mr. GUDE in two instances.

Mr. WHALEN.

Mr. PRICE of Texas.

Mr. WIDNALL.

Mr. EDWARDS of Alabama.

Mr. HANSEN of Idaho.

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

Mr. BADILLO in two instances.

Mr. BEGICH in two instances.

Mr. ROY.

Mr. FLOOD.

Mr. DRINAN.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. MURPHY of New York in two instances.

Mr. WALDIE.

Mr. REES in two instances.

Mr. DANIELS of New Jersey.

Mr. PODELL in three instances.

Mr. JOHNSON of California.

Mr. TIERNAN.

Mr. WRIGHT.

Mr. ROYBAL.

Mr. EDWARDS of California.

Mr. DORN in two instances.

Mr. PICKLE in two 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. 3316. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma; to the committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4634. An act to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway.

H.R. 14015. An act to amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended;

H.R. 14267. An act to provide for the dis-

position of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket No. 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket No. 72, and for other purposes;

H.R. 16251. An act to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors; and

H.J. Res. 1227. Joint resolution, approval and authorization for the President of the United States to accept an Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms.

BILLS AND JOINT RESOLUTIONS 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 and joint resolutions of the House of the following titles:

On September 25, 1972:

H.R. 4383. An act to authorize the establishment of a system governing the creation of operation of advisory committees in the executive branch of the Federal Government, and for other purposes;

H.R. 7614. An act to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes;

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket No. 91, and for other purposes;

H.R. 9135. An act to amend the Act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Gardens;

H.R. 10486. An act to make the basic pay of the Master Chief Petty Officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes;

H.R. 13697. An act to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes;

H.J. Res. 135. A joint resolution to authorize the President to issue a proclamation designating the week in November of 1972 which includes Thanksgiving Day as "National Family Week";

H.J. Res. 807. A joint resolution authorizing the President to proclaim the second full week in October of 1972 as "National Legal Secretaries' Court Observance Week"; and

H.J. Res. 1232. A joint resolution designating, and authorizing the President to proclaim February 11, 1973, as "National Inventors' Week."

On September 26, 1972:

H.R. 4634. An act to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway;

H.R. 14267. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission docket No. 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission docket No. 72, and for other purposes; and

H.J. Res. 1227. A joint resolution, approval and authorization for the President of the United States to accept an Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 27, 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:

2368. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 12, 1972, submitting a report, together with accompanying papers and an illustration, on modification of Cache River Basin feature, Mississippi River and tributaries project, Arkansas, pursuant to the provisions of the Fish and Wildlife Coordination Act, approved August 13, 1958 (H. Doc. No. 92–366); to the Committee on Public Works and ordered to be printed with an illustration.

2369. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 28, 1972, submitting a report, together with accompanying papers and an illustration, on modification of the west Tennessee tributaries feature, Mississippi River and tributaries project (Obion and Forked Deer Rivers), pursuant to the provisions of the Fish and Wildlife Coordination Act, approved August 12, 1958 (H. Doc. No. 92–367); to the Committee on Public Works and ordered to be printed with an illustration.

2370. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the construction of a Federal office building and parking facility in Columbus, Ohio, pursuant to Public Law 92–313; to the Committee on Public Works.

2371. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on grants in which title to equipment was vested under 42 U.S.C. 1892, during fiscal year 1972, pursuant to 42 U.S.C. 1493; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee of conference. Conference report to accompany H.R. 12652 (Rept. No. 92–1444). Ordered to be printed.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 10751. A bill to establish the Pennsylvania Avenue Bicentennial 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; with an amendment (Rept. No. 92–1445). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 15716. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah; with an amendment (Rept. No. 92–1446). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1137. A resolution providing for the consideration of H.R. 16012. A bill to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes (Rept. No. 92–1447). Referred to the House Calendar.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 3986. A bill to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes; with an amendment (Rept. No. 92–1448). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. Senate Joint Resolution 247. Joint resolution extending the duration of copyright protection in certain cases. (Rept. No. 92–1449). Referred to the House Calendar.

Mr. MILLS of Arkansas: Committee of conference. Conference report to accompany H.R. 14370 (Rept. No. 92–1450). Ordered to be printed.

Mr. COLMER: Committee on Rules. House Resolution 1138. Resolution to amend the Rules of the House of Representatives with respect to House consideration of certain Senate amendments, to provide for the Delegates from Guam and the Virgin Islands, and for other purposes (Rept. No. 92–1451). 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. MILLS of Arkansas (for himself, Mr. SCHNEEBELI, and Mr. BOW):

H.R. 16810. A bill to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself and Mr. SCHNEEBELI):

H.R. 16811. A bill to make permanent the existing temporary provision for disregarding income of social security and railroad retirement recipients in determining their need for public assistance, and to provide that no individual presently eligible for medical assistance under a State plan approved under title XIX of the Social Security Act shall lose such eligibility by reason of the recent 20-percent increase in social security benefits; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself and Mr. VANIK):

H.R. 16812. A bill to amend section 707 of the Social Security Act to extend for 1 year the existing authorization of grants for the expansion and development of undergraduate and graduate programs in social work; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 16813. A bill to amend section 122 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. BEGICH:

H.R. 16814. A bill to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. CONABLE:

H.R. 16815. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses; to the Committee on Ways and Means.

By Mr. EILBERG (for himself, Mr. FLOOD, Mr. GAYDOS, Mr. HOGAN, Mr. MOORHEAD, Mr. MURPHY of Illinois, and Mr. YATRON):

H.R. 16816. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide increased assistance to correctional programs, to establish more detailed guidelines for such programs, and to create a streamlined administration of such assistance; to the Committee on the Judiciary.

By WILLIAM D. FORD:

H.R. 16817. A bill to amend the Elementary and Secondary Education Act of 1965 to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

By Mr. FRASER:

H.R. 16818. A bill 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, to authorize the District of Columbia to fix pay for fire, police, and school personnel, to set rates for taxes, fees, and licenses in the District of Columbia, and to authorize a Federal payment to the District of Columbia, and for other purposes; to the Committee on District of Columbia.

By Mr. FRASER (for himself, Mr. TIERNAN, Mrs. GREEN of Oregon, Mr. BLATNIK, Mr. SCHEUER, Mr. FLOWERS, Mr. EDWARDS of Alabama, Mrs. HANSEN of Washington, Mr. DELLUMS, Mrs. MINK, Mr. ADAMS, Mr. WHALEN, Mr. DUNCAN, Mr. VAN DEERLIN, Mr. EILBERG, Mr. FUQUA, Mr. MATHIS of Georgia, and Mr. DIGGS):

H.R. 16819. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 16820. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 16821. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KING:

H.R. 16822. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. MATHIAS of California:

H.R. 16823. A bill to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 Winter Olympic games; to the Committee on the Interior and Insular Affairs.

H.R. 16824. A bill: National Commission on the Olympic Games; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 16825. A bill to take over a project in the State of Wisconsin pursuant to section 14 of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 16826. A bill to amend title 23 of the United States Code, to provide for the Federal funding of land and easement acquisitions and the construction and improvement of necessary roads and scenic viewing facilities in order to develop a national scenic and recreational highway program; to the Committee on Public Works.

By Mr. REID:

H.R. 16827. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 16828. A bill to allow a credit against Federal income tax for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. ROBINSON of Virginia:

H.R. 16829. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. VANDER JAGT:

H.R. 16830. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to study the feasibility of broadening the purposes of the Uniformed Services University of the Health Sciences to train civilian physicians to serve in medically underserved areas; to the Committee on Interstate and Foreign Commerce.

By Mr. WIDNALL:

H.R. 16831. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; to the Committee on Banking and Currency.

By Mr. BLATNIK (for himself, Mr. JONES of Alabama, Mr. GROVER, Mr. KLUCZYNSKI, Mr. CLEVELAND, Mr. WRIGHT, Mr. DON H. CLAUSEN, Mr. GRAY, Mr. SCHWENGEL, Mr. CLARK, Mr. SNYDER, Mr. EDMONDSON, Mr. ZION, Mr. JOHNSON of California, Mr. MCDONALD of Michigan, Mr. DORN, Mr. HAMMERSCHMIDT, Mr. HENDERSON, Mr. MIZELL, Mr. ROBERTS, Mr. TERRY, Mr. KEE, Mr. THONE, Mr. HOWARD, and Mr. BAKER):

H.R. 16832. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. ANDERSON of California, Mr. CAFFERY, Mr. ROE, Mr. COLLINS of Illinois, Mr. BEGICH, Mr. MCCORMACK, Mr. RANGEL, Mr. JAMES V. STANTON, and Mrs. ABZUG):

H.R. 16833. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

By Mr. CAMP:

H.R. 16834. A bill to amend section 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide that certain persons displaced prior to January 2, 1971, by the Kaw Lake project of the Army Corps of Engineers may receive assistance under sections 202, 203, and 204 of such act; to the Committee on Public Works.

By Mr. CLARK:

H.R. 16835. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 16836. A bill to require local governmental approval for section 235 or 236 housing; to the Committee on Banking and Currency.

By Mr. FLOOD:

H.R. 16837. A bill to amend the Internal Revenue Code of 1954 so as to exclude from gross income amounts of disaster relief loans canceled pursuant to laws of the United States; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 16838. A bill to amend title 38 of the United States Code in order to extend to veterans of peacetime service between World War II and the Korean conflict the same hospital and domiciliary care benefits as are available to post-Korean conflict peacetime veterans; to the Committee on Veterans' Affairs.

By Mr. McCLURE:

H.R. 16839. A bill to amend title II of the Social Security Act to increase to $2,000 the amount of outside earnings permitted a beneficiary each year without any deductions from his benefits thereunder, and to provide for further increases in such amount to reflect future rises in the cost of living; to the Committee on Ways and Means.

H.R. 16840. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted a beneficiary each year without any deductions from his benefits thereunder, and to provide for further increases in such amount to reflect future rises in the cost of living; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 16841. A bill to provide that the Federal building to be constructed in Honolulu, Hawaii, shall be named the "Prince Jonah Kuhio Kalanianaole Building"; to the Committee on Public Works.

By Mr. PRICE of Texas:

H.R. 16842. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself and Mr. SCHNEEBELI):

H.R. 16843. A bill to amend chapter 26 of title 49 of the United States Code to provide that compressed gas cylinders shipped in interstate commerce be inspected in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. SEIBERLING:

H.R. 16844. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual shall be considered to have completed the minimum service required to qualify for a retirement annuity under the provisions of that act if he or she had at any time in the past completed the minimum service required to qualify for a retirement annuity under the corresponding provisions of law in effect at that time; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY:

H.R. 16845. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. PURCELL (for himself and Mr. PICKLE):

H.J. Res. 1308. Joint resolution providing for a special deficiency payment to certain wheat farmers; to the Committee on Agriculture.

By Mr. STEELE:

H. Con. Res. 711. Concurrent resolution calling upon all parties to the 1949 Geneva

Convention Relative to the Treatment of Prisoners of War to insure respect for that convention by persuading North Vietnam to fulfill its obligations under the convention; to the Committee on Foreign Affairs.

By Mr. COLMER (for himself, Mr. SISK, Mr. BOLLING, Mr. YOUNG of Texas, Mr. SMITH of California, and Mr. LATTA:

H. Res. 1138. A resolution to amend the Rules of the House of Representatives with respect to House consideration of certain Senate amendments, to provide for the Delegates from Guam and the Virgin Islands, and for other purposes.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN:

H.R. 16846. A bill for the relief of George E. Ray; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 16847. A bill for the relief of George A. Simeral; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 16848. A bill for the relief of Dimitrios K. Angelopoulos; to the Committee on the Judiciary.

SENATE—*Tuesday, September 26, 1972*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and Eternal God, who hast been our guide and companion, our refuge and strength in all our yesterdays, may the memory of Thy great goodness inspire us to enter faithfully, courageously, and industriously upon the duties of this new day. Cleanse us of all that is base and ugly, that with pure hearts and steadfast devotion we may never fail Thee nor break faith with our better selves. Shed Thy holy light upon the work of Thy servants here that in their solemn deliberations, in hours of tedious toil, in testing moments they may be guided by Thy mind and spirit. May they hear the voice of the people but always obey the voice of the divine. By Thy continual presence give them the will to champion whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, and whatsoever things are of good report.

We pray humbly in Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 26, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, September 25, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Commerce Committee, the Veterans' Affairs Committee, and the Subcommittee on Internal Security of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with No. 1147 up to and including 1149, then Nos. 1160 and 1161.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ERIEZ MAGNETICS CORP.

The resolution (S. Res. 132) to refer the bill (S. 2026) entitled "A bill for the relief of Eriez Magnetics Corp." to the Chief Commissioner of the U.S. Court of Claims for a report thereon, was considered and agreed to, as follows:

Resolved, That the bill (S. 2026) entitled "A bill for the relief of the Eriez Magnetics Corporation", now pending in the Senate, together with all accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims. The Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

CROWN COAT FRONT CO., INC.

The resolution (S. Res. 290) to refer the bill (S. 3451) entitled "A bill for the relief of the Crown Coat Front Co., Inc.," to the Chief Commissioner of the U.S. Court of Claims for a report thereon, was considered and agreed to, as follows:

Resolved, That the bill (S. 3451) entitled "A bill for the relief of the Crown Coat Front Company, Incorporated" now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

FRANK P. MUTO, ALPHONSO A. MUTO, ARTHUR E. SCOTT, AND F. CLYDE WILKINSON

The bill (S. 3756) for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the administration of subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, and subject to sections 8334(c) and 8339(h) of such title, Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson shall be deemed to have rendered creditable service during such periods as they were employees of the Democratic or Republican Senatorial Campaign Committee prior to October 2, 1962.

(b) The Civil Service Commission shall accept the certification of the President of the Senate, or his designee, concerning the service of, and the amount of compensation received by, the individuals named in subsection (a) of this section.

(c) An individual receiving credit for service for any period referred to in subsection (a) of this section shall not be granted credit for such service under the provisions of the Social Security Act.

SYSTEM OF WILD AREAS WITHIN THE NATIONAL FOREST SYSTEM

The Senate proceeded to consider the bill (S. 3973) to establish a system of wild areas within the lands of the national forest system, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 6, line 21, after "(3)", strike out "If, on the basis of representations received under provisions of section 103(c) the Secretary determines that measures are required for sanitation, health, and safety of the visiting public or for the protection of natural resources, such measures shall be of a rustic, primitive nature." and insert "Subject to existing private rights there shall be no commercial enterprise and no permanent road within any wild area designated by this Act and, except as necessary to meet the minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergen-