I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

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

The Senate will convene at 9 a.m. After recognition of the two leaders under the standing order, the following Senators will be recognized, each for the time stated and in the order stated:

Mr. WILLIAMS, for not to exceed 15 minutes.

Mr. HART, for not to exceed 15 minutes.

Mr. ROBERT C. BYRD, for not to exceed 10 minutes.

Mr. SCOTT, for not to exceed 15 minutes.

At the hour of 10 a.m., the Senate will resume consideration of the unfinished business, S. 3970. After 1 hour of debate, the Chair, at 11 a.m., will ask that the clerk call the roll to establish the presence of a quorum.

Once a quorum is established, a yea-and-nay vote on the motion to invoke cloture is automatic. That yea-and-nay vote should come at around 10 minutes after 11 a.m. tomorrow.

If cloture is invoked, S. 3970 will be the unfinished business until disposed of.

If cloture is not invoked, the Senate will immediately return to the consideration of H.R. 1, the welfare bill, and the unfinished business will be laid aside temporarily, and will remain in a temporarily laid-aside status until an hour during the afternoon to be determined by the distinguished majority leader or his designee.

Amendments to H.R. 1 will be in order. Hopefully, Senators will be ready to call up amendments on which yea-and-nay votes could occur.

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to, and at 6:06 p.m., the Senate adjourned until tomorrow, Friday, September 29, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 28, 1972:

U.S. NAVY

Adm. Charles K. Duncan, U.S. Navy, for appointment to the grade of admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

HOUSE OF REPRESENTATIVES—*Thursday, September 28, 1972*

The House met at 12 o'clock noon.

Rev. Samuel M. Carter, Clair Christian United Methodist Church, Chicago, Ill., offered the following prayer:

The Lord is good to those who wait for Him, to the soul that seeks Him. It is good that one should wait quietly for the salvation of the Lord.—Lamentations 3: 25–26.

Let us pray.

Almighty God, we come to Thee at the beginning of this day to invoke Thy presence, and to implore Thy blessing upon this august assembly. Look with favor upon these men and women sent here from all over this great Nation to make laws for the orderly governing of this land.

Give them eyes to see, ears to hear, and minds to perceive, that they may legislate with insight and wisdom for the continued welfare of our land.

Endow them with the strength of character that they may not veer either to the left or to the right, but keep their actions and deliberations on the path of right and good.

Bless us as a nation, made up of many people and kindreds; make us ever mindful of our obligations to Thee and to all Thy people around the earth. May all that we say and do redound to Thy glory and honor.

In Thy name we make these petitions. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes; and

H. Con. Res. 701. Concurrent resolution commending the 1972 U.S. Olympic team for their athletic performance and Mark Andrew Spitz, in particular, for his unparalled achievement in the 1972 Olympic games in Munich, Germany.

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

H.R. 3817. An act to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands;

H.R. 8395. An act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes;

H.R. 9676. An act to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee;

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; and

H.R. 15475. An act to provide for establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10729) entitled "An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. ALLEN, Mr. HART, Mr. MOSS, Mr. MILLER, Mr. DOLE, and Mr. WEICKER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3419) entitled "An act to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. PASTORE, Mr. MOSS, Mr. RIBICOFF, Mr. KENNEDY, Mr. ERVIN, Mr. COTTON, Mr. COOK, Mr. PERCY, and Mr. JAVITS to be the conferees on the part of the Senate.

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

S. 2738. An act to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria;

S. 4018. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; and

S. Con. Res. 97. Concurrent resolution in behalf of prisoners of war and missing in action.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and referred to the Committee on Appropriations:

WASHINGTON, D.C.,
September 26, 1972.

Hon. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture on September 25, 1972, considered and unanimously approved the work plan for the Lake Verret, La., Watershed, transmitted to you by Executive Communication 1944, 92d Congress, and referred to this Committee.

With every good wish, I am,

Yours sincerely,

W. R. POAGE,
Chairman.

CONFERENCE REPORT ON H.R. 7378, COMMISSION ON REVISION OF APPELLATE COURT SYSTEM

Mr. CELLER submitted the following conference report and statement on the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States:

CONFERENCE REPORT (H. REPT. No. 92-1457)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill 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:

That there is hereby established a Commission on Revision of the Federal Court Appellate System (hereinafter referred to as "Commission") whose function shall be—

(a) to study the present division of the United States into the several judicial circuits and to report to the President, the Congress and the Chief Justice its recommendations for changes in the geographical boundaries of the circuits as may be most appropriate for the expeditious and effective disposition of judicial business.

(b) to study the structure and internal procedures of the Federal courts of appeal system, and to report to the President, the Congress and the Chief Justice its recommendations for such additional changes in structure or internal procedure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal courts of appeal, consistent with fundamental concepts of fairness and due process.

SEC. 2. (a) The Commission shall be composed of sixteen members appointed as follows:

(1) four members appointed by the President of the United States;

(2) four Members of the Senate appointed by the President pro tempore of the Senate;

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(4) four members appointed by the Chief Justice of the United States.

(b) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Nine members of the Commission shall constitute a quorum, but three may conduct hearings.

SEC. 3. (a) Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not exceeding the maximum amounts authorized under section 456 of title 28, United States Code.

(b) Members of the Commission from private life shall receive $100 per diem for each day (including traveltime) during which he is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

SEC. 4. (a) The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding that prescribed for level V of the Executive Schedule.

(b) The Executive Director, with approval of the Commission, may appoint and fix the compensation of such additional personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 relating to classification and General Schedule pay rates: *Provided, however,* That such compensation shall not exceed the annual rate of basic pay for GS-18 of the General Schedule under section 5332, title 5, United States Code.

(c) The Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates, section 5332, title 5, United States Code.

(d) The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, for the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services on a reimbursable basis.

SEC. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this Act and each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chairman of the Commission.

SEC. 6. The Commission shall transmit to the President, the Congress and the Chief Justice—

(1) its report under Section 1(a) of this Act within 180 days of the date on which its ninth member is appointed; and

(2) its report under Section 1(b) of this Act within fifteen months of the date on which its ninth member is appointed.

The Commission shall cease to exist ninety days after the date of the submission of its second report.

SEC. 7. There are hereby authorized to be appropriated to the Commission such sums, but not more than $270,000, as may be necessary to carry out the purposes of this Act. Authority is hereby granted for appropriated money to remain available until expended.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

EMANUEL CELLER,
JACK BROOKS,
WILLIAM L. HUNGATE,
ABNER J. MIKVA,
WILLIAM M. MCCULLOCH,
EDWARD HUTCHINSON,
Managers on the Part of the House.

JAMES O. EASTLAND,
QUENTIN BURDICK,
ROMAN L. HRUSKA,
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. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States, 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:

ESTABLISHMENT OF COMMISSION

The House bill established a "Commission on Revision of the Judicial Circuits." The Senate amendment established a "Commission on Revision of the Federal Court Appellate System." The Conference substitute adopts the Senate amendment.

DUTIES OF THE COMMISSION

Under the House bill the Commission was authorized to study and recommend changes in the geographical boundaries of the United States Courts of Appeals in order to promote the expeditious and effective disposition of judicial business and report to the President, the Congress and the Chief Justice.

The Senate amendment authorized the Commission to study and recommend boundary changes in the judicial circuits and also authorized the Commission—

(1) to study appellate procedures, such as prehearing screening of appeals, en banc hearings, etc., and problems arising therefrom;

(2) to study present and anticipated caseloads of the several judicial circuits and of the individual appellate judges and to consider the alleviation of problems arising therefrom by realigning the judicial circuits, by restructuring the appellate court system or by other court reforms;

(3) to study problems arising from the present and anticipated caseload of the Supreme Court;

(4) to study other areas of related court reform; and

(5) to recommend to the President, the Congress and the Chief Justice such alternative changes in the appellate court system as may be most appropriate for the expeditious and effective disposition of the Federal appellate caseload.

The Conference substitute adopts the House provision and also authorizes the Commission to study and recommend changes in the structure and internal procedures of the Federal courts of appeal system and to report to the President, the Congress and the Chief Justice.

While the Conferees recognize that a study of "changes in the structure and internal procedures" of the courts of appeal must necessarily take into consideration the types of cases which enter the judicial system at the district court level, the Conferees intend, by use of such language, to limit the Commission's recommendations to improvements in structure and internal procedures of the appellate process, rather than to authorize study and recommendations with respect to the basic jurisdiction, civil or criminal, of the district courts.

COMPOSITION OF THE COMMISSION

The House bill provided that the Commission be composed of 15 members to be appointed as follows:

(1) four members appointed by the President of the United States;

(2) four Members of the Senate appointed by the President of the Senate;

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives, and

(4) three members appointed by the Chief Justice.

The Senate amendment authorized the creation of a twelve member Commission to be appointed as follows:

(1) six members appointed by the President, at least two of whom were to be practicing lawyers and at least two of whom were to be professors of law;

(2) two Members of the Senate, one from each of the two major political parties, appointed by the President pro tempore of the Senate;

(3) two Members of the House of Rep-

resentatives, one from each of the two major political parties, appointed by the Speaker of the House of Representatives; and

(4) two judges appointed by the Chief Justice.

The Conference substitute conforms to the House bill except that appointments of Members from the Senate are to be made by the President pro tempore; total membership of the Commission is increased to sixteen, and the number of appointments to be made by the Chief Justice is increased to four.

Quorum

The House bill provided that eight members of the Commission shall constitute a quorm.

The Senate amendment provided that nine members of the Commission shall constitute a quorum.

The Conference substitute adopts the Senate amendment.

COMMISSION STAFF

The House bill provided that the administrative and research services of the Administrative Office of the United States Courts and of the Federal Judicial Center should be used in lieu of a special Commission staff. Under the House bill the Director of the Administrative Office of the United States Courts was designated Executive Director of the Commission.

The Senate amendment contained provisions not in the House bill providing for—

(1) the appointment of an Executive Director by the Commission, who shall receive compensation at a rate not to exceed Level V of the Executive Schedule ($36,000);

(2) the appointment of additional personnel by the Executive Director, with the approval of the Commission, at rates of compensation not to exceed the rate of basic pay for GS–18 of the General Schedule; and

(3) the appointment of experts and consultants by the Executive Director at rates not to exceed the highest level payable under the General Schedule pay rates. The Conference report adopts the Senate amendment.

TERM OF THE COMMISSION

Under the House bill, the Commission is required to submit its report and recommendations to the President, the Congress and the Chief Justice within 180 days of the date on which its ninth member is appointed.

The Senate amendment authorized the Commission to make such interim reports as it deemed advisable and provided that it submit its final report to the President, the Congress and the Chief Justice within two years after the date on which its ninth member is appointed.

The Conference substitute retains the provisions of the House bill requiring the submission of the report and recommendations concerning changes in the geographical boundaries of the United States Courts of Appeals to be submitted within six months of the appointment of the ninth member of the Commission, and further provides that the Commission shall submit an additional report and recommendations concerning the structure and internal procedures of the Federal courts of appeal system within fifteen months after the appointment of the ninth member of the Commission.

APPROPRIATIONS AUTHORIZATIONS

The House bill authorized appropriations up to $50,000 to fund the operations of the Commission, whose term was limited to six months.

The Senate amendment authorized appropriations of up to $370,000 to fund the operations of the Commission, whose term was limited to two years.

The Conference substitute authorizes appropriations of up to $270,000 to fund the operations of the Commission, whose term is limited under the Conference substitute to fifteen months.

EMANUEL CELLER,
JACK BROOKS,
WILLIAM L. HUNGATE,
ABNER J. MIKVA,
WILLIAM M. MCCULLOCH,
EDWARD HUTCHINSON,
Managers on the Part of the House.

JAMES O. EASTLAND,
QUENTIN BURDICK,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

FIFTY PERCENT TAX FREE INTEREST WILL FUEL TAX REVOLT

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

Mr. VANIK. Mr. Speaker, yesterday, it was reported that Dillon, Read & Co., had arranged an "unprecedented" bond issue of $25 million by a State government at a tax free 50-percent rate of interest.

The Dillon, Read & Co., did the local and State governments of America a grave disservice in arranging a Minnesota bond issue which pays 50-percent interest, tax free.

Some financial writers call the scheme daring—I would term the scheme a calculated connivance which may place tax free local financing in serious jeopardy next year.

The average taxpayer who pays income taxes at high rates on all of his earned income will be sick with anger when he finds out that some people in America have investments which earn 50-percent interest and pay no taxes.

Reaction to this kind of reckless widening of tax loopholes is certain to result in legislative repercussions.

APPOINTMENT OF CONFEREES ON H.R. 8395, REHABILITATION ACT OF 1972

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

Mr. Speaker, this is the vocational rehabilitation bill and I have cleared it with the gentleman from Minnesota (Mr. QUIE).

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS and BRADEMAS, Mrs. MINK, Messrs. QUIE and HANSEN of Idaho.

TO FORCE REPAYMENT OF ACADEMY COSTS BY CONSCIENTIOUS OBJECTORS

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

Mr. KING. Mr. Speaker, I am today introducing a bill to require West Point, Annapolis, Air Force, and Coast Guard Academy graduates who later become conscientious objectors to repay to the Government the costs of their education which may be as high as $60,000 per man.

The bill is necessitated by recent court decisions which found that repayment is not required under present law and that suits seeking such repayments operated to discourage the serviceman's first amendment right to seek CO status. The courts said, in effect, "that if Congress wanted to require such reimbursement, it would have to say so in law."

It seems incredible to me that a man could accept 4 years of free education and then be suddenly struck by pangs of conscience as to his chosen profession. In some cases such pangs of conscience seem to have accompanied the graduation exercises. While I do not question a man's right to seek conscientious objector status, I seriously question the timing of the decisions in recent cases—all after graduation.

It seems only logical that if a man feels strongly enough about conscientious objection, he should have no conscientious objection to returning the thousands of dollars the taxpayers have invested in his education.

I cannot help but think of the other qualified applicants for the service academies who these CO's have deprived of the benefits these few have sought, accepted, and then renounced.

According to the Department of Defense and the Department of Transportation—which has jurisdiction over the Coast Guard except in time of war—the costs associated with a 4-year academy education, culminating in a bachelor of science degree and a commission, average about $58,933, with pay and other allowances included.

Recent court decisions include McCullough against Seamans wherein an officer who graduated from the Air Force Academy at taxpayers' expense and went on to advanced-degree work before becoming a conscientious objector was sued by the Government for return of $53,575. The Navy had a similar case—Miller against Chafee—where an officer stationed at Pearl Harbor sought CO status and was sued for the costs of his education at the Naval Academy. The decisions in both these cases were in favor of the servicemen involved. Appeals are being considered by the services in both cases.

My bill would, if enacted, eliminate any doubt as to the requirement for reimbursement of educational costs at the service academies if the obligated term of service is canceled by virtue of a graduate's conscientious objection to military service.

CONFERENCE REPORT ON H.R. 3337, ACQUISITION OF VILLAGE SITE FOR PAYSON BAND OF YAVAPAI-APACHE INDIANS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate

consideration of the conference report on the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, and I do not intend to object, will the distinguished chairman of the Committee on Interior and Insular Affairs explain the conference report and indicate any changes that are made.

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

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, I would say to the gentleman at this time, the conference reports on each one of the bills that I shall present are germane and they are in conformity with the original revisions of the bills presented.

I will make a brief statement on each bill, as I present it.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

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

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

There was no objection.

Mr. ASPINALL. Mr. Speaker and Members of the House, the bill provides that not more than 85 acres in the Tonto National Forest may be selected as a village site by the Payson Band, subject to approval by the Secretary of the Interior and the Secretary of Agriculture.

The Senate amended the bill to provide that the selection would be "in cooperation" with the Secretary of the Interior and the Secretary of Agriculture. The Senate has receded on this amendment.

The bill also provides that the village site so selected will be conveyed to the band in fee.

The Senate amended the bill to provide for a conveyance in trust. The House conferees accepted this amendment.

The Senate further amended the bill to make the conveyance to the band contingent upon the appropriation of Federal money to purchase lieu land for addition to the national forest. The Senate conferees receded from this amendment.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE A REPORT ON S. 3001, TO ESTABLISH A FEDERAL FINANCING BANK, UNTIL MIDNIGHT FRIDAY

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight Friday, September 29, to file the report to accompany S. 3001, a bill to establish a Federal Financing Bank.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 3419, CONSUMER PRODUCT SAFETY ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

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

Mr. SPRINGER. Mr. Speaker, reserving the right to object, will the chairman explain what his request is?

Mr. STAGGERS. To go to conference on the bill just mentioned.

Mr. SPRINGER. On which bill?

Mr. STAGGERS. I mentioned it in my request, and the Clerk has taken it. It is the bill S. 3419. The Senate had the bill, and they put in an amendment which was not acceptable to the House.

Mr. SPRINGER. What is the bill?

Mr. STAGGERS. The gentleman asked me a question I cannot answer right at the present time. It is one of the bills we passed that has to do with one of the special diseases.

Mr. SPRINGER. What is the request?

Mr. STAGGERS. It is just a request to appoint conferees, and the gentleman agreed to the conferees on the bill.

Mr. SPRINGER. I think I know what the gentleman is talking about now, but I want to be sure. The gentleman made a motion to strike out what in one bill and substitute what in the bill?

Mr. STAGGERS. No. I asked unanimous consent to take from the Speaker's table the bill S. 3419, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

Mr. SPRINGER. All right.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, STUCKEY, ECKHARDT, SPRINGER, BROYHILL of North Carolina, and WARE.

PERMISSION TO FILE CONFERENCE REPORT ON S. 976, MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on S. 976, the Motor Vehicle Information and Cost Savings Act.

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

There was no objection.

PERMISSION FOR THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A REPORT ON S. 1478, TOXIC SUBSTANCES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until midnight tonight to file a report on S. 1478, toxic substances.

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

There was no objection.

CONFERENCE REPORT ON H.R. 6797, JUDGMENT FUNDS OF KICKAPOO INDIANS, KANSAS AND OKLAHOMA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. ASPINALL. Mr. Speaker, the bill divides a $2,316,355 judgment between the Kickapoo Tribe of Oklahoma and the Kickapoo Tribe of Kansas, and provides for the use of the money in any manner requested by the tribes and approved by the Secretary of the Interior, after their plans have been reported to and approved by the Committees on Interior and Insular Affairs.

The Senate amended the bill to require a 75-percent per capita distribution by both tribes.

The conferees agreed that the Oklahoma tribe would make a 75-percent per capita distribution, and that the Kansas tribe would make a 90-percent per capita distribution. This corresponds to the wishes of the two tribes.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 7742, JUDGMENT FUNDS OF YANKTON SIOUX TRIBE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. ASPINALL (during the reading). Mr. Speaker, inasmuch as my explanation will be in conformity, I ask unanimous consent to dispense with further reading of the statement.

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, The bill authorizes a per capita distribution of a $1,234,555 judgment, except for a small sum that is reserved for the expenses of litigation still pending.

The Senate amended the bill to authorize a per capita distribution of only 50 percent of the money, the remainder to be used for reservation purposes.

The conferees compromised on a 75-percent distribution. Although the tribe wanted a 100-percent distribution, it agreed to the compromise.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 8694, JUDGMENT FUNDS OF YAVAPAI APACHE TRIBE

Mr. ASPINALL, Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

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

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, the bill provides for the division of a $5,090,885 judgment between four groups of Yavapai Indians, and for the use of the money after it is divided.

The Senate amended the bill to provide that the Payson Band may purchase land with its share of the money, with title to the land taken in the name of the United States in trust.

The Senate conferees receded from this amendment because another bill, H.R. 3337, provides for a trust title to the village site.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 10858, JUDGMENT FUNDS OF PUEBLO DE ACOMA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

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

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, the bill authorizes the use of a $5,954,682 judgment in accordance with the plans of the tribe. The tribe intends to use all of the money for reservation purposes, and to make no per capita distribution.

The Senate amended the bill to prohibit any per capita distribution, even though none is intended.

After conference, the Senate receded.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 166, STRATIFIED PRIMITIVE AREA OF WASHAKIE WILDERNESS

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. JOHNSON of California (during the reading). I ask unanimous consent that further reading of the statement of the managers be dispensed with.

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

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, the purpose of this legislation is to designate a portion of the Shoshone National Forest in Wyoming as wilderness. The House version designates an area of approximately 238,000 acres, including 35,000 acres referred to as the DuNoir area. The Senate version designates the DuNoir area as a special management unit and excludes it from wilderness. The Senate version provides special language to guide the management of this special management unit. The conference adopted the Senate language designating the DuNoir as a special management unit but added additional language requiring the Secretary of Agriculture to conduct a detailed study of this area, and at the end of 5 years recommend to the President and to the Congress what he considers to be the area's highest and best public use. This action gives the Forest Service an opportunity to study in detail all options for use of the DuNoir area but requires a final decision within 5 years.

Mr. RONCALIO. Mr. Speaker, the conference report being considered today designating the Washakie Wilderness, Shoshone National Forest, in the State of Wyoming, is the culmination of a long period of review. The process began with a Forest Service field hearing in Riverton, Wyo., on December 8, 1966. The President transmitted his recommendations on this magnificent area in 1967. Thus, the Congress has had the area under consideration for nearly 5 years. I am pleased that this outstanding area, the subject of long and careful consideration by the Congress and the House-Senate conference committee, is at long last to be included in the National Wilderness Preservation System.

TO PROTECT ELK MIGRATION

Mr. Speaker, I would like to speak directly to the one issue which has delayed the establishment of this area all these years—the so-called DuNoir addition. As required by the 1964 Wilderness Act, the Forest Service reviewed the Stratified Primitive Area and in 1966 drew a preliminary plan to redesignate the area as wilderness, combine it with the adjacent South Absaroka Wilderness—designated by the 1964 Wilderness Act itself—and name the entire unit the

Washakie Wilderness. At the field public hearing on this plan, overwhelming citizen testimony supported this proposal, but a majority urged enlargement of the area to add key tracts and round out a thoroughly desirable wilderness. In particular, the Wyoming Game and Fish Department felt that wilderness designation for key additional lands was most important to assure protection of the elk herds and of critical elk calving and migration areas.

In 1967, the Forest Service revised proposal was presented to Congress. While some minor improvements were made, this plan still fell far short of the proposal advocated by Wyoming conservationists. Ultimately a compromise bill was agreed upon by the Senate. Under this plan certain additions were made which settled most of the points of controversy between the conservationist and Forest Service plans. The one continuing point of disagreement was whether to include a 30,000 acre tract in the upper drainages of DuNoir Creek within the Washakie Wilderness. The Senate did not include this area, but after thorough study and my own on-the-spot field trip to DuNoir, the House passed my bill, H.R. 1552, which included this key area as wilderness.

THE DU NOIR QUESTION

Therefore, in considering the appropriate boundaries for the Washakie Wilderness, the House and Senate had resolved all differences except that concerning the DuNoir area which lies west of the agreed upon wilderness. S. 166 excluded this area from wilderness, but provided special language to guide future management of the area. H.R. 1552 included this area as wilderness. The Department of Agriculture took the position that the DuNoir area should not be designated as part of the wilderness, and also opposed the special management provisions of the Senate bill.

Thus, the conferees faced two distinct issues. First, to determine whether the DuNoir unit qualified to be designated as wilderness under the defining criteria laid down in section 2(c) of the Wilderness Act, and secondly, whether designation as wilderness was the most desirable disposition of this area at this time.

On the basis of testimony received from Wyoming residents and my personal on-the-ground inspection of the area, the House determined that the DuNoir area is fully and eminently qualified under the 1964 Wilderness Act and should be designated as wilderness. The presence of minor remnants of early human occupancy in the form of primitive stub truck trails and very minor remains of an old camp, and evidence of minor selective timber harvest in small parts of the area decades ago did not, in the opinion of the House, disqualify the area. The Senate committee, on the basis of testimony from the Forest Service, but without on-the-ground inspection, concluded that the area did not qualify and should not be designated as wilderness.

In fact, Mr. Speaker, this first issue—does the DuNoir qualify as wilderness or not—is really a nonissue. For reasons of its own, the Forest Service may not want this area to be included in wilderness, but their argument that it physically does not qualify under the act is totally unjustified and unsupported both by the facts about this land itself, as I saw it on the ground, and by the governing provisions of law. That this is so is attested to not only by the action of the House Committee on Interior and Insular Affairs and the full House in including this area in H.R. 1552, but also by the repeated and thorough field studies of the area conducted by reputable experts in the natural sciences and land management and by dedicated Wyoming conservationists.

WHO DETERMINES WILDERNESS?

These matters of suitability and qualification of land as wilderness are not left up to the Forest Service to decide. They may offer an opinion and a recommendation, but the Congress alone has the power and responsibility to exercise this judgment, and that is how it should be. No better example of this exists than the action of the House in approving the addition of the DuNoir area to H.R. 1552. But an equally compelling example now comes to us, on a very similar case, by the action of the Senate Commitee on Interior and Insular Affairs and the Senate itself.

S. 3256, MEET S. 166

Just last week, building upon recommendations from the Forest Service, the Senate passed S. 3256, the bill designating the Aldo Leopold Wilderness in New Mexico, also on national forest lands.

In considering the Aldo Leopold proposal, the Senate committee faced with the same question we faced on the DuNoir area—additions proposed by conservationists and local citizens qualified to be included in the wilderness. Here again, the Forest Service said no, arguing that the fading and minor evidence of some past human intrusions disqualified these areas as a matter of law. The Senate committee, nonetheless, exercised the congressional responsibility of making such decisions and disagreed with the Forest Service, deciding to include one such tract in the wilderness. In doing so, the Senate committee made the following observations in its report—Senate Report 92–1132:

> In the committee's view, exclusion 6, containing 894 acres along Morgan Creek, is suitable for addition to the National Wilderness Preservation System. This is a scenic area which includes a waterfall, and its inclusion will not only add to the beauty of the wilderness, but provide an improved and more logical boundary line.

And here, continuing the quote from the Senate report, is the conclusion they came to:

> The evidence of the past timber-harvesting activities occurred in the late 19th century, and was accomplished with horses and oxen. As a result, disturbances are virtually unnoticeable today.
>
> In such instances as this, where time is rapidly erasing man's handiwork and the disturbance is slight, the committee believes Congress should designate the area if it otherwise meets wilderness criteria.

Mr. Speaker, this is just the issue we had over the controversial DuNoir addition. By the standards now used by the Senate Interior Committee in their unanimous adoption of this report on the Aldo Leopold Wilderness they have agreed in principle on the broad and flexible definition criteria for wilderness in the 1964 Wilderness Act. This is the same conclusion represented in the decision of our Interior Committee to approve the DuNoir addition.

WILDLIFE "PURITY"

In view of the controversy on this question of whether to include the DuNoir, we are going to approve this bill with a mechanism for granting the DuNoir interim protection while ordering the Forest Service to undertake a restudy. I note, for the benefit of the people in the Forest Service, that the criteria as set forth in the Wilderness Act do allow for restoration of past scars. The slight evidences of man in DuNoir are fading very rapidly. They are less today than they were in 1966 when we first sought inclusion of this area. They are less today than they were a year ago when the Senate passed S. 166. They are less today even than they were this spring when I made my field inspection of the area. And, by the time the Forest Service restudy is completed over the next 5 years, they will be much less than they even are today.

I hope and I trust that the Forest Service will give up its unjustified theological insistence on a concept of wilderness "purity" that is nowhere mandated or intended by the law or the precedents of the Congress. I hope they will read, in the action of the House on the DuNoir question and in the action of the Senate on the Aldo Leopold addition, the clear direction of the Congress and its substantive committees which oversee the wilderness program repudiating the false and mischievous "purity" standard for wilderness. I hope that they will read, in the repeated and strong insistence of the people of Wyoming, the desire of the owners of these forest lands that the DuNoir and its great scenic and natural values and its elk habitat be preserved with the full strength and recognition of the Wilderness Act.

DU NOIR MUST BE ADDED

Mr. Speaker, the purpose of the conferees' agreement in this matter is to assure that the DuNoir area will be restudied by the Forest Service as the agency responsible for administering the area. The highest and best use of the area will then be determined by the Congress. It is my firm belief the DuNoir area is wilderness. I am sure that a majority of concerned Wyoming people agree with that conclusion. I recognize that some evidence of past human activity may be found in the area, but this evidence is minor and superficial, and is of a transitory nature, rapidly fading under the restorative powers of natural forces. In my opinion, within the governing definition of section 2(c) of the Wilderness Act, this area is fully qualified for designation as wilderness, and I trust that the Forest Service itself will reach the same conclusion upon closer examination of the area.

DU NOIR PRESERVED

In order to assure that the area remains in its present condition during the

study period and until Congress has acted further on the matter, it is to be administered under the directives of section 5 of S. 166, which are intended to preserve the area in its present condition, to provide for necessary protection and to control public use. It is my understanding that no administrative or protective action is to be taken within or adjacent to this unit by the Forest Service which would in any way depreciate its wilderness character and qualities. I have written to the Chief of the Forest Service, Mr. John McGuire, to obtain his assurances that this is the case.

Mr. Speaker, the highest and best use of any piece of land in the national forests, national parks, or national wildlife refuges, when qualified under the governing criteria of section 2(c) of the Wilderness Act, is as wilderness. For, each generation has it own rendezvous with the land. And ours is a generation that understands the value of America's wildlands heritage and how it will contribute to the social well being of generations unborn. That, Mr. Speaker, is truly what wilderness is all about.

DEDICATED FORESTERS

Mr. Speaker, I have said my piece about the qualities of the DuNoir unit and my conviction that it belongs in our National Wilderness Preservation System. Now we will watch for signs that the Forest Service, which has sought to work in the public interest but which has been caught with its credibility down a bit lately, will, in fact, show responsiveness to the people of Wyoming and across the country. I know the people of the Forest Service to be highly motivated men of principle. They tell me they want to show they can change to meet the new environmental emphasis abroad in our land. I say, more power to you, but let us see some results on the land.

In closing these remarks, Mr. Speaker, I have a tribute to offer from the heart. It is a tribute to the real heroes of this long struggle. These are the hardworking citizens of Wyoming, so many of whom have written and called me to tell of their hopes for the preservation of the Washakie Wilderness and the DuNoir addition. But for them, this one could have slipped between the cracks. Because of them, the Washakie Wilderness is being created today and the DuNoir country is being protected and given the close and direct study it deserves but has never gotten from the Forest Service.

RECOGNITION AND THANKS

It is always dangerous to list those who have led the good fight and to whom so much credit is due, but I will hazard that to simply list, in no particular order, some of the leaders in Wyoming, from all walks of life, who have kept this issue alive and who have been constant advocates of the best decision: Les and Alice Shoemaker of the CM Ranch in Dubois, Wyo.; their daughter Leslie, and her husband "Pete" Peterson; and also from Dubois, Perc C. Yarborough—all close friends from Dubois who know the DuNoir area so well and who believe so strongly in its wilderness values; Carol Noble, one of the great Wyoming conservationists, and his son, Jim Noble, who, with John Borzea, have spearheaded this fight for the Wyoming Wildlife Federation; Tom Bell, the courageous and hard-hitting editor of the High Country News, and in his way the most effective voice of conscience for the land; Keith and Sally Becker, young people from Wyoming who have dedicated their lives, at great sacrifice, to giving day to day leadership to the Wyoming Outdoor Coordinating Council, which has played the prominent leadership role in the studies and decisions on the DuNoir area; John Turner, an outstanding ecologist from Jackson Hole; Coleen Kelly, who began her personal involvement in this effort as a college student and has gone on to help lead the Coordinating Council; Burton Marston of the Izaak Walton League, and Laney Hicks, of Dubois and Jake Kittle and Art Fawcett, both of Douglas.

Bill Crump and others from our Wyoming Fish and Game Department have been very strongly behind full protection of the DuNoir country.

One cannot make such a list as this without including the renown Mrs. Margaret E. Murie of Moose. And there are others; among them Joe and Willomae Green of Casper, Kathleen Wilson of Dubois, Dave Carson of Dubois, Joe Armijo of Laramie, Joe and Mary Back of Dubois, Mary Beerkle of Moose, Judy Belous of Jackson, Med Bennett of Wilson, Mrs. Mattie Lee Clayton Brown, Lou Cicco of Rock Springs, Mr. and Mrs. Don Detimore and Mr. and Mrs. Joe Detimore of Dubois, L. D. Frome of Afton, Bob Greenspan of Wilson.

John Jacobsen of Cheyenne, Mrs. Phoebe L. Holzinger of Casper, Mr. and Mrs. Ray Jenrich of Story, Mrs. John Jolley of Lander, Margaret Kahin of the Ring Lake Ranch at Dubois, Mr. and Mrs. Frank Layton of Casper, Ed Lonsdale of Laramie, Vince and Danie Lee of Wilson, Thomas M. McKinney of and Dr. John Omohundro of Sheridan.

Also, Harold O'Malley of Lander, Rob-Basin, Kenneth J. Morgan of Big Piney, ert and Leslie Perry of Laramie, Rev. George Quarterman of Laramie, Bayard D. Rea of Casper, B. L. Riddle of Evanston, Bruce Simon of Jackson, Boyd Sims of Casper, Robert Staffanson of Cody, W. R. Stratton of Casper, Mr. and Mrs. Mark Thompson of Dubois, H. Lee Trejo of Rawlins, Mrs. Mae Urbanek of Lusk, Elise S. Untermyer of Moran, Jim Van Nostrand of Jackson, John J. Wantulok of Casper, Bruce Ward of Casper, Stephanie Wood of Moose, Mr. John Enger of Powell, Miss Jane Gordon of Story, Clayton T. Trosper of Cheyenne, and Bill Utzinger of Casper.

Mr. Speaker, these people have exercised the truest example of our democratic system that I know—the dedicated advocacy of their love for the land. Future generations of our citizens may not recall their names, but they will benefit so much from the fine groundwork they have laid. It is a pleasure for me to pay them tribute today as we see the first step in protecting the Washakie Wilderness and the DuNoir Basin.

Mr. JOHNSON of California. Mr. Speaker, I move the previous question on the conference report

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DONOHUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13694, with Mr. ASPINALL (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on Tuesday, August 8, the Clerk had read the first section, ending on page 2.

If there are no amendments to be proposed, the Clerk will read.

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

The CHAIRMAN pro tempore. The Chair will count.

Fifteen Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 389]

Abourezk	Esch	Nichols
Abzug	Eshleman	O'Hara
Anderson, Tenn.	Evans, Colo.	Passman
Aspin	Fish	Patman
Baring	Flowers	Patten
Barrett	Frey	Pelly
Bell	Galifianakis	Pepper
Betts	Gallagher	Peyser
Bevill	Gibbons	Pirnie
Blackburn	Gray	Powell
Blanton	Green, Oreg.	Price, Tex.
Blatnik	Griffiths	Pryor, Ark.
Bow	Hagan	Pucinski
Brademas	Hammer-schmidt	Purcell
Brinkley	Hanna	Reid
Buchanan	Harvey	Rhodes
Byrnes, Wis.	Hastings	Robison, N.Y.
Byron	Hathaway	Rooney, N.Y.
Cabell	Hawkins	Rooney, Pa.
Caffery	Hébert	Saylor
Clark	Hosmer	Scheuer
Clay	Hunt	Schmitz
Conte	Jonas	Scott
Conyers	Jones, Tenn.	Shriver
Davis, Ga.	Kuykendall	Sisk
Davis, S.C.	Lennon	Smith, Calif.
de la Garza	Lujan	Springer
Dellenback	McClory	Stephens
Denholm	McCulloch	Stokes
Derwinski	McDonald, Mich.	Talcott
Diggs	McEwen	Teague, Calif.
Dorn	McKay	Teague, Tex.
Dow	McKinney	Terry
Dowdy	McMillan	Thompson, N.J.
du Pont	Mikva	Waldie
Dwyer	Miller, Calif.	Wiggins
Edmondson	Mitchell	Wilson, Charles H.
Edwards, Ala.	Murphy, Ill.	Winn
Edwards, Calif.	Murphy, N.Y.	Wright
Erlenborn		

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GONZALEZ, 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. 13694, and finding itself without a quorum, he had directed the roll to be called, when 312 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chariman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 1, lines 9 and 10: Strike "and to remain available until expended $6,712,000 for fiscal year 1973" and insert "until February 15, 1973, $3,356,000".

Mr. CELLER. Mr. Chairman, on September 12, last, I announced that I would offer amendments to the bill H.R. 13694 so as to provide interim authority to the American Revolution Bicentennial Commission for a period of 6 months, and to limit the scope of the pending bill in other respects. On that date I announced that I had directed the staff of the Committee on the Judiciary to conduct a study of the operations and functions of the Commission. I pointed out that 6 years ago the Congress established an American Revolution Bicentennial Commission to plan, encourage, develop, and coordinate an appropriate commemoration of our 200th anniversary as a nation. As that anniversary approaches, widespread bipartisan criticisms are being leveled at the operations of the Commission, seriously calling into question many Commission programs and making imperative a thorough congressional review of the Commission's past activities and future goals.

The bill H.R. 13694 includes the Commission's request for a $6.7 million authorization for fiscal year 1973. In light of the current debate, it would be inappropriate for Congress to extend that full authorization, but we cannot cut off completely the Commission funding without a full and judicious consideration of the issues. That consideration cannot, in fairness to all parties involved, be accomplished within the remaining weeks of this Congress. It was for these reasons that I directed the staff of the Committee on the Judiciary to conduct an in-depth study of the operations and functions of the American Revolution Bicentennial Commission to be completed no later than December 31, 1972. That study is now in progress and the staff is presently conducting a search of the Commission files. I have also requested the General Accounting Office to undertake an independent audit and examination which will be made a part of the staff study.

It is my purpose to permit the functioning of the Commission until such time as the findings and recommendations of the staff can be considered by the Committee at the beginning of the next session of the Congress. The amendment I recommend would reduce the amount of the funds authorized to half of the original amount, or $3,356,000, and limit the period of the authorization to February 15, 1973.

The observance of the bicentennial is of vital importance to our people for it is a commemoration of our beginnings as a nation and includes the recognition of our common identity and vitality. We cannot now falter or delay in any manner which would prejudice a meaningful observance of the founding of our Republic.

For that reason, and to recapitulate, an investigation is being pursued. We cannot in good conscience stop the work of this Commission. It is far too important. The Commission has been charged with misfeasance and has been charged with abuses. That may be. Those are allegations. We want to be sure that those allegations can be substantiated. It would be unfair to proceed on the basis that those charges are true. We are examining the situation and the Congress will have ample opportunity after this interim period to provide for remedial legislation, but meanwhile, while the investigation is going on, it is quite essential to fund the Commission so that its operations may continue.

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

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

Mr. GROSS. I thank the gentleman for yielding. How would the gentleman's amendment affect the grants, the $2,200,000 worth of grants specified on page 2?

Mr. CELLER. The words on page 2, "which are not to exceed $2,400,000."

Mr. GROSS. Your amendment does not go to the grants, or does it?

Mr. CELLER. No, it does not. We did not think it was necessary to amend the $2,400,000 figure because the bill says that grants shall not exceed that figure.

Mr. GROSS. But by cutting to a total authorization of $3 million-plus, that would reduce the grants?

Mr. CELLER. That is correct.

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

I should like to ask the gentleman from New York what sum of money he cut the authorization to?

Mr. CELLER. We reduced the total amount of appropriations from $6,712,000 to $3,356,000; cut it right in half.

Mr. WILLIAMS. I see. You see, the ARBC, and I am one of the four Members of this House to serve on the ARBC, has made a commitment to the various States to give them $90,000 in total for planning for their own State American Revolution Bicentennial Commissions.

Of course, once those plans are formulated, they will be presented to the ARBC for ARBC's approval. Now, the States had gotten for the most part the first $45,000 payment. I think that it would be breaking faith with the States on the action formerly taken by the Congress where the States were notified that they were going to get up to $90,000 for planning.

What I would like to ask, Mr. CELLER, is, this would reduce, remove from the $6.7 million authorization the $2.4 million which can then go to the States, with each State getting up to $45,000.

They have already started their planning process with the first $45,000 we have given them, and then we could split the difference and take about 40 percent of the difference so that instead of making it $3.3 million, we could make it $4 million.

Mr. CELLER. When the gentleman first spoke to me, I was inclined to agree with him, but on second thoughts, I think it would be well, and I hope the gentleman will agree, that we not cross that bridge until the investigation is completed.

I think it would be ill advised at the present time to accept the gentleman's proposal.

All we say in the original bill is that the moneys to be allocated to States shall "not exceed $2,400,000." I think it is pretty safe to leave it that way. When we get additional information about the management of the Commission, should there be need to make some changes with reference to the allocations to the States, we can readily do so.

So, I would suggest that we leave the bill the way it is with the amendment which I have proposed.

Mr. WILLIAMS. I would like to suggest to the chairman of the Judiciary Committee, the distinguished Mr. CELLER, that many of these States right now are engaged in their planning process.

Unless we get the money to them which they were expecting in the early part of fiscal year 1973 which started July 1, 1972; unless we get that money to them, they are going to be forced to disrupt their planning operations, lay off some people. So, I am asking an additional $700,000 to make sure that the ARBC can continue to function and the States can continue their planning.

Mr. CELLER. I deeply sympathize with the gentleman's thoughts, but since there is a cloud hanging over the work of the Commission. I believe we ought to pause a bit and not make too many changes until we know all the facts. We do not know all the facts. We cannot see through the mists exactly what should be done.

I do not believe there would be harm done to the States if we left this provision as it is; in other words, with the allocation to the States not to exceed $2.4 million. The next Congress can deal with the problem.

Mr. WILLIAMS. The ARBC does have the remainder of October, November, December, January, and February to operate. No one knows more about a cloud hanging over the ARBC than I do. That is why I suggest we allow them only $1.6 million to operate.

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

Mr. Chairman, we on the subcommittee from which this bill came have talked with the chairman of the Committee on the Judiciary (Mr. CELLER). Under the circumstances we are inclined to accept the amendment of the gentleman from New York (Mr. CELLER) as proposed. I urge adoption of the amendment.

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

The amendment was agreed to.

The CHAIRMAN. If there are no fur-

ther amendments to be proposed to section 1, the Clerk will read.

The Clerk read as follows:

SEC. 2. Section 9 is amended by the addition of the following new subsections:

"(2) make grants to nonprofit entities or individuals, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof) to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted: *Provided,* That not more than 20 per centum of funds granted under this subsection in any fiscal year may be without regard to the 50 per centum limitation;

"(3) in any case where money or property is donated, bequeathed, or devised to the Commission, and accepted thereby for purposes of assisting a specified nonprofit entity or individual, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), for a bicentennial program or project, grant such money or property, plus an amount not to exceed the value of the donation, bequest, or device: *Provided,* That the recipient agrees to match the combined value of the grant for such bicentennial program or project."

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments to section 2.

The Clerk read as follows:

Committee amendments: Page 2, lines 5 and 6, strike "or individuals".

Page 2, lines 11, 12, 13 and 14, strike "*: Provided,* That not more than 20 per centum of funds granted under this subsection in any fiscal year may be without regard to the 50 per centum limitation".

Page 2, line 18, strike "or individual".

Page 2, line 23, strike "device" and insert "devise".

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. Add at the end thereof the following new section 11:

"SEC. 11. Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 3, strike "Whenever" and insert "For a period of one year from the effective date of this section, whenever".

The committee amendment was agreed to.

SUBSTITUTE AMENDMENT OFFERED BY MR. CELLER FOR THE COMMITTEE AMENDMENT

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

The Clerk read as follows:

Amendment offered by Mr. CELLER as a substitute for the committee amendment: Page 3, lines 1 through 11: Strike all of section 3 as set forth in lines 1 through 11 on page 3 of the bill.

The CHAIRMAN. The gentleman from New York (Mr. CELLER) is recognized in support of his substitute amendment.

Mr. CELLER. Mr. Chairman, this amendment strikes from the bill provisions conferring broad authority relating to the making or modifications of contracts, the acquisition and disposition of property, and the expenditures of public funds. These provisions would exempt such authorities, in certain circumstances, from any existing restriction or regulation established by law. Thus, formal bidding or advertising requirements would not apply; time limitations on contracts also would be voided.

It was these provisions, which would be stricken by my amendment that caused a great deal of the bipartisan criticism that we heard with reference to the operation of the Commission. And in view of the fact that this investigation is now pending I think it would be wise to eliminate this tremendous authority and then see what the in-depth study would reveal. The next Congress could determine whether this language should be reinstated or modified, but meanwhile I think it should be eliminated.

As I was saying, this provision strikes out inordinate power resident in the Commission to acquire property, to sell property, modify contracts, and bestow money without let or hindrance, without any standards of control.

That is a tremendous power. I think it would be well that we eliminate that power, at least temporarily, until we know whither we are going. When the investigation that we have inaugurated is completed the Members can in the next Congress decide whether or not to confer such authority.

Mr. SCHWENGEL. Mr. Chairman, I would like to ask the gentleman a question, if the gentleman would yield.

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

Mr. SCHWENGEL. I would like to ask the gentleman a question.

I assume this means that there will be some further consideration of this basic legislation before the subcommittee at the first of the year to make some studies and evaluations on this section, and any other phase of the bicentennial operation; is that correct?

Mr. CELLER. That is correct.

Mr. SCHWENGEL. I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, I rise in support of the amendment offered by the chairman of the full Committee on the Judiciary.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. CELLER) for the committee amendment.

The substitute amendment was agreed to.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. Section 6 is amended by the addition of the following new subsection:

"(4) In addition to the number of positions which may be placed in GS–16, GS–17, and GS–18, under section 5108 of title 5, United States Code, not to exceed ten positions may be placed in GS–16, GS–17, and GS–18, to carry out the functions of the Commission. The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5 of the United States Code, and shall continue only for the duration of the exercise of functions of the Commission."

AMENDMENT OFFERED BY MR. CELLER

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

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 3, lines 12 through 22, strike all of section 4 as set forth in lines 12 through 22 of the bill.

Mr. CELLER. Mr. Chairman, this amendment would eliminate provisions from the bill authorizing 10 supergrade positions on the commission.

Supergrade officials were the subject of a great deal of criticism. Whether that criticism is warranted or not I cannot say. However, the allegations have been made. As I said before, there is a cloud, as it were, hovering over the commission because of some of the actions of the supergrade officials.

I think in the light, as I said before, of the investigation that is now ensuing, we should wait to see whether or not we should reinstate these supergrades, and the next session of Congress could well do that.

There have been charges of nepotism, favoritism, political skulduggery, and what have you. I do not know whether those charges are true. I do not say they are true, but I think they are important enough to investigate.

For these reasons I think it would be well at this juncture not to have the power resident in anyone to make these appointments until the investigation has been had and the next Congress can work its will.

Mr. HENDERSON. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. HENDERSON. I am delighted to commend the gentleman and join in the support of this amendment.

I think the action by way of the amendment offered by the gentleman from New York is the best action that can be taken at this time. I will make it quite easy for those of us on the Committee on Post Office and Civil Service, who do have a concern about the supergrade authority here given, to support this legislation.

I assure the gentleman of our assistance in the next session of Congress to provide whatever necessary personnel is required for the commission.

Mr. GROSS. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. GROSS. I wish to commend the gentleman from New York for his amendments, particularly those striking sections 3 and 4 of the bill.

In the first instance, section 3 is an unconscionable delegation of power and should never have been in this legislation in any form.

Section 4 is a matter that rightfully comes within the purview of the Committee on Post Office and Civil Service and the subcommittee of which the distinguished gentleman from North Carolina (Mr. HENDERSON) is the chairman.

Again I commend the gentleman from New York (Mr. CELLER), for the amendments he has offered to this bill.

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

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

Mr. SMITH of New York. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York, the chairman of the full committee.

I should like to say for the benefit of the gentleman from Iowa that the Committee on the Judiciary did not act in regard to the supergrades until we had the approval and the OK of the Committee on Post Office and Civil Service.

We had gone through the bill once before, so we decided we would wait until we had the approval of the committee.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WILLIAMS

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

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: Page 3, immediately after line 22, add the following new section:

SEC. 5. Section 6(b)(3) is amended to read as follows:

"(3) All decisions shall be made by the full Commission, including those proposals from Advisory Committees or Panels and any Executive Committee. However, the Commission may delegate such powers and duties to the Director (with the power to redelegate) as necessary for the day-to-day, efficient operation and management of the Commission staff. The Commission shall meet at least bimonthly, and special meetings of the Commission may be called by the Chairman, and a quorum for the Commission shall be one more than half the number of Commissioners."

Mr. WILLIAMS. Mr. Chairman and Members of the Committee, the American Revolution Bicentennial Commission (ARBC) was actually formed in 1966 by an act of Congress. Of course, it took some time before the membership of the ARBC was selected and the ARBC was funded by this Congress.

To date, the progress of the ARBC toward developing a proper commemoration for the 200th anniversary of this country has been virtually nonexistent.

It is true that the ARBC has announced its endorsement of such things as Mount Rushmore, Rainbow Center—a redevelopment project in Niagara, N.Y.—the AMA drive to find a cure for sickle cell anemia and the Winter Olympics in Colorado in 1976. While endorsement of these projects is quite nice, they have nothing to do with the American Revolution and all of the projects have been funded by other agencies.

I was appointed to the ARBC on September 16, 1971, by the Speaker of the House, the Honorable CARL ALBERT, upon the recommendation of the minority leader, Mr. GERALD R. FORD, and I was truly looking forward to participating in developing the plans for a bicentennial commemoration which would be worthy of this great country of ours.

The full ARBC membership, when at full strength, consists of 50 members, selected to represent a cross section of the United States. I was dumbfounded to learn that the full commission of the ARBC is seldom used, knows little about that which is actually going on and serves in a most frustrating capacity.

The reason for this is that the ARBC has formed an executive committee of 10 members, even though there is no provision to be found anywhere in the law that provides for an executive committee. The 10-member executive committee makes virtualy all of the decisions for the ARBC and the ARBC commission members are notified of these actions weeks later, and sometimes not at all. The fact is that the executive committee meets monthly, or more often when it is deemed necessary by the Chairman. The full Commission meets only quarterly. This is not spelled out any place in the law, but simply represents the deterioration of the operation of the ARBC.

Under the functions of the 10-member executive committee which has recently been increased to 18 members, it takes six members to constitute a quorum; therefore, four members can make a decision for the entire Commission. If one of the six members decides to abstain, three can make the decision. This makes the concept of a 50-member ARBC, representing a cross section of the people of the United States, nothing but a mockery. As an example on February 21, 1972, the full Commission unanimously adopted the following resolution—

That the concept of the Bicentennial Parks is recommended by the Commission as a constructive and exciting concept; that this concept be studied by the staff; utilizing the resources available in the Federal and State Governments, the State Bicentennial Commissions and the private sector, in order to determine the feasibility of the concept; and the results of this study be presented to the ARBC for consideration at the earliest possible date; and that the Chairman of the ARBC be asked to present this concept and this resolution to the Governors of the States and their representatives at the National Bicentenial Conference on Febuary 22, 1972, and the National Governors' Conference on February 24, 1972.

This resolution is clearly a mandate to the 87-member staff of the ARBC to conduct a feasibility study on the Bicentennial Park concept.

Yet, on July 10, 1972, officers of the ARBC signed a contract with Booz, Allen & Hamilton, Inc., for phase I of the feasibility study on the Bicentennial Park concept. The commissioners of the ARBC were notified of this action by means of a letter from the Chairman, Mr. David J. Mahoney, on July 25, 1972.

Obviously, the executive committee had overruled the full commission and had decided to have a private consulting firm do the feasibility study rather than follow the directive of the full commission that the staff should do this study.

The fact is that even as I stand before you now, I do not know what the 87-member ARBC staff, with 21 of them making over $30,000 annually, as of the middle of June, are doing to develop a proper bicentennial commemoration for this country.

In order to make the progress we should have been making years ago, I have offered an amendment which would return to the full American Revolution Bicentennial Commission the powers necessary to make decisions and to have all advisory panels and committees and any executive committee report to the full commission which will make the decisions.

My amendment also provides that the full commission shall set guidelines under which such powers will be delegated to the director as will be necessary for the day to day, efficient operation and management of the commission staff. My amendment also provides for the full commission to meet bimonthly and special meeting may be called by the chairman.

I urge the adoption of this amendment as the only practical means of staging a bicentennial commemoration worthy of our great country.

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

Mr. Chairman and Members of the House, my opposition to this amendment is because I fear that it would have the effect of limiting the commission in its efforts to expedite its own procedures in providing for the logical handling of its functions and its work.

The Commission numbers 50 members and in addition to the 25 members appointed from the private sector, there are an equal number of Government representatives including Cabinet officers and high ranking officials.

The operation contemplated by this amendment would require that the full Commission make virtually all decisions concerning the work of the Commission in a meeting which is held only once every 2 months. This would not meet the practical requirements of the work of directing this national observance.

In further commenting on the remarks made by the gentleman from Pennsylvania, I might say that if there are any abuses going on within the committees that are set up by the Commission, the Commission itself at any one of its meetings which are held once every 2 months, is in a position to correct them.

Now, if the executive committee is exercising unusual power, the Commission should define what the powers are and what its authority is.

I say that this is an internal Commission function that should be taken care of by the Commission itself and should not necessarily become part of the basic law.

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

Mr. DONOHUE. I am glad to yield to the gentleman.

Mr. WILLIAMS. Mr. Chairman, I would also like to call to your attention that when I say that the executive committee assists or makes all of the decisions that the full Commission, part of this procedure at the May 16 meeting in Boston, I was the only congressional representative present and one of the main difficulties today with the Commission is that there are too many members on the Commission who like the prestige of being on the Commission, but do not want to devote their time and energy to it to make it work.

I think my amendment will overcome this. When the gentleman says the commission meets every 2 months, the com-

mission has been meeting quarterly, and the bimonthly meetings were passed at the last commission meeting only as a result of what has been happening in this case with this bill being pulled off of the calendar, with it being defeated under the suspension of the rules.

I do care what the commission does. What we have to be certain of is that the commission is facing up to its responsibility. We have a quorum of this commission living within 100 miles of Washington, and if we have to meet once a month, let us meet once a month. It would be just as easy, unless we adopt my amendment, for the commission at the next meeting to decide they are going to meet twice a year.

Mr. DONOHUE. I think the gentleman would agree at the September meeting it was decided that the Commission would meet once every 2 months.

Mr. WILLIAMS. Bimonthly. Prior to that it was quarterly, four times a year.

Mr. DONOHUE. At the present time it has been determined by the commission itself that their meetings would be held once every 2 months.

Mr. WILLIAMS. Yes, and what I am saying to the gentleman further is that at the next meeting they might just decide to meet twice a year.

Mr. CELLER. Mr. Chairman, I move to strike out the last word. Again I want to repeat that the Committee on the Judiciary will examine all of these phases that the gentleman who was the sponsor of this pending amendment has suggested, but to ask the entire Commission of 50 members to take care of the daily chores of this Commission would impose upon the members an impossible task.

Let us see who the members of the Commission are. There are to be four Members of the Senate to be appointed by the President of the Senate, four Members of the House, to be appointed by the Speaker, the Secretary of State, the Secretary of Treasury, the Attorney General, the Secretary of the Interior, the Secretary of Defense, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Health, Education, and Welfare, the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, the Chairman of the Federal Council on the Arts and the Humanities, all of whom shall be ex officio members of the Commission; and in addition four members of the Federal judiciary to be appointed by the Chief Justice of the United States, and 25 members from the private sector.

Those are all important members—at least most of them are. A quorum would be 26 members. Requiring 26 members to assemble every time the Commission meets in order to do business would put a superhuman burden on this Commission. I do not see how the Commission could operate. No corporation operates with the necessity of the board of directors being present. The officers of the corporation usually act.

Here you have a Director. You have three Deputy Directors. We must place some confidence in the Director. If the Director has not functioned properly, fire him.

This investigation that we are conducting will determine whether the present director is a good man or an indifferent man or a man not worthy of the job.

If he is worthy of the job we must give him responsibilities, we must repose some faith and confidence in him, but to hobble the Commission this way I think would be most ill-advised, namely to require a majority of the 50 members in order to have the Commission function and that they are to meet at least twice a month. It may be necessary to meet more than twice a month. I therefore hope that the amendment will not prevail.

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

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

Mr. WILLIAMS. Mr. Chairman, first, as far as the Director is concerned, let me state my amendment states this:

> The Commission may delegate such powers and duties to the Director (with the power to redelegate) as necessary for the day-to-day efficient operation and management of the Commission staff.

The Members have all read the series of articles that appeared in the Post. They all know about the hanky-panky that was taking place in the Commission under the Executive committee. When we say we have got to have confidence in them, then I say to the Members that unless we adopt this amendment before this investigation can be completed we are going to have a few more things to face up to that we certainly would want to avoid.

Mr. CELLER. I think the fact that we are considering this bill will have the effect of cleaning up the Augean stable. I am quite sure that the Director and others under him have taken heed already and they are probably amending their ways. As I said, if they are found to be derelict, oust them, but let us wait until the investigation has been completed.

Mr. WILLIAMS. We cannot can the Commissioners who are appointed by the President or designated by law. All I say to the gentleman from New York (Mr. CELLER) is that we just cannot can them. We are all ashamed of what has happened under the present ARBC setup which is going to continue until January. In the meantime it is not a superhuman burden for the Commission to meet twice monthly.

Mr. CELLER. This is what I say. We would be hobbling and impeding them in the work of the Commission. The work of the Commission is important. I do not want to stop the work of this Commission. I do not think the gentleman does either. It is extremely important to the Nation.

Mr. WILLIAMS. But I want the Commission to run the affairs of the Commission.

Mr. SMITH of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I can understand the concern of the gentleman from Pennsylvania who is a member of the Commission, but I must say that the gentleman's amendment would make the work of the Commission impossible as a practical matter. His amendment says:

> All decisions shall be made by the full Commission, including those proposals from Advisory Committees or Panels and any Executive Committee—The Commission shall meet at least bi-monthly—

And so on.

Mr. Chairman, these are all matters that should be developed by the rules of the Commission. The Commission can set its own rules. It can create an executive committee if it wishes to, which it has already done. The Commission can say what powers and duties the executive committee can have, or whether it shall have no power. But if the gentleman's amendment is adopted it would require all decisions be made by the full Commission. The Commission itself has already voted at its September meeting to have bimonthly meetings. It is the Commission's duty as an internal matter to set forth in what manner the Commission shall work, whether this executive committee is to have power, and if there is an executive committee how much power it shall have. This should not be frozen into the law but should be a matter of the Commission's own internal regulations made by its own rules, which it may do at any regular meeting of the Commission.

I hope Mr. Chairman, that the Members will reject this amendment because it will make the day-to-day work of this Commission almost impossible to carry out.

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

Mr. SMITH of New York. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, is it not true that most of the people on this Commission were either appointed by the President or have been involved because they have an important contribution to make, and would it not be correct to make sure that these people participate in the decisionmaking machinery of this activity since they represent all 50 States?

Mr. SMITH of New York. The Commission has voted at its September meeting that all policy decisions will be made by the full Commission.

Mr. ROUSSELOT. But still I do not see how the amendment of the gentleman from Pennsylvania does damage to that concept. I think it encourages full participation. Is that not what we are trying to achieve with this Commission, full participation? Are we not trying to achieve full participation by all Commission members? Is that not true?

Mr. SMITH of New York. I would say to the gentleman that if I remember correctly the gentleman said a majority of this Commission lives within 100 miles of Washington, D.C.

Mr. ROUSSELOT. All right, so that is even more reason why they should be allowed to participate in the decisionmaking.

Mr. SMITH of New York. My point is that these people do now participate in decisionmaking to the full extent of their desire.

Mr. ROUSSELOT. That is all the amendment of the gentleman from Pennsylvania does.

Mr. SMITH of New York. But the Commission itself can set its own rules, its own regulations of its executive committee and whether it shall have an executive committee. That is part of its own internal decisions. What I am saying is that the Commission, no more than a corporation's full board of directors, should be required to make every decision if they do not want to do so by their own rules. This is what the gentleman's amendment does.

Mr. ROUSSELOT. But, these 50 people were appointed either by the President and/or other representative groups. The Speaker of the House has appointed four of our Members. I think if we can be assured by this amendment that we have brought participation input into this very important event in our history, the gentleman from Pennsylvania has offered a very wise amendment.

If the gentleman from New York does say that there should be full participation, that is what the amendment of the gentleman from Pennsylvania does.

Mr. SMITH of New York. Well, if the gentleman will pardon me, I must say that the Commission now can fully participate.

Mr. ROUSSELOT. Except that this executive committee has evidently been making a lot of decisions that have not taken into consideration the thinking of the full Commission.

Mr. SMITH of New York. The executive committee is a creature of the full Commission and consists of Commissioners.

Mr. ROUSSELOT. I understand that. That is the point the gentleman from Pennsylvania is making. They have not been consulting the full Commission.

Mr. SMITH of New York. Well, this is a matter for the full Commission to determine by their own rules.

Mr. ROUSSELOT. I think it is a matter for this House right now to insure that the full Commission has its right of complete participation protected and that it is not being done from somebody's hip pocket.

Mr. SMITH of New York. I must say the full Commission does have full participation. I would hope it is not in somebody's hip pocket. It should make its own recommendations and its own rules.

Mr. ROUSSELOT. That is exactly the point the gentleman from Pennsylvania is making. He is a member of that Commission. This House should support the Williams amendment.

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

I yield to my colleague from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, let me say this: What my amendment said is that the Commission shall meet at least bimonthly, and special meetings of the Commission may be called by the Chairman; that a quorum for the Commission shall be one-half the number of Commissioners, plus one. The fact of the matter is, as I have stated before, we do have some Commissioners who are interested only in the prestige or the title.

Mr. SMITH was quite wrong when he indicated that the full Commission would have to be present in order for the Commission to make a decision. A quorum is only one-half the total number of Members on the Commission at any given time, plus one.

I can tell you that I watched this operation from the time I was appointed by the Speaker of this House on September 16, 1971.

I tried to get them to change their method of operation. I talked to other congressional members, and when this whole thing broke in the newspaper; when magazines all over this country were carrying articles highly detrimental to the ARBC, one congressional member said to me, "You saw this coming, did you not," and I said, "Yes, why do you think I have been talking to you?"

Mr. Chairman, I say we are just going to leave things to the Commission to operate, we are going to continue in the same morass we had before. To put this in the law that the Commission will make the decisions and a quorum is one more than one-half of the Commission simply assures us of full participation.

I can tell you, the congressional members of this ARBC, plus many of the representatives from the public sector, did not know some of the things that have been done by the executive committee until they read them in the newspapers.

I believe this is a deplorable situation which can only be corrected by my amendment.

I thank the gentleman for yielding.

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

Mr. Chairman and Members of the House, I have listened avidly to the discussion. All the Members heard my comments previously. Since the question was originally on the floor, and we defeated it under a suspension of the rules, I have on numerous occasions put matters in the RECORD which reflect on what I think is wrong. One of the things wrong with this Commission is its leadership.

I served on the Centennial Commission for the Civil War. There was not any need for this kind of a rule then, because we had regular meetings and people came. We had meetings at places where people could come. We also left the Commission with the impression that they were important and we wanted to hear them. This made a difference.

The present Bicentennial Commission leadership has not acted like they wanted the Commission membership counsel. We will not ruin the Commission if we accept this amendment. We will assure some participation, and we will let these people know they are wanted and needed.

I rise in support of the amendment.

Later I will have some comments to make on other things I believe are wrong that need to be considered.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for his support.

Let me also tell the members of the committee that it was not until the last meeting of the Commission that the public or the press were even allowed to attend.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS).

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 31, noes 23.

So the amendment was agreed to.

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

Mr. Chairman, I am glad the committee has seen fit to offer the three amendments previously considered, because I believe they make this a more acceptable bill. I believe this will better suit the Members of the House.

We all know the difficulties the Commission has had. I should like to pass on one additional thought, that the Commission should attempt to establish policies of a national nature and not try to tell the States specifically what kind of a project they ought to have.

If the Commission did that and set about to dedicate itself to establishing the kind of principles and policies that will make 1976 a great year, I think the States would and will join hands. The States want leadership, but I do not think the States want to be told exactly what kind of projects they ought to have.

I think surely that is the understanding we ought to emphasize. I think, as it has been suggested, we should give more encouragement to the States to establish and advance their own projects.

I think my State is as advanced as any of the 50 States in trying to project good programs, and if the Commission would just establish the policies and let the States establish their own programs, I think it will be a great year we can look forward to in 1976.

Mr. WILLIAMS. Will the gentleman yield?

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

Mr. WILLIAMS. Mr. Chairman, I would like to say to the gentleman that the ARBC has been encouraging each and every State to set up its own American Revolutionary Bicentennial Commission. Most of the States have set up their own ARBC's. A few of the States have delegated the responsibility to existing ARBC's, and this is why I spoke about the additional funding of the States, the funding of their own ARBC's.

I would also hope that when the total figure becomes known as to how much each State is going to expend in properly celebrating our 200th birthday, the Federal Government will pick up a share of the State's cost. In the meantime, I can assure the gentleman that every State is being encouraged to select the way it wants to celebrate the exposition in that State, and the ARBC on the Federal level is not interfering with that function whatsoever.

Mr. PICKLE. I appreciate the gentlemans' remarks, and I hope that is the policy and that it will be maintained.

Mr. SCHWENGEL. I move to strike out the last word.

First, I would like to ask the chairman of the subcommittee a question for clarification.

First, what we are doing here is authorizing the Commission a new life until February 15; is that right?

Mr. DONOHUE. That is right.

Mr. SCHWENGEL. Second, we have made some corrections and improve-

ments with some amendments, and with those the Commission can function until that time.

Let me repeat an earlier question: When we have testimony on this before the committee, will it be possible to consider amendments to the basic law?

Mr. DONOHUE. That is always our system, that it is permissible to submit a bill amending any existing law.

Mr. SCHWENGEL. Also at the time you have amended it, you have the GAO report and the other studies by the committee?

Mr. DONOHUE. That is right. And the Congress will have the benefit of their reports and their studies and their recommendations.

Mr. SCHWENGEL. Mr. Chairman, as the gentleman knows, I have visited with eminent and ranking Members on his side, and a number of people who are very prominent historians of the country. They have been aware and have shown great concern about what this Commission is doing and not doing.

Therefore, can the chairman give me some assurance that we will have the ear of the staff in counseling them on their own studies and can they have an opportunity to make suggestions?

Mr. DONOHUE. Well, as the chairman of the full committee pointed out, he has designated members of his staff to conduct a study of the activities and the funding and the operations of the committee. Along with that, we have committee studies, and the GAO is also conducting a study.

Now, reports will be made to the full Judiciary Committee, and they undoubtedly will be referred to our subcommittee, at which time we will review and examine the findings and the recommendations of the two study groups, and we will be most willing to hear from any Member who wishes to submit any additional recommendations.

Mr. SCHWENGEL. I thank the gentleman for that assurance.

One further question: There is in this country an organization called the American Association of State and Local Histories. It has 5,000 organization members, and it is a rather prestigious organization.

Would it be possible the head of that organization, Mr. William Alderson, to appear before the committee? He has some ideas and some concepts that are very worthwhile. And he has not been able to get the ear of the Commission or of the staff of the Commission up to now. Would he have a chance to come before this committee to offer suggestions and make comments and answer questions for the committee?

Mr. DONOHUE. The members of the Committee on the Judiciary are most willing and very happy to receive constructive suggestions that would enable them to improve the existing law and the conditions that may be associated with the commission.

Mr. SCHWENGEL. I thank the gentleman for these assurances. I wanted it for the RECORD so that those who have an interest in this matter across the country can be assured that they will have the ear of the committee when the time comes for them to be heard.

I asked the questions also because I had planned to offer amendments, but with these assurances I will not offer them.

The amendment that I have would make this Commission's operation somewhat similar to previous Commissions set up by this Congress. Specifically, the Commission would elect its own chairman and vice chairman. This is a very important distinction that we should give consideration to.

Mr. Chairman, a further comment would indicate an additional reason for my unhappiness with the Bicentennial Commission is the fact that they have not laid out a program of publications by competent writers and historians who, from this vantage point 200 years later, could make a magnificent contribution that would help us all to better understand and appreciate some of the early hard beginnings of our Nation. A fine example was recently written by Miss Bowen entitled, "The Miracle at Philadelphia."

Mr. Chairman, during the centennial of the Civil War time, the Civil War Centennial Commission, at the suggestion of Al Nevins, its chairman, commissioned some 15 different authors to write a series of books called, "Impact Series." These stand out as a great example of what can be done and, in this instance, certainly should be done.

I am unhappy also because the Commission has done little or nothing to help guide a proper study and commemoration in our public schools. It has not sought to harness the talents of great private organizations who would be glad, with help and encouragement, to do a series of stories about the Revolution on the radio that could have a great impact. These programs could later be put in a book comparable to a book published in 1956 entitled, "The American Story," authored by some 56 different authors, under such titles as "The Age of Exploration," "Toward the Setting Sun," "William Penn, Founder of Colonies," "The Father of the Yankees," and "The Voice of Northern Industrialism: Benjamin Franklin." All of these were authored by great writers and students.

Mr. Chairman, there is a great need for the Congress to take a very serious look at what the Commission has failed to do and to seek the help and counsel of important people to redirect its activities and help us in the proper way to more adequately, fully, and dramatically commemorate the 200th birthday of the Declaration.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOLIFIELD) having assumed the chair, Mr. GONZALEZ, 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. 13694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, pursuant to House Resolution 1081, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. CELLER. Mr. Speaker, I demand a separate vote on the so-called Williams amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Page 3, immediately after line 22, add the following new section:

SEC. 5. Section 6(b)(3) is amended to read as follows:

"(3) All decisions shall be made by the full Commission, including those proposals from Advisory Committees or Panels and any Executive Committee. However, the Commission may delegate such powers and duties to the Director (with the power to redelegate) as necessary for the day-to-day, efficient operation and management of the Commission staff. The Commission shall meet at least bi-monthly, and special meetings of the Commission may be called by the Chairman, and a quorum for the Commission shall be one more than half the number of Commissioners."

Mr. SMITH of New York. Mr. Speaker, that was not the amendment that we had before us here that was just read by the Clerk.

The SPEAKER pro tempore. The Chair is informed that is the amendment that was read and adopted.

The Clerk will rereport the amendment.

The Clerk reread the amendment.

The SPEAKER pro tempore. The question is on the amendment.

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

Mr. WILLIAMS. 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.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, I believe that the request of the gentleman from Pennsylvania, (Mr. WILLIAMS), for a rollcall vote comes too late.

The SPEAKER pro tempore. The Chair will state that the Chair had announced his opinion of the vote, but had not proceeded to the next question.

Does the gentleman from Pennsylvania insist upon his point of order that a quorum is not present and object to the vote on the ground that a quorum is not present?

Mr. WILLIAMS. I do, Mr. Speaker.

The SPEAKER pro tempore. 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 145, nays 182, not voting 103, as follows:

[Roll No. 390]

YEAS—145

Abbitt	Grasso	Podell
Abernethy	Green, Pa.	Railsback
Alexander	Griffin	Randall
Anderson, Calif.	Haley	Reuss
	Hall	Riegle
Anderson, Tenn.	Hamilton	Roberts
	Hansen, Wash.	Robinson, Va.
Andrews, Ala.	Hays	Roe
Annunzio	Hechler, W. Va.	Rooney, Pa.
Archer	Heckler, Mass.	Roush
Ashbrook	Helstoski	Rousselot
Ashley	Henderson	Roybal
Aspinall	Hicks, Wash.	Runnels
Barrett	Hogan	Ruth
Begich	Hull	St Germain
Biester	Ichord	Satterfield
Blatnik	Jacobs	Scherle
Brinkley	Jarman	Schneebeli
Burke, Fla.	Johnson, Pa.	Schwengel
Burke, Mass.	Jones, Ala.	Sebelius
Burleson, Tex.	Karth	Slack
Byrne, Pa.	Kee	Smith, Calif.
Byron	King	Smith, Iowa
Casey, Tex.	Landrum	Snyder
Chappell	Leggett	Spence
Clancy	Link	Steed
Clawson, Del	Long, La.	Steiger, Ariz.
Collins, Tex.	McClure	Stephens
Conover	McCormack	Stubblefield
Coughlin	McDade	Stuckey
Crane	McEwen	Teague, Tex.
Daniel, Va.	McFall	Thompson, Ga.
Daniels, N.J.	Mahon	Thompson, N.J.
Davis, Ga.	Mathis, Ga.	Tiernan
Dent	Meeds	Van Deerlin
Devine	Miller, Ohio	Vanik
Dickinson	Mills, Ark.	Veysey
Diggs	Minish	Wampler
Dingell	Mink	Ware
Downing	Mizell	Whalley
Eilberg	Montgomery	Whitehurst
Evins, Tenn.	Moorhead	Whitten
Fisher	Morgan	Williams
Flynt	Moss	Wydler
Ford, William D.	Natcher	Yatron
	Nedzi	Young, Tex.
Fraser	Nix	Zablocki
Gaydos	Obey	Zion
Goldwater	O'Hara	
Goodling	Poage	

NAYS—182

Adams	Dellums	Lent
Addabbo	Dennis	Lloyd
Anderson, Ill.	Donohue	Long, Md.
Andrews, N. Dak.	Drinan	McCloskey
	Dulski	McCollister
Arends	Duncan	McKevitt
Badillo	Eckhardt	Macdonald, Mass.
Baker	Esch	
Belcher	Fascell	Madden
Bennett	Findley	Mailliard
Bergland	Fish	Mallary
Biaggi	Flood	Mann
Bingham	Foley	Martin
Blackburn	Ford, Gerald R.	Mathias, Calif.
Boggs	Forsythe	Matsunaga
Boland	Fountain	Mayne
Bolling	Frelinghuysen	Mazzoli
Bow	Frenzel	Melcher
Brasco	Fuqua	Metcalfe
Bray	Garmatz	Michel
Brooks	Giaimo	Mills, Md.
Broomfield	Gonzalez	Minshall
Brotzman	Gross	Mollohan
Brown, Ohio	Grover	Mosher
Broyhill, N.C.	Gubser	Myers
Broyhill, Va.	Gude	Nelsen
Burlison, Mo.	Halpern	O'Konski
Burton	Hanley	O'Neill
Camp	Hansen, Idaho	Pelly
Carey, N.Y.	Harrington	Perkins
Carney	Harsha	Pettis
Carter	Heinz	Pickle
Cederberg	Hicks, Mass.	Pike
Celler	Hillis	Powell
Chamberlain	Holifield	Preyer, N.C.
Chisholm	Horton	Price, Ill.
Clausen, Don H.	Hungate	Quie
	Hutchinson	Quillen
Cleveland	Johnson, Calif.	Rangel
Collier	Kastenmeier	Rarick
Collins, Ill.	Kazen	Rees
Colmer	Keating	Reid
Conable	Keith	Rodino
Corman	Kemp	Rogers
Cotter	Kluczynski	Roncalio
Culver	Koch	Rosenthal
Danielson	Kyl	Rostenkowski
Davis, Wis.	Kyros	Roy
de la Garza	Landgrebe	Ruppe
Delaney	Latta	Sandman
Sarbanes	Steele	Waggonner
Seiberling	Steiger, Wis.	Whalen
Shipley	Stratton	White
Shoup	Sullivan	Widnall
Sikes	Symington	Wilson, Bob
Skubitz	Taylor	Wolff
Smith, N.Y.	Teague, Calif.	Wyatt
Springer	Terry	Wylie
Staggers	Thomson, Wis.	Wyman
Stanton, J. William	Thone	Young, Fla.
	Udall	Zwach
Stanton, James V.	Vander Jagt	
	Vigorito	

NOT VOTING—103

Abourezk	Frey	Mitchell
Abzug	Fulton	Monagan
Aspin	Galifianakis	Murphy, Ill.
Baring	Gallagher	Murphy, N.Y.
Bell	Gettys	Nichols
Betts	Gibbons	Passman
Bevill	Gray	Patman
Blanton	Green, Oreg.	Patten
Brademas	Griffiths	Pepper
Brown, Mich.	Hagan	Peyser
Buchanan	Hammer-schmidt	Pirnie
Byrnes, Wis.		Price, Tex.
Cabell	Hanna	Pryor, Ark.
Caffery	Harvey	Pucinski
Carlson	Hastings	Purcell
Clark	Hathaway	Rhodes
Clay	Hawkins	Robison, N.Y.
Conte	Hébert	Rooney, N.Y.
Conyers	Hosmer	Saylor
Curlin	Howard	Scheuer
Davis, S.C.	Hunt	Schmitz
Dellenback	Jonas	Scott
Denholm	Jones, N.C.	Shriver
Derwinski	Jones, Tenn.	Sisk
Dorn	Kuykendall	Stokes
Dow	Lennon	Talcott
Dowdy	Lujan	Ullman
du Pont	McClory	Waldie
Dwyer	McCulloch	Wiggins
Edmondson	McDonald, Mich.	Wilson, Charles H.
Edwards, Ala.		
Edwards, Calif.	McKay	Winn
Erlenborn	McKinney	Wright
Eshleman	McMillan	Yates
Evans, Colo.	Mikva	
Flowers	Miller, Calif.	

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Rhodes.
Mr. Hébert with Mr. Robison of New York.
Mr. Denholm with Mr. Peyser.
Mr. Fulton with Mr. Buchanan.
Mr. Gray with Mr. Erlenborn.
Mrs. Green of Oregon with Mr. Eshleman.
Mr. Nichols with Mr. Jonas.
Mr. Bevill with Mr. Schmitz.
Mr. Brademas with Mr. Derwinski.
Mr. Passman with Mr. Betts.
Mr. Caffery with Mr. Dellenback.
Mr. Cabell with Mr. Brown of Michigan.
Mr. Jones of Tennessee with Mr. Kuykendall.
Mr. Sisk with Mr. Talcott.
Mr. Charles H. Wilson with Mr. Bell.
Mr. Yates with Mr. Conte.
Mr. Mikva with Mr. Harvey.
Mr. Clark with Mr. Saylor.
Mr. Howard with Mr. du Pont.
Mr. Hawkins with Mr. Baring.
Mr. Stokes with Mr. Scheuer.
Mr. Murphy of Illinois with Mr. McKinney.
Mr. Patten with Mr. Hunt.
Mr. Edwards of California with Mr. Byrnes of Wisconsin.
Mr. Murphy of New York with Mr. Hastings.
Mr. Jones of North Carolina with Mr. McDonald of Michigan.
Mr. Hanna with Mr. Hosmer.
Mr. Abourezk with Mrs. Abzug.
Mr. Ullman with Mr. Clay.
Mr. Waldie with Mr. Mitchell.
Mr. Dow with Mr. Pirnie.
Mr. Davis of South Carolina with Mr. Scott.
Mr. Evans of Colorado with Mr. Winn.
Mr. Purcell with Mr. Price of Texas.
Mr. Gettys with Mr. Shriver.
Mr. Gibbons with Mr. Frey.
Mr. Lennon with Mr. Edwards of Alabama.
Mr. Wright with Mr. Hammerschmidt.
Mr. Aspin with Mr. Lujan.
Mr. McKay with Mr. McClory.
Mr. Edmondson with Mr. Patman.
Mr. Galifianakis with Mr. Conyers.
Mr. Miller of California with Mr. Wiggins.
Mr. Blanton with Mr. McCulloch.
Mr. Flowers with Mr. Carlson.
Mrs. Griffiths with Mrs. Dwyer.
Mr. Pucinski with Mr. Dorn.
Mr. Pepper with Mr. Hogan.
Mr. Pryor of Arkansas with Mr. McMillan.
Mr. Hathaway with Mr. Curlin.
Mr. Gallagher with Mr. Dowdy.

Messrs. ROONEY of Pennsylvania and RUNNELS changed their votes from "nay" to "yea."

Messrs. SPRINGER and SHOUP changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

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. VAN DEERLIN. 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 300, nays 19, not voting 111, as follows:

[Roll No. 391]

YEAS—300

Abbitt	Camp	Foley
Abernethy	Carey, N.Y.	Ford, Gerald R.
Adams	Carney	Forsythe
Addabbo	Carter	Fountain
Alexander	Casey, Tex.	Fraser
Anderson, Ill.	Cederberg	Frenzel
Anderson, Tenn.	Celler	Fuqua
	Chamberlain	Garmatz
Andrews, Ala.	Chappell	Gaydos
Andrews, N. Dak.	Clancy	Giaimo
	Clausen, Don H.	Gonzalez
Annunzio		Goodling
Archer	Clawson, Del	Green, Pa.
Arends	Cleveland	Griffin
Ashbrook	Collier	Gross
Ashley	Collins, Tex.	Grover
Aspinall	Colmer	Gubser
Baker	Conable	Gude
Barrett	Conover	Haley
Begich	Corman	Hall
Belcher	Cotter	Halpern
Bennett	Coughlin	Hamilton
Bergland	Crane	Hanley
Biaggi	Culver	Hansen, Idaho
Biester	Daniel, Va.	Hansen, Wash.
Bingham	Daniels, N.J.	Harrington
Blackburn	Danielson	Harsha
Blatnik	Davis, Ga.	Hays
Boggs	Davis, Wis.	Heinz
Boland	de la Garza	Helstoski
Bolling	Delaney	Henderson
Bow	Dellums	Hicks, Mass.
Brasco	Dennis	Hicks, Wash.
Bray	Dent	Hillis
Brinkley	Devine	Hogan
Brooks	Dickinson	Holifield
Broomfield	Dingell	Horton
Brotzman	Donohue	Howard
Brown, Mich.	Downing	Hull
Brown, Ohio	Drinan	Hutchinson
Broyhill, N.C.	Dulski	Ichord
Broyhill, Va.	Duncan	Jacobs
Burke, Fla.	Esch	Jarman
Burke, Mass.	Evins, Tenn.	Johnson, Calif.
Burleson, Tex.	Findley	Johnson, Pa.
Burlison, Mo.	Fish	Jones, Ala.
Burton	Fisher	Karth
Byrne, Pa.	Flood	Kastenmeier
Byron	Flynt	Kazen

Keating	Myers	Smith, Iowa
Kee	Natcher	Smith, N.Y.
Keith	Nedzi	Snyder
Kemp	Nelsen	Spence
King	Nix	Springer
Kluczynski	Obey	Staggers
Koch	O'Neill	Stanton,
Kyl	Pelly	J. William
Kyros	Perkins	Stanton,
Landgrebe	Pettis	James V.
Landrum	Pickle	Steed
Latta	Pike	Steele
Lent	Poage	Steiger, Wis.
Link	Podell	Stephens
Lloyd	Powell	Stubblefield
Long, Md.	Preyer, N.C.	Stuckey
McCloskey	Price, Ill.	Symington
McClure	Quie	Taylor
McCollister	Quillen	Teague, Calif.
McCormack	Railsback	Terry
McDade	Randall	Thompson, Ga.
McEwen	Rarick	Thompson, N.J.
McFall	Reid	Thomson, Wis.
McKevitt	Reuss	Thone
Macdonald,	Roberts	Tiernan
Mass.	Robinson, Va.	Udall
Madden	Rodino	Ullman
Mahon	Roe	Vander Jagt
Mailliard	Rogers	Vanik
Mallary	Roncalio	Veysey
Mann	Rooney, Pa.	Vigorito
Martin	Rosenthal	Waggonner
Mathias, Calif.	Rostenkowski	Wampler
Mathis, Ga.	Roush	Ware
Matsunaga	Rousselot	Whalen
Mayne	Roy	Whalley
Meeds	Runnels	White
Melcher	Ruppe	Whitehurst
Metcalfe	Ruth	Whitten
Michel	St Germain	Widnall
Miller, Calif.	Sandman	Williams
Mills, Ark.	Sarbanes	Wilson, Bob
Mills, Md.	Satterfield	Wolff
Minish	Scherle	Wyatt
Mink	Schneebeli	Wydler
Minshall	Schwengel	Wylie
Mizell	Sebelius	Wyman
Mollohan	Shipley	Yatron
Montgomery	Shoup	Young, Fla.
Moorhead	Sikes	Young, Tex.
Morgan	Skubitz	Zablocki
Mosher	Slack	Zion
Moss	Smith, Calif.	Zwach

NAYS—19

Anderson,	Hechler, W. Va.	Riegle
Calif.	Hungate	Roybal
Badillo	Leggett	Seiberling
Chisholm	Miller, Ohio	Steiger, Ariz.
Collins, Ill.	O'Hara	Sullivan
Eckhardt	O'Konski	Van Deerlin
Eilberg	Rangel	

NOT VOTING—111

Abourezk	Frelinghuysen	Mikva
Abzug	Frey	Mitchell
Aspin	Fulton	Monagan
Baring	Galifianakis	Murphy, Ill.
Bell	Gallagher	Murphy, N.Y.
Betts	Gettys	Nichols
Bevill	Gibbons	Passman
Blanton	Goldwater	Patman
Brademas	Grasso	Patten
Buchanan	Gray	Pepper
Byrnes, Wis.	Green, Oreg.	Peyser
Cabell	Griffiths	Pirnie
Caffery	Hagan	Price, Tex.
Carlson	Hammer-	Pryor, Ark.
Clark	schmidt	Pucinski
Clay	Hanna	Purcell
Conte	Harvey	Rees
Conyers	Hastings	Rhodes
Curlin	Hathaway	Robison, N.Y.
Davis, S.C.	Hawkins	Rooney, N.Y.
Dellenback	Hébert	Saylor
Denholm	Heckler, Mass.	Scheuer
Derwinski	Hosmer	Schmitz
Diggs	Hunt	Scott
Dorn	Jonas	Shriver
Dow	Jones, N.C.	Sisk
Dowdy	Jones, Tenn.	Stokes
du Pont	Kuykendall	Stratton
Dwyer	Lennon	Talcott
Edmondson	Long, La.	Teague, Tex.
Edwards, Ala.	Lujan	Waldie
Edwards, Calif.	McClory	Wiggins
Erlenborn	McCulloch	Wilson,
Eshleman	McDonald,	Charles H.
Evans, Colo.	Mich.	Winn
Fascell	McKay	Wright
Flowers	McKinney	Yates
Ford,	McMillan	
William D.	Mazzoli	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gray for, with Mr. Charles H. Wilson against.

Mr. Murphy of Illinois for, with Mr. Conyers against.

Mr. Hébert for, with Mr. Mitchell against.

Mr. Denholm for, with Mrs. Abzug against.

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

Mr. Fulton for, with Mr. Stokes against.

Until further notice:

Mr. Bevill with Mr. Bell.

Mr. Nichols with Mr. Betts.

Mr. Murphy of New York with Mr. Hastings.

Mr. Mazzoli with Mr. Conte.

Mr. Teague of Texas with Mr. Rhodes.

Mr. Stratton with Mr. Pirnie.

Mr. Sisk with Mr. Talcott.

Mr. Gettys with Mr. Jonas.

Mrs. Green of Oregon with Mr. Robison of New York.

Mr. Flowers with Mr. Edwards of Alabama.

Mr. Fascell with Mr. Shriver.

Mr. Brademas with Mr. McClory.

Mr. Hawkins with Mr. Scheuer.

Mr. Waldie with Mr. Diggs.

Mr. Jones of North Carolina with Mr. Dellenback.

Mr. Yates with Mr. Hosmer.

Mr. Hanna with Mr. Goldwater.

Mr. Jones of Tennessee with Mr. Kuykendall.

Mr. Davis of South Carolina with Mr. Eshleman.

Mr. Dorn with Mr. Byrnes of Wisconsin.

Mr. Edwards of California with Mr. McKinney.

Mr. Evans of Colorado with Mr. Wiggins.

Mr. William D. Ford with Mr. Frelinghuysen.

Mrs. Grasso with Mrs. Heckler of Massachusetts.

Mr. Purcell with Mr. Price.

Mrs. Griffiths with Mr. Lujan.

Mr. Patten with Mr. Hunt.

Mr. Pepper with Mr. McCulloch.

Mr. Mikva with Mr. Derwinski.

Mr. Lennon with Mr. Buchanan.

Mr. Wright with Mr. Peyser.

Mr. Cabell with Mr. Carlson.

Mr. Aspin with Mr. Scott.

Mr. Clark with Mr. Saylor.

Mr. Dow with Mr. McDonald of Michigan.

Mr. Gibbons with Mr. Frey.

Mr. Baring with Mr. Gallagher.

Mr. Hathaway with Mr. du Pont.

Mr. McKay with Mr. Harvey.

Mr. Edmondson with Mr. Hammerschmidt.

Mr. Hagan with Mr. Galifianakis.

Mr. Rees with Mrs. Dwyer.

Mr. Pucinski with Mr. Erlenborn.

Mr. Pryor of Arkansas with Mr. Winn.

Mr. Passman with Mr. Schmitz.

Mr. Patman with Mr. McMillan.

Mr. Caffery with Mr. Blanton.

Mr. Curlin with Mr. Dowdy.

Mr. Long of Louisiana with Mr. Abourezk.

Mr. EVINS of Tennessee changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 13694, on the American Revolution Bicentennial Commission.

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

There was no objection.

CONFERENCE REPORT ON S. 2770, AMENDING FEDERAL WATER POLLUTION CONTROL ACT

Mr. JONES of Alabama (on behalf of Mr. BLATNIK) filed the following conference report and statement on the bill (S. 2770) to amend the Federal Water Pollution Control Act:

CONFERENCE REPORT (H. REPT. No. 92-1465)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2770) to amend the Federal Water Pollution Control Act, 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 disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Federal Water Pollution Control Act Amendments of 1972".

SEC. 2. The Federal Water Pollution Control Act is amended to read as follows:

"TITLE I—RESEARCH AND RELATED PROGRAMS

"DECLARATION OF GOALS AND POLICY

"SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

"(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

"(2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;

"(3) it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;

"(4) it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works;

"(5) it is the national policy that area-wide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State; and

"(6) it is the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into the navigable waters of the contiguous zone, and the oceans.

"(b) It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act. It is further the policy of the Congress to support and aid research relating to the prevention, reduction, and elimination of pollution, and to provide Federal technical services and financial aid to State and interstate agencies and municipalities in connection with the prevention, reduction, and elimination of pollution.

"(c) It is further the policy of Congress

that the President, acting through the Secretary of State and such national and international organizations as he determines appropriate, shall take such action as may be necessary to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, reduction, and elimination of pollution in their water and in international waters and for the achievement of goals regarding the elimination of discharge of pollutants and the improvement of water quality to at least the same extent as the United States does under its laws.

"(d) Except as otherwise expressly provided in this Act, the Administrator of the Environmental Protection Agency (hereinafter in this Act called 'Administrator') shall administer this Act.

"(e) Public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State under this Act shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes.

"(f) It is the national policy that to the maximum extent possible the procedures utilized for implementing this Act shall encourage the drastic minimization of paperwork and interagency decision procedures, and the best use of available manpower and funds, so as to prevent needless duplication and unnecessary delays at all levels of government.

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 102. (a) The Administrator shall, after careful investigation, and in cooperation with other Federal agencies, State water pollution control agencies, interstate agencies, and the municipalities and industries involved, prepare or develop comprehensive programs for preventing, reducing, or eliminating the pollution of the navigable waters and ground waters and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for the protection and propagation of fish and aquatic life and wildlife, recreational purposes, and the withdrawal of such waters for public water supply, agricultural, industrial, and other purposes. For the purpose of this section, the Administrator is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

"(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

"(2) The need for and the value of storage for regulation of streamflow (other than for water quality) including but not limited to navigation, salt water intrusion, recreation, esthetics, and fish and wildlife, shall be determined by the Corps of Engineers, Bureau of Reclamation, or other Federal agencies.

"(3) The need for, the value of, and the impact of, storage for water quality control shall be determined by the Administrator, and his views on these matters shall be set forth in any report or presentation to Congress proposing authorization or construction of any reservoir including such storage.

"(4) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of regulation of streamflow in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

"(5) Costs of regulation of streamflow features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

"(6) No license granted by the Federal Power Commission for a hydroelectric power project shall include storage for regulation of streamflow for the purpose of water quality control unless the Administrator shall recommend its inclusion and such reservoir storage capacity shall not exceed such proportion of the total storage required for the water quality control plan as the drainage area of such reservoir bears to the drainage area of the river basin or basins involved in such water quality control plan.

"(c) (1) The Administrator shall, at the request of the Governor of a State, or a majority of the Governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed three years, which period shall begin after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control plan for a basin or portion thereof.

"(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control plan for the basin or portion thereof which—

"(A) is consistent with any applicable water quality standards, effluent and other limitations, and thermal discharge regulations established pursuant to current law within the basin;

"(B) recommends such treatment works as will provide the most effective and economical means of collection, storage, treatment, and elimination of pollutants and recommends means to encourage both municipal and industrial use of such works;

"(C) recommends maintenance and improvement of water quality within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan; and

"(D) as appropriate, is developed in cooperation with, and is consistent with any comprehensive plan prepared by the Water Resources Council, any areawide waste management plans developed pursuant to section 208 of this Act, and any State plan developed pursuant to section 303(e) of this Act.

"(3) For the purposes of this subsection the term 'basin' includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

"INTERSTATE COOPERATION AND UNIFORM LAWS

"SEC. 103. (a) The Administrator shall encourage cooperative activities by the States for the prevention, reduction, and elimination of pollution, encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention, reduction, and elimination of pollution; and encourage compacts between States for the prevention and control of pollution.

"(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

"SEC. 104. (a) The Administrator shall establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs shall—

"(1) in cooperation with other Federal, State, and local agencies, conduct and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of pollution;

"(2) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of activities referred to in paragraph (1) of this subsection;

"(3) conduct, in cooperation with State water pollution control agencies and other interested agencies, organizations and persons, public investigations concerning the pollution of any navigable waters, and report on the results of such investigations;

"(4) establish advisory committees composed of recognized experts in various aspects of pollution and representatives of the public to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research;

"(5) in cooperation with the States, and their political subdivisions, and other Federal agencies establish, equip, and maintain a water quality surveillance system for the purpose of monitoring the quality of the navigable waters and ground waters and the contiguous zone and the oceans and the Administrator shall, to the extent practicable, conduct such surveillance by utilizing the resources of the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Geological Survey, and the Coast Guard, and shall report on such quality in the report required under subsection (a) of section 516; and

"(6) initiate and promote the coordination and acceleration of research designed to develop the most effective practicable tools and techniques for measuring the social and economic costs and benefits of activities which are subject to regulation under this Act; and shall transmit a report on the results of such research to the Congress not later than January 1, 1974.

"(b) In carrying out the provisions of subsection (a) of this section the Administrator is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities referred to in paragraph (1) of subsection (a);

"(2) cooperate with other Federal departments and agencies, State water pollution control agencies, interstate agencies, other public and private agencies, institutions, organizations, industries involved, and individuals, in the preparation and conduct of such research and other activities referred to in paragraph (1) of subsection (a);

"(3) make grants to State water pollution control agencies, interstate agencies, other

public or nonprofit private agencies, institutions, organizations, and individuals, for purposes stated in paragraph (1) of subsection (a) of this section;

"(4) contract with public or private agencies, institutions, organizations, and individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5), referred to in paragraph (1) of subsection (a);

"(5) establish and maintain research fellowships at public or nonprofit private educational institutions or research organizations;

"(6) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying water quality and other information pertaining to pollution and the prevention, reduction, and elimination thereof; and

"(7) develop effective and practical processes, methods, and prototype devices for the prevention, reduction, and elimination of pollution.

"(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons caused by pollutants. In order to avoid duplication of effort, the Administrator shall, to the extent practicable, conduct such research in cooperation with and through the facilities of the Secretary of Health, Education, and Welfare.

"(d) In carrying out the provisions of this section the Administrator shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

"(1) Practicable means of treating municipal sewage, and other waterborne wastes to implement the requirements of section 201 of this Act;

"(2) Improved methods and procedures to identify and measure the effects of pollutants, including those pollutants created by new technological developments; and

"(3) Methods and procedures for evaluating the effects on water quality of augmented streamflows to control pollution not susceptible to other means of prevention, reduction, or elimination.

"(e) The Administrator shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention, reduction and elimination of pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out. In conjunction with the development of criteria under section 403 of this Act, the Administrator shall construct the facilities authorized for the National Marine Water Quality Laboratory established under this subsection.

"(f) The Administrator shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving pollution problems (including additional waste treatment measures) with respect to such waters.

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Administrator shall finance pilot programs, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, on entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Administrator is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Administrator is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, reduction, and elimination of pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Administrator is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Environmental Protection Agency with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellows; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, reduction, and elimination of pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Administrator shall submit, through the President, a report to the Congress not later than December 31, 1973, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Administrator is authorized to enter into contracts with or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, reduction, and elimination of pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Administrator, in cooperation with the Secretary of the department in which the Coast Guard is operating, shall—

"(1) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention, control, and elimination of oil and hazardous substances pollution;

"(2) publish from time to time the results of such activities; and

"(3) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used in the control of oil and hazardous substances spills.

In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary of the Department in which the Coast Guard is operating shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary of the department in which the Coast Guard is operating shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any regulations established under section 312 of this Act. In carrying out this subsection the Secretary of the department in which the Coast Guard is operating may enter into contracts with, or make grants to, public or private organizations and individuals.

"(k) In carrying out the provisions of this section relating to the conduct by the Administrator of demonstration projects and the development of field laboratories and research facilities, the Administrator may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Administrator as the circumstances require.

"(l)(1) The Administrator shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than January 1, 1973, develop and issue to the States for the purpose of carrying out this Act the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) The President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct studies and investigations of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit reports, from time to time, on such investigations to Congress together with his recommendations for any necessary legislation.

"(m)(1) The Administrator shall in an effort to prevent degradation of the environment from the disposal of waste oil, conduct a study of (A) the generation of used engine, machine, cooling, and similar waste oil, including quantities generated, the nature and quality of such oil, present collecting meth-

ods and disposal practices, and alternate uses of such oil; (B) the long-term, chronic biological effects of the disposal of such waste oil; and (C) the potential market for such oils, including the economic and legal factors relating to the sale of products made from such oils, the level of subsidy, if any, needed to encourage the purchase by public and private nonprofit agencies of products from such oil, and the practicability of Federal procurement, on a priority basis, of products made from such oil. In conducting such study the Administrator shall consult with affected industries and other persons.

"(2) The Administrator shall report the preliminary results of such study to Congress within six months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and shall submit a final report to Congress within 18 months after such date of enactment.

"(n)(1) The Administrator shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, continuing comprehensive studies of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such studies shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

"(2) In conducting such studies, the Administrator shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

"(3) The Administrator shall submit to Congress, from time to time, reports of the studies authorized by this subsection but at least one such report during any three year period. Copies of each such report shall be made available to all interested parties, public and private.

"(4) For the purpose of this subsection, the term 'estuarine zones' means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term 'estuary' means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

"(o)(1) The Administrator shall conduct research and investigations on devices, systems, incentives, pricing policy, and other methods of reducing the total flow of sewage, including, but not limited to, unnecessary water consumption in order to reduce the requirements for, and the cost of, sewage and waste treatment services. Such research and investigations shall be directed to develop devices, systems, policies, and methods capable of achieving the maximum reduction of unnecessary water consumption.

"(2) The Administrator shall report the preliminary results of such studies and investigations to the Congress within one year after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and annually thereafter in the report required under subsection (a) of section 516. Such report shall include recommendations for any legislation that may be required to provide for the adoption and use of devices, systems, policies, or other methods of reducing water consumption and reducing the total flow of sewage. Such report shall include an estimate of the benefits to be derived from adoption and use of such devices, systems, policies, or other methods and also shall reflect estimates of any increase in private, public, or other cost that would be occasioned thereby.

"(p) In carrying out the provisions of subsection (a) of this section the Administrator shall, in cooperation with the Secretary of Agriculture, other Federal agencies, and the States, carry out a comprehensive study and research program to determine new and improved methods and the better application of existing methods of preventing, reducing, and eliminating pollution from agriculture, including the legal, economic, and other implications of the use of such methods.

"(q)(1) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods of preventing, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems.

"(2) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods for the collection and treatment of sewage and other liquid wastes combined with the treatment and disposal of solid wastes.

"(r) The Administrator is authorized to make grants to colleges and universities to conduct basic research into the structure and function of fresh water aquatic ecosystems, and to improve understanding of the ecological characteristics necessary to the maintenance of the chemical, physical, and biological integrity of freshwater aquatic ecosystems.

"(s) The Administrator is authorized to make grants to one or more institutions of higher education (regionally located and to be designated as 'River Study Center's) for the purpose of conducting and reporting on interdisciplinary studies on the nature of river systems, including hydrology, biology, ecology, economics, the relationship between river uses and land uses, and the effects of development within river basins on river systems and on the value of water resources and water related activities. No such grant in any fiscal year shall exceed $1,000,000.

"(t) The Administrator shall, in cooperation with State and Federal agencies and public and private organizations, conduct continuing comprehensive studies of the effects and methods of control of thermal discharges. In evaluating alternative methods of control the studies shall consider (1) such data as are available on the latest available technology, economic feasibility including cost-effectiveness analysis, and (2) the total impact on the environment, considering not only water quality but also air quality, land use, and effective utilization and conservation of fresh water and other natural resources. Such studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results of these studies shall be reported by the Administrator as soon as practicable, but not later than 270 days after enactment of this subsection, and shall be made available to the public and the States, and considered as they become available by the Administrator in carrying out section 316 of this Act and by the States in proposing thermal water quality standards.

"(u) There is authorized to be appropriated (1) $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, for carrying out the provisions of this section other than subsections (g) (1) and (2), (p), (r), and (t); (2) not to exceed $7,500,000 for fiscal year 1973 for carrying out the provisions of subsection (g)(1); (3) not to exceed $2,500,000 for fiscal year 1973 for carrying out the provisions of subsection (g)(2); (4) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (p); (5) not to exceed $15,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (r); and (6) not to exceed $10,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsections (t).

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 105. (a) The Administrator is authorized to conduct in the Environmental Protection Agency, and to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of—

"(1) any project which will demonstrate a new or improved method of preventing, reducing, and eliminating the discharge into any waters of pollutants from sewers which carry storm water or both storm water and pollutants; or

"(2) any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes), or new or improved methods of joint treatment systems for municipal and industrial wastes;

and to include in such grants such amounts as are necessary for the purpose of reports, plans, and specifications in connection therewith.

"(b) The Administrator is authorized to make grants to any State or States or interstate agency to demonstrate, in river basins or portions thereof, advanced treatment and environmental enhancement techniques to control pollution from all sources, within such basins or portions thereof, including nonpoint sources, together with instream water quality improvement techniques.

"(c) In order to carry out the purposes of section 301 of this Act, the Administrator is authorized to (1) conduct in the Environmental Protection Agency, (2) make grants to persons, and (3) enter into contracts with persons, for research and demonstration projects for prevention of pollution of any waters by industry including, but not limited to, the prevention, reduction, and elimination of the discharge of pollutants. No grant shall be made for any project under this subsection unless the Administrator determines that such project will develop or demonstrate a new or improved method of treating industrial wastes or otherwise prevent pollution by industry, which method shall have industrywide application.

"(d) In carrying out the provisions of this section, the Administrator shall conduct, on a priority basis, an accelerated effort to develop, refine, and achieve practical application of:

"(1) waste management methods applicable to point and nonpoint sources of pollutants to eliminate the discharge of pollutants, including, but not limited to, elimination of runoff of pollutants and the effects of pollutants from inplace or accumulated sources;

"(2) advanced waste treatment methods

applicable to point and nonpoint sources, including inplace or accumulated sources of pollutants, and methods for reclaiming and recycling water and confining pollutants so they will not migrate to cause water or other environmental pollution; and

"(3) improved methods and procedures to identify and measure the effects of pollutants on the chemical, physical, and biological integrity of water, including those pollutants created by new technological developments.

"(e) (1) The Administrator is authorized to (A) make, in consultation with the Secretary of Agriculture, grants to persons for research and demonstration projects with respect to new and improved methods of preventing, reducing, and eliminating pollution from agriculture, and (B) disseminate, in cooperation with the Secretary of Agriculture, such information obtained under this subsection, section 104(p), and section 304 as will encourage and enable the adoption of such methods in the agricultural industry.

"(2) The Administrator is authorized, (A) in consultation with other interested Federal agencies, to make grants for demonstration projects with respect to new and improved methods of preventing, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems, and (B) in cooperation with other interested Federal and State agencies, to disseminate such information obtained under this subsection as will encourage and enable the adoption of new and improved methods developed pursuant to this subsection.

"(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

"(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

"(2) No grant shall be made of any project in an amount exceeding 75 per centum of cost thereof as determined by the Administrator; and

"(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

"(g) Federal grants under subsections (c) and (d) of this section shall not exceed 75 per centum of the cost of the project.

"(h) For the purpose of this section there is authorized to be appropriated $75,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, and from such appropriations at least 10 per centum of the funds actually appropriated in each fiscal year shall be available only for the purposes of subsection (e).

"GRANTS FOR POLLUTION CONTROL PROGRAMS

"SEC. 106. (a) There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section—

"(1) $60,000,000 for the fiscal year ending June 30, 1973; and

"(2) $75,000,000 for the fiscal year ending June 30, 1974;

for grants to States and to interstate agencies to assist them in administering programs for the prevention, reduction, and elimination of pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.

"(b) From the sums appropriated in any fiscal year, the Administrator shall make allotments to the several States and interstate agencies in accordance with regulations promulgated by him on the basis of the extent of the pollution problem in the respective States.

"(c) The Administrator is authorized to pay to each State and interstate agency each fiscal year either—

"(1) the allotment of such State or agency for such fiscal year under subsection (b), or

"(2) the reasonable costs as determined by the Administrator of developing and carrying out a pollution program by such State or agency during such fiscal year,

whichever amount is the lesser.

"(d) No grant shall be made under this section to any State or interstate agency for any fiscal year when the expenditure of non-Federal funds by such State or interstate agency during such fiscal year for the recurrent expenses of carrying out its pollution control program are less than the expenditure by such State or interstate agency of non-Federal funds for such recurrent program expenses during the fiscal year ending June 30, 1971.

"(e) Beginning in fiscal year 1974 the Administrator shall not make any grant under this section to any State which has not provided or is not carrying out as a part of its program—

"(1) the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, and to compile and analyze data on (including classification according to eutrophic condition), the quality of navigable waters and to the extent practicable, ground waters including biological monitoring; and provision for annually updating such data and including it in the report required under section 305 of this Act;

"(2) authority comparable to that in section 504 of this Act and adequate contingency plans to implement such authority.

"(f) Grants shall be made under this section on condition that—

"(1) Such State (or interstate agency) files with the Administrator within one hundred and twenty days after the date of enactment of this section:

"(A) a summary report of the current status of the State pollution control program, including the criteria used by the State in determining priority of treatment works; and

"(B) such additional information, data and reports as the Administrator may require.

"(2) No federally assumed enforcement as defined in section 309(a)(2) is in effect with respect to such State or interstate agency.

"(3) Such State (or interstate agency) submits within one hundred and twenty days after the date of enactment of this section and before July 1 of each year thereafter for the Administrator's approval its program for the prevention, reduction, and elimination of pollution in accordance with purposes and provisions of this Act in such form and content as the Administrator may prescribe.

"(g) Any sums allotted under subsection (b) in any fiscal year which are not paid shall be reallotted by the Administrator in accordance with regulations promulgated by him.

"MINE WATER POLLUTION CONTROL DEMONSTRATION

"SEC. 107. (a) The Administrator in cooperation with the Appalachian Regional Commission and other Federal agencies is authorized to conduct, to make grants for, or to contract for, projects to demonstrate comprehensive approaches to the elimination or control of acid or other mine water pollution resulting from active or abandoned mining operations and other environmental pollution affecting water quality within all or part of a watershed or river basin, including siltation from surface mining. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control, and other pollution affecting water quality, including techniques that demonstrate the engineering and economic feasibility and practicality of using sewage sludge materials and other municipal wastes to diminish or prevent pollution affecting water quality from acid, sedimentation, or other pollutants and in such projects to restore affected lands to usefulness for forestry, agriculture, recreation, or other beneficial purposes.

"(b) Prior to undertaking any demonstration project under this section in the Appalachian region (as defined in section 403 of the Appalachian Regional Development Act of 1965, as amended), the Appalachian Regional Commission shall determine that such demonstration project is consistent with the objectives of the Appalachian Regional Development Act of 1965, as amended:

"(c) The Administrator, in selecting watersheds for the purposes of this section, shall be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(d) Federal participation in such projects shall be subject to the conditions—

"(1) that the State shall acquire any land or interests therein necessary for such project; and

"(2) that the State shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(e) There is authorized to be appropriated $30,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 108. (a) The Administrator, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other reduction and remedial techniques which will contribute substantially to effective and practical methods of pollution prevention, reduction, or elimination.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Administrator.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of subsections (a) and (b) of this section, which sum shall be available until expended.

"(d) (1) In recognition of the serious conditions which exist in Lake Erie, the Secretary of the Army, acting through the Chief of Engineers, is directed to design and develop a demonstration waste water management program for the rehabilitation and environmental repair of Lake Erie. Prior to the initiation of detailed engineering and design, the program, along with the specific recommendations of the Chief of Engineers, and recommendations for its financing, shall be submitted to the Congress for statutory ap-

proval. This authority is in addition to, and not in lieu of, other waste water studies aimed at eliminating pollution emanating from select resources around Lake Erie.

"(2) This program is to be developed in cooperation with the Environmental Protection Agency, other interested departments, agencies, and instrumentalities of the Federal Government, and the States and their political subdivisions. This program shall set forth alternative systems for managing waste water on a regional basis and shall provide local and State governments with a range of choice as to the type of system to be used for the treatment of waste water. These alternative systems shall include both advanced waste treatment technology and land disposal systems including aerated treatment-spray irrigation technology and will also include provisions for the disposal of solid wastes, including sludge. Such program should include measures to control point sources of pollution, area sources of pollution, including acid-mine drainage, urban runoff and rural runoff, and in-place sources of pollution, including bottom loads, sludge banks, and polluted harbor dredgings.

"(e) There is authorized to be appropriated $5,000,000 to carry out the provisions of subsection (d) of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 109. (a) The Administrator is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"(b)(1) The Administrator may pay 100 per centum of any additional cost of construction of a treatment works required for a facility to train and upgrade waste treatment works operation and maintenance personnel.

"(2) The Administrator shall make no more than one grant for such additional construction in any State (to serve a group of States, where, in his judgment, efficient training programs require multi-State programs), and shall make such grant after consultation with and approval by the State or States on the basis of (A) the suitability of such facility for training operation and maintenance personnel for treatment works throughout such State or States; and (B) a commitment by the State agency or agencies to carry out at such facility a program of training approved by the Administrator.

"(3) The Administrator may make such grant out of the sums allocated to a State under section 205 of this Act, except that in no event shall the Federal cost of any such training facilities exceed $250,000.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 110. (1) A grant or contract authorized by section 109 may be made only upon application to the Administrator at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 109 and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 111;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"(2) The Administrator shall allocate grants or contracts under section 109 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purpose of this section.

"(3)(A) Payment under this section may be used in accordance with regulations of the Administrator, and subject to the terms and conditions set forth in an application approved under paragraph (1), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under paragraph (1).

"AWARD OF SCHOLARSHIPS

"SEC. 111. (1) The Administrator is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Administrator may determine but not to exceed four academic years.

"(2) The Administrator shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Administrator shall approve a program of any institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 110 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Administrator for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Administrator shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Administrator shall (in addition to the stipends paid to persons under paragraph (1)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Administrator finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Administrator by or pursuant to regulation.

"(6) The Administrator shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Administrator determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 112. (a) As used in sections 109 through 112 of this Act—

"(1) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Administrator for this purpose. For purposes of this subsection, the Administrator shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(2) The term 'academic year' means an academic year or its equivalent, as determined by the Administrator.

"(b) The Administrator shall annually report his activities under sections 109 through

112 of this Act, including recommendations for needed revisions in the provisions thereof.

"(c) There are authorized to be appropriated $25,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out sections 109 through 112 of this Act.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 113. (a) The Administrator is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and elimination or control of pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of pollution and for all native villages in such State.

"(b) In carrying out this section the Administrator shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Administrator shall report to Congress not later than July 1, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

"(d) There is authorized to be appropriated not to exceed $2,000,000 to carry out this section.

"LAKE TAHOE STUDY

"SEC. 114. (a) The Administrator, in consultation with the Tahoe Regional Planning Agency, the Secretary of Agriculture, other Federal agencies, representatives of State and local governments, and members of the public, shall conduct a thorough and complete study on the adequacy of and need for extending Federal oversight and control in order to preserve the fragile ecology of Lake Tahoe.

"(b) Such study shall include an examination of the interrelationships and responsibilities of the various agencies of the Federal Government and State and local governments with a view to establishing the necessity for redefinition of legal and other arrangements between these various governments, and making specific legislative recommendations to Congress. Such study shall consider the effect of various actions in terms of their environmental impact on the Tahoe Basin, treated as an ecosystem.

"(c) The Administrator shall report on such study to Congress not later than one year after the date of enactment of this subsection.

"(d) There is authorized to be appropriated to carry out this section not to exceed $500,000.

"IN-PLACE TOXIC POLLUTANTS

"SEC. 115. The Administrator is directed to identify the location of inplace pollutants with emphasis on toxic pollutants in harbors and navigable waterways and is authorized, acting through the Secretary of the Army, to make contracts for the removal and appropriate disposal of such materials from critical port and harbor areas. There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

"PURPOSE

"SEC. 201. (a) It is the purpose of this title to require and to assist the development and implementation of waste treatment management plans and practices which will achieve the goals of this Act.

"(b) Waste treatment management plans and practices shall provide for the application of the best practicable waste treatment technology before any discharge into receiving waters, including reclaiming and recycling of water, and confined disposal of pollutants so they will not migrate to cause water or other environmental pollution and shall provide for consideration of advanced waste treatment techniques.

"(c) To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution, including inplace or accumulated pollution sources.

"(d) The Administrator shall encourage waste treatment management which results in the construction of revenues producing facilities providing for—

"(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture, or aquaculture products, or any combination thereof;

"(2) the confined and contained disposal of pollutants not recycled;

"(3) the reclamation of wastewater; and

"(4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

"(e) The Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of, or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designated regional management agency to aid in financing other environmental improvement programs.

"(f) The Administrator shall encourage waste treatment management which combines 'open space' and recreational considerations with such management.

"(g)(1) The Administrator is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works.

"(2) The Administrator shall not make grants from funds authorized for any fiscal year beginning after June 30, 1974, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that—

"(A) alternative waste management techniques have been studied and evaluated and the works proposed for grant assistance will provide for the application of the best practicable waste treatment technology over the life of the works consistent with the purposes of this title; and

"(B) as appropriate, the works proposed for grant assistance will take into account and allow to the extent practicable the application of technology at a later date which will provide for the reclaiming or recycling of water or otherwise eliminate the discharge of pollutants.

"(3) The Administrator shall not approve any grant after July 1, 1973, for treatment works under this section unless the applicant shows to the satisfaction of the Administrator that each sewer collection system discharging into such treatment works is not subject to excessive infiltration.

"(4) The Administrator is authorized to make grants to applicants for treatment works grants under this section for such sewer system evaluation studies as may be necessary to carry out the requirements of paragraph (3) of this subsection. Such grants shall be made in accordance with rules and regulations promulgated by the Administrator. Initial rules and regulations shall be promulgated under this paragraph not later than 120 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

"FEDERAL SHARE

"SEC. 202. (a) The amount of any grant for treatment works made under this Act from funds authorized for any fiscal year beginning after June 30, 1971, shall be 75 per centum of the cost of construction thereof (as approved by the Administrator). Any grant (other than for reimbursement) made prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from any funds authorized for any fiscal year beginning after June 30, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under this section.

"(b) The amount of the grant for any project approved by the Administrator after January 1, 1971, and before July 1, 1971, for the construction of treatment works, the actual erection, building or acquisition of which was not commenced prior to July 1, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under subsection (a) of this section for grants for treatment works from funds for fiscal years beginning after June 30, 1971, with respect to the cost of such actual erection, building, or acquisition. Such increased amount shall be paid from any funds allocated to the State in which the treatment works is located without regard to the fiscal year for which such funds were authorized. Such increased amount shall be paid for such project only if—

"(1) a sewage collection system that is a part of the same total waste treatment system as the treatment works for which such grant was approved is under construction or is to be constructed for use in conjunction with such treatment works, and if the cost of such sewage collection system exceeds the cost of such treatment works, and

"(2) the State water pollution control agency or other appropriate State authority certifies that the quantity of available ground water will be insufficient, inadequate, or unsuitable for public use, including the ecological preservation and recreational use of surface water bodies, unless effluents from publicly-owned treatment works after adequate treatment are returned to the ground water consistent with acceptable technological standards.

"PLANS, SPECIFICATIONS, ESTIMATES, AND PAYMENTS

"SEC. 203. (a) Each applicant for a grant shall submit to the Administrator for his approval, plans, specifications, and estimates for each proposed project for the construction of treatment works for which a grant is applied for under section 201(g)(1) from funds allotted to the State under section 205 and which otherwise meets the requirements of this Act. The Administrator shall act upon such plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such plans, specifications, and estimates shall be deemed a contractual obligation of the United States for the payment of its proportional contribution to such project.

"(b) The Administrator shall, from time to time as the work progresses, make payments to the recipient of a grant for costs of construction incurred on a project. These payments shall at no time exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

"(c) After completion of a project and approval of the final voucher by the Ad-

ministrator, he shall pay out of the appropriate sums the unpaid balance of the Federal share payable on account of such project.

"LIMITATIONS AND CONDITIONS

"SEC. 204. (a) Before approving grants for any project for any treatment works under section 201(g)(1) the Administrator shall determine—

"(1) that such works are included in any applicable areawide waste treatment management plan developed under section 208 of this Act;

"(2) that such works are in conformity with any applicable State plan under section 303(e) of this Act;

"(3) that such works have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with any applicable State plan under section 303(e) of this Act;

"(4) that the applicant proposing to construct such works agrees to pay the non-Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring proper and efficient operation, including the employment of trained management and operations personnel, and the maintenance of such works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency, after construction thereof;

"(5) that the size and capacity of such works relate directly to the needs to be served by such works, including sufficient reserve capacity. The amount of reserve capacity provided shall be approved by the Administrator on the basis of a comparison of the cost of constructing such reserves as a part of the works to be funded and the anticipated cost of providing expanded capacity at a date when such capacity will be required;

"(6) that no specification for bids in connection with such works shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment, or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words 'or equal'.

"(b)(1) Notwithstanding any other provision of this title, the Administrator shall not approve any grant for any treatment works under section 201(q)(1) after March 1, 1973, unless he shall first have determined that the applicant (A) has adopted or will adopt a system of charges to assure that each recipient of waste treatment services within the applicant's jurisdiction, as determined by the Administrator, will pay its proportionate share of the costs of operation and maintenance (including replacement) of any waste treatment services provided by the applicant; (B) has made provision for the payment to such applicant by the industrial users of the treatment works, of that portion of the cost of construction of such treatment works (as determined by the Administrator) which is allocable to the treatment of such industrial wastes to the extent attributable to the Federal share of the cost of construction; and (C) has legal, institutional, managerial, and financial capability to insure adequate construction, operation, and maintenance of treatment works throughout the applicant's jurisdiction, as determined by the Administrator.

"(2) The Administrator shall, within one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and after consultation with appropriate State, interstate, municipal, and intermunicipal agencies, issue guidelines applicable to payment of waste treatment costs by industrial and nonindustrial recipients of waste treatment services which shall establish (A) classes of users of such services, including categories of industrial users; (B) criteria against which to determine the adequacy of charges imposed on classes and categories of users reflecting all factors that influence the cost of waste treatment, including strength, volume, and delivery flow rate characteristics of waste; and (C) model systems and rates of user charges typical of various treatment works serving municipal-industrial communities.

"(3) The grantee shall retain an amount of the revenue derived from the payment of costs by industrial users of waste treatment services, to the extent costs are attributable to the Federal share of eligible project costs provided pursuant to this title as determined by the Administrator, equal to (A) the amount of the non-Federal cost of such project paid by the grantee plus (B) the amount determined in accordance with regulations promulgated by the Administrator, necessary for future expansion and reconstruction of the project, except that such retained amount shall not exceed 50 per centum of such revenues from such project. All revenues from such project not retained by the grantee shall be deposited by the Administrator in the Treasury as miscellaneous receipts. That portion of the revenues retained by the grantee attributable to clause (B) of the first sentence of this paragraph, together with any interest thereon shall be used solely for the purposes of future expansion and reconstruction of the project.

"(4) Approval by the Administrator of a grant to an interstate agency established by interstate compact for any treatment works shall satisfy any other requirement that such works be authorized by Act of Congress.

"ALLOTMENT

"SEC. 205. (a) Sums authorized to be appropriated pursuant to section 207 for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For the fiscal years ending June 30, 1973, and June 30, 1974, such ratio shall be determined on the basis of table III of House Public Works Committee Print No. 92-50. Allotments for fiscal years which begin after the fiscal year ending June 3, 1974, shall be made only in accordance with a revised cost estimate made and submitted to Congress in accordance with section 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

"(b)(1) Any sums allotted to a State under subsection (a) shall be available for obligation under section 203 on and after the date of such allotment. Such sums shall continue available for obligation in such State for a period of one year after the close of the fiscal year for which such sums are authorized. Any amounts so allotted which are not obligated by the end of such one-year period shall be immediately reallotted by the Administrator, in accordance with regulations promulgated by him, generally on the basis of the ratio used in making the last allotment of sums under this section. Such reallotted sums shall be added to the last allotments made to the States. Any sum made available to a State by reallotment under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this title during any fiscal year.

"(2) Any sums which have been obligated under section 203 and which are released by the payment of the final voucher for the project shall be immediately credited to the State to which such sums were last allotted. Such released sums shall be added to the amounts last allotted to such State and shall be immediately available for obligation in the same manner and to the same extent as such last allotment.

"REIMBURSEMENT AND ADVANCED CONSTRUCTION

"SEC. 206. (a) Any publicly owned treatment works in a State on which construction was initiated after June 30, 1966, but before July 1, 1972, which was approved by the appropriate State water pollution control agency and which the Administrator finds meets the requirements of section 8 of this Act in effect at the time of the initiation of construction shall be reimbursed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under such section 8 for such project and 50 per centum of the cost of such project, or 55 per centum of the project cost where the Administrator also determines that such treatment works was constructed in conformity with a comprehensive metropolitan treatment plan as described in section 8(f) of the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Nothing in this subsection shall result in any such works receiving Federal grants from all sources in excess of 80 per centum of the cost of such project.

"(b) Any publicly owned treatment works constructed with or eligible for Federal financial assistance under this Act in a State between June 30, 1956, and June 30, 1966, which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of section 8 of this Act prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 but which was constructed without assistance under such section 8 or which received such assistance in an amount less than 30 per centum of the cost of such project shall qualify for payments and reimbursement of State or local funds used for such project from sums allocated to such State under this section in an amount which shall not exceed the difference between the amount of such assistance, if any, received for such project and 30 per centum of the cost of such project.

"(c) No publicly owned treatment works shall receive any payment or reimbursement under subsection (a) or (b) of this section unless an application for such assistance is filed with the Administrator within the one year period which begins on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Any application filed within such one year period may be revised from time to time, as may be necessary.

"(d) The Administrator shall allocate to each qualified project under subsection (a) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation. The Administrator shall allocate to each qualified project under subsection (b) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation.

"(e) There is authorized to be appropriated to carry out subsection (a) of this

section not to exceed $2,000,000,000 and, to carry out subsection (b) of this section, not to exceed $750,000,000. The authorizations contained in this subsection shall be the sole source of funds for reimbursements authorized by this section.

"(f)(1) In any case where all funds allotted to a State under this title have been obligated under section 203 of this Act, and there is construction of any treatment works project without the aid of Federal funds and in accordance with all procedures and all requirements applicable to treatment works projects, except those procedures and requirements which limit construction of projects to those constructed with the aid of previously allotted Federal funds, the Administrator, upon his approval of an application made under this subsection therefor, is authorized to pay the Federal share of the cost of construction of such project when additional funds are allotted to the State under this title if prior to the construction of the project the Administrator approves in the specifications, and estimates therefore in the same manner as other treatment works projects. The Administrator may not approve an application under this subsection unless an authorization is in effect for the future fiscal year for which the application requests payment, which authorization will insure such payment without exceeding the State's expected allotment from such authorization.

"(2) In determining the allotment for any fiscal year under this title, any treatment works project constructed in accordance with this section and without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Administrator, or the availability of funds from which this project is eligible for reimbursement has expired, whichever first occurs.

"AUTHORIZATION

"SEC. 207. There is authorized to be appropriated to carry out this title, other than sections 208 and 209, for the fiscal year ending June 30, 1973, not to exceed $5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed $6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed $7,000,000,000.

"AREAWIDE WASTE TREATMENT MANAGEMENT

"SEC. 208. (a) For the purpose of encouraging and facilitating the development and implementation of areawide waste treatment management plans—

"(1) The Administrator, within ninety days after the date of enactment of this Act and after consultation with appropriate Federal, State, and local authorities, shall by regulation publish guidelines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems.

"(2) The Governor of each State, within sixty days after publication of the guidelines issued pursuant to paragraph (1) of this subsection, shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. Not later than one hundred and twenty days following such identification and after consultation with appropriate elected and other officials of local governments having jurisdiction in such areas, the Governor shall designate (A) the boundaries of each such area, and (B) a single representative organization, including elected officials from local governments or their designees, capable of developing effective areawide waste treatment management plans for such area. The Governor may in the same manner at any later time identify any additional area (or modify an existing area) for which he determines areawide waste treatment management to be appropriate, designate the boundaries of such area, and designate an organization capable of developing effective areawide waste treatment management plans for such area.

"(3) With respect to any area which, pursuant to the guidelines published under paragraph (1) of this subsection, is located in two or more States, the Governors of the respective States shall consult and cooperate in carrying out the provisions of paragraph (2), with a view toward designating the boundaries of the interstate area having common water quality control problems and for which areawide waste treatment management plans would be most effective, and toward designating, within one hundred and eighty days after publication of guidelines issued pursuant to paragraph (1) of this subsection, of a single representative organization capable of developing effective areawide waste treatment management plans for such area.

"(4) If a Governor does not act, either by designating or determining not to make a designation under paragraph (2) of this subsection, within the time required by such paragraph, or if, in the case of an interstate area, the Governors of the States involved do not designate a planning organization within the time required by paragraph (3) of this subsection, the chief elected officials of local governments within an area may by agreement designate (A) the boundaries for such an area, and (B) a single representative organization including elected officials from such local governments, or their designees, capable of developing an areawide waste treatment management plan for such area.

"(5) Existing regional agencies may be designated under paragraphs (2), (3), and (4) of this subsection.

"(6) The State shall act as a planning agency for all portions of such State which are not designated under paragraphs (2), (3), or (4) of this subsection.

"(7) Designations under this subsection shall be subject to the approval of the Administrator.

"(b)(1) Not later than one year after the date of designation of any organization under subsection (a) of this section such organization shall have in operation a continuing areawide waste treatment management planning process consistent with section 201 of this Act. Plans prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved. The initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than two years after the planning process is in operation.

"(2) Any plan prepared under such process shall include, but not be limited to—

"(A) the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquisition of land for treatment purposes; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works;

"(B) the establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

"(C) the establishment of a regulatory program to—

"(i) implement the waste treatment management requirements of section 201(c),

"(ii) regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area, and

"(iii) assure that any industrial or commercial wastes discharged into any treatment works in such area meet applicable pretreatment requirements;

"(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

"(E) the identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

"(F) a process to (i) identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(G) a process to (i) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(H) a process to (i) identify construction activity related sources of pollution, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(I) a process to (i) identify, if appropriate, salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and (ii) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan;

"(J) a process to control the disposition of all residual waste generated in such area which could affect water quality; and

"(K) a process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.

"(3) Areawide waste treatment management plans shall be certified annually by the Governor or his designee (or Governors of their designees, where more than one State is involved) as being consistent with applicable basin plans and such areawide waste treatment management plans shall be submitted to the Administrator for his approval.

"(4) Whenever the Governor of any State determines (and notifies the Administrator) that consistency with a statewide regulatory program under section 303 so requires, the requirements of clauses (F) through (K) of paragraph (2) of this subsection shall be developed and submitted by the Governor to the Administrator for application to all regions within such State.

"(c)(1) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, shall designate one or more waste treatment management agencies (which may be an existing or newly created local, regional or State agency or political subdivision) for each area designated under subsection (a) of this section and submit such designations to the Administrator.

"(2) The Administrator shall accept any such designation, unless, within 120 days of such designation, he finds that the designated management agency (or agencies) does not have adequate authority—

"(A) to carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of this section;

"(B) to manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b) of this section;

"(C) directly or by contract, to design and

construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b) of this section;

"(D) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

"(E) to raise revenues, including the assessment of waste treatment charges;

"(F) to incur short- and long-term indebtedness;

"(G) to assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

"(H) to refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area; and

"(I) to accept for treatment industrial wastes.

"(d) After a waste treatment management agency having the authority required by subsection (c) has been designated under such subsection for an area and a plan for such area has been approved under subsection (b) of this section, the Administrator shall not make any grant for construction of a publicly owned treatment works under section 201(g)(1) within such area except to such designated agency and for works in conformity with such plan.

"(e) No permit under section 402 of this Act shall be issued for any point source which is in conflict with a plan approved pursuant to subsection (b) of this section.

"(f)(1) The Administrator shall make grants to any agency designated under subsection (a) of this section for payment of the reasonable costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) The amount granted to any agency under paragraph (1) of this subsection shall be 100 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section for each of the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975, and shall not exceed 75 per centum of such costs in each succeeding fiscal year.

"(3) Each applicant for a grant under this subsection shall submit to the Administrator for his approval each proposal for which a grant is applied for under this subsection. The Administrator shall act upon such proposal as soon as practicable after it has been submitted, and his approval of that proposal shall be deemed a contractual obligation of the United States for the payment of its contribution to such proposal. There is authorized to be appropriated to carry out this subsection not to exceed $50,000,000 for the fiscal year ending June 30, 1973, not to exceed $100,000,000 for the fiscal year ending June 30, 1974, and not to exceed $150,000,000 for the fiscal year ending June 30, 1975.

"(g) The Administrator is authorized, upon request of the Governor or the designated planning agency, and without reimbursement, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in the development of areawide waste treatment management plans under subsection (b) of this section.

"(h)(1) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Administrator is authorized and directed, upon request of the Governor or the designated planning organization, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) There is authorized to be appropriated to the Secretary of the Army, to carry out this subsection, not to exceed $50,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974.

"BASIN PLANNING

"SEC. 209 (a) The President, acting through the Water Resources Council, shall, as soon as practicable, prepare a Level B plan under the Water Resources Planning Act for all basins in the United States. All such plans shall be completed not later than January 1, 1980, except that priority in the preparation of such plans shall be given to those basins and portions thereof which are within those areas designated under paragraphs (2), (3), and (4) of subsection (a) of section 208 of this Act.

"(b) The President, acting through the Water Resources Council, shall report annually to Congress on progress being made in carrying out this section. The first such report shall be submitted not later than January 31, 1973.

"(c) There is authorized to be appropriated to carry out this section not to exceed $200,000,000.

"ANNUAL SURVEY

"SEC. 210. The Administrator shall annually make a survey to determine the efficiency of the operation and maintenance of treatment works constructed with grants made under this Act, as compared to the efficiency planned at the time the grant was made. The results of such annual survey shall be included in the report required under section 516(a) of this Act.

"SEWAGE COLLECTION SYSTEMS

"SEC. 211. No grant shall be made for a sewage collection system under this title unless such grant (1) is for replacement or major rehabilitation of an existing collection system and is necessary to the total integrity and performance of the waste treatment works servicing such community, or (2) is for a new collection system in an existing community with sufficient existing or planned capacity adequately to treat such collected sewage and is consistent with section 201 of this Act.

"DEFINITIONS

"SEC. 212. As used in this title,—

"(1) The term 'construction' means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

"(2)(A) The term 'treatment works' means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

"(B) In addition to the definition contained in subparagraph (A) of this paragraph, 'treatment works' means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with sections 301 or 302 of this Act, or the requirements of section 201 of this Act.

"(C) For the purposes of subparagraph (B) of this paragraph, the Administrator shall, within one hundred and eighty days after the date of enactment of this title, publish and thereafter revise no less often than annually, guidelines for the evaluation of methods, including cost-effective analysis, described in subparagraph (B) of this paragraph.

"(3) The term 'replacement' as used in this title means those expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

"TITLE III—STANDARDS AND ENFORCEMENT

"EFFLUENT LIMITATIONS

"SEC. 301. (a) Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.

"(b) In order to carry out the objective of this Act there shall be achieved—

"(1)(A) not later than July 1, 1977, effluent limitations for point sources, other than publicly owned treatment works, (i) which shall require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of this Act, or (ii) in the case of a discharge into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, which shall require compliance with any applicable pretreatment requirements and any requirements under section 307 of this Act; and

"(B) for publicly owned treatment works in existence on July 1, 1977, or approved pursuant to section 203 of this Act prior to June 30, 1974 (for which construction must be completed within four years of approval), effluent limitations based upon secondary treatment as defined by the Administrator pursuant to section 304(d)(1) of this Act; or,

"(C) not later than July 1, 1977, any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, established pursuant to any State law or regulation (under authority preserved by section 510) or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to this Act.

"(2)(A) not later than July 1, 1983, effluent limitations for categories and classes of point sources, other than publicly owned treatment works, which (i) shall require application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of this Act, which such effluent limitations shall require the elimination of discharges of all pollutants if the Administrator finds, on the basis of information available to him (including information developed pursuant to section 315), that such elimination is technologically and economically achievable for a category or class of point sources as determined in accordance with regulations issued

by the Administrator pursuant to section 304(b)(2) of this Act, or (ii) in the case of the introduction of a pollutant into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, shall require compliance with any applicable pretreatment requirements and any other requirement under section 307 of this Act; and

"(B) not later than July 1, 1983, compliance by all publicly owned treatment works with the requirements set forth in section 201(g)(2)(A) of this Act.

"(c) The Administrator may modify the requirements of subsection (b)(2)(A) of this section with respect to any point source for which a permit application is filed after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants.

"(d) Any effluent limitation required by paragraph (2) of subsection (b) of this section shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under such paragraph.

"(e) Effluent limitations established pursuant to this section or section 302 of this Act shall be applied to all point sources of discharge of pollutants in accordance with the provisions of this Act.

"(f) Notwithstanding any other provisions of this Act it shall be unlawful to discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the navigable waters.

"WATER QUALITY RELATED EFFLUENT LIMITATIONS

"SEC. 302. (a) Whenever, in the judgment of the Administrator, discharges of pollutants from a point source or group of point sources, with the application of effluent limitations required under section 301(b)(2) of this Act, would interfere with the attainment or maintenance of that water quality in a specific portion of the navigable waters which shall assure protection of public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water, effluent limitations (including alternative effluent control strategies) for such point source or sources shall be established which can reasonably be expected to contribute to the attainment or maintenance of such water quality.

"(b)(1) Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the Administrator shall issue notice of intent to establish such limitation and within ninety days of such notice hold a public hearing to determine the relationship of the economic and social costs of achieving any such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the social and economic benefits to be obtained (including the attainment of the objective of this Act) and to determine whether or not such effluent limitations can be implemented with available technology or other alternative control strategies.

"(2) If a person affected by such limitation demonstrates at such hearing that (whether or not such technology or other alternative control strategies are available) there is no reasonable relationship between the economic and social costs and the benefits to be obtained (including attainment of the objective of this Act), such limitation shall not become effective and the Administrator shall adjust such limitation as it applies to such person.

"(c) The establishment of effluent limitations under this section shall not operate to delay the application of any effluent limitation established under section 301 of this Act.

"WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

"SEC. 303. (a)(1) In order to carry out the purpose of this Act, any water quality standard applicable to interstate waters which was adopted by any State and submitted to, and approved by, or is awaiting approval by, the Administrator pursuant to this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, shall remain in effect unless the Administrator determined that such standard is not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall, within three months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after the date of such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section.

"(2) Any State which, before the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, has adopted, pursuant to its own law, water quality standards applicable to intrastate waters shall submit such standards to the Administrator within thirty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Each such standard shall remain in effect, in the same manner and to the same extent as any other water quality standard established under this Act unless the Administrator determines that such standard is inconsistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall not later than the one hundred and twentieth day after the date of submission of such standards, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section.

"(3)(A) Any State which prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 has not adopted pursuant to its own laws water quality standards applicable to intrastate waters shall, not later than one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, adopt and submit such standards to the Administrator.

"(B) If the Administrator determines that any such standards are consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall approve such standards.

"(C) If the Administrator determines that any such standards are not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall, not later than the ninetieth day after the date of submission of such standards, notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standards pursuant to subsection (b) of this section.

"(b)(1) The Administrator shall promptly prepare and publish proposed regulations setting forth water quality standards for a State in accordance with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if—

"(A) the State fails to submit water quality standards within the times prescribed in subsection (a) of this section.

"(B) a water quality standard submitted by such State under subsection (a) of this section is determined by the Administrator not to be consistent with the applicable requirements of subsection (a) of this section.

"(2) The Administrator shall promulgate any water quality standard published in a proposed regulation not later than one hundred and ninety days after the date he publishes any such proposed standard, unless prior to such promulgation, such State has adopted a water quality standard which the Administrator determines to be in accordance with subsection (a) of this section.

"(c)(1) The Governor of a State or the State water pollution control agency of such State shall from time to time (but at least once each three year period beginning with the date of enactment of the Federal Water Pollution Control Act Amendments of 1972) hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Results of such review shall be made available to the Administrator.

"(2) Whenever the State revises or adopts a new standard, such revised or new standard shall be submitted to the Administrator. Such revised or new water quality standard shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses. Such standards shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. Such standards shall be established taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation.

"(3) If the Administrator, within sixty days after the date of submission of the revised or new standard, determines that such standard meets the requirements of this Act, such standard shall thereafter be the water quality standard for the applicable waters of that State. If the Administrator determines that any such revised or new standard is not consistent with the applicable requirements of this Act, he shall not later than the ninetieth day after the date of submission of such standard notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standard pursuant to paragraph (4) of this subsection.

"(4) The Administrator shall promptly prepare and publish proposed regulations setting forth a revised or new water quality standard for the navigable waters involved—

"(A) if a revised or new water quality standard submitted by such State under paragraph (3) of this subsection for such waters is determined by the Administrator not to be consistent with the applicable requirements of this Act, or

"(B) in any case where the Administrator determines that a revised or new standard is necessary to meet the requirements of this Act.

The Administrator shall promulgate any revised or new standard under this paragraph not later than ninety days after he publishes such proposed standards, unless prior to such promulgation, such State has adopted a revised or new water quality standard

which the Administrator determines to be in accordance with this Act.

"(d)(1)(A) Each State shall identify those waters within its boundaries for which the effluent limitations required by section 301(b)(1)(A) and section 301(b)(1)(B) are not stringent enough to implement any water quality standard applicable to such waters. The State shall establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters.

"(B) Each State shall identify those waters or parts thereof within its boundaries for which controls on thermal discharges under section 301 are not stringent enough to assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife.

"(C) Each State shall establish for the waters identified in paragraph (1)(A) of this subsection, and in accordance with the priority ranking, the total maximum daily load, for those pollutants which the Administrator identifies under section 304(a)(2) as suitable for such calculation. Such load shall be established at a level necessary to implement the aplicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.

"(D) Each State shall estimate for the waters identified in paragraph (1)(B) of this subsection the total maximum daily thermal load required to assure protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife. Such estimates shall take into account the normal water temperatures, flow rates, seasonal variations, existing sources of heat input, and the dissipative capacity of the identified waters or parts thereof. Such estimates shall include a calculation of the maximum heat input that can be made into each such part and shall include a margin of safety which takes into account any lack of knowledge concerning the development of thermal water quality criteria for such protection and propagation in the identified waters or parts thereof.

"(2) Each State shall submit to the Administrator from time to time, with the first such submission not later than one hundred and eighty days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), for his approval the waters identified and the loads established under paragraphs (1)(A), (1)(B), (1)(C), and (1)(D) of this subsection. The Administrator shall either approve or disapprove such identification and load not later than thirty days after the date of submission. If the Administrator approves such identification and load, such State shall incorporate them into its current plan under subsection (e) of this section. If the Administrator disapproves such identification and load, he shall not later than thirty days after the date of such disapproval identify such waters in such State and establish such loads for such waters as he determines necessary to implement the water quality standards applicable to such waters and upon such identification and establishment the State shall incorporate them into its current plan under subsection (e) of this section.

"(3) For the specific purpose of developing information, each State shall identify all waters within its boundaries which it has not identified under paragraph (1)(A) and (1)(B) of this subsection and estimate for such waters the total maximum daily load with seasonal variations and margins of safety, for those pollutants which the Administrator identifies under section 304(a)(2) as suitable for such calculation and for thermal discharges, at a level that would assure protection and propagation of a balanced indigenous population of fish, shellfish and wildlife.

"(e)(1) Each State shall have a continuing planning process approved under paragraph (2) of this subsection which is consistent with this Act.

"(2) Each State shall submit not later than 120 days after the date of the enactment of the Water Pollution Control Amendments of 1972 to the Administrator for his approval a proposed continuing planning process which is consistent with this Act. Not later than thirty days after the date of submission of such a process the Administrator shall either approve or disapprove such process. The Administrator shall from time to time review each State's approved planning process for the purpose of insuring that such planning process is at all times consistent with this Act. The Administrator shall not approve any State permit program under title IV of this Act for any State which does not have an approved continuing planning process under this section.

"(3) The Administrator shall approve any continuing planning process submitted to him under this section which will result in plans for all navigable waters within such State, which include, but are not limited to, the following:

"(A) effluent limitations and schedules of compliance at least as stringent as those required by section 301(b)(1), section 301(b)(2), section 306, and section 307, and at least as stringent as any requirements contained in any applicable water quality standard in effect under authority of this section;

"(B) the incorporation of all elements of any applicable area-wide waste management plans under section 208, and applicable basin plans under section 209 of this Act;

"(C) total maximum daily load for pollutants in accordance with subsection (d) of this section;

"(D) procedures for revision;

"(E) adequate authority for intergovernmental cooperation;

"(F) adequate implementation, including schedules of compliance, for revised or new water quality standards, under subsection (c) of this section;

"(G) controls over the disposition of all residual waste from any water treatment processing;

"(H) an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet the applicable requirements of sections 301 and 302.

"(f) Nothing in this section shall be construed to affect any effluent limitation, or schedule of compliance required by any State to be implemented prior to the dates set forth in sections 301(b)(1) and 301(b)(2) nor to preclude any State from requiring compliance with any effluent limitation or schedule of compliance at dates earlier than such dates.

"(g) Water quality standards relating to heat shall be consistent with the requirements of section 316 of this Act.

"(h) For the purposes of this Act the term 'water quality standards' includes thermal water quality standards.

"INFORMATION AND GUIDELINES

"SEC. 304. (a)(1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) criteria for water quality accurately reflecting the latest scientific knowledge (A) on the kind and extent of all identifiable effects on health and welfare including, but not limited to, plankton, fish, shellfish, wildlife, plant life, shorelines, beaches, esthetics, and recreation which may be expected from the presence of pollutants in any body of water, including ground water; (B) on the concentration and dispersal of pollutants, or their byproducts, through biological, physical, and chemical processes; and (C) on the effects of pollutants on biological community diversity, productivity, and stability, including information on the factors affecting rates of eutrophication and rates of organic and inorganic sedimentation for varying types of receiving waters.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) information (A) on the factors necessary to restore and maintain the chemical, physical, and biological integrity of all navigable waters, ground waters, waters of the contiguous zone, and the oceans; (B) on the factors necessary for the protection and propagation of shellfish, fish, and wildlife for classes and categories of receiving waters and to allow recreational activities in and on the water; and (C) on the measurement and classification of water quality; and (D) for the purpose of section 303, on and the identification of pollutants suitable for maximum daily load measurement correlated with the achievement of water quality objectives.

"(3) Such criteria and information and revisions thereof shall be issued to the States and shall be published in the Federal Register and otherwise made available to the public.

"(b) For the purpose of adopting or revising effluent limitations under this Act the Administration shall, after consultation with appropriate Federal and State agencies and other interested persons, publish within one year of enactment of this title, regulations, providing guidelines for effluent limitations, and, at least annually thereafter, revise, if appropriate, such regulations. Such regulations shall—

"(1)(A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best practicable control technology currently available for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the control measures and practices to be applicable to point sources (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with subsection (b)(1) of section 301 of this Act shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate;

"(2)(A) identify, in terms of amounts of constitutents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b)(2) of section 301 of this Act to be applicable to any point source (other than publicly owned treatment works) within such

categories or classes. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate; and

"(3) identify control measures and practices available to eliminate the discharge of pollutants from categories and classes of point sources, taking into account the cost of achieving such elimination of the discharge of pollutants.

"(c) The Administrator, after consultation, with appropriate Federal and State agencies and other interested persons, shall issue to the States and appropriate water pollution control agencies within 270 days after enactment of this title (and from time to time thereafter) information on the processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of this Act. Such information shall include technical and other data, including costs, as are available on alternative methods of elimination or reduction of the discharge of pollutants. Such information, and revisions thereof, shall be published in the Federal Register and otherwise shall be made available to the public.

"(d)(1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within sixty days after enactment of this title (and from time to time thereafter) information, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, on the degree of effluent reduction attainable through the application of secondary treatment.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within nine months after the date of enactment of this title (and from time to time thereafter) information on alternative waste treatment management techniques and systems available to implement section 201 of this Act.

"(e) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue to appropriate Federal agencies, the States, water pollution control agencies, and agencies designated under section 208 of this Act, within one year after the effective date of this subsection (and from time to time thereafter) information including (1) guidelines for identifying and evaluating the nature and extent of nonpoint sources of pollutants, and (2) processes, procedures, and methods to control pollution resulting from—

"(A) agricultural and silvicultural activities, including runoff from fields and crop and forest lands;

"(B) mining activities, including runoff and siltation from new, currently operating, and abandoned surface and underground mines;

"(C) all construction activity, including runoff from the facilities resulting from such construction;

"(D) the disposal of pollutants in wells or in subsurface excavations;

"(E) salt water intrusion resulting from reductions of fresh water flow from any cause, including extraction of ground water, irrigation, obstruction, and diversion; and

"(F) changes in the movement, flow, or circulation of any navigable waters or ground waters, including changes caused by the construction of dams, levees, channels, causeways, or flow diversion facilities.

Such information and revisions thereof shall be published in the Federal Register and otherwise made available to the public.

"(f)(1) For the purpose of assisting States in carrying out programs under section 402 of this Act, the Administrator shall publish, within one hundred and twenty days after the date of enactment of this title, and review at least annually thereafter and, if appropriate, revise guidelines for pretreatment of pollutants which he determines are not susceptible to treatment by publicly owned treatment works. Guidelines under this subsection shall be established to control and prevent the discharge into the navigable waters, the contiguous zone, or the ocean (either directly or through publicly owned treatment works) of any pollutant which interferes with, passes through, or otherwise is incompatible with such works.

"(2) When publishing guidelines under this subsection, the Administrator shall designate the category or categories of treatment works to which the guidelines shall apply.

"(g) The Administrator shall, within one hundred and eighty days from the date of enactment of this title, promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to section 401 of this Act or permit application pursuant to section 402 of this Act.

"(h) The Administrator shall (1) within sixty days after the enactment of this title promulgate guidelines for the purpose of establishing uniform application forms and other minimum requirements for the acquisition of information from owners and operators of point sources of discharge subject to any State program under section 402 of this Act, and (2) within sixty days from the date of enactment of this title promulgate guidelines establishing the minimum procedural and other elements of any State program under section 402 of this Act which shall include:

"(A) monitoring requirements;

"(B) reporting requirements (including procedures to make information available to the public);

"(C) enforcement, provisions; and

"(D) funding, personnel qualifications, and manpower requirements (including a requirement that no board or body which approves permit applications or portions thereof shall include, as a member, any person who receives, or has during the previous two years received, a significant portion of his income directly or indirectly from permit holders or applicants for a permit).

"(i) The Administrator shall, within 270 days after the effective date of this subsection (and from time to time thereafter), issue such information on methods, procedures, and processes as may be appropriate to restore and enhance the quality of the Nation's publicly owned fresh water lakes.

"(j)(1) The Administrator shall, within six months from the date of enactment of this title, enter into agreements with the Secretary of Agriculture, the Secretary of the Army, and the Secretary of the Interior to provide for the maximum utilization of the appropriate programs authorized under other Federal law to be carried out by such Secretaries for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under section 208 of this Act.

"(2) The Administrator, pursuant to any agreement under paragraph (1) of this subsection is authorized to transfer to the Secretary of Agriculture, the Secretary of the Army, or the Secretary of the Interior any funds appropriated under paragraph (3) of this subsection to supplement any funds otherwise appropriated to carry out appropriate programs authorized to be carried out by such Secretaries.

"(3) There is authorized to be appropriated to carry out the provisions of this subsection, $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974.

"WATER QUALITY INVENTORY

"SEC. 305. (a) The Administrator, in cooperation with the States and with the assistance of appropriate Federal agencies, shall prepare a report to be submitted to the Congress on or before January 1, 1974, which shall—

"(1) describe the specific quality, during 1973, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, of all navigable waters and the waters of the contiguous zone;

"(2) include an inventory of all point sources of discharge (based on a qualitative and quantitative analysis of discharges) of pollutants, into all navigable waters and the waters of the contiguous zone; and

"(3) identify specifically those navigable waters, the quality of which—

"(A) is adequate to provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allow recreational activities in and on the water;

"(B) can reasonably be expected to attain such level by 1977 or 1983; and

"(C) can reasonably be expected to attain such level by any later date.

"(b)(1) Each State shall prepare and submit to the Administrator by January 1, 1975, and shall bring up to date each year thereafter, a report which shall include—

"(A) a description of the water quality of all navigable waters in such State during the preceding year, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, correlated with the quality of water required by the objective of this Act (as identified by the Administrator pursuant to criteria published under section 304(a) of this Act) and the water quality described in subparagraph (B) of this paragraph;

"(B) an analysis of the extent to which all navigable waters of such State provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;

"(C) an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality which provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water, have been or will be achieved by the requirements of this Act, together with recommendations as to additional action necessary to achieve such objectives and for what waters such additional action is necessary;

"(D) an estimate of (i) the environmental impact, (ii) the economic and social costs necessary to achieve the objective of this Act in such State, (iii) the economic and social benefits of such achievement, and (iv) an estimate of the date of such achievement; and

"(E) a description of the nature and extent of nonpoint sources of pollutants, and recommendations as to the programs which must be undertaken to control each category of such sources, including an estimate of the costs of implementing such programs.

"(2) The Administrator shall transmit such State reports, together with an analysis thereof, to Congress on or before October 1, 1975, and annually thereafter.

"NATIONAL STANDARDS OF PERFORMANCE

"SEC. 306. (a) For purposes of this section:

"(1) The term 'standard of performance' means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable

through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

"(2) The term 'new source' means any source, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such source, if such standard is thereafter promulgated in accordance with this section.

"(3) The term 'source' means any building, structure, facility, or installation from which there is or may be the discharge of pollutants.

"(4) The term 'owner or operator' means any person who owns, leases, operates, controls, or supervises a source.

"(5) The term 'construction' means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

"(b)(1)(A) The Administrator shall, within ninety days after the date of enactment of this title publish (and from time to time thereafter shall revise) a list of categories of sources, which shall, at the minimum, include:

"pulp and paper mills;
"paperboard, builders paper and board mills;
"meat product and rendering processing;
"dairy product processing;
"grain mills;
"canned and preserved fruits and vegetables processing;
"canned and preserved seafood processing;
"sugar processing;
"textile mills;
"cement manufacturing;
"feedlots;
"electroplating;
"organic chemicals manufacturing;
"inorganic chemicals manufacturing;
"plastic and synthetic materials manufacturing;
"soap and detergent manufacturing;
"fertilizer manufacturing;
"petroleum refining;
"iron and steel manufacturing;
"nonferrous metals manufacturing;
"phosphate manufacturing;
"steam electric powerplants;
"feroalloy manufacturing;
"leather tanning and finishing;
"glass and asbestos manufacturing;
"rubber processing; and
"timber products processing.

"(B) As soon as practicable, but in no case more than one year, after a category of sources is included in a list under subparagraph (A) of this paragraph, the Administrator shall propose and publish regulations establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one hundred and twenty days after publication of such proposed regulations, such standards with such adjustments as he deems appropriate. The Administrator shall, from time to time, as technology and alternatives change, revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance, or revisions thereof, shall become effective upon promulgation. In establishing or revising Federal standards of performance for new sources under this section, the Administrator shall take into consideration the cost of achieving such effluent reduction, and any non-water quality environmental impact and energy requirements.

"(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards and shall consider the type of process employed (including whether batch or continuous).

"(3) The provisions of this section shall apply to any new source owned or operated by the United States.

"(c) Each State may develop and submit to the Administrator a procedure under State law for applying and enforcing standards of performance for new sources located in such State. If the Adminstrator finds that the procedure and the law of any State require the application and enforcement of standards of performance to at least the same extent as required by this section, such State is authorized to apply and enforce such standards of performance (except with respect to new sources owned or operated by the United States).

"(d) Notwithstanding any other provision of this Act, any point source the construction of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which is so constructed as to meet all applicable standards of performance shall not be subject to any more stringent standard of performance during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first.

"(e) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

"TOXIC AND PRETREATMENT EFFLUENT STANDARDS

"SEC. 307. (a)(1) The Administrator shall, within ninety days after the date of enactment of this title, publish (and from time to time thereafter revise) a list which includes any toxic pollutant or combination of such pollutants for which an effluent standard (which may include a prohibition of the discharge of such pollutants or combination of such pollutants) will be established under this section. The Administrator in publishing such list shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms.

"(2) Within one hundred and eighty days after the date of publication of any list, or revision thereof, containing toxic pollutants or combination of pollutants under paragraph (1) of this subsection, the Administrator, in accordance with section 553 of title 5 of the United States Code, shall publish a proposed effluent standard (or a prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.

"(3) If after a public hearing the Administrator finds that a modification of such proposed standard (or prohibition) is justified, a revised effluent standard (or prohibition) for such pollutant or combination of pollutants shall be promulgated immediately. Such standard (or prohibition) shall be reviewed and, if appropriate, revised at least every three years.

"(4) Any effluent standard promulgated under this section shall be at that level which the Administrator determines provides an ample margin of safety.

"(5) When proposing or promulgating any effluent standard (or prohibition) under this section, the Administrator shall designate the category or categories of sources to which the effluent standard (or prohibition) shall apply. Any disposal of dredged material may be included in such a category of sources after consultation with the Secretary of the Army.

"(6) Any effluent standard (or prohibition) established pursuant to this section shall take effect on such date or dates as specified in the order promulgating such standard, but in no case more than one year from the date of such promulgation.

"(7) Prior to publishing any regulations pursuant to this section the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, States, independent experts, and Federal departments and agencies.

"(b)(1) The Administrator shall, within one hundred and eighty days after the date of enactment of this title and from time to time thereafter, publish proposed regulations establishing pretreatment standards for introduction of pollutants into treatment works (as defined in section 212 of this Act) which are publicly owned for those pollutants which are determined not to be susceptible to treatment by such treatment works or which would interfere with the operation of such treatment works. Not later than ninety days after such publication, and after opportunity for public hearing, the Administrator shall promulgate such pretreatment standards. Pretreatment standards under this subsection shall specify a time for compliance not to exceed three years from the date of promulgation and shall be established to prevent the discharge of any pollutant through treatment works (as defined in section 212 of this Act) which are publicly owned, which pollutant interferes with, passes through, or otherwise is incompatible with such works.

"(2) The Administrator shall, from time to time, as control technology, processes, operating methods, or other alternatives change, revise such standards following the procedure established by this subsection for promulgation of such standards.

"(3) When proposing or promulgating any pretreatment standard under this section, the Administrator shall designate the category or categories of sources to which such standard shall apply.

"(4) Nothing in this subsection shall affect any pretreatment requirement established by any State or local law not in conflict with any pretreatment standard established under this subsection.

"(c) In order to insure that any source introducing pollutants into a publicly owned treatment works, which source would be a new source subject to section 306 if it were to discharge pollutants, will not cause a violation of the effluent limitations established for any such treatment works, the Administrator shall promulgate pretreatment standards for the category of such sources simultaneously with the promulgation of standards of performance under section 306 for the equivalent category of new sources. Such pretreatment standards shall prevent the discharge of any pollutant into such treatment works, which pollutant may interfere with,

pass through, or otherwise be incompatible with such works.

"(d) After the effective date of any effluent standard or prohibition or pretreatment standard promulgated under this section, it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition or pretreatment standard.

"INSPECTIONS, MONITORING AND ENTRY

"SEC. 308. (a) Whenever required to carry out the objective of this Act, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this Act; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; (3) any requirement established under this section; or (4) carrying out sections 305, 311, 402, and 504 of this Act—

"(A) the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such manner as the Administrator shall prescribe), and (v) provide such other information as he may reasonably require; and

"(B) the Administrator or his authorized representative, upon presentation of his credentials—

"(i) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under clause (A) of this subsection are located, and

"(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under clause (A), and sample any effluents which the owner or operator of such source is required to sample under such clause.

"(b) Any records, reports, or information obtained under this section (1) shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or new source performance standards, and (2) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(c) Each State may develop and submit to the Administrator procedures under State law for inspection, monitoring, and entry with respect to point sources located in such State. If the Administrator finds that the procedures and the law of any State relating to inspection, monitoring, and entry are applicable to at least the same extent as those required by this section, such State is authorized to apply and enforce its procedures for inspection, monitoring, and entry with respect to point sources located in such State (except with respect to point sources owned or operated by the United States).

"FEDERAL ENFORCEMENT

"SEC. 309. (a) (1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any condition or limitation which implements section 301, 302, 306, 307, or 308 of this Act in a permit issued by a State under an approved permit program under section 402 of this Act, he shall proceed under his authority in paragraph (3) of this subsection or he shall notify the person in alleged violation and such State of such finding. If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order requiring such person to comply with such condition or limitation or shall bring a civil action in accordance with subsection (b) of this section.

"(2) Whenever, on the basis of information available to him, the Administrator finds that violations of permit conditions or limitations as set forth in paragraph (1) of this subsection are so widespread that such violations appear to result from a failure of the State to enforce such permit conditions or limitations effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such conditions and limitations (hereafter referred to in this section as the period of 'federally assumed enforcement'), the Administrator shall enforce any permit condition or limitation with respect to any person—

"(A) by issuing an order to comply with such condition or limitation, or

"(B) by bringing a civil action under subsection (b) of this section.

"(3) Whenever on the basis of any information available to him the Administrator finds that any person is in violation of section 301, 302, 306, 307, or 308 of this Act, or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by him or by a State, he shall issue an order requiring such person to comply with such section or requirement, or he shall bring a civil action in accordance with subsection (b) of this section.

"(4) A copy of any order issued under this subsection shall be sent immediately by the Administrator to the State in which the violation occurs and other affected States. Any order issued under this subsection shall be by personal service and shall state with reasonable specificity the nature of the violation, specify a time for compliance, not to exceed thirty days, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1) of this subsection) is issued to a corporation, a copy of such order (or notice) shall be served on any appropriate corporate officers. An order issued under this subsection relating to a violation of section 308 of this Act shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator concerning the alleged violation.

"(b) The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under subsection (a) of this section. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State.

"(c) (1) Any person who willfully or negligently violates section 301, 302, 306, 307, or 308 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or both.

"(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"(3) For the purposes of this subsection, the term 'person' shall mean, in addition to the definition contained in section 502(5) of this Act, any responsible corporate officer.

"(d) Any person who violates section 301, 302, 306, 307, or 308 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator, or by a State, and any person who violates any order issued by the Administrator under subsection (a) of this section, shall be subject to a civil penalty not to exceed $10,000 per day of such violation.

"(e) Whenever a municipality is a party to a civil action brought by the United States under this section, the State in which such municipality is located shall be joined as a party. Such State shall be liable for payment of any judgment, or any expenses incurred as a result of complying with any judgment, entered against the municipality in such action to the extent that the laws of that State prevent the municipality from raising revenues needed to comply with such judgment.

"INTERNATIONAL POLLUTION ABATEMENT

"SEC. 310. (a) Whenever the Administrator, upon receipts of reports, surveys, or studies from any duly constituted international agency, has reason to believe that pollution is occurring which endangers the health or welfare of persons in a foreign country, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State or States in which such discharge or discharges originate and to the appropriate interstate agency, if any. He shall also promptly call such a hearing, if he believes that such pollution is occurring in sufficient quantity to warrant such action, and if such foreign country has given the United States essentially the same rights with respect to the prevention and control of pollution occurring in that country as is given that country by this subsection. The Administrator, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the hearing, and the representative of such country shall, for the purpose of the hearing and any further proceeding resulting from such hearing, have all the rights of a State water pollution control agency. Nothing in this subsection shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of pollution in waters covered by those treaties.

"(b) The calling of a hearing under this section shall not be construed by the courts, the Administrator, or any person as limiting, modifying, or otherwise affecting the functions and responsibilities of the Administrator under this section to establish and enforce water quality requirements under this Act.

"(c) The Administrator shall publish in the Federal Register a notice of a public hearing before a hearing board of five or more persons appointed by the Administrator. A majority of the members of the board and the chairman who shall be designated by the Administrator shall not be officers or employees of Federal, State, or local governments. On the basis of the evidence presented at such hearing, the board shall within sixty days after completion of the hearing make findings of fact as to whether or not such pollution is occurring and shall thereupon by decision, incorporating its findings therein, make such recommendations to abate the pollution as may be appropriate and shall transmit such decision and the record of the hearings to the Administrator. All such decisions shall be public. Upon receipt of such decision, the Administrator shall promptly implement the board's decision in accordance with the provisions of this Act.

"(d) In connection with any hearing called under this subsection, the board is authorized to require any person whose alleged activities result in discharges causing or contributing to pollution to file with it in such forms as it may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the board may prescribe, and shall be filed with the board within such reasonable period as it may prescribe, unless additional time is granted by it. Upon a showing satisfactory to the board by the person filing such report that such report or portion thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge trade secrets or secret processes of such person, the board shall consider such report or portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code. If any person required to file any report under this paragraph shall fail to do so within the time fixed by the board for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $1,000 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States in the district court of the United States where such person has his principal office or in any district in which he does business. The Administrator may upon application therefore remit or mitigate any forfeiture provided for under this subsection.

"(e) Board members, other than officers or employees of Federal, State, or local governments, shall be for each day (including traveltime) during which they are performing board business, entitled to receive compensation at a rate fixed by the Administrator but not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

"(f) When any such recommendation adopted by the Administrator involves the institution of enforcement proceedings against any person to obtain the abatement of pollution subject to such recommendation, the Administrator shall institute such proceedings if he believes that the evidence warrants such proceedings. The district court of the United States shall consider and determine de novo all relevant issues, but shall receive in evidence the record of the proceedings before the conference or hearing board. The court shall have jurisdiction to enter such judgment and orders enforcing such judgment as it deems appropriate or to remand such proceedings to the Administrator for such further action as it may direct.

"OIL AND HAZARDOUS SUBSTANCE LIABILITY

"SEC. 311. (a). For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bareboat-chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necesary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit;

"(14) 'hazardous substance' means any substance designated pursuant to subsection (b)(2) of this section.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2)(A) The Administrator shall develop, promulgate, and revise as may be appropriate, regulations designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

"(B)(i) The Administrator shall include in any designation under subparagraph (A) of this subsection a determination whether any such designated hazardous substance can actually be removed.

"(ii) The owner or operator of any vessel, onshore facility, or offshore facility from which there is discharged during the two-year period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, any hazardous substance determined not removable under clause (i) of this subparagraph shall be liable, subject to the defenses to liability provided under subsection (f) of this section, as appropriate, to the United States for a civil penalty per discharge established by the Administrator based on toxicity, degradability, and dispersal characteristics of such substance, in an amount not to exceed $50,000, except that where the United States can show that such discharge was a result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States for a civil penalty in such amount as the Administrator shall establish, based upon the toxicity, degradability, and dispersal characteristics of such substance.

"(iii) After the expiration of the two-year period referred to in clause (ii) of this subparagraph, the owner or operator of any vessel, onshore facility, or offshore facility, from which there is discharged any hazardous substance determined not removable under clause (i) of this subparagraph shall be liable, subject to the defenses to liability provided in subsection (f) of this section, to the United States for either one or the other of the following penalties, the determination of which shall be in the discretion of the Administrator;

"(aa) a penalty in such amount as the Administrator shall establish, based on the toxicity, degradability, and dispersal characteristics of the substance, but not less than $500 nor more than $5,000; or

"(bb) a penalty determined by the number of units discharged multiplied by the amount established for such unit under clause (iv) of this subparagraph, but such penalty shall not be more than $5,000,000 in the case of a discharge from a vessel and $500,000 in the case of a discharge from an onshore or offshore facility.

"(iv) The Administrator shall establish by regulation, for each hazardous substance designated under subparagraph (A) of this paragraph, and within 180 days of the date of such designation, a unit of measurement based upon the usual trade practice and, for the purpose of determining the penalty under clause (iii)(bb) of this subparagraph, shall establish for each such unit a fixed monetary amount which shall be not less than $100 nor more than $1,000 per unit. He shall establish such fixed amount based on the toxicity, degradability, and dispersal characteristics of the substance.

"(3) The discharge of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (4) of this subsection, is prohibited, except (A) in the case of such discharges of oil into the waters of the contiguous zone, where permitted

under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulations, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(4) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil and any hazardous substance the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(5) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of paragraph (3) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(6) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance is discharged in violation of paragraph (3) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $5,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c)(1) Whenever any oil or a hazardous substance is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil or substance at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil and hazardous substances, pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to dispersal, and removal of oil and hazardous substance discharges, including containment, dispersal, and removal of oil and harzardous substances, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil and hazardous substance pollution control equipment and material, and a detailed oil and hazardous substance pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil and hazardous substances to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances;

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters; and

"(H) a system whereby the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and such State or States may be reimbursed from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal. The President may, from time to time, as he deems advisable revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and hazardous substances and actions to minimize damage from oil and hazardous substance discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil or hazardous substance.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall, not withstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or

less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amounts contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section, proves that such discharge of oil or hazardous substance was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil or substance by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred if such owner or operator were liable. If the United States can show that the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights hwich (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) The United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil or hazardous substance.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section acts to remove such oil or substance in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil and hazardous substances, (B) establishing criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, (C) establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges, and (D) governing the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (d), (i), and (l) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam and the Trust Territory of the Pacific Islands, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly owned or privately owned property resulting from a discharge of any oil or hazardous substance or from the removal of any such oil or hazardous substance.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or hazardous substance into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combina-

tion of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective April 3, 1971, with respect to oil and one year after the date of enactment of this section with respect to hazardous substances. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) Any owner or operator of a vessel subject to this subsection, who fails to comply with the provisions of this subsection or any regulation issued thereunder, shall be subject to a fine of not more than $10,000.

"(5) The Secretary of the Treasury may refuse the clearance required by section 4197 of the Revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this subsection, which does not have evidence furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

"(6) The Secretary of the Department in which the Coast Guard is operated may (A) deny entry to any port or place in the United States or the navigable waters of the United States, to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection, which upon request, does not produce evidence furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

"MARINE SANITATION DEVICES

"SEC. 312. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 104(j) of this Act, the Administrator, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Administrator, may distinguish among classes, type, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) of this section and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Administrator and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f)(1) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section.

"(2) If, after promulgation of the initial standards and regulations and prior to their effective date, a vessel is equipped with a marine sanitation device in compliance with such standards and regulations and the installation and operation of such device is in accordance with such standards and regulations, such standards and regulations shall, for the purposes of paragraph (1) of this subsection, become effective with respect to such vessel on the date of such compliance.

"(3) After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply. Upon application of the State, the Administrator shall make such determination within 90 days of the date of such application.

"(4) If the Administrator determines upon application by a State that the protection and enhancement of the quality of specified waters within such State requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Administrator as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the depart-

ment in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Administrator or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Administrator or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by the Administrator or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) of this section and subsections (h) (1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g)(1) of this section or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam and the Trust Territory of the Pacific Islands, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"FEDERAL FACILITIES POLLUTION CONTROL

"SEC. 313. Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants shall comply with Federal, State, interstate, and local requirements respecting control and abatement of pollution to the same extent that any person is subject to such requirements, including the payment of reasonable service charges. The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any such a requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption.

"CLEAN LAKES

"SEC. 314. (a) Each State shall prepare or establish, and submit to the Administrator for his approval—

"(1) an identification and classification according to eutrophic conditions of all publicly owned fresh water lakes in such State;

"(2) procedures, processes, and methods (including land use requirements), to control sources of pollution of such lakes; and

"(3) methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes.

"(b) The Administrator shall provide financial assistance to States in order to carry out methods and procedures approved by him under this section.

"(c)(1) The amount granted to any State for any fiscal year under this section shall not exceed 70 per centum of the funds expended by such State in such year for carrying out approved methods and procedures under this section.

"(2) There is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year 1974; and $150,000,000 for the fiscal year 1975 for grants to States under this section which such sums shall remain available until expended. The Administrator shall provide for an equitable distribution of such sums to the States with approved methods and procedures under this section.

"NATIONAL STUDY COMMISSION

"SEC. 315. (a) There is established a National Study Commission, which shall make a full and complete investigation and study of all of the technological aspects of achieving, and all aspects of the total economic, social, and environmental effects of achieving or not achieving, the effluent limitations and goals set forth for 1983 in section 301(b)(2) of this Act.

"(b) Such Commission shall be composed of fifteen members, including five members of the Senate, who are members of the Public Works committee, appointed by the President of the Senate, five members of the House, who are members of the Public Works committee, appointed by the Speaker of the House, and five members of the public appointed by the President. The Chairman of such Commission shall be elected from among its members.

"(c) In the conduct of such study, the Commission is authorized to contract with the National Academy of Sciences and the National Academy of Engineering (acting through the National Research Council), the National Institute of Ecology, Brookings Institution, and other nongovermental entities, for the investigation of matters within their competence.

"(d) The heads of the departments, agencies and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out the requirements of this section, and shall furnish to the Commission such information as the Commission deems necessary to carry out this section.

"(e) A report shall be submitted to the Congress of the results of such investigation and study, together with recommendations, not later than three years after the date of enactment of this title.

"(f) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chairman shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title V of the United States Code, including traveltime and while away from their homes or regular places of business they may be allowed travel

expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73 b–2) for persons in the Government service employed intermittently.

"(g) There is authorized to be appropriated, for use in carrying out this section, not to exceed $15,000,000.

"THERMAL DISCHARGES

"SEC. 316. (a) With respect to any point source otherwise subject to the provisions of section 301 or section 306 of this Act, whenever the owner or operator of any such source, after opportunity for public hearing, can demonstrate to the satsfaction of the Administrator (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection ad propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made, the Administrator (or, if appropriate, the State) may impose an effluent limitation under such sections for such plant, with respect to the thermal component of such discharge (taking into account the interaction of such thermal component with other pollutants), that will assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on that body of water.

"(b) Any standard established pursuant to section 301 or section 306 of this Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

"(c) Notwithstanding any other provision of this Act, any point source of a discharge having a thermal component, the modification of which point source is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which, as modified, meets effluent limitations established under section 301 or, if more stringent, effluent limitations established under section 303 and which effluent limitations will assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the water into which the discharge is made, shall not be subject to any more stringent effluent limitation with respect to the thermal component of its discharge during a ten year period beginning on the date of completion of such modification or during the period of depreciation or amortization of such facility for the purpose of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first.

"FINANCING STUDY

"SEC. 317. (a) The Administrator shall continue to investigate and study the feasibility of alternate methods of financing the cost of preventing, controlling and abating pollution as directed in the Water Quality Improvement Act of 1970 (Public Law 91–224), including, but not limited to, the feasibility of establishing a pollution abatement trust fund. The results of such investigation and study shall be reported to the Congress not later than two years after enactment of this title, together with recommendations of the Administrator for financing the programs for preventing, controlling and abating pollution for the fiscal years beginning after fiscal year 1976, including any necessary legislation.

"(b) There is authorized to be appropriated for use in carrying out this section, not to exceed $1,000,000.

"AQUACULTURE

"SEC. 318. (a) The Administrator is authorized, after public hearings, to permit the discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project under Federal or State supervision.

"(b) The Administrator shall by regulation, not later than January 1, 1974, establish any procedures and guidelines he deems necessary to carry out this section.

"TITLE IV—PERMITS AND LICENSES

"CERTIFICATION

"SEC. 401. (a) (1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of this Act. In the case of any such activity for which there is not an applicable effluent limitation or other limitation under sections 301(b) and 302, and there is not an applicable standard under sections 306 and 307, the State shall so certify, except that any such certification shall not be deemed to satisfy section 511(c) of this Act. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it and, to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where a State or interstate agency has no authority to give such a certification, such certification shall be from the Administrator. If the State, interstate agency, or Administrator, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Administrator, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Administrator of such application and certification. Whenever such a discharge may affect, as determined by the Administrator, the quality of the waters of any other State, the Administrator within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate any water quality requirement in such State, and within such sixty-day period notifies the Administrator and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Administrator shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Administrator, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality requirements. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Administrator, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Administrator, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with the applicable provisions of sections 301, 302, 306, and 307 of this Act because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, (C) the water quality criteria applicable to such waters or (D) applicable effluent limitations or other requirements. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or, if appropriate, the interstate agency or the Administrator, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted, which changes may result in violation of section 301, 302, 306, or 307 of this Act.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or, if appropriate, the interstate agency or the Administrator to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Administrator that the operation of any such federally licensed or permitted facility or activity will violate applicable effluent limitations or other limitations or other water quality requirements such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Administrator, as the case may be, that there is reasonable assurance that such facility or activity will not violate the applicable provisions of section 301, 302, 306, or 307 of this Act.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under this Act that such facility or activity has been operated in violation of the applicable provisions of section 301, 302, 306, or 307 of this Act.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) Except with respect to a permit issued under section 402 of this Act, in any case where actual construction of a facility has been lawfully commenced prior to April 3, 1970, no certification shall be required under this subsection for a license or permit issued after April 3, 1970, to operate such facility, except that any such license or permit issued without certification shall terminate April 3,

1973, unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this section.

"(b) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with any applicable water quality requirements. The Administrator shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable effluent limitations, or other limitations, standards, regulations, or requirements, or water quality criteria, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such limitations, standards, regulations, requirements, or criteria.

"(c) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

"(d) Any certification provided under this section shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal license or permit will comply with any applicable effluent limitations and other limitations, under section 301 or 302 of this Act, standard of performance under section 306 of this Act, or prohibition, effluent standard, or pretreatment standard under section 307 of this Act, and with any other appropriate requirement of State law set forth in such certification, and shall become a condition on any Federal license or permit subject to the provisions of this section.

"NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

"SEC. 402. (a)(1) Except as provided in sections 318 and 404 of this Act, the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 301(a), upon condition that such discharge will meet either all applicable requirements under sections 301, 302, 306, 307, 308, and 403 of this Act, or prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of this Act.

"(2) The Administrator shall prescribe conditions for such permits to assure compliance with the requirements of paragraph (1) of this subsection, including conditions on data and information collection, reporting, and such other requirements as he deems appropriate.

"(3) The permit program of the Administrator under paragraph (1) of this subsection, and permits issued thereunder, shall be subject to the same terms, conditions, and requirements as apply to a State permit program and permits issued thereunder under subsection (b) of this section.

"(4) All permits for discharges into the navigable waters issued pursuant to section 13 of the Act of March 3, 1899, shall be deemed to be permits issued under this title, and permits issued under this title shall be deemed to be permits issued under section 13 of the Act of March 3, 1899, and shall continue in force and effect for their term unless revoked, modified, or suspended in accordance with the provisions of this Act.

"(5) No permit for a discharge into the navigable waters shall be issued under section 13 of the Act of March 3, 1899, after the date of enactment of this title. Each application for a permit under section 13 of the Act of March 3, 1899, pending on the date of enactment of this Act shall be deemed to be an application for a permit under this section. The Administrator shall authorize a State, which he determines has the capability of administering a permit program which will carry out the objective of this Act, to issue permits for discharges into the navigable waters within the jurisdiction of such State. The Administrator may exercise the authority granted him by the preceding sentence only during the period which begins on the date of enactment of this Act and ends either on the ninetieth day after the date of the first promulgation of guidelines required by section 304(h)(2) of this Act, or the date of approval by the Administrator of a permit program for such State under subsection (b) of this section, whichever date first occurs, and no such authorization to a State shall extend beyond the last day of such period. Each such permit shall be subject to such conditions as the Administrator determines are necessary to carry out the provisions of this Act. No such permit shall issue if the Administrator objects to such issuance.

"(b) At any time after the promulgation of the guidelines required by subsection (h)(2) of section 304 of this Act, the Governor of each State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact. In addition, such State shall submit a statement from the attorney general (or the attorney for those State water pollution control agencies which have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of such State, or the interstate compact, as the case may be, provide adequate authority to carry out the described program. The Administrator shall approve each such submitted program unless he determines that adequate authority does not exist:

"(1) To issue permits which—

"(A) apply, and insure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

"(B) are for fixed terms not exceeding five years; and

"(C) can be terminated or modified for cause including, but not limited to, the following:

"(i) violation of any condition of the permit;

"(ii) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

"(iii) change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

"(D) control the disposal of pollutants into wells;

"(2)(A) To issue permits which apply, and insure compliance with, all applicable requirements of section 308 of this Act, or

"(B) To inspect, monitor, enter, and require reports to at least the same extent as required in section 308 of this Act;

"(3) To insure that the public, and any other State the waters of which may be affected, receive notice of each application for a permit and to provide an opportunity for public hearing before a ruling on each such application;

"(4) To insure that the Administrator receives notice of each application (including a copy thereof) for a permit;

"(5) To insure that any State (other than the permitting State) whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing;

"(6) To insure that no permit will be issued if, in the judgment of the Secretary of the Army acting through the Chief of Engineers, after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired thereby; and

"(7) To abate violations of the permit or the permit program, including civil and criminal penalties and other ways and means of enforcement.

"(8) To insure that any permit for a discharge from a publicly owned treatment works includes conditions to require adequate notice to the permitting agency of (A) new introductions into such works of pollutants from any source which would be a new source as defined in section 306 if such source were discharging pollutants, (B) new introductions of pollutants into such works from a source which would be subject to section 301 if it were discharging such pollutants, or (C) a substantial change in volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time of issuance of the permit. Such notice shall include information on the quality and quantity of effluent to be introduced into such treatment works and any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

"(9) To insure that any individual user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

"(c)(1) Not later than ninety days after the date on which a State has submitted a program (or revision thereof) pursuant to subsection (b) of this section, the Administrator shall suspend the issuance of permits under subsection (a) of this section as to those navigable waters subject to such program unless he determines that the State permit program does not meet the requirements of subsection (b) of this section or does not conform to the guidelines issued under section 304(h)(2) of this Act. If the Administrator so determines, he shall notify the State of any revisions or modifications necessary to conform to such requirements or guidelines.

"(2) Any State permit program under this section shall at all times be in accordance with this section and guidelines promulgated pursuant to section 304(h)(2) of this Act.

"(3) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

"(d)(1) Each State shall transmit to the Administrator a copy of each permit application received by such State and provide notice to the Administrator of every action related to the consideration of such permit application, including each permit proposed to be issued by such State.

"(2) No permit shall issue (A) if the Administrator within ninety days of the date of his notification under subsection (b)(5) of this section objects in writing to the issuance of such permit, or (B) if the Administrator within ninety days of the date of transmittal

of the proposed permit by the State objects in writing to the issuance of such permit as being outside the guidelines and requirements of this Act.

"(3) The Administrator may, as to any permit application, waive paragraph (2) of this subsection.

"(e) In accordance with guidelines promulgated pursuant to subsection (h)(2) of section 304 of this Act, the Administrator is authorized to waive the requirements of subsection (d) of this section at the time he approves a program pursuant to subsection (b) of this section for any category (including any class, type, or size within such category) of point sources within the State submitting such program.

"(f) The Administrator shall promulgate regulations establishing categories of point sources which he determines shall not be subject to the requirements of subsection (d) of this section in any State with a program approved pursuant to subsection (b) of this section. The Administrator may distinguish among classes, types, and sizes within any category of point sources.

"(g) Any permit issued under this section for the discharge of pollutants into the navigable waters from a vessel or other floating craft shall be subject to any applicable regulations promulgated by the Secretary of the department in which the Coast Guard is operating, establishing specifications for safe transportation, handling, carriage, storage, and stowage of pollutants.

"(h) In the event any condition of a permit for discharges from a treatment works (as defined in section 212 of this Act) which is publicly owned is violated, a State with a program approved under subsection (b) of this section or the Administrator, where no State program is approved, may proceed in a court of competent jurisdiction to restrict or prohibit the introduction of any pollutant into such treatment works by a source not utilizing such treatment works prior to the finding that such condition was violated.

"(i) Nothing in this section shall be construed to limit the authority of the Administrator to take action pursuant to section 309 of this Act.

"(j) A copy of each permit application and each permit issued under this section shall be available to the public. Such permit application or permit, or portion thereof, shall further be available on request for the purpose of reproduction.

"(k) Compliance with a permit issued pursuant to this section shall be deemed compliance, for purposes of sections 309 and 505, with sections 301, 302, 306, 307, and 403, except any standard imposed under section 307 for a toxic pollutant injurious to human health. Until December 31, 1974, in any case where a permit for discharge has been applied for pursuant to this section, but final administrative disposition of such application has not been made, such discharge shall not be a violation of (1) section 301, 306, or 402 of this Act, or (2) section 13 of the Act of March 3, 1899, unless the Administrator or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For the 180-day period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, in the case of any point source discharging any pollutant or combination of pollutants immediately prior to such date of enactment which source is not subject to section 13 of the Act of March 3, 1899, the discharge by such source shall not be a violation of this Act if such a source applies for a permit for discharge pursuant to this section within such 180-day period.

"OCEAN DISCHARGE CRITERIA

"SEC. 403. (a) No permit under section 402 of this Act for a discharge into the territorial sea, the waters of the contiguous zone, or the oceans shall be issued, after promulgation of guidelines established under subsection (c) of this section, except in compliance with such guidelines. Prior to the promulgation of such guidelines, a permit may be issued under such section 402 if the Administrator determines it to be in the public interest.

"(b) The requirements of subsection (d) of section 402 of this Act may not be waived in the case of permits for discharges into the territorial sea.

"(c)(1) The Administrator shall, within one hundred and eighty days after enactment of this Act (and from time to time thereafter), promulgate guidelines for determining the degradation of the waters of the territorial seas, the contiguous zone, and the oceans, which shall include:

"(A) the effect of disposal of pollutants on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

"(B) the effect of disposal of pollutants on marine life including the transfer, concentration, and dispersal of pollutants or their byproducts through biological, physical, and chemical processes; changes in marine ecosystem diversity, productivity, and stability; and species and community population changes;

"(C) the effect of disposal, of pollutants on esthetic, recreation, and economic values;

"(D) the persistence and permanence of the effects of disposal of pollutants;

"(E) the effect of the disposal at varying rates, of particular volumes and concentrations of pollutants;

"(F) other possible locations and methods of disposal or recycling of pollutants including land-based alternatives; and

"(G) the effect of alternate uses of the oceans, such as mineral exploitation and scientific study.

"(2) In any event where insufficient information exists on any proposed discharge to make a reasonable judgment on any of the guidelines established pursuant to this subsection no permit shall be issued under section 402 of this Act.

"PERMITS FOR DREDGED OR FILL MATERIAL

"SEC. 404. (a) The Secretary of the Army, acting through the Chief of Engineers, may issue permits, after notice and opportunity for public hearings for the discharge of dredged or fill material into the navigable waters at specified disposal sites.

"(b) Subject to subsection (c) of this section, each such disposal site shall be specified for each such permit by the Secretary of the Army (1) through the application of guidelines developed by the Administrator, in conjunction with the Secretary of the Army, which guidelines shall be based upon criteria comparable to the criteria applicable to the territorial seas, the contiguous zone, and the ocean under section 403(c), and (2) in any case where such guidelines under clause (1) alone would prohibit the specification of a site, through the application additionally of the economic impact of the site on navigation and anchorage.

"(c) The Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and he is authorized to deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable and adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Before making such determination, the Administrator shall consult with the Secretary of the Army. The Administrator shall set forth in writing and make public his findings and his reasons for making any determination under this subsection.

"DISPOSAL OF SEWAGE SLUDGE

"SEC. 405. (a) Notwithstanding any other provision of this Act or of any other law, in any case where the disposal of sewage sludge resulting from the operation of a treatment works as defined in section 212 of this Act (including the removal of in-place sewage sludge from one location and its deposit at another location) would result in any pollutant from such sewage sludge entering the navigable waters, such disposal is prohibited except in accordance with a permit issued by the Administrator under this section.

"(b) The Administrator shall issue regulations governing the issuance of permits for the disposal of sewage sludge subject to this section. Such regulations shall require the application to such disposal of each criterion, factor, procedure, and requirement applicable to a permit issued under section 402 of this title, as the Administrator determines necessary to carry out the objective of this Act.

"(c) Each State desiring to administer its own permit program for disposal of sewage sludge within its jurisdiction may do so if upon submission of such program the Administrator determines such program is adequate to carry out the objective of this Act.

"TITLE V—GENERAL PROVISIONS

"ADMINISTRATION

"SEC. 501. (a) The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

"(b) The Administrator, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

"(c) Each recipient of financial assistance under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(d) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

"(e)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Administrator shall, in consultation with the appropriate State water pollution control agencies, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality requirements under this Act, or otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Administrator shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition un-

der regulations established under this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Administrator and the awarding of such recognition shall be published in the Federal Register.

"(f) Upon the request of a State water pollution control agency, personnel of the Environmental Protection Agency may be detailed to such agency for the purpose of carrying out the provisions of this Act.

"GENERAL DEFINITIONS

"SEC. 502. Except as otherwise specifically provided, when used in this Act:

"(1) The term 'State water pollution control agency means the State agency designated by the Governor having responsibility for enforcing State laws relating to the abatement of pollution.

"(2) The term 'interstate agency' means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator.

"(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(4) The term 'municipality' means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of this Act.

"(5) The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

"(6) The term 'pollutant' means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean (A) 'sewage from vessels' within the meaning of section 312 of this Act; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines that such injection or disposal will not result in the degradation of ground or surface water resources.

"(7) The term 'navigable waters' means the waters of the United States, including the territorial seas.

"(8) The term 'territorial seas' means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

"(9) The term 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

"(10) The term 'ocean' means any portion of the high seas beyond the contiguous zone.

"(11) The term 'effluent limitation' means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.

"(12) The term 'discharge of a pollutant' and the term 'discharge of pollutants' each means (A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

"(13) The term 'toxic pollutant' means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

"(14) The term 'point source' means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

"(15) The term 'biological monitoring' shall mean the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants (A) by techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain appropriate to the volume and the physical, chemical, and biological characteristics of the effluent, and (B) at appropriate frequencies and locations.

"(16) The term 'discharge' when used without qualification includes a discharge of a pollutant, and a discharge of pollutants.

"(17) The term 'schedule of compliance' means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitations, other limitation, prohibition, or standard.

"(18) The term 'industrial user' means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category 'Division D—Manufacturing' and such other classes of significant waste producers as, by regulation, the Adminitsrator deems appropriate.

"(19) The term 'pollution' means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"WATER POLLUTION CONTROL ADVISORY BOARD

"SEC. 503. (a)(1) There is hereby established in the Environmental Protection Agency a Water Pollution Control Advisory Board, composed of the Administrator or his designee, who shall be Chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate, and local governmental agencies, of public or private interests contributing to, affected by, or concerned with pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of pollution prevention and control, as well as other individuals who are expert in this field.

"(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term.

"(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Administrator, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(b) The Board shall advise, consult with, and make recommendations to the Administrator on matters of policy relating to the activities and functions of the Administrator under this Act.

"(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Environmental Protection Agency.

"EMERGENCY POWERS

"SEC. 504. Notwithstanding any other provision of this Act, the Administrator upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to the livelihood of such persons, such as inability to market shellfish, may bring suit on behalf of the United States in the appropriate district court to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take such other action as may be necessary.

"CITIZEN SUITS

"SEC. 505. (a) Except as provided in subsection (b) of this section, any citizen may commence a civil action on his own behalf—

"(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of (A) an effluent standard or limitation under this Act or (B) an order issued by the Administrator or a State with respect to such a standard or limitation, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an effluent standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be, and to apply any appropriate civil penalties under section 309(d) of this Act.

"(b) No action may be commenced—

"(1) under subsection (a)(1) of this section—

"(A) prior to sixty days after the plaintiff has given notice of the alleged violation (i) to the Administrator, (ii) to the State in which the alleged violation occurs,

and (iii) to any alleged violator of the standard, limitation, or order, or

"(B) if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States, or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any citizen may intervene as a matter of right.

"(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator.

except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of sections 306 and 307(a) of this Act. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(c)(1) Any action respecting a violation by a discharge source of an effluent standard or limitation or an order respecting such standard or limitation may be brought under this section only in the judicial district in which such source is located.

"(2) In such action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(d) The court, in issuing any final order in any action brought pursuant to this section, may award cost of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any effluent standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(f) For purposes of this section, the term 'effluent standard or limitation under this Act' means (1) effective July 1, 1973, an unlawful act under subsection (a) of section 301 of this Act; (2) an effluent limitation or other limitation under section 301 or 302 of this Act; (3) standard of performance under section 306 of this act; (4) prohibition, effluent standard or pretreatment standards under section 307 of this Act; (5) certification under section 401 of this Act; or (6) a permit or condition thereof issued under section 402 of this Act, which is in effect under this Act (including a requirement applicable by reason of section 313 of this Act).

"(g) For the purposes of this section the term 'citizen' means a person or persons having an interest which is or may be adversely affected.

"(h) A Governor of a State may commence a civil action under subsection (a), without regard to the limitations of subsection (b) of this section, against the Administrator where there is alleged a failure of the Administrator to enforce an effluent standard or limitation under this Act the violation of which is occurring in another State and is causing an adverse effect on the public health or welfare in his State, or is causing a violation of any water quality requirement in his State.

"APPEARANCE

"SEC. 506. The Administrator shall request the Attorney General to appear and represent the United States in any civil or criminal action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator within a reasonable time, that he will appear in a civil action, attorneys who are officers or employees of the Environmental Protection Agency shall appear and represent the United States in such action.

"EMPLOYEE PROTECTION

"SEC. 507. (a) No person shall fire, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code, Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act.

"(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

"(d) This section shall have no application to any employee who, acting without direction from his employer (or his agent) deliberately violates any prohibition of effluent limitation or other limitation under section 301 or 302 of this Act, standards of performance under section 306 of this Act, effluent standard, prohibition or pretreatment standard under section 307 of this Act, or any other prohibition or limitation established under this Act.

"(e) The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the issuance of any effluent limitation or order under this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such limitation or order. Any employee who is discharged or laid-off, threatened with discharge or lay-off, or otherwise discriminated against by any person because of the alleged results of any effluent limitation or order issued under this Act, or any representative of such employee, may request the Administrator to conduct a full investigation of the matter. The Administrator shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than five days notice, and shall at such hearings require the parties, including the employer involved, to present information relating to the actual or potential effect of such limitation or order on employment and on any alleged discharge, lay-off, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Administrator shall make findings of fact as to the effect of such effluent limitation or order on employment and on the alleged discharge, lay-off, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the Administrator to modify or withdraw any effluent limitation or order issued under this Act.

"FEDERAL PROCUREMENT

"SEC. 508. (a) No Federal agency may enter into any contract with any person, who has been convicted of any offense under section 309(c) of this Act, for the procurement of goods, materials, and services if such contract is to be performed at any facility at which the violation which gave rise to such conviction occurred, and if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

"(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a) of this section.

"(c) In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's water, the President shall, not more than one hundred and eighty days after enactment of this Act, cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

"(e) The President shall annually report to the Congress on measures taken in compliance with the purpose and intent of this section, including, but not limited to, the progress and problems associated with such compliance.

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"SEC. 509. (a)(1) For purposes of obtaining information under section 305 of this Act, or carrying out section 507(e) of this Act, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for effluent data, upon a showing satisfactory to the Administrator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes, the Administrator shall consider

such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(2) The district courts of the United States are authorized, upon application by the Administrator, to issue subpenas for attendance and testimony of witnesses and the production of relevant papers, books, and documents, for purposes of obtaining information under sections 304 (b) and (c) of this Act. Any papers, books, documents, or other information or part thereof, obtained by reason of such a subpena shall be subject to the same requirements as are provided in paragraph (1) of this subsection.

"(b)(1) Review of the Administrators action (A) in promulgating any standard of performance under section 306, (B) in making any determination pursuant to section 306(b)(1)(C), (C) in promulgating any effluent standard, prohibition, or treatment standard under section 307, (D) in making any determination as to a State permit program submitted under section 402(b), (E) in approving or promulgating any effluent limitation or other limitation under section 301, 302, or 306, and (F) in issuing or denying any permit under section 402, may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such determination, approval, promulgation, issuance or denial, or after such date only if such application is based solely on grounds which arose after such ninetieth day.

"(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) of this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

"(c) In any judicial proceeding brought under subsection (b) of this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"STATE AUTHORITY

"SEC. 510. Except as expressly provided in this Act, nothing in this Act shall (1) preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce (A) any standard or limitation respecting discharges of pollutants, or (B) any requirement respecting control or abatement of pollution; except that if an effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance is in effect under this Act, such State or political subdivision or interstate agency may not adopt or enforce any effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance which is less stringent than the effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance under this Act; or (2) be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

"OTHER AFFECTED AUTHORITY

"SEC. 511. (a) This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the United States under any other law or regulation not inconsistent with this Act; (2) affecting or impairing the authority of the Secretary of the Army (A) to maintain navigation or (B) under the Act of March 3, 1899 (30 Stat. 1112); except that any permit issued under section 404 of this Act shall be conclusive as to the effect on water quality of any discharge resulting from any activity subject to section 10 of the Act of March 3, 1899, or (3) affecting or impairing the provisions of any treaty of the United States.

"(b) Discharges of pollutants into the navigable waters subject to the Rivers and Harbors Act of 1910 (36 Stat. 593; 33 U.S.C. 421) and the Supervisory Harbors Act of 1888 (25 Stat. 209; 33 U.S.C. 441–451b) shall be regulated pursuant to this Act, and not subject to such Act of 1910 and the Act of 1888 except as to effect on navigation and anchorage.

"(c)(1) Except for the provision of Federal financial assistance for the purpose of assisting the construction of publicly owned treatment works as authorized by section 201 of this Act, and the issuance of a permit under section 402 of this Act for the discharge of any pollutant by a new source as defined in section 306 of this Act, no action of the Administrator taken pursuant to this Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852); and

"(2) nothing in the National Environmental Policy Act of 1969 (83 Stat. 852) shall be deemed to—

"(A) authorize any Federal agency authorized to license or permit the conduct of any activity which may result in the discharge of a pollutant into the navigable waters to review any effluent limitation or other requirement established pursuant to this Act or the adequacy of any certification under section 401 of this Act; or

"(B) authorize any such agency to impose, as a condition precedent to the issuance of any license or permit, any effluent limitation other than any such limitation established pursuant to this Act.

"SEPARABILITY

"SEC. 512. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"LABOR STANDARDS

"SEC. 513. The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on treatment works for which grants are made under this Act shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"PUBLIC HEALTH AGENCY COORDINATION

"SEC. 514. The permitting agency under section 402 shall assist the applicant for a permit under such section in coordinating the requirements of this Act with those of the appropriate public health agencies.

"EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

"SEC. 515. (a)(1) There is established an Effluent Standards and Water Quality Information Advisory Committee, which shall be composed of a Chairman and eight members who shall be appointed by the Administrator within sixty days after the date of enactment of this Act.

"(2) All members of the Committee shall be selected from the scientific community, qualified by education, training, and experience to provide, assess, and evaluate scientific and technical information on effluent standards and limitations.

"(3) Members of the Committee shall serve for a term of four years, and may be reappointed.

"(b)(1) No later than one hundred and eighty days prior to the date on which the Administrator is required to publish any proposed regulations required by section 304(b) of this Act, any proposed standard of performance for new sources required by section 306 of this Act, or any proposed toxic effluent standard required by section 307 of this Act, he shall transmit to the Committee a notice of intent to propose such regulations. The Chairman of the Committee within ten days after receipt of such notice may publish a notice of a public hearing by the Committee, to be held within thirty days.

"(2) No later than one hundred and twenty days after receipt of such notice, the Committee shall transmit to the Administrator such scientific and technical information as is in its possession, including that presented at any public hearing, related to the subject matter contained in such notice.

"(3) Information so transmitted to the Administrator shall constitute a part of the administrative record and comments on any proposed regulations or standards as information to be considered with other comments and information in making any final determinations.

"(4) In preparing information for transmittal, the Committee shall avail itself of the technical and scientific services of any Federal agency, including the United States Geological Survey and any national environmental laboratories which may be established.

"(c)(1) The Committee shall appoint and prescribe the duties of a Secretary, and such legal counsel as it deems necessary. The Committee shall appoint such other employees as it deems necessary to exercise and fulfill its powers and responsibilities. The compensation of all employees appointed by the Committee shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title V of the United States Code.

"(2) Members of the Committee shall be entitled to receive compensation at a rate to be fixed by the President but not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title V of the United States Code.

"(d) Five members of the Committee shall constitute a quorum, and official actions of the Committee shall be taken only on the affirmative vote of at least five members. A special panel composed of one or more members upon order of the Committee shall conduct any hearing authorized by this section and submit the transcript of such hearing to the entire Committee for its action thereon.

"(e) The Committee is authorized to make such rules as are necessary for the orderly transaction of its business.

"REPORTS TO CONGRESS

"SEC. 516. (a) Within ninety days following the convening of each session of Congress, the Administrator shall submit to the Congress a report, in addition to any other report required by this Act, on measures taken toward implementing the objective of this Act, including but not limited to, (1) the progress and problems associated with developing comprehensive plans under section 102 of this Act, areawide plans under section 208 of this Act, basin plans under section 209 of this Act, and plans under section 303 (c) of this Act; (2) a summary of actions taken and results achieved in the field of water pollution control research, experiments, studies, and related matters by the Administrator and other Federal agencies and by other persons and agencies under Federal grants or contracts; (3) the progress and problems associated with the development of effluent limitations and recommended control techniques; (4) the status of State programs, including a detailed summary of the progress obtained as compared to that planned under State program plans for development and enforcement of water quality requirements; (5) the identification and status of enforcement actions pending or completed under such Act during the preceding year; (6) the status of State, interstate, and local pollution control programs established pursuant to, and assisted by, this Act; (7) a summary of the results of the survey required to be taken under section 210 of this Act; (8) his activities including recommendations under sections 109 through 111 of this Act; and (9) all reports and recommendations made by the Water Pollution Control Advisory Board.

"(b) The Administrator, in cooperation with the States, including water pollution control agencies and other water pollution control planning agencies, shall make (1) a detailed estimate of the cost of carrying out the provisions of this Act; (2) a detailed estimate, biennially revised, of the cost of construction of all needed publicly owned treatment works in all of the States and of the cost of construction of all needed publicly owned treatment works in each of the States; (3) a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and (4) a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain the water quality objectives as established by this Act or applicable State law. The Administrator shall submit such detailed estimate and such comprehensive study of such cost to the Congress no later than February 10 of each odd-numbered year. Whenever the Administrator, pursuant to this subsection, requests and receives an estimate of cost from a State, he shall furnish copies of such estimate together with such detailed estimate to Congress.

"GENERAL AUTHORIZATION

"SEC. 517. There are authorized to be appropriated to carry out this Act, other than sections 104, 105, 106(a), 107, 108, 112, 113, 114, 115, 206, 207, 208(f) and (h), 209, 304, 311(c), (d), (l), (l), and (k), 314, 315, and 317, $250,000,000 for the fiscal year ending June 30, 1973, $300,000,000 for the fiscal year ending June 30, 1974, and $350,000,000 for the fiscal year ending June 30, 1975.

"SHORT TITLE

"SEC. 518. This Act may be cited as the 'Federal Water Pollution Control Act'."

AUTHORIZATIONS FOR FISCAL YEAR 1972

SEC. 3. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1972, and to exceed $11,000,000 for the purpose of carrying out section 5(n) (other than for salaries and related expenses) of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

(b) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, and to exceed $350,000,000 for the purpose of making grants under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

(c) The Federal share of all grants made under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from sums herein and heretofore authorized for the fiscal year ending June 30, 1972, shall be that authorized by section 202 of such Act as established by the Federal Water Pollution Control Act Amendments of 1972.

(d) Sums authorized by this section shall be in addition to any amounts heretofore authorized for such fiscal year for sections 5(n) and 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

SAVINGS PROVISION

SEC. 4. (a) No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity or in relation to the discharge of his official duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall abate by reason of the taking effect of the amendment made by section 2 of this Act. The court may, on its own motion or that of any party made at any time within twelve months after such taking effect, allow the same to be maintained by or against the Administrator or such officer or employee.

(b) All rules, regulations, orders, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, and pertaining to any functions, powers, requirements, and duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, shall continue in full force and effect after the date of enactment of this Act until modified or rescinded in accordance with the Federal Water Pollution Control Act as amended by this Act.

(c) The Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall remain applicable to all grants made from funds authorized for the fiscal year ending June 30, 1972, and prior fiscal years, including any increases in the monetary amount of any such grant which may be paid from authorizations for fiscal years beginning after June 30, 1972, except as specifically otherwise provided in section 202 of the Federal Water Pollution Control Act as amended by this Act and in subsection (c) of section 3 of this Act.

OVERSIGHT STUDY

SEC. 5. In order to assist the Congress in the conduct of oversight responsibilities the Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to prevention and control of pollution, including waste treatment and water disposal techniques, which are conducted, supported, or assisted by any agency of the Federal Government pursuant to any Federal law or regulation and assess conflicts between, and the coordination and efficacy of, such programs, and make a report to the Congress thereon by October 1, 1973.

INTERNATIONAL TRADE STUDY

SEC. 6. (a) The Secretary of Commerce, in cooperation with other interested Federal agencies and with representatives of industry and the public, shall undertake immediately an investigation and study to determine—

(1) the extent to which pollution abatement and control programs will be imposed on, or voluntarily undertaken by, United States manufacturers in the near future and the probable short- and long-range effects of the costs of such programs (computed to the greatest extent practicable on an industry-by-industry basis) on (A) the production costs of such domestic manufacturers, and (B) the market prices of the goods produced by them;

(2) the probable extent to which pollution abatement and control programs will be implemented in foreign industrial nations in the near future and the extent to which the production costs (computed to the greatest extent practicable on an industry-by-industry basis) of foreign manufacturers will be affected by the costs of such programs;

(3) the probable competitive advantage which any article manufactured in a foreign nation will likely have in relation to a comparable article made in the United States if that foreign nation—

(A) does not require its manufacturers to implement pollution abatement and control programs,

(B) requires a lesser degree of pollution abatement and control in its programs, or

(C) in any way reimburses or otherwise subsidizes its manufacturers for the costs of such program;

(4) alternative means by which any competitive advantage accruing to the products of any foreign nation as a result of any factor described in paragraph (3) may be (A) accurately and quickly determined, and (B) equalized, for example, by the imposition of a surcharge or duty, on a foreign product in an amount necessary to compensate for such advantage; and

(5) the impact, if any, which the imposition of a compensating tariff of other equalizing measure may have in encouraging foreign nations to implement pollution and abatement control programs.

(b) The Secretary shall make an initial report to the President and Congress within six months after the date of enactment of this section of the results of the study and investigation carried out pursuant to this section and shall make additional reports thereafter at such times as he deems appropriate taking into account the development of relevant data, but not less than once every twelve months.

INTERNATIONAL AGREEMENTS

SEC. 7. The President shall undertake to enter into international agreements to apply uniform standards of performance for the control of the discharge and emission of pol-

lutants from new sources, uniform controls over the discharge and emission of toxic pollutants, and uniform controls over the discharge of pollutants into the ocean. For this purpose the President shall negotiate multilateral treaties, conventions, resolutions, or other agreements, and formulate, present, or support proposals at the United Nations and other appropriate international forums.

LOANS TO SMALL BUSINESS CONCERNS FOR WATER POLLUTION CONTROL FACILITIES

SEC. 8. (a) Section 7 of the Small Business Act is amended by inserting at the end thereof a new subsection as follows:

"(g)(1) The Administration also is empowered to make loans (either directly or in cooperation with banks or other lenders through agreements to participate on an immediate or deferred basis) to assist any small business concern in affecting additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operation of such concern to meet water pollution control requirements established under the Federal Water Pollution Control Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this subsection.

"(2) Any such loan—

"(A) shall be made in accordance with provisions applicable to loans made pursuant to subsection (b)(5) of this section, except as otherwise provided in this subsection;

"(B) shall be made only if the applicant furnishes the Administration with a statement in writing from the Environmental Protection Agency or, if appropriate, the State, that such additions or alterations are necessary and adequate to comply with requirements established under the Federal Water Pollution Control Act.

"(3) The Administrator of the Environmental Protection Agency shall, as soon as practicable after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and not later than one hundred and eighty days thereafter, promulgate regulations establishing uniform rules for the issuance of statements for the purpose of paragraph (2)(B) of this subsection.

"(4) There is authorized to be appropriated to the disaster loan fund established pursuant to section 4(c) of this Act not to exceed $800,000,000 solely for the purpose of carrying out this subsection."

(b) Section 4(c)(1)(A) of the Small Business Act is amended by striking out, "and 7(c)(2)" and inserting in lieu thereof "7(c)(2), and 7(g)".

ENVIRONMENTAL COURT

SEC. 9. The President, acting through the Attorney General, shall make a full and complete investigation and study of the feasibility of establishing a separate court, or court system, having jurisdiction over environmental matters and shall report the results of such investigation and study together with his recommendations to Congress not later than one year after the date of enactment of this Act.

NATIONAL POLICIES AND GOALS STUDY

SEC. 10. The President shall make a full and complete investigation and study of all of the national policies and goals established by law for the purpose of determining what the relationship should be between these policies and goals, taking into account the resources of the Nation. He shall report the results of such investigation and study together with his recommendations to Congress not later than two years after the date of enactment of this Act. There is authorized to be appropriated not to exceed $5,000,000 to carry out the purposes of this section.

EFFICIENCY STUDY

SEC. 11. The President shall conduct a full and complete investigation and study of ways and means of utilizing in the most effective manner all of the various resources, facilities, and personnel of the Federal Government in order most efficiently to carry out the objective of the Federal Water Pollution Control Act. He shall utilize in conducting such investigation and study, the General Accounting Office. He shall report the results of such investigation and study together with his recommendations to Congress not later than two hundred and seventy days after the date of enactment of this Act.

ENVIRONMENTAL FINANCING

SEC. 12. (a) This section may be cited as the "Environmental Financing Act of 1972".

(b) There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The Authority shall be subject to the general supervision and direction of the Secretary of the Treasury. The Authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

(c) The purpose of this section is to assure that inability to borrow necessary funds on reasonable terms does not prevent any State or local public body from carrying out any project for construction of waste treatment works determined eligible for assistance pursuant to subsection (e) of this section.

(d)(1) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(2) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

(e)(1) Until July 1, 1975, the Authority is authorized to make commitments to purchase, and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any project for the construction of waste treatment works which the Administrator of the Environmental Protection Agency has determined to be eligible for Federal financial assistance under the Federal Water Pollution Control Act.

(2) No commitment shall be entered into, and no purchase shall be made, unless the Administrator of the Environmental Protection Agency (A) has certified that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs; (B) has approved the project as eligible under the Federal Water Pollution Control Act; and (C) has agreed to guarantee timely payment of principal and interest on the obligation. The Administrator is authorized to guarantee such timely payments and to issue regulations as he deems necessary and proper to protect such guarantees. Appropriations are hereby authorized to be made to the Administrator in such sums as are necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations.

(3) No purchase shall be made of obligations issued to finance projects, the permanent financing of which occurred prior to the enactment of this section.

(4) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (A) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead wherever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (B) the market yields on municipal bonds.

(5) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

(f) To provide initial capital to the Authority the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this subsection.

(g)(1) The Authority is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

(2) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to paragraph (1) of this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this paragraph. All purchases and sales by the Secretary of the Treasury of such obligations under this paragraph shall be treated as public debt transactions of the United States.

(h) The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense ac-

crued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to subsection (e) of this section.

(i) The Authority shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this section in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services or of property, real, personal, or mixed, tangible, or intangible, in aid of any of the purposes of the Authority;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(j) The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (A) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (B) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(k) All obligations issued by the Authority shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

(l) In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in the preparation custody, and delivery of such obligations.

(m) The Authority shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

(n) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association".

(o) The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authority in the same manner as they are applied to the wholly owned Government corporations.

(p) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under subsection (h) of the Environmental Financing Act of 1972."

SEX DISCRIMINATION

SEC. 13. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act, the Federal Water Pollution Control Act, or the Environmental Financing Act. This section shall be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

And the House agree to the same.

JOHN A. BLATNIK,
ROBERT E. JONES,
JIM WRIGHT,
HAROLD T. JOHNSON,
ROBERT A. ROE,
W. H. HARSHA,
JAMES R. GROVER,
DON H. CLAUSEN,
CLARENCE MILLER,
Managers on the Part of the House.

EDMUND S. MUSKIE,
JENNINGS RANDOLPH,
BIRCH BAYH,
THOMAS F. EAGLETON,
J. CALEB BOGGS,
JOHN SHERMAN COOPER,
HOWARD BAKER,
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 amendment of the House to the bill (S. 2270) to amend the Federal Water Pollution Control Act, 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:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

With respect to the amendment of the House, the Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

SHORT TITLE

Senate bill

Provides that the Act may be cited as the "Federal Water Pollution Control Act Amendments of 1971".

House amendment

Provides that the Act may be cited as the "Federal Water Pollution Control Act Amendments of 1972".

Conference substitute

The conference substitute is the same as the House amendment.

Both the Senate bill and the House amendment provide for complete revisions of the Federal Water Pollution Control Act. This revision would consist of five titles and hereafter the references in this statement are to the sections and titles of the proposed revisions of the Federal Water Pollution Control Act.

TITLE I—RESEARCH AND RELATED PROGRAMS

DECLARATION OF GOALS AND POLICY

Senate bill

Section 101 establishes a policy to eliminate the discharge of pollutants by 1985, restore the natural chemical, physical, and biological integrity of United States waters, and reach an interim goal of water quality for swimming and fish propagation by 1981.

Section 101 also prohibits the discharge of toxic pollutants in "toxic amounts", provides for Federal financial assistance for construction of waste treatment facilities, develops regional waste treatment management programs, initiates a major research and demonstration effort to find technological methods necessary to eliminate waste discharges, and requires the Administrator of the Environmental Protection Agency to develop minimum guidelines for public participation in enforcement of the proposed Act.

House amendment

Section 101 sets an objective of restoring and maintaining the chemical, physical, and biological integrity of United States waters.

To achieve the proposed objective, the amendment establishes two national goals. The goals are to eliminate the discharge of pollutants into navigable waters by 1985, and to have water quality that provides for protection of fish, shellfish, and wildlife, and for recreation in and on water by 1981.

Other national policies stated in the section include Federal assistance for construction of waste treatment facilities, creation of area waste treatment management planning processes in each State, and major research and demonstration efforts to develop technology necessary to achieve the zero-discharge goal.

Section 101(c) calls on the President to encourage foreign countries to set goals which are at least comparable to those of the United States.

Section 101(f) sets a national policy encouraging "drastic minimization" of paperwork and duplication of efforts, and best utilization of available manpower and funds.

Section 101(g) would require agencies involved in carrying the bill to consider all potential impacts of their activities on water, land, and air.

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the following changes:

(1) The interim goal of water quality is set for achievement by July 1, 1983, instead of 1981.

(2) The terms "abate" and "abatement" of pollution have been replaced by the terms "reduction" and "elimination" of pollution.

(3) Subsection (g) of the House amendment has been eliminated.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

Senate bill

Section 102 grants the Administrator authority to develop programs for eliminating pollution of navigable waters and ground waters. The section also provides for 50 percent matching Federal-State grants for river basin planning.

Subsection (b) makes it clear that regulation of streamflow cannot substitute for adequate waste treatment or other methods of eliminating waste at the source. The Administrator would be given authority to determine when low flow augmentation is an appropriate technique for supplementing pollution control programs.

House amendment

Section 102(b) provides for inclusion of storage for regulation of streamflow for water quality control in Federal projects if the costs of the benefits are widespread or national in scope. Flow regulation, however, could not be used as a substitute for adequate treatment.

No license granted by the Federal Power Commission for a hydroelectric power project could include storage for regulation of streamflow for the purpose of water quality unless the Administrator recommends its inclusion.

Conference substitute

Section 102 is the same as the Senate bill and the House amendment except as follows:

(1) The term "abating or reducing pollution" has been revised to read "preventing, reducing, or eliminating pollution".

(2) Subsection (b)(1) has been amended to provide for the inclusion of storage in a reservoir for regulation of streamflow.

(3) Subsection (b)(2) has been revised to provide that the need and value of storage for streamflow purposes other than water quality will be determined by the Corps of Engineers, the Bureau of Reclamation, or other Federal agencies while the need for and value and impact of storage for water quality control shall be determined by the Administrator with his views as part of any report or presentation to Congress proposing authorization or construction of a reservoir.

The Conference substitute specifically bans pollution dilution as an alternative to waste treatment. At the same time it recognizes that stream flow augmentation may be useful as a means of reducing the environmental impact of runoff from non-point sources. The Conference substitute also recognizes that stream flow augmentation may be useful for recreational, navigation, and other purposes. Finally, section 102(b) specifically sets forth that any calculation for the need for and value of stream flow augmentation to reduce the impact of pollution must be determined by the Administrator of the Environmental Protection Agency.

INTERSTATE COOPERATION AND UNIFORM LAWS

Senate bill

Section 103 is a restatement of section 3 of the existing law relating to interstate cooperation and uniform laws except for the language encouraging interstate compacts.

House amendment

Section 103 allows States to enter into interstate compacts, and establishes a policy for active Federal promotion of cooperatives efforts among States. Such efforts include programs to promote model legislation and uniform laws.

Conference substitute

Section 103 is the same as the Senate bill and the House amendment, except that the term "abatement" of pollution has been stricken and replaced by the term "reduction and elimination" of pollution.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

Senate bill

Section 104 generally expands the authority of the Administrator in the area of research.

Under section 104(d), the Administrator is authorized to establish field research laboratories in Alaska and the Northeast, Middle Atlantic, Southeast, Midwest, Southwest, and Pacific Northwest areas of the United States to study means of eliminating water pollution, and to construct the facilities authorized for the National Marine Water Quality Laboratory.

In addition to the $10 million authorized for agricultural pollution research, section 104 authorizes $7.5 million for fiscal 1972 to continue EPA's pilot training program for personnel to operate and maintain treatment plants. In fiscal 1972 an additional $2.5 million is authorized to forecast employment needs in water pollution control. A general authorization of $65 million for fiscal 1972, $70 million for fiscal 1973, $75 million for fiscal 1974, and $80 million for fiscal 1975 is provided to carry out section 104.

House amendment

Except as hereafter noted, section 104 is basically the same as the Senate bill and grants the Administrator general authority to participate in and encourage research, investigations, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and abatement of pollution.

Section 104(d) requires the Administrator to develop and demonstrate, "under varied conditions", practicable means of treating waterborne wastes to encourage recycling, improved methods of identifying and measuring the effects of pollutants on water uses, and methods for evaluating the water quality, effects of augmented streamflows "to control pollution not susceptible to other means of abatement".

The Administrator is required to establish and maintain six field laboratory and research facilities throughout the United States under section 104(e). The labs will be in the Middle Atlantic area, southeastern area, midwestern area, southwestern area, Pacific Northwest, and Alaska.

Section 104(f) directs the Administrator to study the Great Lakes.

Section 104(j) directs the Coast Guard to engage in research and demonstrations relative to sewage equipment installed on vessels, with particular emphasis on equipment to be installed on small recreational vessels.

Section 104(n) continues the Administrator's authority to conduct studies of problems in the estuaries and estuarine zones. The studies would have to consider demographic trends, exploitation of mineral resources and fossil fuels, land and industrial development, navigation, and flood and erosion control. At least one report during any three-year period is required.

Section 104(q)(2) authorizes the Administrator to conduct comprehensive research and pilot projects on methods of collecting and treating sewage and other liquid wastes combined with treatment and disposal of solid wastes.

Section 104(r) authorizes the Administrator to make grants to colleges and universities for research on fresh water aquatic ecosystems.

Section 104(t) requires the Administrator, in cooperation with other agencies, to conduct comprehensive studies on the effects and methods of controlling thermal discharges. Economic and technical feasibility, as well as social and economic costs and benefits, should be considered while studying alternative control methods.

Section 104(u) authorizes $100 million per fiscal year for fiscal 1973 and fiscal 1974 to carry out section 104, excluding subsections (g), (p), and (r).

For fiscal 1973, $7.5 million is authorized for subsection (g)(1) and $2.5 million for subsection (g)(2). For each of the fiscal years 1973 and 1974, $10 million is authorized for subsection (p), and $15 million is authorized for subsection (r).

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the following exceptions:

(1) The term "abatement" of pollution has been modified to the term "reduction and elimination" of pollution throughout the section.

(2) The Geological Survey has been added to the enumerated agencies who are to be utilized in conducting surveillance of water quality.

(3) The date for the research report on measuring social and economic costs and benefits of activities subject to regulation under this Act has been changed from July 1, 1973, to January 1, 1974.

(4) Subsection (d)(1) is revised to require the development and demonstration of practicable means of treating municipal wastes, sewage, and other waterborne wastes to implement the requirements of section 201 of this Act.

(5) Subsections (d)(2) and (3) have been amended to eliminate the phrase "on water uses".

(6) Subsection (e) has been added to by inserting the requirement that the Secretary construct the facilities authorized for the National Marine Water Quality Laboratory.

(7) Subsection (m)(2) has been revised to require a preliminary report of the study on waste oils within six months with the final report within 18 months of the date of enactment of this Act.

(8) Subsection (s) is revised to require the River Study Centers to study, among other things, the value of water resources and water-related activities.

(9) Subsection (t) has been amended to require the Administrator, in cooperation with State, Federal, and public and private organizations to conduct continuing comprehensive studies of the effects and methods of control of thermal discharges. In evaluating alternative methods of controls, the studies are required to consider (A) such data as are available on the latest available technology, economic feasibility (including cost-effectiveness analysis), and (B) the total impact on the environment. These studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results are to be reported not later than 270 days after enactment and made available to the public and the States and considered by the States, as these studies become available, in proposing thermal water quality standards, and by the Administrator in carrying out section 316. Not to exceed $10,000,000 per year for fiscal years 1973 and 1974 is authorized to carry out this provision.

RESEARCH AND DEVELOPMENT

Senate bill

Section 105 authorizes the Administrator to conduct in-house demonstration projects or contract for projects designed to eliminate pollution reaching navigable waters through storm water runoff or industrial activity. Section 105 further authorizes the Administrator to undertake a model river demonstration project of advanced pollution control and in-stream enhancement techniques, and demonstration projects on control of agricultural pollution.

Under the section, any Federal research or demonstration grant is limited to 75 percent of the cost. The bill authorizes $70 million

for grants in fiscal 1972, and $75 million for fiscal 1973–75. At least 10 percent of any sum actually appropriated for any fiscal year is required to be spent on programs dealing with agriculture.

House amendment

Sections 105 (a) and (c) authorize the Administrator to continue programs for assisting development of projects to demonstrate methods of preventing and abating discharge from combined sewers, assisting projects to demonstrate advanced waste treatment or water purification methods, or joint treatment systems, and research and demonstration projects for preventing pollution by industrial waste. Under this section, the Administrator could conduct in-house demonstration projects.

Section 105(b) authorizes the Administrator to make grants for model river basin demonstration projects of advanced pollution treatment and environmental enhancement techniques to control pollution from all sources, together with in-stream water quality improvement techniques.

Section 105(d) directs the Administrator to give priority to the study of management methods and technologies related to eliminating water discharges, and to the study of the impact of specific discharges on receiving water quality.

Section 105(e) authorizes the Administrator to make grants for demonstration projects for control of agricultural pollution and for rural sewage disposal systems.

Section 105(f) provides that no grant for subsection (a) or (c) can exceed 75 percent of the project cost.

Section 105(h) authorizes $70 million for each of the fiscal years 1973 and 1974. However, 10 percent of the funds appropriated in each year must be available for subsection (e).

Conference substitute

Section 105 is the same as the Senate bill and the House amendment with the following changes:

(1) The concept of "abating" pollution has been revised to that of "reducing and eliminating" pollution.

(2) Subsection (c) is amended to clarify the authority of the Administrator with respect to research and demonstration projects for prevention of pollution of waters by industry, including but not limited to the prevention, reduction, and elimination of the discharge of pollutants.

(3) The authorization for this section has been increased from $70 million per year for fiscal years 1973 and 1974 to $75 million per year.

GRANTS FOR POLLUTION CONTROL PROGRAMS

Senate bill

Section 106 authorizes grants to States to carry out water pollution control programs. The allocation of funds is based on population and the extent of water pollution problems.

To qualify for a grant, a State must certify that it will maintain its water quality program each year at the level of its recurrent expenses during fiscal 1971. If a State reduces its spending, the Administrator will reduce its grant proportionately.

Section 106 also requires that beginning in 1973, to qualify for a planning grant, a State must begin to develop a plan for a waste treatment management program, indicate it has begun work on a water quality inventory, and impose monitoring requirements on point source owners.

Section 106 authorizes $30 million for fiscal 1972 and 1973, $35 million for fiscal 1974, and $40 million for fiscal 1975.

House amendment

Section 106(a) authorizes $60 million for fiscal 1973 and $75 million for fiscal 1974 for grants to States and interstate agencies for carrying out programs for prevention and abatement of pollution.

Section 106(b) states that allotment of the funds will be based on the extent of the pollution problems in each of the States.

Section 106(c) authorizes the Administrator to pay to the States either the allotment established in subsection (b), or the reasonable costs of developing and carrying out a program, whichever amount is less.

Section 106(d) sets fiscal 1971 as a base line. If a State or interstate agency reduces its spending below this amount, grants will be discontinued.

For a State or interstate agency to be eligible for a program grant, section 106(e) requires it to file a summary of its current program and a description of the proposed program with the Administrator within 120 days after the date of enactment of the bill.

Section 106(f) authorizes the Administrator to reallot moneys not paid.

Conference substitute

Section 106 is the same as the House amendment except for the following changes:

(1) The concept of "abating" pollution has been revised to "reducing and eliminating" pollution throughout the section.

(2) The purpose for grants under this section has been specifically amended to include grants for administering programs for enforcement directly or through appropriate State law enforcement officers or agencies. This concept was in the Senate bill but in a different fashion.

(3) Beginning with fiscal year 1974, the Administrator is prohibited from making a grant to any State under this section which has not provided or is not carrying out as part of its program (A) the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on the quality of navigable waters and, to the extent practicable ground waters, and (B) authority comparable to that in section 504 (relating to emergency situations) and adequate contingency plans to implement such authority.

MINE WATER POLLUTION CONTROL DEMONSTRATIONS

Senate bill

Section 107 authorizes the Administrator, in cooperation with the Appalachian Regional Commission, to conduct demonstration projects for control of mine water runoff and related water pollution problems. A study on the feasibility of using sewage sludge to prevent mine water pollution and restore mined areas is authorized. The section increases authorizations for the demonstration program from $15 million to $30 million.

House amendment

Section 107, authorizing area acid and other mine water pollution control demonstrations, continues the provisions of section 14 of existing law.

Section 107 specifically provides that techniques utilizing sewage sludge and other municipal wastes are appropriate for abatement demonstration projects. Authorizations for the program would be $15 million.

Conference substitute

Section 107 is the same as the Senate bill.

POLLUTION CONTROL IN GREAT LAKES

Senate bill

Section 108 restates section 15 of existing law, except for minor changes.

House amendment

Sections 108 (a), (b), and (c) continue the provisions of section 15 of existing law, with minor changes.

Sections 108(c) authorizes $20 million for projects in the Great Lakes.

Sections 108 (d) and (e) require the Corps of Engineers to design and develop a $5 million demonstration waste water management program for Lake Erie.

Conference substitute

Section 108 is the same as the Senate bill and the House amendment except as follows:

(1) The concept of "abatement" has been changed to "reduction" of pollution.

(2) The concept of "pollution elimination or control" has been changed to "pollution prevention, reduction, and elimination".

TRAINING GRANTS AND CONTRACTS

Senate bill

Section 109 is the same as existing law with one change. The change authorizes the Administrator to make grants for construction of waste treatment works to provide for necessary education and training facilities for treatment operation and maintenance personnel. Such facilities would be additions to treatment works.

House amendment

Section 109 continues section 16 of existing law.

Conference substitute

Section 109 is the same as the Senate provision with the authorization of grants for the construction of necessary education and training facilities for treatment, operation, and maintenance personnel reduced in cost from $1 million to $250 thousand per facility.

ALLOCATION OF TRAINING GRANTS OR CONTRACTS; SCHOLARSHIPS

Senate bill

Sections 110 and 111, training program allocations and scholarships, restate the present law with minor changes.

House amendment

Section 110, application for training grant or contract; allocation of grants or contracts, continues the provisions of section 17 of existing law. Section 111, award of scholarships, contains the provisions of section 18 of existing law.

Conference substitute

Sections 110 and 111 are the same as the Senate bill and the House amendment.

DEFINITIONS AND AUTHORIZATIONS

Senate bill

Section 112 defines the terms used in sections 109 through 112. These definitions are essentially the same as those in section 19 of existing law. The section authorizes $25 million for fiscal 1972 only.

House amendment

Section 112 defines terms used in sections 109 through 112. They are basically the same as those included in section 19 of existing law.

Section 112(c) authorizes $25 million per fiscal year for fiscal 1973 and 1974 to carry out sections 109 through 112.

Conference substitute

This section is the same as the House amendment.

ALASKA VILLAGE DEMONSTRATION PROJECTS

Senate bill

Section 113, Alaska village demonstration projects, restates the present law with an additional $1 million for water rights.

House amendment

Section 113, Alaska village demonstration projects, continues section 20 of existing law and authorizes $2 million.

Conference substitute

This section is the same as the Senate bill and the House amendment, except that the

report to Congress is required not later than July 1, 1973, instead of January 1, 1974, as in the House amendment.

POLLUTION CONTROL IN LAKE TAHOE

Senate bill

Section 114 authorizes a demonstration project for control of nonpoint sources of pollution in the Lake Tahoe Basin.

Section 114(b) authorizes the Administrator to review, in consultation with the Tahoe Regional Planning Agency, any Federal or federally assisted public works project, any expenditures of Federal funds, any Federal licenses or permits, any Federal insurance, and any Federal guarantees of loans in all cases where the Administrator judges that such Federal activities may result directly or indirectly in discharges into the navigable waters of the basin.

Section 114(c) requires the Administrator to report to Congress, within 180 days after the date of enactment of the Act and annually thereafter, on the environmental impact of development in the basin, adequacy of plans developed by the Tahoe planning agency to maintain and enhance the water quality, and an analysis of demonstration projects authorized by section 114.

Section 114(d) authorizes $6 million to be available until expended.

House amendment

No comparable provision.

Conference substitute

Section 114 of the conference substitute provides that the Administrator, in consultation with the Tahoe Regional Planning Agency, the Secretary of Agriculture, and others, shall conduct a study on the adequacy of and the need for extending Federal oversight and control needed in order to preserve the ecology of Lake Tahoe. This study is to include an examination of the interrelationships and responsibilities of various government agencies at all levels with a view to establishing the need for redefining the legal and other arrangements between these levels of government. Such study shall consider the effect of various actions in terms of their environmental impact on the Tahoe Basin, treated as an ecosystem. The report is to be completed within a year, and the authorization is for up to $500,000.

ECONOMIC GROWTH CENTERS

Senate bill

No comparable provision.

House amendment

Section 114 authorizes the Administrator to make supplemental grants to economic growth centers when a center receives a grant for construction of waste treatment facilities. The Administrator would use his discretion in determining the percentage of the supplemental grant, and $5 million is authorized for the supplemental program.

Conference substitute

No comparable provision.

IN-PLACE TOXIC POLLUTANTS

Senate bill

No provision.

House amendment

No provision.

Conference substitute

Section 115 of the conference substitute requires the Administrator to identify the location of in-place pollutants with emphasis on toxic pollutants in harbors and navigable waterways and authorizes the Administrator, acting through the Secretary of the Army, to make contracts for the removal and appropriate disposal of such materials which are in critical port and harbor areas. There is an authorization of $15,000,000 to carry out this section.

TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

PURPOSE

Senate bill

Section 201 provides that the objective of this title is to assist in development of waste treatment management plans and practices to eliminate the discharge of pollutants. To meet that goal, the best practicable technology is required, including the recycling of water, confined disposal of pollutants, and advanced waste treatment technology. Waste management is required on a regional basis.

Beginning in fiscal 1975, the Administrator is authorized to reject any construction grant application that results in any discharge of pollutants unless the applicant demonstrates that alternative techniques have been considered and that the proposal will result in the best practicable treatment.

House amendment

Section 201 provides that the purpose of the title is to require and assist the development and implementation of waste treatment management plans and practices. This would require the application of the best practicable waste treatment technology, including reclaiming and recycling water, confined disposal of pollutants, and advance waste treatment technology and aerated treatment irrigation technology.

The section requires that waste treatment management be on an areawide basis to the extent practicable and does not allow the Administrator to approve any grant after July 1, 1973, unless the applicant demonstrates that each sewer collection system discharging into a treatment facility is not subject to excessive infiltration.

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the exception that subsection (a) is revised to provide that the purpose of the title is to require, and to assist the development and implementation of, waste treatment management plans and practices which will achieve the goals of this Act; and, in subsection (b), waste treatment management plans and practices are required to provide for consideration of advance waste treatment techniques rather than advance waste treatment technology and aerated treatment spray-irrigation technology.

FEDERAL SHARE

Senate bill

Section 202 provides a minimum Federal grant of 60 percent of the cost for sewage treatment facilities. The maximum would be 70 percent if a State contributed 10 percent of the cost.

House amendment

Section 202(a) increases the Federal share of waste treatment facilities to a maximum of 75 percent. Municipalities are eligible for the 75 percent if the State agrees to provide an additional 15 percent of the costs. The increased percentage is effective for any grant made from funds authorized after June 30, 1971. If a State does not participate in cost sharing, the Federal share is 60 percent. Grants for projects approved between January 1 and July 1 of 1971, for treatment works actual erection of which is not commenced before July 1, 1971, shall, if requested, be increased to 75 per centum. This increased amount shall be paid only if (1) there is an adequate sewage collection system, and (2) there is a certification that the quality of available ground water is insufficient to meet future requirements unless adequately treated effluents are used to replenish the ground water supplies.

Conference substitute

Section 202 is the same as the House amendment, except that a Federal grant for treatment works shall be 75 per centum of the cost of construction in every case. The provision relating to certification has been modified to require that the certification set forth that available ground water is insufficient, inadequate, or unsuitable for public use, including ecological preservation and recreational use of surface water unless adequately treated effluents are returned to the ground water consistent with acceptable technological standards.

PLANS, SPECIFICATIONS, ESTIMATES, AND PAYMENTS

Senate bill

Section 203 provides that close coordination be maintained between the Administrator and the States. The section requires the Administrator to review preliminary plans for any construction project and authorizes the Administrator to advance up to 5 percent of the project's cost to assist a community in completing its detailed plans and specifications. Approval of final plans constitutes a contractual obligation of the Federal Government.

House amendment

Section 203 authorizes contract authority. The Administrator has power to commit the Federal Government to payment of its portion of treatment facilities when he approves an applicant's plans, specifications, and estimates.

Conference substitute

Section 203 is the same as the House amendment.

The conferees want to emphasize the complete change in the mechanics of the administration of the great program that is authorized under the conference substitute. Under existing law and procedure, the Environmental Protection Agency makes the first payment upon certification that 25 percent of the actual construction is completed. The remaining Federal payments are also made in reference to the percentage of completion of the entire waste treatment facility. This results in applicants absorbing enormous interest expense and other costs while awaiting the irregular flow of Federal funds.

Under the conference substitute, which is a program modeled after the authority and procedures under the Federal-Aid Highway Act, each stage in the construction of a waste treatment facility is a separate project. Consequently, the applicant for a grant furnishes plans, specifications, and estimates (PS&E) for each stage (which is a project) in the overall waste treatment facility which is included in the term "construction" as defined in section 212. Upon approval of the PS&E for any project, the United States is obligated to pay 75 percent of the costs of that project. Thus, for instance, the applicant may file a PS&E for a project to determine the feasibility of a treatment works, another PS&E for a project for engineering, architectural, legal, fiscal, or economic investigations, another PS&E for actual building, etc.

In such a program, the States and communities are assured of an orderly flow of Federal payments and this should result in substantial savings and efficiency.

It cannot be emphasized too strongly that the procedure adopted in the conference substitute represents a complete and thorough change of the present practice of making payments of the Federal share of treatment works. The conferees urge the Administrator the States, and local governments to draw from the experience of the highway program to improve the efficiency of the waste treatment grant program.

When funding the construction of waste treatment plants, the Administrator, upon the request of a State, should encourage the

use of a phased approach to the construction of treatment works, and the funding thereof, on a State's priority list. Such a phased program, which the committee notes has been developed and approved in the State of Delaware, has enabled the State to accelerate the construction of sewage treatment facilities, and thus accelerate the attainment of clean water.

LIMITATIONS AND CONDITIONS

Senate bill

Section 204 sets forth a number of grant conditions to assure that treatment facilities are constructed, operated and maintained to produce the best practicable application of treatment technology.

The section requires each grant applicant to adopt, by July 1, 1973, user charges to assure that recipients of waste treatment services will pay their share of the cost of operating and maintaining the facility. An applicant must receive from each industrial user a commitment that the user will repay to the United States that portion of the Federal grant applicable to the user's wastes.

Section 204 also requires applicants to demonstrate that proposed facilities conform to all applicable river basin plans, and other applicable waste treatment management plans. The proposal must be certified by the State as entitled to priority. The proposed treatment works also must qualify for a permit under section 402.

Applicants are required to describe the relationship of the reserve capacity proposed, the current demand, and an estimate of any cost for expected expansion of facilities in the alternative to including reserve capacity.

The Administrator is directed to promulgate guidelines for establishment and imposition of user charge systems as a guide to applicants for waste treatment works grants. The guidelines are required to reflect varying legal and financial factors which exist in different jurisdictions. For industrial user charges, the Administrator is required to establish guidelines that would consider, at a minimum, such factors as strength, volume, and delivery flow characteristics of the waste.

House amendment

Section 204 provides that grants for treatment works cannot be approved unless the facilities are included in an areawide waste treatment management plan, the applicant has assured proper operation and maintenance of the facilities, and the applicant has or will adopt a system of user charges. The user charge requirement applies after June 30, 1973.

The Administrator is required to issue guidelines relating to payment of waste treatment costs by industrial and nonindustrial recipients of waste treatment services. The guidelines must establish classes of users, including categories of industrial users, criteria for determining the adequacy of imposed charges, and model systems and rates of user charges typical of various treatment works.

Revenues derived from payments would be retained by the grantee for operation, maintenance, expansion, and construction of treatment works.

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the following changes:

(1) The requirement that users pay for the cost of future expansion of waste treatment services has been stricken.

(2) The requirement that revenues derived from payment of cost by industrial users be retained by the grantee for use for operation, maintenance, expansion, and construction of publicly-owned treatment works has been stricken and in place of it there has been substituted a requirement that the grantee shall retain an amount of the revenues derived from payment of cost by industrial users, to the extent costs are attributable to the Federal share of the project costs, equal to (A) the amount of the non-Federal cost of the project, paid by the grantee plus (B) the amount, necessary for future expansion and reconstruction of the project, except that such amount shall not exceed 50 per centum of such revenues from such project. All revenues not retained by the grantee are to be deposited in the Treasury as miscellaneous receipts. That portion of the revenues retained by the grantee attributable to clause (B) together with any interest thereon must be used solely for future expansion and reconstruction.

ALLOTMENT

Senate bill

Section 205 provides that allocations for sewage treatment construction grants be made on the basis of population. Reallocation of any sums not obligated shall be made on a priority basis to States qualifying for 70 percent Federal assistance. Also, in fiscal 1972 and 1973 up to $200 million is authorized for allotment to projects using advanced waste treatment on a regional scale. The $200 million is not available if the amount left for reallocation from the previous fiscal year exceeded $200 million.

House amendment

Section 205 authorizes the Administrator to allot construction funds on the basis of States' needs. Funds not obligated by a State shall be reallocated on the basis of need.

Conference substitute

This is the same as the House amendment, except that the initial phrase "All sums authorized to be appropriated" has been revised to read "Sums authorized to be appropriated" and the initial ratio is to be based on Table III of House Public Works Committee Print No. 90–50.

Table III reads as follows:

Table III.—Estimated construction cost of sewage treatment facilities for the period fiscal year 1972–74

[In millions of dollars]

State:	
Alabama	52.6
Alaska	32.8
Arizona	19.6
Arkansas	51.5
California	1,429.7
Colorado	46.1
Connecticut	244.8
Delaware	95.6
District of Columbia	103.6
Florida	528.1
Georgia	141.7
Hawaii	48.1
Idaho	31.7
Illinois	910.0
Indiana	490.2
Iowa	168.3
Kansas	54.5
Kentucky	96.1
Louisiana	137.3
Maine	140.9
Maryland	620.1
Massachusetts	547.2
Michigan	1,162.3
Minnesota	295.9
Mississippi	57.3
Missouri	241.1
Montana	24.2
Nebraska	54.0
Nevada	41.9
New Hampshire	121.0
New Jersey	1,121.9
New Mexico	30.7
New York	1,610.3
North Carolina	134.4
North Dakota	6.8
Ohio	840.8
Oklahoma	67.1
Oregon	123.7
Pennsylvania	789.5
Rhode Island	71.2
South Carolina	94.0
South Dakota	13.8
Tennessee	169.0
Texas	403.3
Utah	20.5
Vermont	32.3
Virginia	424.4
Washington	129.7
West Virginia	72.8
Wisconsin	253.6
Wyoming	3.9
American Samoa	.7
Guam	12.7
Puerto Rico	128.8
Trust Territory of the Pacific Islands	5.5
Virgin Islands	13.0
Total	14,562.6

The conferees determined that utilization of a "needs" formula would eliminate any need for special allocation for an advanced waste treatment project or other special cases. Projects such as the Blue Plains Regional Treatment Works in the District of Columbia will receive adequate and timely funds under this provision so long as adequate funds are released for obligation.

REIMBURSEMENT AND ADVANCED CONSTRUCTION

Senate bill

Section 206 provides that all projects initiated after June 30, 1966, shall be eligible for a retroactive grant raising the Federal share on such projects to at least 50 percent. The money would be required to be spent on a project's debt or to finance the local share of a new project.

The section authorizes $2 billion to meet the post 1966 reimbursement, and $400 million to reimburse 1956–66 projects to a 30 percent Federal grant level.

House amendment

Section 206 authorizes reimbursement to States that proceeded with construction of sewage treatment facilities without Federal aid. Such reimbursement would be on the basis of the highest Federal share that the project would have been eligible and qualified for at the time of construction. A total of $2.75 billion is authorized for reimbursements. Of the total, $2 billion is authorized for facilities constructed between 1966–71, and $750 million for facilities constructed between 1955–66. This section provides that where a State advances construction without Federal funds it may be thereafter paid when sufficient funds are allotted to it if the project otherwise qualifies under the law.

Conference substitute

Section 206(a) of the conference substitute provides that any publicly owned treatment works on which construction was started after June 30, 1966, but before July 1, 1972, which was approved by the appropriate State agencies and which the Administrator finds meets the requirements of section 8 of this Act in effect at the time of initiation of construction shall be reimbursed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under section 8 and 50 per centum of the cost of the project or 55 per centum if the Administrator determines the treatment works were constructed in conformity with a comprehensive metropolitan treatment plan as described in section 8(f) of the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of these amendments. No treatment works shall receive Federal grants from all sources including this provision in excess of 80 per centum of the cost of the project.

Subsection (b) is the same as that subsection in the Senate bill which requires that the project meet the requirements of

section 8 prior to the date of enactment of these amendments rather than the requirements of that section as they were contained in the law immediately prior to such date of enactment.

Subsections (c) and (d) of section 206 of the conference substitute require that an application for assistance under this section be filed with the Administrator within one year of the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and authorizes the revision from time to time thereafter of that application. Further, the Administrator is required to allocate to each qualified project under subsection (a) each fiscal year for which funds are appropriated under this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of the appropriation. The Administrator is required to allocate to each qualified project under subsection (b) each fiscal year for which funds are appropriated under this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation.

The remainder of this section is the same as the House amendment.

AUTHORIZATION

Senate bill

Section 207 authorizes $14 billion for construction grants, not to exceed $2 billion of which would be authorized for fiscal 1972, $3 billion for fiscal 1973, $4 billion for fiscal 1974, and $5 billion for fiscal 1975. Up to 5 percent of the fiscal 1972–74 funds are authorized for expenditures on waste treatment management.

House amendment

Section 207 authorizes for construction grants and to carry out title II, except sections 208 and 209, $5 billion for fiscal 1973, $6 billion for fiscal 1974, and $7 billion for fiscal 1975.

Conference substitute

Section 207 of the conference substitute authorizes not to exceed $5,000,000,000 for fiscal 1973, not to exceed $6,000,000,000 for fiscal 1974, and not to exceed $7,000,000,000 for fiscal 1975. Funds for waste treatment management are authorized in section 208.

DISBURSEMENT

Senate bill

Section 208 authorizes the Administrator to make payments through the Department of the Treasury.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

AREAWIDE WASTE TREATMENT MANAGEMENT

Senate bill

Under section 209, the Administrator is required to establish guidelines under which each State Governor would designate waste management regions and an agency to develop a waste management plan for each of the regions. If a Governor fails to designate agencies, the chief local officials in the area may assume the responsibility.

Within two years of designation, all such agencies are required to develop waste treatment management plans to regulate all sources of pollution within a region. A six-month extension could be granted to individual regions.

The plan is required to contain waste treatment construction priorities and information on water treatment needs for a 20-year period, and to create a regulatory program to control industrial discharges and disposal of pollutants onto the land or into subsurface excavation. Also, to the extent possible, the plan is required to include control over pollution related to agriculture, mine water, construction, and salt water intrusion.

The Administrator is required to assist in financing development of the plans, and the Corps of Engineers is authorized, upon request of a Governor, to provide technical assistance.

After a Governor has designated regional agencies, he is responsible for carrying out of the plan, building waste treatment facilities, and assessing user charges. After July 1, 1974, all grants would go to a designated agency for projects that conform with the waste management plan. After an agency is designated, 100 percent planning grants are available for the first two years and 75 percent grants are available thereafter.

House amendment

Section 208 authorizes areawide waste treatment management plans. Under the planning process, the Administrator is required to promulgate regulations designating urban industrial and other areas with serious water quality control problems.

The Governor of each State would designate areas requiring areawide planning and appoint a planning agency for each State. Plans should be developed by existing regional organizations whenever possible. After the planning organizations have been designated, they would have two years to initiate a planning process.

The plans must include the anticipated construction required to meet municipal and industrial waste treatment needs for 20 years, establishment of construction priorities, establishment of regulatory programs, and designation of agencies required to manage the program. When a plan is submitted to the Administrator for approval, the Governor may include the name of one or more agencies capable of carrying out pollution control within the planning areas.

After a plan is approved by the Administrator, the Governor must annually certify revisions in conformance with basin plans, and provide an evaluation of the plan's effectiveness.

The section authorizes $100 million for fiscal 1973 and $150 million for fiscal 1974 to be used by planning agencies. For fiscal 1973–75, the Administrator would make 100 percent grants to the agencies, with a ceiling of 75 percent for fiscal years thereafter.

In addition to grants, the section authorizes the Administrator to provide the agencies consulting services and technical assistance.

The section also authorizes the Corps of Engineers at the request of a State to assist planning agencies in developing and operating a continuing management process. For each of fiscal 1973 and 1974, $50 million would be authorized for the Corps' assistance.

Conference substitute

Section 208 of the conference substitute is the same as the Senate bill and the House amendment with the following changes:

(1) In designating the boundaries of areas having substantial water quality control problems, the Governor is required to consult with appropriate elected and other officials of local governments having jurisdiction in such areas and the Governor is required to designate a single representative organization, including elected officials from local governments or their designees, capable of developing an effective areawide waste treatment management plan for the area.

(2) If the Governor does not designate an area within the time required or does not make a determination not to make such a designation within the time required by paragraph (2) of subsection (a) of this section or, in the case of an interstate area, if the Governors of the States involved do not designate a planning organization within the time required by paragraph (3), then the chief elected officials of local governments within the area may, by agreement, designate the boundaries of the area and an organization composed of elected officials from the general public, local governments within the area, and other appropriate individuals capable of developing an areawide waste treatment management plan for such area.

(3) A State is required to act as a planning agency for all portions of the State which are not specifically designated under paragraph (2), (3), or (4) of the subsection.

(4) The requirement that a designated organization have in operation a continuing areawide waste treatment management planning process within two years of the date of designation of the organization is reduced to one year, and the initial plan prepared in accordance with the process is to be certified by the Governor and submitted to the Administrator not later than two years after the planning process is in operation.

(5) Any plan prepared under the process is required to identify, if appropriate, "silviculturally" related nonpoint sources of pollution as well as agriculturally related nonpoint sources and includes forest lands.

(6) Any plan prepared under the process is also required to include a process to control the disposition of all residual waste generated within the area which could affect water quality and a process to control the disposal of pollutants on land or in subsurface excavations within the area to protect ground and surface water quality.

(7) Whenever the Governor of a State determines and notifies the Administrator that consistency with a statewide regulatory program under section 203 so requires, then the requirements of clauses (F) through (K) of paragraph (2) of subsection (b) of this section are required to be developed and submitted by the Governor to the Administrator for application to all regions within such State.

(8) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, shall designate one or more waste treatment management agencies (which may be an existing or newly created local regional or State agency or political subdivision) for each area designated under subsection (a) of this section and submit such designations to the Administrator. The Administrator is required to accept such designation unless within 120 days of the designation he finds that the designated management agency (or agencies) does not have adequate authority to carry out the same requirements as are provided in clauses (A) through (I) of paragraph (2) of subsection (c) of section 208 of the House amendment.

(9) In lieu of the authorization of $100,000,000 for fiscal year 1973 submit to the Administrator each proposal for which a grant is applied for, and the Administrator is required to act upon such proposal as soon as practicable after submission. His approval of that proposal is a contractual obligation of the United States for payment of its contribution to the proposal. Not to exceed $50,000,000 is authorized for fiscal 1973, not to exceed $100,000,000 for fiscal 1974, and not to exceed $150,000,000 for fiscal 1975.

BASIN PLANNING

Senate bill

No comparable provision.

House amendment

Section 209 requires the President, acting through the Water Resource Council, to prepare a "Level B" plan, for all basins, under

the Water Resources Plannng Act. All plans must be completed by January 1, 1980. A total of $200 million would be authorized for development of the basin plans.

Conference substitute

This provision is the same as the House amendment except for minor clerical changes.

The conference adopted the House amendment directing the President, through the Water Resources Council, to require the preparation of comprehensive regional or river basin plans (Level B) for all areas of the Nation by 1980, and authorizing appropriations not to exceed $200 million for this purpose. It is the conferees' intent not to displace or duplicate existing river basin planning authorizations and agencies. While preparation of the plans required by this provision will be managed by the Council, the bulk of the funds authorized will be transferred to and utilized in the actual conduct of these studies by the Environmental Protection Agency, the Corps of Engineers, and other agencies having primary statutory responsibility for the preparation of plans for a given river basin.

ANNUAL SURVEY

Senate bill

No comparable provision.

House amendment

Section 210 requires the Administrator to make an annual survey of operation and maintenance of publicly owned treatment works and to include the results of the survey in required annual reports to Congress.

Conference substitute

This section is the same as the House amendment.

SEWAGE COLLECTION SYSTEMS

Senate bill

No comparable provision.

House amendment

Section 211 allows grants for sewage collection systems only when the system is for an existing community and is necessary to the integrity of a total waste treatment works system.

Conference substitute

This section provides that no grant shall be made for a sewer collection system unless the grant (1) is for replacement or major rehabilitation of an existing system and is necessary to the total integrity and performance of the waste treatment works servicing the community, or (2) is for a new collection system in the existing community with sufficient existing or planned capacity to adequately treat the collected sewage and is consistent with section 201.

The authority provided in this section covers only communities in existence on the date of the enactment of this bill. It is the committee's intent that sewage collection systems for new communities, new subdivisions or newly developed urban areas, be addressed in the planning of such areas and be included as a part of the development costs of the new construction in these areas. They are not to be covered under the construction grant program.

DEFINITIONS

Senate bill

Section 210 defines the terms "construction", "treatment works", "replacement", "industrial user", and "grant" for the purposes of title II.

House amendment

Section 212 defines the same terms as are defined in the Senate bill for the purposes of title II except for the deletion of the definition of the term "grant".

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment, except for the deletion of the definition of the term "industrial user" which has been placed in the general definitions section in title V.

TITLE III—STANDARDS AND ENFORCEMENT

EFFLUENT LIMITATIONS

Senate bill

The discharge of any pollutant is illegal, except as permitted under section 301, 302, 306, 307, or 402.

By January 1, 1976, all point sources of pollution, except publicly owned treatment works, must have in use the best practicable treatment technology or meet any section 307 pretreatment standard, if the effluent is sent through a publicly owned treatment works.

All publicly owned facilities must utilize secondary treatment by that same date, or within four years of the date that construction was started on any grant project begun prior to June 30, 1974.

By 1981, point sources, other than publicly owned treatment works, must eliminate the discharge of pollutants. An exception to this requirement shall be granted if the owner presents information to the Administrator showing that compliance cannot be attained at a reasonable cost. If that occurs, the discharge limitation for that source shall be the best available technology. The section 307 pretreatment standard covers any industrial discharge into publicly owned treatment works.

Any publicly owned treatment works that is approved before June 30, 1974, must comply with section 201.

This section requires that all effluent limitations must be reviewed at least every five years.

A prohibition is declared on the discharge of any radiological, chemical, or biological warfare material, or any high-level radioactive waste.

House amendment

Section 301 requires that effluent limitations be in effect by 1976. All point sources of pollution discharge, other than publicly owned treatment works, are required to achieve effluent limitations requiring use of "the best practicable control technology".

Publicly owned treatment works in existence on January 1, 1976, or those approved for construction grants before June 30, 1974, are required to meet effluent limitations based on secondary treatment as defined by the Administrator.

By January 1, 1981, point sources other than publicly owned works are required to eliminate discharge of pollutants unless it is demonstrated that compliance is not attainable at a reasonable cost. If that can be shown, point sources other than publicly owned works would be required to apply the best available demonstrated technology.

Conference substitute

Section 301(a) is the same as the Senate bill and the House amendment.

Paragraph (1) of subsection (b) of section 301 is the same as the provisions in the Senate bill and the House amendment, except that the date of January 1, 1976, which requires effluent limitations based upon best practicable control technology for point sources other than publicly owned treatment works is extended to July 1, 1977, and for publicly owned treatment works effluent limitations based on secondary treatment is also extended from January 1, 1976, to July 1, 1977. In addition, the requirement that by January 1, 1976, any more stringent limitations including those necessary to meet water quality standards, treatment standards, or schedules of compliance established pursuant to any other State or Federal law or regulation or required to implement an applicable water quality standard is extended from January 1, 1976, to July 1, 1977, and is confined to those standards or schedules of compliance established pursuant to any State law or regulation (under authority preserved by section 510) or any other Federal law or regulation.

Paragraph (2)(A) of subsection (b) of section 301 is amended to provide that not later than July 1, 1983, effluent limitations for categories and classes of point sources other than publicly owned treatment works which (i) shall require application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2), which effluent limitations shall require the elimination of discharges of all pollutants if the Administrator finds, on the basis of information available to him (including that developed under section 315) that such elimination is technologically and economically achievable for a category or class of point sources as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2), or (ii) in the case of the introduction of a pollutant into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, shall require compliance with any applicable pretreatment requirements and any other requirement under section 307, and paragraph (2)(B) provides that not later than July 1, 1983, compliance by all publicly owned treatment works with the requirements set forth in section 201(g)(2)(A) of this Act.

Subsection (c) of section 301 of the conference substitute provides that the Administrator may modify the requirements of subsection (b)(2)(A) of this section with respect to any point source for which a permit application is filed after July 1, 1977, on a showing by the owner or operator of such point source satisfactory to the Administrator that the modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator, and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants.

Subsections (d), (e), and (f) of the conference substitute are the same as subsections (c), (d), and (e) of this provision of the House amendment.

The conferees intend that the administrator or the State, as the case may be, will make the determination of the economic impact of an effluent limitation on the basis of classes and categories of point sources as distinguished from a plant by plant determination. However, after July 1, 1977, the owner or operator of a plant may seek relief from the requirement to achieve effluent limitations based on best available technology economically achievable. The burden will be on him to show that modified requirements will represent the maximum use of technology within his economic capability and will result in reasonable further progress toward the elimination of the discharge of pollutants. If he makes this showing, the Administrator may modify the requirements applicable to him.

WATER QUALITY RELATED EFFLUENT LIMITATIONS

Senate bill

Section 302 requires more stringent standards than those required by section 301 if such effluent limits would interfere with attaining the 1981 interim goal. The interim goal requires a water quality assuring protection and propagation of fish, shellfish, and wildlife, and provides for recreation in and on the water. Before a more restrictive standard can be set, the balance between the economic and social costs of a new limitation and the social and economic benefits are

required to be determined at an administrative hearing.

House amendment

Section 302 would permit the setting of more stringent standards than those required by section 301, essentially using the same tests as the Senate bill. Before a more restrictive standard can be set, however, the House bill requires written comment and public hearings to determine economic, social, and environmental costs as compared to their benefits. If a person shows there is no reasonable relationship between these costs and benefits, then the limitation shall be adjusted as it applies to that person.

Conference substitute

Section 302 of the conference substitute is the same as section 302 of the Senate bill with the exception that all authority granted to a State in this section has been eliminated.

AQUACULTURE

Senate bill

Section 303 authorizes the Administrator to allow discharges of pollutants under controlled conditions for approved aquaculture projects.

House amendment

Section 318 authorizes the Administrator, after hearings, to permit discharge of specific pollutants under controlled conditions associated with an approved aquaculture project. The Administrator is required to establish procedures and guidelines necessary to carry out this provision by January 1, 1974.

Conference substitute

Section 318 of the conference substitute is the same as that provision in the Senate bill and the House amendment.

WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

Senate bill

No comparable provision.

House amendment

Section 303 of the House amendment continues the use of water quality standards contained in the existing law. Existing standards are adopted for the purposes of this revision both as to interstate and intrastate waters in the case where such standards have not been adopted and they are required to be adopted within 180 days from the date of enactment. Provision is made for the revision of existing standards and the adoption of new ones in the future. In addition, the State is required to rank by priority and establish daily loads with seasonal variations and, further, within 120 days to submit for approval by the Administrator a proposed continuing planning process consistent with the Act. Plans prepared under such process are required to include effluent limits, schedules of compliance, areawide waste treatment management plans, daily load limits, and adequate implementation controls over the disposition of residual waste and an inventory and ranking of needs for construction.

Conference substitute

This is the same as the provision in the House amendment, with the following exceptions:

(1) Subsection (d)(1) requires each State to identify the waters within its boundaries for which effluent limitations required by section 301 are not stringent enough to implement a water quality standard applicable to the waters. The State is to establish a priority ranking for such waters, taking into account the severity of the pollution and uses to be made of the water.

(2) Each State is to identify waters within its boundaries for which controls on thermal discharges under section 301 are not stringent enough to protect a balanced indigenous population of shellfish, fish, and wildlife.

(3) Each State is to establish for waters identified under paragraph (1)(A) in accordance with the priority ranking the total maximum daily load for those pollutants which the Administrator identifies as suitable for such calculation. This is to be established at a level necessary to implement water quality standards with seasonal variations and a margin of safety.

(4) Each State is to estimate for the waters identified in paragraph (1)(B) the total maximum daily thermal load required to assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife. These estimates are to take into account normal water temperatures, flow rates, seasonal variations, existing sources of heat input, and dissipative capacity. In addition, they shall include a calculation of maximum heat input, including a margin of safety.

(5) The State is to submit to the Administrator from time to time the waters so identified and loads so established. The Administrator is to approve or disapprove the identification and load within 30 days after submission. If they are approved, the State must incorporate them into its plan under subsection (e). If he disapproves them, he is required to identify the waters and establish the loads, and the State is to incorporate that into its current plan.

(6) For the purpose of developing information, each State is to identify all waters which it has not otherwise identified under this subsection and estimate for them the total maximum daily load with seasonal variations and margins for safety of pollutants and for thermal discharges at a level that would assure protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife.

(7) Each State is required to have a continuing planning process consistent with this Act and to submit such plan within 100 days after the date of enactment of this Act to the Administrator for his approval. The Administrator must approve or disapprove such process within 30 days after submission, and he must, from time to time, review the State's approved planning process to insure that it is at all times consistent with the Act.

(8) The Administrator is not to approve any State permit program under title IV for any State not having such an approved planning process.

(9) The planning process must include a process which will result in plans for all navigable waters within the State which include, among other things, total maximum daily loads for pollutants and thermal discharges.

INFORMATION AND GUIDELINES

Senate bill

Section 304 directs the Administrator to publish criteria on water quality within one year after enactment of the law. The criteria must reflect the latest scientific information on factors needed for restoration of the natural chemical, physical, and biological integrity of all navigable waters; propagation of fish, shellfish, and wildlife; and allow swimming, together with the effects that individual pollutants have on fish, plant life, and beaches as well as the movement of particular pollutants through the life chain.

Within one year after enactment, the Administrator is required to publish effluent limitation guidelines that identify the degree of effluent reduction that is attainable through the use of the best practicable available technology. Similar guidelines are required for assessing the degree of effluent reduction attained in the use of the best available technology. Such guidelines shall specify the factors to be taken into consideration in assessing both the best practicable and available technology, including the age of equipment and facilities, the process employed, and the cost of achieving such a reduction.

The section requires the Administrator to issue information on processes, procedures, and operating methods that would result in the reduction or elimination of discharges to meet required performance standards. The Administrator is required to issue information on alternative waste treatment systems which will be considered under treatment works construction grants.

The Administrator is required to publish guidelines and procedures on the impact of water quality of hydrographic modification work, and for identifying and controlling pollution from such nonpoint sources as agriculture, mining activities, and construction. The Administrator shall publish guidelines on pretreatment standards for pollutants which are not susceptible to treatment by publicly owned treatment works.

Guidelines for the required test procedures to analyze pollutants, and for the monitoring, reporting, and enforcement requirements under a State permit program shall be published by the Administrator.

Beginning in fiscal 1973, $100 million would be authorized annually under section 304.

House amendment

Section 304 of the House amendment basically requires the publication of the same criteria and guidelines as are provided in the Senate bill, except that it also requires the identification of pollutants suitable for maximum daily load measurements and requires with respect to the factors relating to the assessment of best practicable control technology and best available demonstrated technology to include the economic, social, and environmental impact of achieving the effluent reduction and of foreign competition. In addition, in establishing guidelines for State programs under Section 402 (permits) the House requires that these include guidelines on funding, personnel qualifications, and manpower requirements (including conflict of interest provisions).

Conference substitute

Section 304(a)(1) is the same as that provision in the Senate bill and the House amendment.

Section 304(a)(2) is the same as that provision in the House amendment, except that information on the factors necessary for the protection and propagation of shellfish, fish, and wildlife must be developed for classes and categories of receiving waters, and on the identification of pollutants suitable for maximum daily load measurement correlated with the achievement of water quality objectives is to be developed for the purpose of section 303.

Section 304(a)(3) is the same as the Senate bill and the House amendment.

Section 304(b)(1)(A) is the same as the Senate bill and the House amendment.

Section 304(b)(1)(B) provides that the Administrator's regulations providing guidelines for effluent limitations shall specify factors to be taken into account in determining the control measures and practices to be applicable to point sources (other than publicly owned treatment works) within categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with section 301(b)(1) shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate.

Section 304(b)(2)(A) is the same as the

comparable provision of the House amendment with the exception that the degree of effluent reduction attainable through the application of the best available demonstrated control measures and practices is revised to provide the degree of effluent reduction attainable through the application of the best control measures and practices achievable.

Section 304(b)(2)(B) would require that the guideline regulations specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b)(2) of section 301 to be applicable to any point source (other than publicly owned treatment works) within categories or classes. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate.

Section 304(b)(3) is the same as that provision in the Senate bill and the House amendment.

Section 304(c) is the same as that provision in the Senate bill and the House amendment, except that the one-year period for the issuance of information is reduced to 270 days.

Sections 304 (d) through (g) are the same as the comparable provisions of the Senate bill and the House amendment.

Section 304(h) is the same as the comparable provision of the House amendment, except that the 90-day period for guidelines for uniform application forms and minimum requirements is reduced to 60 days.

Section 304(i) is the same as the comparable provision of the Senate bill and the House amendment, except that the one-year period for issuance of information is reduced to 270 days.

Section 304(j) is the same as the comparable provision of the Senate bill and the House amendment.

Except as provided in section 301(c) of this Act, the intent of the Conferees is that effluent limitations applicable to individual point sources within a given category or class be as uniform as possible. The Administrator is expected to be precise in his guidelines under subsection (b) of this section, so as to assure that similar point sources with similar characteristics, regardless of their location or the nature of the water into which the discharge is made, will meet similar effluent limitations.

WATER QUALITY INVENTORY

Senate bill

Section 305 requires the Administrator by July 1, 1973, to send Congress a report describing the specific quality of all United States waters as of January 1, 1973.

The section requires that the report identify all navigable waters which presently allow recreational activities and provide protection for fish propagation, those waters which will meet such standards by 1976 or 1981, and those which will do so at some future date.

Each State is required to submit by July 1, 1974, and annually thereafter, a report describing the existing water quality of all its navigable waters. The report shall correlate existing water quality with the water quality criteria under section 304(a) and include an analysis of to what extent the waters provide swimming and fish protection. Each State is required to submit an estimate on the economic and social costs necessary to achieve such water quality, and when such achievement is expected.

The report describes the nature and extent of nonpoint sources of pollutants, programs to control such sources, and the cost of such programs.

House amendment

Section 305 requires the Administrator to report on the specific quality of all United States waters during 1972 by July 1, 1973. The report would identify and inventory point sources of discharge, together with an analysis of each discharge.

Each State is required to submit a report describing the existing water quality of all its navigable waters by July 1, 1974, and annually thereafter. The States are required to submit an estimate of the costs of achieving water quality that protects fish and wildlife areas suitable for recreation.

Conference substitute

This is the same as the Senate bill and the House amendment except that subsection (b)(1)(D) has been revised to require the annual State report to include an estimate of (i) the environmental impact, (ii) the economic and social costs necessary to achieve the objectives of the Act in that State, (iii) the economic and social benefits of such achievement, and (iv) an estimate of the date of such achievement. Appropriate reporting date revisions have been made.

NATIONAL STANDARDS OF PERFORMANCE

Senate bill

Section 306 requires new sources of pollution in at least twenty-eight specified industries to be constructed to meet a standard that reflects the greatest degree of effluent reduction that can be achieved by use of the latest available control technology. If it is practicable, this could be a standard that permits no discharge of pollution. The Environmental Protection Agency must promulgate the best available technology standard for each industry. That technology must be followed by each plant which by modification becomes subject to the new source standards, unless the economic and social costs of achieving such a standard far exceeds the social and economic benefits. If that occurs, a lesser standard will be promulgated.

The Administrator may distinguish among classes and sizes of new sources. He may also delegate this authority to individual States if they develop procedures for setting and enforcing such standards.

House amendment

Section 306 requires all new stationary sources to be constructed to meet a standard which reflects the greatest degree of effluent reduction that can be achieved by use of "the latest available demonstrated technology". If practicable, the standard would permit no discharge of pollutants.

In setting such standards, the Administrator is required to consider the costs and benefits of attaining such a degree of effluent reduction.

The House provision is very similar to the Senate bill, except for the elimination of cotton ginning from the list of industries initially required to be covered and the requirement that in establishing these performance standards for new sources, age of equipment, process employed, engineering aspects of the application of various techniques, process changes, and the cost and economic, social, and environmental impact, and foreign competition be taken into consideration. In addition, the House eliminates the authority for delegation of this provision to the States.

Conference substitute

Section 306(a) is the same as the comparable provision of the Senate bill and the House amendment with the exception of the elimination of the term "modification", which reduces the application of this section solely to new construction.

Section 306(b)(1)(A), except for a minor technical change, is the same as the comparable provision of the Senate bill and the House amendment.

Section 306(b)(1)(B) is the same as the comparable provision of the Senate bill, except that in establishing or revising Federal standards of performance for new sources the Administrator shall take into consideration the cost of achieving the effluent reduction and any non-water quality environmental impact and energy requirements.

Section 306(b)(1)(C) of the Senate bill and the House amendment has been eliminated.

Subsection (d) of this section of the conference substitute modifies the Senate bill to authorize a State to develop and submit to the Administrator a procedure under State law for applying and enforcing standards of performance for new sources located in that State. If the Administrator finds that this procedure and law require application and enforcement of standards of performance to at least the same extent as is required by this section, then the State is authorized to apply and enforce such standards of performance (except with respect to new sources owned or operated by the United States).

The conferees included a provision comparable to section 301(f) of the House amendment. Any point source the construction of which is begun after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 which is constructed so as to meet all applicable standards of performance is not to be subject to any more stringent standard of performance during the ten-year period beginning on date of completion or during the period of depreciation or amortization for Federal tax purposes, whichever period ends first.

The Conference substitute on section 306 follows, for all practicable purposes, the intent of both the Senate bill and House amendment. The Conference substitute requires establishment of a regulatory mechanism for new sources which anticipates not only that level of effluent reduction which can be achieved by the application of technology (including where practicable elimination of the discharge of pollutants), but also the achievement of levels of pollution control which are available through the use of improved production processes, taking into consideration the cost of achieving such effluent reduction. This does not mean that the Administrator is to determine the kind of production processes or the technology to be used by a new source. It does mean that the Administrator is required to establish standards of performance which reflect the levels of control achievable through improved production processes, and of process technique, etc., leaving to the individual new source the responsibility to achieve the level of performance by the application of whatever technique determined available and desirable to that individual owner or operator.

The Conferees deleted reference to the term "modification" when applied to new sources. The inclusion of this requirement in the Senate and the House bill was believed by the Conferees to be superfluous in light of the provisions which require existing sources (which might become subject to new source performance standards as a result of modification) to meet specific levels of effluent reduction by specific dates pursuant to section 301. To subject those sources to interim levels of control, simply because of a "modification", would be redundant with the requirements of effluent limitations based on best practicable and best available technology. In any event, if an existing source modifies or changes its operation so as to alter the nature or amount of pollutants discharged, these would be a violation of the conditions of an existing permit and subject to review by the permitting agency. Further action by that source could be required. The Conferees determined that the process established under section 306 for "modifications" would be burdensome, duplicative and, therefore, it was deleted.

TOXIC AND PRETREATMENT EFFLUENT STANDARDS

Senate bill

Section 307 requires the Administrator to publish, within 90 days of enactment, a list of pollutants that are determined to be toxic. Six months after publication of such list, the Administrator must publish proposed effluent limitations for the pollutants. The limitation can be a discharge prohibition.

The Administrator also is required to hold a hearing within 30 days after publishing the proposed limitations, and to promulgate the standards no later than six months after publishing the proposed standards. However, the standards may be varied if testimony at the hearing warrants such action. The bill provides that any standard or prohibition shall become effective no later than one year after promulgation.

Section 307(b) requires the Administrator to set national pretreatment standards for the discharge of pollutants into publicly owned treatment works. The standards shall cover pollutants that are not susceptible to treatment at the treatment facility or that would interfere with operation of a municipal treatment plant.

House amendment

Section 307 requires the Administrator to publish a list of toxic pollutants within 90 days of enactment of the title. Six months later the Administrator must publish a proposed effluent standard for each listed toxic pollutant. The standards may include a prohibition of the discharge of a toxic pollutant or combination of pollutants.

The section also requires the Administrator to set national pretreatment standards. The standards shall be utilized to prevent introduction of industrial and commercial pollutants into municipal collection systems and treatment plants.

Conference substitute

Sections 307(a) (1) and (2) are the same as the comparable provisions of the House amendment, except that the Administrator is required to take into account the usual or potential presence of the affected organisms in any water rather than in the receiving waters as is provided in the House amendment.

Sections 307(a) (3) and (4) are the same as the comparable provisions of the Senate bill and the House amendment.

Section 307(a) (5) provides that when proposing or promulgating any effluent standard or prohibition under this section the Administrator shall designate the category or categories of sources to which the standard or prohibition shall apply. Any disposal of dredged material may be included in such a category of sources after consultation with the Secretary of the Army.

Sections 307(a) (6) and (7) and section 307(b) are the same as the comparable provisions in the Senate bill and the House amendment.

Pretreatment of biological waste that is compatible with the treatment provided by a publicly owned waste treatment plant into which such waste is introduced may not be necessary. Examples of such biological waste may be the normal effluent of a brewery and of food processing plants where the composition and proportion of such effluent is compatible with the municipal waste treatment system. In no event is it intended that pretreatment facilities be required for compatible wastes as a substitute for adequate municipal waste treatment works.

The conference substitute also contains two new subsections lettered (c) and (d). Subsection (c) provides that, in order to insure that any source introducing pollutants into a publicly owned treatment works which would be a new source subject to section 306, if it were to discharge directly into the navigable waters the pollutant itself will not cause a violation of the effluent limitations established for the treatment works, the Administrator shall promulgate pretreatment standards for the category of such sources simultaneously with the promulgation of standards of performance under section 306 for the equivalent category of new sources. These pretreatment standards shall prevent the discharge of any pollutant into the treatment works, which pollutant may interfere with, pass through, or otherwise be incompatible with such works. Subsection (d) provides that after the effective date of any effluent standard or prohibition or pretreatment standard promulgated under this section it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition or pretreatment standard.

Under the conference substitute individual industrial users of municipal waste treatment plants will not be required to obtain a permit under section 402. However, the conferees agree, in section 402(b)(8), that each municipal waste treatment plant permit must identify any industrial users and the quality and quantity of effluents introduced by them. The Conference substitute provides that violation of pretreatment standards is enforceable directly against the industrial user by the Administrator. The conferees intend that the agency which issues the permit for a publicly owned treatment works shall receive notice of changes in the quality and quantity of the effluent to be introduced into such treatment works by any industrial user and have an opportunity to examine the impact on the discharge from such works resulting from such changes for the purpose of determining if there may be a violation of the permit. The conferees intend that the monitoring requirements of section 308 shall apply to industrial users introducing effluents to a publicly owned treatment works.

The conference substitute also provides that the Administrator shall establish pretreatment standards for new sources simultaneously with the establishment of new source performance standards in order to assure that any new source industrial user of municipal waste treatment plants will achieve the effluent controls necessary to assure that such users' effluents when introduced into the publicly owned works will not cause a violation of the permit and to eliminate from such effluents any pollutants which might interfere with, pass through, or otherwise be incompatable with the functioning of the municipal plant.

INSPECTIONS, MONITORING, AND ENTRY

Senate bill

Section 308 requires the owner or operator of any effluent source to install and maintain pollution control equipment. The requirement includes monitoring of the biological effects of any discharge.

The Administrator is given authority to inspect records, monitoring equipment, and effluents. The Administrator could delegate such authority to any State establishing its own program.

The bill also grants the public access to any records or reports obtained by the Administrator or a State unless a report includes a trade secret.

House amendment

Section 308 authorizes the Administrator to require monitoring of all point sources, to enter and inspect any premise where an effluent source is located, and to inspect any records.

This provision is basically the same as the Senate bill except for authority for a State to be delegated to carry out this section.

Conference substitute

This provision of the conference substitute is the same as that of the Senate bill and the House amendment with the following exceptions:

(1) Records, reports, and information obtained under this section shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or new source performance standards.

(2) A State may develop and submit to the Administrator procedures under State law for inspection, monitoring, and entry with respect to point sources located in the State. If the Administrator finds that these are applicable to at least the same extent as those required by this section, then the State may apply and enforce its procedures for inspection, monitoring, and entry within the State (except with respect to point sources owned or operated by the United States).

FEDERAL ENFORCEMENT

Senate bill

Section 309 requires the Administrator to provide notice to a polluter and the State upon discovering violation of any effluent limitation. The Administrator also is required to issue a compliance order to to bring a civil suit against the polluter.

If the Administrator discovers widespread violations of the limitations, he is required to notify the State. If the State fails to act within 30 days, he is required to give public notice and assume enforcement over all effluent limitation requirements in the State.

When the Administrator finds anyone violating any effluent limitations, performance standards, toxic and pretreatment standards, inspection and monitoring requirements, or permit requirements, the section requires him to either issue an order that requires immediate compliance or to bring a civil suit. If the violation involves the inspection and monitoring requirements, the Administrator's order would not take effect until the polluter has had an opportunity to confer with him. If such an abatement order is not complied with, the Administrator would initiate a civil suit for appropriate relief, such as an injunction.

Anyone willfully or negligently violating provisions of the Act is liable to a fine not to exceed $25,000 per day of violation and one year in jail. For a willful or negligent violation under which the Administrator is required to issue an order requiring immediate compliance or to bring a civil suit, the fine would not be less than $2,500 per day. The penalty for a second conviction would be up to $50,000 per day of violation and two years in jail.

Anyone who is found to have knowingly made a false statement on any application or report, or who has tampered with a monitoring device, is liable to a $10,000 fine and six months' imprisonment.

House amendment

Section 309 is basically the same as the Senate bill except that the Administrator is authorized rather than required to initiate civil actions or criminal proceedings. Civil penalties cannot exceed $10,000 per day of violation, and criminal penalties cannot exceed $50,000 per day of violation and two years' imprisonment.

Conference substitute

This is the same as the House amendment.

INTERNATIONAL POLLUTION ABATEMENT

Senate bill

Section 310 provides for international pollution abatement. If the Secretary of State requests abatement of pollution from a United States source that endangers the health or welfare of persons in a foreign country, the Administrator must notify the State where the discharge originates.

The section further states that if the pollution is in sufficient quantity to warrant such action, and if the foreign nation has given the United States similar rights over pollution originating in that nation, the Administrator will call a hearing. The hearing board would make a recommendation, and

the Administrator shall initiate abatement action if the board recommendation calls for a halt of the pollution.

House amendment

Section 310 is identical to the Senate bill.

Conference substitute

This provision is the same as the House amendment.

OIL AND HAZARDOUS SUBSTANCE LIABILITY

Senate bill

Section 311 which deals with oil and hazardous substance liability is basically the same as existing law. The section is modified, however, to add liability for the cleanup of any hazardous material discharged into navigable waters.

The Administrator is required to designate substances and quantities that are hazardous. To be judged hazardous, a pollutant must present an imminent and substantial danger to the public health or welfare, including fish, shellfish, and beaches.

The discharger of any hazardous substance that cannot be cleaned up would be liable to a $5,000 penalty for each barrel of discharged material. The discharger has the same defenses as under present law for anyone discharging oil.

House amendment

Section 311 is basically the same as existing law with respect to oil spills, but adds new provisions for hazardous substances. Dischargers of hazardous substances can be fined up to $50,000. If it is determined that the discharge was willful, the discharger would be liable to a penalty determined by the Administrator without any top limit.

The section requires the Administrator to publish a list of hazardous substances. A substance can be classified as hazardous if it presents an imminent and sustained danger to the public health and welfare, including fish, shellfish, and beaches.

Conference substitute

This is the same as the Senate bill and the House amendment with the following changes:

(1) Subsection (b)(2)(B) is revised as follows:

(A) The Administrator shall include in any designation of a hazardous substance a determination of whether it can actually be removed.

(B) As provided in the House amendment, if a hazardous substance is determined not removable, then the owner or operator of any vessel or onshore or offshore facility from which there is discharged such substance shall be liable, subject to subsection (f) defenses, to the United States for a civil penalty per discharge established by the Administrator based on toxicity, degradability, and dispersal characteristics of the hazardous substance. This applies during the two-year period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such civil penalty shall be in an amount not to exceed $50,000 unless there is a showing of willful negligence or misconduct within the privity and knowledge of the owner, in which case there is no limit to the civil penalty.

(C) As modified from the Senate bill, from and after two years after the date of enactment of this Act, the owner or operator of any vessel or onshore or offshore facility from which there is discharged any hazardous substance not removable shall be liable, subject to subsection (f) defenses, to either (i) a penalty in an amount established by the Administrator based on toxicity, degradability, and dispersal characteristics of the substance, but not less than $500 nor more than $5,000, or (ii) a penalty determined by the number of units discharged multiplied by the amount established for that unit, but not more than $5,000,000 in the case of a discharge from a vessel and $500,000 in the case of a discharge from an onshore or offshore facility. The determination of which of these two penalties shall be imposed shall be that made by the Administrator in his discretion. The Administrator is required to establish by regulation for every hazardous substance which he designates a unit of measure based on usual trade practices and is required to establish for each such unit a fixed monetary amount not less than $100 nor more than $1,000 per unit. This amount is to be based on toxicity, degradability, and dispersal characteristics of the substance and must be established within six months of the designation of the hazardous substance.

(2) Subsection (c)(2), which requires a "National Contingency Plan", is amended as proposed in the Senate bill to require that plan to include a system whereby the State or States affected by a discharge of oil or hazardous substance may act to remove the discharge and thereafter be reimbursed for reasonable costs.

(3) As modified from the Senate bill, subsection (p), relating to financial responsibility, is further amended to provide for a fine of not more than $10,000 for failure to comply with this subsection and authorizes the Secretary of the Treasury to refuse clearance to vessels not having evidence of financial responsibility and the Coast Guard to deny entry or detain at any port any vessel not producing on request such evidence of financial responsibility.

Notwithstanding the broad definition of "discharge" in subsection (a)(2) the provisions of this section are not intended to apply to the discharge of oil from any onshore or offshore facility, which discharge is not in harmful quantities and is pursuant to, and not in violation of, a permit issued to such facility under section 402 of this Act.

The Conferees direct that the Administrator initiate a study in cooperation with such non-agency scientists and other experts as are available, to identify and quantify the impact of the discharge of designated hazardous substances on the biological, physical, and chemical integrity of the Nation's waters. Such study should be submitted to Congress no later than 18 months after enactment of this Act together with any appropriate recommendations.

The conferees hope that during the next two years the appropriate committees of the Congress will consider the need for legislation to improve methods of storing, shipping, and handling hazardous substances which cannot be removed from the water. If such legislation is enacted, the conferees agree that the liability provisions of this section will be reviewed and necessary changes proposed by the Committees on Public Works.

MARINE SANITATION DEVICES

Senate bill

Section 312 is basically the same as existing law. However, this section frees from State regulation any boat owner who installs a federally certified sanitation device prior to the effective date of regulations requiring such devices.

House amendment

Section 312 is essentially the same as the comparable provision of the Senate bill with the exception that in lieu of the Federal preemption contained in the Senate bill the House subsection (f) permits a State to completely prohibit the discharge from a vessel of any sewage, treated or not, into any waters of the State which the State determines require greater environmental protection than this section would otherwise provide.

Conference substitute

Section 312 is the same as the Senate bill and the House amendment, except that subsection (f) is amended as follows:

(1) After the effective date of initial standards no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to design, manufacture, installation, or use of any marine sanitation device on a vessel subject to this section.

(2) If, after the initial standards and regulations are promulgated and before their effective date, a vessel is equipped with a device in compliance with those standards and regulations and the installation and operation is in accordance with them, then such standards and regulations shall become effective with respect to that vessel on the date of its compliance therewith.

(3) After the effective date of the initial standards and regulations, if a State determines that the protection and enhancement of the quality of some or all of its waters requires greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which the prohibition would apply. Upon application of the State, the Administrator must make this determination within 90 days of the date of the application.

(4) If the Administrator determines, on application by a State, that the protection and enhancement of the quality of specified waters within the State requires a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage, treated or not, into such waters.

FEDERAL FACILITIES POLLUTION CONTROL

Senate bill

Section 313 requires Federal facilities to meet the same effluent limitations as other sources of pollution, unless the facility is specifically exempted by the President. The President cannot exempt a Federal source from national performance standards or toxic and pretreatment standards.

House amendment

Section 313 requires Federal facilities to meet the same requirements as private sources of pollution unless specifically exempted by the President in essentially the same manner as the Senate bill.

Conference substitute

This section is the same as the Senate bill and the House amendment.

CLEAN LAKES

Senate bill

Section 314 requires all States to identify and classify their lakes according to eutrophic condition, and to set up procedures to control and restore polluted lakes.

States would be eligible for 70 percent Federal grants, with $50 million authorized for fiscal 1972, $100 million for fiscal 1973, and $150 million for fiscal 1974.

House amendment

Section 314 requires each State to submit an identification and classification of all publicly owned fresh water lakes. The State also is required to develop methods for preventing pollution in the lakes. A total of $300 million would be authorized for this program in essentially the same manner as the Senate bill.

Conference substitute

This section is the same as the Senate bill and the House amendment, except that the authorization is for $50,000,000 for fiscal year 1973, $100,000,000 for fiscal year 1974, and $150,000,000 for fiscal year 1975.

NATIONAL ACADEMIES STUDY

Senate bill

No comparable provision.

House amendment

Section 315 requires the National Academies of Sciences and of Engineering to study the economic, social, environmental, and technological effects of achieving or not

achieving the 1981 limitations and goals and to report to Congress within two years their results and recommendations. Notwithstanding any other provision of the Act, the limitations, goals, and policies established for 1981 are not to go into effect until such time as Congress by statute enacted after receipt of the report specifically so provides.

Conference substitute

Section 315 of the conference substitute establishes a National Study Commission which is to make a full and complete investigation and study of all the technological aspects of achieving and all aspects of the total economic, social, and environmental effects of achieving or not achieving the effluent limitations and goals set for 1983 in section 301(b)(2). The Commission is to be composed of 15 members—five Members of the Senate Public Works Committee, five of the House Public Works Committee, and five from the public, and in conducting the study the Commission is authorized to contract with the National Academy of Sciences and the National Academy of Engineering (acting through the National Research Council), the National Institute of Ecology, Brookings Institute, and other non-governmental entities for the investigation of matters within their competence. The heads of the departments and agencies of the Federal Government are required to cooperate with the Commission and furnish necessary information. A report is to be submitted to Congress not later than three years after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Members of the Commission who are not officers or employees of the United States are entitled to receive compensation at a rate not in excess of the maximum for GS–18 of the General Schedule and, while away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence as authorized by law for persons in the Government service employed intermittently. There is an authorization of not to exceed $15,000,000 to carry out this section. The appropriations to carry out this section should be a part of the Legislative Branch Appropriation Act.

REGULATION OF THERMAL DISCHARGES

Senate bill

No comparable provision.

House amendment

Section 316 requires the Administrator within one year to issue proposed regulations to control thermal discharges. A procedure is established to afford interested persons an opportunity to comment on the proposed regulations and, when promulgated, the regulations are to apply to thermal discharges from all sources unless on a case-by-case basis the Administrator determines economic and social costs of applying them to a particular point source bears no reasonable relationship to the benefits to be obtained, in which case the regulation shall be adjusted for that source.

Conference substitute

The conference substitute provides that with respect to a point source subject to section 301 or 306 of this Act if the owner or operator of that source after opportunity for public hearing demonstrates to the Administrator's satisfaction (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source requires effluent limits more stringent than is necessary to assure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made, then the Administrator (or State) may impose an effluent limitation with respect to the thermal component, taking into account its interaction with other pollutants, that will assure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife in and on that water.

Any standard established pursuant to section 301 or 306 and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

Any point source of a discharge having a thermal component, the modification of which point source is commenced after the date of enactment of this legislation and which point source, as modified, meets limitations established under section 301 or 306 or, if more stringent, limitations established under section 303 and such limitations will assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the water into which the discharge is made, is not to be subject to any more stringent limitation with respect to the thermal component of its discharge during a ten-year period beginning on the date such modification is completed or during the period of depreciation or amortization of such facility for Federal tax purposes, whichever period ends first.

FINANCING STUDY

Senate bill

No comparable provision.

House amendment

Section 317 requires the Administrator to continue his investigation and study of alternative methods of financing the cost of preventing, controlling, and abating pollution specifically, including financing of programs after fiscal 1976.

Conference substitute

Section 317 is the same as the House amendment.

TITLE IV—PERMITS AND LICENSES

CERTIFICATION

Senate bill

Section 401 requires any applicant for a Federal license or permit to provide the licensing agency with a State certification. The State would be required to certify that the discharge complies with sections 301 and 302.

House amendment

Section 401 requires any applicant for a Federal license or permit which may result in any discharge into navigable waters to provide a certification from the originating State that the discharge complies with sections 301, 302, 306, 307, and 316 of the Act.

Conference substitute

This section is the same as the House amendment, except as follows:

(1) Subsection (a)(7) of this section, which provides that where actual construction of a facility began before January 3, 1970, that a license or permit to operate such facility shall not be subject to the certification requirements until April 3, 1973, has been modified to exempt permits issued under section 402 of this Act.

(2) Subsection (d), which requires a certification to set forth effluent limitations, other limitations, and monitoring requirements necessary to insure compliance with sections 301, 302, 306, and 307, of this Act, has been expanded to also require compliance with any other appropriate requirement of State law which is set forth in the certification.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Senate bill

Section 402 transfers the 1899 Refuse Act permit program from the Corps of Engineers to the Administrator.

The section authorizes the Administrator to issue a permit for the discharge of pollutants into the navigable waters, the waters of the contiguous zone, or the oceans.

Before a permit can be issued, an applicant must meet the requirements of sections 209, 301, 302, 306, 307, 308, and 403. Any permit issued under section 13 of the Refuse Act prior to June 30, 1972, would be considered a permit pursuant to section 402 of this Act.

Under section 402, the Administrator can delegate permit authority to a State if the State program is adequate. Any State receiving such authority is required to send the Administrator a copy of all permit applications. The State cannot issue a permit until the Administrator determines the application meets all requirements of the Act.

The Administrator is authorized to waive the review authority over specific classes or sizes of plants and over individual plants if he does so within 30 days of receipt of the permit application.

House amendment

Section 402 authorizes the Administrator to issue permits for the discharge of pollutants into the navigable waters and the contiguous zone of the ocean, and to issue permits for thermal discharges on condition that the discharge meets the requirements of sections 301, 302, 306, 307, 308, 316, and 403 of the Act. Permits issued under the Refuse Act are to be deemed permits issued under this title and vice versa. After enactment of this title, permits are not to be issued under the Refuse Act. Pending applications under that Act are to be deemed applications under this title. During the interim period ending on the publication of guidelines under section 304(h)(2) or the date of approval of a State permit program, whichever first occurs, the Administrator can authorize a State to issue permits if that State has the necessary capability. The Administrator can veto any such interim permit.

Provision is made for a State to administer its own permit program in lieu of the Administrator's program, and the Administrator is required to approve a submitted State program unless he finds that there is not adequate authority to issue the permits in accordance with the requirements of this Act.

Authority is provided for the Administrator to withdraw approval of any State program. A State is required to transmit to the Administrator a copy of each permit application and provide notice of actions in connection therewith. The Administrator is authorized to object to the issuance of a State permit in situations where a downstream State has objected to the issuance of that permit and the issuing State has failed to accept the recommendations of the downstream State with respect to that permit. The Administrator may, however, waive his right to so object. The Administrator is also authorized to waive this right in connection with categories of point sources at the time he approves a State program for the issuance of permits.

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the following changes:

(1) Subsection (a)(5) has been revised to provide that the Administrator shall authorize a State which he determines has the capability to issue permits for discharges within the jurisdiction of that State instead of only permitting the Administrator to do so. The Administrator is encouraged to take advantage of existing State permit programs during this transitional phase.

(2) Subsection (b)(2)(B) is revised to remove the exception for federally-owned and operated point sources from inspection, monitoring, and reporting requirements.

(3) Subsection (b)(2) is further amended by adding to the requirements of the State permit program the following new requirements:

(A) The program must insure that any

permit for a discharge from a publicly owned treatment works includes conditions to require adequate notice to the permitting agency of any introductions of pollutants into such works from any source which would be a new source under section 306 if such sources were directly discharging pollutants into navigable waters.

(B) New introductions of pollutants into such works from any source that would be subject to section 301 if it were directly discharging.

(C) A substantial change in volume or character of pollutants being introduced into such works by a source which was introducing pollutants into such works at the time the permit was issued.

Such notice is to include information on the quality and quantity of the effluent introduced into the works and any anticipated impact in the quality or quantity of effluent discharge from such works. In addition, the program must insure that any industrial user will comply with sections 204(b), 307, and 308.

(4) Subsection (c)(3) is revised to require that the Administrator shall not withdraw approval of a State program unless he first notifies the State and makes public in writing the reasons for the withdrawal.

(5) Subsection (d)(2) is amended to provide that no State permit shall issue (A) if the Administrator, within 90 days of the date of his notification under subsection (b)(5), objects in writing to the issuance, or (B) if the Administrator, within 90 days of the date of transmittal by a State to him of the permit proposed to be issued by such State, objects in writing to the issuance of such permit as being outside the guidelines and requirements of this Act.

(6) Subsection (g) is deleted.

(7) Subsection (k), which is now relettered as (j), is amended to eliminate the specific enumeration of the places where permit applications and permits are required to be available to the public.

(8) Subsection (l), which is relettered as (k), is amended to provide that until December 31, 1974, in any case where a permit for discharge has been applied for but final administrative disposition has not been made, such discharge shall not be a violation of section 301, 306, or 402 of this Act or of section 13 of the Act of March 3, 1899, unless the Administrator or other plaintiff proves that final administrative disposition has not been made because of failure of the applicant to furnish information reasonably required or requested in order to process the application. For 180 days beginning on the date of enactment of this Act in any case of a point source discharging a pollutant or combination of pollutants or any thermal discharge immediately prior to such date of enactment which source is not subject to section 13 of the Act of May 3, 1899, that discharge by that source is not to be a violation of this Act if the source applies for a permit for discharge under this section within that 180-day period.

The conference substitute provides that the Administrator may veto the issuance of any proposed permit outside the guidelines and requirements of the Act. The conferees intend that the Administrator (or a State) shall include in any permits issued under section 402 (or shall require a State to include in any permits issued under 402), where appropriate, a schedule of compliance which will set forth the dates by which various stages of the requirements imposed in the permit shall be achieved.

OCEAN DISCHARGE CRITERIA

Senate bill

Section 403 sets standards under which a permit can be issued for any discharge into the contiguous zone or the oceans.

Before issuing such a permit, the Administrator is required to establish guidelines, within 180 days after enactment of the Act, on the effect of disposal of pollutants on human health and welfare, on marine life, and on recreational and economic values, as well as guidelines for determining the persistence of the pollutant and other possible locations for its disposal.

House amendment

Section 403 is essentially the same as the Senate bill except that prior to the promulgation of guidelines during the 180-day period after the date of enactment of the Act the Administrator can issue permits for these discharges while the Senate bill does not permit permits to be issued during this period prior to the issuance of such guidelines.

Conference substitute

This is the same as the Senate bill and the House amendment, except that subsection (a) is amended to authorize, prior to the promulgation of guidelines, a permit to be issued under section 402 if the Administrator determines it to be in the public interest.

PERMITS FOR DREDGED OR FILL MATERIAL

Senate bill

Section 402(m) of the Senate bill provided a procedure for the issuance of permits for the discharge or dredged spoil.

House amendment

Section 404 establishes a separate permit program for the discharge of dredged or fill material into the navigable waters. This program would be administered by the Secretary of the Army, acting through the Chief of Engineers. A determination is required that the discharge would not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potentialities.

Conference substitute

Section 404 of the conference substitute is a substitute for that provision in the House amendment.

Subsection (a) authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into the navigable waters at specified disposal sites.

Subsection (b) provides that, subject to subsection (c), each such disposal site shall be specified for each such permit by the Secretary of the Army (1) through the application of guidelines developed by the Administrator, in conjunction with the Secretary of the Army, which guidelines shall be based on criteria comparable to that applicable to the territorial seas, the contiguous zone in the ocean under section 403(c), and (2) whenever these guidelines alone would prohibit specification of a site, through the application additionally of the economic impact of the site on navigation and anchorage.

Subsection (c) authorizes the Administrator to prohibit the specification (including the withdrawal of specification of any defined area as a disposal site) and he is authorized to deny or restrict the use of any defined area for specification as a disposal site (including withdrawal of specification) whenever he determines after notice and opportunity for public hearings that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds, and fisheries areas (including spawning and breeding areas), wildlife, or recreational areas. Before making such determination, the Administrator shall consult with the Secretary of the Army. The Administrator shall set forth in writing and make public his findings and reasons for making any determination under this subsection.

Failure to obtain a permit under this section, or failure to comply with the requirements of such a permit, would be a violation of section 301(a) and enforceable under section 309.

To facilitate processing of permit applications the Secretary is expected to review the requirements for maintenance dredging of non-Federal dock and berthing facilities contiguous to the authorized Federal project at the same time as consideration is given to the Federal project requirements. The Secretary is also encouraged to use general dredging permits to maintain such non-Federal facilities where the work is in the same general area and the character of the work is similar.

The Secretary and the Administrator shall act promptly on dredging permits essential for the maintenance of interstate commerce because of the seasonal nature of dredging and the need to preschedule scarce dredging equipment.

It is expected that until such time as feasible alternative methods for disposal of dredged or fill material are available, unreasonable restrictions shall not be imposed on dredging activities essential for the maintenance of interstate and foreign commerce. Consistent with the intent of this Act, the conferees expect that the disposal activities of private dredgers and the Corps of Engineers will be treated similarly.

The conferees agree that the Administrator of the Environmental Protection Agency shall have authority to prohibit specification of a site and deny or restrict the use of any site for the disposal or any dredge or fill material which he determines will adversely affect municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

DISPOSAL OF SEWAGE SLUDGE

Senate bill

No provision.

House amendment

No provision.

Conference substitute

Section 405 of the conference substitute provides that, in any case where the disposal of sewage sludge which results from the operation of treatment works (including removal of in-place sludge from one location and its deposit at another location) would result in any pollutant from that sludge entering the navigable waters, such disposal is prohibited except in accordance with a permit issued under this section.

The Administrator is authorized to issue regulations governing permits for disposal of sewage sludge and these regulations are to require the application of each criterion, factor, procedure, and requirement applicable to the section 402 permit which the Administrator determines is necessary to carry out this Act.

Each State wishing to administer its own permit program for sewage sludge disposal may do so if it submits such program to the Administrator and he determines it to be adequate to carry out this Act.

TITLE V—GENERAL PROVISIONS

ADMINISTRATION

Senate bill

Section 501 is essentially the same as section 22 of existing law. However, subsection (f) authorizes the Administrator to detail employees to assist State pollution control agencies.

House amendment

Section 501 continues the provisions of section 22 of existing law, with one major change. A new subsection (f) allows the Administrator, upon request of a State water pollution control agency, to detail employees to assist the State agency in carrying out the provisions of the bill.

Conference substitute

Section 501 is the same as the Senate bill and the House amendment.

GENERAL DEFINITIONS

Senate bill

Section 502 defines the following terms: State water pollution control agency, interstate agency, State, municipality, person, pollutant, pollution, navigable waters, territorial seas, contiguous zone, ocean, effluent limitation, schedule and timetable for compliance, discharge, toxic pollutant, point source, biological monitoring, and permit.

House amendment

Section 502 defines words and phrases included in the bill. All of the terms defined in the Senate bill are defined in the House amendment except for the elimination of the defined terms "schedule and timetable for compliance" and "permit." The definitions of the terms are basically the same as provided in the Senate bill except as hereafter noted: (1) The term "State" is not defined to mean a river basin agency as provided in the Senate bill; (2) thermal discharges and organic fish wastes are excluded from the definition of the term "pollutant"; (3) the term "schedule of compliance" is defined in the same manner as the term "schedule and timetable for compliance" in the Senate bill; (4) discharges by industrial users into publicly owned treatment works are excluded from the definition of the term "discharge of a pollutant"; and (5) the terms "thermal discharge" and "discharge of a pollutant" are defined.

Conference substitute

Section 502 of the conference substitute is the same as the comparable provision of the Senate bill and the House amendment with the following exceptions:

(1) The definition of the term "pollutant" contained in paragraph (6) has been amended to read as follows:

"(6) The term 'pollutant' means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean (A) 'sewage from vessels' within the meaning of section 312 of this Act; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines that such injection or disposal will not result in the degradation of ground or surface water resources."

(2) The term "navigable waters" has been amended to read as follows:

"(8) The term 'navigable waters' means the waters of the United States, including the territorial seas."

(3) The definition of the term "effluent limitation" contained in paragraph (12) has been amended to eliminate the concept of "schedules and timetables for compliance", inserting in lieu thereof "schedules of compliance".

(4) Two new terms have been defined for the purposes of the Act. In paragraph (19) the term "schedule of compliance" has been added, and in paragraph (20) the term "industrial user" has been defined, and these terms read as follows:

"(19) The term 'schedule of compliance' means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

"(20) The term 'industrial user' means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category 'Division D—Manufacturing' and such other classes of significant waste producers as, by regulation, the Administrator deems appropriate."

The conferees omitted the Senate definition of "permit". It is the conferees' intent that a permit means any permit or equivalent document or requirement issued to regulate the discharge of pollutants. The conferees fully intend that the term "navigable waters" be given the broadest possible constitutional interpretation unencumbered by agency determinations which have been made or may be made for administrative purposes.

WATER POLLUTION CONTROL ADVISORY BOARD

Senate bill

Section 503 restates section 9 of existing law which establishes a Water Pollution Control Advisory Board within the Environmental Protection Agency. The section is modified to allow $100 per diem for board members while attending conferences or board meetings.

House amendment

Section 503 is essentially the same as the Senate provision.

Conference substitute

Section 503 is the same as the Senate bill and the House amendment.

EMERGENCY POWERS

Senate bill

Section 504 grants new authority to the Administrator to take remedial action in case of a water pollution episode.

If a pollution source presents an imminent or substantial endangerment to the health or welfare of persons, the Administrator shall issue an immediate abatement order. If a pollution source presents a substantial economic injury to persons because of their inability to market shellfish, the Administrator shall initiate a civil suit for relief.

House amendment

Section 504 authorizes the Administrator to bring suit on behalf of the United States if he determines that a pollution source presents an imminent and substantial danger to health. The section is similar to section 303 of the Clean Air Act.

Conference substitute

Section 504 is the same as the House amendment, with the addition that the Administrator is also authorized to bring a suit in behalf of the United States if he determines that a pollution source presents an imminent and substantial danger to the welfare of persons where such endangerment is to the livelihood of such persons such as inability to market shellfish.

CITIZEN SUITS

Senate bill

Section 505 establishes citizen participation in the enforcement of control requirements and regulations created in the Act.

Anyone may initiate a civil suit against any person who is alleged to be in violation of an effluent limitation, or a Federal or State abatement order. Anyone also may initiate a civil suit against the Administrator for failure to perform a nondiscretionary act.

The bill requires that no action on a suit may begin for 60 days following notification to the alleged polluter. If the Administrator or a State begins a civil or criminal action on its own against an alleged polluter, no court action could take place on the citizen's suit. Litigation costs may be awarded to any party if a court determines that such an award is appropriate.

A Governor, without regard to any time limitation, could initiate action against the Administrator for an alleged failure to abate a pollution violation in another State that adversely affects the Governor's State.

House amendment

Section 505 allows citizen suits in essentially the same manner as is provided in the Senate bill but limits the right to bring actions to persons directly affected by a violation of the proposed Act or to groups who have participated in the administrative proceedings of a case.

Conference substitute

Section 505 of the conference substitute is the same as the comparable provision of the Senate bill and the House amendment, except as follows:

(1) The provision in subsection (b) which permits the bringing of an immediate action has been modified to permit the bringing of immediate actions after notification only with respect to a violation of sections 306 and 307(a) of the Act.

(2) The definition of the term "citizen" has been amended to provide that it means a person or persons having an interest which is or may be adversely affected.

It is the understanding of the conferees that the conference substitute relating to the definition of the term "citizen" reflects the decision of the U.S. Supreme Court in the case of Sierra Club v. Morton (No. 70–34, April 19, 1972).

APPEARANCE

Senate bill

Section 506 allows the Administrator to appoint his own attorney to represent the agency in any court action if the United States Attorney General does not notify the Administrator within a reasonable time that the Justice Department will represent the Administrator.

House amendment

Section 506 provides that the Administrator shall request the Attorney General to represent the United States in any civil or criminal action. Unless the Attorney General notifies the Administrator that he will appear in civil actions, the Administrator's attorneys would represent the United States. Criminal actions involving the United States could not be handled by attorneys other than those appointed by the Attorney General.

Conference substitute

Section 506 is the same as the House amendment.

EMPLOYEE PROTECTION

Senate bill

Section 507 offers protection to employees who believe they have been fired or discriminated against as a result of the fact that they have testified or brought suit under this Act.

The employee would be able to apply to the Secretary of Labor for review of his case, and the Secretary could issue an order for the employee to be rehired, or otherwise compensated, if that is justified. The section does not apply to an employee who acts without direction from his employer in violating the Act.

House amendment

Section 507 is essentially the same as the provisions of the Senate bill with the addition of a new subsection (e) which requires the Administrator to investigate threatened plant closures or reductions in employment allegedly resulting from any effluent limitation or order under the Act. Such investigation shall be conducted on request of an employee or a representative of an employee. At public hearings the employer is required to present information relating to the alleged discharge, layoff, or discrimination. This hearing is to be on the record and on the basis of it the Administrator is to make findings of fact and recommendations. These are to be available to the public. This provision is not to be construed to require or au-

thorize the Administrator to modify or withdraw an effluent limitation or order.

Conference substitute

Section 507 is the same as the House amendment.

FEDERAL PROCUREMENT

Senate bill

Section 508 ensures that the Federal Government will not patronize or subsidize polluters through its procurement practices and policies.

No Federal agency could enter into any contract involving any facility convicted under section 309. The prohibition would continue until the Administrator certifies that the violation which led to the conviction no longer exists.

The President could exempt any contract if the exemption is in the paramount interest of the United States. The President would be required to submit an annual report to Congress on this section.

House amendment

Section 508 is basically the same as the provisions of the Senate bill.

Conference substitute

Section 508 is the same as the Senate bill and the House amendment.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

Senate bill

Section 509 grants the Administrator authority to issue subpenas, protects the secrets from public reporting, and requires that any suit against a Federal standard be filed in the United States Court of Appeals in Washington, D.C. Suits for review of the Administrator's action in approving or promulgating any effluent limitation under section 301 or 302 or issuing or denying a permit under section 402 of this Act would have to be filed in the Court of Appeals for the appropriate circuit. Such suits are required to be filed within 30 days of promulgation, approval, issuance, or denial.

House amendment

Section 509 is basically the same as the Senate bill except that review of any of the Administrator's actions may be had by any interested person in the district court of the United States for the district in which the person resides or transacts business and the requirement that action of the Administrator which is otherwise reviewable is not to be subject to judicial review in enforcement proceedings is eliminated.

Conference substitute

Section 509 is the same as the Senate bill and the House amendment except as follows:

(1) The district courts of the United States are authorized to issue subpenas for witnesses, books, papers, and documents for the purpose of obtaining information under sections 304 (b) and (c) of this Act.

(2) Judicial review is to be had in the circuit court of appeals for the judicial district in which the interested person resides or transacts business, and the time for application for judicial review is extended from 30 to 90 days.

(3) An action of the Administrator with respect to which review could have been obtained under paragraph (1) of subsection (b) of this section is not to be subject to judicial review in any criminal or civil proceeding for enforcement. The conferees intend that this provision limit the availability of judicial review of a standard or requirement where judicial review was available at the time the standard or requirement was established. The conferees do not intend to, in any way, affect the right of a party for which judicial review was not available.

STATE AUTHORITY

Senate bill

Section 510 provides that States, political subdivisions, and interstate agencies retain the right to set more restrictive standards and limitations than those imposed under this Act.

House amendment

Section 510 is essentially the same as the Senate bill.

Conference substitute

Section 510 is the same as the Senate bill and the House amendment.

OTHER AFFECTED AUTHORITY

Senate bill

Section 511 preserves the authority of other Federal laws which are consistent with this Act, specifically the authority of the Secretary of the Army to maintain navigation and his authority under the Rivers and Harbors Act of 1899. In the case of dredge and fill activities permitted under section 10 of the 1899 Act, a section 401 certification or a section 402 permit would be conclusive as to the effect on water quality. This section also provides that the Act does not affect or impair treaties.

Subsection (b) provides that the requirements of the Fish and Wildlife Coordination Act shall apply only to section 306, the publication of information under section 304, and the establishment of guidelines under section 403.

Subsection (c) provides that discharges of pollutants into navigable waters shall be regulated under this Act and not the Rivers and Harbors Act of 1910 and the Supervisory Harbors Act of 1888 except as to effect on navigation and anchorage.

Subsection (d) of this section provides that the requirements of the National Environmental Policy Act of 1969 as to water quality considerations shall be satisfied (1) by certification pursuant to section 401 with respect to any Federal license or permit for the construction of any activity which may result in the discharge into the navigable waters and (2) by certification pursuant to section 401 and issuance of a permit pursuant to section 13 of the 1899 Act or section 402 of this Act with respect to any activity which may result in discharge into the navigable waters.

House amendment

Section 511 is basically the same as the Senate provision modified to conform with the requirements of section 404 of the House amendment as to dredging, and eliminating the restrictions on the application of the Fish and Wildlife Coordination Act contained in the Senate bill.

Conference substitute

Sections 511(a) and 511(b) are the same as the comparable provisions of the Senate bill and the House amendment.

Section 511(c) of the conference substitute provides that, except for the provision of Federal financial assistance for the purpose of assisting construction of publicly owned treatment works, the issuance of a permit under section 402 for the discharge of a pollutant by a new source as defined in section 306, no action of the Administrator taken pursuant to this Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Further, nothing in that Act shall be deemed to (A) authorize any Federal agency authorized to license or permit the conduct of any activity which may result in the discharge of a pollutant into the navigable waters to review any effluent limitation or other requirement established pursuant to this Act or the adequacy of any certification under section 401; or (B) authorize any such agency to impose, as a condition precedent to the issuance of a license or permit, an effluent limitation other than the limitation established pursuant to this Act.

Section 511(c) clarifies certain relationships between the Federal Water Pollution Control Act (FWPCA) and the National Environmental Policy Act (NEPA).

The Federal Water Pollution Control Act Amendments of 1972 charge the Administrator of EPA with a comprehensive mandate to regulate the discharge of pollutants into the waters of the United States. The sole purpose of the Act is the enhancement of environmental quality. In the administration of the Act, EPA will be required to establish numerous guidelines, standards and limitations. With respect to each of these actions, the Act provides Congressional guidance to the Administrator in as much detail as could be contrived. Virtually every action required of the Administrator by the Act, however, involves some degree of agency discretion, judgments involving a complex balancing of factors that include technological considerations, economic considerations, and others. The Act seeks to guide the Administrator, to the extent possible, in the matter of assigning relative weight to the many factors that he must consider.

If the actions of the Administrator under this Act were subject to the requirements of NEPA, administration of the Act would be greatly impeded.

SEPARABILITY

Senate bill

Section 512 provides that if this Act or any provision of it is held invalid the application of that provision and the remainder of the Act is not to be affected thereby.

House amendment

Section 512 is the same as the Senate bill.

Conference substitute

Section 512 is the same as the Senate bill and the House amendment.

LABOR STANDARDS

Senate bill

Section 513 requires the application of the Davis-Bacon Act to treatment works for which grants are made under this Act. This is essentially the same as existing law.

House amendment

Section 513 is essentially the same as the Senate bill and existing law.

Conference substitute

Section 513 is the same as the House amendment.

PUBLIC HEALTH AGENCY COORDINATION

Senate bill

No comparable provision.

House amendment

Section 514 provides that before the owner or operator of property used for agricultural purposes is required to construct any water pollution control facility the plan for such facility and its operations must have been approved by the Administrator, and the Administrator must certify that the plan and the construction and operation of the facility in accordance therewith will not result in a violation of the laws or regulations of any local, State, or Federal health agency or other governmental agency.

Conference substitute

Section 514 of the conference substitute provides that the agency issuing a permit under section 402 shall assist the applicant for the permit in coordinating the requirements of this Act with the requirements of the appropriate public health agencies.

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Senate bill

Section 514 establishes a nine member scientific committee to hold hearings and transmit to the Administrator information on any proposed effluent limitation regulations or national performance standards or toxic and pretreatment standards.

House amendment

Section 515 is basically the same as section 514 of the Senate provision with the elimination of the provision in subsection (f) that upon the establishment of national environmental laboratories charged with similar authority the committee ceases to exist within a year.

Conference substitute

This section is the same as the House amendment.

REPORTS TO CONGRESS

Senate bill

Section 515 requires the Administrator to submit a report on measures taken to carry out this Act 90 days after the start of each session of Congress. The Administrator also is required to submit an annual report to Congress on detailed cost estimates for carrying out this Act.

House amendment

Section 516(a) requires the Administrator to submit reports on measures taken to carry out the Act.

Under section 516(b) the Administrator would be required to submit a detailed estimate, biennially revised, of the cost of construction of all needed treatment works in each State. The Administrator could obtain the estimates from States.

Conference substitute

This section is the same as the House amendment.

GENERAL AUTHORIZATIONS

Senate bill

Section 516 authorizes funds for sections of the bill lacking specific authorization. For fiscal 1972, $150 million is authorized, $250 million for fiscal 1973, $300 million for fiscal 1974, and $350 million for fiscal 1975.

House amendment

Section 517 authorizes $250 million for fiscal 1973, $300 million for fiscal 1974, and $350 million for fiscal 1975 for provisions which do not otherwise contain authorizations.

Conference substitute

This section is the same as the House amendment.

SHORT TITLE

Senate bill

Section 517 provides that the Act may be cited as the Federal Water Pollution Control Act.

House amendment

Section 518 is the same as the Senate provision.

Conference substitute

This section is the same as the House amendment.

AUTHORIZATION FOR FISCAL YEAR 1972

Senate bill

Appropriate funding is authorized for fiscal year 1972.

House amendment

Section 3 of the House amendment authorizes for fiscal year 1972 not to exceed $11,000,000 for the purpose of carrying out section 5(n), not to exceed $350,000,000 for the purpose of making grants under section 8 of the Federal Water Pollution Control Act. and provides that sums authorized by this section are in addition to amounts heretofore authorized for such sections.

It provides the Federal share of grants made under section 8 from sums authorized for fiscal year 1972 shall be that authorized by section 202 as established by the Federal Water Pollution Control Act Amendments of 1972.

Conference substitute

Same as the House amendment.

SAVINGS PROVISION

Senate bill

No comparable provision.

House amendment

Section 4 of the House amendment provides that pending suits, actions, and other proceedings are not to abate by reason of the amendments made by this Act. It further provides that rules, regulations, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken under the Federal Water Pollution Control Act are to continue in full force and effect until modified in accordance with that Act as amended by the 1972 Amendments.

The existing Federal Water Pollution Control Act is made applicable to all grants made from funds authorized for fiscal year 1972 and prior fiscal years, including increases in the monetary amount of any such grant which may be paid from authorizations for fiscal years beginning after June 30, 1972, except as specifically otherwise provided in section 202 of the Federal Water Pollution Control Act and section 3(c) of this Act.

Conference substitute

Same as the House amendment.

OVERSIGHT STUDY

Senate bill

Section 5 requires the Comptroller General to conduct a study and review of research, pilot, and demonstration programs relating to water pollution control being conducted, supported, or assisted by any agency of the Federal Government and to assess conflicts between, and the coordination and efficacy of, such programs. A report is required to be made to Congress by March 1, 1973.

House amendment

This is the same as the Senate bill, except that the report is to be submitted by October 1, 1973.

Conference substitute

This is the same as the provision of the Senate bill as modified by the House amendment.

INTERNATIONAL TRADE STUDY

Senate bill

No comparable provision.

House amendment

Section 6 requires the Secretary of Commerce to undertake a study to determine the extent to which pollution, abatement, and control programs will be imposed on, or voluntarily undertaken by, United States manufacturers in the near future and the probable short- and long-range effects of the cost of programs on production costs and market costs. Such study shall include an examination of the probable extent to which comparable programs will be implemented in foreign industrial nations and the extent to which production costs of foreign manufacturers will be affected. The study is also to include the probable competitive advantage of foreign manufactured goods over comparable United States made articles in those cases where the foreign nation does not require pollution control programs or requires a lesser degree or reimburses or subsidizes its manufacturers for the cost of these programs. The study is to include means by which the competitive advantages accruing to foreign products can be equalized and the impact of imposing compensating tariffs or other equalizing measures in encouraging foreign nations to implement pollution control programs. The initial report under this section is to be made within six months and thereafter at least once every 12 months.

Conference substitute

This is the same as the House amendment.

INTERNATIONAL AGREEMENTS

Senate bill

The Senate bill requires the President to undertake to enter into international agreements to apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, of toxic pollutants, and over discharges of pollutants into the ocean.

House amendment

This is the same as the Senate bill.

Conference substitute

This is the same as the Senate bill.

LOANS TO SMALL BUSINESS CONCERNS

Senate bill

Section 6 of the Senate bill amends section 7 of the Small Business Act to add a new subsection (g). This new subsection would authorize the Small Business Administration to make loans to assist small business concerns in making additions to or alterations in equipment, facilities, or methods of operation in order to meet water pollution control requirements established under the Federal Water Pollution Control Act if the Administrator determines that the concern is likely to suffer substantial economic injury without such assistance. The loan is to be made only if the applicant furnishes the Small Business Administration a statement in writing from the Environmental Protection Agency or, if appropriate, the State, that the additions or alterations are necessary to comply with specified provisions of the Federal Water Pollution Control Act. The Administrator of EPA is required within 180 days to prescribe regulations establishing uniform rules for the insurance of these statements. $800,000,000 is authorized for the purpose of making these loans.

House amendment

Except for minor clerical, technical, and conforming changes, section 8 of the House amendment is the same as the comparable provision of the Senate bill.

Conference substitute

This is the same as the House amendment.

ENVIRONMENTAL COURT

Senate bill

No comparable provision.

House amendment

Section 9 of the House amendment requires the President, acting through the Attorney General, to investigate and study the feasibility of a separate court or court system having jurisdiction over environmental matters and report to Congress the results thereof within one year.

Conference substitute

This is the same as the House amendment.

NATIONAL POLICIES AND GOALS STUDY

Senate bill

No comparable provision.

House amendment

Section 10 requires the President to make an investigation and study of all national policies and goals established by law for the purpose of determining what the relationship should be, taking into account the Na-

tion's resources. A report is required within two years, and an authorization of up to $5,000,000 is provided.

Conference substitute

This is the same as the House amendment.

EFFICIENCY STUDY

Senate bill

No comparable provision.

House amendment

Section 11 requires the President to conduct an investigation and study of ways and means of utilizing the resources, facilities, and personnel of the Federal Government most efficient in carrying out the objectives of this Act. He is required to utilize the General Accounting Office in carrying out this study. A report is required within 270 days.

Conference substitute

This is the same as the House amendment.

EVIRONMENTAL FINANCING

Senate bill

No comparable provision.

House amendment

Section 12 of the House amendment is given the short title of the Environmental Financing Act of 1972. It creates a body corporate known as the Environmental Financing Authority which is under the general supervision and direction of the Secretary of the Treasury. It provides the usual details concerning the makeup of the Authority, the meetings, and authorizes them to make commitments to purchase, and to purchase any obligation or participation issued by a State or local public body to finance the non-Federal share of the cost of a project for construction of waste treatment works, which project is eligible for Federal financial assistance under the Federal Water Pollution Control Act. No such commitment shall be entered into and no purchase made unless the administrator of EPA (1) certifies that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs, (2) has approved the project as eligible under the Federal Water Pollution Control Act, and (3) has agreed to guarantee timely payment of principal and interest on the obligation. Appropriations are authorized for these payments. To provide initial capital to the Authority, the Secretary of the Treasury is authorized to advance funds. An authorization of not to exceed $100,000,000 is provided for this purpose.

The Authority is authorized to issue obligations, and the Secretary of the Treasury is authorized to purchase or agree to purchase these obligations. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include these purchases. The Secretary of the Treasury shall make annual payments to the Authority in such amounts as are necessary to equal the amount by which interest expenses accrued by the Authority on account of its obligations exceeds interest income accrued by the Authority on account of obligations purchased by it under this section.

The Authority is given the usual powers granted corporations.

The Authority, its property, franchise, capital, reserves, surplus, security holdings, and other funds, and its income are exempt from all taxation, Federal, State, or local except real property and any tangible personal property and obligations issued by the Authority. Annual reports are required. Budget and audit provisions of the Government Corporation Control Act are made applicable and certain conforming changes are made in existing statutes.

Conference substitute

This is the same as the House amendment, except that the right to make commitments to purchase and to purchase obligations or participations granted the Authority in subsection (e)(1) is limited to the period ending July 1, 1975.

The conferees intend that the Environmental Financing Authority shall not compete with private bond underwriters in the municipal bond market. The authority should not provide financing assistance to a community that can borrow money on the open market at reasonable rates. The authority provided in section 12 should be exercised only as a last resort.

SEX DISCRIMINATION

Senate bill

No comparable provision.

House amendment

Section 13 provides that no person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity under the Federal Water Pollution Control Act Amendments of 1972, the Federal Water Pollution Control Act, or the Environmental Financing Act. This section is to be enforced through agency provisions and rules similar to those already established with respect to racial and other discrimination under title VI of the Civil Rights Act of 1964. This remedy is not exclusive and does not prejudice or cut off any other legal remedies available to a discriminatee.

Conference substitute

This is the same as the House amendment.

DIKED DISPOSAL AREAS

Senate bill

Section 4 amends section 123 of the Rivers and Harbors Act of 1970 to make the diked disposal program nationwide in its application.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

JOHN A. BLATNIK,
ROBERT E. JONES,
JIM WRIGHT,
HAROLD T. JOHNSON,
ROBERT A. ROE,
WM. H. HARSHA,
JAMES R. GROVER, Jr.,
DON H. CLAUSEN,
CLARENCE MILLER,
Managers on the Part of the House.

EDMUND S. MUSKIE,
JENNINGS RANDOLPH,
BIRCH BAYH,
THOMAS F. EAGLETON,
J. CALEB BOGGS,
JOHN SHERMAN COOPER,
HOWARD H. BAKER,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 15475, NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15475) to provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, ROGERS, SATTERFIELD, NELSEN, and CARTER.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORTS ON ANTIHIJACKING, AIRCRAFT LOAN GUARANTEE, PERMANENT GOVERNMENT TRANSPORTATION CHARGES, ALCOHOLISM, AND MENTAL HEALTH BILLS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file committee reports on H.R. 16191, Antihijacking bill; H.R. 14740, aircraft loan guarantee bill; H.R. 15054, payment of Government transportation charges bill; H.R. 16675, alcoholism bill; and H.R. 16676, mental health bill.

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

Mr. HALL. Mr. Speaker, reserving the right to object, did I understand the distinguished gentleman from West Virginia, the chairman of the Committee on Interstate and Foreign Commerce, to say "until midnight tonight," that is, today, Thursday, September 28?

Mr. STAGGERS. I said tonight, midnight, yes.

Mr. HALL. Mr. Speaker, reserving the right to object; as I am unofficially advised, and subject to a tentative schedule, there are suspension requests for over 45 bills with the leadership at this time.

Now, we are coming down to the press of passing legislation willy-nilly and at least in a helter-skelter fashion by blocs. I anticipate there will be a great number of requests for filing, and/or permission involving unanimous-consent requests for delayed filing, in order to qualify for the suspension days, assuming that, as usual, we do not have the intestinal fortitude to set a date certain for adjournment sine die, agreed to by both sides of the Congress, thereby making a load in the last 6 days of suspensions of the rules.

I do want to say that I will not object to this request of the chairman of the Committee on Interstate and Foreign Commerce. So far as I know, the bills are all right; he tells me they came out of the committee by unanimous consent. As a pressure tactic, if there is an effort to load up suspensions and/or the consent calendar, I will be forced to object unless the committees have completed their work and or they can file by midnight of the day the request is made.

Mr. Speaker, I withdraw the reservation.

H.R. 14891, AUTHORIZING INVOLUNTARY ACTIVE DUTY FOR COAST GUARD RESERVISTS

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14891) to

amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces, 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 2, lines 2 and 3, strike out "thirty days a year" and insert "fourteen days in any four-month period and not more than thirty days in any one-year period".

Page 2, line 14, strike out "may, in the discretion of the Secretary, satisfy" and insert "shall satisfy a day-for-day basis".

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 56, NATIONAL ENVIRONMENTAL DATA SYSTEM AND ENVIRONMENTAL CENTERS

Mr. GARMATZ submitted the following conference report and statement on the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System:

CONFERENCE REPORT (H. REPT. No. 92–1466)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, and 63, and 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 an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "TITLE I—NATIONAL ENVIRONMENTAL DATA SYSTEM;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, 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: "knowledge, and data"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: On page 5, line 3, of the Senate engrossed amendments, strike out "28" and insert the following: "2", and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: Strike out the matter proposed to be stricken out by the Senate amendment and on page 8, line 10, of the House engrossed bill immediately before "functions" insert the following: "the"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, 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: "$1,000,000 for the fiscal year ending June 30, 1974, $2,000,000 for the fiscal year ending June 30, 1975, and $3,000,000 for the fiscal year ending June 30, 1976."; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 16, 21, 44, 65, 66, and 67 and the Senate amendment to the title of the bill.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
THOMAS M. PELLY,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK E. MOSS,
MARK O. HATFIELD,
HENRY BELLMON,
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. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, 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:

The following Senate amendments made technical, clarifying, or conforming changes: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63. With respect to these amendments, the House either recedes or recedes with amendments which are technical, clarifying, or conforming in nature.

NATIONAL ENVIRONMENTAL DATA SYSTEM

Amendment No. 1: Reported in technical disagreement. The House bill would establish a National Environmental Data System through direct amendment to the National Environmental Policy Act of 1969. Senate amendment numbered 1 would establish the Data System proposed in the House bill (with no significant changes) but not by means of amendment to any existing law. Senate amendment numbered 1 would also add a short title to the bill mentioning the Data System and the State and regional environmental centers program (added by Senate amendment numbered 65). The managers on the part of the House will offer a motion to recede and concur in Senate amendment numbered 1 with a technical amendment.

PROTECTION OF CERTAIN INFORMATION

Amendment No. 21: Reported in technical disagreement. The House bill provided that the National Environmental Data System should be operated so as to protect secret and national security information from unauthorized dissemination and application. Senate amendment numbered 21 would require that such protection also be extended to patent and trademark information. The managers on the part of the House will offer a motion to recede and concur in Senate amendment numbered 21 with an amendment including copyright information since it is within the same general class of information to which the Senate amendment pertains.

AUTHORIZED APPROPRIATIONS FOR DATA SYSTEM

Amendment No. 64: The House bill would authorize, for purposes of implementing the National Environmental Data System, $1,000,000 for fiscal year 1972, $2,000,000 for fiscal year 1973, and $3,000,000 for fiscal year 1974. Senate amendment numbered 64 would authorize, for such purposes, $1,000,000 for the first fiscal year beginning after the date of the enactment of the Act, $2,000,000 for the second fiscal year beginning after such date, and $3,000,000 for each fiscal year thereafter. Under the conference agreement, the three-year funding formula provided for in the House bill is retained, but is applied beginning with the first fiscal year for which the Senate amendment authorized appropriations (fiscal year 1974).

STATE AND REGIONAL ENVIRONMENTAL CENTERS

Amendments Nos. 2, 16, 44, and 65: Reported in technical disagreement. Senate amendment numbered 65 would add to the House bill a new title II which provides for the establishment of State and regional environmental centers which would combine and coordinate the environmentally-related research and education extension capabilities of educational institutions within each State or interstate region. Senate amendments numbered 2, 16, and 44 would make such amendments to the House bill as are required by the inclusion of such title II (for example—inclusion of title II definitions in the definitions section, and changes clarifying the relationship of environmental centers to the National Environmental Data System). Inasmuch as these Senate amendments would be in violation of the germaneness provisions of clause 7 of Rule XVI of the Rules of the House if such amendments had been offered in the House, the managers on the part of the House, in compliance with clause 3 of Rule XX of the House Rules, will (1) with respect to Senate amendment numbered 65, offer a motion to recede and concur in the Senate amendment with an amendment in the nature of a substitute for title II as proposed by the Senate, and (2) with respect to Senate amendments numbered 2, 16, and 44, offer motions to recede and concur in each of such amendments with amendments making such conforming changes as are consonant with the proposed House substitute for title II.

KLAMATH INDIAN FOREST LANDS

Amendment No. 66: Reported in technical disagreement. Senate amendment numbered 66 would add to the House bill a new title III which would direct the Secretary of Agriculture to contract for the purchase of certain Klamath Indian forest lands which were retained by the tribe and offered for sale pursuant to section 28(e) of the Klamath Indian Termination Act (25 U.S.C. 564w–1).

Amendment No. 67: Reported in technical disagreement. Senate amendment numbered 67 would add a new title IV to the House bill amending the Klamath Indian Termination Act in order to extend, for an additional 12 months, the existing 12-month period provided for the first offer of sale of such forest lands to the Secretary of Agriculture.

Inasmuch as Senate amendments numbered 66 and 67 are subject to clause 3 of Rule XX of the Rules of the House, the managers on the part of the House will (1) with respect to the Senate amendment numbered 66, offer a motion to recede and concur in the amendment with amendments extending from June 30, 1972, to June 30, 1973, the time within which the contract may be made, and making the price paid for the purchase of such forest lands subject to adjustment for growth and cutting, and (2) with respect to Senate amendment numbered 67, offer a motion to recede and concur in the amendment with a technical amendment.

TITLE OF H.R. 56

Amendment to the title: Reported in technical disagreement. The Senate amendment to the title of H.R. 56 would change the title in order to make it conform with the substantive amendments made by the Sen-

ate. The managers on the part of the House will offer a motion to recede from disagreement to the Senate amendment to the title of the bill.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
THOMAS M. PELLY,
Managers on the Part of the House.
HENRY M. JACKSON,
ALAN BIBLE,
FRANK E. MOSS,
MARK O. HATFIELD,
HENRY BELLMON,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 16870

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report on the bill H.R. 16870.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 10729, FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1972

Mr. BERGLAND. Mr. Speaker, at the request of the chairman of the Committee on Agriculture, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? The Chair hears none, and appoints the following conferees: Messrs. POAGE, ABBITT, SISK, DOW, BELCHER, GOODLING, and KYL.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

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

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the inquiry of the distinguished minority leader, we have completed the program for this week, and I plan to ask to go over until Monday.

On Monday there will be the call of the Consent Calendar. We have listed—but we certainly do not plan to consider—46 suspensions. The list will be printed in the RECORD:

H.R. 16742. Restrict Travel to Certain Countries.
H.R. 15276. Amend Title 18, U.S. Code.
H.R. 16191. Anti-Hijacking Act of 1972.
H.R. 15859. Emergency Medical Services.
H.R. 16832. Omnibus Rivers and Harbors and Flood Control Bill.
H.J. Res. 1301. Extend Certain Housing programs.
H.R. 16732. Small Business Investment Act Amendments.
H.R. 12006. Longshoremen's and Harbor Workers Compensation Act.
H.R. 16563. Youth Conservation Corps.
S.J. Res. 247. Extend Copyright Protection.
H.R. 8063. Economic Development of Indian Organizations.
H.R. 16444. Golden Gate National Urban Recreation Area.
H.R. 6482. Strip Mining Reclamation.
S. 3671. Amend Administrative Conference Act.
H.R. 8273. Immigration and Nationality Act Amendments (Sec. 301(b)).
H.R. 1536. Immigration and Nationality Act Amendments (Sec. 319).
S. 1943. Rabbit Meat Inspection.
H.R. 7287. Prohibit Futures Trading in Irish Potatoes.
H.R. 15352. Apple Marketing Orders.
H.R. 16182. Eligibility of ASC County Committee Members.
H.R. 15461. U.S.-Mexico Treaty Compliance.
H.R. 15462. International Boundary and Water Commission Expenditures.
H.R. 15763. To Provide for two Additional Members of the National Historical Publications Commission.
H.R. 15597. Additional Acquisition, Piscataway Park, Maryland.
H.R. 9859. Cumberland Island National Seashore, Georgia.
H.R. 8756. Hohokam Pima National Monument, Arizona.
H.R. 6067. Mississippi Sioux Indian Judgment.
H.R. 11449. Disclaims Interest, Antoine Leroux Grant.
H.R. 9294. Convey Title, Devils Lake Sioux Reservation.
H.R. 10751. To Establish the Pennsylvania Avenue Bicentennial Development Corporation.
H.R. 15716. To Establish Glen Canyon National Recreation Area, Arizona and Utah.
H.R. 15735. Ship Transfer to City of New York.
H.R. 15280. Increasing annual Appropriation Authorization for NACOA.
H.R. 15627. Oil Pollution Act Amendments of 1972.
H.R. 11091. Bows and Arrows.
H.R. 16074. Jellyfish Appropriation.
H.R. 14384. Commercial Fisheries Research and Development Act.
H.R. 14385. Fishermen's Protective Act of 1967.
H.R. 15718. Sockeye Salmon Fisheries Act of 1947.
H.R. 15379. Canadian Fishing Vessels.
S. 1478. Toxic Substances Control Act.
H.R. 14740. Aircraft Loan Guarantees.
H.R. 15054. Facilitate the Payment of Transportation Charges.
H.R. 16675. Comprehensive Alcohol Abuse and Alcoholism Prevention.
H.R. 16676. Community Mental Health Centers Act.
H.R. 16883. Post-Secondary Education Commission.

Tuesday there will be a call of the Private Calendar, to be followed by consideration of:

H.R. 7130, the Fair Labor Standards Act, a motion to go to conference;

House Resolution 1138, nongermane amendments, a resolution out of the Rules Committee having to do with nongermane provisions;

House Resolution 1123, electronic voting;

H.R. 16810, the debt limit increase, subject to a rule being granted;

H.R. 16645, the Eisenhower Memorial Bicentennial Civic Center, under an open rule, with 1 hour of debate; and

S. 1316, Federal payment for meat inspection, subject to a rule being granted.

For Thursday and the balance of the week there will be consideration of H.R. 16656, Federal Aid to Highways Act, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Would the gentleman answer an inquiry? On Tuesday will the action on the Fair Labor Standards Act come at the outset of the session?

Mr. BOGGS. Following the call of the Private Calendar.

Mr. GERALD R. FORD. I thank the gentleman.

AUTHORITY FOR CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

Mr. HALL. Mr. Speaker, reserving the right to object, we have worked a total the past 3 days of 12 hours, including the special orders. We adjourned at 3:16 p.m., according to the CONGRESSIONAL RECORD, on Monday of this week, at 5:43 on Tuesday, and at 3:10 yesterday, Wednesday.

I see every sign of adjournment soon. In fact, the distinguished majority leader has just indicated that we have finished the business for this week and will go over until Monday. That will be a little bit after 3 o'clock.

That will be a total of 15 hours, including special orders, in 4 working days.

Mr. Speaker, I just want to point out that it is unconscionable to list under consent and/or suspension rules, in the final 2 weeks of the expected session, if the continuing resolution has anything to do with it, which we passed yesterday, this kind of pell-mell legislation. Some of it is important. Much of it could be passed by unanimous consent.

As I pointed out in colloquy just a few minutes ago, there is a rule of procedure to take care of the end-of-the-session legislation, under suspension of the rules, if we would but set a date and get the concurrence of the other and I must say the more dilatory body, for which we are marking time, for which on whose tenuous strings we dance the minuet, as they control the tendrils of a marionette.

I would suspect that as on August 7, when there were 21 suspensions listed, there may be great activity around here on Monday, if those bills are called by the leadership, which could be passed by unanimous consent, and if there are any more additions or requests for unanimous consent or suspension of the rules.

I have no objection to the observation and the unanimous-consent request of the majority leader at this time, but I believe it is only fair for the membership to know and for the people to know of the unconscionable tactics that result from failure to be willing to say "no" to yearend and congressional-end legislation.

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

Mr. HALL. I am delighted to yield to my colleague.

Mr. BOGGS. I think the gentleman, in using the word "unconscionable" is using a word that certainly does not describe the fact that the considerable number of bills duly listed under suspensions is not quite correct.

I have not had an opportunity to check with the membership, but I am quite certain some of the 46 bills that I read were on the Consent Calendar as well. As the gentleman very well knows, quite frequently bills that are on the suspension calendar and are up for suspension or disposed of by unanimous consent on the Consent Calendar.

Mr. HALL. Mr. Speaker, let me say I happen to be the chairman of the committee of objectors on the minority side, properly selected and appointed by this body. I am very familiar with this, and I think if you read the record back you will find I said that if they are worthy and stand of their own weight and are duly and properly filed on time, I will help to expedite the business of the House so that they can pass by unanimous consent.

This is certainly part of the regular technique. I well know that there are some that could pass by unanimous consent, but I will stick by my use of the word "unconscionable" as far as the scheduling and programing by the leadership are concerned.

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

Mr. HALL. Yes, I will yield.

Mr. BOGGS. I will also say to the gentleman that the fact that we are able to add x number of minutes and hours does not in my judgment indicate by any stretch of the imagination the total work of the Members of this body on both sides of the aisle. The fact that the House does not happen to be in session at a given time or a given period of time does not mean that committees are not meeting or conferences are not meeting, and at this particular time in the session, when we are seeking to adjourn the Congress, it is very important that Members have time to go to conferences to try to resolve the remaining business that still must be passed before adjournment.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's remarks, and I will accept them in the spirit of public relations for the Congress as a whole, which is the spirit in which I am sure he has given them.

But the fact of the matter is that there is a paradox here in listing 46 bills under suspension of the rules at the end of Congress on the one hand, and saying they may not be taken up. At least it is indicative of the fact of poor planning and scheduling on the part of the leadership.

I withdraw my reservation of objection.

Mr. GROSS. Further reserving the right to object, Mr. Speaker, I should like to ask the distinguished majority leader if these suspensions are to be called in order?

Mr. BOGGS. Not necessarily.

Mr. GROSS. Mr. Speaker, I wonder about this. If the gentleman arranged a pile of 46 bills and the report for each one before him, and if they are not to be called in order, I wonder how with the disposition of one bill he would fish the next bill out of the stack when it was called, especially if he was opposed and sought to claim the second on the bill?

Mr. BOGGS. Well, Mr. Speaker, we all know the gentleman from Iowa is one of the most diligent Members of the Congress; he is here for every suspension. The gentleman knows that generally, as a matter of practice, the bills are called as listed on the notice, but he also knows that it is not infrequent for the chairman of a committee to say, "Look, I would like to take the bill off the calendar," and it is taken off; or sometimes at the convenience of the Member or a group of Members there may be a switch in the order.

What I am saying to the gentleman, Mr. Speaker, is that this list has never been inflexible.

Mr. Speaker, I also said at the beginning of my remarks I did not intend, or I would not expect the House of Representatives to pass 46 suspensions on Monday. What this really does is give the gentleman notice of all the possible suspensions that we have before us at this time. We could have put six on the list and kept the rest of them off, but the Members now know every possible suspension that is now available to the Speaker. So we have now given the Members information on the suspensions that we could have reserved for future dates if we had wanted to.

Mr. GROSS. I notice that No. 35 on the suspension list is the bows and arrows bill.

I wonder if by any chance that could be the defense program of a certain presidential candidate.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. VANIK. Mr. Speaker, reserving the right to object, and I will not object, I simply want to raise the issue, and it is late in the session now, but it seems to me a rather odd coincidence that usually the most important bill for consideration any week is one which we take up on Thursday, so that by the time the committee in charge of the bill gets through with the general debate we are very often here under great pressure late on a Thursday afternoon engaged in the most important phase of acting on the legislation. I would simply suggest in scheduling of major bills we allow at least 2 days or try not to concentrate them on a Thursday when we are under tremendous pressure to finish our business and when very often it may well be that discussion, debate, and amendment is cut short because of the time pressures occurring on that day.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. SNYDER. Mr. Speaker, I further reserve the right to object.

I know, of course, conference reports are not customarily listed on whip notices. I just wonder if the gentleman can give us any insight into whether or not the revenue sharing conference report might be called up the coming week.

Mr. BOGGS. It is my information it will be called up next week and probably also the water pollution bill.

Mr. SNYDER. And what about the supplemental appropriation?

Mr. BOGGS. It will not be called up next week.

Mr. SNYDER. But the water pollution and revenue sharing bills probably will be?

Mr. BOGGS. They probably will be, along with quite a few other conference reports.

Mr. SNYDER. I thank the gentleman and I withdraw my reservation of objection.

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

There was no objection.

ADJOURNMENT OVER TO MONDAY, OCTOBER 2, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

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

There was no objection.

PERSONAL STATEMENT

Mr. MAZZOLI. Mr. Speaker, a moment ago I was detained from reaching the Chamber in time to vote on the bill just passed, the American Revolution Bicentennial Commission bill. Had I been in the Chamber and had the opportunity to vote, I would have voted "yea."

PERSONAL ANNOUNCEMENT REGARDING VOTE

Mr. DANIELSON. Mr. Speaker, on Thursday, September 21, 1972, I was compelled to leave the floor at 6 o'clock, p.m., and by necessity missed two recorded votes. Had I been present I would have voted as follows:

Rollcall No. 380—I would have voted "no" on an amendment to H.R. 16705 that sought to prohibit the use of funds to guarantee or insure future foreign investments.

Rollcall No. 381—I would have voted "yea" on final passage of the bill H.R. 16705, Foreign Assistance Appropriations for fiscal year 1973.

Business in my district also necessitated my absence during the early afternoon of Monday, September 25, 1972. I missed three recorded votes at that time; had I been present I would have voted as follows:

Rollcall No. 382—I would have voted "yea" on House Resolution 1132, the rule waiving points of order in consideration of H.R. 16754.

Rollcall No. 383—I would have voted "yea" on final passage of the bill H.R. 16754, the military construction appropriations for fiscal year 1973.

Rollcall No. 384—I would have voted "yea" on House Resolution 1133, providing for agreeing to the amendment of the Senate to House Joint Resolution 1227, the interim SALT agreement.

PERSONAL EXPLANATION

Mr. GOLDWATER. Mr. Speaker, on rollcall No. 391 I was unavoidably detained. If I had been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. HUNT. Mr. Speaker, on rollcall No. 391 on the passage of H.R. 13694, amendment of the joint resolution establishing the American Revolution Bicentennial Commission, I was inadvertently detained because the Metroliner I was on broke down between Wilmington and Baltimore, and we were forced to be there for a considerable while. If I had been present I would have voted "yea."

RECALLING RALPH NADER

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

Mr. SCHERLE. Mr. Speaker, next month self-anointed consumer advocate Ralph Nader will "reveal" his so-called study of Members of the 92d Congress. It will, of course, be heralded in the traditional, publicity-seeking Nader fashion—flashbulbs flashing, TV cameras whirring and the members of the fourth estate frantically scribbling notes. It has all the earmarks of a grandiose affair typical of the headline-grabbing mania of the reboant Ralph. However, before Mr. Nader sanctimoniously attempts to justify his red herring report, a few facts about this operation should be known.

First, Nader and his raiders have taken up quarters on a regular basis in one of the Federal office buildings reserved for the House of Representatives. The question arises why this private group, responsible to no one, should be allowed to perpetrate their skulduggery in facilities owned solely by the taxpayers. You can bet that the "expert" on everything from pollution to kangaroos would be the first to raise the "hue and cry" if a chamber of commerce or a labor union set up shop in the Capitol complex.

However, the demand for double standards is not new on the part of Mr. Ralph Nader. Recently a reporter for the National Journal tried to obtain information about Nader's congressional study. Nader called the newsman's editor and complained that he was interfering with his staff work. He claimed that the journalist was in the way, taking up a lot of his assistant's time when they were working to meet a deadline. But when Congressmen complained that his study, which comprised hundreds of lengthy questions as well as long personal interviews, interfered with the legislative process and was too time-consuming, Nader turned a deaf ear, claiming their absolute attention and subservience.

Various House Members have been summoned by Nader's task force to appear at a designated time to review their crucifixion. The Members were warned, like plebes, to adhere to strict secrecy after reviewing their dossiers. They were told that they could submit corrections of fact. One Member told me 48 factual errors were found.

Of course there is no assurance that any of them will be corrected by the investigators. The public should be aware that this witch hunt will yield only a villainous ax job on the institutions of Congress and its current Members. The "holier than thou" attitude cannot conceal the predetermined outcome. Mr. Nader's arrogance is testimony to that fact.

I have not seen my "evaluation" nor am I interested. My constituents will be the sole judge of my tenure in office.

I call my colleagues' attention to an article by Clare Crawford that appeared in the September 17, 1972, edition of the "Washington Sunday Star and Daily News."

The article follows:

NO ONE'S PERFECT—NOT EVEN NADER

(By Clare Crawford)

Ralph Nader isn't perfect after all.

In fact, he may not be overly endowed with humor.

For months Nader's raiders have been dogging the U.S. Congress. Their in-depth study of the Congress has drawn umpteen complaints from congressmen that it is interfering with the legislative process and is too time-consuming, etc.

One raider even claimed she was ordered out of a congressman's office.

The Nader people have rather sanctimoniously indicated that any congressman who won't open his books, his staff and heart to them must have something to hide.

Well, just the other day, Paul Leventhal, a reporter for the National Journal, was trying to put together a story on the Nader task force investigating Congress. The National Journal is a special publication which tells more than most people want to know about a subject.

Leventhal was spending the usual hours and hours and hours interviewing the raiders and getting information on the study.

He apparently was spending so much time, that Nader called his editor, Stan Hindes, and in so many words said Leventhal was interfering with his staff's work. He said his staff had a deadline to meet on the study of Congress—they want to get it out before the election. This worries a number of congressmen, since their opponents won't be so thoroughly studied.

Nader told editor Hindes that Leventhal was getting in the way and taking a lot of time and how much longer was this going to go on.

Hindes charitably thinks Nader was just momentarily irritated, because after he thought about it Nader spent an hour with Leventhal and the staff has continued to answer his questions.

So Leventhal's report on the study will be in the Sept. 23 Journal.

PRESIDENT NIXON SHOULD PROTEST NOW AGAINST SOVIET VISA RANSOM DEMANDS

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

Mr. YATES. Mr. Speaker, I am placing in the RECORD a letter which I wrote yesterday to President Nixon urging him to raise his voice to protest the new and outrageous ransom demands imposed by the Soviet Government upon Jews seeking to emigrate from the Soviet Union. As I state in my letter, such action taken now by the President will be in keeping with the finest humanitarian ideals and traditions of our Nation—and it may persuade the Soviet Government to backtrack on its visa requirements.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 27, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am very much concerned with newspaper reports appearing today which ascribe certain statements to you through your press secretary, Mr. Ronald Ziegler, as follows:

"The Soviet Government is well aware of the United States' position on this matter."

"Nothing would be served by politicizing or demagoguing on the matter during the American election campaign."

"No purpose would be served by a confrontation with the Soviet Union over the issue of payments demanded of Jews for Soviet exit visas."

I trust that in writing to you at this time, I will not be accused of "demagoguing or politicizing." This matter is much too important to be a subject of partisan politics. I believe sincerely that Jews living in the Soviet Union are now threatened by dangers and sanctions more serious than any they have encountered within the last few years a view which appears in the *Report from Jewish Leadership in the Soviet Union* by Leonard W. Schroeter, dated September 5, 1972, a copy of which I am enclosing. I am informed that a copy of the report was delivered some days ago to Presidential Assistant Leonard Garment.

Mr. Schroeter's credentials are excellent and his research is authoritative. He interrogated American Embassy officials, outstanding non-Jewish students of the Soviet scene, such as Andre Sakharov, the eminent Soviet atomic scientist and chairman of the Soviet Human Rights Committee, and Jewish leaders. All believe that the Soviet climate for Jews "is unusually perilous at this time."

Mr. President, I respectfully suggest that if the Soviet Government is well aware of the United States' views on this matter, it is either paying little attention to them or our position has not been properly presented. Surely, in view of its new and shocking visa requirements, it is obvious that the Soviet Government has discounted and dismissed whatever representations you may have made as not indicating any profound concern with

any action that government might take. Their outrageous ransom demands imposed upon educated Jews seeking visas are new and much more onerous than those in force prior to your summit meeting in Moscow.

Mr. President, the gravity of the situation requires that you raise your voice now in protest. Silence by you at this time would be taken by the Soviet Government as acquiescence in its latest moves.

I suggest respectfully that it should be indicated to the Soviet Government that in its proposed trade relations with our country, its desire for favored nation treatment may well be held in abeyance indefinitely if that government insists on maintaining its nefarious ransom demands.

Mr. President, such action taken now will give to the Jews of the Soviet Union and to oppressed peoples everywhere the assurance that the United States values human rights and individual freedom more than the economic gains in prospect. Such action will be in keeping with the finest humanitarian ideals and traditions of our nation.

Respectfully yours,

SIDNEY R. YATES,
Member of Congress.

Enclosure.

REPORT FROM JEWISH LEADERSHIP IN THE SOVIET UNION

(By Leonard W. Schroeter)

(NOTE.—Leonard W. Schroeter, M.A., University of Chicago, 1948 and L.L.B., J.D., Harvard Law School, 1951, has been since 1970 Principal Legal Assistant to the Attorney General of Israel. A member of the Bar in Israel, the U.S. Supreme Court and four states, Schroeter is also an accomplished writer having articles published in *The New Republic, Nation, The Jerusalem Post, Soviet Jewish Affairs* and other journals and magazines. Mr. Schroeter has had a deep involvement in human rights matters since World War II. His first job out of law school was with Justice Thurgood Marshall, then general counsel of the NAACP Legal Defense Fund, where he was involved in the preparation of the School Segregation cases. He was Northwest Regional Director of the Anti Defamation League of the B'nai B'rith and for many years on the National Board of the American Civil Liberties Union. In Israel, he has has become a kind of volunteer, full-time ombudsman for Soviet immigrants.)

I returned on September 2, after having spent eleven days in the Soviet Union visiting Jewish leadership in Moscow, Leningrad, Riga and Minsk. In addition, I met with important democratic leaders and intellectual figures in Moscow. My reception was conditioned by the fact that persons I saw had been previously advised of my visit and were assured that they could speak with confidence, and the knowledge that the messages imparted would be communicated to important leadership in the West. This was due to my deep involvement in the problems concerned for a period of approximately two and one-half years. Although I am a practicing attorney from Seattle, Washington, since January 1970 I have been the principal legal assistant to the Attorney General of the State of Israel. Commencing in June, 1970, largely at the request of the Israeli government, I have concerned myself with the problems arising from the arrest of and discrimination against Soviet Jews. This background was well known to those persons to whom I spoke. During my entire trip, I was able to meet with top leadership and discuss in depth their needs, concerns and viewpoints.

I was specifically delegated by Soviet Jews to speak in their behalf. I was requested by them to discuss this matter with the utmost seriousness with leadership both of the Jewish community and the governments of the United Kingdom and the United States.

The primary present concern involves the effort of the Soviet government to extort large sums of money in alleged repayment of educational costs of Jews who wish to leave the Soviet Union. Although the ukaze in question has never been officially announced, its broad forms and applications are known. In general, it imposes graduated and substantial amounts upon persons based upon the extent of their higher education. As evaluated by the persons to whom I spoke, the average amounts involved are roughly as follows:

In Moscow, of the 400 applicants for visas actually surveyed, approximately 60% would be subject to the tax requirement. It was estimated that, of the total number of applicants in Moscow, the figure would be approximately 40%. The average amount per application was estimated at approximately 15,000 rubles. Similar figures were stated in the other cities. In Riga and Minsk the edict would apply to approximately 30% of the people, while in Leningrad it was thought to apply to 35% of the people. If our information is correct that there are 150,000 applications for visas in the Soviet Union, we may estimate about 45,000 applicants who would be assessed an average of 15,000 rubles each. Since an average monthly gross income for a university educated Soviet citizen ranges between 120 and 140 rubles a month, we can appreciate that for most persons this represents a sum that would be roughly equivalent to about ten years of gross income. The aggregate amount would be 675 million rubles.

Clearly, the tax wholly precludes any hope of migration on those affected. Furthermore, young people in large numbers are withdrawing from or refusing to enter universities. As a consequence, in many instances, they will be subject to military service for periods of two years (Army) to three years (Navy). Soviet regulations prevent immigration for periods up to five years following military service. Parents whose children have served are also frequently prevented from emigrating.

The psychological effects of this tax are profound. For people who have been engaged in a continual struggle, sustained for periods of one or two years only by the hope that immigration visas would be granted, this imposition means the end of hope.

The response of Jewish leadership in the Soviet Union is that under no circumstances is the ransom to be paid. They state this with the full understanding of its implication in terms of their own lives, and with the knowledge that discipline within their communities will be difficult to maintain because of the anxiety of many. However, as a result of their analysis of the reasons why the ransom was imposed, they consider it essential that there be unanimity in rejecting payment of the levy. In their view, the Soviet appetite with respect to this matter is unlimited, and if ransom is paid it will only encourage further imposition (already threatened) with respect to technical schools and even secondary schools. It is their further conviction that given the history of the present ukaze, resistance to payment is essential.

As early as the Fall of 1970, various reports were received that an educational tax would be imposed. Our records of these reports indicate that both the amount and form of the imposition are virtually identical to the present edict. This suggests that a draft of the present levy was drawn up as long as two years ago. However, Jewish leaders in the Soviet Union believe it was not previously imposed as the time was not regarded as propitious. They believe that announcement of the ransom occurred at this time because Soviet leadership considered it a politically desirable and safe time to implement its plan.

Jewish leadership is convinced that a) the Soviet leaders believe that protest would be limited to pious declarations and perhaps some demonstrations, but that serious counteraction would not occur; b) the most important factor leading to the timing involved was the visit of President Nixon to the Soviet Union and the Soviet interpretation of the meaning of that visit; c) the President's commitment to detente with the Soviet Union was of a character that would not permit serious American objection to the ransom; and d) the Soviets believe that they have obtained economic gains which they desired in terms of encouraging trade, economic benefits, etc., with the United States and that the President would not reverse these commitments during an election year. Thus, the Soviets calculated that in the period subsequent to the President's visit and prior to the presidential election, there would be no likelihood of serious resistance to the levy in the United States and that the response in the West would be to pay the ransom.

The Soviet Jewish leaders believe that the only hope of rescinding the tax is if, prior to the American elections, massive political and economic pressure can be mounted in the West. If this does not occur, they consider the chances of recission remote.

I will attempt to indicate as soberly and conservatively as possible the assessment given me of the gravity and danger of the situation facing Jews in the Soviet Union. I was advised both by American Embassy officials and serious non-Jewish students of the Soviet scene (most notably Valery Chalidze, a prominent leader of the Soviet Human Rights Committee, and to a lesser extent by Andre Sakharov, the eminent Soviet atomic scientist and chairman of the Soviet Human Rights Committee), their belief that the Soviet climate for Jews is unusually perilous. The indication of these men to me was that the rage, frustration and distrust on the part of Soviet leadership towards Jews have become so extensive, that they cannot preclude the imminent possibility of measures far more serious than selective trials and existing repressive measures.

They feel that there is grave danger of government inspired and/or spontaneous physical attacks upon the Jewish population. When coupled with the expectation of increasing political trials, most notably of Vladimir Slepak and Viktor Polsky, and others, the level of anxiety is extremely high. The basis of these beliefs is not only the recent intensive interrogation of Jewish leaders, but also recent newspaper articles. For example, the one in Moscow *Pravda* which, in reporting the three-year conviction of Ilya Glezer, ranked Glezer and his alleged crimes with activities of Slepak, describing both of them as being of the same character.

A view reiterated to me by Jewish leadership in all four cities was that they were presently living in the most difficult time they have faced in recent years. They attribute the difficulty of their situation to the recent visit of President Nixon. Prior to the visit there were wholesale preventive arrests and the imprisonment of Jewish leaders and the house arrest of scores of others. These men, not released until after the President's visit ended, were told that their arrests were occasioned by the President's trip. Also, the telephones of virtually the entire Jewish leadership were cut off and have not to this date been restored.

In addition, the jamming of broadcasts from foreign stations intensified massively; Radio Liberty has been heard by no one for many months; Kol Israel has been wholly jammed; and both VOA and BBC have been extremely difficult to hear. These efforts to seal off the Soviet population from any foreign contact have continued and been intensified. Widespread interrogation by the KGB, which commenced before the visit of President Nixon, has increased subsequent to it. The entire block across the street from the Moscow synagogue was razed because of the

Soviet belief that the President might visit the synagogue.

In short, it is the conviction of the Soviet Jewish leadership that the President's visit was a disaster for them. They expressed the opinion that the United States seemed more interested in selling corn than in protecting human rights and individual freedom.

It is their view that it is within the power of the President of the United States to indicate in the sharpest possible terms to Soviet leadership, the view that Soviet behavior has seriously jeopardized amicable American-Russian relations; and that the new tax imposition, is both embarrassing to the President and destructive of any hope of detente.

The Jewish community of the Soviet Union urgently requests that economic boycott be imposed by the business communities of the West against the Soviet Union in the belief that this will demonstrate more clearly than any pronouncements that the imposition of the educational levy is economically counterproductive for the Soviet Union. They point to the experience of Czechoslovakia as an example of the indifference of Soviet leadership to a high moral tone. They hold that a policy of economic retaliation is far more significant than political pronouncements.

September 5, 1972.

ACTION TO MEET OUR GROWING ENERGY CRISIS

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 60 minutes.

Mr. WYMAN. Mr. Speaker, the natural gas crisis is well known and a future crisis in the form of a domestic crude oil shortage is also acknowledged; yet, no solution appears in sight. Industry and Government sources agree that solid fossil fuels offer a firm long-term answer but the rate of technology development in this area is very slow, when contrasted with the relative urgency of the problem.

Current domestic natural gas reserves are equivalent to only 12.5 years at the estimated 1970 utilization rate of 61 billion cubic feet per day. This rate is predicted to rise to a level of 89 billion cubic feet by 1980, largely because many natural gas users—residential, commercial, industrial, and utilities—cannot be easily switched to other non-polluting fuels. Placed under strict control by the Federal Power Commission, gas was priced attractively in relation to other fuels, making natural gas choice fuel even before pollution control regulations greatly increased the demand for this form of clean energy.

Few observers believe that price increases or even decontrol of natural gas will result in ample new gas being found; the preponderance of opinion is that this will not be the case and that, regardless of selling price, the shortage of natural gas will continue. While some minor relief will be obtained from overseas imports of liquified natural gas—LNG—and overland imports from Canada and Alaska, there will still be a large shortfall. Since, from a pollution control standpoint, as well as from other considerations involving existing use patterns, natural gas will have a high demand for a long time to come, "synthetic natural gas"—SNG—will have to be manufactured from other fossil fuels, such as naphtha, crude oil, or coal. Coal gasification offers not only an abundant but also a potentially more economical source of gas relative to other alternatives down the road, since coal is a far cheaper fossil fuel than the other feedstock sources of making synthetic—substitute—natural gas.

Consumption of petroleum products in the United States now stands at about 14 million barrels per day—BPD—and is increasing at a rate of 3.5 to 4 percent per year. Most of this demand is satisfied from indigenous crude oil, although 15 percent of our current crude and other petroleum product requirements are already being imported, as administered under the mandatory oil import program—MOIP. Up to very recently, the United States has been in a position where it was well able to fulfill its domestic requirements of crude oil from indigenous sources. However, we are now entering a period of change. Authorities agree that the production rate of crude oil in the 48 States will probably peak out at a level of about 10 million barrels per day and will then slowly decline, regardless of vigorous continued exploration efforts. Alaskan oil is expected to top out at about 3 million barrels per day by 1980–85.

Meanwhile, petroleum products demand will rise to about 21 million barrels per day by that time. If a significant amount of natural gas demand were to be switched to liquid fuels—that is, heating oils, low sulfur heavy fuels—crude requirements might even rise to 24 million barrels per day by 1980. At that point, over 40 percent of U.S. crude would have to be imported, and this raises some serious questions of national policy, particularly in consideration of the hard line being taken by a number of oil producing countries in the Middle East and elsewhere. Even if we can buy this oil abroad, our foreign payments in 1980 will be in the range of $15 to $20 billion per year for this imported crude oil, an intolerable sum of money.

Hydrocarbon products now obtained from crude oil can also be made by conversion of solid fossil fuels, including shale oil, tar sands, and coal. In fact, "synthetic crude" can be made from all three of these materials.

It is, therefore, seen that in the case of both natural gas and crude oil, alternate sources of fuel/energy supply exist. Of these, coal is in the forefront, because of the large quantities of known reserves, their availability in many parts of the country and because coal can be converted into synthetic crude oil and pipeline quality gas without the need to handle large amounts of overburden, as is the case with shale oil and tar sands.

Private industry has so far taken only a rather limited role, as far as financial participation in coal conversion development is concerned. The main reasons for the lack of dynamic industry activity in this research effort are:

First, the natural gas and crude shortages have burst upon the country far more quickly than anyone realized or expected.

Second, the amount of money that will be involved in this technology effort will run into the hundreds of millions of dollars and there has been an understandable reluctance for any single company to undertake such an effort.

Third, concern regarding possible antitrust action has probably kept oil companies from major cooperative research efforts.

Finally, and perhaps most importantly, petroleum companies have always had a good return on their oil—and gas—exploration investments, both here and abroad. Confronted with the option to spend several hundred million dollars for oil exploration and production versus piloting a coal converson refinery, the petroleum companies have chosen to keep on drilling for oil.

It is too late to expect private industry to pick up the ball and run with it fast enough to stay in the ball game. Further, it is not yet in a mood to do so. Therefore, the development of coal conversion technology will remain, for the time being at least, a responsibility and now increasingly urgent problem of the Government. The question is, can the U.S. Government devise a scheme to push development work by industry, yet keep the Government out of the energy field?

Funding for solid fossil fuel conversion processes should be stepped up several fold. Working backward from the 1980–85 period when coal gasification and liquification plants will be required, we should determine, based on industry experience, what level of development effort is required for the necessary technology to be there when the country needs it. We are in somewhat better shape on coal gasification research than on coal conversion processes to synthetic crude oil. The American Gas Association and the Office of Coal Research of the Department of the Interior, have teamed up to speed development of several processes for making substitute gas from coal. This is a desirable step but does not go far enough in the judgment of many experts because the amount of funding—approximately $300 million over 4 years—is judged insufficient, compared to the magnitude and urgency of the problem. Furthermore, many people believe that substitute gas from coal can be manufactured more economically in a coal conversion plan designed to make both substitute natural gas and synthetic crude oil.

What can the U.S. Government do to assure that the country will be able to meet its energy needs in the 1980's by greater utilization of its large supplies of fossil fuels, such as coal and shale oil?

A massive Government effort to develop coal conversion processes without large-scale private industry participation is undesirable. Even if the Government were best qualified to develop technology, there would then be a question of how this technology would be used. Clearly, the Government should not be in the business of making the country's gasoline or natural gas.

An alternative merits serious consideration. This would involve the creation of a Government-sponsored, privately owned synthetic fuels corporation which would provide a desirable vehicle to serve the national interest in this area, while maintaining a private enterprise approach. This company's charter would be to develop the needed technology, to

build an adequate number of demonstration plants and to manufacture and sell the synthetic gas and crude oil it manufactures, while at the same time making the technology it has developed available to other companies on a reasonable royalty-paying basis.

Creating a privately owned but Government-sponsored company has had a precedent in Comsat, the Communications Satellite Corporation.

Comsat was established "as an instrument of U.S. policy" in 1963–64, after passage of a special act of Congress in mid-1962. The act states that "the purpose is to be responsible to national objectives" and "to meet the rapid growth in demand for international communications services." Comsat is 42 percent owned by U.S. communications common carriers, the balance being owned by private investors. The company raised $196 million when it went public in June 1964.

Some interesting aspects and parallels between Comsat and the proposed Synthetic Hydrocarbon Fuels Corporation—abbreviated to Syncorp—are:

First, Comsat is privately owned but included ownership by regulated companies—for example, A.T. & T. It is expectable that some of the interstate pipelines companies will invest in Syncorp.

Second, much Government-joint R. & D. work—for example, missile and satellite launching techniques—were made available to Comsat, at no charge.

Third, Government "sponsorship" is clearly spelled out, thus giving confidence to investors.

Fourth, there was a 5 to 6 year gap before measurable amounts of net income—other than that from investing the original capital—started to flow to the company.

Fifth, a competent management team and board of directors has been responsible for operations of the company. Comsat appears to operate in a manner completely analogous to a private company, except for its "common carrier" aspects, which are under the control of the Federal Communications Commission.

Sixth, when Comsat went public, it attracted great attention as a futures company. This would certainly also be the case for Syncorp, which should be able to raise more money than Comsat in view of the scope of its charter.

The purpose of the proposed Corporation would be:

First, to become a channel for U.S. Government development funds for solid fossil fuel conversion technology, with appropriate fund matching by Syncorp. Government funds would be committed against an agreed timetable for development and would be repaid from royalties.

Second, to develop and commercialize solid fossil fuel technology, to develop patent rights and know-how, and to obtain royalty income from the licensing of this technology to interested companies.

Third, to build a number of demonstration plants to make coal gas and synthetic crude oil and to manufacture and sell the products. Syncorp would become and remain a viable entity as a producer of energy products for the U.S. market.

I am today, therefore introducing a bill to create a Government-chartered Corporation with Federal participation to develop commercially feasible processes for the conversion of coal to oil and gas and a resolution authorizing the Office of Emergency Preparedness to contract for the execution of a study to determine the feasibility of creating a Synthetic Hydrocarbon Fuels Corporation as proposed in my bill.

The provisions of these two measures are as follows:

H.R. 16918

A bill to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrdocarbons, and for other purposes.

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

TITLE I—GENERAL PROVISIONS

SECTION 101. This Act may be cited as the "Synthetic Hydrocarbon Fuel Act of 1972".

DECLARATION OF POLICY AND PURPOSE

SEC. 102. The Congress hereby declares that—

(1) it is the policy of the United States to develop as expeditiously as practicable commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons in response to the public need for an adequate supply of energy and in keeping with the national objective of developing domestic sources of energy to the maximum extent practicable;

(2) any new processes so developed are to be made available as soon as possible;

(3) in order to facilitate this development and to provide for the widest possible participation by private enterprise, the participation of the United States in the development of coal conversion technology should be in the form of a private corporation, subject to appropriate governmental regulation;

(4) it is the intent of Congress that all authorized users have open access to technology developed;

(5) maximum competition be maintained in the provision of equipment and services used in developing the technology; and

(6) the corporation be so organized and operated as to maintain and strengthen competition in the provision of energy to the public.

DEFINITION

SEC. 103. As used in this Act, the term "corporation" means the corporation created under this Act.

TITLE II—FEDERAL COORDINATION, PLANNING, AND REGULATION

IMPLEMENTATION OF POLICY

SEC. 201. In order to achieve the objectives and to carry out the purposes of this Act—

(a) the President shall—

(1) aid in the planning and development and foster the execution of a national program for the development, as expeditiously as possible, of commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons;

(2) provide for continuous review of all phases of the development of such processes, including the activities of a synthetic hydrocarbon fuel corporation authorized under title III of this Act;

(3) coordinate the activities of governmental agencies with responsibilities in the field of energy conversion, so as to insure that there is full and effective compliance at all times with the policies set forth in this Act; and

(4) take all necessary steps to reduce dependence on foreign sources of fuel following the development of an economically feasible coal conversion process.

(b) the Office of Coal Research shall—

(1) cooperate with the corporation in research and development to the extent deemed appropriate by the Director in the public interest;

(2) assist the corporation in the conduct of its research and development by furnishing the corporation, when requested, on a reimbursable basis, such facilities as the Director deems necessary for the most expeditious and economical development of a coal conversion process; and

(3) to the extent feasible, furnish other services to the corporation in connection with the development of a coal conversion process.

(c) The Federal Power Commission shall have authority to make such investigations of the corporation as are necessary for the performance of such Commission's duties under section 404(c).

TITLE III—CREATION OF A SYNTHETIC HYDROCARBON FUEL CORPORATION

CREATION OF CORPORATION

SEC. 301. There is hereby authorized to be created a synthetic hydrocarbon fuel corporation for profit which will not be an agency or establishment of the United States Government. The corporation shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

PROCESS OF ORGANIZATION

SEC. 302. The President of the United States shall appoint Incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of directors until the first annual meeting of stockholders or until their successors are elected and qualified. Such incorporators shall arrange for an initial stock offering and take whatever other actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President.

DIRECTORS AND OFFICERS

SEC. 303. (a) The corporation shall have a board of directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of three years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of one, two, and three years, respectively, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. The Director of the Office of Coal Research shall be a member of the board, serving without compensation. Nine members of the board shall be elected annually by the stockholders of the corporation. The articles of incorporation to be filed by the incorporators designated under section 302 shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–911(d)).

(b) The corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. Except for the Director of the Office of Coal Research, no officer of the corporation shall receive any salary from any source other than the corporation during the period of his employment by the corporation.

FINANCING OF THE CORPORATION

SEC. 304. (a) The corporation is authorized to issue and have outstanding, in such

amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. The shares of such stock initially offered shall be sold at a price not in excess of $100 for each share and in a manner to encourage the widest distribution to the American public.

(b) The corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(c) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the corporation, and they may exercise such rights without regard to the percentage of stock they hold.

(d)(1) The Secretary of the Treasury is authorized to purchase from time to time and hold for the United States, up to forty percent of the current outstanding stock of the Corporation, and the Secretary of the Interior, or his delegate, shall represent the interests of the United States at all corporate meetings, and exercise all voting rights which shall accrue to the United States, by reason of its ownership of stock or otherwise, with respect to the Corporation.

(2) At such time as the Corporation shall have developed and licensed a commercial process or processes for the conversion of coal to oil and/or natural gas, the interest of the United States acquired pursuant to the authority conferred by subsection (1) of this Section, shall be retired by the payment to the Secretary of the Treasury of forty percent of the proceeds from such royalties until the investment of the United States in the Corporation shall have been returned in full.

PURPOSES AND POWERS OF THE CORPORATION

SEC. 305. (a) In order to achieve the objectives and to carry out the purposes of this Act, the corporation is authorized to—

(1) plan, initiate, construct, own, manage, and operate facilities to demonstrate feasible coal conversion processes.

(2) furnish, under an appropriate franchise system, processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

(b) The activities authorized to be engaged in by the corporation for the accomplishment of the purposes indicated in subsection (a) of this section shall include—

(1) conducting or contracting for research and development related to its mission;

(2) the acquisition of the physical facilities, equipment, and devices necessary to its operations, whether by construction, purchase, or gift; and

(3) entering into franchise agreements with fuel producers.

(c) To carry out its purposes, the corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

TITLE IV—MISCELLANEOUS

NOTICE OF FOREIGN BUSINESS NEGOTIATIONS

SEC. 401. Whenever the corporation shall enter into business negotiations with respect to facilities, operations, or services authorized by this Act with any international or foreign entity, it shall notify the Department of State of the negotiations, and the Department of State shall advise the corporation of relevant foreign policy considerations. Throughout such negotiations the corporation shall keep the Department of State informed with respect to such considerations. The corporation may request the Department of State to assist in the negotiations, and that Department shall render such assistance as may be appropriate.

SANCTIONS

SEC. 402. (a) If the corporation created pursuant to this Act shall engage in or adhere to any action, practices, or policies inconsistent with the policy and purposes declared in section 102 of this Act, or if the corporation or any other person shall violate any provision of this Act, or shall obstruct or interfere with any activities authorized by this Act, or shall refuse, fail, or neglect to discharge his duties and responsibilities under this Act, or shall threaten any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which such corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States, to grant such equitable relief as may be necessary or appropriate to prevent or terminate such conduct or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

(c) It shall be the duty of the corporation to comply, insofar as applicable, with all provisions of this Act and all rules and regulations promulgated thereunder.

ANTITRUST

SEC. 403. Participation in the corporation, whether by contract or investment shall not be construed to constitute a violation of Federal antitrust laws.

REPORTS TO THE CONGRESS

SEC. 404. (a) The President shall transmit to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments during the preceding calendar year under the national program referred to in section 201(a)(1), together with an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act and any recommendations for additional legislative or other action which the President may consider necessary or desirable for the attainment of such objectives.

(b) The corporation shall transmit to the President and the Congress, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

(c) The Federal Power Commission shall transmit to the Congress, annually and at such other times, as it deems desirable—

(1) a report of its activities and actions on anticompetitive practices as they apply to the corporations programs;

(2) an evaluation of such activities and actions taken by it within the scope of its authority with a view to recommending such additional legislation which such Commission may consider necessary in the public interest; and

(3) an evaluation of the capital structure of the corporation so as to assure the Congress that such structure is consistent with the most efficient and economical operation of the corporation.

H.J. RES. 1316

Joint resolution authorizing a study of whether to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Office of Emergency Preparedness is authorized and directed to contract for and supervise the making of a study concerning the need for the formation of a Synthetic Hydrocarbon Fuel Corporation (SYNCORP) to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons. The Office of Emergency Preparedness is directed to report the results of such study to the Congress within one year from the date of the enactment of this resolution.

SEC. 2. There is authorized to be appropriated the sum of $200,000, for the purposes of this Act.

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

Mr. WYMAN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I do not want to interrupt the gentleman in the middle of the interesting proposal he is making before this Congress, but like the gentleman from New Hampshire I come from an area which is at the end of the energy distribution line, and whenever there are shortages of energy that is reflected in either the gentleman's area or mine.

I am wondering which of the Government agencies is to be charged with responsibility for the corporation the gentleman is proposing and which would oversee its operations should such a proposal be accepted?

Mr. WYMAN. Well, between an area of Commerce, Interior, and the Office of Emergency Preparedness, I would expect there are already joint teams assessing this situation under the overall direction of the Chairman of the Federal Power Commission at the present time.

In response to the gentleman's comment about being at the end of the line, I would simply say that the bill which I am introducing today to create a parallel to Comsat for fossil fuel development, I am also introducing a resolution today to direct the Office of Emergency Preparedness to make a study to determine whether or not the full implementation of this bill is feasible.

I do not presume myself, not having the expertise that is available in the field in such matters, to know whether or what has been done in the past. It was done in World War II by Hitler in fueling his Messerchmitts, for example. I do not know whether we can take our coal, squeeze it and process it in order to have natural gas and oil at a commercially feasible price.

I do know that at the same time, for example, we had desalinization on a very large scale in America, but we have not yet gotten that salt water into fresh water cheap enough for irrigation.

I think we ought to have enough so that the problem will not arise and that those on the end of the line will have that gas to do their cooking and heating with in the 1980's.

Mr. FRENZEL. I thank the gentleman. I hope the proposal gets the serious attention it deserves from the unfortunately large number of agencies which will, I hope, be obliged to consider it.

Mr. WYMAN. I thank the gentleman.

AMENDMENT TO THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM)

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from California (Mr. HOLIFIELD) is recognized for 5 minutes.

Mr. HOLIFIELD. Mr. Speaker, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise my colleagues that in compliance with section 123(c) of the Atomic Energy Act of 1954 as amended, the Atomic Energy Commission on September 20, 1972, submitted to the Joint Committee a proposal entitled "Amendment to the Additional Agreement for Cooperation of June 11, 1960 Between the Government of the United States of America and the European Atomic Energy Community (Euratom)."

The Atomic Energy Act requires that such a proposed amendment lie before the Joint Committee for 30 days while Congress is in session before becoming effective. The basic purpose of the amendment is to bring up to date and otherwise modify provisions of the additional agreement relating to the supply of special nuclear material over the remaining life of the agreement, which expires in 1995.

In keeping with the general practice of the Joint Committee, I include in the CONGRESSIONAL RECORD for the information of interested Members of Congress, the supporting correspondence. The text of the amendment is available at the office of the Joint Committee on Atomic Energy. The material follows:

ATOMIC ENERGY COMMISSION,
Washington, D.C., September 20, 1972.

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR PASTORE: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, copies of the following are submitted with this letter:

a. a proposed "Amendment to the Additional Agreement for Cooperation of June 11, 1960 Between the Government of the United States of America and the European Atomic Energy Community (EURATOM);"

b. a letter from the Commission to the President recommending approval of the amendment; and

c. a memorandum from the President containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security and approving the amendment and authorizing its execution.

The basic purpose of the amendment is to bring up to date and otherwise modify provisions of the Additional Agreement relating to the supply of special nuclear material over the remaining life of the agreement, which expires in 1995. The amendment is in accord with the revised policy adopted by the Commission in 1971 governing foreign supply of enriched uranium. Pursuant to this policy, the Additional Agreement will permit the transfer of U–235 for power as well as research purposes within an authorized amount but will not constitute an advance allocation of our enrichment capacity. An allocation and firm supply assurance will depend upon the execution of a supply contract.

Article I, paragraph A of the amendment allows the Commission to enter into toll enrichment contracts to supply enriched material for fueling power reactors. Once EURATOM is ready to contract for a particular quantity, it must compete on a "first come, first served" basis as far as access to available AEC enrichment capacity is concerned. Access to such capacity will be on an equitable basis with the Commission's other customers. The article, pursuant to paragraph B, also permits sale of enriched fuel at the Commission's option after a request by a purchaser.

Article I also continues the following provisions of the present agreement, with modifications in two instances:

(a) Paragraph D continues authority to transfer special nuclear material to EURATOM for performance of conversion or fabrication services and subsequent transfer to third countries. At EURATOM's request and following the precedents of the Agreements for Cooperation with Canada, Japan and the United Kingdom, paragraph D has been modified to permit the converted or fabricated product to be returned to the United States. As in the United Kingdom Agreement, the provision is in reciprocal form.

(b) Paragraph E continues the provision permitting spent fuel of United States origin to be transferred from third countries to EURATOM for chemical reprocessing and for subsequent retention of the recovered material within the Community or transfer to third countries other than the United States.

(c) Under paragraph F, special nuclear material other than U–235 may be transferred for fueling purposes. This provision has been modified to make the ceiling limitations on such materials, which are contained in the 1958 EURATOM Cooperation Act, apply only to transfers by the Commission. This modification has been made in view of the Commission's intention not to be a long-term commercial supplier of plutonium, and also in view of the quantities of plutonium which will be generated in privately owned power reactors and the consequent private commerce in plutonium for such purposes as plutonium recycle and, eventually, fast reactor fuel. While private plutonium transfers under the agreement will not be subject to the ceiling, they will of course be subject to the safeguards requirements.

Article II of the amendment establishes terms and conditions of material supply. As is currently the case, uranium enriched to more than 20% in U–235 may be transferred when there is a technical or economic justification. Moreover, two new provisions which have been incorporated in this article deserve special mention. First, special nuclear material produced through the use of material supplied by the United States to EURATOM may be transferred to countries outside the Community provided that such countries have an appropriate agreement for cooperation with the United States or they guarantee the peaceful use of the produced material under safeguards acceptable to the United States. Secondly, special nuclear material not of United States origin which is transferred to this country from EURATOM may be re-exported back to the Community without being charged against the statutory ceiling authorization. If such material is deemed not to have been improved while in the United States, it will not be subject upon reexport to the safeguards provisions of the agreement. As a practical matter, we expect that the exemption from the agreement's safeguards provisions generally would apply to the following two types of transactions: (1) the import of samples and fuel specimens for service irradiation and subsequent reexport for examination and testing, and (2) the import of unique materials, either irradiated or unirradiated, for testing and examination and subsequent return to the Community. There would, of course, be no exemption from the guarantee of peaceful use of such material.

Article VI of the amendment gives recognition to United States obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, through addition of the word "treaties" to the provision which identifies certain factors governing the Parties' obligations under the Additional Agreement.

The agreement with EURATOM does not establish the quantities of special nuclear material which may be distributed by the Commission to EURATOM. Because EURATOM is a group of nations, specific Congressional authorization of the quantities is required and is established in the EURATOM Cooperation Act of 1958, as amended. An amendment of the Act to increase the ceiling limitation on U–235 has been drafted and is being reviewed within the Executive Branch as a related but separate matter.

The amendment to the agreement will enter into force on the date on which each Party shall have received from the other Party written notification that it has complied with all statutory and constitutional requirements for entry into force.

Sincerely,

JAMES R. SCHLESINGER,
Chairman.

THE WHITE HOUSE,
Washington, D.C., September 15, 1972.

Memorandum for: Dr. James R. Schlesinger, Chairman, Atomic Energy Commission.

Subject: Proposed amendment to additional agreement for cooperation with EURATOM concerning civil uses of atomic energy.

I have reviewed the proposed "Amendment to the Additional Agreement for Cooperation of June 11, 1960 Between the Government of the United States of America and the European Atomic Energy Community (EURATOM)," which was submitted for my approval with the Commission's letter of August 18, 1972.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

a. Approve the proposed amendment, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security; and

b. Authorize the execution of the proposed amendment on behalf of the Government of the United States of America by appropriate authorities of the Atomic Energy Commission and the Department of State.

RICHARD NIXON.

ATOMIC ENERGY COMMISSION,
Washington, D.C., August 18, 1972.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed "Amendment to the Additional Agreement for Cooperation of June 11, 1960 Between the Government of the United States of America and the European Atomic Energy Community (EURATOM)." The amendment has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended. With the Department's support, the Commission recommends that you approve the amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorizes its execution.

The basic purpose of the amendment is to bring up to date and otherwise modify provisions of the Additional Agreement relating to the supply of special nuclear material over the remaining life of the agreement, which expires in 1995. This action was initiated by a request of the Council of Ministers of the European Communities, on behalf of EURATOM.

The proposed amendment is in accord with the revised policy adopted by the Commission in 1971 governing foreign supply of enriched uranium. Pursuant to this policy, the Additional Agreement will permit the transfer of U–235 for power, as well as research, purposes within an authorized amount but will not constitute an advance allocation of our enrichment capacity. An allocation and firm supply assurance will depend upon the execution of a supply contract.

Accordingly, Article I, paragraph A, allows the Commission to enter into toll enrichment contracts to supply enriched material for fueling power reactors. Once EURATOM is ready to contract for a particular quantity, it must compete on a "first come, first served" basis as far as access to available AEC enrichment capacity is concerned. Access to such capacity will be on an equitable basis with the Commission's other customers. The article, pursuant to paragraph B, also permits sale of enriched fuel at the Commission's option after a request by a purchaser.

Article I also continues the following provisions of the present agreement, with modifications in two instances:

(a) Paragraph D continues authority to transfer special nuclear material to EURATOM for performance of conversion or fabrication services and subsequent transfer to third countries. At EURATOM's request and following the precedents of the Agreements for Cooperation with Canada, Japan and the United Kingdom, paragraph D has been modified to permit the converted or fabricated product to be returned to the United States. As in the United Kingdom Agreement, the provision is in reciprocal form.

(b) Paragraph E continues the provision permitting spent fuel of United States origin to be transferred from third countries to EURATOM for chemical reprocessing and for subsequent retention of the recovered material within the Community or transfer to third countries other than the United States.

(c) Under paragraph F, special nuclear material other than U–235 may be transferred for fueling purposes. This provision has been modified to make the ceiling limitations on such materials, which are contained in the 1958 EURATOM Cooperation Act, apply only to transfers by the Commission. This modification has been made in view of the Commission's intention not to be a long-term commercial supplier of plutonium, and also in view of the quantities of plutonium which will be generated in privately owned power reactors and the consequent private commerce in plutonium for such purposes as plutonium recycle and, eventually, fast reactor fuel. While private plutonium transfers under the agreement will not be subject to the ceiling, they will of course be subject to the safeguards requirements.

Article II of the amendment establishes terms and conditions of material supply. As is currently the case, uranium enriched to more than 20% in U–235 may be transferred when there is a technical or economic justification. Moreover, two new provisions which have been incorporated in this article deserve special mention. First, special nuclear material produced through the use of material supplied by the United States to EURATOM may be transferred to countries outside the Community provided that such countries have an appropriate agreement for cooperation with the United States or they guarantee the peaceful use of the produced material under safeguards acceptable to the United States. Secondly, special nuclear material not of United States origin which is transferred to this country from EURATOM may be reexported back to the Community without being charged against the statutory ceiling authorization. If such material is deemed not to have been improved while in the United States, it will not be subject upon reexport to the safeguards provisions of the agreement. As a practical matter, we expect that the exemption from the agreement's safeguards provisions generally would apply to the following two types of transactions: (1) the import of samples and fuel specimens for service irradiation and subsequent reexport for examination and testing, and (2) the import of unique materials, either irradiated or unirradiated, for testing and examination and subsequent return to the Community. There would, of course, be no exemption from the guarantee of peaceful use of such material.

Article VI of the amendment gives recognition to United States' obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, through addition of the word "treaties" to the provision which identifies certain factors governing the Parties' obligations under the Additional Agreement.

The agreement with EURATOM does not establish the quantities of special nuclear material which may be distributed by the Commission to EURATOM. Because EURATOM is a group of nations, specific Congressional authorization of the qualities is required and is established in the EURATOM Cooperation Act of 1958, as amended. An amendment of the Act to increase the ceiling limitation on U–235 is being processed as a related but separate matter.

Following your approval, determination and authorization, the proposed amendment will be formally executed by appropriate authorities of the United States and the European Communities. In compliance with Section 123c of the Atomic Energy Act, the agreement will be submitted to the Joint Committee on Atomic Energy.

Respectfully yours,

JAMES R. SCHLESINGER,
Chairman.

TRIBUTE TO THE DUQUESNE UNIVERSITY TAMBURITZANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 60 minutes.

Mr. HEINZ. Mr. Speaker, I have been personally thrilled and delighted on numerous occasions by the talent, spirit, and authenticity of the Tamburitzans of Duquesne University in Pittsburgh.

This outstanding student group is dedicated to preserving the cultures of this Nation's diverse ethnic groups and for enhancing the climate of understanding both here and abroad through their songs, dances, and native costumes.

They represent the best in American youth, both in public performance and private conduct, but there is a great deal more to the Duquesne University Tamburitzans than what has been and will continue to be seen for years to come on stages of concert halls and theaters around the world.

I am especially eager to share with my colleagues the accomplishments of this group and to urge them to avail themselves of the wide-ranging scope of the Tamburitzans' activities.

The Tammies, as they are affectionately known, evolved out of an ensemble located at St. Edward's University in Austin, Tex., in the mid-1930's.

The St. Edward's group, after several years in the southwest, made a tour throughout the East. Dr. A. Lester Pierce, credited as the founder of the group in 1937, realized the great potential of implanting this organization in a multilingual, multi-cultural community such as Pittsburgh. He negotiated successfully with Duquesne University, with the help of the Croatian Fraternal Union of America, moved the St. Edward's players to the Steel City and called his new group "The Slavonic Tamburitza Orchestra." The first musical director was Mr. Matt L. Gouze.

The main purpose of the organization was to provide scholarship opportunities to deserving students. This objective remains in full force today.

A milestone was reached in 1941 when the first graduates of the Slavonic Tamburitza Orchestra matriculated from the group. This began the never-ending cycle of bringing in new freshmen to replace outgoing graduates.

During the 1938–39 season, the group was renamed the Duquesne University Tamburitza Orchestra. A successful European tour in 1950 added to the group's national prestige and honors. An even more ambitious tour of Europe came about in 1952.

In 1952, the active managerial reins and directorship of the organization was assumed by Mr. Walter W. Kolar and a new corporate strategy was formulated—one in which new and fresh ideas were to mold the Tammies into a veritable center for cultural activities and one which regarded the Tamburitzans as an organization with unlimited, untapped potential.

A Tamburitza school program was inaugurated in 1954 and graduates of this school now form the nucleus for all of the Tamburitzans' folk concerts, making up more than half its membership.

The Tamburitza Philharmonic Orchestra made its debut in 1960, adding a new dimension to the tamburitza arts. A third, even more successful tour of Europe followed.

Graduates by the hundreds spread from coast to coast, teaching the tamburitza and other instruments, like the kolo.

In the summer of 1968, the Tammies were chosen by the U.S. State Department to represent this Nation on an 8-week tour of 10 Latin American countries. Such was their success, that they were again invited by Washington to tour for 7 weeks in 1969 to Rumania, Poland, and the Soviet Union.

Christmas of 1971 found them in France and in 1972, a grant from the Richard King Mellon Foundation in Pittsburgh took these young "good will ambassadors" to Czechoslovakia, France Greece, and Bulgaria.

I would like to briefly list some of the outstanding accomplishments and contributions of the Tamburitzans:

LIBRARY AND MUSEUM

The Tamburitzans library and museum of instruments and costumes is housed in the Tamburitzan Cultural Center on the Boulevard of the Allies in Pittsburgh and is available for public use. During the past year it was visited by many groups from high schools, local colleges and universities, service clubs, hospitals, fraternals, and individuals. It is also used by many graduate students throughout the country for research purposes—especially in the area of folk arts. No charge is made to anyone wishing to avail themselves of these services.

I am delighted that I will be able to attend a public open house at the cultural center this Sunday, October 1, and join with countless Pittsburghers and others in commending the Tamburitzans

for their contributions to ethnic culture and international good will.

The basic collection of the library and museum is Eastern European and Slavic; however, many books, periodicals, costumes, and so forth, of other ethnic groups is also well represented. To date, the costume museum has approximately the library has 10,000 publications and 1,000 original folk costumes. The collection is an invaluable resource for the research involved in the Tamburitzane work, and is constantly being expanded with new acquisitions.

EDUCATION OF CHILDREN

Realizing the importance of capturing the imagination of young people, the Tamburitza School of Music offers professional instruction in the skill of playing the tamburitza—the lute-shaped instrument from which the Tamburitzans derive their name. The school also offers instruction in folk dancing, and cultural background information related to music and dance.

COMMUNITY PROGRAMS

Besides the Tamburitza schools for children and teenagers, the Tamburitzans began the Pittsburgh Folk Festival in 1956. The festival is now sponsored by Robert Morris College and the Tamburitzans are the "musical hosts."

The folk festival is a tribute not only to the people of Pittsburgh who are its spirit, but to the whole Nation of which it is a capsule glimpse. Here, Chinese work beside Lebanese, and Ukrainians beside Scots, showing off the cuisine, art, and folklore of their cultural heritage.

Members of the Tammies and its board of directors serve as consultants to the city fathers of such widely separated communities as McKees Rocks and Wilkes-Barre, Pa., and Gary, Ind., and Rochester, N.Y., in helping those communities launch their own folk festivals.

Besides personnel, the Tamburitzans offer as a community service, materials and years of experience in providing expertise in the area of folk festivals.

I would urge my colleagues to take advantage of this service in spotlighting the ethnic cultural heritage of their own districts.

Since 1937, the Tamburitzans have been educating young people while perpetuating a rich cultural heritage. They have left their imprint in the far corners of the globe.

The youthful performers who make up this musical group are all full-time scholarship students at Duquesne University, each year performing nearly 100 concerts in the United States and Canada in addition to their foreign tours, all the while maintaining standards of academic excellence.

Brilliant and authentic costumes match the magic of their music and dance. However, behind the fun and frivolity is a well-functioning business corporation and many years of experience and research.

Many individuals and organizations support the work of the Tamburitzans. The Holy Ghost Fathers of Duquesne University have provided a home for the Tammies for many years. A group of civic-minded individuals comprise the board of directors who serve without compensation in formulating policy. Additional support is offered by the Alumni Association and the Ladies Auxiliary of the Tamburitzans.

Mr. Kolar, the managing director and producer of the Tamburitzans, is still considered the moving force behind the troupe. The leading authority in the Tamburitza field in America, Mr. Kolar has received numerous honors and citations for his cultural work over the years.

He joined the Tamburitzans as a student member in 1938 and has held such positions as treasurer and assistant director during the ensuing years.

Mr. Kolar's dedication and strong sense of leadership have steered the Tamburitzans to the high level of achievement they enjoy today.

Overseeing the general operations and assuming the legal responsibility for the conduct of the business is a group of citizens who form a board of directors. At the helm of this board is its president, Nicholas Jordanoff, who also serves as community programs coordinator for the Tamburitzans.

In this latter regard, Mr. Jordanoff is responsible for the many off-stage projects involving the Tammies, from recruitment of new talent to the planning and development of academic offerings in areas directly concerned with the Tamburitzans' field of interest.

He brings a long list of credentials to his position. He was a former student performer with the group, college educator, and a director and adviser to several folk festival organizations.

Mr. Jordanoff's experience in dealing with folk art and ethnic groups in the United States and Europe are proving invaluable in his work with the Duquesne Tamburitzans.

I feel it is noteworthy to mention that the recent Tamburitzan tour which penetrated the Iron Curtain was done as a private venture, utilizing the grant mentioned earlier from the Mellon Foundation, and without financial assistance from the U.S. State Department.

I offer the following article, from the Pittsburgh Press, and published upon the announcement of that grant:

TAMMIES DANCE FOR REDS ON MELLON GRANT

(By Carl Apone)

A $90,000 grant from a Pittsburgh foundation will send the Duquesne University Tamburitzans on a goodwill tour of two Communist and three other European countries this summer.

The Richard King Mellon Foundation made the grant for a June 4–Aug. 4 tour of two Iron Curtain countries—Czechoslovakia, Bulgaria—as well as Turkey, France and Italy.

A spokesman for the foundation said the grant was made for two reasons: 1) because of the impressive showing the Tammies made in 1969 on a tour of the Soviet Union, Romania and Poland for the U.S. State Department; 2) to show that private enterprise in Pittsburgh cares about culture.

The tour will open in Czechoslovakia, June 5–June 15, with nine performances in Prague and other cities to be announced.

Then the 46-member troupe will perform briefly in Southern France and Italy en route to longer engagements in Turkey and Bulgaria.

The student performers will be in Turkey July 10–15, and Bulgaria July 16–Aug. 3.

FOLK FESTIVAL SLATED

In Bulgaria the Tammies will be the first to represent the United States in the international folk festival at Burgas. They will share the stage with a number of state ensembles from eastern European nations, including the Pirin from Bulgaria, Lado from Yugoslavia, Perenitza from Romania, Miklos of Hungary and the famed Masowze from Poland.

In all, the Tammies will present 12 shows in Bulgaria and will also conduct a week of their annual summer camp training in Sofia, working with the Pirin troupe, at the invitation of the Bulgarians.

At the end of the tour the Tammies then head for Lake Nebagamon, Wis., for three more weeks of training at their summer camp.

"Thanks to the grant," said director Walter Kolar, "the Tammies will be performing in Czechoslovakia, Bulgaria and Southern France for the first time.

HERE AT HEINZ HALL

"In 1962 the Tammies did three shows in Italy. This tour represents a genuine opportunity for cultural exchange in that we will present a half-American, half-Slavic program to our audiences, and in turn will meet, work and gain from the folk arts expertise of world-famous choreographers, musicians and historians."

UNITED STATES-U.S.S.R. TRADE AND UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, with the opportunities for trade between the U.S.S.R. and our country being broadened, the fund of our knowledge and understanding of the numerous captive non-Russian nations in the Soviet Union cannot but expand to both our cultural and strategic benefit. What we may gain in economic advantage and return will perhaps be far exceeded by what our people will have learned from this cyclical experience as concerns the nature of this empire state and the many non-Russian nations held captive within it.

As yet, it is not generally known and sufficiently appreciated that the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe is Ukraine.

With a population of over 45 million, Ukraine is one of the most resourceful nations in Europe, and if it were not under the domination of Russian Moscow, it would certainly again become "the granary of Europe" but in an advanced economic framework of industry and agriculture. Also, the country's geographic location, extending from the Carpathian Mountains toward the Caucasus and above the Black Sea, is a most strategic one as concern developments in Europe, Asia, and the Middle East.

Mr. Speaker, because we shall hear more about this largest captive nation in Europe, I submit for our popular edification the illuminating section on "Ucrainica in American and Foreign Periodicals" published in the world-respected scholarly journal of East European and Asian affairs, the Ukrainian Quarterly.

The section, prepared by Dr. Lev E. Dobriansky of Georgetown University, Washington, D.C., regularly shows the

growing interest in this captive nation and, above all, the prominent myths and misconceptions that many in the West still cling to when analyzing or commenting upon the Soviet Union, Russia, or Ukraine.

With us embarking on expanded trade contacts with Moscow, it is high time these myths were dissipated, and a Select House Committee on the Captive Nations would be the most effective way of doing it. From the Ukrainian Quarterly, Autumn 1972:

UCRAINICA IN AMERICAN AND FOREIGN PERIODICALS

[From the New York Times, July 31, 1972]

UNREST IS SPURRING SOVIET TO MELD ITS 100 NATIONALITIES

(By Theodore Shabad)

In the past few months this newspaper has run several highly informative and penetrating articles, reports and editorials on the non-Russian nations in the USSR. This marked phase of interest seems to be a renewal of that shown in a concentrated way some twenty years ago, preceding and following the death of Stalin and the downfall of Beria. Though marked by several conceptual errors, this account is a welcome addition to the paper's cumulative interest in this crucial subject.

The article shows the spread of Russification under Moscow's policy to combat growing unrest in the captive non-Russian nations. As the writer puts it, "The continuing existence of ethnic problems has been pointed up in this 50th anniversary year of the establishment of the Union of Soviet Socialist Republics by reports of nationalist unrest in Lithuania, charges of Russification in the Ukraine and attempts to glorify a non-Communist Georgian state that existed briefly more than 50 years ago."

At this stage of American thought in this field it is unfortunate that factual data of the above sort are discolored by warped and misleading concepts. For one, the writer's parallelism between ethnic groups in the U.S. and supposedly those in the USSR is wholly unfounded. You don't logically compare compact non-Russian nations in the USSR with any American group of whatever ethnic background. Thus his map on "Major Ethnic Groups of the Soviet Union," equating, for example, 1.8 million Germans with 40.8 million Ukrainians, is grossly misleading. However, let us hope that the brute facts continue to be reported in honest reportorial fashion and, in time, the concepts catch up with the facts. At any rate, in circles where this counts, the former will be refined by those who have a command of the latter.

[From the Washington Post, Sept. 2, 1972]

BORZOV'S DASH CAPS RUSSIAN MEDAL PUSH

(By Jesse Abramson)

For many years now attempts have been made with Olympic and other authorities to have the participants in the USSR team properly designated according to their respective national status. So that the nonsense of reports stating "Russians cop five gold medals," where only one Russian and four non-Russians were involved, would be eliminated. In the Munich games another pointed attempt was made through official channels, and some results of a positive nature seemed to be gained.

This result in the given report was not a pure and unmixed one. It begins, "The crown of fastest human on earth passed today from the United States to a stalwart, power-driving Ukrainian from Kiev." However, in the next paragraph, we are told, "The first world-class Russian sprinter, the first Russian male to win any Olympic track title under 5,000 meters, Valeri Borzov . . ." and so forth, did exceptionally well. The TV media showed the same confusion in identification.

It has long been pointed out that the non-Russian nations concept applied to the USSR really extends from athletics to space and has a most important bearing in U.S. foreign policy vis-a-vis the USSR. Much progress remains, however.

CAPTIVE NATIONS WEEK

A proclamation by the President of the United States of America, the White House, Washington, D.C., July 15, 1972.

As in all previous years, President Nixon issued another Captive Nations Week Proclamation, this one for the 1972 Week. Despite the detentist drives toward Peking and Moscow, the Week was widely observed here and abroad. Over two dozen Governors and Mayors of large metropolises followed the President with their proclamations. Fittingly, in Congress and in most major cities the Week was noted with stirring addresses, rallies and other appropriate activities.

In his general proclamation, the President stressed at the outset, "Yet, in much of the world, the struggle for freedom and independence continues." He continued, "It is appropriate, therefore, that we who value our own precious heritage should manifest our sympathy and understanding for those to whom these benefits are denied." In the Congressional addresses the cultural repressions in Ukraine were highlighted.

NIXON STEPS UP WOOING OF THE CATHOLIC ETHNICS

(By James P. Gannon)

[From the Wall Street Journal, June 1, 1972]

For a notable "first" in his trip to the Soviet Union, President Nixon included a visit to Ukraine. The visit may be interpreted in various equally valid ways, and has been so by different analysts and observers. By subcaption this renowned newspaper chose to deem it "A Campaign Stopover in Kiev." Under a textual caption a top political adviser to the President is quoted as saying "This is the volatile swing vote of the 1972 election."

The writer elaborates further, "Stopping in Kiev, the capital of the Ukraine, this week, the President showed his ethnic awareness. Told that an early Kiev prince had four daughters who married foreign kings, Mr. Nixon remarked, 'So Ukrainian blood must be all over the world.' " Then he added, according to the report, "In America there are also Ukrainians—in Chicago, in Pittsburgh, in many, many other places." The report is somewhat marred when the writer adds this bit on his own. "Many Ukrainians," he writes, "are Catholic, though most are Russian Orthodox." If they're Ukrainian and also Othodox, then how and by what magic are they transformed into "Russian" Othodox? The political arithmetic is most intriguing.

[Addresses from the CONGRESSIONAL RECORD, June 15, 1972]

ANNIVERSARY OF SOVIET OCCUPATION OF LITHUANIA

On the eve of the 1972 Captive Nations Week, Congressmen Burke of Massachusetts and Flood of Pennsylvania observed the rape of independent Lithuania by the Russians in 1940. As the former pointed out, "This day marks the sad anniversary of the invasion and occupation of the peace-loving nation of Lithuania by the Soviet Army in 1940." He went on to declare, "Through the efforts of the Lithuanian-American community and the National Captive Nations Committee we have been made frighteningly aware of the plight of this enslaved people."

The addresses and statements for Captive Nations Week in July were in such great numbers that references to all of them here are impossible in view of restricted space and the consideration of political equity. The reader can find all of them in the issues of the *Congressional Record*. Suffice it to refer to this preview of addresses, whereby Representative Flood supplements the Burke one with poignant remarks on another captive non-Russian nation in the USSR, that of Ukraine.

In part, Flood points out that "it is not generally known and sufficiently appreciated that the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe is Ukraine." He elaborates on this demographically, politically and strategically. In addition, to prove his points, he incorporates into his remarks this section of the summer issue of *The Ukrainian Quarterly*.

UKRAINIAN INTELLECTUALS IN SHACKLES

(A brochure by the Ukrainian Congress Committee of America, New York, 1972)

This concise 17 page brochure relates the current persecution of Ukrainian intellectuals and emphasizes Russian Moscow's violations of human rights in Ukraine. It presents with essential brevity the case against the totalitarian Russian imperialists. The reproduced letter by Ambassador George Bush is one of assurance and concludes in this vein, "We do indeed support the just attempts of the Ukrainian people to secure their legitimate rights. Please be assured that we will continue to do so."

Documented throughout, the brochure lists with photos the outstanding intellectuals victimized, such as Vyacheslav Chornovil, Ivan Dzyuba, Eugene Sverstiuk and others. It also quotes the world press on repressions in Ukraine, such as AP, UPI, Neue Zuercher Zeitung, and others. Additional State Department intercessions are given, as well as excerpted statements of American legislators. After reading this brochure no American can remain ignorant of the Russification taking place in Ukraine.

[From the Washington Post, July 19, 1972]

SOVIET TRIALS

Amidst many inflowing reports on Russification and arrests in Ukraine, this one appearing in the Washington morning paper states that "Three Ukrainians have been given labor camp sentences in separate trials stemming from a major security campaign against nationalists in the Ukraine." It appears that the secret trials had been held in Kiev this past spring.

Highlighting the *Chronicle of Current Events*, an underground journal, the report goes on to reveal that Moscow's KGB has arrested over 100 people in Ukraine so far this year. Significantly, in this report, as well as most given over the past year, the fact of nationalism is portrayed as the prime reason for these arrests. Of equal significance is the ready and totally accurate use being made by the media of the term "Russification."

[From the CONGRESSIONAL RECORD, Aug. 18, 1972]

REPUBLICANS CONSISTENTLY SUPPORT THE CAPTIVE NATIONS

(An insertion by the Honorable EDWARD J. DERWINSKI)

The full text of what Congressman Derwinski refers to as "a telling testimony" on the captive nations appeared in this issue of the RECORD. The testimony was delivered before a Republican National Convention platform committee in Miami by Dr. Lev E. Dobriansky, chairman of the National Captive Nations Committee. As pointed out by the Congressman, the committee was also "represented by Mr. Joseph Lesawyer, an executive member and also executive vice-president of the Ukrainian Congress Committee of America at the Democratic Party convention in July."

With pure, non-partisan factual objectivity the testimony recounted the planks incorporated on the subject in all Republican Party platforms since 1952. For the edification of the platform members it also listed the captive nations and current unrest in Lithuania, Ukraine, Yugoslavia and elsewhere in the communist world. Its proposal for another plank in the 1972 platform was almost wholly met and realized. The term "subjugated peoples" was, for some dubious reason, substituted for the captive nations.

[From the New York Times, July 6, 1972]

RUSSIFICATION

If the reader hasn't read this powerful and pointed editorial in full text, it is strongly recommended that he do so. It begins on the theme of the widely-known case of Lithuanian self-immolation, but it concludes with the other captive non-Russian nations in the USSR. For, as it states, "So long as the Lithuanians protest alone, of course, Moscow has more than enough force to repress their discontent. But there is every reason to suppose that there is similar nationalistic passion in the Ukraine, Georgia, Azerbaijan, Uzbekistan, Kazakhstan and other non-Russian republics, not to mention the other two Baltic states of Latvia and Estonia."

Judging by the frequent reports on such "passion" in this organ, it is evident that the editors are fully aware of its existence. Cause for supposition is hardly necessary. A further indication of their awareness is seen in what may truly be regarded as unprecedented position on the part of the paper's editors. They conclude the editorial with this thought: "If the non-Russian minorities were ever able to integrate their activities and present a united front against russification, Moscow would have a major challenge on its hands."

Except for the misleading and inaccurate term "minorities," the above statement is unusual for the Times editors. It reflects a ready acceptance of the vital concept of the non-Russian nations in the USSR. Whether advertent or inadvertent, it also points to the possibility that a united front "against russification" would extend itself to demands for greater political autonomy and toward the ultimate of national independence. The dynamics of the concept may not be thoroughly recognized by the editors, but they have been described and projected in numerous works on the subject. In any case, warm compliments are due the editors of this renowned newspaper.

[From Freedom's Facts, Washington, D.C., July 1972]

CAPTIVE NATIONS WEEK, JULY 16–22

As in previous years, this data-packed publication of the All American Conference highlights the 1972 Captive Nations Week. It points out that this "is the 14th observance of Captive Nations Week, conceived by Dr. Lev E. Dobriansky and made Law by Joint Resolution of Congress July 17, 1959. It also accurately mentions the fact that the annual observance is now worldwide.

The commentary further reminds readers that "From 1920 to this date 28 nations and nationalities have been overcome by revolution from within and pressure from without." The crushing of the East Germans, Poles, Hungarians, Czechs and Slovaks by Russian tanks in the more recent period is stressed. The Week, as the commentary holds, "is a time to join in expressing American support for the just aspirations of all captive peoples to freedom and independence and self-determination." This again was done on the 14th observance.

[From Finance, New York, June 1972]

THE UNITED STATES INFORMATION AGENCY

(By Frank Shakespeare)

This comprehensive article by the present and most far-seeing director of the United States Information Agency touches upon numerous different aspects of the Agency. These range from some powerful critics in Congress to the task of "setting the world image of a complex and troubled nation by telling the world the truth." By both word and deed Mr. Shakespeare has earned the general reputation of being the Agency's most innovative and dynamic head since its inception some twenty years ago.

As concerns the Soviet Union, the Agency under his direction has made sound and substantial progress, particularly among the non-Russian language broadcasts over VOA to the USSR. According to Shakespeare, Moscow even today jams both the Russian language broadcasts and "those in Armenian, Estonian, Latvian, Ukrainian" and other non-Russian tongues. Last March the exceptionally able director issued an unprecedented directive in the Agency barring the use of such terms as "the Soviets" and "minorities" as concern the non-Russian nations in the USSR. This represents a long step in the right conceptual direction and should produce many a constructive and positive result in our informational services to the various, distinct peoples in that imperial domain. Moreover, though many may not directly recognize it, the reporting of the Olympic games was to a marked extent along respective national lines for the USSR participants. This was no accident.

[From Soviet Analyst, London, England, June 8, 1972]

STRUGGLE IN THE KREMLIN

This new fortnightly newsletter, prepared by editors Robert Conquest and Tibor Szamuely, two outstanding analysts of USSR affairs, has already made a hit with the interested reading public the world over. Though one may not agree with every observation made by them, on the whole the issues of this letter have been interestingly written and partake of high objectivity and factual accuracy. The analyses and interpretations are deep and incisive. In this section on the struggle in the Kremlin "the Ukrainian issue" looms large.

Evaluating the recent removal of Shelest as first secretary of the Ukrainian Communist Party, the editors explain the move on grounds in addition to that of his being a hardliner. As they put it, the "problem of nationalism in the Ukraine, as elsewhere, has always proved intractable to the Communist leadership." They hold that Shelest was too responsive to nationalist moods than Moscow's general line would approve. With meticulous care for accurate, factual detail, the two editors cover the cases of Ivan Drach, Ivan Dzyuba, Chornovil and others.

[From the Wall Street Journal, Feb. 17, 1972]

NEWSPAPERS PUBLISHED IN FOREIGN LANGUAGES STRUGGLE TO SURVIVE

(By Roger Ricklefs)

In this informative article the writer shows with considerable factual proof how the assimilation of immigrants in the U.S. has slashed the readership of foreign language newspapers, forcing literally hundreds to fold up. And as concerns this phenomenon, "the youth just laugh." The article accurately reflects the basic changes in our society, where ethnic identity is maintained and in fact intensified but the language medium is progressively one of English, the lingua of over one-third of humanity.

The account covers Lithuanian, German, Ukrainian, Jewish and other papers. Leon Tolopko, 69-year-old editor of the *Ukrainian News*, a left-wing weekly in New York, is quoted in this vein: "The older generation tries to imbue the young with the idea that 'You must speak Ukrainian.' But the young just laugh. For us, a 60-year-old subscriber is a young reader." On the basis of his research into the subject, the writer expresses the conviction that the force of lingual assimilation is irresistible and relative disuse of foreign languages can only lead to the survival of English-language ethnic organs. In the vastly changing environmental context what else can one rationally expect?

[From the New York Times, June 7, 1972]

SOVIET DISCLOSES UKRAINE UNREST

(By Theodore Shabad)

According to this usually reliable reporter, the "Soviet Union has conceded the existence of a nationalist movement in the Ukraine having close ties with anti-Communist emigre organizations abroad." The report stresses the excessive Russification and absence of cultural freedom in this largest captive non-Russian nation in Eastern Europe. The focal point of the report is a news conference in Kiev given by Jaroslav Dobosch, a Belgian student of Ukrainian descent, who ostensibly had been sent to the Soviet Union to contact the Ukrainian nationalists.

Dobosch, it is said, was arrested in January, which in turn led to about 20 arrests of Ukrainian intellectuals. He was detained for five months and released at the beginning of June. In trumped-up fashion a press conference was set up for him in Kiev, at which time he implicated five Ukrainian nationalists. The importance of this incident is not to be found in the type represented by Dobosch but rather in the activity of nationalism in Ukraine.

[From the Washington Post, May 19, 1972]

IVAN'S STAKE BIG IN MOSCOW SUMMIT

(By Stephen S. Rosenfeld)

This writer on the *Post's* editorial staff believes the average Russian has a large stake in the outcome of the Moscow summit. It boils down to a reduction of military expenditures so that a better standard of living could be realized. The thesis is most questionable, not to say simplistic and suggestive of wishful thinking.

But the article also dwells on efforts of Americans of Jewish and Ukrainian ancestry to have President Nixon intercede in behalf of Jews and Ukrainians respectively in the USSR. Concerning the latter, the writer states, "Yet another group of troubled Soviet citizens whose American kinsmen have asked Mr. Nixon to intercede in their behalf are Soviet Ukrainians." Yes, this is true since a comprehensive memo was submitted by the Ukrainian Congress Committee of America and was a subject of discussion for a couple of months. It also urged the President to include Kiev in his itinerary.

HIGHWAY NOISE LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, I intend to propose a floor amendment to the Federal Aid to Highways Act, H.R. 16656, which will enable the Secretary of Transportation to fund noise control systems for existing Federal-aid highways. Under current law the Secretary has authority to establish noise control standards for new highways approved after July 1, 1972. Joining me in cosponsoring this amendment are our colleagues, ALPHONZO BELL, GILBERT GUDE, and STEWART B. MCKINNEY.

Traffic noise is particularly troublesome in urban areas where 75 percent of our population is concentrated. City traffic often registers as much as 90 decibels, 5 above a level at which prolonged exposure can bring about a loss of hearing. In addition to the toll on health, high levels of noise have caused billions of

dollars of depreciation in real estate values.

While ordinary street noise is difficult to control, noise levels along existing urban freeways can be reduced through a variety of means including construction of physical barriers, acquisition of additional right-of-way for sound-buffer zones, landscaping, and resurfacing. A very smooth road surface like seal-coated asphalt, for example, can reduce noise levels by as much as 5 decibels in comparison with the average asphalt or concrete surface.

Our amendment, which is reprinted below, would broaden the authority of the Secretary of Transportation to fund noise-control projects. Without this amendment, there would be no clear authority for Federal funding, on a regular basis, of acquisition of noise-buffer zones as such, or for installation of acoustical insulation in community facilities along freeways. Furthermore, the amendment would indicate that Congress considers noise abatement to be a priority objective of the Federal-aid highway program.

The floor amendment follows:

Page 73, after line 7, insert the following:

HIGHWAY NOISE LEVELS

SEC. 115. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers landscapping, resurfacing, and insulating buildings near or adjacent to such highway. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 10 minutes.

Mr. ROSENTHAL. Mr. Speaker this Congress must speak out before adjournment on the Soviet plan to require emigrants—almost entirely Soviet Jews—to pay from $5,000 to $35,000 before they can leave the country. The Soviets call it an educational reimbursement but a more accurate word would be ransom.

There is no doubt in the minds of Soviet Jews—or in the minds of many Members of this body—that this Soviet proposal comes in the midst of increased United States-Soviet trade activity precisely because the Soviets are convinced we will not let human rights stand in the way of making a few dollars in wheat and other deals.

I am introducing today, along with 67 of my colleagues, a House joint resolution which will make it unmistakably clear that our Congress values human freedoms, including the right of emigration, more than any amount of new export business.

Mr. Speaker, we cannot ignore the steadily increasing incidents of harassment and oppression directed toward Soviet Jewry. These people have no schools of their own any longer, their synagogues are closed, they are allowed no cultural life, they have no opportunity to emigrate and be reunited with their families in the United States, in Israel, and elsewhere in the free world.

It is inappropriate to offer trade concessions, including most favored nation status, as long as the Soviets are holding these Jewish citizens for ransom. Surely the sale of wheat cannot be more important than human lives.

This Chamber voted 360 to 2 on April 17 to ask the President to take specific steps to aid Soviet Jews and to allow their free emigration. That measure, House Concurrent Resolution 471, which I introduced, was passed with the President's pending Soviet visit in mind.

It is time to remind the Soviets, and others who may have forgotten, that human lives and human freedoms cannot be bartered for trade or political convenience. Not only is such barter immoral and rightfully repugnant to our country's best traditions, but no arrangement—whether economic or political—has any lasting value when so purchased.

The Soviet Union must be brought to realize that our country will no longer tolerate such expediency. Congress, as the spokesman of the people, must make that conviction clear.

Joining me in introducing this resolution are: Mr. ADDABBO, Mr. BADILLO, Mr. BARRETT, Mr. BELL, Mr. BRASCO, Mr. BUCHANAN, Mr. BURTON, Mr. CARNEY, Mr. CELLER, Mr. CORMAN, Mr. COTTER, Mr. CRANE, Mr. DELLUMS, Mr. DIGGS, Mr. DRINAN, Mr. EDWARDS of California, Mr. FASCELL, Mr. FLOOD, Mr. FRASER, Mr. GALLAGHER, Mrs. GRASSO, Mr. GREEN of Pennsylvania, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mr. HEINZ, Mr. HELSTOSKI, Mr. HOWARD, Mr. KARTH, Mr. KOCH, Mr. LEGGETT, Mr. LONG of Maryland, Mr. MADDEN, Mr. MIKVA, Mr. MINISH, Mrs. MINK, Mr. MOSS, Mr. MURPHY of New York, Mr. NIX, Mr. O'NEILL, Mr. PEYSER, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. REID, Mr. REUSS, Mr. RODINO, Mr. ROE, Mr. ROY, Mr. SCHEUER, Mr. STOKES, Mr. STRATTON, Mr. STUBBLEFIELD, Mr. THOMPSON of Georgia, Mr. VANIK, Mr. WALDIE, Mr. WOLFF, Mr. WYDLER, Mr. YATES, Mr. ANNUNZIO, Mr. LUJAN, Mrs. CHISHOLM, Mr. ARCHER, Mr. CAREY of New York, Mr. MORGAN, and Mr. METCALFE.

Text of the resolution follows:

H.J. RES. 1313

Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should suspend all steps taken or contemplated to expand trade and other economic activities with the Soviet Union, and with any other country which uses arbitrary and discriminatory methods to limit the right of emigration, until the President determines that the Soviet Union, or such other country, as the case may be, is no longer using such methods to limit emigration.

SEC. 2. The President shall report to the Congress, not later than thirty days after the date of enactment of this joint resolution and at least annually thereafter, on steps he has taken to carry out the first section of this joint resolution.

THE RATIONAL FINANCING OF EDUCATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, I am introducing today a very important bill, the Rational Financing of Education Act.

Education has always been recognized as an cornerstone of our democracy. Yet today we find ourselves amidst a great crisis in the financing of quality elementary and secondary education in this country.

Within the past few years, there have been too many reports of school systems being forced to shut their doors before the scheduled termination of the school year because they ran out of money. Numerous other school districts, including those in my area of Brooklyn, have been forced to curtail essential programs and services on account of an inadequacy of funds. It is shameful that a country which prides itself upon the educational attainment of its people has allowed such a situation to develop.

Clearly, the time is long overdue for a reassessment of the manner in which our schools are financed. The rising costs of education have put great strains on State and local revenues, to the point now where Congress must now devise a more rational system of financing education.

The first part of my bill amends the method of Title I funding as originally provided in the Elementary and Secondary Education Act of 1965. Title I funding, in just a few years time, has become recognized as one of the most essential components of public education in this country.

Nevertheless, the title I law, as it now stands, has a major defect. The law provides funds only in areas where there is a high percentage of children from low-income families. The effect of the title I law has been to concentrate compensatory educational funds in a very small number of areas, neglecting many districts where there are still a significant number of children from low-income families.

In my own congressional district in Brooklyn, two local school boards—boards 21 and 22—have been informed, by the State of New York that they will no longer receive title I funds. The two districts must now, with the opening of school, totally redraw their plans for the upcoming year. Numerous programs and positions originally established when they thought they would have title I funding, will now have to be scrapped.

This crises occurred when school districts 21 and 22 were told that their concentrations of poor children were not as high as those of other districts in New York City. Thus, despite the fact that a

considerable number of deprived children attend schools in these districts—a greater number than that in most other title I districts across the country—these two school boards will not be receiving funds in September. The educational needs of many underprivileged children like those in my district are being totally neglected under the present title I law.

The first part of my bill deals with this problem by amending title I so that funds will be made available to meet the special needs of educationally deprived children, wherever they may live. A deprived child whose family has been fortunate enough to locate housing or education outside a title I designated concentration area, should not thus be denied compensatory education. That this child has moved or travels to a new school does not alter the fact that he is still in dire need of special help in school. We owe him this additional title I aid.

Indeed, title I regulations, as they now exist, actually cause segregation by encouraging local districts to keep minority children in a small area in order to achieve the necessary percentage of concentration density. My bill would put an end to this unfavorable practice.

The second title of my bill attacks the more general problem of the inequitable financial structure underlying our school systems. The fact that local funds available for education are rapidly disappearing is due to our excessive reliance upon the property tax as the principal means of financing our schools.

This second portion of my bill, which is similar to S. 3779, recently introduced by Senator MONDALE and not yet introduced here, calls upon the Federal Government to undertake a greater share and more rational role in the financing of our schools. At the same time, in order to lessen the significance of the property tax, the bill reduces the differences in per pupil expenditures among school districts in the States, without decreasing expenditures in any district.

My bill also takes into account the problems facing our private elementary and secondary schools. To the extent consistent with the number of children in a school district who are enrolled in private nonprofit schools, a local school agency would be required to set aside a portion of its Federal funds for the purposes of secular, neutral, and nonideological education services in these schools.

Finally, in recognition that increased funding is simply not enough in confronting the problems of our schools, my bill establishes an additional voluntary bonus plan as an incentive for improving the quality of education. Under this provision, participating local school districts would receive financial rewards for upgrading the results of title I children on specially administered math and reading achievement tests.

The problems of education today are greater and more complex than ever before. Money alone is not the cure-all.

We all recognize the problem we have in educating minority children and other youngsters from poor families. But recognizing the problem and coming up with the proper remedy are two different matters. We are still in the process of searching for those programs which will improve the learning abilities of poor children.

But if we are going to experiment with programs and other services designed to meet the educational needs of our children, we must have the fiscal resources requisite for maintaining these projects.

Mr. Speaker, I possess no illusions that my bill will make things right overnight. But the Rational Financing of Education Act makes a significant start in the right direction. We cannot begin to find the solutions to the complex problems of education until we reform the framework in which our schools are run and financed. I hope my colleagues will join me in this most important venture.

EXPLANATION OF ROLLCALL VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HELSTOSKI) is recognized for 15 minutes.

Mr. HELSTOSKI. Mr. Speaker, Monday I was in Federal district court because my opponent has charged that I am abusing the use of the frank.

Mr. Speaker, no Member of Congress knowingly abuses his franking privilege.

In my 8 years of office, I have never abused the franking privilege, despite the numerous attempts by my opposition to establish this through actions against me with the postal authorities and through court action over the past 6 years.

The interesting thing is that despite the some 10 attempts by my political opposition who have sought to establish as fact the misuse of the frank, I have to date not had any adverse decision in my various appearances in court and before postal authorities.

Mr. Speaker, this constant harassment of Members of Congress should cease because it takes us away from our very important legislative duties and the work for our constituents.

Had I been present on September 25, I would have voted nay on rollcall No. 382, yea on rollcall No. 383, and yea on rollcall No. 384.

Mr. Speaker, I ask unanimous consent that the permanent RECORD and Journal be corrected to reflect this.

NAME NEW FEDERAL BUILDING IN HAWAII AFTER PRINCE JONAH KUHIO KALANIANAOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, on last Tuesday I introduced legislation which would name Honolulu's new Federal courthouse and office building, scheduled for completion in 1975, the "Prince Jonah Kuhio Kalanianaole Building," in honor of one of Hawaii's earliest delegates to U.S. Congress.

As a native of Kauai, I point with great pride to the fact that Prince Kuhio was born in the Island of Kauai in 1871, within walking distance from my birthplace. He was a direct descendent of the last independent ruler of that island and was made a Prince of the Realm by his uncle, King Kalakaua, who was then ruler of Hawaii. A royalist in his youth, Prince Kuhio in his adult years became a strong champion of American democracy.

When the nonnative element forced a revolution in the Islands in 1893, Kuhio sided with Queen Liliuokalani, a cousin. After the establishment of the Republic of Hawaii, he was imprisoned for conspiring to effect a royalist uprising.

After his release from prison in 1896, Kuhio left Hawaii, believing that he would be exiled from his native land for the rest of his life.

Only 2 years later, however, he was persuaded to accept the new order in Hawaii and returned to enter politics. In 1902, he received the Republican Party's nomination for Territorial Delegate to the U.S. Congress. Victorious in his first campaign, Kuhio established a record of political invincibility from then on. He served as a nonvoting delegate from Hawaii from 1903 until his death in 1922 at the age of 51.

Prince Kuhio earned the respect of his constituents and his colleagues in Congress alike because of the significant service he rendered to the Hawaiian people while serving in the Nation's highest legislative body. Although not permitted to vote, he sponsored and obtained enactment of the Hawaiian Homes Commission Act, which was intended to save the Hawaiian people from second-class status in their own land. Kuhio also introduced in 1919 the first of a series of bills to accord statehood to Hawaii.

Prince Kuhio was revered not only as a man of pure motives and as the last titular prince of his line, but also for his major role, through example and influence, in committing the islanders to an acceptance of America and converting them to passionate Americanism.

Mr. Speaker, the new Federal building in Honolulu would be a fitting edifice to perpetuate the memory of Prince Jonah Kuhio Kalanianaole—"A Prince of the People."

WAR POWERS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, I was dismayed to learn recently that the House Ways and Means Committee had approved a measure which would give the President unlimited power to cut any Federal programs he chooses in order to keep Government spending below a $250 billion ceiling.

I had hoped that with the passage of "war powers" legislation, of which I was the first sponsor in the House of Representatives, Congress was entering into a new phase in which it would reassert its constitutional rights and responsibilities. The Vietnam war, I thought, was a bitterly instructive lesson in what happens when crucial Government decisions are made without the benefit of the vigorous competition of ideas which characterizes congressional debate.

In my opinion it was clear to us that the cynicism about representative government that the Vietnam war produced had to be reduced. We had to give the people new faith in our ability as Members of Congress to represent their feelings and protect their interests.

But now it seems that the hard lessons learned in foreign policy have been completely lost. One of the most effective tools for controlling Government policies is a hold on the purse strings. It is the Federal budget that, more than anything else, shows what our priorities are, our intentions as contrasted with our rhetoric.

But now Congress seems willing to relinquish its hold on the fiscal reins, letting the administration run wild in deciding what to cut from the Federal budget. It must be apparent to everyone what programs will and what programs will not be cut by the President if this legislation is passed. Defense spending, subsidies for private industry, and Executive Office of the President appropriations would all be safe while funds that are the lifeblood of programs designed to educate the young, care for the aged, and provide health services for the sick would be sacrificed. Oil depletion allowances, which are, after all, a form of Government spending, would stay while public broadcasting and loans to small businesses would become things of the past.

For Members of Congress this legislation presents a clear choice: Will spending decisions vitally important to every American be made on the record after a full and informed debate by the 535 Members of Congress who have the constitutional responsibility to do so? The alternative is to ignore this constitutional responsibility by surrendering our appropriations authority to a power-hungry executive which makes decisions behind closed doors.

I would like to make a suggestion that would accomplish the objective of limiting total Federal spending during any fiscal year without the many undesirable effects that the present proposal would have.

I recommend that the Appropriations Committee hold hearings at the beginning of each fiscal year on a spending limit for that year. Such hearings would consider the effect of Government spending on the economy—its impact on inflation, the supply of money, employment, and so forth. After the hearings the committee would propose a spending limit which, after passage by the House, would be binding. Decisions reflecting the priorities for the various uses of these funds would then be made.

I earnestly hope that each Member will consider this alternative before enacting a measure whose most illustrious predecessor is the Gulf of Tonkin resolution.

CLEAN WATER AHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. BOGGS) is recognized for 5 minutes.

Mr. BOGGS. Mr. Speaker, the Congress will shortly have an opportunity to authorize a major stride toward clean water. After long deliberation, House and Senate conferees have reached agreement on a water pollution control bill with a goal of ending the discharge of pollutants into the Nation's waterways by 1985. Most importantly, the bill creates the machinery required to achieve that goal.

The Democratic Congress has enacted much historic legislation in this and other fields, but there could be no more worthwhile achievement in these closing days of the second session than to pass this landmark piece of environmental legislation. The American people are entitled to clean water, and this bill is designed to see that they receive it.

I am inserting a recent editorial from the New York Times and calling it to the attention of my colleagues on both sides of the aisle.

CLEAN WATER AHEAD?

A compromise bill to curb water pollution has emerged from a Congressional conference committee with provisions that are surprisingly strong in view of the bill's history. The proposal that passed the House of Representatives in March was a weak effort, product of intensive pressures from industrial interests which have used the country's rivers as a free disposal system and from an Administration timorous about the financial cost of enforcement—not to mention its political price.

The measure worked out by the conferees after more than five weeks of negotiation favors the much stronger bill which the Senate passed last November. Its goal is to end industrial discharges into the nation's waterways ostensibly by 1985, with firmer deadlines of 1977 and 1983 for plants to use the "best practicable technology" and the "best available technology" respectively for reducing their polluting activities.

The compromise gives the Federal Government, through the Environmental Protection Agency, much more power to curb discharges by a permit system than the House bill, which leaned toward greater (and more futile) state controls. Just as important, the 1983 deadline would go into effect automatically rather than requiring additional legislation as provided in the House bill.

Where the Senate conferees yielded most to their House colleagues was in the provision merely to authorize civil actions against violators rather than to mandate them. Another weakness lies in the bill's requirement that would-be plaintiffs in citizens' suits show they have been specifically harmed by the discharges in question. These are serious weaknesses, but not fatal.

The real danger now lives in the possible reaction of the Administration to this compromise measure. It is difficult to believe that President Nixon will veto this historic bill because of its cost, as some environmentalists fear. The public would inevitably see such action as a sign of reluctance to sanction the controls that the measure would impose on certain industries. Having chided Congress only a week ago for fumbling and delaying his environmental program, the President would have assumed sole responsibility for killing the country's greatest chance to restore the health of its waterways.

THE NEW STRIP MINING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, after long months of hard work, the strip mining regulation bill will at long last come up for a vote next Monday, October 2.

I do not know whether to laugh or cry.

All across the land, we have suffered from the ruthless devastation of our land by the strip miners. The people have risen up in their wrath and demanded action by the Congress to halt the destruction of soil, streams, and forests, and the gouging of hillsides by the strip mining monsters of destruction. And now the moment of truth is here. We will be voting on a bill next Monday.

We will be asked to vote on a bill which no Member of the House has yet seen, which has not yet been printed, on which the committee report has not yet been printed, and which we will probably receive when we return to our offices next Monday morning—a few hours before we have to vote on this far-reaching and complex legislation.

How can any Member of this body analyze this legislation, weigh the pros and the cons, assess the implications of this bill, and establish any legislative history or congressional intent on this legislation if he cannot even obtain a copy of the bill or report until the very day it will be voted on?

LITTLE DEBATE, NO AMENDMENTS

It disturbs me, as I know it must disturb other Members of this body, to take up such a major piece of legislation under suspension of the rules, with a scant 40 minutes of debate under a procedure which allows no amendments and very little opportunity for debate. With 20 minutes on each side, it is unlikely that there will be a chance for more than broad-stroke statements about the pending legislation, and little opportunity for probing questions as to the meaning and interpretation of the many sections of the bill.

The House Interior and Insular Affairs Committee has worked long and hard on this legislation. Public hearings by the Subcommittee on Mines and Mining started over a year ago—September 20, 1971, to be exact. These public hearings concluded on November 30, 1971. Subcommittee markup sessions proceeded during 1972, and they were very extensive. After the subcommittee reported the bill to the full committee on June 29, 1972, the full committee held extensive markup sessions. The bill was reported on September 6, 1972, and immediate controversy arose over an amendment which had the effect of a mandatory ban on the strip mining of coal on slopes greater than 20 degrees.

TWENTY-DEGREE BAN

The effect of the 20-degree amendment would have been to save Appalachia and the more mountainous areas throughout the Nation where the effects of strip mining of coal are the most devastating. Yet immediately after the adoption of the 20-degree amendment, the National Coal Association launched a furious lobbying campaign to weaken or defeat this provision of the bill. I am very sad to report that these insistent lobbying efforts were not countered with equally positive statements by those in this Nation dedicated to the protection of the land. The

20-degree amendment is no concept plucked out of nowhere, but is in fact a well-established and reasoned approach which has been well thought out over the years. In fact, long before any Member of Congress publicly introduced legislation for the abolition of the strip mining of coal, the Izaak Walton League in its 48th annual national convention in July 1970, endorsed the 20-degree limitation on strip mining in its resolution No. 10, as follows:

Resolved, that the practice of strip mining in the coal fields of Appalachia and wherever else similar situations prevail be prohibited in areas where the surface to be disturbed exceeds 20 degrees in slope.

DELAY

While the controversy over the 20-degree amendment was raging, the Committee on Interior and Insular Affairs failed for various reasons to complete and file a committee report or even have a copy of the bill printed. Time dragged on. Even though the committee must have realized that the end of the session was approaching, and every end of session is accompanied by a cut off date when bills and reports can no longer be considered by the Committee on Rules, no action was taken by the committee.

On Tuesday, September 19, the chairman of the Committee on Rules announced on the House floor that bills and committee reports must be filed by midnight on September 25 for the Committee on Rules to act to grant a rule to take up a bill during this session. Following inquiries of members and staff of the Committee on Interior and Insular Affairs, it became clearly apparent to me that the committee had no intention of even attempting to meet the September 25 deadline. In a last-ditch effort to persuade the committee to take the necessary action to allow a full debate of this very complex and far-reaching measure, I issued the following public statement on September 21—4 full days before the September 25 Rules Committee deadline:

BIG HOLDUP ON STRIP MINING CONTROL

The coal industry and its powerful allies are secretly working behind the scenes to bury any effective control over strip mining in this session of Congress.

While an outraged public is demanding tough laws to stop the devastation of our hills, streams and forests, Congressional staffs are dancing a minuet of delay and destruction.

The public hearings by the House Interior and Insular Affairs Committee opened on September 20, 1971—just a year ago yesterday. The public outcry for strong regulation was so insistent that the House committee reported a surprisingly tough regulatory bill—even though it fell short of outright abolition, and placed enforcement in the production-oriented Department of the Interior rather than EPA. The best provision of the House bill was a ban on strip-mining coal on slopes greater than 20 degrees. Cheers went up from the public on September 6 when the House Committee voted out this meaningful bill.

Since then, Carl Bagge and his National Coal Association have been shedding tears about "blackouts and brownouts", which might result from the House bill. Secretary of the Interior Rogers Morton chose Kentucky, a state repeatedly raped by strip miners, to make the callous observation that "great economic damage" would hit Kentucky by the 20-degree limitation. Heeding the outcries of the predatory strip mining interests, the House Committee has refused for the past 15 days even to release or print a single copy of the reported bill! Meanwhile, the continued destruction of the land is proceeding at a rate of 4,650 acres per week.

By midnight, Monday, September 25, both the bill and the committee report must be filed with the Committee on Rules or no rule will be granted to even debate the bill this session. So the committee staff member charged with writing the report takes off for the American Mining Congress Convention in San Francisco, Calif., and is still out there as far as can be ascertained. Everybody is passing the buck, while the coal industry chortles that no action will be taken to pass the House version.

Meanwhile, over in the Senate, it appears that a milk-and-water version of very weak strip mining regulation will sail through early next week. Sure, there will be a few "strengthening amendments" on the Senate floor to give the appearance of protecting the public interest. But the final product in the Senate will be shot through with loopholes, and slanted heavily toward protecting the strip-miners who continue to devastate the land.

If the Senate bill prevails, it would be worse than no bill at all. It eliminates public notification, opportunities for public hearings and appeal procedures except for the mining operators. Primary responsibility is placed on the states for enforcement, with delays of up to two years before state enforcement is required to meet Federal guidelines. Furthermore, state laws in Ohio, Pennsylvania, West Virginia, Kentucky and Tennessee would be allowed to be weakened in the face of weaker Federal guidelines. The Senate bill provides that mining can go on without the consent of the surface owner, and no public notice is required prior to blasting. Reclamation is not required, and the mining operator may be allowed to "recondition" the land—whatever that means. Highwalls, spoil-banks and holding dams (such as the Buffalo Creek "dams") are condoned as reclamation tools. The Secretary of the Interior is authorized but not required to make inspections, and under a state plan only one inspection a year is required; under the House bill, inspections are at least twice a month, unannounced and at irregular intervals. There is no Federal cease-and-desist power provided in the Senate bill, unlike the House bill, which also authorizes a Federal inspector to suspend a mining operation if public health or safety is endangered.

In short, the Senate bill is a strip miners' paradise.

Two recent reports by the General Accounting Office—on the dismal failure of Federal strip mining regulations on public and Indian lands and by the Tennessee Valley Authority—underline the bankruptcy of laws and regulations which are weak or not enforced. The GAO reports revealed wholesale violations of the Federal Government's own requirements, with these violations going unpunished and uncorrected. The violations included such items as failure to post performance bonds, failure to enforce reclamation requirements, failure to protect against soil acidity and landslides, and a weak and ineffective inspection system which gave the strip miners a field day of destruction.

It's about time the public rise up and demand an end to the outrageous double-dealing and obfuscation which occurs when the special interests thwart the public interest behind closed doors. Unless the House is allowed to debate and vote on the committee-passed bill, and strengthen it on the floor, the land and the people will continue to suffer from the ripper tactics of the strip-miners.

Quite naturally, both the National Coal Association and the Committee on Interior and Insular Affairs quite vigorously denied that the statements I made on September 21 were accurate. I will leave the sequence of subsequent events to serve as commentary on these observations. It should be said that the National Coal Association prefers to have some legislation, such as the weak bill now pending in the Senate, rather than no bill at all. But it is very clear that the National Coal Association violently opposed the 20-degree amendment, and made every effort to weaken that amendment, before allowing the House bill to move toward the floor. Meanwhile, the House Interior and Insular Affairs Committee froze the bill until the clock ran out on September 25, and it was too late to bring up any legislation except under the suspension of the rules.

On September 26, I sent the following letter to each member of the House Committee on Interior and Insular Affairs in a last-ditch but futile effort to preserve the 20-degree limitation.

SEPTEMBER 26, 1972.

The most important and effective provision in H.R. 6482, the strip mine bill, is the 20-degree slope limitation. Now that the deadline has passed for submission of the bill and report to the Committee on Rules, and it appears the bill will come to the floor under the suspension procedure, it is vital that the 20-degree slope limitation not be weakened.

There is eight times as much recoverable deep-mine coal as there can be recovered by strip mining. Furthermore, 10 percent of our coal was exported last year. Why must Congress be a party to the continued devastation of Appalachia and many other areas of our land, when such destruction is not necessary for any economic reason—and in fact destroys valuable economic resources in the soil, forests, streams, and people's property?

This 20-degree limitation is not new, nor is it a figure just picked from the sky. At the 48th Annual Convention of The Izaak Walton League of America, *July, 1970*, the members overwhelmingly passed the following Resolution #10: "That the practice of strip mining in the coal fields of Appalachia and wherever else similar situations prevail be prohibited in areas where the surface to be disturbed exceeds 20 degrees in slope."

I hope you can see your way clear to keeping the 20-degree slope limitation, as reported in the bill September 6.

Sincerely,

KEN HECHLER.

It is my understanding that certain forces in the committee and in the industry would not allow the bill to move unless the 20-degree amendment were weakened, which it was to some extent. The new and final wording of the 20-degree amendment is as follows:

Page 14, line 15. Strike section 9. (b) from page 14, line 15, to page 14, line 22. Insert a new subsection as follows:

"(b) If the Secretary finds that the overburden of any part of the area of land described in the permit application is such that deposits of sediment in streambeds, landslides, or acid or mineralized water pollution in violation of State and Federal water quality standards, whichever is higher, cannot feasibly be prevented, he shall delete such part of the land described in the application upon which such overburden exists; provided that no such overburden will be removed from slopes greater than 20 degrees from the horizontal, unless the operator can affirmatively demonstrate that sedimentation, landslides, or acid or mineralized water pollution can be feasibly prevented and that

the areas can be reclaimed as required by the provisions of this Act.

But aside from the 20-degree issue, there are many major shortcomings in the pending legislation, the most important of which I tried to point out in the following statement which I made on September 7:

COMMENT ON HOUSE INTERIOR COMMITTEE STRIP MINING BILL

(By Congressman KEN HECHLER)

The bill makes the fatal mistake of entrusting the administration and enforcement of strip mining regulations in the Department of the Interior—an agency whose primary interest is in higher production of coal rather than protection of the land and people. The Environmental Protection Agency, which has a good track record on air and water pollution and pesticide control, could do a better job of protecting the public interest and resisting the overwhelming pressure to escalate strip mining at the expense of the land, streams and forests.

The dismal record of the Department of the Interior in failing to enforce the Federal Coal Mine Health and Safety Act of 1969 gives little hope that this production-oriented agency will do any better with protecting the land against the devastation of strip mining. On August 31, 1972, Assistant Secretary of the Interior Hollis M. Dole prepared an address to the first graduating class of the Mine Safety Academy at Beckley, West Virginia, in the course of which he made this incredible statement: "You must reconcile the requirements for mine safety with the need for efficient production." That statement epitomizes the attitude of the Department of the Interior, which by its actions has "reconciled" human values to meet the demands of production, and also believes that environmental values must also yield to high production.

An August 10, 1972 report of the General Accounting Office details the shockingly poor record of the Department of the Interior in failing to enforce its own requirements to protect Indian lands and public lands against the damage of strip mining.

State legislation has been weak and ineffective in protecting the land against strip mining damage, largely because the administration and enforcement of state laws has been in the hands of those who place a higher priority on production than protection. Likewise, the Tennessee Valley Authority, according to a General Accounting Office report on August 9, 1972, has failed to enforce many stringent-sounding reclamation requirements ostensibly designed to protect the land and streams against the adverse effects of strip mining. The weak TVA inspection requirements, plus the toothless enforcement of reclamation requirements, further underlines the fact that laws and regulations are not worth the paper they are written on unless they are enforced without fear or favor.

Many provisions of the House Committee Bill are vast improvements over the strip mining control bill originally proposed by the Administration in 1971. Despite these improvements, the law cannot succeed as long as its enforcement is in the hands of the production-oriented Department of the Interior.

Along with nearly 100 members of the House and Senate, I firmly believe that the complete abolition of the strip mining of coal is the only sure way to protect the soil, streams and forests of this nation. I intend to keep on fighting for legislation to utilize our reserves of deep-minable coal, which constitute fully eight times as much as the tonnage of coal which can be strip mined. By enforcing the mine safety laws, deep mining can be made far safer, and there is no need to rip up our land further in order to meet an "energy crisis."

Substantively, there are many other deficiencies in the pending legislation, which I shall outline as follows:

MAJOR DEFICIENCIES IN STRIP MINE BILL, H.R. 6482

First, regulatory bill: The committee openly rejected consideration of a ban on strip mining. In doing this they relied on the assumption that strip mining for coal is a necessary evil. This contradicts Bureau of Mines statistics on deep and strippable coal reserves showing that there is eight times as much recoverable deep mine coal as there is strip mine coal—355.9 billion as compared to 43.4 billion. The projected life of the deep coal reserves is 590 years while that of the strip mine coal is only 71 years—these are based on 1970 production figures. In addition, these statistics show that 16 States have more low-sulfur deep mine reserves than total strippable reserves—these include the States which are scheduled for heavy strip mining in the next few years; that is, Colorado, Montana, Wyoming, and others.

Second, administration: The primary Federal authority has been given to Interior rather than EPA. Interior administration is a great mistake in that the primary interest of this agency is in higher production of coal rather than protection of the land and people. EPA, which has a good track record on air and water pollution and pesticide control, could do a better job of protecting the public interest and resisting the overwhelming pressure to escalate strip mining at the expense of the land, streams and forests. On the other hand, the Department of the Interior has done an atrocious job of protecting Indian and public lands against the ravages of strip mining. Interior's record on mine safety is woefully weak.

Third, Federal authority: The committee has failed to retain complete control of strip mine regulation at the Federal level, allowing States to take over the programs. The committee seemed determined to encourage State assumption of enforcement responsibilities under this act.

Section 34 states that:

Nothing in this Act shall preclude or deny the right of any State or political subdivision thereof to adopt and enforce standards relating to the conduct of coal mining surface operations and reclamation except such State or political subdivision may not adopt or enforce any such standard which is less stringent than the corresponding Federal standard or regulation then being enforced under this Act in such State by the Secretary.

Close Federal supervision is provided for, and Federal resumption of enforcement where necessary. The problem seems to be that it is difficult to envision vigorous implementation by Interior at the Federal level.

Fourth, designation of areas unsuitable for stripping: Section 7:

An area may be designated as unsuitable for surface coal mining if the Secretary finds that it is not economically or physically possible to reclaim the land or, if surface coal mining is already being conducted in such area, the mining will cause irrevocable or lasting injury to the environment of the area or of an area adversely affected by such area.

This provision is very weak. The bill gives the Secretary the authority to designate these areas, but gives no congressional guidelines as to how to go about this—gives some findings, but no specifics. In addition, "irrevocable or lasting injury" is very difficult to prove. Specific criteria for showing this were eliminated in committee.

Fifth, blasting: Section 20:

The Secretary may prohibit blasting in specific areas where the safety of the public or private property is endangered or where the stability of the roof strata of an operating underground mine or the watercourses entering such a mine will be adversely affected as a probable result of the blast.

This blasting section is very weak in what it mandates to the Secretary. Authority to prohibit blasting is related only to safety, not to environmental damage. It replaces a much stronger and more comprehensive section on blasting regulation in the original Hays bill. This section leaves the public totally unprotected—no published blasting schedules, no notice, and so forth.

Sixth, bonding.—Section 11:

The amount of the bond required for each permit shall depend upon the reclamation requirements, and shall be determined by the Secretary. The amount of bond shall be sufficient to assure the completion of the reclamation plan, even in the event of forfeiture and in no case shall the bond be less than $5,000 or $500 per acre in the aggregate whichever is greater.

No exact numerical figure is required, but requires that it be "sufficient" to do the work. This is not an adequate safeguard for the public; however, it is good that the State is required to complete the reclamation in the event of forfeiture by the operator.

Seventh, stop order authority.—Section 17:

The Secretary may revoke any permit if, after a hearing, he determines that the operator has violated any provision of this Act or any rules and regulations of the Secretary issued under this Act.

Revocation is an extreme penalty since, under provisions of section 8, it excludes the operator from ever being granted a new permit for another mine. Therefore, it in all probability will rarely be invoked. The bill is deficient in not providing for more relevant penalties, particularly cease-and-desist orders for any violation, and authority to suspend an operation or part of it for any violation.

Eighth, absence of planning provision.—This is certainly not a land-use planning bill. There is no requirement that the State should have a land-use plan before stripping is allowed. It seems quite inconsistent that the House Interior Committee—which has been working on national land-use policy legislation—would at the same time report out another bill which allows stripping to continue before States have a chance to develop their own land-use plans. At the very least the committee should have

required a moratorium on stripping until every State had completed a land-use plan. The fact that the committee was aware that 4,650 acres of our land is being stripped every week should have prompted them toward this action.

Mr. Speaker, I have been pressured by many environmental groups not to oppose this legislation. The environmental groups who have worked very hard to obtain improvements in the legislation deserve a great deal of credit for their effort. They contend that this legislation will furnish an excellent yardstick against which progress in controlling strip mining can be measured, and that it furnishes a brilliant opportunity for citizen participation in the regulatory process.

I recognize these facts. I recognize also that this legislation has been shepherded by a subcommittee chairman, our colleague, Representative ED EDMONDSON of Oklahoma, who has done a very thorough job in conducting the hearings and helping improve the legislation as it moved through his subcommittee.

ABOLITION THE ONLY SOLUTION

But, Mr. Speaker, I am tired of voting for legislation which in substance is not good enough, which I honestly feel will not solve the problem, and which merely serves to quiet the public outcry against an evil which must end. The only solution to the strip mining of coal is complete abolition.

For reasons of substance, this bill is defective. For reasons of procedure, it is a mockery of the legislative process.

I am not leading a charge or asking my colleagues to organize in opposing this legislation. I may be wrong in my appraisal of where this bill leads. I may be wrong in refusing to go along with those environmental groups who feel that this bill is better than the present situation. To me, just a little improvement is not good enough. As with all legislation, the enforcement agency will take a year to gear up to its task—while the land and the people suffer. Then there will be another year when the administrators urge and the Congress urges that the new bill ought to be given a chance—while the land and the people suffer. Then there will be a period when the Congress investigates, attempts to stiffen the enforcement, and perhaps plugs a few loopholes or applies a few band-aids—while the land and the people suffer.

I cannot stand idly by while our land is destroyed, and while the people in Appalachia and throughout the Nation continue to suffer from the pillaging of our land.

I shall, therefore, cast my vote against H.R. 6482 when it comes to the House floor next Monday.

WINTER SPORTS IN NATIONAL FORESTS

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, the outdoor recreational needs of America have risen dramatically in recent years. In maintaining pace with this trend the growth of the ski industry in the last two decades has been impressive indeed. But the end is nowhere in sight.

We are experiencing a 15-percent annual growth rate which will result in a doubling of the present estimate of 5 million skiers in the United States by 1977.

Private industry is presently meeting the recreational demands of these 5 million skiers and traditionally has provided increased facilities proportionate to the 15 percent rate of growth.

Mr. Speaker, a continuing problem within the ski industry is its low profitability—less than 4 percent before taxes. This level of profit naturally tends to discourage investment. Private industry, which is expected to tackle the $300 million investment needed to meet the demands of outdoor recreation in the next decade, finds its difficulties intensified by certain Federal governmental policies.

These problems stem from the limitations that Congress has imposed upon the Forest Service concerning the acreage allotments. These limitations have created a significant financing problem for the individual ski area operator.

Today I am introducing a bill designed to alleviate this problem so that ski area operators in this country will be better able to satisfy the increasing demands of the public.

This bill will encourage private development and management of facilities and services on national forest system lands through the granting of leases which provide more certainty of tenure and security of investment. These leases will contain provisions to reflect the primary objective of maintaining a high quality of facilities and services at reasonable prices for the public, yet always preserving the quality of the environment.

Four key provisions to the bill concern first, the amount of land to be leased; second, the annual rental of the land; third, the length of the lease; and fourth, the title to structures built by the lessee on Government land.

Under this bill the amount of land to be leased would be determined by the present and future needs of the public for recreational facilities instead of by a predetermined specified number of acres. As I have already stated these needs are constantly expanding, but the 80-acre limitation imposed by the Forest Service has most definitely inhibited this expansion.

Under the proposed bill the terms of annual rental of Forest Service land would provide for equitable fees equivalent to the least value of land.

The bill would extend the maximum duration of the lease from 30 to 50 years and give preference in lease renewals to those lessees who have performed their obligation under prior leases. These provisions would give the conscientious ski area operator a sense of security in his investment which has not been previously afforded him.

The bill would extend the maximum for any area operator who builds or improves structures on Forest Service land by giving him legal titles to those structures. This measure combined with the extension and continuation of the lease would lend credence to the stability of the ski area operation on Forest Service lands, and would in turn encourage banking investments through loans and mortgages which have been so sorely lacking in the past.

Mr. Speaker, in the face of a burgeoning skier population and the constantly escalating demands to meet environmental standards, sound financing is desperately needed for the growth and quality of ski area operations.

We believe that this bill will give the ski industry the essentials it needs to meet these challenges and serve the best interests of the public.

CONGRESS MUST ACT NOW ON OCEAN DUMPING LEGISLATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, an application now pending before the Army Corps of Engineers which would permit a company to dump a solution of 18 percent sulfuric acid, laced with toxic metals, into the Gulf Stream at the rate of 1 million gallons every 4 days, is a perfect example of why it is imperative that the Congress act promptly on legislation to prohibit such practices.

According to recent news reports, the American Cyanamid Co. proposes to take about half of the noxious substance which its plant now discharges into the Savannah River and barge it out to a site 87 miles off the Georgia coast. There, it will be dumped into the water. While some scientists have stated that acid dumping is among the least harmful of things which have been deposited in the ocean, others contend that sulfuric acid, even when mixed with 32,000 parts of sea water, is harmful to marine life.

The House and Senate have passed the Marine Protection, Research, and Sanctuaries Act, which would require the Environmental Protection Agency to review and approve all such proposals to dump noxious materials into the oceans of the world. I was one of the original sponsors of this legislation, which was first introduced 3 years ago. It has been in conference since November of 1971—10 months. I understand that the conferees have reached agreement on the legislation and I certainly hope that it will be sent to us for consideration before we recess.

The application which has been filed with the Corps of Engineers is technically for permission to construct a pier in coastal waters from which the barges can be loaded. It does not address itself directly to the question of dumping the materials into the ocean. Obviously, this is an inadequate control and is a subject which should come under the direct jurisdiction of the EPA. We must take action as soon as possible on this legislation to insure that this is done before any further damage is done to the oceans.

FACTS OF SCANDAL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, it is with the greatest reluctance that I once again advise my colleagues of continued criminal conduct, both alleged and proven, involving employees of the Federal Housing Administration and nonpublic employees who continue to profit by manipulation of this agency and its employees.

Last April, a number of indictments were returned involving high ranking officials of the Federal Housing Administration assigned to the Hempstead, Long Island, office of FHA. Shortly thereafter, I addressed the House and advised that there were increasing signs that a number of high-level Federal employees had conducted themselves in a manner casting doubt upon their integrity. I stated further that—

> The full implications of what appears to be a sickening manipulation of FHA employees by builders and mortgage lenders are as yet unknown.

I regret to inform my colleagues that the second round of indictments involving the Hempstead, Long Island, office on Tuesday described by the New York Times articles yesterday and today confirms my statement of last May. A plea of guilty to a criminal information by the man selected to restore confidence in the integrity of the Hempstead operation is clear evidence of the total breakdown of an administrative system or a "way of doing business" that demands total reform.

We are not administrators or prosecutors. As legislators, however, we must take steps to insure an atmosphere of trust and confidence in the integrity of the agency charged with the responsibility of administering complex provisions of law to achieve stated public purposes. We, indeed, do differ and will differ on substantive questions effecting urban problems. Part of today's difficulties may well involve programmatic or statutory weaknesses in existing law, but to attempt an honest evaluation in today's climate generated by ever accelerating examples of criminal conduct has become virtually impossible.

None of us can take comfort in the failure of the Housing Act of 1972 to reach the floor for nothing has been solved. The facts of Detroit which are the facts of virtually every major city remain. Grand juries are considering housing fraud allegations in many of those cities.

As I stated in my remarks on September 21, the Subcommittee on Legal and Monetary Affairs is determined to continue to seek out the facts, to make its recommendations, and to evaluate the effectiveness of administration responses.

Congress, together with the executive branch, working cooperatively has the resources to deal not only with the facts of failure, but when forced to, can and must deal with the facts of scandal.

The New York Times accounts of the Hempstead indictments and are commended to the attention of my colleagues:

[From the New York Times, Sept. 27, 1972]

FHA AIDES SAID TO TAKE BRIBES

(By Morris Kaplan)

Five employes of the Federal Housing Administration's office in Hempstead, L.I., were indicted yesterday on charges of conspiracy and accepting bribes from the president of a mortgage corporation to influence their "official acts."

A sixth employe, Donald C. Carroll, the director of the Hempstead office, pleaded guilty to an information charging that he had taken bribes. Arraigned before Judge Anthony J. Travia at the Westbury, L.I., branch of the Federal District Court, he was released on his own recognizance to await sentencing. Assistant United States Attorney Anthony T. Accetta is prosecuting the case.

Judge Travia issued an order restricting United States Attorney Robert A. Morse and his staff from discussing any of the charges in the 11 counts of nine separate indictments.

Key figures among the accused were Donald C. Carroll, 45-year-old director of the Hempstead office, of 7 Regina Drive, Deer Park, and Stanley Sirote, 37 years old, president of the Inter-Island Mortgagee corporation, 170-60 Union Turnpike, Flushing, Queens.

Mr. Sirote lives at 160 Long Acre Avenue, Woodmere, L.I.

Also indicted were the following employes of the mortgage credit section of the Hempstead office:

Bernhard Fein, 55 years old, of 203-25 27th Avenue, Mayside, Queens; Michael S. Jancovic, 52, of 42 Amherst Lane, Hicksville, L.I.; Patrick J. Lama, 46 Vista Lane, Levittown, L.I., Patrick Iannuccilli, 41, of 8 Linda Street, Port Jefferson, L.I., and John Daly, 52, of 11 Legend Lane, Westbury, L.I.

CHARGE DETAILED

The six employes involved were relieved of their duties immediately following the indictment by George Romney, Secretary of the Department of Housing and Urban Development, in an order issued through the New York regional office.

A team of specialists was assigned to take over their functions starting this morning. In addition, Mr. Sirote was suspended from doing business with H.U.D. or F.H.A., anywhere in the country.

The two-count information accused Mr. Carroll of having "corruptly and directly asked, sought, accepted and received something of value" from Mr. Sirote and the Inter-Island Mortgagee Corporation, namely:

"The assumption of approximately $1-million in unauthorized and illegal mortgage commitments issued . . . in the name of the Lawrence-Cedarhurst Federal Savings and Loan Association, 466 Central Avenue, Cedarhurst, N.Y., and the assumption of a loss of approximately $30,000."

This occurred, the information continued, in connection with unauthorized mortgage commitments, in return for Mr. Carroll's being "influenced in an official act," namely the promotion of Mr. Lama to assistant chief of mortgage credit and the promotion of Mr. Daly to assistant chief underwriter of the Hempstead office.

The significance of these promotions was not explained either in the indictments or in the information.

FREE LODGING CITED

Mr. Carroll was charged also with having received free transportation and living accommodations in Miami, valued at $798, from Mr. Sirote and his corporation. The information covers the period from last Dec. 1 to Jan. 23, 1972.

Until he joined H.U.D. last Nov. 2, Mr. Carroll was a vice president and mortgage officer of the Lawrence-Cedarhurst Federal Savings and Loan Association.

The F.H.A. insures mortgages on one to four-family homes. Recent indictments against real estate brokers and others in the housing field indicated that some F.H.A. employes had been paid to approve the issuance of inflated mortgages.

Mr. Sirote was named as a defendant in four separate indictments. In addition to his alleged illegal dealings with Mr. Carroll, he was charged with having paid $20,750 to "influence the official acts" of Mr. Lama, $1,800 to Mr. Fein and $100 to Mr. Iannuccilli.

Mr. Lama and Mr. Daly were accused of having performed "special favors" and services for Mr. Sirote and Inter-Island Mortgagee Corporation.

If convicted, the defendants could be sentenced to up to 15 years in prison and fined up to $20,000, or three times the amount of the bribe, or whichever is greater.

The five were arraigned before Judge Travia and were released in personal bond. No date was set for the trial.

[From the New York Times, Sept. 28, 1972]

FHA RESHUFFLES INDICTED L.I. STAFF

(By Edith Evans Asbury)

New executives from various parts of the United States took over the regional office of the Federal Housing Administration in Hempstead, L. I., yesterday, replacing officials whose indictments were announced the previous day.

Ernest T. Metzler took over as acting director, replacing Donald C. Carroll, who was director until Tuesday, when he pleaded guilty to bribery charges in alleged mortgage frauds. Mr. Metzler is an operations specialist in the Atlanta regional office of the Department of Housing and Urban Development, of which the FHA is a part.

Archie McCalla of Sacramento, Calif., took over as acting deputy director, replacing Michael S. Jancovic, one of four suspended FHA employes. The suspension followed the indictment of the four on Tuesday by a Federal grand jury in Brooklyn on bribery and conspiracy charges.

CREDIT OFFICER REPLACED

Richard Kluge of Topeka, Kan., took over as acting chief mortgage credit officer, replacing Bernard Fein, also indicted on bribery and conspiracy charges on Tuesday.

Billy V. Austin of Oklahoma City took charge of property management in the Long Island office, which has had to foreclose many mortgages on homes sold to poor families at inflated prices in alleged mortgage frauds.

Previously 40 individuals and 10 corporations, including Dun & Bradstreet, the credit-rating concern, were indicted in the case.

The previous indictment, returned last March by the Federal grand jury in Brooklyn, named eight F.H.A. employes, including Herbert K. Cronin, chief underwriter and the No. 3 man in the Hempstead office.

Cronin and seven other current or previous F.H.A. employes were accused of participating in a multimillion-dollar housing fraud, along with lawyers, brokers, real-estate speculators, appraisers and the Eastern Service Corporation, one of the largest mortgage companies in the East.

STRING OF GUILTY PLEAS

An F.H.A. appraiser, an officer of Eastern Services, a real-estate broker and two companies that the broker controlled pleaded guilty to the previous indictment.

Suffolk sources said yesterday that Carroll, who lives in that county, had been recommended for appointment as director of the regional F.H.A. office by Gregory d'Abramo, Babylon Republican chairman.

S. William Green, regional administrator of the Department of Housing and Urban Development, confirmed that "Mr. Carroll was active in Republican politics out there, but that is not the reason I picked him." "He seemed the ideal man at the time to take

over the office and clear up its problems," Mr. Green said, "because of his extensive banking and mortgage experience. You sure get some unpleasant surprises sometimes."

THE FIGHT AGAINST DRUG ABUSE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on September 25 I had the honor of delivering a talk in Rome at the meeting of the Interparliamentary Union on the subject of the fight against drug abuse as the Representative of the U.S. Group of the Inteparliamentary Union.

It was encouraging to me to find that all nations recognize the seriousness of the threat of drug abuse and were willing to express their desire to cooperate in taking steps to eliminate this scourge of modern society.

Because of the current interest in this subject which has been heightened by the recent statement of President Nixon, I wish to include at this point in the RECORD the speech which I made in Rome which will, I hope, be found instructive to my colleagues:

ADDRESS OF U.S. REPRESENTATIVE JOHN S. MONAGAN

Since April, 1971, when the Interparliamentary Union formally resolved to cooperate in combating illegal international drug traffic and drug abuse generally, the world community has broken new ground to dry up sources and cut supply lines of illegal narcotics, and to develop new methods of education and rehabilitation. On the individual level, Turkey has pledged to eliminate all opium cultivation, France has destroyed numerous heroin laboratories, and Paraguay has extradited narcotics kingpin, Auguste Ricord, to the United States for trial.

Collectively, some fifty nations have signed a protocol to amend and strengthen the 1961 Single Convention on Narcotic Drugs. Enforcement agencies have joined hands to make unprecedented seizures across the globe, and nations are for the first time beginning to pool their expertise on the prevention and cure of drug addiction.

These and other actions during the past year and a half have created new hope that the world is at last facing up to what has truly become a worldwide crisis. These steps indicate that the narcotics trade can be effectively attacked through multilateral effort. They demonstrate what nations can do if they commit their spirit and resources to an international drug control effort.

I believe that the 1971 Caracas IPU resolution served as an important catalyst for much of this progress and is the stimulus for the new proposal before us, and I am pleased to have prepared this resolution which was sponsored by the U.S. Group in conjunction with the French, Thai, and Turkish Groups. But like all individuals, organizations, and nations, the IPU cannot afford to rest on past contributions to the war against narcotics. We meet here today not to celebrate previous actions, but to continue our efforts, and to reaffirm our commitment to cooperation among nations to fight international drug abuse.

Reviewing the developments in narcotics traffic and the enormous increase in addiction since our Caracas meeting, it is clear that the world needs all the cooperation it can muster. For it has become obvious that drug abuse will not disappear with the burning of a few poppy fields or with the seizure of a heroin laboratory. Nor will addiction be cured with the rehabilitation resources and knowledge now available. Rather the war against drug abuse has only begun. We have only fought the first brief skirmishes of what promises to be as protracted a social struggle as any in history.

This evaluation is based upon the dimensions of the international drug problem whose scope we are only now beginning to realize. In the areas of prevention, treatment, and social rehabilitation, for example, it is now evident just how little is known. Massive drug education efforts have failed to stem the growing tide of experimentation and addiction. Our best medical and technical expertise has failed to produce a rehabilitation program which will cure significant numbers of addicts. Until recently, we have failed to comprehend how extensive the drug problem would become. Having failed thus far to develop an effective means of preventing and treating drug abuse, we are uncertain about where to turn in the future for answers.

The United States have committed much of its drug control resources to the development of an effective heroin substitute. Thus far, our efforts have produced only methadone, a substance which in some cases acts as a useful alternative, but which has its own problems including an addictive influence of its own. This is clearly an area which demands and deserves more research. The development of safe, non-addictive heroin substitute would be a most significant step in the war against drugs.

We are also just beginning to realize the full dimensions of the trafficking aspect of the international drug problem. Through most of the postwar years, narcotics flowed to the United States through an established network, from the poppy fields of the Middle East to the laboratories of the Mediterranean to the pushers of New York City. The popular consensus held that if this line could be severed, the drug flow to the United States and other consuming nations would dry to a trickle.

But as Turkey agreed to outlaw opium cultivation, and France cracked down on processing laboratories, drug traffickers proved incredibly resourceful in developing new lines of production and supply. Fields were developed elsewhere, new laboratories were constructed, and new routes opened. Today, we face not a regional problem, but a global network of illicit drug traffic. In the place of the now famous "French Connection" have grown new connections, in Latin America, in Southeast Asia, and in other areas which traffickers have found rewarding. We are no longer dealing with a specific supply line, but with a multi-headed menace which may retreat at one location only to appear elsewhere in full vigor and malignancy.

Thus, despite an impressive performance by many enforcement officials, the rising level of seizures still represents only a fraction of the illicit flow. The international supply remains plentiful, and there is no doubt that there will be enough heroin to meet the growing demand in consuming countries. A recent report by a U. S. Cabinet Committee on International Narcotics Control estimated the illicit opium output by major producers in 1971 to be 990 to 1,210 metric tons. This opium came not only from the Middle East, but from many other geographic locations. It was processed not only in Europe, but in cities around the world. It is this enormous supply which despite our efforts to date, has forced students of the problem to reevaluate all the standard assumptions about drug traffic. It has forced enforcement authorities to scale down their expectations, and to prepare for a long siege. There is no longer any talk about burning the world's poppy fields. The emphasis is now more realistic on disrupting supply lines, and reducing the availability of heroin as much as possible on the street. Finally, the understanding has come that the final solution will depend upon coping with the social, cultural, and economic conditions which stimulate drug abuse itself.

The effect of illegal heroin use has been devastating. Reliable statistics are hard to come by, but at latest estimates, the United States alone has 560,000 heroin addicts—ten times the level of 1960, and almost double the rate of only two years ago. To support his habit, the U. S. addict spends an average of $8,000 per year, much of which is obtained by criminal activity. In terms of destroyed lives and human tragedy, the cost of drug addiction is inestimable.

The severity of the drug problem in the United States has been known for some time now. More surprising is that other nations are now being forced to admit and come to grips with an expanded demand for narcotics within their own borders. Western Europe, Canada, and even Turkey have all experienced a growing addict population. What once used to be thought of as a problem for "other nations" now spares none.

This universality of drug abuse, the global means of supply, and the difficulty in developing effective education and rehabilitation programs, make international cooperation in this field imperative. Unhappily, the development of multilateral drug control efforts has been totally inadequate. As the U.S. Cabinet Committee on Narcotics recently concluded, "Differences in national laws and policies regarding drug trafficking and drug abuse, in attitudes toward extradition procedures, and in customs control and enforcement systems have hampered the development of an agreed international position toward drug control". Well aware of these differences, the illicit international trafficker has taken full advantage of them to peddle his wares.

This is not to say that progress has not been made; and certainly those nations which have taken steps deserve our commendation. Nevertheless, it is clear that we can no longer afford these differences. Drug abuse is not a future possibility demanding only a casual glance. It is a terminal illness threatening the health of millions throughout the globe.

No resolution adopted by this Union will halt this menace over night or by itself. What a resolution will do, however, is to reaffirm the desire of all nations to join together against the common enemy. It will put all narcotics growers, processors and traffickers on notice that they can no longer hide behind the indifference of those who have the power and duty to act.

The resolution to be considered provides a broad outline for action which must be filled in during the coming years. On the "supply" side of the drug problem, it calls for opium crop substitution, increased customs efforts, and expanded enforcement efforts to destroy laboratories and arrest pushers. The sizeable leap in drug seizures over the past year proves that these recommendations have already been developed considerably. Nevertheless, more remains to be done. Special narcotics police forces must be trained for service in all areas of the world. Customs forces must intensify their search of passengers, baggage, and cargo, and nations must improve their cooperative efforts and develop an international system of control if they hope to overcome the complex international supply system which presently brings narcotics to the streets.

More important in the long run is the development of programs to meet the "demand" aspect of the drug problem. While law enforcement efforts are essential, the cunning and resourcefulness of drug traffickers has demonstrated that there will always be a supply of heroin so long as there is a demand for it. It is therefore imperative that we deal with the complex social issues which cause drug abuse.

The United States has only recently begun to marshal its own resources against the "consumer" aspect of drug abuse through the new Special Action Office for Drug Abuse Prevention. This agency is now coordinating all educational, research, and rehabilitation efforts, and should bring a degree of skill to the fight against drugs which has been previously lacking. This agency is only a beginning, however. Nations must pool their resources to develop better drug education programs, to improve their rehabilitation programs, and to achieve a better medical and psychological understanding of drug abuse. It is also essential to cooperate in developing an effective, but harmless, heroin substitute.

No matter what the answers are, however, they will not be found unless the international community works cooperatively in dealing with the tragedy of drug abuse. In unanimously agreeing to the Caracas resolution in April 1971, the Interparliamentary Union took one of the first constructive multilateral steps to deal with drug abuse. The Union can now continue this leadership. Together with the Caracas resolution, from which the new proposal was developed, the adoption of the Rome resolution will prove that official indifference is no longer the ally of the drug dealer. It will demonstrate that the nations of the world have the courage and determination to meet and to conquer this international social plague which threatens us all.

CONFERENCE REPORT

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1476)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, 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 disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

DEFINITIONS

SEC. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except (A) a motorcycle or (B) a truck not designed primarily to carry its operator or passengers.

(2) The term "multipurpose passenger vehicle" means a passenger motor vehicle which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means (A) any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or additional to a passenger motor vehicle, or (B) a towing device.

(4) The term "towing device" means any device manufactured or sold for use in towing a passenger motor vehicle.

(5) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(6) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from (i) a low-speed collision (including but not limited to a low-speed collision with a fixed barrier) or (ii) from the towing of such vehicle, or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged (i) in such a collision or (ii) as a result of being towed; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle when so damaged.

(7) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(8) The term "make" when used in describing a passenger motor vehicle means the trade name of the manufacturer of that vehicle.

(9) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(10) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of passenger motor vehicle or passenger motor vehicle equipment.

(11) The term "Secretary" means the Secretary of Transportation.

(12) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(13) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a motor vehicle accident.

(14) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a motor vehicle accident.

(15) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(16) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(17) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(18) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) Subject to subsections (b) through (e) of this section, the Secretary by rule—

(1) shall promulgate bumper standards applicable to all passenger motor vehicles manufactured in or imported into the United States, and

(2) may promulgate bumper standards applicable to any item of passenger motor vehicle equipment so manufactured or imported,

except that such a rule shall not apply to any vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

(b) (1) Any standard under subsection (a) shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(A) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(B) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(C) savings in terms of consumer time and inconvenience; and

(D) considerations of health and safely, including emission standards.

(2) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.).

(c) (1) In promulgating any bumper standard under this title the Secretary may for good cause shown—

(A) exempt partially or completely any multipurpose passenger motor vehicle; or

(B) exempt partially or completely any make, model, or class of passenger motor vehicle manufactured for a special use, if such standard would unreasonably interfere with the special use of such vehicle.

(2) To the maximum extent practicable, a bumper standard promulgated by the Secretary shall not preclude the attachment of detachable hitches.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be—

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

(e) (1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior

to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a) (1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

(c) (1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

INSPECTION AND CERTIFICATION

SEC. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and maintain such records, make such reports, and provide such items and information (including the supplying of vehicles or equipment for testing) as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe. Vehicles and equipment for testing shall be made available under this subsection at a negotiated price that does not exceed the manufacturer's cost.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

(c) (1) Every manufacturer or distributor of a passenger motor vehicle subject to a Federal bumper standard under this title, or an item of passenger motor vehicle equipment subject to such a standard, shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to applicable Federal bumper standards. The Secretary is authorized to issue rules prescribing the manner and form of such certification.

(2) Paragraph (1) of this subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

PROHIBITED ACTS

SEC. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to comply with any rule prescribed by the Secretary under this title;

(3) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(4) (A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

(b) (1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who, prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicles or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for the purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

SEC. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed $1,000 for each violation. Such penalty shall be assessed by the Secretary and collected in a civil action brought by the Attorney General or by the Secretary (with the concurrence of the Attorney General) by any of the Secretary's attorneys designated by the Secretary for such purpose. With respect to violations of paragraph (1) or (4) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed $800,000 for any related series of violations.

(b)(1) Any person who knowingly and willfully violates section 106(a)(1) after having received notice of noncompliance from the Secretary shall be fined not more than $50,000 or be imprisoned not more than one year, or both.

(2) If a corporation violates section 106(a)(1) after having received notice of noncompliance from the Secretary, any individual director, officer, or agent of such corporation who knowingly and willfully authorized, ordered, or performed any of the acts or practices constituting in whole or in part such violation and who had knowledge of such notice from the Secretary shall be subject to penalties under this section in addition to the corporation.

(c)(1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except, in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

SEC. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because such vehicle did not comply with any applicable Federal bumper standard under this title may bring a civil action against the manufacturer of that vehicle in the United States District Court for the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of those damages, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date of the motor vehicle accident.

PUBLIC ACCESS TO INFORMATION

SEC. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b)(1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, neither this Act nor the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.) shall affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment, which is not in conflict with any Federal standard promulgated under title 1 of the National Traffic and Motor Vehicle Safety Act of 1966, and which was in effect or had been promulgated on the date of enactment of this Act.

(2) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administration of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such vehicles.

(3) The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

(e) The Secretary, not later than February 1, 1975, shall by rule establish procedures requiring automobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealer which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive services and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with and advice to the Secretary.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States

Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse (1) to furnish the Secretary with the data or information requested by him under this title, or (2) to comply with rules prescribed by the Secretary under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

CIVIL PENALTY

SEC. 208. (a) Whoever violates section 206 shall be subject to a civil penalty of not to exceed $1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed $400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

(1) make grants in accordance with subsection (c) and furnish technical assistance to States; and

(2) consult with the Administrator of the Environmental Protection Agency.

(c)(1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform diagnostic inspection services for profit under any such program.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

(b)(1) A motor vehicle diagnostic inspection demonstration project shall be designed, established, and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration project (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains

substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder inspection and repair, the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed, in any such project and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title $15,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $35,000,000 for the fiscal year ending June 30, 1975. Not more than 20 percent of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative."

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OR REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. (a) Not later than 90 days after the date of enactment of this Act, the Secretary shall prescribe rules requiring any transferor to give the following written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

Such rules shall prescribe the manner in which information shall be disclosed under this section and in which such information shall be retained.

(b) It shall be a violation of this section for any transferor to violate any rules under this section or to knowingly give a false statement to a transferee in making any disclosure required by such rules.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this section, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107 (b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws,

except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

EFFECTIVE DATE

SEC. 412. This title (other than section 408(a)) shall take effect ninety calendar days following the date of enactment of this Act. Section 408(a) shall take effect on the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN E. MOSS,
W. S. (BILL) STUCKEY, Jr.
BOB ECKHARDT,
WILLIAM L. SPRINGER,
JAMES T. BROYHILL,
JOHN WARE,
Managers on the Part of the House.

WARREN G. MAGNUSON,
PHILIP A. HART,
FRANK E. MOSS,
MARLOW W. COOK,
ROBERT P. GRIFFIN,
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 amendment of the House to the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, 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:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I

Department of Transportation standards-making authority

The Senate bill proposed to give to the Secretary of Transportation broad power to set minimum property loss reduction standards for passenger motor vehicles. A property loss reduction standard was defined to mean a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles damaged as a result of such accidents. The House amendment limited the grant of authority in Title I to the power to establish bumper standards designed in general to reduce accident damage to a passenger motor vehicle's front and rear end. (See below for explanation of "bumper standard".)

The Committee of Conference has decided to take the more limited approach recommended by the House amendment.

The Committee of Conference finds that the need for an improved bumper on contemporary passenger motor vehicles is clearly stated in the record of hearings before both the House and the Senate Committees. It is likely that a bumper standard which requires protection of the external sheet metal of motor vehicles in low speed collisions would provide the maximum cost savings to the public. It is not as clearly defined in the record what other property loss reduction standards may be feasible or what cost savings would be achieved from their implementation. Accordingly, the Committee of Conference has decided to limit authority to establish property loss reduction standards at this time to authority to promulgate bumper standards.

The Senate bill required that the cost of implementation of a property loss reduction standard be reasonable when compared with the benefits attainable. The House amendment, in general terms, required that bumper standards seek the maximum feasible reduction in costs to the public and the consumer, taking into account the costs of implementation and the benefits to be attained; the effects on insurance costs and legal fees; savings in time and convenience; and considerations of health and safety. The Committee of Conference has determined to accept the provisions of the House amendment.

It is important to note that a bumper standard would be required to be expressed in terms of minimum performance so as to allow industry to make full use of its technological resources in devising a means of meeting the requirements of the standard. The Federal government would not be permitted under the terms of this bill to set minimum design requirements for bumpers. In this regard, the Conference Committee has made clear that to the maximum extent practicable a Federal bumper standard under the bill should not preclude the attachment of detachable hitches.

Standards setting procedures

The Senate bill required that standards be established by rules under the rule making procedures of Section 553 of Title 5 of the United States Code (formerly Section 4 of the Administrative Procedure Act): The House amendment similarly provided that standards be established by rules under section 553 of Title 5 of the United States Code. The House amendment modified that procedure, however, by requiring the Secretary of Transportation to afford interested persons an opportunity for the oral presentation of views, data and arguments in addition to an opportunity to submit written comments. Also, the House amendment required that a transcript be kept of the proceeding. The Committee of Conference has decided upon the modified procedures contained in the House amendment.

Both the Senate-passed bill and the House amendment provided that the Secretary could, in his discretion, conduct a hearing for the purpose of resolving any issue of fact. This hearing could be conducted in accordance with such conditions or limitations as the Secretary might consider appropriate. The Committee of Conference wishes to emphasize that the Secretary is to have the fullest latitude in determining whether to exercise his discretion to conduct a hearing for the purpose of resolving factual disputes and with respect to his authority to define the conditions under which such hearing would be conducted, including the power to limit cross-examination.

Coverage; exemption authority

The Senate bill's standard setting authority applied to any motor vehicle manufactured primarily for the transportation of its operator and passengers. The Secretary could exempt from the standards vehicles manufactured for a special use (including occasional off-road use) if the standard would unreasonably interfere with such use.

The Secretary's standard setting authority under the House amendment extended to motor vehicles designed to carry 12 persons or less but not motorcycles and vehicles constructed on a truck chassis or with special features for occasional off-road use. The Secretary had the same exemptive power as in the Senate bill.

The conference substitute provides that the Secretary's standard setting authority extends to motor vehicles designed to carry 12 persons or less, other than motorcycles and trucks not designed primarily to carry operator or passengers. However, the Secretary may exempt from the standards vehicles constructed on a truck chassis or with special features for occasional off-road use (Sec. 102(c)(1)(A) and Sec. 2(1)). He may also exempt vehicles constructed for a special use if the standard would unreasonably interfere with the use. (Sec. 102(c)(1)(B)).

Under both the House and Senate versions, and under the conference agreement, standards could apply to passenger motor vehicle equipment.

Disclosure of trade secrets and confidential information

The Senate bill prohibited the Secretary from disclosing trade secrets except to: (1) other governmental officials if necessary to carry out the purposes of the Act; (2) duly authorized committees of Congress; (3) in any judicial proceeding by order of a court; (4) if relevant in any proceeding under the Act; (5) to other officers or officials concerned with carrying out the Act; and (6) the public if necessary to protect their health and safety. The House amendment prohibited the Secretary from disclosing trade secrets and other matters referred to in Section 1905 of Title 18 of the United State Code. The House amendment, however, would permit the Secretary to disclose such information only to other governmental officials or when relevant in proceedings under Title I of the bill. Like the Senate bill, the House amendment did not allow the Secretary to withhold trade secrets or confidential information from the duly authorized committees of the Congress. The Committee of Conference has decided to accept the House amendment to the Senate bill on this matter.

Acquisition of vehicles and equipment for testing

The Senate bill specifically authorized the Secretary of Transportation to obtain passenger motor vehicles from manufacturers free of charge for the purpose of conducting compliance testing. On the completion of tests, the Secretary would be required to return the passenger motor vehicle to the manufacturer from whom it was obtained. The House amendment similarly authorized the Secretary to require manufacturers to provide vehicles and equipment for testing; but did not specify whether such vehicles and equipment would be supplied without charge. The Committee of Conference has decided on a modification of the House amendment which would direct the Secretary to negotiate the price to be paid manufacturers for vehicles and equipment supplied for test purposes. In no event, however, would the Secretary be authorized to agree to pay, or would the manufacturer be able to ask, more than the manufacturer's cost for vehicles or equipment.

Certification

The Senate bill provided that every manufacturer or distributor of a passenger motor vehicle must furnish to the distributor or dealer at the time of delivery of such vehicle certification that the vehicle must conform to all applicable property loss reduction standards. The House amendment provided that every manufacturer or distributor of a passenger motor vehicle or an item of passenger motor vehicle equipment must provide the distributor or dealer at the time of delivery a certification that the vehicle or item of equipment conforms to all applicable Federal bumper standards. The Committee of Conference has agreed to the provisions of the House amendment with two clarifying amendments designed to make the requirements more manageable. First, to facilitate the certification function, the Secretary of Transportation is authorized to issue rules prescribing the manner and form of such certification. Second, the House amendment has been revised to make clear that manufacturers need certify only passenger motor vehicles or items of passenger motor vehicle equipment which are subject to Federal bumper standards.

Prohibited Act

The Senate bill provided that persons who manufacture and distribute vehicles in violation of property loss reduction standards or who fail to issue valid certificates of compliance with such standards would be subject to a civil penalty. Persons who knowingly manufacture and distribute vehicles which violate applicable property loss reduction standards would be subject to a criminal fine or imprisonment, or both. The House amendment patterns the enforcement mechanisms of Title I after those contained in the National Traffic and Motor Vehicle Safety Act of 1966.

Thus the House amendment made it a prohibited act to: (1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or item of equipment which does not conform to an applicable Federal bumper standard; (2) fail to comply with record keeping and inspection requirements or to fail to make reports or to furnish items or information as required under Title I or under any rule issued under Title I; (3) fail to furnish a required certificate of compliance or to issue a certificate which the issuer knows or in the exercise of due care would have reason to know is false or misleading in a material respect.

The House amendment also provided that it would not be a violation to sell, offer for sale, or introduce or deliver for introduction in interstate commerce a nonconforming vehicle or item of equipment after the first purchase of it for purposes other than resale. This exemption was intended to limit the application of Federal bumper standards to new vehicles and equipment.

Also, the House amendments provided that it would not be a violation of the title for any person to manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States a nonconforming vehicle or item of equipment if such person could establish that he did not have reason to know in the exercise of due care that the vehicle or item of equipment did not conform with an applicable bumper standard, or if such person held a certificate issued by a manufacturer, or distributor which stated that the vehicle or item of equipment conformed to all applicable Federal bumper standards (unless such person knew that the vehicle or item of equipment did not so conform).

The House amendments, in addition, included a mechanism for preventing the importation of vehicles or items of equipment which did not conform to applicable Federal bumper standards. This mechanism is identical to that contained in the Motor Vehicle Safety Act. The Secretary of the Treasury and the Secretary of the Department of Transportation, by joint regulation, would be permitted to allow the temporary importation of vehicles or equipment. This provision was designed to accommodate foreign tourists who wish to bring their vehicles with them on visits to this country and to allow importation of certain vehicles for diplomatic use.

The Committee of Conference has decided to take these provisions of the House amendment in their entirety, with one modification. In order to allow exemptions of indefinite duration in appropriate circumstances, the word "temporary" which modified the authority to permit importation of non conforming vehicles has been deleted. The Committee of Conference expects that the Secretary will not use this authority to permit the importation of large numbers of nonconforming passenger motor vehicles or items of passenger motor vehicle equipment so as to circumvent the purposes of this legislation.

Penalties

Under the Senate bill, persons who manufacture and distribute vehicles in violation of property loss reduction standards or who fail to issue valid certificates of compliance with those standards were made subject to a civil penalty of $1,000 for each violation. There was no limitation on multiple penalties for a related series of violations. The House amendment made any person who committed a prohibited act subject to a civil penalty of $1,000. Multiple penalties could have been imposed up to a maximum of $400,000 for any related series of violations. The Committee of Conference has decided to follow the House approach, with a modification which would double the maximum limitation on civil penalties for related violations. Thus, the maximum limit in the bill reported by the conferees is raised from $400,000 to $800,000 for multiple violations.

Under the Senate bill, either the Secretary or the Attorney General could recover in a civil action civil penalties. Under the House amendment the Secretary was not given express authority to assess or collect civil penalties. The conference provides that the Secretary may assess a civil penalty and that the Secretary by any of his attorneys designated by him for such purpose may commence an action to collect such penalty "with the concurrence of the Attorney General." The Attorney General may also commence the action.

Under the Senate bill persons who knowingly manufacture and distribute vehicles which violate property loss reduction standards were made subject to a $5,000 fine and imprisonment for not more than one year. The House amendments did not impose a criminal penalty for violation of the title.

The Committee of Conference has decided to permit a criminal penalty to be imposed on any person who knowingly and willfully manufactures for sale, sells, offers for sale, or introduces for introduction in interstate commerce, or imports into the United States, any passenger motor vehicle or item of passenger motor vehicle equipment which is not in conformity with an applicable Federal bumper standard after receiving notice from the Secretary of Transportation of noncompliance. Where individual directors of corporations or their officers or agents knowingly and willfully authorize, order, or perform acts which constitute a violation with knowledge that the Secretary has notified the corporation of its noncompliance, both the corporation and the individual director, officer, or agent, in addition to the corporation, may be subject to criminal penalties under this section.

It is the intention of the Committee of Conference that knowing and willful violations include situations where a person knowingly and willfully omits to take action to prevent the violation or knowingly and willfully permits others to omit to take action to prevent the violation. It was the consensus of the Committee of Conference that the Congress should in the early part of the next session consider whether to amend the National Traffic and Motor Vehicle Safety Act of 1966 to impose criminal penalties for violation of that Act and explore what form the criminal sanctions should take. The form in which criminal penalties are incorporated within this bill should not be interpreted as a determination by the conferees that a similar provision should be appropriate in instances where safety requirements are violated.

Civil actions

The Senate bill and the House amendments to the civil action section are largely identical. In one area of difference, the Senate bill permits actions to be brought within three years of the date of the economic loss sustained by an owner of a passenger motor vehicle resulting from that vehicle's noncompliance with an applicable property loss reduction standard. The House amendments permit actions to be brought within three years of the date on which damages are sustained. The Committee of Conference has decided to use the date of the motor vehicle accident as the appropriate reference for purposes of measuring the three-year statute of limitation. This date can be easily fixed at a time certain.

Effect on State laws

The Senate bill provided that no State or political subdivision would have authority to establish or continue in effect property loss reduction standards which were not identical to a Federal property loss reduction standard. This provision was intended to permit States the opportunity to establish or continue in effect property loss reduction standards until such time as the Federal standard was promulgated and took effect. However, the language in the Senate bill is subject to the opposite interpretation. The House amendment expressly stated that until a Federal bumper standard took effect, States could continue to enforce any bumper standard which was in effect or had been promulgated on the date of enactment of this legislation. The Committee of Conference has accepted this provision of the House amendment.

The Committee of Conference, however, has further amended the House provisions to qualify the intent of the conferees in "grandfathering" existing state bumper standards. The conferees believe that existing state bumper standards should remain in effect until a Federal bumper standard becomes operative under the bill unless the state bumper standard is in conflict with a Federal safety standard.

Even though a state bumper standard is in effect or has been promulgated on the date of enactment of this legislation there is a possibility that a safety standard issued under the Motor Vehicle Safety Act could preempt the state standard. Under one interpretation of the National Traffic and Motor Vehicle Safety Act, a State bumper standard designed to reduce damage susceptibility of passenger motor vehicles could be preempted by a Federal motor vehicle safety standard for bumpers which is related to safety. In other words, the Federal safety standard pertaining to the same aspect of performance as a State bumper standard albeit for different purposes, would preempt the State bumper standard. The Committee of Conference, therefore, has incorporated language in this bill which specifically provides that a State bumper standard promulgated for the purpose of reducing damage susceptibility of passenger motor vehicles, will not be displaced by a Federal motor vehicle safety standard as long as the State standard is not in conflict with the Federal safety standard.

The Committee of Conference has considered, but rejected, the incorporation of the provision in the Senate bill which would permit a State to petition the Secretary for establishment of a standard in that State which offered greater protection than the Federal standard. The Committee of Conference decided that such a provision would not be appropriate in this legislation but noted that the Administrative Procedure Act recognizes that it is the right of any interested person to petition the Secretary to amend the Federal standard to require higher levels of performance.

Authorization

The Senate bill authorized $5 million, $10 million and $10 million, respectively, for the first three fiscal years for the implementation of Title I. The House amendments authorized $5 million for fiscal year 1973, $9 million for fiscal year 1974, and $10 million for fiscal year 1975. The Committee of Conference has agreed to the House amendment.

TITLE II

Consumer information program

Title II of the Senate bill required the Department of Transportation to conduct a two-year feasibility study to explore methods of comparing various makes and models of passenger motor vehicles on the basis of their resistance to damage, crashworthiness, and ease of repair and diagnosis. The House amendment changed this to a one-year study and directed the Secretary of Transportation, at the conclusion of the study, to make the desired comparisons and to disseminate the information to the public. The House amendment also directed the Secretary to establish procedures by February 1, 1975, requiring automobile dealers to furnish prospective purchasers with insurance premium rate information. In addition the House amendments allowed the Secretary to compel compliance with reporting rules by court injunctive process and to impose a civil penalty on persons who refused to furnish requested information.

The Committee of Conference agreed to accept the House amendments to Title II with the following two exceptions. The Committee of Conference rewrote section 201(e) relating to the dissemination of insurance premium information by automobile dealers to make it more workable. As rewritten that section provides that the Secretary shall by rule promulgated on or before February 1, 1975, establish procedures requiring automobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealer which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in

damage susceptibility and crashworthiness. Second, the Committee of Conference amended the prohibited act section of Title II to make clear that it is a prohibited act to violate any rule promulgated under Title II.

The Senate bill had proposed a $2 million authorization for the study called for in Title II. The House amendments proposed to authorize $3 million per year for fiscal years 1973, 1974 and 1975. Because the Committee of Conference has determined to adopt the House amendment which expands the Secretary's responsibilities and functions under Title II, the Committee has decided also to adopt the authorization levels contained in the House amendment.

TITLE III

Diagnostic demonstration projects

Title III of this bill provides for demonstration projects to explore the feasibility of using diagnostic test devices to conduct diagnostic safety and emission inspections of motor vehicles. The Senate bill and the House amendment are virtually identical in substantive effect except for the section dealing with authorization of funds for functions under Title III. The Committee of Conference has agreed to accept the House amendment to Title III. There was a wide disparity, however, in the authorization levels proposed in the Senate bill and those contained in the House amendment.

The Senate bill provided an authorization of up to $200 million for the course of the programs. The House amendment limited the total amount of $50 million. The Committee of Conference in attempting to strike a balance between these two figures has determined to increase the House amendment by a total of $25 million over fiscal years 1973, 1974 and 1975. Accordingly, the Committee has agreed on authorization levels of $15 million for fiscal year 1973, $25 million for fiscal year 1974 and $35 million for fiscal year 1975. The Committee of Conference also made clear that no more than 20 percent of authorized funds may be allocated to any one state for the purpose of conducting demonstration projects under this title.

TITLE IV

Odometer Requirements

It is the purpose of Title IV to prohibit tampering with motor vehicle odometers and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles with altered or reset odometers. The Committee of Conference has agreed to the House amendment which contained certain technical and stylistic improvements.

GENERAL

Definitions

The Senate bill defined "passenger motor vehicle" as "any motor vehicle manufactured primarily for the transportation of its operator and passengers. . ." The House amendment defined "passenger motor vehicle" as a "motor vehicle with motive power, designed for carrying 12 persons or less, except a motorcycle, trailer, or multi-purpose passenger vehicle." The Committee of Conference agreed to a definition of passenger motor vehicle which would include motor vehicles "with motive power, designed for carrying 12 persons or less, except (A) a motorcycle, or (B) truck not designed primarily for the transportation of its operator and passengers."

The Senate bill did not use, and therefore did not define, the term "multi-purpose passenger vehicle". The House amendment included a definition of multi-purpose passenger vehicle which was accepted by the Committee of Conference subject to a technical amendment.

The Senate bill contained no definition of "passenger motor vehicle equipment". The Committee of Conference accepted the House definition of this term subject to an amendment making clear that the term "passenger motor vehicle equipment" was intended to include "any device manufactured or sold for use in towing any passenger motor vehicle."

The definition of "property loss reduction" in the bill as passed by the Senate was stricken and the House definition of "property loss reduction standard" containing technical changes in the Senate definition was accepted by the Committee of Conference.

The Committee of Conference accepted the House definition of "bumper standard" with a conforming amendment. A bumper standard is defined to mean any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from (i) a low-speed collision (including but not limited to a low-speed collision with a fixed barrier) or (ii) from the towing of such vehicle, or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged (i) in such a collision or (ii) as a result of being towed; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle when so damaged.

Both the Senate bill and the House amendment contain definitions of "manufacture", "make", "model", "motor vehicle accident", and "Secretary". The Committee of Conference accepted the House definitions which contained technical and conforming improvements. The House amendment to S. 976 included a definition of "insurer of passenger motor vehicles". The bill as passed by the Senate provided no such definition. The Committee of Conference agreed to inclusion of such definition. Although the terms "damage susceptibility" and "crash worthiness" were defined in both the Senate bill and the House amendment thereto, the Senate-passed bill did not include the terms in the definition section. Therefore, the Committee of Conference decided to accept the definitions of these terms in the House amendment with a clarifying modification which changed the words "crash or collision" to "motor vehicle accident". "Motor vehicle accident" is defined as "an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment."

Although the bill as passed by the Senate did not include the definition of "motor vehicle", the House amendment provided such a definition. The Committee of Conference agreed to the amendment, recognizing that the concepts embodied in it were included in the Senate's definition of "passenger motor vehicle".

The House amendment to the bill provided a definition for the terms "motor vehicle", State", "interstate commerce", "United States district courts", and "persons". The bill as passed by the Senate contained no such definitions. The Committee of Conference agreed to the House definitions of these terms with the exception of "person" which they felt may be narrower than the definition in the Statutory Construction section of the United States Code. The Committee of Conference preferred the broader definition and therefore eliminated the definition of "person".

HARLEY O. STAGGERS,
JOHN E. MOSS,
W. S. (BILL) STUCKEY, Jr.,
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JOHN WARE,
Managers on the Part of the House.
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PHILIP A. HART,
FRANK E. MOSS,
MARLOW W. COOK,
ROBERT P. GRIFFIN,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WINN (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. PEPPER (at the request of Mr. BOGGS), for today, on account of official business.

Mr. MITCHELL (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOLIFIELD (at the request of Mr. PRICE of Illinois) for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. KASTENMEIER, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

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

Mr. HEINZ, for 1 hour, today.

Mr. HALPERN, for 10 minutes, today.

Mr. MCKINNEY, for 15 minutes, today.

(The following Members (at the request of Mr. JAMES V. STANTON) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 10 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. ROSENTHAL, for 10 minutes, today.

Mr. PODELL, for 15 minutes, today.

Mr. HELSTOSKI, for 15 minutes, today.

Mr. MATSUNAGA, for 15 minutes, today.

Mr. TIERNAN, for 5 minutes, today.

Mr. BOGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MONAGAN, and to include extraneous matter.

Mr. BOGGS and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $425.

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

Mr. GUDE in two instances.

Mr. SPRINGER.

Mr. PELLY in five instances.

Mr. HARSHA.

Mr. WYDLER.

Mr. DERWINSKI.

Mr. DUNCAN in two instances.

Mr. HANSEN of Idaho.

Mr. WYMAN in two instances.

Mr. BOB WILSON.

Mr. COLLINS of Texas in five instances.

Mr. FRENZEL.

Mr. SCHWENGEL in two instances.

Mr. KEATING.

Mr. BROTZMAN.
Mr. MALLARY.
Mr. GOODLING.
Mr. KEMP.
Mr. SKUBITZ.
Mr. PRICE of Texas.
Mr. ESCH.
Mr. FINDLEY in five instances.

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

Mr. MATSUNAGA in two instances.
Mrs. ABZUG in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. CORMAN.
Mrs. SULLIVAN in two instances.
Mr. KASTENMEIER in three instances.
Mr. BOGGS in two instances.
Mr. FUQUA.
Mr. DANIELS of New Jersey.
Mr. NEDZI.
Mr. DELLUMS in five instances.
Mr. EDMONDSON.
Mr. EVINS of Tennessee.
Mr. ECKHARDT.
Mr. FLOOD in five instances.
Mr. MILLER of California in five instances.
Mr. ICHORD.
Mr. LEGGETT.
Mr. PICKLE in two instances.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2738. An act to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

S. Con. Res. 97. Concurrent resolution in behalf of prisoners of war and missing in action; to the Committee on Foreign 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. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes;

H.R. 3808. An act to increase the size and weight limits on military mail and for other purposes;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318;

H.R. 7742. An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes; and

H.R. 10012. An act for the relief of David J. Foster.

H.R. 10363. An act for the relief of Herbert Improte;

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 15376. An act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes; and

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 27, 1972, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 12903. An act for the relief of Anne M. Sack;

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. 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. 1304. A joint resolution authorizing the President to proclaim October 1, 1972, as "National Heritage Day."

ADJOURNMENT

Mr. JAMES V. STANTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 3 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until Monday, October 2, 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:

2380. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period September 15–December 15, 1972, pursuant to section 506 of Public Law 92–156; to the Committee on Armed Services.

2381. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on military procurement actions for experimental, developmental, test, or research work negotiated under 10 U.S.C. 2304(a)(11), and in the interest of national defense or industrial mobilization negotiated under 10 U.S.C. 2304(a)(16), covering the period January–June 1972, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

2382. A letter from the Attorney General, transmitting a draft of proposed legislation to amend sections 101 and 902 of the Federal Aviation Act of 1958 and chapter 2, title 18, United States Code, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2383. A letter from the Secretary of Commerce, transmitting the first annual report of the National Advisory Council on Oceans and Atmosphere (NACOA), pursuant to Public Law 92–125; to the Committee on Merchant Marine and Fisheries.

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 on H.R. 7378 (Rept. No. 92–1457). Ordered to be printed.

Mr. POAGE: Committee on Agriculture. H.R. 15352. A bill to amend the Agricultural Adjustment Act of 1933, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, to authorize marketing orders for apples (Rept. No. 92–1458). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 16182. A bill to amend section 8(b) of the Soil Conservation and Domestic Allotment Act to extend the eligibility of county committee members to succeed themselves; with amendments (Rept. No. 92–1459). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 16563. A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes (Rept. No. 92–1460). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD: Committee on Internal Security. H.R. 16742. A bill to amend section 4 of the Internal Security Act of 1950; with an amendment (Rept. No. 92–1461). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDMONDSON: Committee on Interior and Insular Affairs. H.R. 6482. A bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; with an amendment (Rept. No. 92–1462). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee of conference. Conference report on H.R. 56 (Rept. No. 92–1466). Ordered to be printed.

Mr. JONES of Alabama: Committee of conference. Conference report on S. 2770 (Rept. No. 92–1465). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15280. A bill to increase the annual appropriation authorization of the National Advisory Committee on Oceans and Atmosphere; with amendments (Rept. No. 92–1467). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 9554. A bill to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes; with amendments (Rept. No. 92–1468). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16675. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Re-

habilitation Act of 1970 to extend for 1 year the program of grants for State and local prevention, treatment, and rehabilitation programs for alcohol abuse and alcoholism (Rept. No. 92–1469). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16676. A bill to amend the Community Mental Health Centers Act to extend for 1 year the programs of assistance for community mental health centers, alcoholism facilities, drug abuse facilities, and facilities for the mental health of children (Rept. No. 92–1470). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce: H.R. 14740. A bill to amend the act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act; with an amendment (Rept. No. 92–1471). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15054. A bill to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges; with an amendment (Rept. No. 92–1472). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16191. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft; and to authorize the Secretary of Transportation to suspend the operating authority of foreign air carriers under certain circumstances (Rept. No. 92–1473). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16870. A bill to amend the Sockeye or Pink Salmon Fishing Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes; with amendments (Rept. No. 92–1474). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. 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; with an amendment (Rept. No. 92–1475). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 976. (Rept. No. 92–1476). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 1478. An act to regulate interstate commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes; with amendments (Rept. No. 92–1477). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 10638. A bill for the relief of John P. Woodson, his heirs, successors in interest or assigns (Rept. No. 92–1463). Referred to the Committee of the Whole House.

Mr. EDMONDSON: Committee on Interior and Insular Affairs. H.R. 10556. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof; with amendments (Rept. No. 92–1464). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PERKINS:

H.R. 16883. A bill relating to compensation of members of the National Commission on the Financing of Postsecondary Education; to the Committee on Education and Labor.

By Mr. ABOUREZK:

H.R. 16884. A bill to assist with the urban renewal programs of areas suffering damages in flood disasters and for other purposes; to the Committee on Banking and Currency.

H.R. 16885. A bill to amend the Rivers and Harbors Act, approved June 28, 1938, as amended and supplemented, to provide bank stabilization works on the Missouri River in the vicinity of the Sacred Heart Hospital, Yankton, S. Dak.; to the Committee on Public Works.

By Mrs. ABZUG:

H.R. 16886. A bill to grant a child adopted by a single U.S. citizen the same immigrant status as a child adopted by a U.S. citizen and his or her spouse; to the Committee on the Judiciary.

H.R. 16887. A bill to prohibit tax deductions for expenses incurred in the production or publishing of false advertising; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 16888. A bill to extend for 2 years the existing rules for depreciation of expenditures to rehabilitate low-income rental housing; to the Committee on Ways and Means.

By Mr. BADILLO (for himself, Mr. BURTON and Mr. SEIBERLING):

H.R. 16889. A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H.R. 16890. A bill to amend section 1402 (a) of title 10, United States Code, to revise the rule for entitlement to retired or retainer pay to reflect later active duty; to the Committee on Armed Services.

By Mr. DANIEL of Virginia:

H.R. 16891. A bill to amend title 10 of the United States Code in order to authorize assistance in providing facilities and services abroad for the American Legion when the President finds such assistance to be necessary in the national interest; to the Committee on Armed Services.

By Mr. FRASER (for himself, Mr. MIKVA and Mr. BURTON):

H.R. 16892. 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. HUNGATE:

H.R. 16893. A bill to amend section 205 of title 18, United States Code, to permit attorneys employed by the Federal Government to render voluntary legal services to indigents in the District of Columbia; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 16894. A bill to provide for the leasing for commercial recreation purposes of certain lands and facilities of the forest reserves created from the public domain, and for other purposes to the Committee on Interior and Insular Affairs.

By Mr. KING:

H.R. 16895. A bill to amend title 10 and 14, United States Code, to require a cadet or graduate of a Military Academy to refund a portion of the cost of his educational training received at the Academy, if he is separated by reason of conscientious objection before completing the course of instruction at the Academy or his active duty obligation; to the Committee on Armed Services.

By Mr. McCLURE:

H.R. 16896. A bill to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

H.R. 16897. A bill to establish the Idaho Star Garnet National Area in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCLURE (for himself and Mr. HANSEN of Idaho):

H.R. 16898. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCLURE:

H.R. 16899. A bill to authorize the disposition of garnets and related materials within the Idaho Star Garnet Area, St. Joe National Forest, Idaho; to the Committee on Interior and Insular Affairs.

By Mr. McKINNEY:

H.R. 16900. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY (for himself and Mr. PREYER of North Carolina):

H.R. 16901. A bill to permit the transportation in interstate commerce of goods manufactured by prisoners engaged in Federal or State work release programs and to permit the employment of such prisoners under Federal contracts; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mr. BRASCO, Mr. MANN, Mr. MURPHY of Illinois, Mr. RANGEL, Mr. STEIGER of Arizona, Mr. WALDIE, and Mr. WINN):

H.R. 16902. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for drug abuse therapy programs in schools; to the Committee on Education and Labor.

By Mr. PODELL (for himself, Mr. BIAGGI, Mr. CAREY of New York, and Mr. CELLER):

H.R. 16903. A bill to provide for the rational financing of education; to the Committee on Education and Labor.

By Mr. PRICE of Texas:

H.R. 16904. A bill to amend title II of the Social Security Act to provide that no deductions on account of outside earnings will be made from the benefits of an individual who has attained age 65; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 16905. A bill to protect recipients of public assistance and medicaid benefits against loss of eligibility due to increases in social security benefits; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. BURTON and Mr. PODELL):

H.R. 16906. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. REID:

H.R. 16907. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 16908. A bill to amend the Small Business Act, to provide financial assistance for handicapped individuals establishing or operating small business concerns, and for other purposes; to the Committee on Banking and Currency.

H.R. 16909. A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue; to the Committee on Public Works.

H.R. 16910. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Mr. HARRINGTON, and Mr. FRASER):

H.R. 16911. A bill to provide comprehensive adjustment benefits and services to unemployed workers, and for other purposes; to the Committee on Education and Labor.

H.R. 16912. A bill to amend the tax and customs laws in order to improve the U.S. position in foreign trade, and for other purposes; to the Committee on Ways and Means.

By Mr. JAMES V. STANTON:

H.R. 16913. A bill to amend title II of the Social Security Act to provide for the liberalization and automatic adjustment (in accordance with rising wage levels) of the earnings test thereunder, which provides for deductions in monthly benefits on account of excess earnings; to the Committee on Ways and Means.

By Mr. STEPHENS (for himself, Mr. GETTYS, Mr. GRIFFIN, Mr. CHAPPELL, Mr. CURLIN, Mr. BLACKBURN, and Mr. CRANE):

H.R. 16914. A bill to consolidate, simplify, and improve laws relating to housing and urban development activities, and for other purposes; to the Committee on Banking and Currency.

By Mr. TALCOTT:

H.R. 16915. A bill to provide grants to States or political subdivisions thereof or to certain other persons to assist the restoration of historical cemeteries or burial plots, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 16916. A bill to amend the Communications Act of 1934 to require that radio and television receivers meet certain technical standards for filtering out interference; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE:

H.R. 16917. A bill to amend the Internal Revenue Code of 1954 to allow a refundable credit against the Federal income tax for a certain portion of the State and local real property; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 16918. A bill to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG:

H.J. Res. 1311. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

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

H.J. Res. 1312. Joint resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program; to the Committee on Education and Labor.

By Mr. ROSENTHAL (for himself, Mr. ADDABBO, Mr. BADILLO, Mr. BARRETT, Mr. BELL, Mr. BRASCO, Mr. BUCHANAN, Mr. BURTON, Mr. CARNEY, Mr. CELLER, Mr. CORMAN, Mr. COTTER, Mr. CRANE, Mr. DELLUMS, Mr. DIGGS, Mr. DRINAN, Mr. EDWARDS of California, Mr. FASCELL, Mr. FLOOD, Mr. FRASER, Mr. GALLAGHER, Mrs. GRASSO, Mr. GREEN of Pennsylvania, and Mr. GUDE):

H.J. Res. 1313. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. HALPERN, Mr. HARRINGTON, Mr. HEINZ, Mr. HELSTOSKI, Mr. HOWARD, Mr. KARTH, Mr. KOCH, Mr. LEGGETT, Mr. LONG of Maryland, Mr. MADDEN, Mr. MIKVA, Mr. MINISH, Mrs. MINK, Mr. MOSS, Mr. MURPHY of New York, Mr. NIX, Mr. O'NEILL, Mr. PEYSER, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, and Mr. REID):

H.J. Res. 1314. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. REUSS, Mr. RODINO, Mr. ROE, Mr. ROY, Mr. SCHEUER, Mr. STOKES, Mr. STRATTON, Mr. STUBBLEFIELD, Mr. THOMPSON of Georgia, Mr. VANIK, Mr. WALDIE, Mr. WOLFF, Mr. WYDLER, Mr. YATES, Mr. ANNUNZIO, Mr. LUJAN, Mrs. CHISHOLM, Mr. ARCHER, Mr. CAREY of New York, Mr. MORGAN, and Mr. METCALFE):

H.J. Res. 1315. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H.J. Res. 1316. Joint resolution authorizing a study of whether to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON:

H. Res. 1139. Resolution in support of U.S. veto of United Nations resolution on terrorism; to the Committe on Foreign Affairs.

By Mr. McDADE:

H. Res. 1140. Resolution in support of U.S. veto of United Nations resolution on terrorism; to the Committee on Foreign Affairs.

By Mr. SPENCE:

H. Res. 1141. Resolution to establish an Ad Hoc Congressional Oversight Committee for the Conference on Security and Cooperation in Europe and the Conference on Mutual and Balanced Force Reduction; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 16919. A bill for the relief of M. Sgt. Ronald J. Hodgkinson, U.S. Army (retired); to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 16920. A bill to authorize and direct the Secretary of the Interior to quitclaim to Kaiser Steel Corp. the remaining interest of the United States in and to certain public lands in Riverside County, Calif.; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

RESOLUTION COMMENDING HERBERT C. "HERB" SANDUSKY, JACKSON, MISS.

HON. JAMES O. EASTLAND

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Thursday, September 28, 1972

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution by the Pearl River Bass Club, composed of sportsmen from central Mississippi, commending Herbert C. "Herb" Sandusky, of Jackson, Miss.

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

A RESOLUTION COMMENDING HERBERT C. "HERB" SANDUSKY

A resolution by the Pearl River Bass Club recognizing and commending Herbert C. Sandusky of Jackson, Mississippi, usually and affectionately referred to as "Herb", for his inestimable, outstanding, untiring and continuous services and contributions to sportsmen, past, present and future, of Mississippi; the Legislature and Game and Fish Commission thereof, in all phases of conservation and propagation of wild game, consisting of fish, fowl and animals, including the various facets thereof, by which he has earned the title of Spokesman for Sportsmen of Mississippi.

Whereas, Herb speaks and writes from an indestructible foundation of personal observation, participation in and knowledge of, fishing and hunting. Since his early teens he has been a devotee of the outdoors, its streams, rivers, lakes, reservoirs, fields and woodlands, which are the habitats of wild game, consisting of fish, fowl and animals in Mississippi and surrounding states; his activities and honors are too numerous to de-