The Senate will convene at 11 a.m. today. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 mintues and in the order stated: Moss, NELSON, HART, MAGNUSON, HARRIS, ROBERT C. BYRD, and SCOTT.

Following the foregoing 15-minute orders, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements made therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate the unfinished business, Calendar Order No. 1042 (H.R. 13915) a bill to further the achievement of equal educational opportunities.

Conference reports can be called up at any time. Yea-and-nay votes can occur thereon.

ADJOURNMENT TO 11 A.M. TODAY

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 11 a.m. today.

The motion was agreed to; and at 1:20 a.m., Friday, October 6, 1972, the Senate adjourned until 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, October 5 (legislative day of October 4), 1972:

INTERSTATE COMMERCE COMMISSION

Rupert L. Murphy, of Georgia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1978.

Chester M. Wiggin, Jr., of New Hampshire, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1973.

HOUSE OF REPRESENTATIVES—*Thursday, October 5, 1972*

The House met at 12 o'clock noon.

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

And He spoke a parable unto them to the end, that men ought always to pray and not to faint.—Luke 18: 1.

Eternal Spirit, who hast taught us that we ought always to pray and to faint not, we come to Thee for the help Thou alone canst give to our human hearts.

We who are weary would seek rest in Thee.

We who are heavy laden would find strength in Thy spirit.

We who are tempted to take the low road would discover in Thee power to walk along the high road.

We who are anxious and troubled about many things would find peace in Thy presence.

We who dwell in a world of insecurity would find in Thee a security the world cannot give and cannot take away.

Enable us to go forward in the sure confidence that amid the trials and troubles of these times Thou art with us and with Thee is strength for the day and peace at eventide.

In the spirit of Christ we pray. 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 bills of the House of the following titles:

H.R. 5838. An act to designate certain lands in the Lava Beds National Monument in California as wilderness;

H.R. 6318. An act to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes;

H.R. 9198. An act to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems; and

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 984) entitled "Joint resolution to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2280) entitled "An act 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 and 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 revoke the operating authority of foreign air carriers under certain circumstances," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. CANNON, Mr. HARTKE, Mr. BEALL, and Mr. WEICKER to be the conferees on the part of the Senate.

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

H.R. 15657. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes.

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

S. 2952. An act to authorize a Federal payment for the planning of a transit line in the median of the Dulles Airport Road and for a feasibility study of rapid transit to Friendship International Airport; and

S.J. Res. 217. Joint resolution to create an Atlantic Union delegation.

The message also announced that the Senate had voted to override the President's veto of the bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes, his objections notwithstanding.

CONVEYANCE OF LANDS OF THE UNITED STATES TO STATE OF TENNESSEE FOR USE OF UNIVERSITY OF TENNESSEE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9676) to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee, 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 3, line 2, after "the" where it appears the first time insert: "educational".

Page 3, line 7, after "Tennessee)" insert: ", and if such property ceases to be used for such purposes, as determined by the Administrator of General Services, title thereto shall revert to and become the property of the United States which shall have the right of immediate entry thereon".

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

Mr. HALL. Mr. Speaker, reserving the right to object, will the gentleman explain the amendments added on in the other body?

Mr. JONES of Tennessee. I shall be glad to.

This bill originally passed the House on May 1, 1972, by a vote of 318 to 9.

The Senate amendments add a 'reverter clause" so that the land involved will revert to the United States if it is not used for public educational purposes.

Mr. HALL. It would seem in this instance that the other body had better judgment and fulfilled that which we developed in colloquy on the floor of the House at the time this bill was passed; is that correct?

Mr. JONES of Tennessee. That is correct.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

Mr. DUNCAN. Mr. Speaker, the gentleman from Oklahoma (Mr. BELCHER), on the Committee on Agriculture, has no objection to this, and I support it.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

Mr. MAHON. Mr. Speaker, will the gentleman withhold temporarily?

Mr. HALL. No, sir; I will not, Mr. Speaker. I insist on my point of order. We are performing legislative business at this time, before the 1-minute speeches have been complete, and I insist on my point of order.

The SPEAKER. The Chair would change the procedure if the gentleman from Missouri (Mr. HALL) would withhold the point of order. Would the gentleman consider that?

Mr. HALL. Mr. Speaker, we have performed legislative business here, and there is no evidence of a quorum being present. I insist on my point of order.

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

Mr. PERKINS. Mr. Speaker, will the gentleman withhold that request?

The SPEAKER. The Chair has announced the absence of a quorum, and the House cannot proceed until a quorum is established. The Clerk will call the roll.

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

[Roll No. 412]

Abourezk	Evans, Colo.	Melcher
Anderson, Tenn.	Ford, Gerald R.	Mills, Md.
Ashley	Fraser	Minshall
Aspinall	Galifianakis	Mollohan
Badillo	Gallagher	Murphy, N.Y.
Baring	Giaimo	O'Konski
Bell	Gray	O'Neill
Bevill	Green, Oreg.	Purcell
Blanton	Griffiths	Reid
Boggs	Gross	Riegle
Bow	Gude	Roncalio
Cabell	Hagan	Rooney, N.Y.
Celler	Halpern	Rosenthal
Chisholm	Hanna	Rostenkowski
Clark	Hastings	Sandman
Clawson, Del	Hathaway	Scherle
Clay	Hébert	Scheuer
Collins, Ill.	Holifield	Schmitz
Colmer	Keith	Scott
Conyers	Kyros	Sikes
Culver	Lloyd	Staggers
Davis, Ga.	Long, La.	Steed
Davis, S.C.	Lujan	Talcott
Devine	McClure	Teague, Calif.
Dow	McCormack	Thompson, N.J.
Dowdy	McCulloch	Thomson, Wis.
Dwyer	McEwen	Vigorito
Edmondson	Mann	Wilson, Charles H.
Esch	Mathias, Calif.	

The SPEAKER. On this rollcall 344 Members have answered to their names, a quorum.

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair is going to recognize Members who have individual unanimous-consent requests.

The Chair cannot determine, when a Member rises, whether he has a legislative purpose for rising or whether he has a unanimous-consent request to make and desires something to be put into the RECORD.

After that, the Chair will recognize any Member who has a unanimous-consent request in connection with business.

COMMISSION MUST SAY "NO" TO CONGRESSIONAL PAY HIKE

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

Mr. NELSEN. Mr. Speaker, it has come to my attention that the Commission on Executive, Legislative, and Judicial Salaries is being reconstituted again this fiscal year in accordance with an ill-advised law passed in 1967. Rumors are flying that the Commission will again recommend pay increases for top Federal officials in all three branches of the Federal Government, including Senators and Congressmen.

I ask all Members of Congress to urge this Commission to carefully examine the longtime financial situation of this country. If the Commission will do so, it will come to the inescapable conclusion that there be no salary increase whatsoever for Congressmen, Senators, and other top Federal officials in the next Congress.

We face enormous Federal spending problems as it is, a Federal debt approaching $465 billion, and stubborn inflation that we are just beginning to ease. Red-ink deficits in the last 2 years have run over $46 billion and may well exceed $30 billion this year. It would be a cruel injustice to overburdened taxpayers to tolerate any increases under these circumstances.

The need to set an example of fiscal restraint at the top has never been greater. We cannot ask the public to operate under wage and price restraints and then exempt ourselves from controls. Self-discipline must apply to Congress as well as our countrymen.

After all, nobody forced us at bayonet point to run for Congress. We do not have to be here. We are supposed to be motivated by a desire to be of public service, not financial greed.

A resident in our Fairmont area reacted to reports that such a pay hike may be in the wind by asking "Have those knuckleheads gone crazy?" If we allow a pay hike to take place, then we deserve to be called a bunch of knuckleheads.

OUTRAGEOUS ORDER ENTERED BY JUDGE SIRICA

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

Mr. O'HARA. Mr. Speaker, I wish to call to the attention of the House the outrageous order entered yesterday in the Watergate bugging case; entered at the request of the lawyers for the defendants in the Watergate bugging attempt with the consent of the Justice Department.

This order goes beyond anything in my legal experience and applies to the parties, to their attorneys, to the witnesses, to prospective witnesses, and to all persons who might be affected by the outcome of the case—and presumably applies to every sustaining member of the Democratic National Committee, a group of some 60,000 to 100,000 persons. It is another example of the length to which the Justice Department will go to suppress discussion of this case in the interest of the Nixon campaign.

THE PROPOSED $250 BILLION SPENDING CEILING

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

Mr. MAHON. Mr. Speaker, should Congress enact a $250 billion expenditure ceiling for the current fiscal year? It has been said that, if such a ceiling is not enacted, the expenditures may reach $256 billion, an increase of about $6 billion—a 2-percent increase.

A $250 billion ceiling contemplates a deficit in Federal funds for this fiscal year of $32.4 billion. It is a little difficult to follow the rationale that, if the deficit is $32 billion, there is no threat of increased taxes, but that, if the deficit is $38 billion, increased taxes are practically assured. Either of these deficit figures are unacceptable from many standpoints.

Unfortunately, the media have not brought into sharp focus the central issue of whether it is wise for Congress to delegate to the executive branch the authority to amend existing law. This is a different matter than the deferral of spending of appropriated funds.

Certainly, it would indeed be good if spending could be reasonably held to $250 billion or less. Is it reasonable, however, for Congress in undertaking to cope with the fiscal problem to delegate to the executive branch the authority to amend existing law? I for one do not think so.

Such delegation of constitutional authority and power would tend to undermine our American system of government.

The submission of more realistic budgets and the approval by Congress of spending programs based upon the availability of funds to finance them represents the best answer to our dilemma.

APPOINTMENT OF CONFEREES ON H.R. 16593, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16593) making appropriations for the Depart-

ment of Defense for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, SIKES, WHITTEN, FLOOD, ADDABBO, MCFALL, FLYNT, MINSHALL, RHODES, DAVIS of Wisconsin, WYMAN, and BOW.

COMMUNICATION FROM THE CLERK OF THE HOUSE—AMERICAN CIVIL LIBERTIES UNION, INC. AGAINST W. PAT JENNINGS ET AL.

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 5, 1972.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: The Clerk of the House of Representatives has this date been served an unattested copy of the Complaint, together with Exhibits A and B, dated September 29, 1972 in the civil action American Civil Liberties Union, Inc. v. W. Pat Jennings, Clerk of the United States House of Representatives, Elmer B. Staats, Comptroller General of the United States, and Phillip S. Hughes, Director of Federal Elections, General Accounting Office, Civil Action No. 1967–72 in the United States District Court for the District of Columbia.

On October 3, 1972 a hearing in the District Court was held by Judge Barrington D. Parker on this action. At that hearing the Clerk of the House presented himself as an observer and advised the U.S. Attorney representing the defendants that: 1) service had not been accomplished on the Clerk; 2) that the Clerk had not had the opportunity to comply with the Rules and Precedents of the House and had not laid the matter before them; 3) that the Clerk had not yet exercised his right under House Resolution 955 to choose counsel in this action; and that the Clerk had not requested representation by the Attorney General under 2 U.S.C. 118, and requested that the Court be so advised. Judge Parker thereupon ordered that the Clerk of the House be served by the American Civil Liberties Union, Inc. a copy of the complaint. Under the rules of the court the Clerk has five days after service to respond thereon.

The Complaint in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

WASHINGTON, D.C.,
October 5, 1972.

Hon. HAROLD H. TITUS, Jr.
U.S. Attorney for the District of Columbia, Washington, D.C.

DEAR MR. TITUS: I am sending you a copy of the complaint in Civil Action No. 1967–72 in the United States District Court for the District of Columbia against me in my official capacity as Clerk of the U.S. House of Representatives served on me this date by a representative of the American Civil Liberties Union, Inc.

In accordance with the provision of 2 USC 118, I respectfuly request that you take appropriate action, as deemed necessary, under the supervision and direction of the Attorney General in defense of this suit against the Clerk of the U.S. House of Representatives. I am also sending you a copy of the letter I forwarded this date to the Attorney General of the United States.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C.
October 5, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. KLEINDIENST: I was this date served with the attached copy of a complaint in Civil Action No. 1967–72 in the United States District Court for the District of Columbia.

In accordance with the provisions of 2 USC 118, I have sent a copy of the complaint in this action to the U.S. Attorney for the District of Columbia requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10729, PESTICIDE CONTROL ACT, UNTIL MIDNIGHT TOMORROW

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow night to file a conference report on H.R. 10729.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask my friend from Texas if the committee has completed its work?

Mr. POAGE. Yes, it has.

Mr. HALL. Then why can the report not be filed by midnight tonight?

Mr. POAGE. Simply because we have not gotten it written up. Our staff was busy, as the gentleman knows, until a rather late hour last night.

Mr. HALL. I will say, Mr. Speaker, it has been, in the waning days of the "squeeze play" for pressure legislation in Congress, the duly adopted custom to grant unanimous consent for those that are ready for filing on a day certain, but not for procrastinated delay, on the basis that we are unnecessarily filling up the calendar pending adjournment sine die.

Does the gentleman have some emergency or urgent circumstances involving this bill?

Mr. POAGE. Well, this is the pesticide legislation. We feel that if we can get the report in this week, since we are not going to be in session tomorrow and we are not going to be in session Monday, we will be in position to take it up next week. If we cannot get it in next week, the whole thing may die; that we do not know. If we were going to be in session tomorrow, of course, we would not ask for it.

Mr. HALL. Mr. Speaker, in keeping with other similar requests, I am constrained to object.

Mr. Speaker, I do object.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10729, PESTICIDE CONTROL ACT

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on H.R. 10729.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92–1540)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate 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 this Act may be cited as the "Federal Environmental Pesticide Control Act of 1972".

AMENDMENTS TO FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 2. The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the Federal Insecticide, 'Fungicide, and Rodenticide Act'.

"(b) TABLE OF CONTENTS.—

"Section 1. Short title and table of contents.
"(a) Short title.
"(b) Table of contents.
"Sec. 2. Definitions.
"(a) Active ingredient.
"(b) Administrator.
"(c) Adulterated.
"(d) Animal.
"(e) Certified applicator, etc.
"(1) Certified applicator.
"(2) Private applicator.
"(3) Commercial applicator.
"(4) Under the direct supervision and control of a certified applicator.
"(f) Defoliant.
"(g) Desicant.
"(h) Device.
"(i) District court.
"(j) Environment.
"(k) Fungus.
"(l) Imminent hazard.
"(m) Inert ingredient.
"(n) Ingredient statement.
"(o) Insect.
"(p) Label and labeling.
"(1) Label.
"(2) Labeling.
"(q) Misbranded.
"(r) Nematode.
"(s) Person.
"(t) Pest.
"(u) Pesticide.
"(v) Plant regulator.
"(w) Producer and produce.
"(x) Protect health and the environment.
"(y) Registrant.
"(z) Registration.
"(aa) State.
"(bb) Unreasonable adverse effects on the environment.
"(cc) Weed.
"(dd) Establishment.
"Sec. 3. Registration of pesticides.
"(a) Requirement.

"(b) Exemptions.
"(c) Procedure for registration.
"(1) Statement required.
"(2) Data in support of registration.
"(3) Time for acting with respect to application.
"(4) Notice of application.
"(5) Approval of registration.
"(6) Denial of registration.
"(d) Classification of pesticides.
"(1) Classification for general use, restricted use, or both.
"(2) Change in classification.
"(e) Products with same formulation and claims.
"(f) Miscellaneous.
"(1) Effect of change of labeling or formulation.
"(2) Registration not a defense.
"(3) Authority to consult other Federal agencies.
"Sec. 4. Use of restricted use pesticide: certified applicators.
"(a) Certification procedure.
"(1) Federal certification.
"(2) State certification.
"(b) State plans.
"Sec. 5. Experimental use permits.
"(a) Issuance.
"(b) Temporary tolerance level.
"(c) Use under permit.
"(d) Studies.
"(e) Revocation.
"Sec. 6. Administrative review; suspension.
"(a) Cancellation after five years.
"(1) Procedure.
"(2) Information.
"(b) Cancellation and change in classification.
"(c) Suspension.
"(1) Order.
"(2) Expedite hearing.
"(3) Emergency order.
"(4) Judicial review.
"(d) Public hearings and scientific review.
"(e) Judicial review.
"Sec. 7. Registration of establishments.
"(a) Requirement.
"(b) Registration.
"(c) Information required.
"(d) Confidential records and information.
"Sec. 8. Books and records.
"(a) Requirement.
"(b) Inspection.
"Sec. 9. Inspection of establishments, etc.
"(a) In general.
"(b) Warrants.
"(c) Enforcement.
"(1) Certification of facts to Attorney General.
"(2) Notice not required.
"(3) Warning notices.
"Sec. 10. Protection of trade secrets, etc.
"(a) In general.
"(b) Disclosure.
"Sec. 11. Standards applicable to pesticide applicators.
"(a) In general.
"(b) Separate standards.
"Sec. 12. Unlawful acts.
"(a) In general.
"(b) Exemptions.
"Sec. 13. Stop sale, use, removal, and seizure.
"(a) Stop sale, etc., orders.
"(b) Seizure.
"(c) Disposition after condemnation.
"(d) Court costs, etc.
"Sec. 14. Penalties.
"(a) Civil penalties.
"(1) In general.
"(2) Private pesticide applicator.
"(3) Hearing.
"(4) References to Attorney General.
"(b) Criminal penalties.
"(1) In general.
"(2) Private pesticide applicator.
"(3) Disclosure of information.
"(4) Acts of officers, agents, etc.
"Sec. 15. Indemnities.
"(a) Requirement.
"(b) Amount of payment.
"(1) In general.
"(2) Special rule.
"Sec. 16. Administrative procedure; judicial review.
"(a) District court review.
"(b) Review by Court of Appeals.
"(c) Jurisdiction of district courts.
"(d) Notice of judgments.
"Sec. 17. Imports and exports.
"(a) Pesticides and devices intended for export.
"(b) Cancellation notices furnished to foreign governments.
"(c) Importation of pesticides and devices.
"(d) Cooperation in international efforts.
"(e) Regulations.
"Sec. 18. Exemption of Federal agencies.
"Sec. 19. Disposal and transportation.
"(a) Procedures.
"(b) Advice to Secretary of Transportation.
"Sec. 20. Research and monitoring.
"(a) Research.
"(b) National monitoring plan.
"(c) Monitoring.
"Sec. 21. Solicitation of public comments; notice of public hearings.
"Sec. 22. Delegation and cooperation.
"Sec. 23. State cooperation, aid, and training.
"(a) Cooperative agreements.
"(b) Contracts for training.
"Sec. 24. Authority of States.
"Sec. 25. Authority of Administrator.
"(a) Regulations.
"(b) Exemption of pesticides.
"(c) Other authority.
"Sec. 26. Severability.
"Sec. 27. Authorization for appropriations.

"SEC. 2. DEFINITIONS.

"For purposes of this Act—

"(a) ACTIVE INGREDIENT.—The term 'active ingredient' means—

"(1) in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest;

"(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;

"(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and

"(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

"(b) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(c) ADULTERATED.—The term 'adulterated' applies to any pesticide if:

"(1) its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold;

"(2) any substance has been substituted wholly or in part for the pesticide; or

"(3) any valuable constituent of the pesticide has been wholly or in part abstracted.

"(d) ANIMAL.—The term 'animal' means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

"(e) CERTIFIED APPLICATOR, ETC.—

"(1) CERTIFIED APPLICATOR.—The term 'certified applicator' means any individual who is certified under section 4 as authorized to use or supervise the use of any pesticide which is classified for restricted use.

"(2) PRIVATE APPLICATOR.—The term 'private applicator' means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

"(3) COMMERCIAL APPLICATOR.—The term 'commercial applicator' means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by paragraph (2).

"(4) UNDER THE DIRECT SUPERVISION OF A CERTIFIED APPLICATOR.—Unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

"(f) DEFOLIANT.—The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"(g) DESICCANT.—The term 'desiccant' means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

"(h) DEVICE.—The term 'device' means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.

"(i) DISTRICT COURT.—The term 'district court' means a United States district court, the District Court of Guam, the District Court of the Virgin Islands, and the highest court of American Samoa.

"(j) ENVIRONMENT.—The term 'environment' includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.

"(k) FUNGUS.—The term 'fungus' means any non-chlorophyll-bearing thallophyte (that is, any non-chlorophyll-bearing plant of a lower order than mosses and liverworts), as for example, rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other animals and those on or in processed food, beverages, or pharmaceuticals.

"(l) IMMINENT HAZARD.—The term 'imminent hazard' means a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior under Public Law 91-135.

"(m) INERT INGREDIENT.—The term "inert ingredient' means an ingredient which is not active.

"(n) INGREDIENT STATEMENT.—The term 'ingredient statement' means a statement which contains—

"(1) the name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the pesticide; and

"(2) if the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, calculated as elementary arsenic.

"(o) INSECT.—The term 'insect" means any of the numerous small intertebrate animals generally having teh body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

"(p) LABEL AND LABELING.—

"(1) LABEL.—The term 'label' means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

"(2) LABELING.—The term 'labeling' means all labels and all other written, printed, or graphic matter—

"(A) accompanying the pesticide or device at any time; or

"(B) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

"(q) MISBRANDED.—

"(1) A pesticide is misbranded if—

"(A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

"(B) it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to section 25(c)(3);

"(C) it is an imitation of, or is offered for sale under the name of, another pesticide;

"(D) its label does not bear the registration number assigned under section 7 to each establishment in which it was produced;

"(E) any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment;

"(G) the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 3(d) of this Act, is adequate to protect health and the environment.

"(2) A pesticide is misbranded if—

"(A) the label does not bear an ingredient statement on that part of the immediate container (and on the outside container or wrapper of the retail package, if there be one, through which the ingredient statement on the immediate container cannot be clearly read) which is presented or displayed under customary conditions of purchase, except that a pesticide is not misbranded under this subparagraph if:

"(i) the size of form of the immediate container, or the outside container or wrapper of the retail package, makes it impracticable to place the ingredient statement on the part which is presented or displayed under customary conditions of purchase; and

"(ii) the ingredient statement appears prominently on another part of the immediate container, or outside container or wrapper, permitted by the Administrator;

"(B) the labeling does not contain a statement of the use classification under which the product is registered;

"(C) there is not affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing—

"(i) the name and address of the producer, registrant, or person for whom produced;

"(ii) the name, brand, or trademark under which the pesticide is sold;

"(iii) the net weight or measure of the content: *Provided,* That the Administrator may permit reasonable variations; and

"(v) when required by regulation of the Administrator to effectuate the purposes of this Act, the registration number assigned to the pesticide under this Act, and the use classification; and

"(D) the pesticide contains any substance or substances in quantities highly toxic to man, unless the label shall bear, in addition to any other matter required by this Act—

"(1) the skull and crossbones;

"(ii) the word 'poison' prominently in red on a background of distinctly contrasting color; and

"(iii) a statement of a practical treatment (first aid or otherwise) in case of poisoning by the pesticide.

"(r) NEMATODE.—The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.

"(s) PERSON.—The term 'person' means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

"(t) PEST.—The term 'pest' means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1).

"(u) PESTICIDE.—The term 'pesticide' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

"(v) PLANT REGULATOR.—The term 'plant regulator' means any substance or mixture of substances intended, through psychological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. Also, the term 'plant regulator' shall not be required to include any of such of those nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and as are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

"(w) PRODUCER AND PRODUCE.—The term 'producer' means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device. The term 'produce' means to manufacture, prepare, compound, propagate, or process any pesticide or device.

"(x) PROTECT HEALTH AND THE ENVIRONMENT.—The terms 'protect health and the environment' and 'protection of health and the environment' mean protection against any unreasonable adverse effects on the environment.

"(y) REGISTRANT.—The term 'registrant' means a person who has registered any pesticide pursuant to the provisions of this Act.

"(z) REGISTRATION.—The term 'registration' includes reregistration.

"(aa) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

"(bb) UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT.—The term 'unreasonable adverse effects on the environment' means any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

"(cc) WEED.—The term 'weed' means any plant which grows where not wanted.

"(dd) ESTABLISHMENT.—The term 'establishment' means any place where a pesticide or device is produced, or held, for distribution or sale.

"SEC. 3. REGISTRATION OF PESTICIDES.

"(a) REQUIREMENT.—Except as otherwise provided by this Act, no person in any State may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any pesticide which is not registered with the Administrator.

"(b) EXEMPTIONS.—A pesticide which is not registered with the Administrator may be transferred if—

"(1) the transfer is from one registered establishment to another registered establishment operated by the same producer solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment; or

"(2) the transfer is pursuant to and in accordance with the requirements of an experimental use permit.

"(c) PROCEDURE FOR REGISTRATION.—

"(1) STATEMENT REQUIRED.—Each applicant for registration of a pesticide shall file with the Administrator a statement which includes—

"(A) the name and address of the applicant and of any other person whose name will appear on the labeling;

"(B) the name of the pesticide;

"(C) a complete copy of the labeling of the pesticide, a statement of all claims to be made for it, and any directions for its use;

"(D) if requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, except that data submitted in support of an application shall not, without permission of the applicant, be considered by the Administrator in support of any other application for registration unless such other applicant shall have first offered to pay reasonable compensation for producing the test data to be relied upon and such data is not protected from disclosure by section 10(b). If the parties cannot agree on the amount and method of payment, the Administrator shall make such determination and may fix such other terms and conditions as may be reasonable under the circumstances. The Administrator's determination shall be made on the record after notice and opportunity for hearing. If the owner of the test data does not agree with said determination, he may, within thirty days, take an appeal to the federal district court for the district in which he resides with respect to either the amount of the payment or the terms of payment, or both. In no event shall the amount of payment determined by the court be less than that determined by the Administrator;

"(E) the complete formula of the pesticide; and

"(F) a request that the pesticide be classified for general use, for restricted use, or for both.

"(2) DATA IN SUPPORT OF REGISTRATION.—The Administrator shall publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide and shall revise such guidelines from time to time. If thereafter he requires any additional kind of information he shall permit sufficient time for applicants to obtain such additional information. Except as provided by subsection (c)(1)(D) of this section and section 10, within 30 days after the Administrator registers a pesticide under

this Act he shall make available to the public the data called for in the registration statement together with such other scientific information as he deems relevant to his decision.

"(3) TIME FOR ACTING WITH RESPECT TO APPLICATION.—The Administrator shall review the data after receipt of the application and shall, as expeditiously as possible, either register the pesticide in accordance with paragraph (5), or notify the applicant of his determination that it does not comply with the provisions of the Act in accordance with paragraph (6).

"(4) NOTICE OF APPLICATION.—The Administrator shall publish in the Federal Register, promptly after receipt of the statement and other data required pursuant to paragraphs (1) and (2), a notice of each application for registration of any pesticide if it contains any new active ingredient or if it would entail a changed use pattern. The notice shall provide for a period of 30 days in which any Federal agency or any other interested person may comment.

"(5) APPROVAL OF REGISTRATION.—The Administrator shall register a pesticide if he determines that, when considered with any restrictions imposed under subsection (d)—

"(A) its composition is such as to warrant the proposed claims for it;

"(B) its labeling and other material required to be submitted comply with the requirements of this Act;

"(C) it will perform its intended function without unreasonable adverse effects on the environment; and

"(D) when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

The Administrator shall not make any lack of essentially a criterion for denying registration of any pesticide. Where two pesticides meet the requirements of this paragraph, one should not be registered in preference to the other.

"(6) DENIAL OF REGISTRATION.—If the Administrator determines that the requirements of paragraph (5) for registration are not satisfied, he shall notify the applicant for registration of his determination and of his reasons (including the factual basis) therefor, and that, unless the applicant corrects the conditions and notifies the Administrator thereof during the 30-day period beginning with the day after the date on which the applicant receives the notice, the Administrator may refuse to register the pesticide. Whenever the Administrator refuses to register a pesticide, he shall notify the applicant of his decision and of his reasons (including the factual basis) therefor. The Administrator shall promptly publish in the Federal Register notice of such denial of registration and the reasons therefor. Upon such notification, the applicant for registration or other interested person with the concurrence of the applicant shall have the same remedies as provided for in section 6.

"(d) CLASSIFICATION OF PESTICIDES.—

"(1) CLASSIFICATION FOR GENERAL USE, RESTRICTED USE, OR BOTH.—

"(A) As a part of the registration of a pesticide the Administrator shall classify it as being for general use or for restricted use, provided that if the Administrator determines that some of the uses for which the pesticide is registered should be for general use and that other uses for which it is registered should be for restricted use, he shall classify it for both general use and restricted use. If some of the uses of the pesticide are classified for general use and other uses are classified for restricted use, the directions relating to its general uses shall be clearly separated and distinguished from those directions relating to its restricted uses: *Provided, however,* That the Administrator may require that its packaging and labeling for restricted uses shall be clearly distinguishable from its packaging and labeling for general uses.

"(B) If the Administrator determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment, he will classify the pesticide, or the particular use or uses of the pesticide to which the determination applies, for general use.

"(C) If the Administrator determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify the pesticide, or the particular use or uses to which the determination applies, for restricted use:

"(i) If the Administrator classifies a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that the acute dermal or inhalation toxicity of the pesticide presents a hazard to the applicator or other persons, the pesticide shall be applied for any use to which the restricted classification applies only by or under the direct supervision of a certified applicator.

"(ii) If the Administrator classifies a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that its use without additional regulatory restriction may cause unreasonable adverse effects on the environment, the pesticide shall be applied for any use to which the determination applies only by or under the direct supervision of a certified applicator, or subject to such other restrictions as the Administrator may provide by regulation. Any such regulation shall be reviewable in the appropriate court of appeals upon petition of a person adversely affected filed within 60 days of the publication of the regulation in final form.

"(2) CHANGE IN CLASSIFICATION.—If the Administrator determines that a change in the classification of any use of a pesticide from general use to restricted use is necessary to prevent unreasonable adverse effects on the environment, he shall notify the registrant of such pesticide of such determination at least 30 days before making the change and shall publish the proposed change in the Federal Register. The registrant, or other interested person with the concurrence of the registrant, may seek relief from such determination under section 6(b).

"(e) PRODUCTS WITH SAME FORMULATION AND CLAIMS.—Products which have the same formulation, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide; and additional names and labels shall be added to the registration by supplemental statements.

"(f) MISCELLANEOUS.—

"(1) EFFECT OF CHANGE OF LABELING OR FORMULATION.—If the labeling or formulation for a pesticide is changed, the registration shall be amended to reflect such change if the Administrator determines that the change will not violate any provision of this Act.

"(2) REGISTRATION NOT A DEFENSE.—In no event shall registration of an article be construed as a defense for the commission of any offense under this Act: *Provided,* That as long as no cancellation proceedings are in effect registration of a pesticide shall be prima facie evidence that the pesticide, its labeling and packaging comply with the registration provisions of the Act.

"(3) AUTHORITY TO CONSULT OTHER FEDERAL AGENCIES.—In connection with consideration of any registration or application for registration under this section, the Administrator may consult with any other Federal agency.

"SEC. 4. USE OF RESTRICTED USE PESTICIDES; CERTIFIED APPLICATORS

"(a) CERTIFICATION PROCEDURE.—

"(1) FEDERAL CERTIFICATION.—Subject to paragraph (2), the Administrator shall prescribe standards for the certification of applicators of pesticides. Such standards shall provide that to be certified, an individual must be determined to be competent with respect to the use and handling of pesticides, or to the use and handling of the pesticide or class of pesticides covered by such individual's certification.

"(2) STATE CERTIFICATION.—If any State, at any time, desires to certify applicators of pesticides, the Governor of such State shall submit a State plan for such purpose. The Administrator shall approve the plan submitted by any State, or any modification thereof, if such plan in his judgment—

"(A) designates a State agency as the agency responsible for administering the plan throughout the State;

"(B) contains satisfactory assurances that such agency has or will have the legal authority and qualified personnel necessary to carry out the plan;

"(C) gives satisfactory assurances that the State will devote adequate funds to the administration of the plan;

"(D) provides that the State agency will make such reports to the Administrator in such form and containing such information as the Administrator may from time to time require; and

"(E) contains satisfactory assurances that State standards for the certification of applicators of pesticides conform with those standards prescribed by the Administrator under paragraph (1).

Any State certification program under this section shall be maintained in accordance with the State plan approved under this section.

"(b) STATE PLANS.—If the Administrator rejects a plan submitted under this paragraph, he shall afford the State submitting the plan due notice and opportunity for hearing before so doing. If the Administrator approves a plan submitted under this paragraph, then such State shall certify applicators of pesticides with respect to such State. Whenever the Administrator determines that a State is not administering the certification program in accordance with the plan approved under this section, he shall so notify the State and provide for a hearing at the request of 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 plan.

"SEC. 5. EXPERIMENTAL USE PERMITS.

"(a) ISSUANCE.—Any person may apply to the Administrator for an experimental use permit for a pesticide. The Administrator may issue an experimental use permit if he determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide under section 3. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed.

"(b) TEMPORARY TOLERANCE LEVEL.—If the Administrator determines that the use of a pesticide may reasonably be expected to result in any residue on or in food or feed, he may establish a temporary tolerance level for the residue of the pesticide before issuing the experimental use permit.

"(c) USE UNDER PERMIT.—Use of a pesticide under an experimental use permit shall

be under the supervision of the Administrator, and shall be subject to such terms and conditions and be for such period of time as the Administrator may prescribe in the permit.

"(d) STUDIES.—When any experimental use permit is issued for a pesticide containing any chemical or combination of chemicals which has not been included in any previously registered pesticide, the Administrator may specify that studies be conducted to detect whether the use of the pesticide under the permit may cause unreasonable adverse effects on the environment. All results of such studies shall be reported to the Administrator before such pesticide may be registered under section 3.

"(e) REVOCATION.—The Administrator may revoke any experimental use permit, at any time, if he finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

"(f) STATE ISSUANCE OF PERMITS.—Notwithstanding the foregoing provisions of this section, the Administrator may, under such terms and conditions as he may by regulations prescribe, authorize any State to issue an experimental use permit for a pesticide. All provisions of section 4 relating to State plans shall apply with equal force to a State plan for the issuance of experimental use permits under this section.

"SEC. 6. ADMINISTRATIVE REVIEW; SUSPENSION

"(a) CANCELLATION AFTER FIVE YEARS—

"(1) PROCEDURE.—The Administrator shall cancel the registration of any pesticide at the end of the five-year period which begins on the date of its registration (or at the end of any five-year period thereafter) unless the registrant, or other interested person with the concurrence of the registrant, before the end of such period, requests in accordance with regulations prescribed by the Administrator that the registration be continued in effect: *Provided*, That the Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is canceled under this subsection or subsection (b) to such extent, under such conditions, and for such uses as he may specify if he determines that such sale or use is not inconsistent with the purposes of this Act and will not have unreasonable adverse effects on the environment. The Administrator shall publish in the Federal Register, at least 30 days prior to the expiration of such five-year period, notice that the registration will be canceled if the registrant or other interested person with the concurrence of the registrant does not request that the registration be continued in effect.

"(2) INFORMATION.—If at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, he shall submit such information to the Administrator.

"(b) CANCELLATION AND CHANGE IN CLASSIFICATION.—If it appears to the Administrator that a pesticide or its labeling or other material required to be submitted does not comply with the provisions of this Act or, when used in accordance with widespread and commonly recognized practice, generally causes unreasonable adverse effects on the environment, the Administrator may issue a notice of his intent either—

"(1) to cancel its registration or to change its classification together with the reasons (including the factual basis) for his action, or

"(2) to hold a hearing to determine whether or not its registration should be canceled or its classification changed.

Such notice shall be sent to the registrant and made public. The proposed action shall become final and effective at the end of 30 days from receipt by the registrant, or publication, of a notice issued under paragraph (1), whichever occurs later, unless within that time either (i) the registrant makes the necessary corrections, if possible, or (ii) a request for a hearing is made by a person adversely affected by the notice. In the event a hearing is held pursuant to such a request or to the Administrator's determination under paragraph (2), a decision pertaining to registration or classification issued after completion of such hearing shall be final.

"(c) SUSPENSION.—

"(1) ORDER.—If the Administrator determines that action is necessary to prevent an imminent hazard during the time required for cancellation or change in classification proceedings, he may, by order, suspend the registration of the pesticide immediately. No order of suspension may be issued unless the Administrator has issued or at the same time issues notice of his intention to cancel the registration or change the classification of the pesticide.

"Except as provided in paragraph (3), the Administrator shall notify the registrant prior to issuing any suspension order. Such notice shall include findings pertaining to the question of 'imminent hazard'. The registrant shall then have an opportunity, in accordance with the provisions of paragraph (2), for an expedited hearing before the Agency on the question of whether an imminent hazard exists.

"(2) EXPEDITE HEARINGS.—If no request for a hearing is submitted to the Agency within five days of the registrant's receipt of the notification provided for by paragraph (1), the suspension order may be issued and shall take effect and shall not be reviewable by a court. If a hearing is requested, it shall commence within five days of the receipt of the request for such hearing unless the registrant and the Agency agree that it shall commence at a later time. The hearing shall be held in accordance with the provisions of subchapter II of title 5 of the United States Code, except that the presiding officer need not be a certified hearing examiner. The presiding officer shall have ten days from the conclusion of the presentation of evidence to submit recommended findings and conclusions to the Administrator, who shall then have seven days to render a final order on the issue of suspension.

"(3) EMERGENCY ORDER.—Whenever the Administrator determines that an emergency exists that does not permit him to hold a hearing before suspending, he may issue a suspension order in advance of notification to the registrant. In that case, paragraph (2) shall apply except that (i) the order of suspension shall be in effect pending the expeditious completion of the remedies provided by that paragraph and the issuance of a final order on suspension, and (ii) no party other than the registrant and the Agency shall participate except that any person adversely affected may file briefs within the time allotted by the Agency's rules. Any person so filing briefs shall be considered a party to such proceeding for the purposes of section 16(b).

"(4) JUDICIAL REVIEW.—A final order on the question of suspension following a hearing shall be reviewable in accordance with Section 16 of this Act, notwithstanding the fact that any related cancellation proceedings have not been completed. Petitions to review orders on the issue of suspension shall be advanced on the docket of the courts of appeals. Any order of suspension entered prior to a hearing before the Administrator shall be subject to immediate review in an action by the registrant or other interested person with the concurrence of the registrant in an appropriate district court, solely to determine whether the order of suspension was arbitrary, capricious or an abuse of discretion, or whether the order was issued in accordance with the procedures established by law. The effect of any order of the court will be only to stay the effectiveness of the suspension order, pending the Administrator's final decision with respect to cancellation or change in classification. This action may be maintained simultaneously with any administrative review proceeding under this section. The commencement of proceedings under this paragraph shall not operate as a stay of order, unless ordered by the court.

"(d) PUBLIC HEARINGS AND SCIENTIFIC REVIEW.—In the event a hearing is requested pursuant to subsection (b) or determined upon by the Administrator pursuant to subsection (b), such hearing shall be held after due notice for the purpose of receiving evidence relevant and material to the issues raised by the objections filed by the applicant or other interested parties, or to the issues stated by the Administrator, if the hearing is called by the Administrator rather than by the filing of objections. Upon a showing of relevance and reasonable scope of evidence sought by any party to a public hearing, the Hearing Examiner shall issue a subpena to compel testimony or production of documents from any person. The Hearing Examiner shall be guided by the principles of the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of reasonable fees and expenses as a condition to requiring testimony of the witness. On contest, the subpena may be enforced by an appropriate United States district court in accordance with the principles stated herein. Upon the request of any party to a public hearing and when in the Hearing Examiner's judgment it is necessary or desirable, the Hearing Examiner shall at any time before the hearing record is closed refer to a Committee of the National Academy of Sciences the relevant questions of scientific fact involved in the public hearing. No member of any committee of the National Academy of Sciences established to carry out the functions of this section shall have a financial or other conflict of interest with respect to any matter considered by such committee. The Committee of the National Academy of Sciences shall report in writing to the Hearing Examiner within 60 days after such referral on these questions of scientific fact. The report shall be made public and shall be considered as part of the hearing record. The Administrator shall enter into appropriate arrangements with the National Academy of Sciences to assure an objective and competent scientific review of the questions presented to Committees of the Academy and to provide such other scientific advisory services as may be required by the Administrator for carrying out the purposes of this Act. As soon as practicable after completion of the hearing (including the report of the Academy) but not later than 90 days thereafter, the Administrator shall evaluate the data and reports before him and issue an order either revoking his notice of intention issued pursuant to this section, or shall issue an order either canceling the registration, changing the classification, denying the registration, or requiring modification of the labeling or packaging of the article. Such order shall be based only on substantial evidence of record of such hearing and shall set forth detailed findings of fact upon which the order is based.

"(e) JUDICIAL REVIEW.—Final orders of the Administrator under this section shall be subject to judicial review pursuant to section 16.

"SEC. 7. REGISTRATION OF ESTABLISHMENTS.

"(a) REQUIREMENT.—No person shall produce any pesticide subject to this Act in any State unless the establishment in which it is produced is registered with the Administrator. The application for registration of any establishment shall include the name and address of the establishment and of the producer who operates such establishment.

"(b) REGISTRATION.—Whenever the Ad-

ministrator receives an application under subsection (a), he shall register the establishment and assign it an establishment number.

"(c) INFORMATION REQUIRED.—

"(1) Any producer operating an establishment registered under this section shall inform the Administrator within 30 days after it is registered of the types and amounts of pesticides—

"(A) which he is currently producing;

"(B) which he has produced during the year; and

"(C) which he has sold or distributed during the past year.

The information required by this paragraph shall be kept current and submitted to the Administrator annually as required under such regulations as the Administrator may prescribe.

"(2) Any such producer shall, upon the request of the Administrator for the purpose of issuing a stop sale order pursuant to section 13, inform him of the name and address of any recipient of any pesticide produced in any registered establishment which he operates.

"(d) CONFIDENTIAL RECORDS AND INFORMATION.—Any information submitted to the Administrator pursuant to subsection (c) shall be considered confidential and shall be subject to the provisions of section 10.

"SEC. 8. BOOKS AND RECORDS

(a) REQUIREMENT.—The Administrator may prescribe regulations requiring producers to maintain such records with respect to their operations and the pesticides and devices produced as he determines are necessary for the effective enforcement of this Act. No records required under this subsection shall extend to financial data, sales data other than shipment data, pricing data, personnel data, and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

"(b) INSPECTION.—For the purposes of enforcing the provisions of this Act, any producer, distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery any pesticide or device subject to this Act, shall, upon request of any officer or employee of the Environmental Protection Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to, and to copy: (1) all records, showing the delivery, movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee; or (2) in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device. Any inspection with respect to any records and information referred to in this subsection shall not extend to financial data, sales data other than shipment data, pricing data, personnel data, and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

"SEC. 9. INSPECTION OF ESTABLISHMENTS, ETC.

"(a) IN GENERAL.—For purposes of enforcing the provisions of this Act, officers or employees duly designated by the Administrator are authorized to enter at reasonable times, any establishment or other place where pesticides or devices are held for distribution or sale for the purpose of inspecting and obtaining samples of any pesticides or devices, packaged, labeled, and released for shipment, and samples of any containers or labeling for such pesticides or devices.

Before undertaking such inspection, the officers or employees must present to the owner, operator, or agent in charge of the establishment or other place where pesticides or devices are held for distribution or sale, appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected, an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained and, if requested, a portion of each such sample equal in volume or weight to the portion retained. If an analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

"(b) WARRANTS.—For purposes of enforcing the provisions of this Act and upon a showing to an officer or court of competent jurisdiction that there is reason to believe that the provisions of this Act have been violated, officers or employees duly designated by the Administrator are empowered to obtain and to execute warrants authorizing—

"(1) entry for the purpose of this section;

"(2) inspection and reproduction of all records showing the quantity, date of shipment, and the name of consignor and consignee of any pesticide or device found in the establishment which is adulterated, misbranded, not registered (in the case of a pesticide), or otherwise in violation of this Act and in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device; and

"(3) the seizure of any pesticide or device which is in violation of this Act.

"(c) ENFORCEMENT.—

"(1) CERTIFICATION OF FACTS TO ATTORNEY GENERAL.—The examination of pesticides or devices shall be made in the Environmental Protection Agency or elsewhere as the Administrator may designate for the purpose of determining from such examinations whether they comply with the requirements of this Act. If it shall appear from any such examination that they fail to comply with the requirements of this Act, the Administrator shall cause notice to be given to the person against whom criminal or civil proceedings are contemplated. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings, and if in the opinion of the Administrator it appears that the provisions of this Act have been violated by such person, then the Administrator shall certify the facts to the Attorney General, with a copy of the results of the analysis or the examination of such pesticide for the institution of a criminal proceeding pursuant to section 14(b) or a civil proceeding under section 14(a), when the Administrator determines that such action will be sufficient to effectuate the purposes of this Act.

"(2) NOTICE NOT REQUIRED.—The notice of contemplated proceedings and opportunity to present views set forth in this subsection are not prerequisites to the institution of any proceeding by the Attorney General.

"(3) WARNING NOTICES.—Nothing in this Act shall be construed as requiring the Administrator to institute proceedings for prosecution of minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

"SEC. 10. PROTECTION OF TRADE SECRETS AND OTHER INFORMATION

"(a) IN GENERAL.—In submitting data required by this Act, the applicant may (1) clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information and (2) submit such marked material separately from other material required to be submitted under this Act.

"(b) DISCLOSURE.—Notwithstanding any other provision of this Act, the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of this Act, information relating to formulas of products acquired by authorization of this Act may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator.

"(c) DISPUTES.—If the Administrator proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (b), he shall notify the applicant or registrant, in writing, by certified mail. The Administrator shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in an appropriate district court for a declaratory judgment as to whether such information is subject to protection under subsection (b).

"SEC. 11. STANDARDS APPLICABLE TO PESTICIDE APPLICATORS

"(a) IN GENERAL.—No regulations prescribed by the Administrator for carrying out the provisions of this Act shall require any private applicator to maintain any records or file any reports or other documents.

"(b) SEPARATE STANDARDS.—When establishing or approving standards for licensing or certification, the Administrator shall establish separate standards for commercial and private applicators.

"SEC. 12. UNLAWFUL ACTS.

"(a) IN GENERAL.—

"(1) Except as provided by subsection (b), it shall be unlawful for any person in any State to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person—

"(A) any pesticide which is not registered under section 3, except as provided by section 6(a)(1);

"(B) any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration under section 3;

"(C) any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under section 3;

"(D) any pesticide which has not been colored or discolored pursuant to the provisions of section 25(c)(5);

"(E) any pesticide which is adulterated or misbranded; or

"(F) any device which is misbranded.

"(2) It shall be unlawful for any person—

"(A) to detach, alter, deface, or destroy, in whole or in part, any labeling required under this Act;

"(B) to refuse to keep any records required pursuant to section 8, or to refuse to allow the inspection of any records or establishment pursuant to section 8 or 9, or to refuse to allow an officer or employee of the Environmental Protection Agency to take a sample of any pesticide pursuant to section 9,

"(C) to give a guaranty or undertaking provided for in subsection (b) which is false in any particular, except that a person who receives and relies upon a guaranty

authorized under subsection (b) may give a guaranty to the same effect, which guaranty shall contain, in addition to his own name and address, the name and address of the person residing in the United States from whom he received the guaranty or undertaking

"(D) to use for his own advantage or to reveal, other than to the Administrator, or officials or employees of the Environmental Protection Agency or other Federal executive agencies, or to the courts, or to physicians, pharmacists, and other qualified persons, needing such information for the performance of their duties, in accordance with such directions as the Administrator may prescribe, any information acquired by authority of this Act which is confidential under this Act;

"(E) who is a registrant, wholesaler, dealer, retailer, or other distributor to advertise a product registered under this Act for restricted use without giving the classification of the product assigned to it under section 3;

"(F) to make available for use, or to use, any registered pesticide classified for restricted use for some or all purposes other than in accordance with section 3(d) and any regulations thereunder;

"(G) to use any registered pesticide in a manner inconsistent with its labeling;

"(H) to use any pesticide which is under an experimental use permit contrary to the provisions of such permit;

"(I) to violate any order issued under section 13;

"(J) to violate any suspension order issued under section 6;

"(K) to violate any cancellation of registration of a pesticide under section 6, except as provided by section 6(a)(1);

"(L) who is a producer to violate any of the provisions of section 7;

"(M) to knowingly falsify all or part of any application for registration, application for experimental use permit, any information submitted to the Administrator pursuant to section 7, any records required to be maintained pursuant to section 8, any report filed under this Act, or any information marked as confidential and submitted to the Administrator under any provision of this Act.

"(N) who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by this Act;

"(O) to add any substance to, or take any substance from, any pesticide in a manner that may defeat the purpose of this Act; or

"(P) to use any pesticide in tests on human beings unless such human beings (i) are fully informed of the nature and purposes of the test and of any physical and mental health consequences which are reasonably foreseeable therefrom, and (ii) freely volunteer to participate in the test.

"(b) EXEMPTIONS.—The penalties provided for a violation of paragraph (1) of subsection (a) shall not apply to—

"(1) any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom he purchased or received in good faith the pesticide in the same unbroken package, to the effect that the pesticide was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Act, and in such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this Act;

"(2) any carrier while lawfully shipping, transporting, or delivering for shipment any pesticide or device, if such carrier upon request of any officer or employee duly designated by the Administrator shall permit such officer or employee to copy all of its records concerning such pesticide or device;

"(3) any public official while engaged in the performance of his official duties;

"(4) any person using or possessing any pesticide as provided by an experimental use permit in effect with respect to such pesticide and such use or possession; or

"(5) any person who ships a substance or mixture of substances being put through tests in which the purpose is only to determine its value for pesticide purposes or to determine its toxicity or other properties and from which the user does not expect to receive any benefit in pest control from its use.

"SEC. 13. STOP SALE, USE, REMOVAL, AND SEIZURE

"(a) STOP SALE, ETC., ORDERS.—Whenever any pesticide or device is found by the Administrator in any State and there is reason to believe on the basis of inspection or tests that such pesticide or device is in violation of any of the provisions of this Act, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide has been canceled by a final order or has been suspended, the Administrator may issue a written or printed 'stop sale, use, or removal' order to any person who owns, controls, or has custody of such pesticide or device, and after receipt of such order no person shall sell, use, or remove the pesticide or device described in the order except in accordance with the provisions of the order.

"(b) SEIZURE.—Any pesticide or device that is being transported or, having been transported, remains unsold or in original unbroken packages, or that is sold or offered for sale in any State, or that is imported from a foreign country, shall be liable to be proceeded against in any district court in the district where it is found and seized for confiscation by a process in rem for condemnation if—

"(1) in the case of a pesticide—

"(A) it is adulterated or misbranded;

"(B) it is not registered pursuant to the provisions of section 3;

"(C) its labeling fails to bear the information required by this Act;

"(D) it is not colored or discolored and such coloring or discoloring is required under this Act; or

"(E) any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration;

"(2) in the case of a device, it is misbranded; or

"(3) in the case of a pesticide or device, when used in accordance with the requirements imposed under this Act and as directed by the labeling, it nevertheless causes unreasonable adverse effects on the environment. In the case of a plant regulator, defoliant, or desiccant, used in accordance with the label claims and recommendations, physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when such effects are the purpose for which the plant regulator, defoliant, or desicant was applied.

"(c) DISPOSITION AFTER CONDEMNATION.—If the pesticide or device is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs, shall be paid into the Treasury of the United States, but the pesticide or device shall not be sold contrary to the provisions of this Act or the laws of the jurisdiction in which it is sold: *Provided*, That upon payment of the costs of the condemnation proceedings and the execution and delivery of a good and sufficient bond conditioned that the pesticide or device shall not be sold or otherwise disposed of contrary to the provisions of the Act or the laws of any jurisdiction in which sold, the court may direct that such pesticide or device be delivered to the owner thereof. The proceedings of such condemnation cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(d) COURT COSTS, ETC.—When a decree of condemnation is entered against the pesticide or device, court costs and fees, storage, and other proper expenses shall be awarded against the person, if any, intervening as claimant of the pesticide or device.

"SEC. 14. PENALTIES

"(a) CIVIL PENALTIES.—

"(1) IN GENERAL.—Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of this Act may be assessed a civil penalty by the Administrator of not more than $5,000 for each offense.

"(2) PRIVATE APPLICATOR.—Any private applicator or other person not included in paragraph (1) who violates any provision of this Act subsequent to receiving a written warning from the Administrator or following a citation for a prior violation, may be assessed a civil penalty by the Administrator of not more than $1,000 for each offense.

"(3) HEARING.—No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in the county, parish, or incorporated city of the residence of the person charged. In determining the amount of the penalty the Administrator shall consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation.

"(4) REFERENCES TO ATTORNEY GENERAL.—In case of inability to collect such civil penalty or failure of any person to pay all, or such portion of such civil penalty as the Administrator may determine, the Administrator shall refer the matter to the Attorney General, who shall recover such amount by action in the appropriate United States district court.

"(b) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall on conviction be fined not more than $25,000, or imprisoned for not more than one year, or both.

"(2) PRIVATE APPLICATOR.—Any private applicator or other person not included in paragraph (1) who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall on conviction be fined not more than $1,000, or imprisoned for not more than 30 days, or both.

"(3) DISCLOSURE OF INFORMATION.—Any person, who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of section 3, shall be fined not more than $10,000, or imprisoned for not more than three years, or both.

"(4) ACTS OF OFFICERS, AGENTS, ETC.—When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case be also deemed to be the act, omission, or failure of such person as well as that of the person employed.

"SEC. 15. INDEMNITIES

"(a) REQUIREMENT.—If—

"(1) the Administrator notifies a registrant that he has suspended the registration of a pesticide because such action is necessary to prevent an imminent hazard;

"(2) the registration of the pesticide is canceled as a result of a final determination that the use of such pesticide will create an imminent hazard; and

"(3) any person who owned any quantity of such pesticide immediately before the notice to the registrant under paragraph (1) suffered losses by reason of suspension or cancellation of the registration,

the Administrator shall make an indemnity

payment to such person, unless the Administrator finds that such person (1) had knowledge of facts which, in themselves, would have shown that such pesticide did not meet the requirements of section 3(c)(5) for registration, and (ii) continued thereafter to produce such pesticide without giving timely notice of such facts to the Administrator.

"(b) AMOUNT OF PAYMENT.—

"(1) IN GENERAL.—The amount of the indemnity payment under subsection (a) to any person shall be determined on the basis of the cost of the pesticide owned by such person immediately before the notice to the registrant referred to in subsection (a)(1): except that in no event shall an indemnity payment to any person exceed the fair market value of the pesticide owned by such person immediately before the notice referred to in subsection (a)(1).

"(2) SPECIAL RULE.—Notwithstanding any other provision of this Act, the Administrator may provide a reasonable time for use or other disposal of such pesticide. In determining the quantity of any pesticide for which indemnity shall be paid under this subsection, proper adjustment shall be made for any pesticide used or otherwise disposed of by such owner.

"SEC. 16. ADMINISTRATIVE PROCEDURE; JUDICIAL REVIEW

"(a) DISTRICT COURT REVIEW.—Except as is otherwise provided in this Act, Agency refusals to cancel or suspend registrations or change classifications not following a hearing and other final Agency actions not committed to Agency discretion by law are judicially reviewable in the districts courts.

"(b) REVIEW BY COURT OF APPEALS.—In the case of actual controversy as to the validity of any order issued by the Administrator following a public hearing, any person who will be adversely affected by such order and who had been a party to the proceedings may obtain judicial review by filing in the United States court of appeals for the circuit wherein such person resides or has a place of business, within 60 days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or any officer designated by him for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The court shall consider all evidence of record. The order of the Administrator shall be sustained if it is supported by substantial evidence when considered on the record as a whole. The judgment of the court affirming or setting aside, in whole or in part, any order under this section 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 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order. The court shall advance on the docket and expedite the disposition of all clases filed therein pursuant to this section.

"(c) JURISDICTION OF DISTRICT COURTS.—The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act.

"(d) NOTICE OF JUDGMENTS.—The Administrator shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this Act.

"SEC. 17. IMPORTS AND EXPORTS

"(a) PESTICIDES AND DEVICES INTENDED FOR EXPORT.—Notwithstanding any other provision of this Act, no pesticide or device shall be deemed in violation of this Act when intended solely for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser, except that producers of such pesticides and devices shall be subject to section 8 of this Act.

(b) CANCELLATION NOTICES FURNISHED TO FOREIGN GOVERNMENTS.—Whenever a registration, or a cancellation or suspension of the registration of a pesticide becomes effective, or ceases to be effective, the Administrator shall transmit through the State Department notification thereof to the governments of other countries and to appropriate international agencies.

"(c) IMPORTATION OF PESTICIDES AND DEVICES.—The Secretary of the Treasury shall notify the Administrator of the arrival of pesticides and devices and shall deliver to the Administrator, upon his request, samples of pesticides or devices which are being imported into the United States, giving notice to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination of a sample that it is adulterated, or misbranded or otherwise violates the provisions set forth in this Act, or is otherwise injurious to health or the environment, the pesticide or device may be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any pesticide or device refused delivery which shall not be exported by the consignee within 90 days from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such pesticide or device pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such pesticide or device, together with the duty thereon, and on refusal to return such pesticide or device for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond: *And provided further*, That all charges for storage, cartage, and labor on pesticides or devices which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"(d) COOPERATION IN INTERNATIONAL EFFORTS.—The Administrator shall, in cooperation with the Department of State and any other appropriate Federal agency, participate and cooperate in any international efforts to develop improved pesticide research and regulations.

"(e) REGULATIONS.—The Secretary of the Treasury, in consultation with the Administrator, shall prescribe regulations for the enforcement of subsection (c) of this section.

"SEC. 18. EXEMPTION OF FEDERAL AGENCIES

"The Administrator may, at his discretion, exempt any Federal or State agency from any provision of this Act if he determines that emergency conditions exist which require such exemption.

"SEC. 19. DISPOSAL AND TRANSPORTATION

"(a) PROCEDURES.—The Administrator shall, after consultation with other interested Federal agencies, establish procedures and regulations for the disposal or storage of packages and containers of pesticides and for disposal or storage of excess amounts of such pesticides, and accept at convenient locations for safe disposal a pesticide the registration of which is canceled under section 6(c) if requested by the owner of the pesticide.

"(b) ADVICE TO SECRETARY OF TRANSPORTATION.—The Administrator shall provide advice and assistance to the Secretary of Transportation with respect to his functions relating to the transportation of hazardous materials under the Department of Transportation Act (49 U.S.C. 1657), the Transportation of Explosives Act (18 U.S.C. 831–835), the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472 H), and the Hazardous Cargo Act (46 U.S.C. 170, 375, 416).

"SEC. 20. RESEARCH AND MONITORING

"(a) RESEARCH.—The Administrator shall undertake research, including research by grant or contract with other Federal agencies, universities, or others as may be necessary to carry out the purposes of this Act, and he shall give priority to research to develop biologically integrated alternatives for pest control. The Administrator shall also take care to insure that such research does not duplicate research being undertaken by any other Federal agency.

"(b) NATIONAL MONITORING PLAN.—The Administrator shall formulate and periodically revise, in cooperation with other Federal, State, or local agencies, a national plan for monitoring pesticides.

"(c) MONITORING.—The Administrator shall undertake such monitoring activities, including but not limited to monitoring in air, soil, water, man, plants, and animals, as may be necessary for the implementation of this Act and of the national pesticide monitoring plan. Such activities shall be carried out in cooperation with other Federal, State, and local agencies.

"SEC. 21. SOLICITATION OF COMMENTS; NOTICE OF PUBLIC HEARINGS

"(a) The Administrator, before publishing regulations under this Act, shall solicit the views of the Secretary of Agriculture.

"(b) In addition to any other authority relating to public hearings and solicitation of views, in connection with the suspension or cancellation of a pesticide registration or any other actions authorized under this Act, the Administrator may, at his discretion, solicit the views of all interested persons, either orally or in writing, and seek such advice from scientists, farmers, farm organizations, and other qualified persons as he deems proper.

"(c) In connection with all public hearings under this Act the Administrator shall publish timely notice of such hearings in the Federal Register.

"SEC. 22. DELEGATION AND COOPERATION

"(a) DELEGATION.—All authority vested in the Administrator by virtue of the provisions of this Act may with like force and effect be executed by such employees of the Environmental Protection Agency as the Administrator may designate for the purpose.

"(b) COOPERATION.—The Administrator shall cooperate with the Department of Agriculture, any other Federal agency, and any appropriate agency of any State or any political subdivision thereof, in carrying out the provisions of this Act, and in securing uniformity of regulations.

"SEC. 23. STATE COOPERATION, AID, AND TRAINING

"(a) COOPERATIVE AGREEMENTS.—The Administrator is authorized to enter into cooperative agreements with States—

"(1) to delegate to any State the authority to cooperate in the enforcement of the Act through the use of its personnel or facilities, to train personnel of the State to cooperate in the enforcement of this Act, and to assist States in implementing cooperative enforcement programs through grants-in-aid; and

"(2) to assist State agencies in developing and administering State programs for training and certification of applicators consistent with the standards which he prescribes.

"(b) CONTRACTS FOR TRAINING.—In addition, the Administrator is authorized to enter into contracts with Federal or State agencies for the purpose of encouraging the training of certified applicators.

"(c) The Administrator may, in coopera-

tion with the Secretary of Agriculture, utilize the services of the Cooperative State Extension Services for informing farmers of accepted uses and other regulations made pursuant to this Act.

"SEC. 24. AUTHORITY OF STATES

"(a) A State may regulate the sale or use of any pesticide or device in the State, but only if and to the extent the regulation does not permit any sale or use prohibited by this Act;

"(b) such State shall not impose or continue in effect any requirements for labeling and packaging in addition to or different from those required pursuant to this Act; and

"(c) a State may provide registration for pesticides formulated for distribution and use within that State to meet special local needs if that State is certified by the Administrator as capable of exercising adequate controls to assure that such registration will be in accord with the purposes of this Act and if registration for such use has not previously been denied, disapproved, or canceled by the Administrator. Such registration shall be deemed registration under section 3 for all purposes of this Act, but shall authorize distribution and use only within such State and shall not be effective for more than 90 days if disapproved by the Administrator within that period.

"SEC. 25. AUTHORITY OF ADMINISTRATOR

"(a) REGULATIONS.—The Administrator is authorized to prescribe regulations to carry out the provisions of this Act. Such regulations shall take into account the difference in concept and usage between various classes of pesticides.

"(b) EXEMPTION OF PESTICIDES.—The Administrator may exempt from the requirements of this Act by regulation any pesticide which he determines either (1) to be adequately regulated by another Federal agency, or (2) to be of a character which is unnecessary to be subject to this Act in order to carry out the purposes of this Act.

"(c) OTHER AUTHORITY.—The Administrator, after notice and opportunity for hearing, is authorized—

"(1) to declare a pest any form of plant or animal life (other than man and other than bacteria, virus, and other microorganisms on or in living man or other living animals) which is injurious to health or the environment;

"(2) to determine any pesticide which contains any substance or substances in quantities highly toxic to man;

"(3) to establish standards (which shall be consistent with those established under the authority of the Poison Prevention Packaging Act (Public Law 91–601)) with respect to the package, container, or wrapping in which a pesticide or device is enclosed for use or consumption, in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act as well as to accomplish the other purposes of this Act;

"(4) to specify those classes of devices which shall be subject to any provision of paragraph 2(q)(1) or section 7 of this Act upon his determination that application of such provision is necessary to effectuate the purpose of this Act;

"(5) to prescribe regulations requiring any pesticide to be colored or discolored if he determines that such requirement is feasible and is necessary for the protection of health and the environment; and

"(6) to determine and establish suitable names to be used in the ingredient statement.

"SEC. 26. SEVERABILITY

"If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without regard to the invalid provision or application, and to this end the provisions of this Act are severable.

"SEC. 27. AUTHORIZATION FOR APPROPRIATIONS

"There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975. The amounts authorized to be appropriated for any fiscal year ending after June 30, 1975, shall be the sums hereafter provided by law.

AMENDMENTS TO OTHER ACTS

SEC. 3. The following Acts are amended by striking out the terms "economic poisons" and "an economic poison" wherever they appear and inserting in lieu thereof "pesticides" and "a pesticide" respectively:

(1) The Federal Hazardous Substances Act, as amended (15 U.S.C. 1261 et seq.):

(2) The Poison Prevention Packaging Act, as amended (15 U.S.C. 1471 et seq.); and

(3) The Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.).

EFFECTIVE DATES OF PROVISIONS OF ACT

SEC. 4. (a) Except as otherwise provided in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by this Act, and as otherwise provided by this section, the amendments made by this Act shall take effect at the close of the date of the enactment of this Act, provided if regulations are necessary for the implementation of any provision that becomes effective on the date of enactment, such regulations shall be promulgated and shall become effective within 90 days from the date of enactment of this Act.

(b) The provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and the regulations thereunder as such existed prior to the enactment of this Act shall remain in effect until superseded by the amendments made by this Act and regulations thereunder: *Provided*, That all provisions made by these amendments and all regulations thereunder shall be effective within four years after the enactment of this Act.

(c)(1) Two years after the enactment of this Act the Administrator shall have promulgated regulations providing for the registration and classification of pesticides under the provisions of this Act and thereafter shall register all new applications under such provisions.

(2) After two years but within four years after the enactment of this Act the Administrator shall register and reclassify pesticides registered under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act prior to the effective date of the regulations promulgated under subsection (c)(1).

(3) Any requirements that a pesticide be registered for use only by a certified applicator shall not be effective until four years from the date of enactment of this Act.

(4) A period of four years from date of enactment shall be provided for certification of applicators.

(A) One year after the enactment of this Act the Administrator shall have prescribed the standards for the certification of applicators.

(B) Within three years after the enactment of this Act each State desiring to certify applicators shall submit a State plan to the Administrator for the purpose provided by section 4(b).

(C) As promptly as possible but in no event more than one year after submission of a State plan, the Administrator shall approve the State plan or disapprove it and indicate the reasons for disapproval. Consideration of plans resubmitted by States shall be expedited.

(5) One year after the enactment of this Act the Administrator shall have promulgated and shall make effective regulations relating to the registration of establishments, permits for experimental use, and the keeping of books and records under the provisions of this Act.

(d) No person shall be subject to any criminal or civil penalty imposed by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by this Act, for any act (or failure to act) occurring before the expiration of 60 days after the Administrator has published effective regulations in the Federal Register and taken such other action as may be necessary to permit compliance with the provisions under which the penalty is to be imposed.

(e) For purposes of determining any criminal or civil penalty or liability to any third person in respect of any act or omission occurring before the expiration of the periods referred to in this section, the Federal Insecticide, Fungicide, and Rodenticide Act shall be treated as continuing in effect as if this Act had not been enacted.

And the Senate agree to the same.

W. R. POAGE,
W. M. ABBITT,
BERNIE SISK,
JOHN G. DOW,
PAGE BELCHER,
GEO. A. GOODLING,
JOHN KYL,
Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES B. ALLEN,
P. A. HART,
FRANK E. MOSS,
JACK MILLER,
ROBERT DOLE,
L. WEICKER, Jr.,
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 Senate to the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, 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 Senate amendment struck all after the enacting clause of H.R. 10729. There were over 50 points of difference between the two versions and these differences were resolved in the conference substitute which makes the following changes in the House bill:

(1) It changes section 1 of FIFRA to conform the table of contents to the amended text.

(2) It changes section 2(c) to indent the numbered paragraphs.

(3) It deletes "pesticide" from "certified pesticide applicator" in section 2(e) and elsewhere (and similar titles) to avoid confusion with certified public accountants.

(4) It permits an employee to apply pesticides on his employer's land as a private applicator (section 2(e)(2)).

(5) It gives EPA discretion as to the necessity for the physical presence of a certified applicator (section 2(e)(4)).

(6) It gives the Administrator discretion as to which provisions of section 2(q)(1) [definition of misbranded] or section 7 [registration of establishments] shall be applicable to any class of device (sections 2(h), 2(q)(1), and 25(c)(4)).

(7) It clarifies the definition of the term "device" in section 2(h) by not including equipment used for the application of pesticides when sold separately therefrom.

(8) It changes the registration criteria from "substantial" to "unreasonable" adverse effects on the environment and changes the definition slightly, without making any change in substance. This change from the House language is a matter of clarification only. There is absolutely no difference in substance in this respect between the con-

ference substitute and the House bill or the Senate amendment (sections 2(x) and 2(bb) and elsewhere throughout the bill).

(9) It defines "imminent hazard" to included a situation involving unreasonable hazard to survival of endangered species (section 2(1)).

(10) It defines "ingredient statement" to require all pesticides to show the name and percentage of each active ingredient and the total percentage of inert ingredients (section 2(n)).

(11) It requires the establishment registration number to be shown on the label [rather than on accompanying labeling] (section 2(q)(1)(D).

(12) It deletes the Senate provision which would have classified a pesticide as misbranded if "when used in accordance with the requirements of the Act or commonly recognized practice" it causes unreasonable adverse effects on the environment, and amends provisions dealing with the registration process instead. The conferees deleted section 2(q)(1)(H) of the Senate amendment, which defined a pesticide as "misbranded" if the product, when used in accordance with requirements imposed under the Act or with "commonly recognized practice", caused unreasonable adverse effects on the environment. The conferees do not believe that a manufacturer should be subjected to criminal penalties for a "misbranding" which is beyond his control. The conference substitute shifts this language to section 3 and section 6. Thus, although no criminal penalties are applicable, the Administrator will have the authority to deny registration or cancel where there is a widespread and commonly recognized practice of using a pesticide which generally causes unreasonable adverse effects on the environment.

(13) It excludes non-toxic, vitamin-hormone products not intended for pest destruction from the definition of "plant regulator" (section 2(v)).

(14) It defines "establishment" as a place where pesticides or devices are produced or held for distribution or sale. This provision is designed to make it clear that a farmer who mixed two or more pesticides in his spreader or sprayer would not be required to register as an establishment (section 2(dd)).

(15) It provides for mandatory licensing of test data. The conferees concluded that the Administrator is in the best position to determine the proper amount of reasonable compensation for producing the test data that should be accorded the originator of such data. It was consequently concluded that an appeal of such determination by the originator of such data to the District Court should not result in a lowering of the Administrator's determination. It was also concluded that the pendency of such proceeding before the Administrator or the Court should not stay or delay use of such data (section 3(c)(1)(D)).

(16) It keeps the prohibition against making lack of essentiality a criterion for registration as provided in the House bill and adds the Senate clarifying provision which states that "Where two pesticides meet the requirements of this paragraph, one should not be registered in preference to the other," thus reflecting the conferees intent that no difference between these provisions exists (section 3(c)(5)(C)).

(17) It gives the Administrator discretion to give an applicant more than thirty days to make corrections (section 3(c)(6)).

(18) It permits "other interested persons with the concurrence of the registrant" to contest the denial, cancellation, or suspension of registration, or a change in classification, where the registrant fails to do so (sections 3(c)(6), 3(d)(2), 6(a)(1), and 6(c)(4)).

(19) It authorizes the Administrator to require pesticide packaging and labeling for restricted use to be clearly distinguishable from packaging and labeling for general use (section 3(d)(1)(A)).

(20) It makes restricted classification depend in part on the hazards involved in the use of a pesticide in accordance with "widespread and commonly recognized practice" (section 3(d)(1)(B) and (C)).

(21) It subjects restricted use regulations to judicial review (section 3(d)(1)(C)(ii)).

(22) It specifically subjects a change in classification to judicial review (section 3(d)(2)).

(23) It makes registration prima facie evidence of compliance as long as no cancellation proceedings are in effect (section 3(f)(2)).

(24) It makes clear that EPA can withdraw its approval of a State certification plan (section 4 (a) and (b)).

(25) It allows the Administrator to permit States to issue experimental use permits (section 5(f)).

(26) It allows the Administrator to permit continued sale or use of a pesticide whose registration is cancelled where not inconsistent with the purposes of the Act (sections 6(a)(1), 12(a)(1)(A), and 12(a)(2)(K)). Additional authority is provided in section 15(b)(2).

(27) It preserves cancellation criteria in existing law and permits the Administrator to initiate cancellation proceedings either by cancellation notice or hearing notice. Procedures for hearings and other matters would be in accord with chapter 5 of title 5 of the United States Code (formerly the Administrative Procedure Act) except as otherwise specifically provided (section 6(b)).

(28) It provides for initiation of change in classification proceedings as an alternative to cancellation proceedings when registration is suspended (section 6(c)(1)).

(29) It provides for hearings on suspensions except in emergency situations (section 6(c)).

(30) It provides for judicial review for suspensions [as generally in other cases] in the district court where there has been no hearing, in the court of appeals where there has been a hearing. The House bill did not provide for an administrative hearing on suspension and therefore provided for judicial review only in the district court. Under the conference substitute a court stay of a suspension order would be effective until final decision with respect to cancellation or change in classification (section 6(c)).

(31) It provides for the submission, but only with concurrence of the hearing examiner, of scientific questions at any time prior to the hearing record being closed (section 6(d)).

(32) It specifically prohibits any member of a scientific advisory committee from having a financial or other conflict of interest with respect to any matter considered by the committee (section 6(d)).

(33) It provides for entry by EPA of any place at reasonable times where pesticides or devices are held for distribution or sale [as well as manufacturing establishments]. Such entry may take place only for the purpose of inspection and obtaining samples. (section 9(a)).

(34) It describes an illegal pesticide or device as one "which is adulterated, misbranded, not registered [in the case of a pesticide], or otherwise in violation of this Act" (section 9(b)(2)).

(35) It specifically provides for certification of facts to the Attorney General with respect to institution of proceedings for civil penalties (section 9(c)).

(36) It provides for judicial review of the Administrator's decision to release information which the applicant or registrant believes to be protected from disclosure (section 10(d)).

(37) It prohibits tests on human beings without adequately informing them and obtaining their voluntary participation (section 12(a)(2)(P)).

(38) It clarifies provisions regarding both civil and criminal penalties for wrongdoers (sections 14(a)(2) and 14(b)(2)).

(39) It includes a provision for indemnities, except in the case of a manufacturer who (i) had knowledge of facts which, in themsives, would have shown that a pesticide did not meet the requirements of section 3(c)(5) for registration, and (ii) continued thereafter to produce a pesticide without giving timely notice of such facts to the Administrator (section 15).

(40) It provides judicial review of any order following a public hearing for "any person who will be adversely affected by such order and who had been a party to the proceedings." It is the intent of the conferees that anyone who intervenes in a public hearing under this Act shall be considered a party for purposes of this provision. Provision is made for publication of timely notice in the Federal Register of all public hearings under this Act. The conferees intend the words "adversely affected" to have the same meaning that they have under 5 U.S.C. 702. (Section 16).

(41) It provides for notice to foreign governments whenever a registration or suspension becomes effective or whenever a registration, cancellation, or suspension ceases to be effective. It should be noted that this provision provides for notification to "the governments of other countries". This would not necessarily mean all other countries, but it is expected that notification would be provided to all countries which desired such notification, or where some useful purpose would be served thereby (section 17(b)).

(42) It permits the Administrator under emergency conditions to exempt Federal or State agencies (section 18).

(43) It requires the Administrator to solicit the views of the Secretary of Agriculture before publishing regulations (section 21(a)).

(44) It authorizes the Administrator to utilize, in cooperation with the Secretary of Agriculture, the Cooperative State Extension Services in providing information to farmers (section 23(c)).

(45) It makes it clear that a State may provide registration to meet special local needs, subject to disapproval by the Administrator (section 24).

(46) It extends the appropriation authority for the Act to fiscal year 1975, but retains the "open-end" authorization in the House bill. The conferees have deleted the ceilings proposed in the Senate amendment, not in an effort to obtain greater appropriations but rather to reflect the level of appropriations estimated by EPA to be necessary to carry out the Act (section 27).

(47) It makes penalties effective only after the Administrator has taken such action as may be necessary to permit compliance [as well as having issued regulations] (section 4(d)). The conference substitute adopts the provision of the Senate amendment in section 4(d) of this bill which would make penalties effective only after the Administrator had taken such action as might be necessary to permit compliance (as well as having issued regulations). For example, failure to have a plant registration number on the label would not be subject to penalty until sixty days after the regulations had been publishd and the Administrator had issued the registration numbers on timely applications. Another example would be that of extension of the Act to intrastate commerce. Section 4(c)(1) of this bill gives the Administrator up to two years to promulgate regulations providing for registration of pesticides under the provisions of H.R. 10729. This provision of section 4(d) makes it clear that state registered pesticides moving only in intrastate commerce would be

provided an opportunity to register under the federal law before their distribution would be prohibited.

(48) It makes numerous technical and clerical changes.

In addition, the conferees have deleted several substantive provisions included in the Senate amendment as follows:

(1) Language which would have specifically required the Administrator to request all test data not in his possession that he needs to make his decision on registration.

(2) Provisions calling for more liberal disclosure policies with respect to trade secrets and other confidential information.

(3) Alternate language concerning the requirement for making data available to the public.

(4) A prohibition against the exportation of pesticides which would result in unreasonable adverse effects on the environment of the United States.

(5) A provision for quality control screening of imported agricultural commodities for pesticide residues.

(6) Authority for certain types of citizen suits against the Administrator.

(7) Language which would have prohibited the Environmental Protection Agency from charging fees, other than reasonable registration fees, in connection with any activity under this Act. The conference substitute omits this provision, and it is the intention of the conferees that no fees would be charged for registration or any other activity under the Act.

W. R. POAGE,
WATKINS M. ABBITT,
B. F. SISK,
JOHN G. DOW,
PAGE BELCHER,
GEORGE A. GOODLING,
JOHN KYL.

Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES B. ALLEN,
PHILIP A. HART,
FRANK E. MOSS,
JACK MILLER,
ROBERT DOLE,
LOWELL P. WEICKER, Jr.

Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 15657, STRENGTHENING AND IMPROVING OLDER AMERICANS ACT OF 1965

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

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

Mr. ERLENBORN. Mr. Speaker, reserving the right to object, may I inquire of the chairman of our committee if the unanimous consent he is requesting at this time is known to the ranking Republican on our committee, and does he agree to it?

Mr. PERKINS. Mr. Speaker, I discussed it with him and with the conferees, and I would suggest to the Speaker he is in agreement with it.

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

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

APPOINTMENT OF CONFEREES ON H.R. 11773, EXCLUDING DISTRICT OF COLUMBIA POLICE PERSONNEL RECORDS FROM PUBLIC INSPECTION

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11773) to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. JACOBS, CABELL, STUCKEY, and BROYHILL of Virginia.

FOR THE RELIEF OF AMOS E. NORBY

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2118) for the relief of Amos E. Norby, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, after "The" insert: "estate of the".

Amend the title so as to read: "An Act for the relief of the estate of Amos E. Norby."

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADDITIONAL FUNDS FOR WILDLIFE RESTORATION PROJECTS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11091) to provide additional funds for certain wildlife restoration projects, and for other purposes.

The Clerk read the title of the bill.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I wonder if the gentleman could explain this bill shortly and concisely for the benefit of all the Members, as he has individually to me.

Mr. DINGELL. If the gentleman will yield, I will be very happy to.

Mr. HALL. I am very glad to yield to my friend.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 11091 is to provide additional funds for the carrying out of wildlife restoration programs. In accomplishing this purpose, the legislation would provide for the imposition of an 11-percent Federal tax on the sale of bows, arrows, quivers, and parts and accessories.

Mr. Speaker, the sports of hunting and fishing are among the most popular forms of outdoor recreation known to man today. Over 30 million citizens of this country participate in these forms of recreation each year. The activities of these sportsmen are made possible mainly through the invaluable assistance provided by the Federal aid in wildlife restoration, known as the Pittman-Robertson Act, and the Federal aid in fish restoration, known as the Dingell-Johnson Act.

The act that this legislation is concerned with today is the Pittman-Robertson Act. This act was enacted in 1937 and since its enactment has made available to the States over $438 million. The funds are used by the States on a 75–25 matching fund basis to carry out wildlife restoration projects, including the purchase and improvement of land and water areas and the management of such areas and its resources. The funds to carry out this program are derived from the 11-percent tax on firearms, shells, and cartridges, and the 10-percent tax on pistols and revolvers. The annual nationwide benefits derived from this program include an estimated 56 million man-days of hunting and 50 million man-days of associated recreation such as camping, birdwatching, fishing, hiking, and picnicking.

Mr. Speaker, H.R. 11091 is divided into two titles. Title I of the bill would amend the Federal Aid in Wildlife Restoration Act to provide that in addition to the amount covered into the fund from the 11-percent tax on firearms, shells, and cartridges, and the amount covered into the fund from the 10-percent tax on pistols and revolvers, an amount equal to the revenues to be collected from the new 11-percent tax on bows, arrows, parts, and accessories, as provided under title II of this bill, would also be covered into this fund.

Mr. Speaker, of the revenues that are covered into this fund, one-half of the funds derived from the 11-percent tax on firearms, shells, and cartiridges are apportioned among the States on an area basis and the other one-half on the number of paid hunting license holders in a particular State. These funds are used to carry out wildlife restoration projects. With respect to the funds derived from the tax on pistols and revolvers, one-half of such funds are apportioned on the same basis as the tax on firearms, shells, and cartridges; that is, on the basis of area and paid hunting license holders, and are used to carry out regular wildlife restoration projects. The other one-half of the funds is apportioned among the States on the basis of population. The States have the option of using the apportionment based on population to

carry out hunter safety programs, including in such programs the construction, operation and maintenance of public outdoor target ranges. If any State elects not to carry out a hunter safety program, then this one-half of the funds could be used with the other one-half of the funds derived from the tax on pistols and revolvers to carry out regular wildlife restoration projects.

Mr. Speaker, title I of the legislation would provide that beginning in fiscal year 1975, the new tax to be derived from the sale of bows and arrows would be treated in the same way that the tax on pistols and revolvers are now treated under present law.

Mr. Speaker, title I would make one other change in present law. It would amend section 8(b) of the act to eliminate the word "outdoor" each place it appears in the subsection. This amendment would have the effect of making it clear that the portion of funds apportioned to the States that are eligible for construction, operation, and maintenance of target ranges may be used for "indoor" as well as "outdoor" target ranges.

Mr. Speaker, title II of the bill would amend the Internal Revenue Code, a matter over which the Ways and Means Committee has jurisdiction. Because of this, the Committee on Merchant Marine and Fisheries deemed it advisable to request the views of the Ways and Means Committee on the revenue aspects contained in title II of this legislation.

Mr. Speaker, I would like to call to the attention of my colleagues page 9 of the House report on the legislation, which sets forth the letter Chairman MILLS wrote to our committee on this matter, You will note that the Ways and Means Committee provided our committee with the language of title II of the bill together with language which the committee felt should be included in the House report on the bill. This language is found on pages 9, 10, and 11 of the House report.

Mr. Speaker, briefly explained, title II of the bill would amend section 4161 of the Internal Revenue Code to provide for an 11 percent tax by a manufacturer or importer on the sale of bows and arrows. The tax would apply to all bows that have a draw weight of 10 pounds or more and all arrows which measure 18 inches or more in length. In addition, the 11 percent tax would be imposed on the sale by manufacturers and importers of quivers and of parts and accessories which are suitable for inclusion in or attachment to a taxable bow and arrow.

Mr. Speaker, I would like to point out to my colleagues that the reason the tax to be imposed under this legislation would be imposed only on those bows with a certain draw weight and arrows which measure a certain length is to make sure that children's toys are not included in the taxable items provided by this legislation.

Mr. Speaker, this legislation has the unanimous endorsement of both the Committee on Merchant Marine and Fisheries and the Committee on Ways and Means; it has the strong endorsement of the Department fo the Interior; the International Association of Fish, Game, and Conservation Commissioners; the president of the Archery Manufacturers' Association; and the Wildlife Management Institute; and sportsmen and conservationists in general.

Mr. Speaker, I urge the prompt enactment of the legislation, but before voting on the bill I would like to yield at this time to my food friend from Pennsylvania, a dedicated conservationist, Mr. GOODLING, who is the author of this bill and who has spent numerous hours in trying to perfect this legislation.

Mr. HALL. I appreciate the gentleman's explanation.

Tell me, does this just involve including attachments, sights, stabilizers, and all other appurtenances applicable to bows of the description fitted and arrows of the lengths cited, including leveling devices, string silencers, bow rests, and so forth, only to bow and arrow hunters, or does it apply to the ordinary target shooters, or are they exempted?

Mr. DINGELL. I must inform the gentleman we found it impossible to sort out bows and arrows suitable for target use and those suitable for hunting, so the bill, in general, applies to all bows and arrows and all devices as provided by the language of the bill.

Mr. HALL. If I understand correctly, it has been cleared with the departments, with the conservationists and the hunters, and more particularly the bow manufacturers of whom we have a great number in the district I am privileged to represent.

Would there be any listing or registration involved in the taxation process?

Mr. DINGELL. I assure the gentleman there is no registration in this, and I am violently opposed to that concept. I give you my assurance that it is not included. It does have the backing of the President of the Trade Association of the Academy Manufacturers, who is a personal friend of mine.

Mr. HALL. And all the taxes derived herefrom will go to the conservation fund?

Mr. DINGELL. That is correct. They will be apportioned among the several States for expenditure.

Mr. HALL. I think that the gentleman's statement is forthright and clear, Mr. Speaker. I am personally in favor of this bill.

I yield to my good friend from Pennsylvania (Mr. GOODLING).

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

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

Mr. GOODLING. Mr. Speaker, I rise in support of the bill (H.R. 11091), which I was privileged to introduce for myself and my colleagues, Congressmen DINGELL, KARTH, MCCLOSKEY, CONTE, NEDZI, and Moss. I want to take this opportunity to thank these gentlemen for their support, especially my friend, JOHN DINGELL, the capable chairman of the Fish and Wildlife Subcommittee.

Mr. Speaker, the Federal Aid in Wildlife Restoration Act has been a vital source of funds for State wildlife habitat acquisition programs, since its enactment in 1937. Over $438 million have flowed to the States from Federal excise taxes on sporting arms and ammunition. In addition, to habitat acquisition in fee and under lease, these funds support game-stocking programs, hunter safety programs, and wildlife management research.

The act is enthusiastically supported by State game management agencies, the manufacturers of hunting arms, and the millions of Americans who enjoy hunting and riflery.

Bow hunting and archery have become increasingly popular sports in the United States in recent years; however, there is no comparable excise tax on equipment used in these sports. Nevertheless, the bow hunter benefits greatly from the programs made possible under the Wildlife Restoration Act. The archery industry, bow hunters and archers, recognize the inequity of this situation and are prepared to contribute their fair share to the enhancement of the wildlife restoration fund.

This legislation would, therefore, impose an 11-percent excise tax to be paid into the fund on bows, arrows and accessory equipment used in bow hunting and archery. This will increase the amount available for distribution to the States annually by approximately $3.5 million. The bill is drawn so as to exclude toy bows and arrows not intended for hunting or serious archery.

In addition, Mr. Speaker, the bill would permit the use of Wildlife Restoration Act funds for indoor target ranges and archery ranges. Under existing laws, funds may only be employed for outdoor ranges which are of limited value in the Northern States.

Mr. Speaker, the amendments to the Internal Revenue Code contained in title II of the bill were drafted by the Ways and Means Committee, and I wish to express my appreciation for the great cooperation extended to us by the distinguished chairman of that committee, the gentleman from Arkansas (Mr. MILLS).

In conclusion, Mr. Speaker, this legislation enjoys the strong support of the industry and archery enthusiasts throughout the country, as well as the Department of the Interior. Every State in the Union benefits substantially from the Wildlife Restoration Act, and this bill will increase that support measurably. I, therefore, urge my colleagues to support passage of H.R. 11091.

I include the following:

STATEMENT OF HON. GEORGE A. GOODLING, HOUSE SUBCOMMITTEE ON FISH AND WILDLIFE ON H.R. 761, JULY 9, 1971

Mr. Chairman, H.R. 11091 is designed to provide additional funds for certain wildlife restoration projects. There is a definite need for expanded and accelerated wildlife restoration projects. This is occasioned by our expanding population, which means decreased wildlife habitat, as well as a dynamic increase in the number of individuals who are taking to the hunting fields of America.

This legislation would raise an additional amount of money for wildlife restoration projects through the imposition of a 10 to 11 percent manufacturers' excise tax on the archery gear and equipment that is used for hunting purposes. These funds would be deposited in the special account presently held in the United States Treasury for the pur-

pose of carrying out the wildlife restoration objects of the Wildlife Restoration Act of 1937, generally known as the Pittman-Robertson Act. These funds presently are obtained from the imposition of a 10 percent manufacturers' excise tax on ammunition and a 11 percent manufacturers' excise tax on sporting firearms. H.R. 11091 would add the revenues gathered through its implementation to those Treasury funds that are now used for wildlife restoration.

The Wildlife Restoration Act has made a great contribution to wildlife restoration in America. Since the Act was approved in 1937, it has been largely responsible for the improved status and expanded range of white-tailed deer, elk, pronghorn antelope, wild turkey, bighorn sheep, and other species of wildlife that were at a low point as a result of the tragic era of wildlife waste that prevailed prior to the 1937 period. Funds collected under the Wildlife Restoration Act have made possible vital wildlife research programs, and they have also advanced the acquisition of refuges and public hunting areas throughout the United States.

Money acquired under the Wildlife Restoration Act is apportioned among the States on the basis of population, land area, and the number of hunting licenses issued by a given State. To qualify for its share, a State must submit approvable projects under the Act and supply $1 for each $3 in Federal aid for which it qualifies. Under this Act about $350 million have been collected and allocated to the States since the program began in 1937. With these funds, nearly 3 million acres of land have been purchased and developed for wildlife and public hunting. In addition, about 1 million acres of wetlands have been acquired for waterfowl. The current year's apportionment for wildlife restoration is $30,800,000.

H.R. 11091 would have the effect of getting the archer-hunter into the wildlife restoration act. It would provide him with the opportunity to join with his fellow firearms hunter in the development of substantial wildlife populations, supplying benefits for hunters in general and for himself in particular.

Sportsmen and conservationists have assured me that they will extend their strong support to H.R. 11091. I have also received pledges of support from the archery industry and from archers themselves. Archers are good sports, as well as good sportsmen. They will be anxious to contribute their fair share to the purpose of developing wildlife populations, thereby broadening the base of benefits currently being generated by wildlife restoration activities.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 11091

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

TITLE I—WILDLIFE RESTORATION FUND

SEC. 101. (a) The first sentence of section 3 of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669b), is amended to read as follows: "An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1973) from any tax imposed on specified articles by sections 4161(b) and 4181 of the Internal Revenue Code of 1954 (26 U.S.C. 4161(b), 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the 'fund') and is authorized to be appropriated and made available until expended to carry out the purposes of this Act."

(b) That part of section 4(b) of such Act of September 2, 1937 (16 U.S.C. 669c (b)), which precedes the proviso is amended to read as follows: "One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1973) from any tax imposed on pistols, revolvers, bows and arrows, shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States:".

(c) The amendments made by subsections (a) and (b) of this section shall take effect July 1, 1972.

SEC. 102. (a) Section 8(b) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669g(b)), is amended by striking out "outdoor" each place it appears therein.

(b) The amendments made by subsection (a) of this section shall take effect on the date of the enactment of this Act.

TITLE II—TAX ON SALE OF BOWS AND ARROWS

SEC. 201. (a) Section 4161 of the Internal Revenue Code of 1954 (relating to the imposition of tax on the sale of certain articles) is amended by inserting "(a) RODS, CREELS, ETC.—" in front of "There is" and by inserting at the end the following new subsection:

"(b) BOWS AND ARROWS.—There is hereby imposed upon the sale of bows and arrows (including parts or accessories of such articles sold on or in connection therewith, or with the sale thereof) by the manufacturer, producer, or importer a tax equivalent to 11 percent of the price for which so sold."

(b) The amendment made by subsection (a) of this section shall apply with respect to articles sold (by the manufacturer, producer, or importer thereof) on or after July 1, 1972.

With the following committee amendment:

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

TITLE I—WILDLIFE RESTORATION FUND

SEC. 101. (a) The first sentence of section 3 of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 6695), is amended to read as follows: "An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of the Internal Revenue Code of 1954 (26 U.S.C. 4161(b), 4181) shall, subject to the exemptions in section 4182 of such Code,, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the 'fund') and is authorized to be appropriated and made available until expended to carry out the purposes of this Act."

(b) That part of section 4(b) of such Act of September 2, 1937 (16 U.S.C. 669c–(b)), which precedes the proviso is amended to read as follows: "One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States:".

(c) The amendments made by subsections (a) and (b) of this section shall take effect July 1, 1974.

SEC. 102. (a) Section 8(b) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669g–(b)), is amended by striking out "outdoor" each place it appears therein.

(b) The amendments made by subsection (a) of this section shall take effect on the date of the enactment of this Act.

TITLE II—TAX ON SALE OF BOWS AND ARROWS

SEC. 201. (a) Section 4161 of the Internal Revenue Code of 1954 (relating to the imposition of tax on the sale of certain articles) is amended—

(1) by striking out "There is" and inserting in lieu thereof the following:

"(a) Rods, Creels, Etc.—There is";

(2) by adding at the end thereof the following new subsection:

"(b) BOWS AND ARROWS, ETC.—

"(1) BOWS AND ARROWS.—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

"(A) of any bow which has a draw weight of 10 pounds or more, and

"(B) of any arrow which measures 18 inches overall or more in length,

a tax equivalent to 11 percent of the price for which so sold.

"(2) PARTS AND ACCESSORIES.—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

"(A) of any part or accessory (other than a fishing reel) suitable for inclusion in or attachment to a bow or arrow described in paragraph (1), and

"(B) of any quiver suitable for use with arrows described in paragraph (1),

a tax equivalent to 11 percent of the price for which so sold."

(b) The amendments made by subsection (a) of this section shall apply with respect to articles sold by the manufacturer, producer, or importer thereof on or after July 1, 1974.

The committee amendment was agreed to.

Mr. CONTE. Mr. Speaker, as a cosponsor of H.R. 11091, I rise in support of this measure which would authorize badly needed additional funds for wildlife restoration projects and hunter safety programs through the imposition of a tax on bows and arrows.

As one of the 30 million persons in this country who enjoy the sports of fishing and hunting, I can readily attest to the need for this legislation. State fish and game departments have done an admirable job in administering almost 2,000 wildlife management areas throughout the country. These departments also conduct important wildlife research programs. All this adds immeasureably to the pleasure and satisfaction of the Nation's ever-increasing numbers of hunters and fishermen.

Taxes on sporting arms and ammunition have provided a substantial portion of the funds needed for these activities. However, up until the present, bow hunters and the archery industry have been exempt from these levies. Since archery enthusiasts derive many of the benefits from the wildlife restoration programs, it is only fitting that they share a part of the financial burden that these programs entail.

This legislation would achieve this objective and at the same time, produce added revenues which can only improve the quality of these programs.

I therefore urge the adoption of this legislation by the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SOCKEYE SALMON OR PINK SALMON FISHERY ACT OF 1947

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

consideration of the bill (H.R. 16870) 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.

The Clerk read the title of the bill.

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

Mr. PELLY. Mr. Speaker, reserving the right to object, I do so simply to assure the House that the minority side is in full support of this bill, and it has been cleared on our side.

Mr. Speaker, I rise in strong support of this legislation and urge its overwhelming passage and immediate enactment into law.

In all of my 20 years in Congress I know of no other piece of fishery related legislation which possesses such tremendous merit as this one. The Fraser River system is in Canada's British Columbia near my own State of Washington and is now one of the great salmon producing river systems in the entire world. Yet, historically, due to large-scale rock slides in the 1930's, this valuable salmon resource was almost wiped out since the salmon were prevented from reaching their upriver spawning grounds. As a result of a United States and Canada treaty to revitalize this resource, I have seen salmon runs and annual salmon landings increase remarkably over the years to the point now that the average sockeye salmon catch by both nations amounts to about 2,402,954 fish, and the average annual landing of pink salmon totaling 4,118,978—equally divided between both nations.

This treaty is and has been a tremendous success and is a remarkable example of what a properly administered agreement between two great nations can accomplish.

This bill would continue the U.S. support of this international agreement by specifically authorizing the appropriation of the U.S. share for a 16-year restoration program which will provide an additional yearly income to fishermen of both nations of approximately $14 million. The extremely favorable cost/benefit ratio for this program is estimated at 9.5 to 1. In other words, income realized each year will equal the total cost for the entire 16-year program.

Yet, fishery representatives in Canada are urging that their government put up the entire program cost of $14 million so that the entire annual landings would accrue to Canadian fishermen and none to the United States. Their position has grown out of frustration over the years due to the failure on the part of the United States to actually appropriate the total U.S. fair share, in accordance with the terms of this international agreement. Thus, after a lower appropriated U.S. share is provided, the Canadian share must be adjusted downward—to the detriment of valuable natural resource and commercial fishing industries of both nations.

Enactment of this legislation will serve to further indicate continued and wholehearted support of the United States to abide by the explicit terms of the treaty throughout each annual phase of this 16-year program. By the time this construction project is completed, they will have produced about $72 million worth of fish at 1971 fishermen prices. The projects will have paid for themselves five times over. I know of no other sounder investment this country can make than to pass this legislation and fully fund the amounts authorized over this 16-year period.

I have a very strong fear that, should the legislation not pass, should the funds not be appropriated, should the funds so appropriated not be allocated and spent, that such dereliction of duty on the part of the United States—an integral part of its responsibilities under the terms of this international treaty will result in the demise of this tremendously valuable salmon fishery resource and the further decline of the commercial fishing industry of the United States—an integral part of this Nation's heritage, history, and future.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 16870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Sockeye or Pink Salmon Fishing Act of 1947 (61 Stat. 514; 16 U.S.C. 776f) is amended by (a) designating existing section 8 as "section 8(a)"; and (b) inserting at the end thereof the following new section:

"(b) In addition to the amounts authorized in subsection (a) of this section, there is authorized to be appropriated the sum of $7,000,000 for the share of the United States of costs and expenses incident to the development and construction of salmon enhancement facilities pursuant to the program for the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system as approved by the Commission, to remain available until expended.

With the following committee amendments:

On page 1, line 3, add the word "Salmon" after the word "Sockeye".

On page 1, line 3, delete the word "Fishing" and add the word "Fishery" in lieu thereof.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Sockeye Salmon or Pink Salmon Fishery Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two bills just passed.

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

There was no objection.

ADDITIONAL MEMBERS OF NATIONAL HISTORICAL PUBLICATIONS COMMISSION

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15763) to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes.

The Clerk read the title of the bill.

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

Mr. BUCHANAN. Mr. Speaker, reserving the right to object—and I merely reserve the right to object so that the chairman of the subcommittee might explain to the Members the nature of this bill.

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, may I first say that the gentleman from Alabama (Mr. BUCHANAN) has been a great help in preparing this legislation.

The legislation would provide two additional members of the National Historical Publications Commission. It would also increase the Commission's authorized annual appropriation from $500,000 to $2 million, and extend the annual authorization through the fiscal year ending June 30, 1977. All of this money is used by the National Historical Publications Commission to make grants to publish historical source documents on Presidential and other historical figures in the United States.

The National Historical Publications Commission has justified its appropriations since 1965, when we passed the first appropriation authorization bill. The chairman of the Commission told me then that they would receive as much from private contributions as they would get from appropriations from the Congress, and their 7-year track record has been excellent. Since 1965, annual appropriations from the Congress have averaged $368,000, while contributions from private institutions have averaged $787,500.

In other words, each dollar of appropriated funds has generated over $2 of contributions from other sources.

I think this is a splendid record. We are very proud of the efforts of the Commission; their work has been superb, as have been their fundraising activities. I wish that we could pass all our government programs on this same basis.

The National Historical Publications Commission—the Commission—was established by Congress in 1934 for the purpose of promoting the collection and publication of "the papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States." It was not until 1964 that the Commission was authorized to have annual appropriations for the purpose of making allocations to Federal agencies, and grants

to State and local agencies, and to nonprofit organizations and institutions to collect and preserve historical source materials. Since fiscal year 1965, when funds were first appropriated for the Commission in accordance with Public Law 88–383, which I had the privilege to introduce, each $1 of appropriated money has generated over $2 of contributions from private sources. With appropriated funds, the Commission, during the period from 1964 through 1971, has been able to assist and support 34 letterpress documentary publication projects and 105 microfilm publication titles.

H.R. 15763 was introduced by me and my distinguished colleagues, Mr. CULVER, Mr. MONAGAN, Mr. BUCHANAN, Mr. HEINZ, and Mr. BRADEMAS.

The purpose of H.R. 15763 is to: First, provide for two additional members of the National Historical Publications Commission; second, remove the current $500,000 ceiling on its annual authorization for appropriations; third, extend its authorization for appropriations until the fiscal year ending June 30, 1977; and fourth, increase the maximum per diem subsistence allowance for those six members of the National Historical Publications Commission who do not represent any branch of Government from $25 to $40 for each day spent on Commission business.

The Committee on Government Operations unanimously approved H.R. 15763 on August 9, 1972, and has recommended the adoption of two amendments:

First. The first amendment recommended by the committee places a ceiling of $2 million on the appropriation authorization for each year. As originally drafted, H.R. 15763 provided for an open ended authorization. The current appropriation authorization is contained in section 503(f) of the Federal Property and Administrative Services Act of 1949 and provides an authorization for appropriations of an amount not to exceed $500,000 for the fiscal year ended June 30, 1965, and 9 succeeding fiscal years. Section 2 of H.R. 15763 repeals this current appropriation authorization.

The amendment would also reinstate the proviso contained in current law that such appropriations shall be available until expended when so provided in appropriations acts. H.R. 15763, as originally written, provides that appropriations would remain available until expended.

Second. The second amendment is clerical in nature to rectify a typographical error. It would change the word "Administration" on page 2, line 14, to "Administrative."

Mr. Speaker, the passage of H.R. 15763 would significantly assist the Commission in its mission. Without this legislation, the current authorization for appropriations would expire with the fiscal year ended June 30, 1974. Consequently, this would severely handicap the Commission in promoting the collection and publication of historical source materials since it would no longer be able to make grants, which grants, in turn, encourage financial contributions from other sources. For example, since 1965, each $1 of appropriated funds has generated over $2 from other sources.

In addition, the current $500,000 ceiling on the appropriation authorization is just adequate to support the current projects that the Commission has undertaken. If the Commission is to undertake additional worthwhile projects—of which there are many—additional funds for grants are necessary. For example, the Commission is anxious to support more projects relating to the American Revolutionary period—a particularly appropriate subject in light of the upcoming bicentennial celebration of our independence. The Commission also would like to do more in the area of the contributions that minority groups have made, such as Black Americans, Spanish-speaking Americans, and American Indians. However, all of these projects would be impossible to undertake without additional money for grants.

By the congressional mandate given to the Commission in 1934, Congress explicitly recognized the importance of collecting and preserving the documents of the past. The work that the Commission has performed will serve as a valuable and timely contribution toward a better understanding by present and future generations of the thoughts, ideals, and plans that formed the framework for the beginning of this Nation. The Commission has collected, preserved, and published an immense amount of materials requiring the scholarship and hard work of many devoted persons.

In light of the proven worth and priceless contributions of the Commission, and in view of the fact that an enormous amount of work will continue to confront the Commission, it is essential that the appropriations authorization for the Commission be increased to a level that realistically represents the amount of financing that the Commission requires to effectively perform its work. Congress would be shortsighted not to supply necessary funds to help the Commission collect, preserve, and publish documents and other source materials that help us understand our national origins. The Commission must move with all possible speed in this area because a great deal of the documents that it seeks to preserve might be lost, destroyed, or in other ways become unavailable.

Accordingly, Mr. Speaker, I urge favorable consideration of H.R. 15763 by the House.

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

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

Mr. HEINZ. Mr. Speaker, I rise in support of this bill, H.R. 15763, as a member of the subcommittee of the distinguished chairman the gentleman from Texas (Mr. BROOKS). I wish especially to commend the chairman and the other members of the committee for the excellent handling and careful preparation of this legislation. Our open and public hearings at which I was present and participated, were held on August 8, 1972, and were a forum of free and open discussion of all aspects of H.R. 15763 and the work of the National Historical Publications Commission.

As demonstrated in the record of the hearings, the administrative costs of the commission are exceptionally low, and the work and output, in terms of both quantity and quality, extremely high. I commend the chairman and the committee for bringing to the House this legislation, which, if enacted, will permit on an expanded basis, the vital documentation and necessary preservation of our national heritage. I would only add that the early enactment of this legislation is particularly fitting as we approach our national bicentennial.

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

Mr. BUCHANAN. I yield to the distinguished gentleman.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding and, indeed, clearing this request in advance for additional members on the National Historic Publications Commission, the removal of the ceiling, extending the authorization through future Congresses yet to be born, and also increasing the per diem allowance.

I believe these are the four accomplishments of the bill.

As the gentleman from Texas, my colleague, says and he is the chairman of the Subcommittee of the Committee on Governmental Operations says, and also he speaks as the first and outstanding chairman of the continuing Joint Committee of Congressional Operations; this is worthwhile and we are all interested in historical publications. I, too, am glad of the return on our seed-moneys. I do understand that nevertheless, none of the funds authorized are ever recouped, that is the taxpayers' Treasury is not reimbursed by contributions from outside foundations or other sources, but if it is put to good use and for historical valuable items and research, one could not gainsay it.

I wonder though—what is the need for the urgency of the legislation, which would not ordinarily conform to the Consent Calendar criteria, thus coming up in this manner at this time. Is it the coming bicentennial celebration?

Mr. BROOKS. Yes. It takes a very long time to get a new project started. Sometimes it takes months or years to plan and initiate additional projects. Without increased funds for grants, the Commission could not undertake additional worthwhile projects, relating to the American Revolutionary Period, which will serve as valuable contributions to our Nation's upcoming bicentennial celebration.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, this is not another example of having started off with a group and giving them a congressional charter so to speak, on the basis that they would match funds or raise future requirements from private sources, and then coming back and dipping into the till of the U.S. Treasury for more funds, I hope?

They have indeed accomplished their purpose. This is not another of the deals like Dulles Airport, the Kennedy Center for the Performing Arts, or the Kennedy Stadium deal in which the Congress footed the bill in excess of the original

items once the charter was granted, and expected private contributions failed to materialize?

Mr. BROOKS. This is no kin to those projects.

Mr. HALL. I thank the gentleman.

Mr. BUCHANAN. Mr. Speaker, this legislation adds two new members to the National Historical Publications Commission who shall be drawn from the organization of American historians. It also authorizes an increase in appropriations for the next 5 years from $500,000 to $2 million annually; and increases the per diem allowance for non-Federal members to $40.

The Commission was initially established in 1934 for the purpose of promoting the collection and publication of important papers and documents of individuals and events important to an understanding and appreciation of American history. Increasingly, beginning in 1954, under the impetus of Presidents Truman and Eisenhower, the Commission has reached out to broaden its cooperative ventures with governmental and private bodies. Since 1964, when legislation was enacted under the able leadership of the distinguished chairman of the subcommittee (Mr. BROOKS), providing for an annual authorization of $500,000, the Commission has been in a position to step up its activities significantly. Appropriations ensuing from this legislation have enabled the Commission to provide grants to government and private sources, such as universities, research libraries, and historical societies, to collect, describe, preserve and publish papers and documents of men, women, and events associated with the making of American history.

The financial contribution has not been a Federal effort alone, however. To the contrary, such Federal contributions have seeded even greater financial contributions from State and local governments, foundations, universities, and other sources. Between 1964 and 1971, the Commission has been able to financially assist and support the publication of 34 letterpress documentary publication projects and 105 microfilm publication titles. Letterpress publications, published by universities without cost to the taxpayers, have included the works of such historical figures as the Adams family, Alexander Hamilton, Thomas Jefferson, James Madison, Henry Clay, John Marshall, John C. Calhoun, Booker T. Washington, Daniel Webster and Benjamin Franklin. In addition, projects are underway designed to document the broad legal, political, religious, commercial, military, and scientific events of our past—many or all of which will be published in easily retrievable and less expensive microfilm collections, as will those of many historical figures.

As beneficial as the past financial contribution of the Commission has been to spurring increased preservation and publication of invaluable historical materials—and to also attracting contributions from other sources—the fact remains that insufficient resources presently exist to initiate or support the level of scholarship that is required. I need to remind no one, I believe, that papers, letters, records, and other material of historical significance are a fragile and wasting asset. If we do not collect and preserve them in time, they are lost forever.

One may question the need to use taxpayers' money merely to collect, preserve and edit "stale and dry" materials of fading personages and forgotten times. In answer to this, I can only answer that the heritage of a nation is a precious and invaluable resource. The course that a nation follows is in direct consequence of the actions, beliefs and principles of those who have come before, especially individuals in a role of leadership. For a people not to know the roots and causes of their past will only lead them to repeat the mistakes and tragedies so committed without profiting by that which has been beneficial and good. Certainly as we approach the bicentennial of our Nation's founding, it is most fitting that adequate direction and resources be devoted to unfolding and recording our past.

The present resources of the Commission are insufficient under existing appropriation limits to finance many necessary projects relating to events surrounding the American Revolutionary period. That alone should be sufficient inducement for Congress to support the limited increased authorization. At least as important, however, is the fact that much more effort must be exerted by the Commission to collect, preserve, and document the major contributions made to American history by women, blacks, Spanish Americans, and Indians, among others. In questioning by me of the Archivist of the United States at hearings on this proposed legislation, I was assured that the Commission intends to expand its work significantly in these areas and, in fact, already has a number of projects under consideration for financing. For this reason also the legislation deserves full support from all Members.

Aside from increasing the authorization for the next 5 years, H.R. 15763 also increases membership on the Commission from 11 to 13 members. The present membership includes the Archivist of the United States, Librarian of Congress, one Senator, one Representative, one member of the Federal judicial branch, one representative each from the Departments of State and Defense, two representatives of the American Historical Association, and two persons outstanding in the fields of social or physical sciences appointed by the President of the United States. Added to this membership, under the proposed legislation, would be two representatives selected from the Organization of American Historians. While representatives of the American Historical Association have been represented from the establishment of the Commission, that association represents many fields of history other than that relating to the United States. The Organization of American Historians, on the other hand, constitutes the largest national society of historians concerned with the history of the United States. There can be little doubt that representatives of the later organization would have been included in the original membership of the Commission if it had been in existence at the time the Commission was founded. It is only logical that we add this important voice to Commission deliberations at this time.

Mr. Speaker, no one can truly understand a society without a knowledge of its history. The past provides the key to an accurate understanding of today and the best basis for good decisions in our planning for tomorrow.

We owe it to the present generations of Americans and to those who follow to preserve the record of our heritage. I, therefore, withdraw my reservation and urge the adoption of H.R. 15763.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. BROOKS)?

There was no objection.

The Clerk read the bill as follows:

H.R. 15763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 25 of title 44, United States Code, is amended as follows:

(a) In section 2501, by inserting immediately after the word "Association;" where it appears for the second time, the following: "two members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one of whom shall be appointed for an initial term of two years, and whose successors shall each serve four years;".

(b) In section 2503, by deleting "$25" and inserting in lieu thereof "$40".

(c) In section 2504, by inserting at the beginning of the text subsection designation "(a)", and by adding at the end thereof a new subsection (b), as follows:

"(b) There is hereby authorized to be appropriated to the General Services Administration for the purpose specified in (a) above, to remain available until expended, such sums as may be required for the fiscal year 1973 and each of the four succeeding years."

SEC. 2. Section 503(f) of the Federal Property and Administration Services Act of 1949, as added by the Act of July 28, 1964 (78 Stat. 335), and as amended by the Act of August 8, 1968 (82 Stat. 638), is repealed.

With the following committee amendments:

Page 2, strike out lines 8 through 12, inclusive, and insert:

"(b) There is hereby authorized to be appropriated to the General Services Administration for the fiscal year ending June 30, 1973, and for each of the four succeeding fiscal years an amount not to exceed $2,000,000 for each year for the purposes specified in subsection (a) of this section: *Provided,* That such appropriations shall be available until expended when so provided in appropriation Acts."

Page 2, line 14, strike out "Administration" and insert "Administrative".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 56, NATIONAL ENVIRONMENTAL DATA SYSTEM AND ENVIRONMENTAL CENTERS

Mr. DINGELL. Mr. Speaker, I call up the conference report on the bill (H.R

56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 28, 1972.)

Mr. DINGELL (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 Michigan?

There was no objection.

The SPEAKER. The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Speaker, this conference report represents the solution of great difficulties by the conferees.

It involves four parts. The first is the part which sets up the National Environmental Data System substantially as it was reported by the Committee on Merchant Marine and Fisheries and passed by the House.

Part two of the bill was added by the Senate and sets up a program of environmental centers run by the States together with the program on grants by the Federal Government for the support of that system.

Parts three and four relate to another amendment added by the Senate which will provide for the purchase of certain lands to be put on sale by the Klamath Indians. The bill as reported back from the conference committee has the support of all of the national conservation organizations. It solves the problem that is particularly oppressive to our good friends and colleagues of the Oregon delegation, and it was reported back unanimously by the conferees on the part of the House and on the part of the Senate.

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

Mr. PELLY. Mr. Speaker, I would like to take such time as I may have just for a brief explanation. Then I shall be glad to yield to Mr. HALL.

I think, Mr. Speaker, that the gentleman from Michigan has adequately explained this bill. Generally most of the amendments are of a technical and informing nature in order to make the provisions of title I and title II compatible with each other.

Mr. Speaker, I support the final passage of the conference report on H.R. 56 and associate myself with the remarks of our distinguished chairman of the Subcommittee on Fisheries and Wildlife, Mr. DINGELL.

He has very eloquently and adequately explained the final version of this bill, the actions of the other body in adding two additional titles providing for the establishment of State and regional environmental centers and providing for the purchase of Indian reservation lands in the State of Oregon by the Federal Government.

In view of the fact that the other body amended the House-passed version by way of numbered amendments, it will be necessary to offer specific motions to those amendments which the House is in technical disagreement with in order to obtain final approval for the overall conference report.

Generally, most of the amendments are of a technical and conforming nature in order to make the provisions of title I and title II compatible with each other.

Mr. Speaker, the provisions of this final conference report will assist in the development, analysis, and dissemination of the vast amount of data and information which is being produced in a variety of environmental areas and materially assist in insuring continued efforts in environmentally oriented research projects by our educational institutions. I urge its adoption.

Mr. PELLY. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding. I appreciate the explanation and the information we have. Before we wheel a conference report through here by unanimous consent, I just think the Members of the House ought to know that, first of all, this was considered in the House as H.R. 56 back on the 17th of May 1971 and it has been in the other body or conference since that time. At that time, in May 1 year ago, it passed this body under suspension of the rules, and there was opposition to it, and there still is opposition to the original bill and to the conference report by the head of the Environmental Protection Agency and other departments of the Cabinet who rendered unfavorable reports, according to the report of the committee on the original bill.

I am not sure what the amendments added on by the other body, or in conference are. I do question whether they have been adequately explained, and I wonder if this is not another bill being put through by the Sierra Club, and other pressure groups that are interested in environment and conservation, that is over and above the capability of the Department to perform in this real time. That is my only question and, unless there is adequate explanation about what the added-on amendments are, or the substance of the conference is, I would be constrained to at least have a rollcall vote.

Mr. DINGELL. Would the gentleman from Missouri yield at this point?

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

Mr. DINGELL. I would say to my friend, the gentleman from Missouri, that the conference report deals only briefly with the original language of H.R. 56. We will have an opportunity for separate votes on a series of nongermane amendments which relate to parts II, III, and IV which have come back in the House separately.

I have a series of separate motions which may be voted on separately, I will tell my friend from Missouri, that relate to the subsequent portions of the bill and the subsequent portions of the conference report.

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

Mr. PELLY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, again I appreciate the gentleman's yielding. Both of the gentlemen have been around here much longer than I have. They certainly know that under the rules of procedure, once we approve a conference report by unanimous consent or a rollcall vote, the amendments in technical disagreement are subject to additional explanation and a rollcall vote.

My only plea is that we have some information in advance, about what these are going to consist of so that we can decide intelligently and with mature judgment whether or not to let the conference report be accepted.

Mr. DINGELL. Will the gentleman from Washington yield?

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

Mr. DINGELL. I will be pleased to make further reply.

Mr. Speaker, we are currently in the midst of an environmental crisis. The world in which we live is being severely altered by many of man's activities with little or no knowledge of the consequences. Government agencies at all levels, industrial and agricultural officials, and others whose decisions affect the environment are rightly expected by the public to manage the natural resources of this country for maximum productivity with minimum environmental degradation. But too often these decisionmakers do not have available to them adequate information and knowledge of consequences. At this time, as at no other time in history, there are numerous and diverse studies, programs, and projects generating data on the environment. A great score of information is already on record buried in file cabinets, in notebooks of individuals, in formal and informal reports and documents, and in computer systems available to very few. The potential for optimum environmental management will be greatly enhanced if a method is found to improve the flow, analysis, and utilization of this enormous information base.

Mr. Speaker, the conference report which we are considering today clearly expresses my conviction of the need for a national environmental data system which would make it possible for all legitimate claimants to obtain the information they need for a variety of objectives. The Federal Establishment is quite aware and concerned about the need for such a data system. In fact, many of the Federal agencies have already developed data systems handling environmental data. Outstanding systems now exist in the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, and the National Aeronautics and Space Administration. In addition, two environmental data systems exist outside the Federal Government, one at the University of Illinois, and the other in the State of Maine.

Mr. Speaker, these functioning State, local, and Federal programs have demonstrated the feasibility and value of instituting a broader environmental data system at the national level. Conversely, the evidence at the hearings held by

my Subcommittee on Fisheries and Wildlife Conservation equally demonstrated the losses that the Nation would suffer if such a system is not established.

Mr. Speaker, in June of 1970 my subcommittee held 4 full days of hearings on legislation—substantially the same as the conference report we are considering today—receiving testimony from a wide range of witnesses including, among others, ecologists, scientists, conservationists, environmentalists, and representatives from States and Federal Governments. All of the witnesses testifying at the hearings strongly supported the concept and the objectives of the legislation. The only objections were voiced by governmental witnesses and they were directed to various portions and details of implementation of the bill.

Mr. Speaker, great care was taken by the Committee on Merchant Marine and Fisheries to make sure that all objections were thoroughly considered. The bill (H.R. 56) as reported by the Committee on Merchant Marine and Fisheries, was designed to meet those objections and included all amendments suggested by the agencies except the ones which suggested that the legislation was premature and that sufficient authority to carry out the legislation already existed in the Council on Environmental Quality. Yet the Council in its first annual report to the President in August of last year stressed the fact that insufficient environmental quality indicators or systems by which to monitor the environment with any degree of accuracy had caused its report to be incomplete and uneven in many respects. Similarly, in the introduction of the council's report, the President stated that existing systems for measuring and monitoring environmental conditions and trends and for developing indicators of environmental quality are still inadequate.

Mr. Speaker, the conference report under consideration today is practically identical to H.R. 56, as reported by our Committee on Merchant Marine and Fisheries, except for technical, clarifying, or conforming changes.

Briefly explained, the major features of the conference report are as follows:

The beginning portion of the conference report would define certain terms used throughout the report.

Sections 101 and 102 would provide for the establishment of a National Environmental Data System. It would serve as the central national coordinating facility for the selection, storage, analysis, retrieval, and dissemination of environmental data made available to it by Federal agencies, State, and local governments, individuals, and private institutions. Such data would be analyzed, interpreted, collated, and disseminated as broadly as possible in order to provide information needed to support environmental decisions in a timely manner and in a usable form.

Section 103 would provide that the information, knowledge, and data in the data system and the analysis thereof would be required to be made available without charge to the Congress and all the agencies of the legislative and executive branches of the Federal Government. Such information, knowledge, and data would also be made available without charge to all States, political subdivisions thereof, and as provided by the conferees, all interested agencies, environmental centers, and educational institutions. However, in those cases where the service requested is substantial, then, such local and State political subdivisions, interstate agencies, environmental centers, and educational institutions would be required to pay a reasonable retrieval fee for providing such service. In addition, such information, knowledge, and data would be made available to other entities and persons, but only upon the payment of a reasonable fee to cover such retrieval service, as may be determined by the Director.

Section 104 would provide for the creation of the position of National Environmental Data System Director. The Director would be required to be a person well qualified to interpret and analyze environmental data of all kinds. He would be required to serve full time and would be compensated at the rate provided for level V of the executive schedule pay rates.

The duties of the Director would be to:

First, administer and manage the operations of the data system under the guidance of the Council on Environmental Quality;

Second, institute a study to evaluate and monitor the state of the art of information technology and utilize new and improved techniques for accomplishing the purposes of the act;

Third, utilize knowledge developed during such study to develop criteria and guidelines to govern the selection of data, including the development of predictive ecological models;

Fourth, develop and implement a plan to establish and maintain an environmental information network;

Fifth, develop, establish, and maintain, as necessary, general standards which will permit and facilitate compatibility and integration of existing and new information systems; and

Sixth, develop and publish from time to time environmental quality indicators.

Section 105 would authorize the Director to employ such officers and employees as may be necessary to carry out the purposes of the act, such as payment of grants, exchange of information, sharing of facilities, and other incentives.

Section 106 would require each department, agency, or instrumentality of the executive branch of the U.S. Government to make available to the data system all information, knowledge, and data as soon as possible after it becomes known for possible incorporation into the data system; it would require all Federal agencies providing financial assistance to take such steps as may be necessary to insure that environmental information, knowledge, or data resulting from such assistance will be made available to the data system as soon as possible after it becomes known; it would also require each department, agency, or instrumentality of the executive branch of the U.S. Government, to the fullest extent possible, to permit the Director, on a mutually agreeable basis, including the payment of compensation, to use personnel, facilities, data processing and other equipment in carrying out his functions under the act, and further, to the fullest extent possible, such computers, data processing, and other equipment would be required to be made compatible with all others in, and available for use by, the data system.

Mr. Speaker, section 107 would authorize to be appropriated to carry out the provisions of this title not to exceed $1 million for fiscal year 1974; $2 million for fiscal year 1975; and $3 million for fiscal year 1976. The committee felt that since a study would be carried out prior to the establishment of the data system and that optimum staffing for the operation and maintenance of such a system would not be needed until the system has been established, then it is likely that less funds would be needed during the first 3 years of the program.

Mr. Speaker, I might point out that the conferees felt that by limiting the legislation to a period of 3 years it will afford the conferees an opportunity to have an overall review of the program at the end of that period and at the same time determine its effectiveness and future needs.

Mr. Speaker, as noted in the conference report on this legislation, there were a total of 67 amendments to the bill as it passed by Senate. Of the 67 amendments, except for eight in number and the amendment to amend the title, all were technical, clarifying, or conforming in nature and the House either receded or receded from its disagreement to an amendment with an amendment.

Mr. Speaker, the committee of conference reported in disagreement the eight amendments—Nos. 1, 2, 16, 21, 44, 65, 66, and 67—and the Senate amendment to the title of the bill. After the House acts on the conference report, I plan to move that the House recede from its disagreement to the eight numbered amendments, as well as the amendment to amend the title of the bill, and agree to the same with an amendment as follows.

In order that my colleagues will know what is to follow, I will briefly explain each of the amendments to be offered at this time:

Amendment No. 1 is a technical amendment. The House bill would establish a national environmental data system through direct amendment to the National Environmental Policy Act of 1969. Senate amendment No. 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 No. 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 No. 65. I plan to offer an amendment in the nature of a substitute that would cite the act as the "National Environmental Data System and Environmental Centers Act of 1972." The amendment will also have the effect of establishing the act without the use of an amendment to existing law.

Amendment No. 21 is a technical amendment. The House bill provided that the national environmental data system should be operated so as to pro-

tect secret and national security information from unauthorized dissemination and application. Senate amendment No. 21 would require that such protection also be extended to patent and trademark information. I plan to offer an amendment in the nature of a substitute that will include "copyright information" since it is within the same general class of information to which the Senate amendment pertains.

Amendments Nos. 2, 16, 14, and 65 can be grouped together for discussion purposes since they pertain to title II of the bill which would provide for State and regional environmental centers.

Senate amendment No. 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 Nos. 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, I plan to offer amendments in the nature of substitutes for these amendments.

With respect to amendment No. 2, my substitute amendment would have the effect of placing all definitions used throughout the bill in the first portion of the bill under section 2. With respect to amendments Nos. 16 and 44, my substitute amendments are all clarifying, conforming, and technical in nature. With respect to amendment No. 65, it would provide for the establishment of State and regional environmental centers at educational institutions throughout the United States. Under the administration of the Environmental Protection Agency, the Administrator of EPA would be authorized to provide financial assistance to the States in establishing either State centers or regional centers. The Governor of each State or States concerned would designate the centers where the program would take place. The program would be limited to a period of 3 years. There would be authorized to be appropriated to provide grant money to the States for the purpose of establishing and operating the centers a total of $7 million for fiscal year 1974, $9.8 million for fiscal year 1975, and $10 million for fiscal year 1976. These funds would be divided equally among the States.

In addition, there would be authorized to be appropriated on a matching fund basis the sum of $10 million per year for fiscal years 1974, 1975, and 1976, to be apportioned among the States as follows: One-fourth based on population; one-fourth based on land area; and one-half based on the severity of the need and the ability and willingness of each center to address itself to certain problems. These funds would be provided to the States on a matching fund basis, $1 State money for each $2 of Federal money.

Also, there would be authorized to be appropriated such sums as may be necessary to provide each regional center an amount of money equal to 10 percent of the funds which would be disbursed and allocated to such center in order to encourage regional centers in lieu of State centers.

There would also be authorized to be appropriated the sum of $1 million per year for each of the 3 fiscal years to cover the administration of this program.

In order to assist the Administrator and the centers in the administration of this program title II of the bill would authorize to be established an Environmental Centers Research Coordination Board and Environmental Center Advisory Boards.

Amendment No. 66 would add to the House bill a new title II 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.

Amendment No. 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 Nos. 66 and 67 would be in violation of the germaneness rule of the House, I plan to offer a substitute amendment with respect to Senate amendment No. 66 which would extend 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 with respect to Senate amendment No. 67, I plan to offer a substitute amendment which would be technical in nature only.

And, finally, Mr. Speaker, I plan to offer a technical amendment to the title in the nature of substitute amendment that would make the title conform to the substantive changes made by the Senate.

Mr. Speaker, all of the Senate and House conferees have agreed to the amendments I plan to offer, and I urge the adoption of the conference report on H.R. 56.

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

Mr. PELLY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate that explanation. I think it is to the point and erstwhile.

Could I ask one of the gentlemen handling the conference report if it is perhaps true that the objection of the Environmental Protection Agency is that they are in the process of divesting themselves from inherited research centers, laboratories, contracts, grants, and data tabulation machines and other control systems and primary research centers including those of each State, when the EPA was made in being and the States' environmental studies were preempted. I can well understand why we would not want to lose valuable data we have, but could it be that the objection on the part of the Administrator of the EPA is, as he has told me in person, for example, in reviewing a project that happened to come from my hometown, that they had inherited so many research centers, so many laboratories, et cetera, that they were surfeited with them at the time and needed a chance to work out from under the load before we provide, as I understand this conference report would, one center for national environmental data collection, programing, and recall in each State?

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

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

Mr. DINGELL. Mr. Speaker, I must confess I honestly do not fully understand the opposition of the department downtown because they do not seem to relate to the bill. I would have the gentleman know there is no requirement that the departments engage in any hardware procurement or that EPA set up any particular program or any particular acquisition of hardware or software in the computer business. As a matter of fact, that part of the bill is entirely permissive. The function of the bill is to require a systemization of the collection, collation, retrieval, evaluation, and dissemination of information.

I would share with my good friend, the gentleman from Missouri, something I have not said before, which is that the bill is patterned directly on a study made by the Library of Congress and by other Government agencies, and it follows precisely the suggestions of these studies which have been made in part and through and for CEQ and EPA suggesting that this very kind of thing must be done.

It is anticipated that there will be practically no new acquisition of hardware; no new setting up of centers under the first part of the bill.

The second part of the bill is again permissive, but it does authorize certain expenditures. I can give the gentleman from Missouri no assurance that there will be expenditures under the second section or no expenditures, but I mention to him that we will have a separate vote under the second part in connection with nongermane amendments, which I will have to bring up after the conference report is adopted.

Mr. PELLY. Mr. Speaker, I yield to the gentleman from Missouri for any further inquiries.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, at what time would it be appropriate to lodge a point of order against a nongermane, added-on, Senate amendment to one of our

amendments reported in technical disagreement?

The SPEAKER. When that separate amendment is reached, after the adoption of the conference report.

Mr. DINGELL. We do have a concurrent resolution which is intended to clear up these problems.

Mr. DINGELL. 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.

AMENDMENTS IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment No. 1: Page 1, strike out lines 3, 4, and 5, and insert:

That this Act may be cited as the "National Environmental Data System and State Environmental Centers Act of 1972".

MOTION OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to Senate amendment numbered 1 and agree to the same, with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "That this Act may be cited as the 'National Environmental Data System and Environmental Centers Act of 1972'."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 2: Page 1, after line 5, insert:

SEC. 2. For the purpose of this Act—

(a) The term "Data System" means the National Environmental Data System established by title I of this Act. The Data System shall include an appropriate network of new and existing information processing or computer facilities both private and public in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access, and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation.

(b) The term "Director" means the National Environmental Data System Director appointed pursuant to section 104 of title I of this Act.

(c) The term "environmental center" means a State environmental center or regional environmental center established pursuant to title II of this Act. Each environmental center shall be an organization which combines or coordinates the environmentally related research and education extension capabilities of research and educational institutions.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(e) The term "Council" means the Council on Environmental Quality established in title II of the National Environmental Policy Act of 1969 (Public Law 91-190).

(f) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(g) The term "environmental quality indicators" means quantifiable descriptors of environmental characteristics which will measure the quality of the environment.

(h) The term "information, knowledge, and data" shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decisionmaking or research in environmental affairs or problems.

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

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

There was no objection.

MOTION OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to Senate amendment numbered 2, and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

DEFINITIONS

SEC. 2. For the purpose of this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Council" means the Council on Environmental Quality established in title II of the National Environmental Policy Act of 1969 (Public Law 91-190).

(3) The term "Data System" means the National Environmental Data System established by title I of this Act.

(4) The term "Director" means the National Environmental Data System Director appointed pursuant to section 104 of title I of this Act.

(5) The term "educational institution" means a public or private institution of higher education, or a consortium of public or private, or public and private, institutions of higher education.

(6) The term "environmental center" means a State environmental center or regional environmental center established pursuant to title II of this Act.

(7) The term "environmental quality indicators" means quantifiable descriptors of environmental charactertistics which will measure the quality of the environment.

(8) The term "information, knowledge, and data" shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decisionmaking or research in environmental affairs or problems.

(9) The term "other research facilities" means the research facilities of (A) any educational institution in which a State environmental center is not located and which does not directly participate in a regional environmental center, (B) public or private foundations and other institutions, and (C) private industry.

(10) The term "regional environmental center" means an organization which, on an interstate basis, conducts and supports research, training, information dissemination, and other functions described in section 205 of title II of this Act related to the protection and improvement of the environment.

(11) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(12) The term "State environmental center" means an organization which, on a statewide basis, conducts and supports research, training, information dissemination, and other functions described in section 205 of title II of this Act related to the protection and improvement of the environment.

On page 2, line 20, of the House engrossed bill, after "System." insert the following: "The Data System shall include an appropriate network of new and existing information processing or computer facilities both private and public in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access, and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 16: Page 3, strike out line 19, and insert: "(2) to all interstate agencies, States and political subdivisions thereof, and universities and colleges,".

MOTION OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to Senate amendment numbered 16 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: "(2) to all interstate agencies, States and political subdivisions thereof, environmental centers, and educational institutions,".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 21: Page 4, strike out lines 9, 10, and 11, and insert: "(c) In all instances the functions of the Data System shall be performed so as to protect secret, national security, patent, and trademark information from unauthorized dissemination and application."

MOTION OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same, with an amendment as follows: On page 4, line 15, of the Senate engrossed amendments, after "patent," insert the following: "copyrighted".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 44: Page 6, line 20, after "with" insert: "environmental centers established pursuant to title II of this Act and with".

MOTION OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to Senate amendment numbered 44, and agree to the same with amendments as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "environmental centers, educational institutions,".

On page 6, line 20, of the House engrossed bill, strike out "universities,".

On page 6, line 22, of the House engrossed bill, strike out "required" and insert the following: "required".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 65:

Page 8, after line 17, insert:

TITLE II—STATE OR REGIONAL ENVIRONMENTAL CENTERS

SEC. 201. This title may be cited as the "State Environmental Centers Act of 1972".

POLICY AND PURPOSES

SEC. 202. It is the policy of the Congress to support research, planning, management, and education and other activities necessary to maintain and improve the quality of the environment through the establishment of environmental centers in cooperation with and among the States to promote a more adequate program of environmental protection and improvement within the States, regions, and Nation pursuant to policies and goals established in the National Environmental Policy Act of 1969 (Public Law 91-190). It is hereby recognized that research, planning, management, and education in environmental subjects are necessary to establish an environmental balance in intrastate and regional (interstate) areas to assure the Nation of an adequate environment.

SEC. 203. The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of research, investigations, and experiments relating to the environment; to provide for concentrated study of environmental problems of particular importance to the several States, to provide for the widest dissemination of environmental information; and to assist in the training of professionals in fields related to the protection and improvement of the Nation's environment; and to authorize and direct the Administrator of the Environmental Protection Agency to cooperate with the several States for the purpose of encouraging and assisting them in carrying out the comprehensive environmental programs described above having due regard to the varying conditions and needs of the respective States.

ENVIRONMENTAL CENTERS

SEC. 204. The Congress authorizes the Administrator to assist each participating State in establishing and carrying out the work of a competent and qualified environmental center, not to exceed one environmental center per State, to be located at an educational institution, private or public foundation designated by the Governor of such State; subject to the approval of the Administration: *Provided*, That the educational institution or foundation designated shall have the greatest demonstrated ability within the State to carry out the purposes of this title (including research, investigations, experiments, demonstrations, technology applications, training of professionals, education extension, and other such purposes): *And provided further*, That (1) funds under this title shall be paid to the one designated State environmental center in each State; (2) two or more States may cooperate in the designation of a single interstate or regional environmental center, subject to the determination by the Administrator that such regional environmental center has, or may be expected to have, the capability of doing effective work under this Act, and individual sums payable to all of the States cooperating in the regional environmental center shall be paid to such regional environmental center; and (3) a regional environmental center may arrange with universities, colleges, and foundations as well as private industry to participate in the work required for fulfillment of its responsibilities.

SEC. 205. (a) Each environmental center shall be organized and operated so as to utilize, support, and augment the existing capabilities of research and educational institutions for programs contributing to the protection and improvement of the Nation's environment. Administration of each environmental center shall be the responsibility of a publicly supported university or foundation with established research capabilities and programs in a broad range of fields realted to protection and improvement of the environment, including land, water, and air resources. Each environmental center shall have a chief administrative officer who is an official of said university or foundation. Each environmental center shall have a nucleus of administrative, professional, scientific, technical, and education extension personnel capable of planning, coordinating, and directing interdisciplinary programs required for the protection and improvement of the Nation's environment. It shall possess the capability of employing personnel to carry out research, planning, management, and education programs. Each environmental center shall be authorized to make grants to and to finance contracts and fund matching or other arrangements with other educational institutions, foundations, institutions, private firms, or individuals the training, experience, and qualifications of which or whom are, in the judgment of the chief administrative officer of the environmental center, adequate for the conduct of specific projects to further the purposes of this title, and with local, State, and Federal agencies, to undertake research, investigations, and experiments concerning any aspects of environmental problems related to the mission of the environmental center and the purposes of this title.

(b) It shall be the duty of each environmental center to plan and conduct, and/or arrange for a component or components of the universities, colleges, or foundations with which it is or may become associated to conduct, competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to environmental pollution and other environmental problems and opportunities and to provide for the training of environmental professionals through such research, investigations, and experiments, which training may include but shall not be limited to biological, ecological, geographic, geological, engineering, economic, legal, energy resource, resource planning, land use planning, social, recreational, information and data, and other aspects of environmental problems.

(c) The Administrator is hereby charged with administration of this title and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out the provisions and purposes of this title, to indicate from time to time such lines of inquiry as to him seem most important, and to encourage and assist in the establishment and maintenance of cooperation among the several environmental centers. Such encouragement shall include specifically the development of (1) interdisciplinary team within the colleges and universities as well as private industry, and (2) interinstitutional arrangements among colleges, universities, private industry, and governmental agencies at all levels.

SEC. 206. (a) In order to aid in disseminating among the people of the United States useful and practical information on subjects relating to the protection and enhancement of the Nation's environment, each environmental center designated or established pursuant to this title shall have as one of its principal functions an education extension program.

(b) The work of the education extension program of each environmental center shall be directed toward, but not limited to—

(1) the general public;

(2) units of government, including local, State, and Federal;

(3) business, industry, and commercial establishments; and

(4) civic, fraternal, and other public interest groups.

(c) The education extension program of each environmental center shall provide a full range of educational and communications services including—

(1) workshops, seminars, clinics, courses, field trips, and demonstrations;

(2) the publication of materials, including bulletins, fact sheets, monographs, films, and other appropriate matter; and

(3) a reference service to facilitate the rapid identification, acquisition, retrieval, dissemination, and use of environmental information.

(d) Each education extension program shall be administered by the chief administrative officer of each environmental center, and shall make maximum feasible use of the field staff, organization, and facilities of the existing extension and continuing education programs of those participating universities, colleges, and foundations as shall be mutually agreed upon with the director of said programs.

SEC. 207. (a) There is authorized to be appropriated $7,000,000 for the first fiscal year after enactment of this Act; $8,900,000 for the second fiscal year after enactment of this Act; and $14,000,000 for each fiscal year thereafter. The sums authorized for appropriation pursuant to this section shall be disbursed in equal shares to the environmental centers by the Administrator, except that each regional environmental center shall receive the number of shares equal to the number of States participating in such regional environmental center.

(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated for the first fiscal year after enactment of this Act, $10,000,000; and for the second fiscal year after enactment of this Act, and for each fiscal year thereafter, $20,000,000 which shall be allocated by the Administrator to the environmental centers on the following basis: one-third based on population using the most-current decennial census, one-third based on the amount of each State's total land area, and one-third based on pressures resulting from growth, financial need and other relevant factors as determined by the Administrator: *Provided*, That sums allocated under this subsection shall be made available only to environmental centers, State or regional, of those States which provide $1 for each $2 provided under this subsection.

(c) Not less than 25 per centum of any sums allocated to an environmental center shall be expended only in support of work planned and conducted on interstate or regional programs.

(d) In addition, there is further authorized to be appropriated each fiscal year a sum, not to exceed 6 per centum of the sums authorized to be appropriated each fiscal year in subsections (a) and (b) of this section, to be used by the Administrator solely for the administration of this title.

ADDITIONAL ENVIRONMENTAL RESEARCH AND EXTENSION EDUCATION PROGRAMS

SEC. 208. There is authorized to be appropriated to the Administrator $10,000,000 for each fiscal year after enactment of this Act from which he may make grants, finance contracts, and fund matching or other arrangements with educational institutions (other than those in environmental centers established pursuant to this title) and foundations (other than those as described in previous sections of this title); with private firms and individuals; and with local, State, and Federal governmental agencies, to undertake research planning, management, and education on environmental subjects which are deemed appropriate by the Administrator and which are not otherwise being addressed fully in other studies or research.

ENVIRONMENTAL CENTER RESEARCH COORDINATION BOARD

SEC. 209. There is established the Environmental Centers Research Coordination Board (hereinafter referred to as the "Board"), for the purposes of assisting the Administrator with program development and operation consisting of—

(a) A Chairman, who shall be the Administrator of the Environmental Protection Agency.

(b) One representative each from (i) the Council on Environmental Quality; (ii) the Department of the Interior; (iii) the National Science Foundation; (iv) the Federal Extension Service of the Department of Agriculture; (v) the Agricultural Experiment Station Directors Association; (vi) the Department of Commerce; (vii) the Department of Health, Education, and Welfare; (viii) the National Aeronautics and Space Administration; (ix) the Atomic Energy Commission; (x) the National Academy of Sciences; (xi) the National Academy of Engineering; (xii) the Department of Defense; (xiii) the National Association of State Universities and Land-Grant Colleges; and (xiv) the Association of American Universities.

(c) Two members each from (i) private business firms; (ii) not-for-profit organizations whose primary objectives are for the purposes of improving environmental quality; (iii) the scientific community; and (iv) the general public.

(d) The Chairman of the Board may designate one of the members of the Board as Acting Chairman to act during his absence.

(e) Each member of the Board shall keep the agency or organization which the member represents fully and currently informed of all activities of the environmental centers established pursuant to this title.

(f) Selection of Board members pursuant to subsection (b) shall be made by heads of the respective agencies and organizations upon consultation with the Administrator. Selection of Board members pursuant to subsection (c) shall be made by the Administrator.

(g) The Board shall meet at least four times in every calendar year. The members of the Board who are not regular full-time officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the Administrator, but not exceeding $100 per diem, including travel-time, 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 intermittently employed in Government service.

ENVIRONMENTAL CENTER ADVISORY BOARDS

SEC. 210. The chief administrative officer responsible for administering each environmental center established under this title shall appoint an advisory board to advise the environmental center with respect to programs conducted pursuant to this title and their coordination with programs of Federal, State, and local government and with those of private industry concerned with protecting and enhancing the quality of the environment. Each advisory board shall consist of representatives of agencies of Federal, State, or local government concerned with environmental quality, representatives of universities and other institutions that participate in or may participate in programs authorized by this title, representatives of private industry and representatives of the general public. At least one-third of the members of each advisory board shall be appointed from the general public. Funds provided by this title may be used to pay travel and such other costs of each advisory board as shall be authorized by the chief administrative officer of the environmental center.

REPORT

SEC. 211. The Administrator shall make a report each year to the President and to the Congress of the receipts and expenditures and work of the environmental centers in all the States under the provisions of this title and also whether any portion of the appropriations available for allotment to any environmental center has been withheld, and, if so, the reason therefor.

MISCELLANEOUS

SEC. 212. Sums made available for allotment to the environmental centers under this title shall be paid at such time and in such amounts during each fiscal year as determined by the Administrator and upon vouchers approved by him. Each environmental center shall have a chief administrative officer and a treasurer or other officer appointed by the university or foundation with responsibility for administering the environmental center. Such treasurer or other officer shall receive and account for all funds paid to the environmental center under the provisions of the title and shall report, with the approval of the chief administrative officer of the environmental center, on or before the first day of September each year a detailed statement of the amount received under provisions of this title during the preceding fiscal year and its disbursement, on schedules prescribed by the Administrator. If any of the moneys received by the authorized receiving officer of the environmental center under the provisions of this title shall by any action or contingency be found by the Administrator to have been improperly diminished, lost, or misapplied, it shall be replaced by the environmental center concerned and until so replaced no subsequent appropriations shall be allotted or paid to that environmental center.

SEC. 213. Moneys appropriated under this title, in addition to being available for expenses for research, investigations, experiments, education, and training conducted under authority of this title, shall also be available for printing and publishing the results thereof.

SEC. 214. Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of research, experiments, and other investigations, including lists of publications available for distribution by the environmental centers, shall be transmitted in the mails of the United States under penalty indicia: *Provided*, That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster may from time to time prescribe. Such publications may be mailed from the principal place of business of the environmental center or from an established subunit of said environmental center.

SEC. 215. Any environmental center which receives assistance from and through the State under this title shall make available to the Administrator and the Comptroller General of the United States, or any of their authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such environmental center from and through the State under this title.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the Senate amendment.

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

There was no objection.

MOTION OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to the amendment of the Senate numbered 65, 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 II—STATE AND REGIONAL ENVIRONMENTAL CENTERS

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Centers Act of 1972".

POLICY AND PURPOSES

SEC. 202. (a) It is the policy of the Congress to support basic and applied research, planning, management, education, and other activities necessary to maintain and improve the quality of the environment through the establishment of environmental centers, in cooperation with and among the States, and thereby to achieve a more adequate program of environmental protection and improvement within the States, regions, and Nation pursuant to the policies and goals established in the National Environmental Policy Act of 1969. It is hereby recognized that research, planning, management, and education in environmental subjects are necessary to establish an environmental balance in local, State, and regional areas to assure the Nation of an adequate environment.

(b) The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of basic and applied research, investigations, and experiments relating to the environment; to provide for concentrated study of environmental problems of particular importance to the several States; to provide for the widest dissemination of environmental information; to assist in the training of professionals in fields related to the protection and improvement of the Nation's environment; and to authorize and direct the Administrator to cooperate with the several States for the purpose of encouraging and assisting them in carrying out the comprehensive environmental programs described above having due regard for the varying conditions and needs of the respective States.

DESIGNATION AND APPROVAL OF ENVIRONMENTAL CENTERS

SEC. 203. (a) The Administrator shall provide financial assistance under this title for the purpose of enabling any State, if such State does not participate in a regional environmental center assisted under this title, to establish and operate one State environmental center if—

(1) such State environmental center is, or will be—

(A) located in an educational institution within the State, and

(B) administered by such educational institution;

(2) such educational institution is designated by the Governor of the State to be the State environmental center; and

(3) the Administrator determines that such State environmental center—

(A) meets, or will meet, the requirements set forth in section 204 of this title; and

(B) has, or will have, the capability to carry out the functions set forth in section 205 of this title.

(b) The Administrator shall provide financial assistance under this title for the purpose of enabling two or more States, if none of such States has a State environmental center assisted under this title, to establish and operate a regional environmental center if—

(1) such regional environmental center is, or will be—

(A) located in an educational institution within one of such States or in educational institutions within two or more of such States if such institutions agree to operate jointly as the regional environmental center; and

(B) administered by such educational institution or institutions;

(2) such educational institution in each State is designated by the Governor of the State to participate in the regional environmental center; and

(3) the Administrator determines that such regional environmental center—

(A) meets, or will meet, the requirements set forth in section 204 of this title; and

(B) has, or will have, the capability to carry out the functions set forth in section 205 of this title.

(c) Each Governor, in designating an educational institution to be a State environmental center or to participate in a regional environmental center, shall take into account those institutions of higher education in the State which, at that time, are carrying out environmentally related research and education programs.

ELIGIBILITY REQUIREMENTS FOR ENVIRONMENTAL CENTERS

SEC. 204. Each State or regional environmental center shall—

(1) be organized and operated so as to support, augment, and implement programs contributing to the protection and improvement of the local, State, regional, and national environment;

(2) have (A) a chief administrative officer, and (B) a treasurer who shall carry out the duties specified in section 210 of this title, each of whom shall be appointed by the chief executive officer of the educational institution concerned, in the case of a State environmental center, or jointly approved and appointed by the chief executive officers of the educational institutions concerned, in the case of a regional environmental center;

(3) have a nucleus of administrative, professional, scientific, technical, and other personnel capable of planning, coordinating, and directing interdisciplinary programs related to the protection and improvement of the local, State, regional, and national environment;

(4) be authorized to employ personnel to carry out appropriate research, planning, management, and education programs;

(5) be authorized to make contracts and other financial arrangements necessary to implement section 205(b) of this title; and

(6) make available to the public all data, publications, studies, reports, and other information which result from its programs and activities, except information relating to matters described in section 552(b)(4) of title 5, United States Code.

FUNCTIONS OF ENVIRONMENTAL CENTERS

SEC. 205. (a) Each State and regional environmental center shall be responsible for the following functions—

(1) the planning and implementing of research, investigations, and experiments relating to the study and resolution of environmental pollution, natural resource management, and other local, State, and regional environmental problems and opportunities;

(2) the training of environmental professionals through such research, investigations, and experiments, which training may include, but is not limited to, biological, ecological, geographic, geological, engineering, economic, legal, energy resource, natural resource and land use planning, social, recreational, and other aspects of environmental problems;

(3) the establishment, operation, and maintenance of a comprehensive environmental education program directed at the widest possible segment of the population, which program may include, but is not limited to, public school curricula development, undergraduate degree programs, graduate programs, nondegree college level course work, professional training, short courses, workshops, and other educational activities directed toward professional training and general education;

(4) the widest possible dissemination of useful and practical information on subjects relating to the protection and enhancement of the Nation's environment (including but not limited to, information and data resulting from research, investigations, and experiments by the environmental center and information, knowledge, and data obtained through the Data System) and the establishment and maintenance of a reference service to facilitate the rapid identification, acquisition, retrieval, dissemination, and use of such information; and

(5) the submission, on or before September 1 of each year, of a comprehensive report of its programs and activities during the immediately preceding fiscal year to the Governors concerned, the Administrator, the Director, the enviornmental center advisory board concerned, and the Environmental Centers Research Coordination Board.

(b)(1) Each State and regional environmental center is encouraged to contract with other environmental centers and with other research facilities to carry out any function listed in subsection (a) of this section in order to achieve the most efficient and effective use of institutional, financial, and human resources.

(2) Each State and regional environmental center is also encouraged to make grants, contracts, fund matching or other arrangements with—

(A) other environmental centers, other research facilities, and individuals the training, experience, and qualifications of which or whom are, in the judgment of the chief adminstrative officer of the environmental center, adequate for the conduct of specific projects to further the purposes of this title, and

(B) local, State, and Federal agencies to undertake research, investigations, and experiments concerning any aspects of environmental problems related to the missions of the environmental center and the purposes of this title.

(c) In the carrying out of the functions described in subsection (a)(3) and (4) of this section, the services of private enterprise firms active in the fields of information, publishing, multi-media materials, educational materials and broadcasting may be utilized where practicable so as to avoid creating government competition with private enterprise and to achieve the most efficient use of public funds invested in the fulfilling of the purposes of this title.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS

SEC. 206. (a) There is authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1974; $9,800,000 for the fiscal year ending June 30, 1975; and $10,000,000 for the fiscal year ending June 30, 1976. The sums authorized for appropriation pursuant to this subsection shall be disbursed in equal shares to the environmental centers by the Administrator, except that each regional environmental center shall receive the number of shares equal to the number of States participating in such regional environmental center.

(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated $10,000,000 for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, which shall be allocated by the Administrator, after consultation with the Environmental Centers Research Coordination Board, to the environmental centers on the following basis: one-fourth based on population using the most current decennial census; one-fourth based on the amount of each State's total land area; and one-half based on the assessment of the Administrator with respect to (1) the nature and relative severity of the environmental problems among the areas served by the several State and regional environmental centers, and (2) the ability and willingness of each environmental center to address itself to such problems within its respective area; except that sums allocated under this subsection shall be made available only to those State and regional environmental centers for which the States concerned provide $1 for each $2 provided under this subsection.

(c) In addition to the sums authorized to be appropriated under subsections (a) and (b) of this section, there is authorized to be appropriated for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, such sums as may be necessary to provide to each regional environmental center during each of such fiscal years an amount of money equal to 10 per centum of the funds which will be disbursed and allocated to such center during that fiscal year by the Administrator under such subsections (a) and (b).

(d) Not less than 25 per centum of any sums allocated to an environmental center shall be expended only in support of work planned and conducted on interstate or regional programs.

AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION

SEC. 207. There is authorized to be appropriated $1,000,000 for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, to be used by the Administrator solely for the administration of this title and to carry out the purposes of section 208 of this title.

ENVIRONMENTAL CENTERS RESEARCH COORDINATION BOARD

SEC. 208. (a) There is established the Environmental Centers Research Coordination Board (hereinafter referred to in this section as the "Board"), for the purposes of assisting the Administrator with program development and operation, consisting of the following nine members—

(1) a Chairman, who shall be the Administrator;

(2) one representative each from (A) the Council on Environmental Quality, (B) the National Science Foundation, (C) the Smithsonian Institution, and (D) the Office of Science and Technoloy; and

(3) four members, appointed by the Administrator, who shall be appointed on the basis of their ability to represent the views of (A) private industry, (B) not-for-profit organizations the primary objectives of which are for the purposes of improving environmental quality, (C) the academic community, and (D) the general public.

(b) The Chairman of the Board may designate one of the members of the Board as Acting Chairman to act during his absence.

(c) The Board shall undertake a continuing review of the programs and activities of all State and regional environmental centers assisted under this title and make such recommendations as it deems appropriate to the Administrator and the Governors concerned with respect to the improvement of the programs and activities of any environmental center. The Board shall, in conducting its review, give particular attention to finding any unnecessary duplication of programs and activities among the several environmental centers and shall include in its recommendations suggestions for minimizing such duplications. The Board shall also coordinate its activities under this section with all appropriate Federal agencies and may coordinate such activities with such State and local agencies and private individuals, institutions, and firms as it deems appropriate.

(d) Selection of Board members pursuant to subsection (a)(2) of this section shall be made by heads of the respective entities after consultation with the Administrator.

(e) The Board shall meet at least four times each year. The members of the Board who are not regular fulltime officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate 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 for persons intermittently employed in Government service.

ENVIRONMENTAL CENTER ADVISORY BOARDS

SEC. 209. (a) The Governor of each State having a State environmental center assisted under this title and the Governors of the States participating in each regional environmental center assisted under this title shall appoint, after consultation with the chief administrative officer of the environmental center concerned, an advisory board which shall—

(1) advise such environmental center with respect to the activities and programs conducted by the environmental center and the coordination of such activities and programs with the activities and programs of Federal, State, and local governments, of other educational institutions (whether or not directly participating in an environmental center assisted under this title), and of private industry related to the protection and enhancement of the quality of the environment; and

(2) make such recommendations as it deems appropriate regarding—

(A) the implementation and improvement of the research, investigations, experiments, training, environmental education programs, information dissemination, and other activities and programs undertaken or supported by the environmental center, and

(B) new activities and programs which the environmental center should undertake or support.

All recommendations made by an advisory board pursuant to clause (2) of this subsection shall be promptly transmitted to the Governor or Governors concerned, the chief administrative officer of the environmental center, the chief executive officer of each educational institution in which the environmental center is located, and the Administrator.

(b)(1) Each advisory board appointed pursuant to this section shall have not to exceed fifteen members consisting of representatives of—

(A) the agencies of the State concerned which administer laws relating to the conservation of natural resources and environmental protection or enhancement;

(B) the educational institution or institutions in which the environmental center is located;

(C) the business and industrial community; and

(D) not-for-profit organizations the primary objective of which is the improvement of environmental quality and other public interest groups.

The chief administrative officer of the environmental center shall be an ex officio member of the advisory board. Each advisory board shall elect a chairman from among its appointed members.

(2) The term of office of each member appointed to any advisory board shall be for three years; except that of the members initially appointed to any advisory board, the term of office of one-third of the membership shall be for one year, the term of office of one-third of the membership shall be for two years; and the term of office of the remaining members shall be for three years.

(c) Any recommendations made by an advisory board pursuant to subsection (a)(2) of this section shall be responded to, in writing, by the chief administrative officer of the environmental center within one hundred and twenty days after such recommendations are made. In any case in which any such recommendation is not followed or adopted by the chief administrative officer, such officer, in his response, shall state, in detail, the reason why the recommendation was not, or will not be, followed or adopted.

(d) All recommendations made by an advisory board pursuant to subsection (a)(2) of this section, and all responses by the chief administrative officer thereto, shall be matters of public record and shall be available to the public at all reasonable times.

(e) Each advisory board appointed pursuant to this section shall meet not less than once each year.

(f) Funds provided under section 206 of this title may be used to pay the travel and such other related costs as shall be authorized by the chief administrative officer of the environmental center which are incurred by the members of each advisory board incident to their attendance at meetings of the advisory board; except that the amount of travel and related costs paid under this subsection to any member of an advisory board with respect to his attendance at any meeting of the advisory board may not exceed the amount which would be payable to such member if the law relating to travel expenses for persons intermittently employed in Government service applied to such member.

MISCELLANEOUS

SEC. 210. (a) Sums made available for allotment to the environmental centers under this title shall be paid at such time and in such amounts during each fiscal year as determined by the Administrator and upon vouchers approved by him. Each treasurer appointed pursuant to section 204(2) of this title shall receive and account for all funds paid to the environmental center under the provisions of the title and shall transmit, with the approval of the chief administrative officer of the environmental center, to the Administrator on or before the first day of September of each year, a detailed statement of the amount received under provisions of this title during the preceding fiscal year and its disbursement, on schedules prescribed by the Administrator. If any of the moneys received by the authorized receiving officer of the environmental center under the provisions of this title shall be found by the Administrator to have been improperly diminished, lost, or misapplied, it shall be replaced by the environmental center concerned and until so replaced no subsequent appropriations shall be allotted or paid to that environmental center.

(b) Moneys appropriated under this title, in addition to being available for expenses for research, investigations, experiments, education, and training conducted under authority of this title, shall also be available for printing and publishing the results thereof.

(c) Any environmental center which receives assistance under this title shall make available to the Administrator and the Comptroller General of the United States, or any of their authorized representatives, for purposes of audit and examination, any books, documents, papers, and records which are pertinent to the assistance received by such environmental center under this title.

DUTIES OF ADMINISTRATOR

SEC. 211. (a) The Administrator shall—

(1) prescribe such rules and regulations as may be necessary to carry out the provisions and purposes of this title;

(2) indicate to the environmental centers from time to time such areas of research and investigation as to him seem most important, and encourage (specifically through the development of (A) interdisciplinary teams within each environmental center, which teams may be composed of competent persons from the environmental center, other educational institutions and research facilities, and private industry, and (B) interinstitutional arrangements among such educational institutions, private industry, and governmental agencies at all levels) and assist in the establishment and maintenance of cooperation among the several environmental centers;

(3) report on or before January 1 of each year to the President and to Congress regarding the receipts and expenditures and work of all State and regional environmental centers assisted under the provisions of this title and also whether any portion of the appropriations available for allotment to any environmental center has been withheld, and, if so, the reasons therefor; and

(4) undertake a continuing survey, and report thereon to Congress on or before January 1 of each year with respect to—

(A) the interrelationship between the types of programs required to be implemented, and implemented, by environmental centers assisted under this title, and

(B) ways in which the system provided for in this title for improving the Nation's environment may be integrated with other environmentally-related Federal programs.

The Administrator shall include in any report required under this paragraph any recommendations he deems appropriate to achieve the purposes of this title.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion.

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

There was no objection.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 66: Page 8, after line 17, insert:

TITLE III

SEC. 301. The Secretary of Agriculture is hereby directed to enter into a contract, prior to June 30, 1972, to purchase at a price of $51,954,709 Klamath Indian Forest lands that were retained by the tribe and that were offered for sale pursuant to subsection 28(e) of the Klamath Indian Termination Act of August 13, 1954, as amended (25 U.S.C. 564w–1). The contract may provide for payment of the purchase price in installments, with interest on unmatured installments at a rate that does not exceed the cost to the United States of borrowing money under similar circumstances, as determined by the Secretary of the Treasury.

MOTION OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same, with amendments as follows: On page 21, line 15, of the Senate engrossed amendments, strike out "1972," and insert the following: "1973,".

On page 21, line 16, of the Senate engrossed amendments, immediately after "$51,954,709" insert the following: ", subject to adjustment for growth and cutting,".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 67: Page 8, after line 17, insert:

TITLE IV

SEC. 401. Section 28(e) of the Klamath Indian Termination Act of 1954, as amended (25 U.S.C. 564w–1), is amended by striking "twelve months" and inserting in lieu thereof "twenty-four months".

MOTION OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same, with an amendment as follows: On page 22, line 3, of the Senate engrossed amendments, strike out "Section" and insert the following: "With respect to the offer made on June 29, 1971, and effective with the making of such offer, section."

The motion was agreed to.

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

The Clerk read as follows:

Amend the title so as to read: "An Act to establish a national environmental data system and State and regional environmental centers pursuant to policies and goals established in the National Environmental Policy Act of 1969, and for other purposes."

MOTION OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

The motion was agreed to.

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

DIRECTING CLERK OF HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 56

Mr. DINGELL. Mr. Speaker, I offer a House concurrent resolution (H. Con. Res. 716) relating to the conference report just agreed to, and ask unanimous consent for the immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 716

Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 56

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the Bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, is authorized and directed to make the following corrections:

On page 1, line 7, of the House engrossed bill, strike out "NATIONAL ENVIRONMENTAL DATA SYSTEM" and insert the following: "SHORT TITLE."

On page 2 of the House engrossed bill, between lines 18 and 19, insert the following center heading: "NATIONAL ENVIRONMENTAL DATA SYSTEM."

On page 3, line 7, of the House engrossed bill, before the period insert the following: ", knowledge, and data."

On page 3, line 8, of the House engrossed bill, after "Information" insert the following: ", knowledge,."

On page 3 of the House engrossed bill, between lines 12 and 13, insert the following center heading: "AVAILABILITY OF INFORMATION, KNOWLEDGE, AND DATA."

On page 4 of the House engrossed bill, between lines 11 and 12 insert the following center heading: "DIRECTOR OF THE DATA SYSTEM."

On page 6 of the House engrossed bill, between lines 9 and 10 insert the following center heading: "ADMINISTRATIVE PROVISIONS."

On page 6, line 22, of the House engrossed bill, before "data," insert the following: "knowledge, and".

On page 6 of the House engrossed bill, between lines 23 and 24 insert the following center heading: "INTERAGENCY COOPERATION."

On page 8 of the House engrossed bill, between lines 13 and 14 insert the following center heading: "AUTHORIZATION OF APPROPRIATIONS."

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

APPOINTMENT AS MEMBERS OF COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD GAMBLING

The SPEAKER. Pursuant to the provisions of section 804(b), Public Law 91-452, the Chair appoints as members of the Commission on the Review of the National Policy Toward Gambling the following Members on the part of the House: Mr. PURCELL, of Texas; Mr. CURLIN, of Kentucky; Mr. HOGAN, of Maryland; and Mr. HUNT, of New Jersey.

PROVIDING FOR CONSIDERATION OF H.R. 16656, FEDERAL-AID HIGHWAY ACT OF 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1145 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1145

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16656) to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against said substitute for failure to comply with the provisions of clause 16(c), Rule XI, and clause 4, Rule XXI are hereby waived. At the conclusion of such consideration, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 16656, it shall be in order in the House to take from the Speaker's table the bill S. 3939 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16656 as passed by the House.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

(Mr. YOUNG of Texas asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 1145 provides an open rule with 2 hours of general debate for consideration of H.R. 16656, the Federal Highway Act authorization. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment; all points of order are waived for failure to comply with clause 16(c) of rule XI—jurisdiction of Public Works Committee—and clause 4 of rule XXI—appropriations in a legislative bill—after passage of H.R. 16656, it shall be in order to take S. 3939 from the Speaker's table, move to strike all after the enacting clause and amend it with the House-passed language.

Total authorizations in H.R. 16656 from the trust fund for fiscal years 1974 and 1975 are $14.8 billion. There is also authorized out of the general fund a total of approximately $1.5 billion for the 2 years.

The sum of $700 million is authorized for the primary system for each of the fiscal years 1974 and 1975, $400 million for the secondary system, $400 million for the extensions of the primary and secondary systems in urban areas, and $700 million for the urban system.

The sum of $3.5 billion is authorized per year for the Interstate System for 1974 to 1978 and $2.5 billion is authorized for 1979, which will be the last year of the Interstate program authorizations.

Authorizations for the safety program are increased and new money is made available in a number of categories.

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

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

Mr. Speaker, I anticipate there will be some controversy about this bill and particularly about the rule, so I would like to try to state the situation and put it in focus as to what has happened so far.

We held extensive hearings in the Committee on Rules on this particular matter. The main question had to do with whether or not the highway trust fund should be opened by amendment for the purpose of using some of the money for mass transit or mass transportation. We heard testimony on that, and when we went into executive session the original motion that was made was in accordance with the rule that was requested with the exception that we

changed the original request, for debate time from 3 to 2 hours.

We granted a motion made to waive certain points of order. There are about seven sections that have to do with transferring funds already existing or appropriating other funds in a legislative bill. Those are sections 112, 113, 114, 117, 119, 134, and 135. They are in violation of clause 4 of rule XXI, which states that you cannot have appropriations in a legislative bill.

The bill also has a specific highway mentioned in it. I think this is the San Antonio Expressway. The testimony indicated local authorities wanted to take it over and complete that project and not have it continually delayed because of objections raised in lawsuits based on the fact that there is a use of Federal money involved. It is a little detailed, but that will be explained when the bill is presented.

In any event, clause 16(c) of rule XI prohibits anything in an authorization bill which names specific highways. Inasmuch as the San Antonio highway is named—and I believe there is also some reference in here to the Three Sisters Bridge—we waived points of order on that so that those matters can be considered.

Also, we made arrangements to substitute the Senate bill if this bill is passed and to use that Senate bill as an original bill as amended by House passed language.

The motion was made, as I say, based upon that request.

A substitute motion was made to include the amendment which was proposed so far as mass transit money diversion was concerned. That lost on a rollcall vote of 7 to 8. Then the original motion was granted orally.

Subsequent thereto the resolution was filed that same day, I believe.

Yesterday at the meeting the gentleman from Illinois (Mr. ANDERSON) who will have an opportunity to explain his desires and who is strongly in favor of opening up the legislation on the mass transit provision, made a motion to reconsider. Under the rule it is in order, because we took an oral vote for the final consideration.

The motion that lost was not open for moving unless we reconsidered. On that particular motion to reconsider, I do not recall what the vote was, but I think it was 9 to 6. In any event, that failed. So we are here today on the particular resolution as approved by the committee.

I think all of you received today a letter signed by Mr. O'NEILL, GLENN ANDERSON of California, and JOHN ANDERSON of Illinois, and Mr. GROVER stating that they would like to vote down the previous question so that they can offer an amendment to open up the mass transit provision for amendment.

I am not the Speaker or the Parliamentarian or the chairman of the committee, but I would rule that the amendment would be nongermane. If that ruling did take place, then, of course, the only thing those who want to have the privilege of offering that amendment can do is to vote down the previous question.

Frankly, I am personally very much opposed to taking any of that money and diverting it and using that money for any type of mass transit. If they want to start a trust fund for that particular purpose, then they should start their own trust fund for that purpose. Because once you start going into trust funds, diverting them, you will have more and more delay and more and more diversion and more and more problems.

I know over the past several years this administration and previous administrations have continuously frozen money for various purposes, and every year money is frozen in connection with the highway system. For instance, we have freeways approved in my district, a couple of which we did not want, and they went through the best residential district in the area. We did not want them there at all, and we did everything we could try to defeat them, even going to court. But the Federal Government said they wanted to connect this point with Lancaster, I believe, or Palmdale, and the only way they could do it was by going through the finest section. So they got started with the freeways, had the property condemned, they tore it down, and then all of a sudden the funds were frozen, so it has been a very bad situation for the whole area for a long period of time. In some instances they started bridges, and they built a viaduct going over them, and then they stopped. I have three of them in that area. I have always felt if you were going to start a program of a freeway system in a certain area you should agree that when you start it that you will go through to the conclusion so you will not upset so many people, businesses, residents. You should complete it all the way through. I hope that we will manage to get these finished some day. They say they are going to start finishing one or more of them next year, which I hope will happen.

In any event, I would strongly urge that the request to vote "no" on the previous question be not followed, and that you do not vote "no" on the previous question, because if you vote it down then the amendment can be offered. I urge that you vote "yes" on the previous question so that House Resolution 1145 will be adopted as presented to the body, and we can then proceed with the consideration of H.R. 16656, the Federal-Aid Highway Act of 1972.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. ANDERSON) for the purpose of debate.

Mr. ANDERSON of California. Mr. Speaker, and Members of the House, I am asking for a "no" vote on the previous question so as to allow the offering of our amendment which would permit the use of urban system funds only for mass transit.

Up until 11 o'clock this morning I had been assured that our amendment would be germane. At that time I was informed that new points had been raised, and that we were in a new ball game.

This is the only way we can now be assured of a vote on our amendment—to ask you to vote "no" on the previous question.

I offered our amendment in the Subcommittee on Roads of the Committee on Public Works on which I am a member. I offered it in the full Committee on Public Works. And then I went to the Committee on Rules to get a rule waiving points of order on that section that I wished to amend. As was mentioned earlier, I lost by an 8 to 7 vote.

The amendment is supported by President Nixon, by Secretary of Transportation, John Volpe, by the National League of Cities, by the National Conference of Mayors, major environmental groups, several major labor unions, and probably 170 or 180 Members of this House have been committed to support this amendment.

I want to state firmly, in answer to questions that several of you have raised, that our amendment does not affect money going to the Interstate System or the primary or the secondary system or any of the funds authorized in this bill other than urban system funds, which is $700 million of a $5¾ billion authorization.

Nor does it affect the amount of money any State or locality would receive.

Nor does it require the construction or acquisition of public transportation systems.

It merely gives the local officials the option of using their share of urban funds for mass transit. I might add that there is a real important and growing need for mass transportation.

Sixty-seven cities of our Nation must curtail auto traffic to meet clean air standards and to meet the current energy-oil shortage, according to the National Petroleum Council, 57 percent of our oil will be imported by 1985.

Of course, our amendment would benefit the trucking and business community and the public by encouraging commuters to use public transit and thus save many, many hours that are now wasted sitting in traffic on our freeways.

For these reasons, I contend that we must vote "No" on the previous question, which would allow the gentleman from Illinois (Mr. ANDERSON) a chance to amend the rule and thus allow the House to work its will on public transportation.

This vote may be the only chance we have to express our position on mass transit.

Mr. SMITH of California. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, as has been correctly stated, as the author of the substitute resolution which failed by a single vote in the Committee on Rules, at the appropriate time I shall ask the Members of the House to vote down the previous question. I will do so in order that this House can work its will on the amendment referred to by the gentleman who just preceded me in the well, the gentleman from California (Mr. ANDERSON), to permit local officials the option to use $700 million that is already allotted and allocated under the Federal aid to highways bill and permit them merely the option to use that urban system money for alternate rail transit or for bus facilities if they so desire.

This proposal has the wholehearted support of Secretary of the Department of Transportation.

Mr. Speaker, I have here in my hand a letter which I will ask unanimous consent to include in the RECORD following my remarks, a letter which I received on the 30th of September, from the President of the United States, in which he said:

I am therefore gratified that you will be leading a move on the floor to achieve that goal. As I said in San Francisco earlier this week, I hope the bill that comes to me will include that sensible provision.

A very significant element in the pathology of our urban areas which we so often refer to as the urban crisis is the lack of adequate mass transit—to get people from their homes to schools, factories and stores safely and expeditiously.

It has been estimated that despite such comparatively recent enactments as the Urban Mass Transportation Assistance Act between fiscal year 1965–1972 we spent $30 for highways for every dollar that was spent for mass transit.

The exact figures as to our outlays between the fiscal year 1965 and the fiscal year 1972 are as follows:

[In billions]

Federal urban mass transit outlays	$1.0
Federal-aid highway outlays	29.6

Thus the ratio of highway to mass transit outlays of money is 30 to 1.

No one denies the need—the argument seems to be that the highway trust fund is inviolate—that highways are supported by user taxes and we break faith with the highway user—the motorists—if we permit the option and it is only an option to use the sum of $700 million that has been set aside for urban highway systems—to be used at the decision and discretion of local authorities for alternative modes of transportation—bus or high-speed rail.

This amendment does not take one dime of the highway money apportioned under this bill from one area of the Nation and transfer it to another. It does not reallocate one dime of highway money within your State. It simply allows the money allotted to go to urban areas anyway for urban systems can be used for alternative modes—if local officials so decide.

This amendment is not the work of enemies of the great interstate highway program—for I have long supported that program.

But the decisions we make today on the future construction of highways have consequences that expand beyond a single fiscal year. The roads we build in this decade will be in use up until the end of the century. Can we possibly afford to ignore the fundamental changes in our society—increasing urbanization with attendant congestion and pollution—an impending energy crisis if we continue to dissipate our energy resources at the present rate. We are confronted with a new set of facts and conditions as we enter the decade of the 1970's that were dimly if at all perceived at the time the Interstate Highway program was launched in 1956. At that time energy supplies were abundant, urban air pollution had not yet reached really serious levels, the great suburban migration had just begun to take on its current dimensions, the traditional transit industry was still healthy if not robust, and few of us were farsighted enough to see that merely expanding the mileage of modern urban freeways would be a treadmill-like proposition due to the increased traffic that we now know such routes inevitably generate. Yet, if we could not know these things then, we are aware of them now. Therefore, to persist as if nothing has changed, whether out of nostalgia for bygone days, out of inflexible adherence to programs or principles that may have served the Nation well in the past but which are now of much more limited applicability, or for any other reason is surely a recipe for failure. A failure, however, that we nevertheless need not suffer if we will now only muster the good sense to get on with business of fashioning a new set of urban transportation priorities.

Let me address myself briefly to the notion that this amendment is an unconscionable misuse and diversion of highway user taxes paid by motorists exclusively for the improvement of highways.

The argument further insists that the Federal Highway System is self-financing because users pay for the services that they derive from the system by various taxes that go into a trust fund. An analysis of that argument makes it obvious that its persuasive power is more a function of the regularity with which it is intoned than because of any inherent logic. Sound Government finance does not require that taxes levied on specific products be expended for purposes directly related to the use of those products. Otherwise why do we not use all alcohol excise taxes to fight alcoholism? Why are cigarette taxes not funneled into the National Institutes of Health to fight cancer? In 1971 more than 30 specific excise taxes or taxes on products brought $10 billion in revenue into the general fund of the Federal Government.

Furthermore, 95 percent of the receipts of the highway trust fund last year were from taxes which had been on the books for many years before the trust fund was created by legislation in 1956: The gas tax which accounted for more than two-thirds of trust fund receipts was enacted 40 years ago—24 years before the Interstate Highway Act. The user tax on trucks, buses, and trailers over 30 years—long before the Interstate Highway Act. It accounts for 10 percent of the receipts of the trust fund. The tax on tires and innertubes was enacted in 1919; the tax on lubricating oil in 1932. Between 1933 and July of 1957 when the trust fund began to function more than 30 billion in 1971 dollars was paid into the general fund—a sum large enough to finance the highway program for 6 years in current expenditure levels.

For those who are concerned with any possible inequity involved in the adoption of the Anderson amendment it should be pointed out that highway users pay a flat 4 cents per gallon Federal gas tax whether they use the Interstate Highway System, a county road, or city street. Less than 10 percent of Federal aid mileage is found in urban areas although urban areas accounted for more than 51 percent of all vehicle miles traveled in 1969 and more than half of all Federal gas tax revenues. Since a large share of this urban traffic is on non-Federal highways these users are clearly paying highway taxes from which they derive little benefit.

I think the most important argument that can be made in favor of the Anderson amendment is that in upgrading mass transit highway users are promoting their own best interests in more efficient, economical, and less hazardous highway travel. The more efficient movement of goods in commerce in metropolitan areas is to the advantage of the class that includes all of us, the American consumer.

I have earlier in these remarks alluded to the need for us to adopt a transportation policy that takes into account the growing energy shortage. A recent study by the Chase Manhattan Bank estimates that daily consumption of oil by automobiles will increase by more than 72 percent by 1985. During this same period unless imports increase there could be a 15 million barrel deficit between daily production and demand which would be capable of driving gasoline prices through the roof. A study by the Department of Transportation of Carnegie-Mellon University has pointed out that if we are to have a total energy conservation strategy we must shift some of the projected growth in automobile travel to more energy-efficient modes of transit such as commuter bus and commuter rail. If we do not do this it is highway users who will be paying far greater costs because of the upward pressure on petroleum prices.

Certainly no one has to belabor the case with respect to the true relationship between the growth of the automobile and our pollution problem. EPA says that the highway-auto system is directly responsible for at least 40 percent of the Nation's air pollution, and up to 80 percent in some major cities. Simple abatement measures will not be sufficient. We simply must have a fundamental alteration of priorities in our urban transportation systems.

Mr. Speaker, I include the following letter for the information of the Members:

THE WHITE HOUSE,
Washington, September 30, 1972.

Hon. JOHN ANDERSON,
House of Representatives,
Washington, D.C.

DEAR JOHN: I am happy to respond to your letter of September 26 regarding the pending highway legislation. I consider it of the utmost importance that the House act to provide more flexibility in the use of the Highway Trust Fund for urban transportation projects—either highways or transit—along the same lines as those on which the Senate has already acted. I am therefore gratified that you will be leading a move on the floor to achieve that goal. As I said in San Francisco earlier this week, I hope the bill that comes to me will include that sensible provision.

The bill reported out by the Public Works Committee of the House provides for an enlarged Federal-aid urban highway system. Such action on the part of the Committee reflects recognition of the growing magnitude of the urban transportation problem. However, merely injecting additional Federal funds is not sufficient. In transportation programs, our urban areas especially must have the flexibility to design, and fund, a balanced

system. Local needs can best be determined at the local level. Highways have made, and will continue to make, a major contribution to our transportation system. It is vital, however, that we provide our metropolitan areas with new and more flexible tools to enable them to face their problems and develop their programs of action. The alternatives open to them cannot be tied to a single mode. Different cities have different problems.

The Senate action on Section 142 would encourage local initiative in determining what combination of highways and mass transit is most responsive to the particular needs of the localities themselves. Senate action would permit, but not require, the use of urban highway funds for mass transit; each metropolitan area would decide for itself, without Federal pressure, what capital investments should be undertaken—highway, mass transit, or more likely, some combination of both. That is the kind of flexibility we need today and that is why I am so pleased that you will be offering your amendment.

Sincerely,

RICHARD NIXON.

Mr. YOUNG of Texas. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. JAMES V. STANTON).

Mr. JAMES V. STANTON. Mr. Speaker, I could not match the eloquence or the logic of the statements of the gentleman from Illinois or his reasoning, but I think there is something much more fundamental in the vote here today. It has to do with what we like to call the democratic process. When we all go into a ball game and they lay out the rules for us, we like to play according to the rules. If there is criticism of the Congress of the United States, that criticism lies on the basis that sometimes they switch the rules on us in the middle of the game.

I submit that in the proposition we face here today the rules are being switched, for who can deny that this is an extremely well-financed lobbied bill? Nobody can deny that. I have no objection to it, because I believe that is the American system. I have no objection to the lobbyists who sit up there and look at these special interests they are trying to protect, but the time has come in America when we have to make free and clear decisions.

If we want to support the position of the trust fund, fine, for purposes of highway construction only, fine, but give us an opportunity to have a vote.

The strict constructionist viewpoint that has been rendered to this bill or will be rendered to this bill does not have any substance in fact. When we can finance ferryboats out of the trust fund, why can we not finance mass transit?

It seems to me that the realistic approach is to give us a vote. The minority leader has worked hard to make sure that the will of this body is not properly identified on this vote, in my judgment. I criticize him and those who seek that position.

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

Mr. JAMES V. STANTON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, of course I asked that the Rules Committee abide by the rules of the House, and that is the proper procedure in any legislative body. To do otherwise would create uncertainty and legislative chaos.

Mr. JAMES V. STANTON. I agree, and the intense interest of the minority leader to abide by those rules is to thwart the free will of this body to make a decision on the mass transit needs of America.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. JAMES V. STANTON. I do not yield.

Mr. Speaker, I want to indicate very clearly to the minority leader that the President is seeking a $250 billion limitation, a bill that he supports, and in the support of that bill there will be no dollars for transportation and urban systems in America unless we get them out of the highway trust fund.

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

Mr. JAMES V. STANTON. I do not yield.

Mr. Speaker, I seek here today a vote that is critical to the communities of America. It is critical to the Cleveland, Ohio, and Los Angeles, and other urban areas which are the large centers of the United States. I think we take a step backward if we do not give a free vote to a question as vital as the transportation needs of the country.

Mr. PUCINSKI. Will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is the gentleman suggesting that we vote down the previous question in order to get it on the floor?

Mr. JAMES V. STANTON. Absolutely. I think that is clear to every Member.

Mr. COUGHLIN. Mr. Speaker, I join in urging a no vote on the previous question so that this House can consider whether that portion of the trust funds already allocated in the bill for transportation in urban areas can be used for that kind of transportation that the urban areas want.

First, it is entirely germane, and the rule should not have precluded it. The trust funds are already used for fringe parking, busloading facilities, and replacement housing. Why should not this House be able to consider whether they can be used for the purchase of buses or other solely capital transportation projects?

Second, we are talking about the administration of $700 million already in the bill for Federal aid urban systems. Why should not this House be able to consider how that $700 million will be administered?

Finally, the amendment that is proposed, if the rule is voted down, would not affect the interstate system or primary system or secondary system. It would only affect money already allocated in the bill for urban systems. It would only allow those of us from urban areas, the people from urban areas, to decide how they want their funds used.

I urge my colleagues from nonurban areas to join in allowing the people in urban areas to decide how their own funds should be used.

Mr. GROVER. Will the gentleman yield?

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

Mr. GROVER. Mr. Speaker, I will support the gentleman in voting against the previous question.

My district is 50 miles from the center of New York City in the new suburbia. Our highways are glutted, transportation is stalled. We are in a crisis of monumental proportions to which we close our eyes.

May I say this, and tell the gentleman that we can no longer afford to destroy our remaining green areas. The fact is that the system is becoming counterproductive in our 800-mile east coast megalopolis. We are confronted by the law of diminishing returns. As was spelled out by the gentleman from Illinois, $100 million economic loss in a major city in a year, the rule should be rejected and a vote had on the merits of the Andersen amendment.

I am going to support the gentleman from Illinois.

Mr. GUDE. Will the gentleman yield?

Mr. GROVER. I yield.

Mr. GUDE. Mr. Speaker, I want to compliment the gentleman in his statement. I rise in support of voting down the previous question.

The time is long overdue when we give the people in our crowded cities some consideration and provide some relief for the overcrowded city streets.

I am convinced, as is the administration, that by permitting this type of local decisionmaking on the merits of transportation alternatives we come a step closer to meeting the real needs of local urban communities, and not the dictated ones from Washington.

This use of funds would be a matter of local option, but would in no way mandate the use of trust fund moneys for other than highway purposes. We have for too long permitted a real imbalance in the transportation systems in our urban areas. We need roads—I do not believe many would question the many benefits these roads bring with them.

However, I do contend that we have devoted so much of our resources to these projects, that in many instances we have ignored alternative modes of transportation, some perhaps better suited to local needs. This amendment will provide the means to effectively implement viable sound alternatives.

I urge acceptance of this important amendment.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I rise in support of the position taken by both ANDERSONS, Mr. ANDERSON of California and Mr. ANDERSON of Illinois.

I trust that when the vote comes on the previous question on the rule, that the Members will vote "no" and vote the previous question down.

This, let me tell my colleagues, is one of the most important votes that this Congress will pass or act upon in this session. There is no question about it. This, my friends, is an $8 billion bill; $8 billion to be spent over the next 2 years,

and practically all of it will be spent for highways.

Oh, I have no objection to highways. I was here in 1956 and I voted for this bill, the largest public works bill in the history of the world. I was glad to do it, and I am proud of it now. For, today we have the finest highway system in the history of the world. Laced all over this Nation are some of the finest and the best highways ever constructed. Millions of people can now get out of the cities and metropolitan areas to enjoy the blessings, beauty, and bounty of this great Nation of ours. The part that the Federal interstate system has played in the economic life and health of this Nation is incalculable.

I support the $3.5 billion for each of the fiscal years 1974 and 1975 that is in this bill for the Federal interstate system.

The interstate system has given us magnificent roads, but at the same time, it has given us some terribly, terribly perplexing problems; congestion, pollution, loss of land and an ever-increasing devouring of precious resources that this Nation can ill afford to waste—particularly fossil fuel.

I say that it is high time that we now start to use these funds for the purposes for which a great number of the Members of this body want them used.

Let us see if we cannot solve the terribly difficult problems of this Nation and our cities. If our great metropolitan areas can not survive, there is some question of whether or not this Nation itself can survive.

I was interested in the remarks of the gentleman from Illinois. On October 2, by a special order in the RECORD, he detailed one of the finest statements I have ever seen on this matter. In his usual brilliant and persuasive way, he proved beyond doubt that there ought to be an opportunity available to us who support the highway program to present our case for use of a small part of the Highway Trust Fund for mass transit. Give us an opportunity so that we can have a rule which will permit this House to use its voice and its vote to determine whether or not we want this money used for rapid transit—rail and bus transit.

There was something said here about what has been spent on highways. The Federal Government has been spending money on highways since long before 1956. All the money that has been taken out for the building of roads and highways from the inception of this Republic up until 1957 was taken out of the general fund, was taken out of the pockets of every taxpayer from existing area. Is it not about time that we give a little back to the people who live in these urban areas?

I sit on the committee and chair the committee which funds the great Department of Housing and Urban Development. Let me tell the Members that one of the most important elements in the viability—yes, even the survival—of our cities rests on transportation.

As the gentleman from Illinois (Mr. ANDERSON) so well said, this is a program that affects the disadvantaged, the poor, the elderly, and the handicapped.

That is what we are doing. We are trying to provide them with the transportation they need in the great metropolitan areas.

I ask my colleagues to give us a chance to bite the bullet, to give us a chance to vote on the proposed amendment. That is all we ask.

I suggest that all the Members here, whether they are for highways or not, ought to vote against ordering the previous question, vote down the previous question, so that we can vote on the amendment that will be offered by the gentleman from Illinois (Mr. ANDERSON) and supported by a great many Members in this body.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ZION).

Mr. ZION. Mr. Speaker, for those Members representing rural areas and smaller communities, I want to stress that anything they may have heard, or anything they may have been told, to the effect that approval of this amendment would not in any way affect the highway program in their communities, is without substance. Believe me, if this amendment is approved, an irreparable breach will have been driven in the trust fund dike. Once the sanctity of the fund has been violated, the breach will be quickly enlarged to encompass other types of funding of the kind contemplated in the amendment offered in the other body by the Senator from Massachusetts.

When all is said and done, this amendment is nothing in the world but an attempt by advocates of special revenue sharing to achieve indirectly what they could not achieve directly. Their initial proposal for special revenue sharing, the effect of which would be to abolish the Federal-aid highway program, was so discredited that the committee to which it was referred would not even hold hearings on it. Now we are being called upon to approve such a measure on the floor.

The Interstate System is now well behind schedule. Further reduction in funds will cost hundreds of lives, for the interstate system is twice as safe per passenger mile as the other roads. Stealing money from the highway users is not only a form of extortion, but indirectly it results in murder on these outmoded roads.

I urge a vote of "yea" on ordering the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I will not speak to the substance of this issue. I believe that has been very well presented by the speakers who have preceded me.

I refrain from doing that with some difficulty, because as a representative of the city of New York I feel very bitter about the way in which my constituents and other big city residents have been discriminated against over the years in the allocation of Federal funds for transportation purposes.

I just want to call attention to two points of substance.

The general principle behind the amendment that will be offered here if the rule is modified has been supported again this year by the National Board of Governors' Conference. The Governors' policy positions including the following:

> We call for the creation of a single unified Transportation Trust Fund incorporating existing transportation revenues earmarked for use within a specific mode of transportation or by beginning a phased program of percentage transfers from the highway and aviation trust funds and other funds made available for transportation into the proposed unified National Transportation Trust Fund.

Now, speaking to my friends in the Democratic Party, the principle of broadening the highway trust fund to include mass transit is also favored in the Democratic platform adopted in Miami Beach. Both these policy statements go further than the amendment to be offered by the gentleman from California, Mr. ANDERSON, which is limited to the $700 million transportation fund.

But now to the procedural point, who among the Members who have spoken in opposition to the Anderson amendment, has given us one reason why this House should not have a vote on the merits of the question? Not one. The arguments that have been made here have all been against the amendment to be offered.

I am for the germaneness rule. I think in general it is a sound rule, but if it is applied in this instance, it will prevent this House from deciding on the merits of the issue.

Let us not frustrate ourselves, let us not paralyze ourselves, by a rigid application of the germaneness rule so that this issue cannot be voted on on the merits.

Let it not be said that we could have such a vote on the merits if we followed some other procedure.

Under the rules of committee jurisdiction which apply, and under an overly strict application of the rules of germaneness, there simply is no other procedure. Mr. Speaker, I have been fighting this battle since 1965, and I know.

I urge that the previous question be voted down and the rule amended to permit this House to work its will on the Anderson amendment. Whether we vote it up or down, let us at least vote on it.

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

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, although he has, I know, changed his mind, and his viewpoint, I would like to quote Secretary Volpe back in February of 1969, when he addressed himself really to the issue that is before us today. He said:

> I believe that the integrity of the highway trust fund must be preserved without question. This was the intent of the Congress and the Chief Executive in framing the federal aid highway legislation of 1956 and subsequent act. In my opinion, to divert highway use tax revenues to purposes other than the provision of highways would abrogate a long-standing moral commitment, as well as a statutory provision. The trust fund financing arrangement has been one of the essential ingredients in the present successes of the highway program and under no presently

foreseeable circumstances should it be eliminated or diluted.

I think that statement by Secretary Volpe is completely in point on the issue that we now have before us.

Are we going to break faith with what we did in 1956, when we said, "We are going to build a highway system, and we are going to charge the people who use it for the cost of building it, and we are going to assess special taxes?"

In doing that we followed the advice of President Eisenhower, who in 1956 in asking for this program said:

A sound Federal highway program, I believe, can and should stand on its own feet, with highway users providing the total dollars necessary for improvement and new construction.

So we went ahead and assessed taxes on that basis. We established a highway program to be paid for, not out of general funds any more, but from assessments against the users. We allocated those taxes, or tried to, as equitably as we could, on the users.

When we looked at how much we were going to put on the passengers' use or the truck users, in the allocation between the two, we looked at the cost of the program and considered how much benefit each was getting, and tried to get an equitable distribution.

Now, shall we change that? Shall we say to those taxpayers, "Yes, we assessed this tax with a firm commitment to you that the revenue was going to be used for highways, but now we have decided we are going to use this money for any purpose that comes along that suits our desire at the moment."

Why can we not come out in a straightforward way? If we do not believe that there is a value in maintaining a highway trust fund, we should repeal it and then in that way we would be honest with our taxpayers. If we at this point start diverting these moneys to other than highway purposes, we break faith with those who pay these taxes; yes, we will be breaking a firm promise that we made when these taxes were enacted back in 1956.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. ABZUG) for the purposes of debate.

Ms. ABZUG. Mr. Speaker, the issue before us is whether or not we can consider an amendment on this floor today.

I am a member of the Committee on Public Works. We considered the Anderson amendment in committee and there are a considerable number of us who voted for the amendment. I think it is the right of the Members of this House to hear the arguments on both sides, so the House can work its will.

I see no basis whatsoever for suggesting that there is any other legislation in connection with which we can consider the issue of mass transit.

It is interesting that last week the Committee on Rules killed a housing bill which contained money not only for capital expenditures involving mass transportation but also for operating expenses for local transit agencies.

I think this amendment is perfectly germane to the highway legislation and it is the only legislation to which it is germane. The fact of the matter is that the present subject matter of the legislation does encompass facts concerning mass transit, such as the construction of bus lanes, bus shelters, and fringe area parking.

I think it is very shortsighted to suggest that the Highway Trust Fund is the sole and exclusive province of those who use highways. In fact, it is not only people who are being injured by not having mass transit, but those who use the highways are being injured by reason of the fact that the congestion be created around the highways as a result of not having any alleviating mass transit is now making it impossible even for goods to move on these highways.

I think mass transit is just as important to people as is police protection. It is just as important to working people as is food and clothing.

We are merely asking that an amendment to the Highway Act be considered on the floor. The Committee on Rules has no right to make a substantive determination that we cannot discuss the relationship of mass transit to the highway trust fund.

Mr. Speaker, I urge that we vote this rule down.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. KOCH) for the purposes of debate.

Mr. KOCH. Mr. Speaker, I do not intend to use this time to give you the arguments on why mass transit is necessary for the cities, because that was done by prior speakers. Nor will I attempt to debate the question as to whether or not the highway users should be paying for mass transit, because that was eloquently covered by the distinguished gentleman from Illinois (Mr. ANDERSON).

That leaves the other point for me; namely, that this is a bipartisan effort. The Republicans and Democrats together are seeking to have an opportunity to offer an amendment. To do what? It has been discussed almost as though it were an ogre.

The amendment offered by the gentleman from California (Mr. GLENN ANDERSON), if we are permitted to offer it, simply provides that where a locality wants to take its share of the $700 million allocated to it and apply it to mass transit purposes, it may do so.

Is there anything wrong with a locality deciding for itself what it should do with the moneys that this Congress decides to give it for the purposes of transportation?

So what I am suggesting is, whether you are for or against mass transit, this amendment will not affect your right if you are in a suburban area or a rural area where highways are required. We are not opposed to highways where they are required, but what we are saying is give us the chance, give us the opportunity to apply in our areas that transportation solution which is best for us.

In Los Angeles, for example, 50 percent of the area is paved over because of highways. In Washington, D.C., the same is true.

In many cities of our Nation, mass transit is what is needed at this time to meet local transportation requirements.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I have listened to this debate for the last 40 or 50 minutes, and those who want to break faith with the Highway Trust Fund would leave you with the impression that the Congress is not providing one penny for urban mass transit. In the last fiscal year this Congress out of the general fund made available $600 million for urban mass transit. Now urban mass transit proponents want to provide by the diversion of money from the trust fund in fiscal 1973 $800 million plus $1 billion that is programed for fiscal 1973 in the budget the President submitted to the Congress. They want $1.8 billion for mass transit in 1973. And in addition they want to break faith with the trust fund.

Now, let me put the issue as clearly as I can. Since 1956 the taxpayers have been putting money into the trust fund for the construction of highways, and if this rule is opened up those who want to divert highway trust funds are going to offer an amendment that reads in part as follows:

That the money from the trust fund can be used for the construction of fixed rail facilities and the purchase of passenger equipment.

Do you think that the people you represent who have been paying taxes into that trust fund under the impression they were going to have highways built want that highway tax money spent for the purchase of "fixed rail facilities and the purchase of passenger equipment"? Of course they do not. They do not want you to break faith with them, and if you vote "no" on the previous question you will.

Mr. Speaker, let me say this: The proponents of this amendment talk as though this is a very simple, innocuous amendment. They use the old theory, propose something that is sweet and simple, get your nose under the tent. If you open the door a wee crack, once you make an exception, believe me you are going to have the floodgates opened.

They are not satisfied with $600 million in 1972 for Federal urban mass transit, they are not satisfied with $1 billion for mass transit in 1973 out of the general taxpayers taxes; they want you to add $800 million to the program for a total in this 12-month period of $1.8 billion.

Also let me just add, if I might, that if you start breaking faith with the highway trust fund then pretty soon you are going to find some people who will say, "Let us divert from the airport trust fund." Their argument will be—"We did it in the case of the highway trust fund, so let us now make some inroads in the airport trust fund." Once the precedent has been established in the highway trust diversion as some propose the Airport Trust Fund is in jeopardy.

Yes, Mr. Speaker, every Member in this House has a highway project that needs to be expedited. My dear friend, Mr. RUPPE of Michigan, from the upper peninsula of my State has Highway 2. He wants it expedited. If you divert money from this highway trust fund, Highway 2 in the upper peninsula of Michigan will not be moving as fast as it should. We in my part of Michigan want U.S. 131 expedited.

If you divert from this highway trust fund, you are going to slow down the construction of U.S. 131 north from my district at Grand Rapids which is the most treacherous and dangerous highway in the State of Michigan.

Mr. Speaker, diversion is a breaking of faith and it will slow down the highway program. Vote aye on the previous question.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 413]

Abourezk	Gialmo	Murphy, N.Y.
Aspinall	Green, Oreg.	O'Konski
Badillo	Griffiths	O'Neill
Baring	Gross	Patman
Barrett	Hagan	Purcell
Bell	Hansen, Wash.	Reid
Bevill	Hathaway	Roncallo
Blanton	Hébert	Rooney, N.Y.
Boggs	Holifield	Rostenkowski
Boland	Jarman	Sandman
Bow	Keith	Scherle
Chisholm	Kemp	Schmitz
Clancy	Kyros	Scott
Clark	Lloyd	Sikes
Clawson, Del	Long, Md.	Smith, N.Y.
Clay	Lujan	Staggers
Culver	McClure	Steed
Davis, S.C.	McCormack	Talcott
Devine	McCulloch	Teague, Calif.
Dickinson	McMillan	Teague, Tex.
Diggs	Macdonald, Mass.	Terry
Dow	Mathias, Calif.	Thompson, N.J.
Dowdy	Matsunaga	Thomson, Wis.
Downing	Mayne	Vander Jagt
Dwyer	Melcher	Wilson, Charles H.
Evans, Colo.	Mitchell	
Gallifanakis	Mollohan	
Gallagher		

The SPEAKER. On this rollcall 350 Members have answered to their names, a quorum.

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

PROVIDING FOR CONSIDERATION OF H.R. 16656, FEDERAL-AID HIGHWAY ACT OF 1972

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Speaker, I am going to vote against the previous question that this is a legitimate use of transportation funds.

Mr. Speaker, I oppose the previous question and favor permitting amendments to the Federal-Aid Highway Act of 1972 which would allow the use of highway trust fund money for urban mass transit improvements. If permitted, I would support the Anderson amendment which would authorize the use of some $800 million of the highway trust fund for use in other forms of mass transportation.

The need for such an authorization has become clear. Growing traffic congestion, air pollution, dwindling fuel resources, and the need for land conservation emphasize our unhealthy overdependence on the highway and the automobile. Equally important, our existing urban mass transit systems have been unable to survive on existing resources, and many mass transit systems have been forced to curtail services, and some have gone under altogether.

Nowhere is this more evident than in Connecticut. Despite significant advances in highway construction, Connecticut is presently in the midst of a mass transportation crisis due to the impending collapse of intercity bus service. Many Connecticut citizens depend on buses as their means of transportation for commuting to work, and for everyday activities. The loss of bus service would leave them without the basic means of travel upon which they have always depended.

No matter what course of action the State finally does take, however, it is clear that the availability of Federal funds for buslines and other forms of mass transportation would be helpful in these critical days. The availability of Federal funds in the future could help assure that mass transit shortages were averted. It could help guarantee a suitable alternative to the automobile through the strengthening of mass transportation systems.

The Anderson amendment would move toward achieving these objectives by making available $800 million from the highway trust fund for use in mass transit systems other than highways at the option of the individual States. This option would allow Connecticut and other States to use Federal funds to buy new buses and new maintenance equipment.

The argument has been made that highway trust fund money should not be used for anything but highways and be concentrated in this field alone. I point out, however, that the Anderson amendment would not spread highway funds to wide areas of concern. The money would be used only for transportation improvements and for these alone in the hopes of reestablishing a balanced transportation system. The point is that by authorizing the use of highway trust fund money for urban mass transportation, States and localities would have available a greater range of alternatives to meet their different transportation requirements. Highways would continue to play a vital role in meeting transportation needs, but the Anderson amendment would help to provide a better supporting cast of bus, rail, and other new forms of urban mass transportation.

At stake is the vitality and quality of transportation, and thus of everyday life, in the Nation's cities. I urge all Members to vote against the previous question and thus permit an amendment which would provide Connecticut and other States with means to assist our mass transit systems.

The Anderson amendment would be particularly important in light of the recent failure of the rules committee to report the Housing and Urban Development Act of 1972 to the floor. This legislation contained provisions authorizing grants to meet operating expenses of mass transit systems totaling $100 million for fiscal year 1973 and $300 million for fiscal year 1974. These proposals could have provided significant funding toward the operating expenses of Connecticut bus companies and other means of transportation.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I oppose the rule before us today.

As a representative from a district in which the Nation's newest—and probably best-planned—mass transit system—the new Bay Area Rapid Transit—BART—is centered, and as a member of the District of Columbia Committee vitally interested in the success of the embryonic Metro system here in Washington, I have had considerable experience with the problems and needs of urban transit.

With that perspective, I am dismayed at the stranglehold maintained by those special interest groups who would asphalt the world if they only could garner the resources available for that task.

Our cities are becoming wasted and derelict—as huge freeways rip through them, displacing thousands of citizens, disrupting neighborhoods which have existed for decades.

And there seems to be some sinister connection which causes those freeways to be jammed as soon as they open. Perhaps it is best to say that the number of cars increase to meet the amount of roads, and not the other way around.

Nevertheless—and quite seriously—additional highways—with or without narrow environmental okays—only add to our growing pollution problems; each additional mile means newer and more air and land pollution.

We cannot simply proscrastinate about these problems. It is up to us—today—to start anew, to turn around the twisted priorities and power-plays of the special interests.

The question is not merely one of allowing funds for mass transit out of the highway trust fund—even though that is crucial and important. Instead, we must assess the total social and environmental costs of allocating billion after billion for highways while our cities rot and the muck accumulates.

I urge defeat of this rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, an unfortunate misunderstanding has surrounded this amendment to open the urban highway aid program to mass transit expenditures. It has been interpreted as the sacrifice of the highway user to the plans and demands of the proponents of mass transportation.

Yet the introduction of mass transportation can, in many urban areas, contribute more to the convenience and safety of the driver on the highway than more highways, more safety facilities, more traffic controls, or any of the other projects supported by the present highway trust fund programs.

The most critical problems on many of our highways today—and this is particularly true in urban areas—arise because there are simply too many cars.

Traffic has become increasingly congested. At peak hours in New York City, for example, traffic moves slower now than at the turn of the century. Our interstate highways, designed to become avenues of fast traffic flows, are reduced, for hours each day, to involuntary parking lots.

Yet every time we build more highways to cope with the problem, we simply draw more cars onto the road. More highways are no solution to the urban problem—they simply provide opportunities for more congestion.

In our cities the only answer is to reduce traffic so that the motorist who decides to use his automobile has sufficient mobility to reach his destination even at peak hours, and to reduce the accidents which have become one of the worst features of our overcrowded roads.

Yet how do we reduce traffic? The only way in most large cities is to provide mass transportation so that motorists at least have the option to choose the way they will travel instead of being forced to use the automobile.

And indications are that as facilities and operating systems improve many will choose rail, bus, subway, or shuttle in preference to the crowded roadways. Further, children, the elderly, and those unable to afford cars will also be able to travel without having to be dependent upon another driver.

Mr. Speaker, I am not supporting a "raid" on the highway trust fund for some purpose foreign to its original intent of serving the needs of the highway user.

Rather, I am supporting an amendment which would permit the State and local officials in the regional transportation authorities—the people closest to the local transportation problems—the opportunity to begin making the decisions now being made by Washington, just as they are currently making decisions on the highway programs.

In effect, I am supporting the Cooper-Muskie amendment as adopted by the Senate. This amendment does not change the amount of money going to any State nor does it compel anyone to use funds for transit rather than highways.

The proposed amendment addresses itself only to the new $700 million urban system authorization. Necessary rural programs such as the primary and secondary road systems and the Interstate system would not be affected.

Mr. Speaker, let us remember that highway users are people, not vehicles. The easing of congestion on our highways will permit more people to be moved quickly, efficiently, and safely.

I urge my colleagues to allow State and local officials to determine the proper mix of transportation modes to solve their particular problems. I am confident that the highway user, as well as the entire community, will benefit.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, let us all realize very clearly what is involved in the question of whether or not to adopt the previous question. The only element involved is the question of whether or not at this time we should grant a special waiver of a point of order to permit the gentleman from California (Mr. ANDERSON) to offer an amendment which otherwise perhaps would not be germane to the bill, to open up the highway trust fund and let some of that money be used for urban mass transit.

That is what is at issue in the vote on the previous question.

I recognize the need, and I think all of us recognize the urgent requirement in many cities of America for urban mass transit. I emphatically do not deny that that need exists, and I promise here and now that at any future opportunity that comes before this House, as I have done in the past, I shall support actively any reasonable program to provide funds for needed urban mass transit, either out of a trust fund of its own or out of the general funds of the United States.

If the highway trust fund is to be invaded for this other purpose, then I think the way proposed by the gentleman from California, a local and permissive diversion, would be the least offensive way to do it.

Let me explain to you the three basic reasons why the Committee on Public Works felt it really very unwise to include any such diversion in this particular bill.

The first is that to which there has been reference already made by the minority leader and others, that the highway trust fund is just what its name implies—a trust. We have a trust of good faith with the motoring public of the United States, to whom we said when we levied those taxes that if you will pay them, we will put them into a trust fund and use that fund to build the highways that you need.

This situation is clearly distinguishable and differentiable from those other excise taxes earlier mentioned by the distinguished gentleman from Illinois (Mr. ANDERSON) that go into the general fund. They were not committed to a specific trust. These were.

I would no more think that we should want to violate the highway trust fund and thus the faith of the taxpaying public, than we would want to violate the social security trust fund and permit money from that fund and to be used for other purposes than those to which they were paid and dedicated.

Second, let me say that every penny provided by this bill is needed and vitally needed if we are to meet the highway needs of this country.

I have before me the 1972 national transportation report issued by the Department of Transportation, which estimates that by the year 1990 we shall need not only the amount provided in this bill but a total of some $570 billion if we are to meet the highway needs both present and anticipated between now and then. This is only a drop in the bucket. We have to run if we are to stand still in our efforts to keep pace with the growing needs for safe and functional highways.

Back in 1956 when we passed the Interstate Highway Act we were trying to accommodate 63 million vehicles on a road system designed for about half that number. What do we have today? Not 63 million but more than 105 million vehicles, and this number is being added to by several million every year. To put it plainly, for every two cars on the road 15 years ago there is a third car today. It has increased by 50 percent. So there is no money to spare in the trust fund. We need this money for the highways in the urban areas as well as in the rural areas.

The third thing we need to recognize is that, within the framework of our trust to the taxpaying public and the highway trust fund, we have done several things to try to assist and accommodate the development of mass transit wherever it is needed and can be used.

For one thing, this very bill provides that wherever there is a highway right of way that has been acquired and where portions of that right of way might be made available for the use of a mass transit facility, thus saving that local authority the money needed to acquire its own right of way, that this right of way may be given to that publicly owned mass transit authority free of charge.

The second provision is that known as fringe parking. On the outskirts of a city at a logical terminus for the mass transit facility that either exists or may be developed we authorize money to provide the parking areas and shelters for that purpose, so that people can park their cars and use these mass transit facilities when they are built.

Additionally, we provide for a system of preferential bus lanes like those now being used on Shirley Highway here in the Washington area. I am advised that the use of these bus lanes has greatly increased the number of people who ride the buses into the District of Columbia and has reduced the number of automobiles on that highway by some 8,000 per day. We are able to provide money for this because it is clearly highway related.

Mr. Speaker, it seems to me for these reasons and especially for the reason of the good faith of the Congress and the fact that these moneys are needed to meet the burgeoning demand for highways all over America, we should support the committee in its position, vote to adopt the previous question, and vote for the rule.

GENERAL LEAVE TO EXTEND

Mr. SMITH of California. Mr. Speaker, in view of the shortness of time, I ask unanimous consent that all Members may have permission to revise and ex-

tend their remarks at the conclusion of debate on the resolution now pending.

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

There was no objection.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HARSHA).

Mr. YOUNG of Texas. Mr. Speaker, by previous agreement, I add 2 minutes to that.

Mr. HARSHA. Mr. Speaker, I thank the gentleman for yielding me that time.

Mr. Speaker, all this committee is asking this Congress to do is to proceed according to the rules of the House, the rules that this Congress voted on. Without rules of order we cannot hope to govern. Rules of order establish reason and avoid chaos, that is why the Congress has adopted these rules by majority vote so that the legislative process can flow logically and sensibly. That is all we are asking—that we abide by the rules we enacted some time ago. If you are going to permit nongermane matters to be considered on every bill you will find yourselves legislating in a circus.

We are not denying the House the right to vote on this issue in a proper forum. The House can work its will on this issue by reporting legislation out of the committee that has jurisdiction over this subject. Then it can be brought before this House in a proper manner and dealt with according to the rules of the House.

Now there has been an allusion here, pressed by some of the proponents of this amendment, that the amendment in question would not really divert money from the trust fund. That is as far from the truth as can possibly be, Mr. Speaker. Every penny that is used for mass transit diverts that much away from needed highways. Let me point out, as did the gentleman from Texas before me, that there will be a need, between now and 1990, for $600 billion to construct our highway systems, and to upgrade many of the primary and secondary systems that we have neglected over the years because we have concentrated on the Interstate System. Many of those roads are today inadequate and unsafe. By diverting even one penny from this highway improvement effort we are, in effect, endangering the lives of the people who travel on the Nation's roads. The trust fund during that same period of time can only produce $125 billion. Therefore, there will not be enough money in the trust fund to even do a third of the overall job that has to be done upon the highways of this country. To divert any money from that trust fund will endanger the lives of Americans who are using those roads. We are already killing 55,000 people a year. Let us not set the stage for killing many more.

Mr. Speaker, I want to make this point, and it was alluded to by the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), that there is already $1 billion in the UMTA fund for mass transit this year. They had $600 million last year. Will you tell me why, if there is such an urgent need for money for mass transportation, the present administration impounded $300 million of that money last year? Why did they not release it so that urban mass transit systems could be built. If this urgency exists why did they wait another fiscal year before releasing it?

In addition to those moneys, Mr. Speaker, there is a revenue sharing bill waiting outside the Halls for this Congress to act upon if that will provide over $5.8 billion per year for general revenue sharing for the States, communities, and local governments of this country. All of this, may be used for mass transit, if the States so desire and if the communities so desire.

Now, how much do they want? What they really want, I think, is to have the operating costs of mass transit systems paid for by Federal funds. The amendment that they seek would give them the foot in the door that they need to achieve that aim. The cost of constructing such systems is not nearly as much as the cost of operating them.

Why do these systems need to raid the Federal Treasury? The answer is simple. Operating costs are so high that ordinary fare rates cannot support them. When fares are raised people stop riding and the loss becomes greater. The goal of this mass transit special interest is to get money to operate the system, keep the fares low and thus have automobile owners subsidize the subway riders.

If we take this money out of the trust fund the blood of thousands of highway travelers will be on our hands. We are asking this body to honor the trust that is their duty to guard. This Congress is acting in the capacity of a fiduciary. It must not violate its fiduciary responsibility. Its word must be good. If it votes down the previous question and makes the rule open to amendment it will be saying "Our word is no good, our promises are no good." The Congress gave its word. Can it now go back on it? Of course not. It must not.

Mr. Speaker, keep faith with the citizens of this United States and therefore I urge that the previous question be voted up.

Mr. YOUNG of Texas. Mr. Speaker, I yield the remaining time to the gentleman from Minnesota, the distinguished chairman of the Committee on Public Works (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, I do not have anything really to offer by way of arguments. I also want to make it very clear that I have had a very small role to play over the years on the highway program which has been so ably handled by the former chairman of the committee, George Fallon, who is here on the floor of the House this afternoon, and the subcommittee chairman, the gentleman from Illinois (Mr. KLUCZYNSKI) and the able staff of the committee.

As a rather impartial and uncommitted observer, I would like to stress one point in conclusion, and in support of the rule.

The arguments for mass transit are absolutely justified. I agree with them—I accept them—I support them. But likewise there are the arguments of those of us who come from rural areas—if you will look at the Interstate system where you have an area of northern Michigan—the area of the gentleman from Michigan (Mr. GERALD R. FORD)—running across northern Wisconsin into northern Minnesota—if you gave us buses free tomorrow morning, we could not use them because the roads are not good enough.

I have folks in my area who for 16 years have been paying the same taxes that you are, and they come to the Capital City and see the Shirley Highway that cost $45 million for 1 mile of road with eight lanes. Then they see a $3 billion subway at work and they wonder why they cannot get 7 miles of road costing $10,000 a mile.

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

Mr. BLATNIK. I yield to the gentleman.

Mr. GERALD R. FORD. I earlier pointed out that the urban mass transit people got $600 million last year out of the Federal general revenues, and this fiscal year of 1973 they are going to get $1 billion for urban mass transit plus $4 billion for the subway in the District of Columbia.

Out of how many spigots or from how many sources do they want money? Do they want another $800 million out of a trust fund which is pledged to highway construction?

Mr. BLATNIK. I think there is no comparison. Here is a real problem—there are two different and separate crying needs—one for primary and secondary roads—for three-quarters of a million miles—and an abnormally complex system.

There is not enough money in the trust fund and you are never going to solve the problem by what is being attempted here—no one is going to solve these problems in this way.

Let us do what we did with the water pollution bill yesterday—we authorized $24½ billion to meet the needs of that problem. Let us do the same thing here. We should identify the needs and face up to authorizing and appropriating the moneys and the taxpayers will support us. However, we should not in the process take the moneys from other programs where they are equally needed.

Mr. Speaker, I urge support of the rule.

Mr. GAYDOS. Mr. Speaker, I rise in support of this amendment which will allow Federal highway trust funds to be used for the installation of vitally needed mass transit systems throughout our Nation.

Many of our major cities are literally choking on an ever growing volume of traffic which clogs old and antiquated highway systems. The officials of these cities want desperately to move forward, implement new transportation programs that will ease the strain on existing highways and, in the long run, aid their urban economic problems. However, they have been thwarted in their desire and effort because of one obstacle—lack of funds.

This amendment will give our cities the vehicle necessary to move ahead with their self-determined transportation programs and systems. I strongly urge my colleagues to support it.

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of the proposal that funds in the highway trust fund be

used to foster and develop a balanced transportation system. I strongly support the effort made in the Senate to allow the use of these funds to permit local and State transportation authorities to use part of their highway authorizations for the purchase of buses, rapid rail transit, and other means of transportation.

Highway construction consumes more than 60 percent of the total Federal transportation budget, while mass transit receives only 4 percent. There is an urgent need in my district and across the country for new and substantial Federal assistance to aid public transportation.

One of the great questions of this decade is whether we shall have the foresight and determination to plan and develop a truly balanced transportation system, particularly in our large urban areas. What is at stake is the survival and vitality of our cities.

I am proud to be a cosponsor of H.R. 16683, to provide for improved efficiency of the Nation's highway system and to allow States and localities greater flexibility in utilizing highway funds. This can be achieved by our action here today. Local authorities must no longer be locked into a rigid decisionmaking structure. Local transportation systems must no longer be dictated by inflexible Federal grant programs.

This measure will broaden the range of transportation decisions and options that are available to State and local decisionmakers, to have before them the full range of alternatives necessary to meet different transportation requirements.

I am proud to support this proposal, and I hope that the House of Representatives will give it prompt approval.

Mr. BRASCO. Mr. Speaker, I represent a portion of the millions of people of the city of New York. Those citizens, like the overwhelming majority of Americans, dwell in cities and must cope with urban problems. None of these difficulties is more pressing or severe than urban mass transit.

Today it is physically impossible to move large numbers of city dwellers across metropolitan areas with any consistent degree of safety, timeliness, or reasonable cost. The first and major reason for decline of city living is the transportation disaster presently inexorably choking virtually every metropolitan area.

The private automobile, unsafe, poorly designed, polluting and overpriced atrocity that it is, is strangling our cities and shortly will be physically choking even more of our people.

To accommodate ever more autos, myopic city planners, tied to the highway lobby, look no further for solutions than driving concrete, high-speed expressways through viable urban neighborhoods to accommodate more suburban commuters. No more appalling waste or summation of our problem can be found that more adequately sums this all up in one picture than 2-ton, gas-gulping, chrome-plated dinosaurs pouring past city dwellings carrying only one passenger, the driver.

Our answer is an obvious one—mass transit, subsidized by our National Government. Localities and counties, as well as States, are financially unable to cope with awesome fiscal demands such an undertaking requires. And virtually all authorities and informed observers agree that such an endeavor would significantly alleviate transportation difficulties of practically every urban concentration across the United States.

We know this solution has worked overseas. To our everlasting shame as a society, Russia has a Moscow subway that puts our own best efforts to shame. Montreal has accomplished similar miracles in the mass transit area. The same is true of Paris. Only here in the United States are we limping along in the dark ages of mass transit, dependent upon increasingly failing systems and leaning ever more heavily upon the private auto, which is rapidly assuming the proportions of a national cataclysm for people, cities, and environment.

Why, then, do we allow such an avoidable catastrophe to overtake and possibly do permanent harm to our Nation?

The answer is simple and the American people should know it. Three words sum it all up. The highway lobby.

Who are they? Who are we dealing with? Who are these faceless movers behind the scenes benefiting financially from the average American's inability to use mass transit?

Those gaining from roads and the death of urban mass transit. Builders of roads and suppliers of their raw materials. Massive users of such roads for economic gain. Limestone, asphalt, stone and similar raw material suppliers. Trucking companies and all those dependent upon them. Contractors making a fortune out of this unholy mess. Plus the oil companies and our auto industry, which, not content with the awesome profits they rake in daily, is determined that no American is going to be able to have his or her tax money diverted to provide decent mass transit in any city.

Let America's taxpayers know this is no struggle to which they are mere spectators. Their tax dollars are directly subsidizing the program in turn is being used to line the pockets of the highway lobby while they drive speedways through viable neighborhoods, and now even through our parks.

A noteworthy sidelight is that such land butchers now even have the temerity to seek official confiscation of park land. In Washington, they now seek to drive a massive expressway through, across, and under the monument area of the Mall and under the Lincoln Memorial. We must take a stand and halt this.

In order to reach this goal, we must understand and inform the American people how their tax dollars are being siphoned off to build roads. It is done through the highway trust fund.

Whenever any American motorist purchases gasoline, oil, tires, and the plethora of products associated with auto use, he or she pays a series of Federal user taxes. Such moneys pour into this fund, which today totals in the billions of dollars. This revolving Federal jackpot, which is constantly replenished, has been utilized for years to construct federally aided and subsidized roads. In this manner, the Interstate Highway System has been built. Much of it has been useful. Some segments, however, have torn the liver and lights out of urban neighborhoods, precipitating enormous citizen indignation. Up to now, this massive fund has been the private property of road builders and their allies.

This month, a House measure was reported out calling for about $7 billion annually for highway construction, almost doubling the existing $4.5 billion program. That measure continues to confine trust fund use to highways and highway-related programs. This cannot be tolerated further by America's city dwellers.

Is this logic or reason? Was Calvin Coolidge a Bolshevik in disguise? Roughly 142 municipalities are now supporting transit operations. Yet this administration continues to battle against any transit operating subsidy program.

There is money for a variety of programs we can do without. But there is nothing for urban mass transit. If we seek reasons why America is so troubled and frustrated, here is one of them.

The highway lobby is desperate to keep that golden torrent pouring into its pockets. Now they are hot on the track of a "second generation Interstate Highway System," whatever that is. Color it "pork barrel" jumbo size.

In my district, people want existing subways improved, cleaned, made safer and reliable, and operated at a modest cost to any citizen who depends upon them.

For all these reasons, we must finally realize where our priorities are. What good are our lives if we cannot move from place to place dependably? How can the rest of our land survive, much less prosper, if the cities strangle on pollution, roads and cars? There is both room and need for a mix.

If men elected by the people evade their responsibility now, they will guarantee negative reaction. It is understandable when the average Member follows his own predilections on most issues. But occasionally a landmark question appears before this body, dealing with a subject affecting the lives of the mass of people. Tapping the highway trust fund for urban mass transit systems is one such question; one that we must face and deal with without delay. I suggest we do that now by voting down the rule.

Mr. TAYLOR. Mr. Speaker, I rise in support of the previous question. Those who oppose the previous question desire to offer or support amendments not germane to the bill to permit the transferring of a portion of the highway trust fund for mass transportation uses.

This trust fund, like other trust funds, was created for a specific purpose. When the highway trust fund was established in 1956, a moral commitment was made that the moneys going into that fund would be used for highway improvements. Diversion of funds at this time would be breaking faith with the American people.

This fund is financed by highway users through gasoline and diesel fuel taxes to provide safer and more adequate highways and there should be no diversion until the purposes for which the fund was established are achieved.

In my opinion, the highway trust fund is not adequate to meet both the highway needs and the mass transportation needs of the Nation. Advocates of many proposals have been trying to tap the highway trust fund. Permitting a portion of the fund to be used for mass transportation would be the beginning of the breakdown of the highway trust fund.

Legislation was passed by Congress in 1970 authorizing an expenditure of $3.1 billion from the general revenue fund over a 5-year period to aid in solving mass transportation needs in cities. I was pleased to support this program and we should make use of this existing program and not interfere with the highway trust fund.

Mr. O'NEILL. Mr. Speaker, I rise in opposition to this rule and urge all my colleagues to vote down the previous question when ordered. I am opposed to this rule because I believe that the Members of this body who represent the urbanized areas of our country should have the right to vote on an amendment which would permit States and cities to use a portion of the trust fund moneys from the urban system road funds for bus and rail public transportation programs as well as highway construction.

Mr. Speaker, as a member of the Rules Committee, I fought to waive points of order on this amendment. But a majority of the committee voted to allow points of order on this amendment, thus depriving millions of citizens in urban areas of improved public transportation systems.

Because of the importance we attach to this issue, JOHN ANDERSON and I will introduce a substitute rule which will allow amendments to be offered to the Federal Highway Act to divert a portion of the $700 million annually authorized for urban road systems for projects related to highway and public transportation.

Mr. Speaker, I am not against the Federal Aid Highway Act. I strongly support this measure. But I am opposed to this rule because the precedent for allowing the use of a portion of highway trust fund revenues for projects related to highway public transportation has already been established. Current law permits diversion of these funds for construction of preferential or exclusive bus lanes, bus shelters and loading areas, and fringe parking. This amendment will merely build upon existing law. More dramatically, it will give added flexibility to local officials in determining transportation programs most suitable to their areas.

The Public Mass Transportation Amendment would not mandate public transportation programs; it would merely open up the options. Some cities would continue to rely exclusively on highways while others could develop a rail and bus program to supplement highways. Furthermore, this amendment would aid areas forced to curtail motor traffic to meet clean air standards by allowing them funds to establish alternative modes of transportation. In my own State of Massachusetts, Metropolitan Boston and Springfield are listed as areas where the air quality is significantly below the level necessary to protect public health due to one or more auto-related pollutants.

Mr. Speaker, JOHN ANDERSON and I are asking you to vote down the previous question and support our substitute rule. We are urging you as Representatives of this distinguished House to act democratically and allow the Members who represent millions of citizens in urban areas to debate and vote on one of the most pressing issues of our time. To do otherwise would insure that the metropolitan areas of America would continue to be torn by controversies which have immobilized efforts to achieve truly balanced transportation systems so desperately needed by all our citizens.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in opposition to the rule offered on H.R. 16656, Federal Aid to Highways Act, and in support of the substitute rule. I support this substitute in order to provide Members with the opportunity of discussing and voting on the Anderson amendment which would provide our communities with the option of developing modern mass transit facilities to complement or instead of freeways and highways.

The Federal Government first began to offer financial assistance for highway construction on the early 1900's, and Americans have since grown dependent upon the automobile. Our total expenditures over the past 12 years for highways and automobiles amounts to about $130 billion. There are as many linear miles of roads in the United States as there are square miles of land.

For a while, the "road boom" and the current method of collecting and distributing highway funds served the Nation well. We needed a modern highway system in the 1950's and through the user tax we developed the best in the world. This system has made a great contribution to the mobility of our people and American commerce. But times have changed.

The highway system, originally conceived as providing for mobility in time of national emergency as well as increasing commerce and personal mobility, has been finished. We have criss-crossed the country and surrounded and bisected our cities with massive ribbons of concrete. But, the effect on rural areas where the first highways were built was not as great as in the cities where millions of Americans have been dislocated and relocated in order to provide access to urban facilities for suburbanites whose taxes do not support urban services.

Population, technology, and spatial development, moreover, are all affected by our transportation priorities. Approximately 80 percent of Americans now live on 2 percent of the land space. Americans are beginning to realize that the freeway, bisecting the city and suburbs, is not the only answer to moving large numbers of people within small spaces.

This change in attitude is recorded by a recent public opinion survey done by Opinion Research Corp., in Princeton, N.J., for the Highway User's Federation. Of the rural and urban people interviewed, 57 percent said "they think it would be a good idea" to limit the use of automobiles in downtown areas of cities. When asked whether they would favor restricting downtown auto use "in your car" 60 percent of the urbanites answered affirmatively.

Many groups which were avid supporters of an exclusive highway trust fund when it was established in 1956 have also since changed their position. The four major automobile companies have endorsed a measure before the Michigan State Legislature which would allocate a portion of a gas tax increase for transit. The National Association of Automobile Dealers, too, has endorsed use of the gas tax for transit as has the Teamsters Union. The NAAD backs the "single urban fund" concept whereby highway trust fund money can be spent for bus, highway, or rail transportation in urban areas. The Anderson amendment before us today would accomplish this manner of funding.

As people move out to the suburbs, they usually become confirmed motorists. Automobiles have become the index of a better life. To get people out of their cars, mass transit is going to have to become safe, clean, fast, punctual, reliable, comfortable, and economical. The potential mass transit user wants frequent service, many bus routes, minimal transfers, and minimal crowding as the alternative to the daily traffic jam.

To meet these qualifications some urban areas could choose to use a portion of highway moneys for mass transit. We must begin a reconciliation between the different modes of transportation. We must have the freedom to plan sensible transportation systems.

Extensive subsidies for road construction, perpetuated by a trust fund which allows no options in urban areas for various modes of transportation leaves our Nation's transportation in a sorry dilemma. Urban freeway construction is being challenged by citizens across the Nation, particularly in congested areas. San Francisco has stopped the Embarcadero. Massachusetts has halted all Boston freeways pending a restudy. Secretary of Transportation Volpe recently admitted that chances of ever building the Chicago Crosstown Expressway are incredibly slim. An interstate highway through the French Quarter of New Orleans has been halted by the Federal Government.

In some cities, Federal-aid highways can be rerouted satisfactorily. Yet in many, mayors and citizens are in a difficult quandry. To build Federal-aid highways means displacing innumerable residents at a time when additional housing units are difficult to come by. It means increasing already intolerable air pollution levels and sometimes eliminating the little green space left in urban areas. Not to build, on the other hand, means rejecting a large sum of Federal moneys which provides jobs as well as additional desperately needed mobility.

The release of highway trust fund moneys for other modes of transportation will in fact create new jobs. We

have built almost all of the necessary components of the Interstate System. In fact we have gone beyond the original concept of transversing the Nation and bypassing the cities.

The development and construction of new mass transportation systems, even if not on the same scale as the interstate system, would create millions of jobs. The new construction of bus and rail terminals, upgrading and construction of rail beds, the manufacture of rail and subway cars as well as buses, and the maintenance of new systems would provide new jobs for decades to come. Moreover, these new transportation systems, coordinated with the present highway system, would serve as a focal point for new business and industry and new jobs just as the development of the interstate highway system provided a focal point for new industry at and near the interchanges.

The intracity freeway system was not originally a part of the national defense highway system and as we have come to realize, it never should have been. Massive intracity freeways have disrupted residences, ruined businesses, divided cities with unnatural permanent barriers, created massive traffic jams, and polluted the air. We have brought millions of automobiles into the cities without providing a place to put them. Streets have become clogged with milling autos and center-city business districts have suffered massive losses as customers who do not want to cope with the pollution, inconvenience, and resultant inaccessability of downtown gave up and now shop in the suburbs. Given a means of reducing the number of personal cars in the downtown sections we would see a resurgence of business and the increased stability of our cities.

There would, of course, also be a tertiary effect of reducing traffic in the cities. Commercial transportation would move faster, deliveries would be quicker, and cab and truck drivers would move through the streets quickly and efficiently. Indeed, conditions might be so improved that we might see the rise of a new phenomenon in American cities—the friendly driver.

Residents and local officials have concluded that highway trust fund moneys should not be mandated only for highways. Rather, local officials should be able to spend the $700 million urban system funds for highway, bus, and rail transportation to develop coordinated systems of transportation that suit their particular community needs. Those who choose the urban highway will certainly be permitted to continue that option.

Clearly, the automobile will continue as the chief means of transportation for millions of Americans. But those urban areas which cannot or choose not to spend their total allotment from the trust fund on more freeways should have an option to spend the money on other complementary modes of transportation. We cannot run back the clock to the time when cities were sparsely populated with few good roads and the automobile was the only practical means of transportation.

Mr. BROOMFIELD. Mr. Speaker, I rise to cast my vote in favor of moving the previous question on the rule to the Federal Aid to Highways Act.

I take this position not because I am opposed to mass transit. On the contrary, I feel we need a revitalized and strong mass transit system in this country. However, I also believe that it is improper and unfair to expect a tax on highway users to meet this obligation as one of the proposed amendments would require.

The highway trust fund was created in 1956 with the idea that the users of highways should pay for the construction of the interstate highway system. This program has been a resounding success.

Perhaps it is because of the very success of this program that other transportation interests have begun to look enviously at the trust fund with an eye toward appropriating these funds for their own purposes. We began with the proposition that highway users should pay their own way and subsidize mass transit.

This amendment would set a dangerous precedent that may impede the completion of the remaining portion of the total interstate system and forestall indefinitely the urgent need for revitalization and expansion of the Nation's secondary system.

Once we open the fund to mass transit, I cannot help but wonder if the rail, airline, and shipping industries can be far behind. Soon highway users may be building ports, purchasing freight cars, subsidizing commercial airplane research, and buying airports.

Mr. Speaker, let there be no doubt that I recognize a definite need for the continued growth and expansion of these alternate forms of transportation if we are to achieve the integrated and efficient transportation system our Nation requires. However, highway users alone should not be forced to carry the burden of financing it.

There are other channels from which we can expect funds for mass transit. Congress has authorized and appropriated funds for a mass transit program with my strong support. If more funds are needed, they should be appropriated under that legislation.

In addition, the bill before us stipulates that the Secretary of Transportation should cooperate with the Governors of the various State to evaluate the mass transit needs of their urban centers. This study will be valuable because it will crystalize exactly what mass transit needs. It also will explore the newest and most innovative approaches to mass transit that are available today.

The bill before us allocates $75 million for this worthwhile research project.

Mr. Speaker, some have suggested that our highway needs have been met, that the trust fund has more money than it can use. This is untrue. It has been estimated that highway costs will total $600 billion from 1970 to 1990. This sum in itself is enough to justify the fear that the highway trust fund cannot afford to serve two masters well.

It is for these reasons then, that I must cast my vote in the affirmative. My decision is not born of an opposition to mass transit but of a desire to protect the integrity of a self-supporting and successful highway program and the firm conviction that mass transit costs should be financed from general rather than special funds. Mass transit is a system designed for use by all the people. It seems logical that the cost should be spread among all the people and not just highway users.

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

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

Mr. ANDERSON of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 168, answered "present" 1, not voting 61, as follows:

[Roll No. 414]

YEAS—200

Abbitt	Fountain	Passman
Abernethy	Fulton	Patman
Alexander	Fuqua	Perkins
Anderson, Tenn.	Garmatz	Pickle
Andrews, Ala.	Gettys	Pirnie
Andrews, N. Dak.	Goldwater	Poage
Arends	Gonzalez	Powell
Ashbrook	Goodling	Preyer, N.C.
Baker	Gray	Price, Tex.
Begich	Griffin	Quie
Belcher	Haley	Quillen
Bennett	Hall	Randall
Bergland	Hamilton	Rarick
Betts	Hammer-schmidt	Rhodes
Blackburn	Harsha	Roberts
Blatnik	Harvey	Robinson, Va.
Bow	Hastings	Rogers
Bray	Hays	Rooney, Pa.
Brinkley	Henderson	Rousselot
Brooks	Hillis	Roy
Broomfield	Hogan	Runnels
Brown, Ohio	Howard	Ruppe
Broyhill, N.C.	Hull	Ruth
Broyhill, Va.	Hungate	St Germain
Buchanan	Hunt	Satterfield
Burleson, Tex.	Hutchinson	Saylor
Burlison, Mo.	Jarman	Schneebeli
Byrnes, Wis.	Johnson, Calif.	Schwengel
Byron	Johnson, Pa.	Sebelius
Caffery	Jonas	Shipley
Camp	Jones, Ala.	Shoup
Carlson	Jones, N.C.	Shriver
Carter	Jones, Tenn.	Sisk
Casey, Tex.	Kazen	Skubitz
Cederberg	Kee	Slack
Chamberlain	King	Smith, Calif.
Chappell	Kluczynski	Smith, Iowa
Clancy	Kuykendall	Snyder
Clausen, Don H.	Kyl	Spence
Colmer	Landgrebe	Steiger, Ariz.
Conable	Landrum	Stephens
Corman	Latta	Stubblefield
Crane	Lennon	Taylor
Culver	Link	Teague, Tex.
Curlin	Long, La.	Thompson, Ga.
Daniel, Va.	McCollister	Thone
Davis, Ga.	McDonald, Mich.	Ullman
Davis, Wis.	McEwen	Veysey
de la Garza	McKay	Waggonner
Denholm	McKevitt	Wampler
Dennis	McMillan	Ware
Dent	Mahon	Whalley
Derwinski	Mann	White
Dorn	Martin	Whitehurst
Downing	Mathis, Ga.	Whitten
Dulski	Mayne	Williams
Duncan	Michel	Wilson, Charles H.
Edmondson	Miller, Calif.	Winn
Edwards, Ala.	Miller, Ohio	Wright
Eshleman	Mills, Ark.	Wyatt
Evins, Tenn.	Mills, Md.	Wylie
Findley	Mizell	Wyman
Fisher	Montgomery	Yatron
Flowers	Myers	Young, Tex.
Flynt	Natcher	Zablocki
Ford, Gerald R.	Nelsen	Zion
	Nichols	Zwach

NAYS—168

Abzug	Annunzio	Biaggi
Adams	Archer	Biester
Addabbo	Ashley	Bingham
Anderson, Calif.	Aspin	Boland
Anderson, Ill.	Badillo	Bolling
	Barrett	Brademas

Brasco	Halpern	Patten
Brotzman	Hanley	Pelly
Brown, Mich.	Hanna	Pepper
Burke, Fla.	Hansen, Idaho	Pettis
Burke, Mass.	Hansen, Wash.	Peyser
Burton	Harrington	Pike
Byrne, Pa.	Hawkins	Podell
Cabell	Hechler, W. Va.	Price, Ill.
Carey, N.Y.	Heckler, Mass.	Pryor, Ark.
Carney	Heinz	Pucinski
Celler	Helstoski	Railsback
Cleveland	Hicks, Mass.	Rangel
Collier	Hicks, Wash.	Rees
Collins, Ill.	Horton	Reid
Collins, Tex.	Hosmer	Reuss
Conover	Jacobs	Riegle
Conte	Karth	Robison, N.Y.
Conyers	Kastenmeier	Rodino
Cotter	Keating	Roe
Coughlin	Kemp	Rosenthal
Daniels, N.J.	Koch	Roush
Danielson	Leggett	Roybal
Delaney	Lent	Sarbanes
Dellenback	Long, Md.	Scheuer
Dellums	McCloskey	Seiberling
Diggs	McDade	Stanton, J. William
Dingell	McFall	Stanton, James V.
Donohue	McKinney	Steele
Drinan	Macdonald, Mass.	Steiger, Wis.
du Pont	Madden	Stokes
Eckhardt	Mailliard	Stratton
Edwards, Calif.	Mallary	Sullivan
Eilberg	Matsunaga	Symington
Erlenborn	Mazzoli	Thompson, N.J.
Esch	Meeds	Tiernan
Fascell	Metcalfe	Udall
Fish	Mikva	Van Deerlin
Flood	Minish	Vander Jagt
Foley	Mink	Vanik
Ford, William D.	Minshall	Vigorito
Forsythe	Mitchell	Waldie
Fraser	Monagan	Whalen
Frelinghuysen	Moorhead	Widnall
Frenzel	Morgan	Wiggins
Frey	Mosher	Wilson, Bob
Gaydos	Moss	Wolff
Gibbons	Murphy, Ill.	Wydler
Grasso	Nedzi	Yates
Green, Pa.	Nix	Young, Fla.
Grover	Obey	
Gude	O'Hara	

ANSWERED "PRESENT"—1

Gubser

NOT VOTING—61

Abourezk	Green, Oreg.	O'Neill
Aspinall	Griffiths	Purcell
Baring	Gross	Roncalio
Bell	Hagan	Rooney, N.Y.
Bevill	Hathaway	Rostenkowski
Blanton	Hébert	Sandman
Boggs	Holifield	Scherle
Chisholm	Ichord	Schmitz
Clark	Keith	Scott
Clawson, Del	Kyros	Sikes
Clay	Lloyd	Smith, N.Y.
Davis, S.C.	Lujan	Springer
Devine	McClory	Staggers
Dickinson	McClure	Steed
Dow	McCormack	Stuckey
Dowdy	McCulloch	Talcott
Dwyer	Mathias, Calif.	Teague, Calif.
Evans, Colo.	Melcher	Terry
Galifianakis	Mollohan	Thomson, Wis.
Gallagher	Murphy, N.Y.	
Giaimo	O'Konski	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. McCulloch for, with Mr. Gubser against.

Mr. Hébert for, with Mr. O'Neill against.

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

Mr. Blanton for, with Mr. Roncalio against.

Mr. Sikes for, with Mr. Giaimo against.

Mr. Staggers for, with Mr. Dow against.

Mr. Mollohan for, with Mrs. Chisholm against.

Mr. Clark for, with Mr. Rostenkowski against.

Mr. Davis of South Carolina for, with Mr. Murphy of New York against.

Mr. Bevill for, with Mr. McCormack against.

Mr. Dowdy for, with Mr. Clay against.

Mr. Purcell for, with Mr. Kyros against.

Mr. Dickinson for, with Mr. Abourezk against.

Mr. Schmitz for, with Mr. Gallagher against.

Mr. Scherle for, with Mrs. Griffiths against.

Mr. Devine for, with Mr. Smith of New York against.

Mr. Hagan for, with Mr. McClory against.

Until further notice:

Mr. Boggs with Mr. Bell.

Mr. Melcher with Mr. Scott.

Mr. Evans of Colorado with Mr. Del Clawson.

Mrs. Green of Oregon with Mr. Thomson of Wisconsin.

Mr. Ichord with Mr. Gross.

Mr. Hathaway with Mrs. Dwyer.

Mr. Steed with Mr. Terry.

Mr. Stuckey with Mr. Talcott.

Mr. Aspinall with Mr. Teague of California.

Mr. Baring with Mr. Mathias of California.

Mr. Keith with Mr. Lloyd.

Mr. Galifianakis with Mr. McClure.

Mr. Lujan with Mr. Sandman.

Messrs. BYRNE of Pennsylvania, PELLY, DRINAN, and COLLIER changed their votes from "yea" to "nay."

Mr. ROY changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to

A motion to reconsider was laid on the table.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORTS ON H.R. 9727 AND S. 3507, UNTIL MIDNIGHT FRIDAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the managers have until midnight Friday night October 6, 1972, to file the conference report on H.R. 9727, to regulate the dumping of material in the ocean, coastal, and other waters and for other purposes; and the conference report on S. 3507, to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

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

Mr. HALL. Mr. Speaker, in keeping with my prior statement, I object.

The SPEAKER. Objection is heard.

PERMISSION TO FILE CONFERENCE REPORTS ON H.R. 9727, TO REGULATE DUMPING OF MATERIAL IN OCEAN, AND S. 3507, NATIONAL POLICY FOR WATER RESOURCES OF NATION'S COASTAL ZONE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file conference reports on H.R. 9727, to regulate the dumping of material in the ocean, coastal, and other waters, and S. 3507, to establish a national policy and develop a national program for the management, beneficial use, protection and development of the land and water resources of the Nation's coastal zones.

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

There was no objection.

AMERICAN-MEXICAN BOUNDARY TREATY ACT OF 1972

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15461) to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes.

The Clerk read the title of the bill.

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

Mr. MAILLIARD. Mr. Speaker, reserving the right to object—and I shall not object—I take this time in order that I may ask the distinguished gentleman from Florida (Mr. FASCELL) the chairman of the subcommittee, to explain to the House what the purpose of the bill is that we are being asked to consider.

Mr. FASCELL. Mr. Speaker, H.R. 15461, the American-Mexican Boundary Treaty Act of 1972, does two things: First, it provides authorization for funds necessary for carrying out the provisions of the new boundary treaty with Mexico which entered into force in May of this year. Second, the bill provides authorization for flood control works in the Presidio Valley of Texas subject to an agreement with Mexico on a joint flood control plan for the area. This latter project is now possible because the Boundary Treaty has resolved the border dispute that prevented its earlier construction.

The new boundary treaty resolves our last outstanding border disputes with Mexico and provides a mechanism whereby we hope to resolve future problems that may arise as a result of shifts in the courses of either the Colorado or Rio Grande rivers. Title I of the bill provides authorization for funds needed to implement the treaty. Basically, all the money authorized in title I will be used for three purposes:

First. To relocate the channel of the Rio Grande to settle all present boundary disputes.

Second. To acquire all private U.S. lands which are to be transferred to Mexico so that when the process is complete, lands north of the river will be U.S. owned and those south of the river Mexican owned.

Third. To do what is necessary to maintain the Rio Grande and Colorado Rivers as natural boundaries in accordance with provisions of the treaty establishing procedures for dealing with future changes in the channels of the rivers.

The total estimated cost for acquiring the 3,326 acres to be transferred to Mexico under the terms of the treaty and for the other works needed to carry out the treaty is $10,368,000.

In addition to authorizing funds for implementing the treaty, title I also specifically grants authority to the Secretary of State acting through the U.S. Commissioner of the International Boundary

and Water Commission, United States and Mexico, to carry out the work. It also contains sections which are designed to ease problems for those whose lands are to be transferred—customs and tax treatment—provides for disposal and use of lands acquired under the treaty and deals with technical matters such as insuring that new U.S. land legally becomes part of the appropriate State.

Title II of the bill provides authorization for construction operation and maintenance of a flood control project along the Rio Grande River subject, of course, to agreement with Mexico. The project would provide protection to lands in the Presidio Valley of Texas.

This portion of the bill was recommended by the executive branch and supported by the committee for two reasons. First, to provide needed protection for Presidio Valley farmlands which are currently flooded on an average of once every 3 years. The project has long been justified—cost/benefit ratio 1.4—but never was feasible because of the boundary dispute with Mexico which the new treaty resolved. Second, the project is needed to help offset the adverse impact of the treaty on the agricultural economy of the Presidio area which is losing 17 percent of its irrigated farmland as a result of land transfers required by the boundary treaty.

The estimated cost of construction of the flood control project in connection with work in the same area required by the treaty itself is $2.5 million. If the flood control project is not carried out at the same time as the boundary work it is estimated the project would cost an additional 25 percent—$625,000.

Mr. Speaker, this bill is necessary to carry out an international agreement of the United States signed by the President and agreed to by the Senate. The bill, strongly endorsed by the administration, and reported out of committee by unanimous vote, would provide authorization necessary to carry out the provisions of the treaty, and I urge its approval.

Mr. MAILLIARD. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I support passage of H.R. 15461, which would enable the United States to carry out its commitments under the treaty resolving boundary differences between the United States and Mexico. The treaty entered into force April 18, 1972.

This legislation authorizes appropriation of the funds necessary to carry out the responsibilities of the United States under the treaty. These responsibilities are to: relocate the channel of the Rio Grande River to provide a settlement for all present boundary disputes; acquire all private U.S. lands which are to be transferred to Mexico; and maintain the Rio Grande and Colorado Rivers as natural boundaries.

In addition this legislation would authorize appropriation of funds necessary for a project for the protection of U.S. lands in the Presidio Valley against Rio Grande floods, subject to an agreement with the Government of Mexico on a coordinated plan for international flood control. This project is made possible by the resolution of the boundary dispute with Mexico.

The bill before us is essential to implementation of the treaty. It deserves our support.

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

Mr. MAILLIARD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me. I wonder if we could have a short statement as to what this previously signed treaty is going to cost the taxpayers of the United States?

Mr. FASCELL. Mr. Speaker, if the gentleman from California will yield, I will be delighted to respond to the gentleman from Missouri with as much detail as we have on the subject right now.

The best estimates we have, if the gentleman will turn to page 5 of the report, these are the costs, and they are listed there and, summing them up, including acquisition of land, relocation of the river, acquisition of lands for transfer, rectification, surveys, mapping, and acquisition of easements comes to a total of $10,368,000.

The Presidio flood control project is estimated at $2.5 million.

So that for a five-year total you have an estimated cost of $13,868,000, of which $1 million is for operation and maintenance.

Mr. HALL. Mr. Speaker, I understood the gentleman from Florida to say first that this is favored by the administration and, second, clearly and urgently needed in order to complement or complete the treaty and third, that it came out of the Committee on Foreign Affairs of the House unanimously and, finally that this is the last of our "giveaways" of territory and/or moneys in order to be "Uncle Sugar" to all, as always.

Mr. MAILLIARD. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. RHODES. Mr. Speaker, reserving the right to object, may I ask the gentleman from Florida (Mr. FASCELL) whether or not this bill has anything to do with the waters of the Colorado River or any of the tributaries thereof.

Mr. FASCELL. No, it does not.

Mr. RHODES. It has nothing whatsoever to do with that?

Mr. FASCELL. I wish we could settle that problem, but that is not involved in this bill.

Mr. RHODES. I would like to know more about it before we do.

Mr. Speaker, I withdraw my reservation of objection.

Mr. DENNIS. Mr. Speaker, reserving the right to object, just as a little footnote of history, and I do not suppose it means anything at this point, but my father years ago happened to be a counsel for the United States, not in this particular boundary dispute, but in the Chamizal matter. That was in 1911. That was back in the days when we did not give our land away, as the gentleman from Missouri has said, and I have often thought, he worked so hard on that arbitration and we refused to accept the decision of the tribunal at that time because it did not follow the law and was absolutely unfair to this country.

Since then, under both types of administration, Democratic and Republican, we have nullified that work and given our land away, and just in respect to my father's memory and his work at that time, I will note my dissent to the whole sorry business.

Mr. Speaker, I withdraw my reservation of objection.

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

There being no objection, the Clerk read the bill as follows:

H.R. 15461

A bill to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American-Mexican Boundary Treaty Act of 1972".

TITLE I—AUTHORIZATION FOR CARRYING OUT TREATY PROVISIONS

SEC. 101. In connection with the treaty between the United States of America and the United Mexican States to resolve pending boundary differences and maintain the Rio Grande and the Colorado River as the international boundary between the United States of America and the United Mexican States, signed November 23, 1970 (hereafter in this Act referred to as the "treaty"), the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States, and Mexico (hereafter in this Act referred to as the "Commissioner"), is authorized—

(1) to conduct technical and other investigations relating to—

(A) the demarcation, mapping, monumentation, channel relocation, rectification, improvement, stabilization, and other matters relating to the preservation of the river boundaries between the United States and Mexico;

(B) the establishment and delimitation of the maritime boundaries in the Gulf of Mexico and in the Pacific Ocean;

(C) water resources; and

(D) the sanitation and the prevention of pollution;

(2) to acquire by donation, purchase, or condemnation, all lands or interests in lands required—

(A) for transfer to Mexico as provided in the treaty;

(B) for construction of that portion of new river channels and the adjoining levees in the territory of the United States;

(C) to preserve the Rio Grande and the Colorado River as the boundary by preventing the construction of works which may cause deflection or obstruction of the normal flow of the rivers or of their floodflow; and

(D) for relocation of any structure or facility, public or private, the relocation of which, in the judgment of the Commissioner, is necessitated by the project; and

(3) to remove, modify, or repair the damages caused to Mexico by works constructed in the United States which the International Boundary and Water Commission, United States and Mexico, has determined have an adverse effect on Mexico, or to compensate Mexico for such damages.

SEC. 102. The Commissioner is authorized—

(1) to construct, operate, and maintain all works provided for in the treaty and title I of this Act;

(2) to enter into contracts with the owners of properties to be relocated whereby

such owners undertake to perform, at the expense of the United States, any or all operations involved in such relocations; and

(3) to turn over the operation and maintenance of any works referred to in paragraph (1) of this section to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such works may be situated, in whole or in part, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

SEC. 103. Notwithstanding any other provision of law, the Commissioner is authorized to dispose of by warranty deed, or otherwise, any land acquired by him on behalf of the United States, or obtained by the United States pursuant to treaty between the United States and Mexico, and not required for project purposes, under procedures to be formulated by the Commissioner, to adjoining landowners at such price as he considers fair and equitable, and, if not so disposed of, to turn such land over to the General Services Administration for disposal under the provisions of the Federal Property and Administrative Services Act of 1949.

SEC. 104. When a determination must be made under the treaty whether to permit a new channel to become the boundary, or whether or not to restore a river to its former channel, or whether, instead of restoration, the Governments should undertake a rectification of the river channel, the Commissioner's decision, approved by the Secretary of State, shall be final so far as the United States is concerned, and the Commissioner is authorized to construct or arrange for the construction of such works as may be required to give effect to that decision.

SEC. 105. Land acquired or to be acquired by the United States of America in accordance with the provisions of the treaty, including the tract provided for in section 106, shall become a geographical part of the State to which it attaches and shall be under the civil and criminal jurisdiction of such State, without affecting the ownership of such land. The addition of land and the ceding of jurisdiction to a State shall take effect upon acceptance by such State.

SEC. 106. Upon transfer of sovereignty from Mexico to the United States of the 481.68 acres of land acquired by the United States from Mexico near Hidalgo-Reynosa, administration over the portion of that land which is determined by the Commissioner not to be required for the construction and maintenance of the relocated river channel shall be assumed by the Department of the Interior; and the Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, is authorized to plan, establish, develop, and administer such portion of the acquired lands as a part of the national wildlife refuge system.

SEC. 107. (a) The heading of section 322 of the Tariff Act of 1930 (19 U.S.C. 1322) is amended by inserting immediately before the period at the end thereof the following: "; UNITED STATES-MEXICO BOUNDARY TREATY OF 1970".

(b) Subsection (b) of such section 322 is amended by striking out "and" at the end of clause (2), by striking out the period at the end of clause (3) and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause.

"(4) personal property reasonably related to the use and enjoyment of a separated tract of land as described in article III of the Treaty To Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado Rivers as the International Boundary between the United States of America and the United Mexican States signed on November 23, 1970.".

SEC. 108. There is authorized to be appropriated to the Department of State for the use of the United States section of the International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of the treaty and title I of this Act.

SEC. 109. For purposes of chapter 1 of the Internal Revenue Code of 1954, any property or business, or interest therein, located in the same general area as the property acquired by purchase or condemnation under paragraph (2) of section 101 of this title shall be treated as property similar or related in service or use to the property so acquired.

TITLE II—PRESIDIO FLOOD CONTROL PROJECT

SEC. 201. The Secretary of State, acting through the Commissioner, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for a coordinated plan by the United States and Mexico for international flood control works for protection of lands along the international section of the Rio Grande in the United States and in Mexico in the Presidio-Ojinaga Valley.

SEC. 202. If an agreement is concluded pursuant to section 201 of title II of this Act, the Commissioner is authorized to construct, operate, and maintain flood control works located in the United States having substantially the characteristics described in "Report on the Flood Control Project Rio Grande, Presidio Valley, Texas", prepared by the United States section, International Boundary and Water Commission, United States and Mexico; and there are hereby authorized to be appropriated to the Department of State for the use of the United States section of the Commission such sums as may be necessary to carry out the provisions of title II of this Act. No part of any appropriation under this section shall be expended for flood control works on any land, site, or easement unless such land, site, or easement has been acquired under the treaty for other purposes or by donation and, in the case of a donation, the title thereto has been approved in accordance with existing rules and regulations of the Attorney General of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a report.

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

There was no objection.

FEDERAL-AID HIGHWAY ACT OF 1972

Mr. KLUCZYNSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16656) to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16656, with Mr. UDALL in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. KLUCZYNSKI) will be recognized for 1 hour, and the gentleman from Ohio (Mr. HARSHA) will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. KLUCZYNSKI).

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

Mr. Chairman, the Federal Aid Highway Act of 1972, H.R. 16656, is now before this body and I believe it is one of the best highway bills ever to come out of the Committee on Public Works.

We have produced a highway bill this year which will give direction to the highway program for many years into the future.

I would like to make it clear to you Members at the outset that this is not just another highway bill to add more miles of big monstrous freeways or to pave over the country and the cities with concrete and asphalt as many of our critics would have you believe. This is a highway system designed to meet the needs of America.

Do you know that in 1971 we had 1,170 billion vehicle-miles of travel. In 1956 when we started the historic Interstate System there was 631 billion vehicle-miles of travel. So travel has just about doubled in those 15 years.

In 1925 we had just over 3 million miles of rural roads in this country. Now we still only have about 3.2 million miles of rural roads so that we have not increased the mileage hardly at all in the last 45 years. Adding the approximately 500,000 miles of urban streets and highways brings our total mileage in the country to about 3.7 million miles.

Now how about the number of vehicles we have to contend with. In 1956 we had a total of about 65.2 million vehicles on our highways. In 1971 we had just about 115 million.

In 1960 there were 575,000 motorcycles on the road. In 1971 only 11 years later, there were 3,293,000.

So you see ladies and gentlemen, the problem we face in our highway program. With practically the same number of miles of road we must provide for almost a doubling of vehicles and vehicle miles of travel in only a 15-year period.

Our program is not basically adding more miles of road, it is one of improving the safety and capacity of the ones we have. And believe me this is a costly proposition.

To illustrate the cost we are facing, the Secretary of Transportation submitted to the Congress earlier this year the 1972 National Transportation Report which contained the needs to 1990 for highways, mass transit, airports and much other data on the transportation needs of the country. For highways alone the need indicated in the report amounts to about $570 billions. Something in the neighborhood of $300 billion of this amount would be on the Federal aid highway system. If the highway trust fund is continued from now until 1990 at its present levels of taxation it would only bring in about $125 billion. At our present 70–30 matching ratio this would only cover something over half of

the total Federal-aid needs. So you see, ladies and gentlemen, we are not overloaded with money with respect to our needs.

We must make our highways safe for the traveling public and as you know, we have over 55,000 people killed on our highway systems each year. When the 1966 safety acts covering safety on the highways and in the vehicle itself were passed, it was hoped we could ease this situation. It must be remembered that now in 1972, 6 years later, over half of the vehicles on the road are over 6 years old and do not contain many of the safety features of the newer vehicles. So we have our work cut out for us.

I have mentioned all these statistics for a purpose. I know it is sometimes boring to listen to them but I want to make a point clear and it is most important.

This is a highway bill. It is aimed at solving the problems I have mentioned.

We have an excellent financing mechanism in the highway trust fund and we need every bit of it to do the job. We not only need it but we must use it all and avoid the withholdings and freezes and the obligation ceilings which have plagued us in the past.

You have heard the great chairman of our committee (Mr. BLATNIK), indicate the need for highways and their great benefit to our economy. I agree with him entirely.

Now I would like to cover some of the items in the bill and then yield the floor to some of the other members of our great committee to explain additional provisions.

First of all is the Interstate System which you are all familiar with as the greatest public works project ever undertaken in the world. In this act we are changing the authorizations which we made in 1970 and reducing the annual authorizations to $3.5 billion per year from the previous level of $4 billion per year. This $3.5 billion level will be maintained from fiscal 1974 through 1978 and a final authorization of $2.5 billion will complete the authorization in 1979. We, therefore, expect to complete the system in the early 1980's, probably about 1982.

There are two reasons for the reduction in level. First the Interstate System is about 80 percent complete in terms of mileage and the last portions are taking a little longer to build. Secondly, we are transitioning from the 50–50 matching ratio on the ABCD system at the same general total construction funding level as in the past years.

We have done another thing this year to try to make sure everybody gets their fair share of the funds. The bill authorizes $700 million for the primary system in rural areas and $400 million for the secondary system for a total $1.1 billion for each of fiscal years 1974 and 1975. Now for the extensions of the primary and secondary system in urban areas the bill authorizes $400 million and for the urban system itself $700 million for a total of $1.1 billion in urban areas. So we have an even split of rural and urban funds.

For most of those Federal programs on Federal lands we have retained the same programs as in the 1970 act—namely:

	Million
Forest highways	$33
Public lands highways	16
Forest development roads and trails	170
Public lands development roads and trails	10
Park roads and trails	30
Parkways	20

The bill also continues the territorial highway program in the Virgin Islands, Guam, and American Samoa. These are funded at $5 million per year for the Virgin Islands, $2 million per year for Guam, and $500 thousand per year for American Samoa.

One of the important points made in this bill is an addition to the policy statement now contained in title 23 highways. This policy statement says that as the Interstate System is coming to a close that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in order to bring all of the Federal-aid systems up to standard by the year 1990.

This policy is absolutely necessary if we are ever going to come close to meeting the needs I outlined earlier of $570 billion for highways in the 1972 National Transportation Report.

And let me assure you that the Interstate System is coming to a close. With the authorizations provided in this bill three States will have received all of their interstate authorizations during fiscal year 1975. These are Delaware, North Dakota, and Nebraska.

To further insure that the interstate proceeds as rapidly as possible we have required that all plans, specifications and estimates must be submitted to the Secretary by July 1, 1977. We have made one exception to this situation and that is the District of Columbia.

That brings up the last subject I will discuss now and that is the Three Sisters Bridge and the District of Columbia interstate system.

We have three provisions concerning the District of Columbia in this bill and I would like to straighten out the record on just what they do since there is much misinformation being spread around about it. First of all we have released the District of Columbia from the requirement of filing a schedule of completion for the Interstate by July 1, 1973, as is now required by law. This is merely to prevent the Interstate System in the Nation's Capital from being allowed to disappear simply by default. Second, we have a provision following Chief Justice Burger's suggestion that removes the Three Sisters Bridge from further judicial review.

We have not deprived anyone from anything by this action for the simple reason that this project has had all the hearings it needs, has had judicial review and has been directed to be built by the Congress in 1968. The courts have clearly misinterpreted the will of Congress and the law of the land. This provision clarifies the position of Congress once and for all that the bridge should proceed as ordered in the 1968 Highway Act.

The third provision regarding the District of Columbia is quite simple—it merely allows the construction of the Interstate System in the District of Columbia. The Interstate System in the District of Columbia cannot be built under the 1893 act. By repealing the 1893 act with respect to the Interstate System only, then the District of Columbia can proceed to complete its Interstate System.

I reserve the balance of my time.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield.

Mr. KLUCZYNSKI. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the distinguished chairman of the subcommittee for yielding.

I want to compliment him and the entire committee on this fine bill and the outstanding job which has been done in the Committee on Public Works in keeping our highway building program on schedule and meeting some of the new and rising needs of the country with regard to this highway system. I particularly want to thank the committee for the foresighted action in instituting the high priority primary road program, and designating 10,000 miles of highways in the country for attention under this program. I think it is urgently needed in addition to the present program.

The people in Oklahoma are deeply grateful to the committee for this action, and I hope that the efforts of the gentleman with respect to this problem across this country—which may not be well known—will be successful, and that the amendments which will be offered in the Committee of the Whole will be defeated.

Mr. KLUCZYNSKI. I want to thank the gentleman from Oklahoma for the fine statement he has made.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I am happy to yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, H.R. 16656, the Federal Aid Highway Act of 1972, is truly a comprehensive piece of legislation that addresses itself to the rapidly changing conditions in our society. It recognizes both urban and rural problems, and it entrusts the State with a great deal more responsibility than in past years in carrying out their individual highway programs.

It calls for a continuation of such programs as the Interstate Highway System, but at the same time provides substantial new resources to deal with urban congestion and the growing problems of our metropolitan areas.

The 1972 interstate cost estimate shows the completion of this system will cost $76.3 billion, almost $6.5 billion more than the 1970 estimate. The Public Works Committee believes the Nation must adhere to its objective of completing the Interstate System, however, and this measure calls for authorization of $3.5 billion annually for the fiscal years 1974 through 1978, with $2.5 billion required for the final year, 1979.

The $3.5 billion represents a scaling-down from the $4 billion authorized by the last highway act for the years 1974, 1975, and 1976, but this is necessary because of increasing claims on the highway trust fund, particularly the impending change in the matching ratio from

50–50 to 70–30 that was called for in the 1970 act.

For Federal-aid highways outside the Interstate System, the bill before us divides $4.4 billion in authorizations for primary and secondary road construction during fiscal 1974 and 1975 equally between urban and rural areas. A total of $2.8 billion of this sum would go for primary roads and $1.6 billion for secondary roads. It is important to realize that rural urban areas annually will get identical sums of $1.1 billion, with annual funds for urban areas raised $600 million over 1970 levels.

The bill liberalizes the use of trust funds in urban areas to reduce traffic congestion. No longer is it necessary to show that the use of construction funds for such features as bus lanes, traffic control devices, bus loading areas, and parking facilities will result in avoiding conventional highway construction. There are no limitations imposed on the percentage of urban funds that may be used for such urban programs.

These features, along with many others included in this highway bill, demonstrate a responsiveness to real problems in both urban and rural areas and the determination of the Congress to make our highway program achieve the greatest good for the greatest number.

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

Mr. KLUCZYNSKI. I am happy to yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I think the House owes a great debt to the Committee on Public Works for the fine work it has done in producing the Federal Aid Highway Act of 1972. The trust fund should be preserved. I wish to commend both the chairman of the subcommittee, Mr. KLUCZYNSKI, and Mr. HARSHA and the entire committee for a job well done.

This measure is laden with many fine projects to improve the quality of life in America, and I shall be happy to cast my vote for it.

I am particularly pleased that the committee has seen fit to include a provision to ease the freeing of toll bridges on interstate routes other than those in the Interstate Highway System.

This is section 135, which permits States which have built or acquired any interstate toll bridge on the Federal-aid primary system before January 1, 1974, and have freed them before that date to use their Federal-aid primary system funds as the Federal share of the cost. Suitable provision is included to insure that there shall be no windfall or double payment of the Federal share.

This measure will be of great benefit to the people of my district. Two bridges linking Kentucky and Ohio across the Ohio River are presently owned by the State Bridge Commission of Ohio. They are located between Portsmouth, Ohio, and Fullerton, Ky., and between Ironton, Ohio, and Russell, Ky.

Now, we like to think we are good neighbors, but at the same time, our contacts are somewhat impeded by those toll barriers. I have long felt that lifting of those tolls would do much to unify our people, and to strengthen the flow of commerce between the States.

Back in 1957 when my State approved purchase of the Portsmouth-Fullerton bridge from a private owner, I felt we were making a mistake. I felt that my State of Kentucky—which in effect owns the Ohio River, since the State boundaries extend to the low-water mark on the north side of the stream—should have purchased the bridge itself and eliminated the tolls.

Last year, and also in 1972, I have urged Kentucky and Ohio officials to meet and work out some means of eliminating the tolls.

Now, the Public Works Committee is providing the vehicle by which this may be done. I have sponsored parallel legislation in H.R. 16931.

I hope the State of Ohio will move swiftly to take advantage of the benefits of this toll bridge section.

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

yield to the gentleman from Kentucky

Mr. Chairman, I want to speak to you now about a most important aspect of this bill—highway safety. The proposed Highway Safety Act of 1972 is included as title II of H.R. 16656. It is recommended by the committee in response to the appalling, and rising, death and injury toll on the Nation's highways.

One of the most astounding phenomena of American life in the 1970's is the indifference with which we view the carnage on our highways. The grisly statistics of what is perhaps man's greatest inhumanity to man are well known. Perhaps the constant repetition that 55,000 people died last year alone has tended to dull our ears and harden our hearts to what is happening. Perhaps the 2 million injuries, the countless heartaches, the family tragedies, and the $20 billion or more in property damages is so appalling and so enormous that our minds are incapable of either absorbing or responding. And, when we contemplate the prospect of "80 by 80"—meaning 80,000 fatalities by 1980, the prospect becomes even more overwhelming.

But we can respond, we can act to prevent this from happening and to reverse the slaughter. When I say we, I mean the Congress of the United States. And, title II of H.R. 16656 contains the legislative means for us to do so. It includes, for the first time, a specifically targeted, high-yield package of proposals which go far toward getting the job done.

The genesis of this landmark legislation was the proposed Omnibus Highway Safety Act of 1972, which I introduced last March 2 with the cosponsorship of all 37 members of the Committee on Public Works, including Chairman BLATNIK. That measure was the product of long study and careful consideration by members of the committee and the staff. In subsequent deliberations of the committee, its major provisions were improved, expanded, and ultimately included as title II of the committee reported bill. I should like now to sketch for you some of the major provisions of the committee recommended proposal.

The foundation stones of this new program would be a multipronged attack on those highway factors which contribute most to highway mishaps. Included would be four high-benefit programs whose implementation will measurably decrease fatalities. Included would be programs to:

First. Mark those rural highways in America where two-thirds of all fatalities presently occur.

Two. Improve those thousands of already identified high-hazard locations which pockmark the Nation's roads.

Third. Eliminate roadside obstacles of the type that vehicles are likely to come in contact with when they stray from the right-of-way.

Fourth. Upgrade protection at railroad crossings through separation, relocation, or the installation of modern warning devices.

The price tag for these four programs would be high. Over the next 2 fiscal years, the national pavement marking program would cost $200 million; the spot improvements, an additional $200 million; the roadside obstacle removal effort, $150 million; the railroad highway crossing protection and separation, $375 million—such funds could be available for expenditure both on and off the Federal-aid highway system. The major share of the funds authorized would be derived from the highway trust fund.

In addition to the foregoing programs, title II would continue funding for National Highway Safety Administration and Federal Highway Administration section 403 programs at present levels. This means that the alcohol countermeasures, driver education, public information, pedestrian safety, and other similar programs can be continued. In this connection, I want to stress that it is the committee's understanding that section 403 funding programs are intended to demonstrate the feasibility of certain types and certain mixes of programs to reduce accidents. Once these promising concepts and techniques are proven, they will be recommended to the States for full implementation. There is no intention that either the ASAPS—alcohol safety action projects—or the STEP—selective traffic enforcement program—programs, which have shown such promise, shall become permanent Federal undertakings.

Rather, it is hoped that the States, with moneys allocated to them under section 402 of the program, will adopt and adapt those programs to their own specific needs. To that end, the committee has doubled the funding for section 402 programs for fiscal 1974 and increased it another $160 million, to a total of $360 million, for fiscal 1975.

In combination with the aforemention action program, we should, for the first time, be able to make measurable inroads into the accident-injury toll on the Nation's highways.

Complimenting the foregoing programs would be two essential research efforts offering high promise and potential. The first would be a pavement marking research and demonstration program aimed at developing new devices and techniques for assisting motorists during adverse weather conditions when even the

best of roads become hazardous to drive on. If, for example, we were able to come up with a new reflective paint with double the life span of paints presently in use, we would realize enormous savings amounting to hundreds of millions of dollars over the next decade.

The second research effort would concentrate on a heretofore neglected area—drug using and high-accident probability drivers. Presently, very little is known about the driving habits and impact on accident statistics of either type of offender. A well funded effort is presently underway to cope with the problem drinker on the Nation's highways. It is high time we launch similar efforts against other identifiable types of offenders. It may well be that if we are able to develop ways and means to identify alcoholic, drug using, and accident susceptible drivers that we will find that they are involved in a majority, perhaps as high as two-thirds, of all "killer" and other serious accidents. If this should turn out to be the case, we could formulate new action programs which would, in my opinion, enable us to make a major breakthrough in reducing accidents and injuries on the Nation's highways.

Finally, the committee-recommended safety package contains three studies, any one of which could yield handsome safety dividends. The first would explore how to use mass media, principally television, to alert, educate, inform, and involve the American driving public in the cause of highway safety. Preparation of a series of 5-minute educational safety films for use on TV and elsewhere would also be funded.

The second study, would seek to find ways and means of involving the American driving public in the highway safety effort. Particular emphasis would be given to the traffic enforcement process where the creation of citizen adjuncts to assist traffic enforcement agencies would be explored. If, for example, we were able to organize and equip a dedicated band of motorists with two-way radios with their assignment to immediately report accidents and to render first aid, a measurable contribution to easing suffering might be made.

Clearly, no safety effort can succeed if people remain indifferent and uninvolved. Finding ways and means of promoting greater citizen participation could help to turn the safety effort into a safety crusade.

The final study would explore the feasibility of creating a National Center for Statistical Analysis of Highway Operations. Perhaps the greatest weakness of the present program is the lack of such a center which, for the first time, would provide us with a specific, up-to-date, comprehensive overview of what is happening on the Nation's highways. Establishment of such a center would assure that our safety money would be spent where safety problems really are.

Funding for such a program will be expensive. It will require the investment—and I use the word "investment" deliberately—of over a billion dollars for each of the next 2 fiscal years.

Yet, I believe such a massive expenditure is clearly warranted and necessary if we are to reverse the accident and injury toll on our Nation's highways. While expenditures are high—money is of little consequence in relation to the savings of many lives. How do you place a dollar value on a life?

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

Mr. HARSHA. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, as a cosponsor of H.R. 16656, the Federal-Aid Highway Act of 1972, and a member of the House Committee on Public Works which reported it to the House; I rise in support of this important legislation and urge its acceptance by my colleagues.

This measure is the result of months of deliberation by the Subcommittee on Roads, including extensive hearings from February 17 to April 12, 1972. A total of 126 witnesses were heard during the hearings and all aspects of the Federal-aid highway program and related activities were examined.

In my judgment, H.R. 16656 could well prove to be as important to modernizing and improving our Nation's transportation network as was the interstate highway legislation of the mid-1950's.

Among the major provisions of the bill are an extension of the deadline for completion of the interstate highway construction program for another 3 years, with the new target date at the end of fiscal year 1979. An additional $8 billion is authorized through fiscal year 1979 for this purpose.

The declaration of policy contained in section 108 of the bill is an important statement of the policy and direction of the Federal-aid highway program to the year 1990, based on highway needs data compiled in the 1972 National Transportation Report. Section 108 states that as the interstate system is completed it shall be the national policy that increased emphasis be placed on the other Federal-aid systems in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems.

Section 117 of the bill represents a significant effort to eliminate the large amount of "Federal redtape" which has begun to impair the efficient implementation of the Federal-aid highway program. The procedures which have heretofore applied only to the Federal-aid secondary system would be extended to include all Federal-aid programs except the interstate system. The Secretary of Transportation would be allowed to accept a State's certification that it is in compliance with the detailed requirements of title 23 regarding plan development, right-of-way acquisition, and so forth, as an alternative to direct Federal step-by-step review.

Several changes are made with respect to the control of outdoor advertising, including an extension of controls beyond the present 660 feet from the edge of the highway right-of-way to cover signs which are visible from the highway and which were erected for the purpose of being read from the highway. Another provision would allow the continuation of signs or billboards lawfully in existence as of June 1, 1972, and which provide directional information necessary to the traveling public until December 1974, or until the State certifies that such information is available from other sources. The bill also authorizes that "just compensation" be made for removal of any previously legal sign and makes available $50 million each year for fiscal years 1973 and 1974.

In recognition of increasing public transportation needs, the bill would convert demonstration projects for exclusive bus lanes and bus passenger loading facilities to regular Federal-aid status and also makes unused land within publicly acquired highway right-of-ways available without charge for use by nonhighway public mass transit. The bill further directs the Secretary of Transportation, in cooperation with appropriate State and local officials, to evaluate the public mass transit section of the 1972 National Transportation Report and to report to the Congress with his recommendations by January 31, 1974. An authorization of $75 million is contained in the bill for this purpose.

Under section 137 of the bill the Secretary is authorized to make a comprehensive study to determine the feasibility of establishing a national system of scenic highways to link together various historic, recreational, and other sites of interest to motorists; $250,000 is authorized to be appropriated from the Highway Trust Fund to carry out this study and a report is to be submitted to the Congress by January 1, 1975.

The Highway Safety Act of 1972, contained in title II of the bill, continues funding at present levels for the National Highway Traffic Safety Administration and the Federal Highway Administration's safety programs, while substantially increasing funding allocations for State programs. Among other important highway safety provisions, the committee recommended approval of four special programs aimed at marking hazardous rural highways, improving the thousands of already identified high hazard locations, eliminating roadside obstacles, and upgrading protection at railroad crossings. Authorizations in the amount of $1.1 billion for fiscal year 1974 and $1.5 billion for fiscal year 1975 are provided under title II.

Two of the bill's most significant new departures are contained in section 104, "Highway Authorizations," and in the "Priority Primary Routes" contained in section 126. Section 104 provides authorizations, out of the Highway Trust Fund, for each of the fiscal years 1974 and 1975 for the Federal-aid primary system, secondary system, urban extensions of the primary and secondary systems, and the urban system—the ABCD systems—as well as authorizations for various types of highway programs financed from either the Highway Trust Fund or the general funds of the Treasury.

As the report on H.R. 16656 indicates, the provisions of section 104 represent the committee's intent to continue the renewed emphasis on urban problems originating with the 1970 Highway Act while at the same time assuring that the rural program is not reduced. A distinct

break between rural and urban funding is established, with primary and secondary systems funds to be spent only in rural areas and urban extension and urban system funds directed solely to urban areas. The primary and secondary systems are authorized at a level of $700 million for fiscal year 1974 and $400 million for fiscal year 1975, for a total of $1.1 billion. The urban extension and urban system programs are funded at $400 million and $700 million, respectively, with the same total of $1.1 billion.

I strongly support the increased primary and secondary road systems funding provided under H.R. 16656, as it pertains to both rural and urban areas. I am particularly pleased about the increased funds that will be available to the State of Arkansas under the committee bill. The total Federal-aid funds—excluding interstate—to be allocated to Arkansas for each of fiscal years 1974 and 1975 will be in the amount of $24.7 million, as compared to the $16.81 million allocated to the State during the current fiscal year. Within this total Arkansas primary system funds will be increased from $7.2 to $12.1 million; the secondary system funds will be increased from $5.7 to $6.9 million; the urban extension funds will go from $1.6 to $2.3 million; and urban systems funding will go from $0.31 to $3.4 million.

The other important new departure contained in H.R. 16656 is the new program of priority primary routes contained in section 126. As indicated on page 14 of the committee report, the committee has built upon the recognition contained in the 1968 national highway needs report that there are some 66,000 miles of primary highways intermediate in importance between the Interstate System and the balance of the primary system. I am especially gratified by the committee's recognition that within this intermediate system there exist some 10,000 miles of highest importance which appear logically to be eligible for immediate funding under the $300 million authorized in this section for each of 1974 and 1975 fiscal years.

Among the worthwhile projects within the 10,000 miles singled out by the committee for priority attention are Highways 67, 65, and 71 in Arkansas. I know from firsthand knowledge that these are principal arterial routes which would substantially upgrade the highway network in our State and significantly affect the economic and social development of Arkansas. I am pleased that as a member of the subcommittee, and with the full cooperation of my distinguished colleague, the Honorable WILBUR MILLS, chairman of the House Ways and Means Committee, I was able to bring the critical needs of these particular routes to the Public Works Committee's attention.

It is hoped that the improvement of roads such as these and the consequent economic development of the rural countryside will help toward reversing the rural-to-urban population migration which has brought such great pressures on our Nation's cities and adversely affected both areas.

Finally, H.R. 16656 creates a special program for the construction of highways connected to the Interstate System in urban areas with high traffic density, and authorizes $100 million for both fiscal year 1974 and fiscal year 1975. The committee has set tight restrictions on this program, such as limiting the new "feeder" highways to less than 10 miles and providing that there can be only one per State. Again, I am especially pleased that the committee report gives special priority to a connection between Interstate 30 in Little Rock, Ark., to the Adams Field Terminal and the port of the city of Little Rock. Such a project is of great importance to our entire State, since the airport and port serve all of Arkansas citizens. I am appreciative of Congressman MILLS' efforts in bringing this important need to the committee's attention.

Mr. Chairman, the continued development of our Nation's road systems is a matter of the highest priority, affecting the economic development of all regions and the lives of virtually all citizens. The provisions of H.R. 16656 will go a long way toward meeting our Nation's transportation needs and I respectfully urge its approval by the House of Representatives today.

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

Mr. HARSHA. I am happy to yield to the gentleman from Montana.

Mr. SHOUP. Mr. Chairman, when Congress passed the Federal Highway Act of 1956 it very carefully, after considerable deliberation, provided for full Federal financing of the new highway program by special taxes on the Nation's motor vehicle owners and operators.

The tax program was at that time, and is still today, unprecedented in congressional legislative history. It was designed for a specific purpose for a specified period of time. The special tax program was to produce the revenues for the early completion of the National System of Interstate and Defense Highways and for the modernization and improvement of other Federal-aid roads.

Since its inception the highway trust fund, established on the basis of these special taxes, has been the sole source of revenues for the Federal-aid highway authorizations. The act of 1956 specifically provided that the Federal expenditures for highways had to be governed by the taxes that were being paid into the highway trust fund by the highway users. If the taxes were not coming in, the highway authorizations could not be made.

This self-sustaining, independent method of financing, was not unplanned or accidental. It was the result of a carefully worked out program that involved the cooperation of the highway user groups and the Congress. Without this understanding and acceptance by the highway community of the specific financial responsibility, the highway program would not have been possible.

The highway program has received no appropriations from the general fund. Therefore, it has not been at the expense of any other Federal program nor has it, at any time, represented a drain on the Federal budget. In fact, in the early years of the program the highway trust fund was listed separately from the budget. This was because of the unique tax-cost relationship.

The legislative history of the trust fund taxes, and resulting actions on similar taxes that were never a part of the trust fund, will show quite clearly that if there were no highway program the special taxes that exist to support it would have been repealed or greatly reduced.

The specific purpose for which these taxes, and these taxes alone, were levied, has not as yet been accomplished. The national system of interstate and defense highways is only two-thirds complete. In addition, there is a growing backlog of other, needed highway projects.

The highway trust fund, and the taxes levied to supply it, should remain intact to do the job for which they were designed and enacted. The understanding, in fact the trust, that was implicit in the 1956 act remains an obligation of the Congress. It would be a violation of basic equity and a breach of faith if we were now to confiscate these special taxes for other purposes and ignore completely the promise we made to the highway user groups in 1956.

Had we told them at that time that we were levying the special taxes and perhaps at some future time we would take the revenues, or any part of them, for some other purpose I doubt very much if they would have gone along with the program.

We must keep this faith. When we have completed our obligation under the 1956 act we can then take a look at the overall transportation picture and perhaps develop new programs, including new approaches to financing. But until then, we must remain true to the basic obligations we undertook in 1956.

Mr. Chairman, I urge my colleagues to renew the original pledge to those who have been and are continuing to contribute additional taxes to the highway trust fund, that these funds will be used for their avowed purpose. I urge passage of this bill.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I thank the gentleman for yielding to me and wish to compliment the chairman and the members of the committee for formulating this fine piece of legislation and bringing it to the floor today.

Mr. Chairman, I would like to call the attention of this body to what I consider some of the outstanding features of H.R. 16656. It is a realistic bill which demonstrates the real concern of the Committee on Public Works for some of our evolving transportation problems. We can no longer rely on the momentum of the past. This is a time for new thinking, for careful innovation, and for cooperative action. All of these characteristics are found in the 1972 Federal-Aid Highway Act.

The bill contains very real recognition of the problem of growing congestion in our large metropolitan centers. The $4.4 billion that will be split evenly between rural and urban areas over the next 2 years can be used by cities for such projects as the building of bus lines and loading areas, the provision of parking lots for bus riders, and traffic control de-

vices to speed the flow of rush-hour traffic. The funds designated for urban areas represent an increase of $600 million annually over what was provided in the 1970 act.

The bill calls for completion of the Interstate System by 1979, stretching the construction phase by another 3 years, and calls for the first modest beginning of a 10,000-mile priority primary network to serve many cities and towns not part of the Interstate System.

One of the outstanding features in this bill is the vote of confidence in the States to manage their own State highway programs under the new certification program laid out in section 115. The States have demonstrated their ability to comply with Federal laws and regulations and this section permits them to take over project oversight, subject to final inspections by the Department of Transportation.

Title II is ample testimony that the Committee on Public Works continues to think of the highway program in terms of the broadest desires and aspirations of the American people. Title II is devoted to highway safety and includes more than $1 billion annually for such things as improvement of grade-level railroad crossings, the correction of high-accident locations both on and off the Federal-aid systems, and the elimination of roadside obstacles.

This is a sound bill that recognizes the need for flexibility in our Federal-aid highway program and I urge your support of it.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Iowa, a member of the committee (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I want to join in the accolades to the leadership of the Public Works Committee and the Subcommittee on Roads in particular and pay high tribute to the chairman who has been very diligent, very thorough, and very considerate.

I want to pay my respects, also, to Mr. HARSHA, the ranking member with whom we have had the pleasure to work and assure the Committee of the Whole that this committee has worked diligently and thoroughly on this legislation, and a very important piece of legislation it is.

I could talk for some time on that, but that has already been covered with respect to the important parts of it.

Mr. Chairman, let me say I have been a member of this committee for 18 years. I was a member of the committee when we gave birth to the Interstate Highway System. It is with great pride that I reflect on that record and report to the House.

I believe this development has been one of the finest investments in America that we have ever made in the form of a public works project. It is not quite completed, but studies show that the benefit-cost ratio has exceeded anything we have ever attempted in the form of a public works project. We can already identify conservative benefits in the amount of $278 billion that have come to the automobile driver, the consumer, and the trucker, and to every aspect of our economy. It has been a very significant and important development and very worthwhile.

Mr. Chairman, I want to say and in saying this to underscore what other members of the committee have said in the debate on mass transit that I am not unmindful of the challenge here nor the need, but I say to the committee that we were wise in turning this down, because now we can give more thought to this problem and evolve a plan which will come to grips with it and bring it to a successful consummation.

One of the tragedies so far in mass transit is that we do not know how much it will cost. To give you some idea I can remind you of the testimony of officials of New York City who came before our committee pleading for some of this money. When I asked them how much money they would need to complete their urban transit system and bring it up to date and modernize it they gave us the astounding figure for New York City alone of $9 billion. That is just for New York City.

You heard someone earlier say there are 67 communities that have very significant and great problems and any city of that size has an urban transit problem which needs to be resolved. The committee is very willing to do this, but until and unless we know what the total problem is and give it serious study we cannot present the answers to that problem.

I am very much in favor of this bill and I am glad we resolved the matter of preserving the trust fund now.

I could go on indefinitely on that subject.

Let me add this, because I have served on the Committee on Highway Beautification, I believe it is a mistake for us to adopt a section on beautification as we have it, so at the proper time I will propose to strike section 119 and restore additions to this program, and what we will be doing if my amendment is adopted we will be reverting to the original law which I think was very wise legislation. This will give us an opportunity to really move forward with the program of beautification as it relates to the billboards.

There is much more to highway beautification than billboards, as the Commission has already noted in its preliminary report. The Commission also recommends, and I think this is a unique agreement and understanding, that the Commision proposes no change in the Highway Beautification Act at all. So that will be the burden and the purpose of my amendment when I offer it at the proper time.

Mr. Chairman, in the 1970 Federal-Aid Highway Act, Congress gave a mandate to the administration to implement title 3 of the Highway Beautification Act of 1965. Ninety-seven million dollars was authorized to commence sign removal even though a Study Commission was established to study various aspects of the existing law. In speaking of the Study Commission and its relationship to implementation of the act by the administration, the conference report states, and I quote, "The creation of this Commission is not to be construed as derrogating in any way from active implementation of the existing program without reduction and as authorized during this study."

The administration has worked hard toward implementation of the Beautification Act and now has behind them the long and arduous task of getting 49 States in compliance, of setting up procedural requirements, and of providing the administrative tools for the States to expedite sign removal. South Dakota, although not in compliance now, has indicated they are willing to call a special session of their legislature to do so rather than continue their case in the courts. They have established regulations, held seminars in all regions of the country, and are on the verge of a nationwide sign removal program, with the complete cooperation of the States. One of the complaints most often expressed by State highway administrations at hearings the Study Commission has held throughout the country was the "on again, off again" vacillation on the part of the Federal Government. They have been encouraged by the firm commitments of Secretary Volpe regarding implementation of the Act and have now acted in reliance on the Federal Government to see their programs through to completion, hopefully by 1976, our bicentennial year. In most cases they have acted in detrimental reliance on the Federal Government. They have organized the manpower, set up State procedures and in every case spent hundreds of thousands of dollars getting geared up to remove signs. And now they face this same wishy-washy vacillation on the part of Congress in the form of amendments to the act which will render void all the time, effort and money that has gone into reaching the threshold of an on-going sign removal program.

The amendments that are proposed by the committee will play havoc with the orderly implementation of the act to deal with beautification. The Commission on Beautification has not completed its study and report to Congress, and has a great deal of unfinished business. This is indicated in the interim report. Now some of the Members of Congress, who voted for the act of 1965 Commission and who were also conferees on the 1970 Highway Act, come before the Congress with amendments which virtually strip the existing law of the effective control of signs and would interfere with the implementation of the act, by imposing a moratorium on certain classes of signs. Their proposals not only ignore the intent of Congress as expressed in the conference report, but will lead to further visual pollution along our Nation's highways which certainly is not in the public interest.

Let me illustrate: Section 131(c) of the act allows certain signs giving direction to natural wonders and scenic or historic attractions, under regulations to be promulgated by the Secretary. The proposed amendments to this subsection would open it up to every kind of sign which is now out on the highway outside of commercial or industrial areas. This subsection would be broadened to include the following classes of signs: lodging, gas and auto-

motive services, food services, camping grounds and rest stops. Outside of a very rare product advertising sign, and perhaps a few old signs without advertising copy, I cannot think of a sign in rural America which would not qualify under the proposed amendment to this subsection. Then to make it even more difficult to administer, they inject some of the standards they want the Secretary to promulgate. It sounds very restrictive when they say "not more than three signs in any one mile facing the same direction." Surely one can immediately see that the billboard lobby will insist that this be interpreted no less than three, which will guarantee them six signs per mile.

Applying this criteria to the more than 200,000 miles on the interstate and primary road systems not zoned industrial or commercial, the least number of signs we have will be 1,200,000. The present act renders approximately 800,000 signs nonconforming and subject to removal, and under the proposed amendment we will be left with one and one-half times as many new signs than we will require to be removed under section 131(d). Keep in mind we are going to have to pay for the removal of some 800,000 plus signs under subsection 131 (g) of the act, only to have 1,200,000 plus signs go up with our blessing. Now ask yourself, is this effective control, or a sellout to the outdoor advertising industry?

To further complicate things, section 131(f) gives authority to the Secretary, in consultation with the States, to provide within the rights-of-way official signs giving specific information to the traveling public, such as the use of brand name logos, that is, Texaco, Gulf, Arco, Holiday Inn, et cetera. The proposed amendment would only permit the use of these signs or the rights-of-way if it is impossible to get this information to the traveling public through the use of signs exempted from the act, and off the rights-of-way. Again, ask yourself—is this effective control or a sellout to the outdoor advertising industry?

Now there is nothing wrong with legislation which is favorable to the growth of industry, and we want to preserve every legitimate business in America if we are to preserve our great free enterprise system. And preserve it we must. But let us examine the record of this act during the past 7 years since it was passed.

The act guarantees "just compensation" upon the removal of nonconforming signs. We never provided the funds to carry out this guarantee, and literally hundreds, and probably thousands, of small companies in the business of outdoor advertising have fallen prey to the large, well financed conglomerate companies. The availability of sign locations became almost an impossibility if you conformed to the law. The small companies had no choice and had to conform to the law, while the large conglomerate type companies just ignored the law. If a company is not a growing company, then it is a declining company and now 7 years after we threw the small companies to the wolves, it is scandalous to gut the act in favor of a few giants who now have a competitive edge that no small company could begin to compete with or adjust to. And to gut the act as proposed by this legislation would play right into the hands of the giants and give them a virtual monopoly of outdoor advertising in rural America, just as the standardized industry has a monopoly inside the urban markets. It is anti-Americanism of scandalous proportions.

On top of all this, the bill now before this distinguished body would require that the Department of Transportation revise all of its regulations and procedural requirements and implement the sign removal program on a piecemeal basis, which is next to impossible if we are to try and have any efficiency in Government. The proposed moratorium places unworkable restrictions on the Department and encourages the sign owners to use the courts to enjoin the Department in its efforts to administer a program, which Congress delivered to the administration by mandate in the 1970 Federal-Aid Highway Act.

I therefore will move to strike all amendments to the act found in that bill except section 119(a) which will extend the limits of control from 660 feet from the rights-of-way to the limits of visibility. Everyone involved in the program agrees that this amendment must be retained. We must also continue the funding levels contained in this bill so the Department of Transportation can further carry out our directions.

Mr. Chairman, the Commission on Highway Beautification was established by the Federal-Aid Highway Act of 1970—Public Law 91-605—to study and make recommendations concerning implementation of the Highway Beautification Act of 1965—Public Law 89-285—and achievement of goals in the preservation and enhancement of natural beauty along America's highways which were not fully dealt with in that law.

It was directed to "recommend such modifications or additions to existing laws, regulations, policies, practices and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest."

The authorizing legislation directed the Commission to make a final report not later than one year after it was funded. The Commission was funded in August 1971, held its first meeting in October 1971, and was not fully staffed and operational until December 1971.

During the past few months the Commission has conducted six public hearings—in Atlanta, Los Angeles, St. Louis, Meriden, Conn., Syracuse, and Washington, D.C. Several thousand people attended these hearings, and more than 200 witnesses gave verbal testimony. Recommendations were received from a wide spectrum of the public, 35 State highway departments and 15 other State agencies, the Departments of Transportation, Commerce, Interior, and Housing and Urban Development, the Federal Communications Commission, Environmental Protection Agency, and Tennessee Valley Authority.

The staff of the Commission has also been in active contact with highway officials in all 50 States, visiting some of them, with 10 other Federal agencies and numerous representatives of local government, conservation groups, and industries concerned with highway beautification including outdoor advertisers, roadside businessmen, operators of tourist attractions, auto salvagers, scrap processors, utility companies, planners, architects, landscape designers, contractors, and operators of tourist information services. The Commission staff has assembled a substantial amount of reference information on the major aspects of the beautification program and developed liaison contacts among the principal public and private sector groups that have responsibilities under this program.

The Commission also has sponsored two nationwide public opinion surveys to ascertain the attitudes of the motoring public with respect to a number of aspects of the broad subject of highway beautification.

FINDINGS AND RECOMMENDATIONS

Inasmuch as the Congress is actively considering enactment of highway legislation during its current session, and probably will not do so again for approximately 2 years, the Commission feels that through this interim report it is timely to bring certain matters to the attention of Congress and the President which they may wish to consider for possible action. In addition, there are other matters which the Commission feels it is appropriate to note at this time but which are not sufficiently well documented to justify specific recommendations.

The findings and recommendations of the Commission at this time, therefore, are as follows:

1. The Commission believes that the provisions of the Highway Beautification Act for control of outdoor advertising only up to 660 feet from the highway has permitted the original intent of Congress to be circumvented. In various locations throughout the United States, extremely large signs are being erected just beyond the 660 foot limitation.

The Commission therefore recommends that Congress consider the advisability of extending the control of outdoor advertising along Interstate and Federal-aid Primary highways to those additional signs which are visible from the controlled highway and erected with the purpose of their message being read from the controlled roadway.

2. The Commission suggests that Congress may wish to consider making some distinction between outdoor advertising signs which simply advertise products and those which provide information of potential usefulness to motorists regarding services and facilities in which highway travelers may be expected to have specific interest. In the latter category, it has been indicated that motorists frequently desire information containing directions, descriptions and distances concerning such traveler-oriented services and facilities as lodging, eating, automobile servicing, camping, tourist attractions, truckstops, and possibly other facilities for motorists. The need for such businesses to get information to motorists is important to the safety and convenience of motorists as well as to economic well-being of the businesses.

The Commission believes that the question of how to get such information to motorists in a most efficient manner consistent with highway beautification deserves more study before it makes any long-range recommendations. In the interim it is recommending

that States be allowed, and encouraged, to remove first those non-conforming billboards which have no traveler-service orientation and to defer removal of non-conforming signs giving directional information to motorists.

At the same time, States are reminded of the importance of their responsibility for providing information to motorists on Interstate and Primary highways, and it is recommended that States make greater use of the authority provided in their laws to carry out developmental work in the expansion and improvement of information systems which might be used in lieu of non-conforming outdoor advertising signs.

3. Based upon testimony received in our hearings, the Commission suggests that Congress might consider a reevaluation of standards promulgated for official and directional signs authorized by section 131(c)(1) of Title 23 of the US Code and for signs giving specific information to travelers authorized by section 131(f). It appears that improvements in the use of these types of signs can do much to get needed directional information to motorists.

It appears Congress could direct the Department of Transportation to review standards regarding businesses eligible to use such signs; content, size and placement of signs, criteria for public service signs, and other matters. Congress could also consider the language in section 131(f) which now gives specific permission for signs giving information in the interest of the traveling public only within the right-of-way of Interstate highways.

4. The Commission finds that a particularly troublesome misunderstanding has arisen between States and the Federal Government over the availability of Federal matching funds where "just compensation" is required by law in the removal of billboards. The States argue, with apparent justification, that present law and administrative interpretation place them in a highly untenable position. Law requires that compensation be paid for all signs removed but limits Federal participation to only those erected prior to 1965 and those "lawfully erected" subsequent to Jan. 1, 1968. There also has arisen a misunderstanding over the meaning of the term "lawfully erected." The result has been to place a heavy and probably unintended financial burden upon the States.

The Commission believes that Congress should reconsider the hiatus which exists, perhaps unintentionally, in the prescribed dates of erection of such billboards for purposes of Federal participation in the payment of just compensation. The Commission believes that Federal matching funds should be available wherever Federal law requires the payment of just compensation. The Commission further finds that it is State, not Federal law which renders any sign unlawful, and believes that the term "lawfully erected" clearly applies to any sign which was erected in conformity with applicable State law at the time of its erection.

5. The Commission notes with general approval the fact that all States now have laws regulating outdoor advertising on the Interstate and Primary systems. All such laws have the effect of arresting the uncontrolled growth of new signs in these States. Also the States are now in a position to implement sign removal programs for those which are in non-compliance.

The assurance that Congress will fund Federal aid for highway beautification is of critical importance to the success of the Highway Beautification Act, particularly in regard to those parts of the law requiring States to make compensation payments to owners of signs and junkyards. Fiscal and equitable considerations suggest that if Congress cannot assure funding for its share of certain costs, it should seriously reconsider whether these costs will be mandatory for the States to pay in full.

In order to carry out its responsibilities to the States under Title I of the Highway Beautification Act, it is recommended that Congress provide steady funding for removal of non-conforming outdoor advertising signs within a reasonable time, without impairing progress under other parts of Federal or State laws relating to highway beautification. When more complete information is available about the cost of the sign removal program, it is also recommended that funding be scheduled to complete the program within a specified time.

6. From testimony at the Commission's hearings, it appears that in some jurisdictions there is a need for improved control over location, design, construction and maintenance of on-premise signs. Vast differences in local neighborhoods, regional characteristics, and community planning objectives indicate that local and State government should play primary roles in the development of regulations for such signs.

The Commission is not prepared at this time to recommend any Federal standards in this area but urges units of State and local government to address themselves to the development of appropriate local standards for the governance of on-premise signs.

7. The Commission believes that the Congress and the Department of Transportation should resolve the question of the rights of States to zone areas within their respective boundaries for commercial and industrial purposes. The law appears to be clear in this matter, but the Commission has received testimony of at least one pending Federal court action arising from the interpretation of this law by the Department of Transportation.

The Commission does not recommend any change in Federal law at this time but believes that Congress and the Department of Transportation should resolve the position of the Federal Government regarding the rights of States to zone roadside lands, and resolve any uncertainties about the Federal acceptance of State action.

8. The above recommendations concern only the limited subject of outdoor advertising, surely the most controversial but perhaps not the most important phase of highway beautification. They involve merely the most obvious few of the great number and variety of problems brought to the attention of the Commission. It is clearly apparent that it will be enormously difficult to complete a truly comprehensive or professional evaluation of these problems prior to August of this year, at which time this Commission is scheduled to file its final report in accordance with existing law.

The Commission respectfully suggests that Congress may wish to consider extending the life of the Highway Beautification Commission for one additional year in order that it may come to grips with at least some of an enormously wide range of questions to which thus far we have been able to gain merely an introduction. These include but are not necessarily limited to the following:

Reconsideration of agreements where there is dissatisfaction with terms on such matters as definition of unzoned commercial areas, interchange, spacing, etc.;

Examination of methods to get information to motorists efficiently in a manner consistent with highway beautification including implementation of pilot projects on official signing information centers, radio transmissions, and other means;

Implementation of programs, particularly pilot programs, to assist in getting abandoned cars and other equipment with no appreciable salvage value into recycling processes;

Methods for calculating compensation for the payment of compensation for sign removals and the effect of such compensation on State and local programs to control signs;

Clarification of effective date of controls imposed by the Highway Beautification Act of 1965;

Clarification, and possible modification, of relationship of controls under 1958 Bonus Act to controls under 1965 Highway Beautification Act;

Revisions in Secretary of DOT's authority to impose a 10% penalty for failure to comply with Federal requirements for highway beautification;

Clarification of legality of Federal participation in certain payments made under laws covering outdoor advertising;

Modifications in standards for private commercial activities within the right-of-way;

Modifications in State-local relationship in sign control programs;

Feasibility of Highway Corridor Boards in sign control programs, zoning, and other land use planning;

Relationship of Uniform Relocation Assistance Act to compensation paid under State's laws enacted to comply with the Highway Beautification Act of 1965;

Clarification of regulations on outdoor advertising on Indian reservations and on Federally owned land, definition of on-premise signs, damages for sign companies forced out of business, and requirements for sign permits;

Penalties for destructive defoliation or vandalism along highway routes;

Junkyard controls in relation to overall solid waste disposal programs;

Economics of recycling scrap metal and other materials, including effect of depletion allowances and differentials in freight rates;

Possible Federal assistance for solid waste disposal programs;

Various proposals to hold registered owners of cars responsible for their disposal;

Esthetic considerations in planning, design, and contracting for new highways;

Development of scenic routes;

State landscaping and maintenance of existing highways;

Relationship of beautification programs to programs for highway safety and air pollution abatement;

Relative priorities of highway beautification program;

Application to specific projects of design recommendations in Federally sponsored studies such as "The Freeway in the City," "Street Graphics," etc.

JOINT STATEMENT OF REPRESENTATIVE FRED SCHWENGEL AND MRS. MARION FULLER BROWN REGARDING THE INTERIM REPORT

We support adoption of the Interim Report with the following reservations:

(1) We believe there should be an additional recommendation to amend the Federal law to make it clear that States be allowed to elect to remove signs by use of police power without payment of compensation, except by compensating through amortization over a reasonable period.

(2) Although we agree that Federal participation should be available for compensation for removal of signs erected after October 22, 1965, if such participation is necessary to remove the signs, we believe that States which delayed enactment of legislation to conform with the Highway Beautification Act of 1965 should be subject to some penalty, perhaps in the form of a reduction in the percentage of Federal participation for removal of signs erected after a certain date or dates. As an alternative, States which enacted legislation promptly might be given some bonus.

(3) We agree that zoning determinations of State and local governments should be accepted by the Secretary of Transportation, but only if these units of government do not abuse their discretion. Zoning laws should not be used as a subterfuge to open areas for billboards.

MR. MICHAEL RAPUANO'S POSITION REGARDING THE INTERIM REPORT

I concur with all the recommendations except those numbered four and five. The basis for my objection to these points is that they imply that compensation will be paid for sign removals. I believe that all signs visible from the highway should be prohibited, and that no compensation should be paid for their removal. I am firmly convinced that unless we prohibit all advertising, except on-premise signs, from the view of the interstate and primary roads, we are going to have a continual proliferation of billboards.

My opposition to the payment of compensation is based primarily on the following grounds:

(1) billboards are visible pollution and polluters should not be compensated;

(2) the courts have upheld State statutes for the removal of signs by police power without compensation;

(3) sign companies should not be paid for taking down signs when they can put the same signs up in other areas zoned commercial; and

(4) Congress may not provide adequate funding (estimated at approximately four hundred million dollars) to implement sign removals and that, in any case, this money could be spent for other matters of higher priority, including other programs relating to highway beautification.

In regard to Recommendation Number 7, I agree that matters of zoning should be left to the States. However, I am concerned about the possibility that States might indiscriminately zone areas along the highways as commercial thereby circumventing a sign removal program.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Louisiana, and a member of our committee (Mr. CAFFERY).

Mr. CAFFERY. Mr. Chairman, I thank the gentleman from Illinois, our distinguished chairman, for yielding to me.

Mr. Chairman, I rise to congratulate the most able chairman of our subcommittee for his guidance in the preparation of this great legislative work, and to congratulate my fellow committee members for the long hours and hard work which have resulted in a bill of which we can all be proud.

I am particularly pleased that the language on page 15 of the report specifically mentions the priority of the highway from Shreveport to New Orleans in Louisiana via Routes 1, 167, and 90. The significance of this great need is recognized. However, I would point out to the House that the No. 1 priority in the State of Louisiana is the completion of the highway in my district from Lafayette to New Orleans. I have previously explained this pressing need to my own committee, and this must surely be recognized and made completely clear here on the floor, and also in the report.

Mr. Chairman, prior to the undertaking of any new work between Shreveport and New Orleans, it is imperative that the Lafayette to New Orleans highway be completed.

In addition, it should also be mentioned, so that the report at page 15 will be made completely clear and cogent, that a high priority in Louisiana also exists for highway completion between Monroe and Alexandria, as my distinguished colleague from Louisiana (Mr. PASSMAN) will demonstrate. These routes and their requirements for millions upon millions of travelers are something that our delegation has worked for in total accord.

So in conclusion, Mr. Chairman, I would again congratulate the committee, and bestow all the accolades which are certainly warranted to the distinguished chairman of our subcommittee, the gentleman from Illinois (Mr. KLUCZYNSKI) and the other hard-working members who have produced this most meritorious bill.

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

Mr. CAFFERY. Mr. Chairman, I am happy to yield to my distinguished colleague, the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Chairman, I thank my distinguished colleague from Louisiana for yielding.

Mr. Chairman, I rise in support of this legislation. I want to commend the great chairman for bringing out a very comprehensive bill—one that I can support enthusiastically. But I believe several things should be cleared up in this bill for fear of honest misunderstanding.

I notice on page 15 of the report—and this is not in the bill, but in the report—it says:

In this latter category many worthwhile projects have been brought to the attention of the Committee and would appear to be logically eligible for immediate selection under the $300 million authorized for each of 1974 and 1975 fiscal years.

I would assume that these are examples only and do not indicate that this is the exact priority that must be followed; is that correct?

Mr. KLUCZYNSKI. The gentleman is correct.

Mr. PASSMAN. I believe it is also true that in this report on page 15, there are only six States mentioned whereas there are 50 States, and in all probability several hundred projects would be eligible under a top priority, if we could make the funds available. Would that be a correct statement?

Mr. KLUCZYNSKI. That is absolutely true.

Mr. PASSMAN. If I may refer to page 87 of the bill itself—and that is what is important—it says under the heading "Priority Primary Routes":

High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials.

Now this is really how these projects are worked out at the State level; is it not? With the approval of the government's State highway departments?

Mr. KLUCZYNSKI. Yes.

Mr. PASSMAN. The very fact that a few of them receive mention in the report does not necessarily mean that these will have priority over other projects and that other projects will not be given consideration?

Mr. KLUCZYNSKI. The gentleman is correct.

Mr. PASSMAN. The distinguished chairman may recall, as my very dear colleague, the gentleman from Louisiana mentioned, about the highway for Monroe to Alexandria, La.

The simple fact that you do not mention this as one of the examples in the report does not mean that it could not take a very high priority; is that correct?

Mr. KLUCZYNSKI. The gentleman is correct.

Mr. PASSMAN. Or that they could conceivably under this legislation even have a higher priority than some of the others that are mentioned in the event that the highway department and the Governor of the State of Louisiana should determine that it should fall in a higher category?

Mr. KLUCZYNSKI. That is up to the State.

Mr. PASSMAN. That is up to the State.

Mr. KLUCZYNSKI. That is up to the State—yes—the highway department.

Mr. PASSMAN. I think that we all from Louisiana are working in harmony and we know the importance of this highway from Lafayette to New Orleans, La., and we would likewise recognize the need of making one from the vicinity of Monroe and Ruston to Alexandria, La.

The reason I bring this up is, as, I say, the Louisiana delegation works in harmony. I recognize, as the chairman recognizes and my friend from Louisiana recognizes, my dear friend on the committee (Mr. CAFFERY) you cannot mention all of the projects in a report and you picked these, I believe you said, as examples of what the priority system would cover.

Mr. KLUCZYNSKI. The answer is—yes.

Mr. PASSMAN. I bring that up for this reason—you have cooperated with me beautifully. Four years ago we had similar language, and if I may borrow a little humor, I had an opponent at that time, and he said that I permitted those 300 miles to slip through my grasp and go to Shreveport, La. Of course, we have a very able congressman representing that district and he wants to cooperate. But my opponent did not, and he had my constituents believing that those 300 miles of highway construction would be starting the following Wednesday and, if not, at least start on Thursday.

We did not get that highway and the contractors did not make any profit, but the radio stations and the TV stations and the newspapers must have made many thousands of dollars on advertising for my neglect in not getting something in the report.

I am sure that the distinguished chairman realizes this incident that occurred 4 years ago.

Mr. KLUCZYNSKI. I do.

Mr. PASSMAN. I am addressing a question to the distinguished chairman of the subcommittee—you do remember our correspondence of 2 years ago having to clear up a similar incident?

Mr. KLUCZYNSKI. The answer is—yes.

Mr. PASSMAN. If my colleague, the gentleman from Louisiana, would yield to the gentleman from Oklahoma, who I believe wants to ask me a question.

Mr. CAFFERY. Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding because I am aware somewhat of the problem that the gentleman in the well has stated and I have had a problem myself

in the State of Oklahoma since the committee has been kind enough to identify several high priority routes in the State of Oklahoma, all of which I think are very deserving routes but in the process omitted to mention and to identify several that undoubtedly are also of high priority. I have been assured by the committee that these are roads of high priority in the committee's eyes, but they are not in any way exclusive within the State, and that there are other routes in the State that the committee recognizes would also have a high priority.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield further, I certainly hope we get this highway from Lafayette to New Orleans, and then, of course, Shreveport, and the Monroe-Ruston vicinity in Louisiana. I simply want to make a record, mentioning that these are just a few of the many projects that would have top priority is that the understanding of the gentleman from Oklahoma?

Mr. EDMONDSON. If the gentleman will yield further.

Mr. CAFFERY. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. It is my understanding that these are projects that the committee recognizes and has heard a strong case to justify priority for; that they are not exclusive; that there unquestionably would be within practically all of the States some other routes that would have priority.

Mr. PASSMAN. In other words, only a few examples of many projects that may have a priority equally as high; is that a statement of fact? I say is that a statement of fact?

Mr. KLUCZYNSKI. Yes.

Mr. PASSMAN. I thank the gentleman very much.

I want to thank the distinguished gentleman from Louisiana for clearing this up, and not have some future opponent believing that they are going to start the highway last week or tomorrow.

Mr. CAFFERY. I want to thank the gentleman for his salient statements, and I yield back the remainder of my time.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the distinguished member of the committee who has made a great contribution to the highway program, and who has a great message to give to this body.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to rise in support of this legislation, and, of course, to extend my personal appreciation to all of the members of the committee for the extra effort that they have made in developing what I think is a very comprehensive and a very forward-looking highway bill. It is my view that this day could prove to be a genuine landmark as we move toward the kind of balanced transportation system that each and every one of us in this Chamber is looking for.

There has been a great deal of controversy centered around the question of whether or not to divert funds from the Highway Trust Fund for something other than highway-related transportation. I believe that if this occurred—and I am sure that the battle is far from over—it would have the net effect of literally drying up the very fund upon which those who look to the fund for help in financing non-highway-related transportation.

I have said in committee on many occasions that in my view what is required, rather than the diversion of funds out of the highway trust fund, is for us to move as a Congress toward the creation of a third trust fund; namely, an urban area transportation system trust fund. The action of the House today will permit us to make an evaluation, an in-depth evaluation, of the National Transportation Report of 1972.

Then we can move toward holding the kinds of hearings by the appropriate committees of the Congress to determine not only what the actual facts of transit life are as far as the needs and the estimates of costs of proposed programs are, but how to finance them through the creation of a third trust fund. With three methods of finance available to transportation traffic engineers throughout the United States, we can look forward to advancing the best coordinated and integrated balanced transportation systems that modern technology and traffic experts can evolve.

Very briefly Mr. Chairman, I want to devote some time to something that is very close to me in addition to the comments that have been made about the priority primary routes. We have in this bill a provision that I believe will do a great deal to help in the coordination, integration, and balancing of our transportation systems. I refer to economic growth centered highways.

Just as we have jurisdiction over Economic Development Administration programs in our committee, we have moved in the direction of advancing, not on a pilot basis or on a supplemental basis as it was originally proposed, advanced in the Act of 1970, but as a permanent part of the Federal highway program. I authored this proposal in 1970 and I am pleased that the committee accepted our recommendation to make this a permanent ongoing program. I believe this proposal offers, the opportunity to link highways, rail, and airports to revitalize and diversify some of our sparsely populated areas as well as some of the communities that can accommodate more population. I believe that with land and highway related economic growth centered development highways and the airport trust fund we can make a move in the direction of reversing the migration trend that has added so much to the cost of so many programs in so many parts of the country. I believe we will improve the quality of life for every living American.

Mr. Chairman, I thank all members of the Committee for yielding me this time in addition to their support for some of my suggested provisions now contained in the bill.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, in the 2 minutes I have I just want to indicate that there will be a number of amendments that will be offered today which are of concern to people no matter where they stand on the issue of highway versus mass transit.

URBAN SYSTEM FUNDS

The Federal-aid urban system which was established in the 1970 Highway Act "to best serve the goals and objectives of the community as determined by responsible local officials" can best be effectuated by giving greater direct funding to the local officials or the local transit authority. The urban system is essentially designed to serve local needs and therefore it should be the responsibility of local officials. I will, therefore, introduce an amendment relating to this urban system and providing that funds available for it will go directly to the urban governments.

The amendment does not reduce or affect State control of the primary or secondary systems or their extensions in urban areas. I would hope all people in and out of the committee, regardless of their views with respect to the highway trust fund debate that has taken place here, will support this amendment.

THREE SISTERS BRIDGE

I will also offer another amendment which will be supported by people who stand on both sides of the issue as to whether the Three Sisters Bridge should be constructed. This amendment would strike the provision relating to judicial review of the Three Sisters project. I think that it should be stricken and that is why I am going to introduce this amendment. It creates an exception to the provisions of the Highway Act which our hard-working Public Works Committee originally wrote into the law to protect the general public and the environment and the National Environmental Policy Act.

The reason I am asking that this provision be taken out is that I believe it deprives the citizens of the United States of their right to have access to the courts for redress of their legal grievances. Congress may have the power to legislate, but I do not believe we want to or can exercise our power in violation of due process of law.

MASS TRANSIT

On the question of the use of the highway trust fund, I do believe that it should be made available for mass transit purposes and that an amendment such as that offered by Mr. ANDERSON of California should be included in the law. As I said back in March, when I testified before the Subcommittee on Roads on this subject:

> To far too great an extent, our national transportation policies have ignored the need to move people in favor of the need to move goods, and have ignored the need to move people and goods within urban areas in favor of the need to move people and goods between urban areas. The transportation situation in our urban areas is at a crisis level, and we must take giant steps to deal with it as soon as is humanly possible.
>
> Existing mass transit facilities are, for the most part, unable to keep up with the demands made upon them. The facilities are old and subject to frequent breakdowns; the systems are uncoordinated and do not cover adequately either the central cities or the suburbs.
>
> For transportation in and around crowded urban areas, autos are extremely inefficient. Per person carried, they take up far more

space, use more of our dwindling supply of gasoline, create far more air and noise pollution, and create more congestion than mass transit facilities. Unfortunately, and largely as a result of the transportation policies of the Federal Government, State and local governments have been doing far more building of highways than of mass transit facilities.

Purely and simply, the reason for this is money. The Highway Trust Fund, created by the Highway Revenue Act of 1956, receives most revenues from Federal excise taxes on motor fuels, motor vehicles, and related products.

Since its creation, the trust funds has received over $50 billion in such funds and has expanded about $46 billion solely on highways.

In the past 10 years, expenditures from the fund have averaged about $4 billion annually. For highways in the Interstate System, the Federal share is 90 percent; for most other federally aided highways, the Federal share is 70 percent.

Mass transit, on the other hand, has been a poor stepchild when it comes to Federal help. Under the Urban Mass Transportation Act, the total amount of funding authorized for both construction grants and loans is less than $3.5 billion; for fiscal year 1972, only $900 million was appropriated and, believe it or not, the administration has impounded $300 million of even that paltry sum.

The message of this comparison cannot be lost on anyone, and is certainly clear to State and local officials: Build more highways, especially superhighways, and we in Washington will pay almost the entire bill; build mass transit facilities and you are on your own.

It has been apparent for some time that this sort of policy, if allowed to continue, will strangle our central cities and, in the process, strangle the rest of our Nation as well.

It is extremely urgent that we provide Federal funds for the construction, maintenance, and operation of mass transit facilities. The highway trust fund receives its revenues from vehicle taxes, but to say that they must therefore be expended only on building roads is like saying that the revenue from liquor taxes should be used only to build distilleries, bars, and liquor stores. Furthermore, John Volpe, the Secretary of Transportation, indicated in his testimony on this bill that there was more than sufficient money in the trust fund and due to come into the trust fund to cover the cost of completing the interstate system, and there is enough money there to spend a substantial portion of it for mass transportation. We must stop looking upon the highway trust fund as a sacred cow and start being realistic as to our transportation needs.

SECTION 113 ESTABLISHES A DANGEROUS PRECEDENT OF PROVIDING EXCEPTIONS TO THE FEDERAL ENVIRONMENTAL STATUTES

Both the Department of Transportation Act and the National Environmental Policy Act contain important environmental safeguards which are necessary to preserve and protect the environment where large highway projects are involved. They represent a giant step forward in the national commitment to protect public park and recreation facilities. If, as we are asked to do, we begin to examine the merits of individual cases in which these laws are applied, and if we begin to legislate exceptions every time the laws are effective, then the force of those and similar statutes will be seriously and irreparably damaged.

I do not believe that Congress should become involved in trying to unravel specific highway disputes or disputes on any similar projects. I do not believe we should review each case in which a court grants an injunction under these statutes. The administration of these laws should be left to the Department of Transportation and, when necessary, to the courts.

If the Texas Highway Department obtains the relief contained in section 113 of the bill, every other State highway department now under an injunction for failure to comply with environmental laws will seek similar legislation. That will of course involve us in the examination of each of these disputes and the wisdom or lack of wisdom in each project.

While section 113 is by its terms limited to San Antonio, many people throughout the country see the far ranging implications of this section and the threat it poses to existing environmental legislation.

This section is opposed by the Council on Environmental Quality and the Environmental Protection Agency, the Federal agencies which have primary responsibility for safeguarding the Nation's environment. The Council on Environmental Quality has said that this section represents "a bad precedent and an unfortunate retreat from the national commitment to environmental concerns. The Council went on to say:

The Council is concerned over the long-term, precedent-setting effect of the proposed legislation. We know of no basis of distinguishing the San Antonio project from many similar highway projects which must presently comply with the provisions of NEPA and Section 4(f) of the Department of Transportation Act.

Legislation of this type risks congressional embroilment in the merits of individual highway projects around the country. In addition, it marks a reread from the concerns which gave rise to the National Environmental Policy Act of 1969.

The Environmental Protection Agency in opposing this section said:

In a wider context, enactment of Section 113 would establish a dangerous precedent for invoking special legislation in behalf of similar Federal-Aid Highway Projects and, by extension, other federal projects which may not be acceptable from an environmental standpoint. Such special legislation, or a pattern of such legislation, would inevitably undermine and defeat the purpose and protection of the National Environmental Policy Act.

* * *

In summary, enactment of Section 113 would needlessly hazard the laws that have carried forward the National commitment to protect and enhance the nation's environment. The Environmental Protection Agency consequently is opposed to the enactment of Section 113 of H.R. 16656.

The following national conservation organizations oppose section 113: Sierra Club, National Audubon Society, Wilderness Club, National Wildlife Federation, Izaak Walton League of Indiana, Friends of the Earth, the Highway Action Coalition, and Environmental Action. This section has been opposed in editorials appearing in the Washington Post, the New York Times, and the St. Louis Post Dispatch.

The warnings of the Council on Environmental Quality, the Environmental Protection Agency, and the national conservation groups should be heeded and this practice of carving out exceptions by the environmental statutes nipped in the bud. Otherwise I fear we will be bogged down in an endless series of debates and disputes over individual exceptions.

If, as a result of the enforcement of these environmental laws, amendments are necessary, then let us consider those amendments. But let us consider them in an orderly process of the House of Representatives on a general basis and not on a case-by-case basis. I ask the House not to take this first step toward embroiling itself in these local controversies and undermining Federal environmental laws.

SECTION 140: THE DISTRICT OF COLUMBIA HIGHWAY ACT

Mr. Chairman, section 140 of the bill would make the District of Columbia Highway Act of 1893 inapplicable to any segment of the Interstate System within the District of Columbia.

On September 18, 1972, the Secretary of Transportation wrote to the chairman of the Public Works Committee about the bill. With respect to section 140, he said:

We urge that this section be deleted. The only procedure by which the District of Columbia is authorized to plan and construct highways is pursuant to the permanent system of highway plan.

Because the proposed section does not provide any guidance on how the District of Columbia would plan and execute highway projects, the enactment of section 140 would abolish the authority of the District of Columbia to initiate and execute Interstate projects. Since the Federal-aid highway program places the responsibility for initiating, planning and executing projects in the States (including the District of Columbia), section 140 would preclude the construction of Interstate projects in the District of Columbia.

I agree with the Secretary's conclusion that enactment of section 140 "would preclude the construction of Interstate projects in the District of Columbia," and that is the reason why I shall not move to strike section 140 from the bill. The committee's report states that the purpose of the section is to eliminate the 160-foot width limitation in District of Columbia Code section 7–108, but that is obviously not correct. If that were its purpose, section 140 could say so in so many words. Section 140 does not refer to the 160-foot width limitation. Instead, it sweeps away all local highway planning laws for the District of Columbia. I believe the result—to exempt the District from the interstate program—is eminently desirable. The overwhelming majority of residents in the District of Columbia agree.

The committee's report also states that the reports received from the District government and the Secretary of Transportation under the 1968 and 1970 Federal-Aid Highway Acts are "deficient." For this reason, "the committee now

states that under section 23(a) of the Federal-Aid Highway Act of 1968, the entire Interstate System in the District of Columbia should be built forthwith." Not only is this statement totally inconsistent with the effect of section 140, I need not remind Members of this House that this statement is binding on no one. The committee could state with equal force that the earth is flat or that the sun revolves around the moon.

Mr. HARSHA. I yield to the distinguished gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I second the remarks of the gentleman from California (Mr. DON H. CLAUSEN), calling for the establishment of some sort of trust fund to solve the urban mass transit problems. This would follow the precedent of the highway trust fund and the airways trust fund.

I regret there is not going to be an up or down vote on this issue. As a result of the parliamentary situation we have found ourselves in, I am opposed to invading the highway trust fund for urban mass transit. However, I think we should vote on it, up or down.

Later I will ask leave to have included with my remarks an exchange that I had with the New York Times, an editorial of theirs in August and my reply published in September.

The New York Times editorial attacked a former Member of this body who is now in the U.S. Senate, Senator ROBERT STAFFORD, for having voted against an invasion of the highway trust fund. In that editorial, there were certain misrepresentations of fact, which I called to the attention of the editors at the Times.

The unfortunate fact is that many people arguing for invasion of the highway trust fund do not realize that there is not a real surplus in that trust fund. Although there is now an apparent surplus of over $4 billion, there are present obligations against that $4 billion of more than $7 billion. The need studies submitted by Mr. Volpe and this administration show that we are going to need to spend $600 billion by 1990 just to keep our roads up, just to keep them safe, just to repair bridges and do the necessary things.

During that same period, the trust fund will only yield $130 billion, so there is no real surplus. The statements of these people who say that there is a surplus, and who want to get their hands on it for the urban mass transit are just not correct. It is not good debate or reasoned discussion.

The answer has got to be, that if there is a need—and I am sure there is—for urban mass transit, they are going to have to roll up their sleeves and find their own funding. That is why I support the statement of the gentleman from California (Mr. DON H. CLAUSEN). He is quite correct.

Another aspect of this bill which I would like to mention is the economic development section of the bill. I can only hope that the administration will implement that section. The Committee on Public Works has jurisdiction over Appalachia and has jurisdiction over economic development. It is important that people realize that in some areas of this country the construction of good highways or construction of better highways is a very important economic development tool.

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

Mr. HARSHA. Mr. Chairman, I yield the gentleman from New Hampshire 2 additional minutes.

Mr. CLEVELAND. It seems very ironic to me that some of these people from the crowded cities who are wringing their hands and who want to invade the highway trust fund do not recognize or give the Committee on Public Works any credit for the fact that we are aware of some of their problems. We have been working on some of these problems. Bus transit assistance and urban assistance has been generous.

Some of the problems of the cities will be solved if the Congress in its wisdom can devise techniques of spreading out some of our population concentrations which have generated so many problems.

The wise use of economic development roads is perhaps a step toward solving a phase of the problem.

It seems surprising to me, also, that some of the people who want to invade the trust fund, wanting to get mass transit the easy way, without their own system of payment for it, are the same people who the other day voted, for example, to build that great Eisenhower Center downtown. The same type of construction is going on downtown in Manhattan. They are building tremendous commercial establishments in downtown areas, and then wringing their hands in surprise, because it is difficult to get to them.

Actually, if one analyzes most of the proposed mass transit facilities one finds that they will not help the poor people and they will not help the average city dweller. Really, what many of the mass transit facilities are doing is letting some affluent banker or professional man ride comfortably from his suburban home into the commercial sections of our overcrowded cities.

The New York Times editorial and my letter follow:

RUSTIC SUPERHIGHWAYS

The disdain of the rural population for city folk may have a romantic heritage across the history of the American Republic, but some of its current outcroppings are as destructive as they are silly.

Last week a United States Senator from Vermont swung his vote in the Public Works Committee against the Administration's constructive plan to permit some of the billions stored up in the massive Federal highway trust fund to be diverted into mass transit systems in urban areas. "I come from a rural state, you know," Senator Stafford explained.

Even if there were validity to this non sequitur, the opposition of Mr. Stafford and other rural champions is peculiar on legislative grounds. Nothing in the bill *requires* any state or locality to divert its share of the trust monies into subways or other rail mass transit; it simply opens this option.

Since 1956, the highway trust has been amply fed by taxes on gasoline, tire rubber and trucking tonnage—over $5 billion yearly—and parceled out to the states for construction of the interstate highway system. The side effects of this never-ending effort to pave over America have become increasingly oppressive.

As a means of curbing this gluttonous drain and freeing some money for more constructive use, Transportation Secretary Volpe proposed last March that a relatively small part of the fund be made available for other mass transit needs.

The Vermont Senator seemed convinced by Secretary Volpe's arguments on Wednesday when he voted with the committee majority to clear the new provision. The vote was 8 to 7. Overnight, he changed both his mind and the balance in the committee.

Advocates of the new approach still hope for approval from the full Senate. The committee's ambivalence ought not kill the measure. Those rural champions who believe that the way to preserve the rustic virtues of their states is to carve them up with multilane interstate highways can vote for the bill confident that nothing in it will prevent them from doing so. The only change will be to open up a needed option for states that see virtue in solving their most urgent problems of mass transit.

HIGHWAY TRUST FUND, HIGHWAY NEEDS—AND A SURPLUS THAT ISN'T

TO THE EDITOR:

Your recent editorial entitled "Rustic Highways" contained sveral serious misinterpretations of facts.

In attacking my good friend, Senator Bob Stafford of Vermont, your editorial refers to "the billions stored up in the massive Federal highway trust fund." This is a frequently repeated myth.

While it is true that the Trust Fund has a current balance of $4.5 billion, there are also outstanding obligations of over $7.6 billion for work already obligated and under way. It is nothing short of deceptive to imply that th Trust Fund has billions stored up and sitting uncommitted.

Current estimates indicate that the highway-user taxes will produce $135-billion between now and 1990. Highway needs, on the other hand, are estimated to be approximately $600-billion. Where is this vast surplus waiting to be put to use?

Further on in your editorial, you state that supporters of the Trust Fund want to "carve up [their states] with multilane interstate highways." With the 40,000-mile Interstate System now nearing completion, emphasis is already shifting to meet the great backlog of highway needs which accumulated while the Interstate System was being built.

One great area of almost totally unmet need is in the area of highway safety. Each year over 50,000 Americans are killed in automobile accidents. Millions more are injured or maimed and the property loss is in the billions of dollars. Surely this is deserving of high priority.

Earlier this year, members of the House Public Works Committee joined Representative Harsha in introducing legislation authorizing $850 million a year for highway safety programs. Two-thirds of this money would come from the Trust Fund.

Another area of great unmet need is in primary and secondary road improvements. Yet another is in removing known danger spots on our highways, which are virtual death traps and kill thousands every year.

It is mostly in these areas that the Trust Fund monies will be spent as the Interstate System is completed, not in an unending program of multilane interstate construction.

Our transportation policies deserve serious national debate. The proposal to divert funds from highway-user taxes to totally non-highway purposes should be considered on the merits.

Such consideration would reveal that for the vast majority of Americans, the system of mass transit is highways. It would make clear that the Trust Fund is already spending some money for express bus lanes, autopark facilities, etc.

Such a reasoned debate is needed. It is unfortunate that The Times has instead chosen to use deception and misstatement of the facts to push its point of view. This is especially ironic at a time when the Times is a leader in criticizing our Government for alleged deception, and the so-called credibility gap."

JAMES C. CLEVELAND,
Member of Congress.

SEPTEMBER 2, 1972.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska, a member of the committee (Mr. BEGICH).

Mr. BEGICH. Mr. Chairman, I rise to add to the discussion of this legislation by providing my colleagues with a perspective of this bill in terms of the needs of my own State of Alaska. Before doing so, however, I want to compliment the members and staff of the Public Works Committee who worked so hard on this complex and demanding legislation.

Although I am, myself, on this committee, I certainly stand in the shadow of my committee colleagues who know this area so well. I insisted throughout the consideration of this bill upon the unique and exceptional needs of Alaska, and their response, as it was to similar demands from other areas, was reasoned and competent.

Alaska's needs in the entire transportation area, are indeed "unique and exceptional." Let me detail this assertion.

First, much of the primary transportation system cannot now be nor ever be, in a highway system as it is in most of the United States. In some areas of Alaska, highways are not advisable; in others, they are impossible. Airplanes and ferry vessels must serve as a "primary" system, rather than as subsidiary systems, as they are in other areas.

To the largest extent, this diversified burden of Alaska's primary system is not one I assert should fall on the highway bill, yet it is clear some of it should, and must do so if any progress is to be made at all in some areas of Alaska. This thinking is reflected in the overall authorizations of the bill which deal with roads to ferry landings, to airports, and other related items of authorization.

A second major consideration is the fact that, considering either highways alone or the total system in Alaska, there is simply not a complete primary system of decent quality in existence. Although I readily acknowledge the requirements of a number of States for far better highways, few can assert that completely inadequate primary systems are the case between major areas of the State. This continues to be the case in Alaska, and I believe at least a primary system must be accomplished as soon as possible. The legislation before us today addresses this need well, I believe.

Having that perspective on the Alaskan requirements in this area, let me review the aspects of this legislation which will directly assist Alaska.

First, the bill provides for an authorization of nearly $58 million for the reconstruction and paving of 322 miles of roadway connecting southeastern Alaska with interior Alaska. This section of highway includes what is known as the "Haines Cutoff" from Haines, Alaska on the Inside Passage to Haines Junction, where it meets the Alaska Highway and goes north to the Alaska-Canada border.

This will provide a decent, all-weather link by land between two parts of Alaska which need something far safer and better than the present road, much of which is only gravel at present. It is the only road connection.

Second, the bill contains authorizations for $20 million for fiscal year 1974, and $20 million for fiscal year 1975, the funds to be used for special Alaska programs for ferries, ferry approach ways, and village to airport access roads. These funds recognize the unique demands for Alaska's transportation system, and enable an integration of the many modes necessary to make the system work.

Third, a number of the national authorizations will have special significance for Alaska. Included are the authorizations for $100 million in fiscal year 1974 and again in fiscal year 1975 for Indian lands roads and bridges; $700 million in fiscal year 1973, $400 million in both fiscal year 1974 and 1975 for primary and secondary systems in rural areas; and over $200 million per year in fiscal year 1974 and 1975 for forest and parks roads and trails, and public lands roads.

All of these things make this bill vital for a state like Alaska, without an adequate road system. I am pleased to give my support, and to encourage favorable action by my colleagues. Thank you.

Mr. HARSHA. Mr. Chairman, I have no further requests for time, and I reserve the remainder of my time.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I take this opportunity to congratulate the distinguished chairman of the Subcommittee on Public Roads, my longtime and good friend Mr. KLUCZYNSKI, for his leadership on this bill. I want to congratulate the full committee itself. This is, of course, one of the most important committees of the entire Congress. It brings every year to the floor some of the most important legislation Members have an opportunity to vote on.

I regret there was no opportunity to vote up or down, an amendment to utilize the highway trust fund for mass transit.

That amendment passed the other body as the Cooper-Muskie amendment, by 48 to 26. It was passed in the Banking and Currency and Urban Housing Committee of the other body some 15 to 0. Some 10 votes were accorded to it by this very Committee on Public Works.

So there is a great deal of thought within the Congress itself, and within this committee, as to some use of the highway trust fund for mass transit purposes.

I am not terribly impressed by the statements made by some of the Members with reference to the transportation needs study of 1972, wherein they say that $600 billion are necessary for proper highways by the year—I believe—1990. Those are the needs stated by all State and local highway commissioners or departments in the country.

They have thrown everything in the pot as we say.

The testimony of the Department of Transportation is that the needs are far from the requirements. So the needs are far lower than that.

They also say—and I think I have no quarrel with it—that the highway trust fund is practically busted. I have a table here—and I will put it in the RECORD—which indicates that the disbursements for 1972 are $4,683,000,000 and the revenues are $5,527,000; for 1973 $5,023,000,000 in disbursements and $5,753,000,000 in revenue, and so on up until the end of the highway trust fund in the fiscal year 1978.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. KLUCZYNSKI. I will yield to the gentleman from Massachusetts 1 minute.

Mr. CLEVELAND. I would like to ask the gentleman from Massachusetts (Mr. BOLAND) a question.

The gentleman from Massachusetts (Mr. BOLAND), I believe, used the figure $4,412 million that is actually in the trust fund.

Does the gentleman dispute my statement which I just made on the floor of the House that against that there are existing contractual obligations for work that is put out for bid and being actually constructed in the amount of more than $7 billion?

Mr. BOLAND. Mr. Chairman, the gentleman, of course, knows the construction of the interstate system is not going to come to an end tomorrow and all the obligations or commitments will not be immediately payable. The gentleman is probably correct. But, of course, disbursements do not work out that way. Of course, the gentleman knows that the contractors are paid on an incremental basis, and so it is not necessary to have $7 billion as of today or tomorrow.

As the number of cars increase and as the amount of revenue flows, the highway trust fund increases. Of course, the amount increases, so there will be more than sufficient funds in the trust to meet all obligations when due.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOLAND. Mr. Chairman I will get permission in the House to include a table pertinent to my colloquy with my distinguished friend from New Hampshire (Mr. CLEVELAND).

The table follows:

FEDERAL HIGHWAY PROGRAMS FINANCED PURSUANT TO THE FEDERAL-AID HIGHWAY ACT OF 1970

[In millions of dollars]

Fiscal year	Authorizations for programs administered by— Federal Highway Administration: Date apportioned	Interstate	ABC, rural topics and urban system	Other	Total FHWA	National Highway Traffic Safety Administration	Total authorizations	Obligations	Disbursements	Revenues to Sept. 30, 1977	Balance	Unpaid obligations
Balance [1]	June 30, 1956	315	1,633	32	1,980	----------	1,980	1,160	----------	----------	----------	1,160
1957	June 29, 1956	1,000	125	4	1,129	----------	1,129	2,227	966	1,482	516	2,421
1958	Aug. 1, 1956	1,700	850	9	2,559	----------	2,559	2,945	1,511	2,044	1,049	3,855
1959	Aug. 1, 1957	2,200	875	503	3,578	----------	3,578	3,509	2,613	2,087	523	4,751
1960	Aug. 1, 1958	2,500	900	6	3,406	----------	3,406	2,610	2,940	2,536	119	4,421
1961	Oct. 8, 1959	1,800	874	4	2,678	----------	2,678	3,187	2,619	2,799	299	4,989
1962	Aug. 1, 1960	2,200	874	9	3,083	----------	3,083	3,034	2,784	2,956	471	5,239
1963	Aug. 17, 1961	2,400	925	4	3,329	----------	3,329	3,927	3,017	3,293	747	6,149
1964	Sept. 21, 1962	2,600	950	24	3,574	----------	3,574	4,165	3,645	3,539	641	6,669
1965	July 8, 1963	2,700	975	82	3,757	----------	3,757	4,022	4,026	3,670	285	6,665
1966	Aug. 13, 1964	2,800	1,000	25	3,823	----------	3,823	4,048	3,965	3,924	244	6,748
1967	Aug. 30, 1965	3,000	1,000	45	4,046	----------	4,046	3,782	3,974	4,455	725	6,556
1968	Oct. 7, 1966	3,400	1,000	50	4,450	----------	4,450	4,232	4,171	4,428	882	6,617
1969	Aug. 29, 1967	3,800	1,000	50	4,850	----------	4,850	4,658	4,151	4,690	1,521	7,124
1970	Oct. 31, 1968	4,000	1,425	150	5,575	----------	5,575	4,789	4,378	5,469	2,612	7,535
1971	Dec. 15, 1969	4,000	1,425	228	5,653	----------	5,653	4,662	4,685	5,725	3,652	7,512
1972	Dec. 31, 1970	4,044	1,425	396	5,865	97	5,962	5,116	[2] 4,683	[2] 5,527	4,423	7,850
1973	Oct. 20, 1971	4,044	1,425	346	5,815	144	5,959	4,553	[2] 5,023	[2] 5,753	5,153	7,380
Estimated:												
1974	July 1, 1972	4,000	1,425	326	5,751	144	5,895	6,100	5,146	6,106	6,113	8,334
1975	July 1, 1973	4,000	1,425	326	5,751	144	5,895	5,906	5,623	6,326	6,816	8,017
1976	July 1, 1974	4,000	1,425	326	5,751	144	5,895	5,895	5,771	6,567	7,612	8,741
1977	July 1, 1975	----------	1,425	326	1,751	144	1,895	3,766	5,483	6,812	8,941	7,024
1978 [3]	July 1, 1976	----------	1,425	326	1,751	144	1,895	2,573	----------	6,875	1,332	----------
Total		[4] 60,503	25,806	3,596	89,905	961	90,866	90,866	90,866	92,198	1,332	----------

[1] Unpaid balance of prior authorizations.
[2] Estimated.
[3] Includes complete disbursement of all funds authorized for fiscal years 1978 and prior fiscal years.
[4] Interstate authorizations are $7,757,000,000 less than the $68,260,000,000 cost shown by 1972 interstate cost estimate.

REDUCE REDTAPE

Mr. Chairman, I would like to stress at this point, however, that the Federal Aid Highways Act has been successful because the program has evolved to meet the changing transportation needs of the country. I am pleased that the 1972 act follows this tradition by authorizing more funds to alleviate the critical transportation of our congested urban corridors. This bill represents a fivefold increase in urban programs without decreasing rural programs.

The new certification acceptance program is a welcome step toward reducing Federal redtape in these programs. By allowing State highway departments to use their own rules and regulations—as long as they are equivalent to Federal standards—we are placing the stress back on the Federal-aid concept and providing the States with more flexibility in carrying out the technical aspects of highway construction.

Seventy-five million dollars is authorized by this act to enable communities to develop actual programing to meet individual public mass transportation. A report on this evaluation of needs will be submitted to the Congress in 1974, and at that time we can again explore the option of using highway trust funds to meet the pressing needs of mass transit.

BICYCLE LANES NEEDED

Another innovative idea that has been proposed in conjunction with this act is permission to use trust funds to develop bicycle lanes. Promotion of commuter bicycling will reduce highway congestion and air pollution. Needless to say, increased bicycing will also benefit the general health and physical fitness of the cyclist.

SUPPORTS MASSACHUSETTS ROUTE 52

Mr. Chairman, section 142 of this act removes the mile-for-mile reallocation formula for additions to the Interstate System, and substitutes a more realistic dollar-for-dollar provision. This will permit Massachusetts to give up plans for the controversial inner belt in Cambridge and permit the extension of Route 52 in my congressional district. This highway is vital to the economy of the area, and I am pleased that construction can now be funded. I am enclosing my testimony before the House Committee on Public Works urging adoption of this proposal.

I include the following:

STATEMENT OF HON. EDWARD P. BOLAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. BOLAND. Mr. Chairman and members of the committee. I appreciate this opportunity to make my views known to the House Public Works Subcommittee on Roads.

I represent a portion of central Massachusetts which contains many rural areas but also the Springfield-Chicopee metropolitan area. This mix of areas has given me an understanding of the need for better transportation in outlying areas and a need to preserve and improve the housing stock, particularly for low- and moderate-income families, in our dense urban areas.

Several towns in the area I serve may be affected by the proposal to designate present State Route 52 as an Interstate expressway. These communities include Auburn, Oxford, and Webster. Holden and Sterling will be included under the revised boundaries which become effective next year. All five communities will be affected if the Congress agrees to a dollar-for-dollar trade on Interstate highways rather than a mile-for-mile trade basis. This proposal for reallocation of Interstate expressways has been outlined by the State's secretary of transportation and commissioner of public works.

While recognizing the economic benefits of such a highway, I was also concerned about the environmental impact of such a highway, particularly in Sterling, Mass., where there might be some serious water pollution problems. In fact, my support of this Route 52 redesignation is predicated on avoiding any pollution of these water resources. I have talked with our State secretary of transportation and I am satisfied that the environmental problems will be resolved.

I think the redesignation of Route 52 and its reconstruction as an Interstate Highway can demonstrate our capability to make transportation improvements while retain- and perhaps even improving our natural environment.

We all agree that the Interstate System should be completed as soon as possible. I believe the Massachusetts request for dollar-for-dollar reallocation of some of its Interstate highway funds to new links, rather than being limited to a mile-for-mile exchange will not delay but will actually speed the completion of the Interstate System and do so on the most equitable basis possible.

It is not necessary nor really desirable to complete the Interstate System as it was drawn in 1956.

We are moving into an era of greater flexibility in transportation funding for large metropolitan areas, as we should be. It is not too late; in fact it is very timely, to reallocate highway funds to areas such as I serve, many of which have smaller metropolitan areas in need of highway transportation.

I believe that Massachusetts is presenting to you a simple uncomplicated and equitable plan to complete the Interstate System in the most expeditious and progressive manner possible. There are many precedents for this action that we in Congress have taken to assist other States with similar problems. Examples of these actions have been reviewed for you by the Massachusetts officials.

I strongly urge this committee and the Congress to permit the requested dollar-for-dollar reallocations of the Interstate System within Massachusetts and any other State that requests this privilege.

Mr. KLUCZYNSKI. I yield to the gentleman from Ohio (Mr. JAMES V. STANTON) 3 minutes.

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

Mr. JAMES V. STANTON. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I want to respond to the gentleman from Mas-

sachusetts (Mr. BOLAND) and reply to his statement.

It is my understanding in the transportation report the total extent of needs is $600 million, but actually the critical needs are somewhere in the vicinity of $300 million. Am I to understand that is correct?

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

Mr. JAMES V. STANTON. I yield to the gentleman from Massachusetts.

Mr. BOLAND. That might possibly be so, but requirements and needs are markedly different.

As Secretary of Transportation John A. Volpe indicated before the committee—incidentally, let me tip my hat to him; he is one of the finest public officials in this Government. I know this committee agrees.

Mr. DON CLAUSEN. Mr. Chairman, I agree with that statement, wholeheartedly, about Mr. Volpe.

Mr. BOLAND. Secretary Volpe, indeed, is one of the finest officers in the Federal Government. The Secretary indicated, "Well, it would be nice if everybody had 10 suits at $300 apiece, but there really is no need for 10 suits. You cannot wear 10 suits at the same time." That is you do not need them. And this applies to needs and requirements of highways as well.

Mr. JAMES V. STANTON. Mr. Chairman, in 1970, the House Public Works Committee recognized that some of our most critical transportation needs exist in the cities, and in an attempt to meet those needs helped create the urban system, a separate road program for metropolitan areas. In 1970, in the Highway Act, the committee and the Congress again responded to those needs by permitting, for the first time, the use of Highway Trust Fund revenues for projects related to public transportation, including the construction of bus lanes and bus shelters.

Today, Mr. Chairman, those critical transportation needs are not only still with us, but have intensified and we must go farther and reach more deeply into the heart of the urban transportation crisis. Encouragement to build more urban roads, the option to construct bus lines and bus shelters must now be followed by a new opportunity—an opportunity for local planners to create mass transit facilities, as well as highways, according to the needs of their locality.

Firstly, we are asking that State and local officials, experienced in the transportation needs of their areas, should be empowered to delete from the Interstate System nonessential sections which do not contribute to the solution of their transportation problems. Only those sections determined to be nonessential to the continuity of the whole system by the Secretary of Transportation are included in this provision—his authority is established as a safeguard. The funds released by any such deletions should be made available for all forms of transportation, not just highways. Sometimes other roads would be constructed with the funds, at other times, bus or railway transit systems. But essentially interstate sections which would cause unnecessary environmental, social, and economic damage—unnecessary because the section itself is deemed unnecessary—would now be deleted as would sections that simply were planned to suit the needs of another era.

We are also asking that the urban share of the Highway Trust Funds be opened up to public transportation. This amendment does not mandate the creation of any busline or any subway system, it merely asks that in urban areas local elected officials be permitted to identify and respond to their own particular needs in the now effective way, using their share of the highway funds. We are not trying to bring a halt to highways, not in rural nor in urban areas, we are simply recognizing that in many of our cities urgently needed mass transit systems are in decay or have never been built. Some cities would choose to continue to rely exclusively on highways but others might with the new freedoms in this amendment choose to develop a rail or bus program to supplement the highway system—we would have given them the option.

This amendment would therefore make the $700 million in the Highway Trust Fund earmarked for urban areas available for bus and rail facilities as well as highways. Funds allocated to rural areas would not be touched. These amendments are not part of some wild craze for mass transportation but result from a responsible and calm evaluation of our Nation's transportation needs.

Nor would these amendments represent a breech of faith with the highway user.

In fact, the introduction of improved public transportation can in many urban areas contribute more to the convenience and safety of the motorist on the highway, than more highways, traffic control devices or any of the other projects currently funded out of the Highway Trust Fund. Frankly, the most critical problems on many urban highways today arise because there are simply too many cars. Traffic congestion approaches strangulation levels in many cities. In New York City, for example, traffic at peak hours moves slower today than it did in 1900. Increased delivery costs on goods moved by truck in the New York metropolitan area amounted to more than $100 million last year. Our interstate highways—designed to become avenues of fast traffic flow—have been reduced, for hours each day, to long, involuntary parking lots. The motorist, in his car designed to cruise along at 60 miles per hour, is reduced to a 6-mile-per-hour crawl. Yet everytime we build more highways to cope with the problem we simply draw more cars onto the road. More highways are often not the solution to the urban transportation problem—they all too frequently just provide more opportunities for more congestion.

In many cities, the answer is to improve public transportation, to get traffic off our city roads—to reduce traffic so that the motorist has sufficient mobility to reach his destination in ease and comfort even at peak hours.

In other cities, the answer may be to build more highways. But the important point is that all cities have the flexibility to meet their differing transportation needs—as they themselves see fit—in such a way as to both meet the needs of the highway user and the community at large. And, so, Mr. Chairman, I strongly urge the passage of the amendment.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Thank you, Mr. Chairman.

First of all I want to commend our great chairman of our Public Works Committee (Mr. BLATNIK), and our equally able chairman of the Subcommittee on Roads (Mr. KLUCZYNSKI), for their handling of this bill during the many, many weeks of hearings we had. I want to say that they gave me every courtesy when I presented my amendments in the committee.

However, in our discussion in committee I pointed out that the bill took care of everyone—from the forest highway—to the economic growth center highway, but the one big gap in the bill—where we really failed—was to take any real steps to help solve the problem of congested highways in our urban areas. At the proper time I will offer an amendment to section 122 which would allow the use of urban system funds only for mass transit projects.

First of all, is it germane? I feel it is. The Committee of Public Works' bill on page 82 states:

> To encourage the development, improvement, and use of public mass transportation systems . . . so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may use Highway Trust fund moneys to construct exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

What could encourage the development, improvement, and use of public mass transit more than allowing a small portion, $700 million of the $5.75 billion bill from the trust fund to be used for mass transportation as well as for highway construction?

Second, is this a raid on the trust fund? Of course, the answer is "No." This amendment merely allows the use of trust fund moneys which are earmarked for the urban system to be used for mass transit. It does not require mass transit; it merely permits local officials the option of using their share of the trust fund for mass transportation. Some will elect to build bus or rail systems. Some will continue to rely exclusively on highways. Some will use a combination of both.

Another point regarding the use of trust fund moneys. Less than 10 percent of the Federal aid mileage is found in urban areas. Yet, over 51 percent of the miles traveled in 1969 were in the urban areas. As a result, city dwellers are paying for services from which they derive very little benefit.

Third, some will argue that mass transit breaks faith with the highway user. Mr. Chairman, during the rush hours our highways are clogged; no one can get anywhere with any degree of speed or efficiency.

Does it not make sense to offer commuters and marginal highway users an alternative to sitting, practically stalled, in traffic? Does it not make sense to encourage mass transit rather than build more and more freeways without a mass transit tie-in?

Fourth, 30 percent of our total daily oil consumption is for passenger cars. Yet we face an energy shortage, and by 1985 we will be importing 57 percent of our oil.

Rather than continue to rely on the automobile and its inefficient use of oil, we must take action to meet this threat by curbing our demand of oil for cars.

A 25-percent diversion of auto traffic in urban areas to mass transit could save us an estimated 500,000 barrels of oil per day.

Fifth, the environment:

Auto emissions account for an estimated 80 to 90 percent of the air pollution in our cities. In fact, to meet clean air standards mandated by Congress, 67 cities will be forced to curb auto traffic as a part of their overall strategy.

What will we do? Will we abide by the clean air regulations, and simply require people to stay home? Or will we offer people an alternative to the automobile?

Finally, Mr. Chairman, let me emphasize the point that this amendment will not touch the money in the trust fund for the interstate. We have heard Members here today talk about the "diversion of this," and "diversion of that."

Mr. Chairman, my amendment will not take any moneys from the interstate.

The interstate is going to be completed; there is no question about that. My amendment will not touch one dollar of trust fund money going for primary or secondary highways.

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

Mr. ANDERSON of California. Mr. Chairman, could I ask the distinguished gentleman from Illinois if I might have an additional 30 seconds?

Mr. KLUCZYNSKI. Mr. Chairman, we are very short on time, but I will yield the gentleman from California an additional 30 seconds.

Mr. ANDERSON of California. Mr. Chairman, the amendment that I am going to offer will open up one section for optional mass transit. It will open up the urban system funds only, that is all—for the construction and acquisition of mass transit systems, and then, only—and this is a very important point—only, if that is what the locally elected officials in those States and local communities determine.

Mr. Chairman, I would like to recognize several people who have been instrumental in this battle, and let them know that I appreciate their efforts—Rafe Pomerance, Jim Rose, John Kramer, Linda Katz, Tom Trimarco, and Mike Finklestein.

And, of course, the able staff of my colleague from Illinois (JOHN ANDERSON) led by Don Wolfensberger.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to concentrate my remarks on two of the new programs in this bill which the committee felt will fill a void in current programs and will also begin to move into the somewhat neglected area of connecting routes to the Interstate.

I am speaking about the Special Urban High Density program—section 125, and the Priority Primary Routes in section 126.

The Special Urban High Density program is especially geared to problems in urban areas where a short high capacity route is required as a connection to the Interstate System and to serve heavily congested industrial areas or airport routes. It is not intended to proliferate routes or to extend routes into residential areas. There are very strict limitations in the bill which make it a very limited program. A route cannot be longer than 10 miles; the route must connect to an Interstate route; they must be approved through the planning process; there can be only one in each State; they must comply with the hearing process and be recommended by local and State officials.

The bill authorizes $100 million per year for each of 1974 and 1975 for this purpose.

The second new program I want to emphasize is the Priority Primary Routes—section 126 of the bill.

Under this section of the bill there is designated a 10,000-mile system of primary routes of the highest importance on the existing primary system. I would like to make clear that these are not new routes or a new Interstate System. They are merely the top 10,000 miles of the primary system as defined in the functional classification study conducted by the Department of Transportation and submitted to the States.

This is not a new proposal. It was originally proposed in the 1968 needs report to the Congress, and has now been brought up to date by the recently completed functional classification study.

Basically, the bill adds new money, $300 million for fiscal 1974 and fiscal 1975 over and above the normal apportionments for the States for these high-priority routes.

One-half of such funds will be apportioned among the States on the basis of the latest existing highway needs study, and one-half shall be available for apportionment to urgently required projects at the discretion of the Secretary.

The Secretary is required to report to the Congress its initial selections of the routes and the cost of their completion on or before January 31, 1974.

Mr. Chairman, I believe these two proposals are excellent additions to the current highway program and will go far toward a more efficient highway system for the country.

Mr. KLUCZYNSKI. Mr. Chairman, at this time I yield to the distinguished gentleman from South Carolina, Mr. WILLIAM JENNINGS BRYAN DORN, a distinguished member of our committee.

Mr. DORN. Mr. Chairman, never have we served with a more able and dedicated leader than the chairman of our Roads Subcommittee (Mr. KLUCZYNSKI). He has given us a good bill.

Mr. Chairman, my remarks concern title II of the bill, which does increase the authorizations for 1973, 1974, and 1975 for highway safety, and I do commend to the full House a careful study of title II because it deals with one of the greatest problems confronting our national health and well-being. Fifty-four thousand people were killed on the highways of this country last year, and over 2 million were wounded, and there was a loss of $13 billion in property damage. Very little has been said about this war and slaughter on our highways. But now we are doing something about it.

In this bill which we report to the committee and to the House we deal with this growing problem confronting the people of this country: highway markings, railroad crossings, obstructions, research programs, drugs relating to highway driving, and alcoholism.

We will deal more fully with this at a little later time in the House.

But, Mr. Chairman, I do commend to the House a very careful study of this portion of the bill because I do think it is of vital importance to the people of our country, and particularly to the youth of our country today.

Mr. Chairman, before going on to more detail concerning title II on highway safety, I wish to emphasize my special support for our bill's new program of 10,000 miles of priority primary routes—under this program, our State highway departments could select certain roads to be improved to interstate highway standards. These new interstate connectors would be of tremendous benefit to our counties not presently served by interstates.

We want to emphasize, also, Mr. Chairman, our support for the highway trust fund as it now stands. Those who pay the highway use taxes should benefit. We cannot support raiding the trust fund for nonhighway uses.

I would now like to address myself primarily to some of the safety aspects of this bill in title II. It appears to me that this is one area where a lot of people say a lot of things but not many of them do much about what they say.

We can talk about the deaths in Vietnam over the 10 years from 1961 to 1971 at 55,000 men killed, but not many people pay much attention to the fact that we lose that many every year on the highways. It is past time that this situation should be changed.

We have in title II of this bill gone further toward authorizing a broad safety program than ever before. For fiscal year 1974, the bill authorizes approximately $870 million out of the highway trust fund and $230 million out of the general fund, or a total of $1.1 billion. In fiscal 1975, the bill authorizes $1.26 billion out of the trust fund and $291 million out of the general fund, for a total of slightly over $1.5 billion.

For 1973, we only authorized a total of less than $450 million from the trust fund and general fund combined.

For 1973, we said in the 1970 act, that only two-thirds of the safety funds could come from the trust fund. In this bill before you today, we have increased this to 100 percent for all safety activities except those involving construction.

The committee wants to see the job done and feels that the job can best be done at the State level. For this reason, we have increased the grants to the States from $130 million in 1973, to $235 million in 1974, and $405 million in 1975.

But dollars alone do not get the job done.

This bill provides funds for citizen participation studies and for a highway safety educational program and study. It also provides for a feasibility study for establishing a National Center for Statistical Analysis of Highway Operations.

One might well say why have not these things all been done already. Well, the truth is that they have not. The public is apathetic over highway safety to the point of being criminal. We hope this can be corrected.

Research is still spotty in many areas. This bill adds research programs in drug use, driver behavior, and pavement marking.

All of these things and more must be done to bring out the facts about highway safety and stir up the public to action.

In this bill we have added significant new programs in physical construction which we know will save lives. Up until now I have been talking about primarily administrative programs, but there are some physical solutions which can get right at some of the most dangerous situations at comparatively modest cost.

I think the best example in our bill is section 205, the pavement marking program. How many of you Members here in this Chamber have ridden on country roads at night, with no centerline or edge markings. It can be one of the most dangerous trips you have ever taken. It can be a killer.

The bill provides $100 million for each of fiscal years 1974 and 1975 for marking mostly rural roads out of the highway trust fund. Some people would choose to call this maintenance. We believe it goes beyond the point of maintenance. The committee feels it is time to invest in the savings of human life by using a spray of paint.

The greatest death toll on our highways are in rural areas. In 1971, of the 54,700 highway fatalities, 37,100 occurred in rural areas—almost 70 percent. Of this 37,100 deaths, over half, or 19,700, were killed at night. These are the facts.

Two other areas are instituted as separate new safety programs in this bill. These are the railroad-highway grade crossing program, and the program for the elimination of roadside obstacles.

Just as sure as clockwork, over the past few years you can rely on the fact that there would be about 1,500 fatalities per year at railroad-highway grade crossings. This bill provides $150 million in 1974, and $225 million in 1975, for attacking this problem. In addition, there are three demonstration projects totaling $51 million to treat special cases which will be reported to the Secretary to guide him in this program for the future. There is no question that this program will save lives.

The roadside obstacle program combines a survey to be made by each State of all roadside obstacles and an action program of $75 million per year to begin the correcting of these hazards.

The bill also contains—in title II—the bridge reconstruction and replacement program. The bill funds this program at $225 million for 1974 and $450 million for 1975. This is a continuation of an existing program to focus on old, unsafe bridges.

Finally, I would like to say this about the safety program outlined in title II.

If we could instill in our young the enthusiasm for highway safety that they seem to grasp for so many of the other causes which they eagerly embrace, in a manner well known to every Member of this body, we would be well on the way to safer highways in America. Programs which we have in title II would be in the limelight just as much as is the environment and ecology. Highway safety is one environment because it is life, itself.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman, 250 years ago Jonathan Swift writing in "Gulliver's Travels" said:

> The man who can make two blades of grass grow where only one had grown before would do more essential service for mankind than the entire race of politicians put together.

I sincerely feel that this bill gives us that opportunity to be such men.

This bill provides a 10,000 mile supplemental system with funding of $300 million for the fiscal year 1974 and $300 million for the fiscal year 1975.

It provides that one-half of the funds shall be apportioned among the States on an equivalent basis.

The thing that concerns and distresses me is the fact that the other one-half is to be apportioned at the discretion of the Secretary.

Then the report goes on to name the preferred States—Massachusetts, Connecticut, Vermont, New Hampshire, Texas, Oklahoma, Louisiana, and Pennsylvania.

The question I would ask is—How were they chosen?

The report says that these designated routes have been brought to the attention of the committee and would appear to be logically eligible for immediate selection under the $300 million authorized for each of these years. How was this brought about—what about the mileage?

We see one here for Lubbock, Tex., which occupies a similar status to that of my hometown of Columbus, Ga., which was the largest city in 1956 left off of the Interstate Defense Highway System.

We know that the Federal-Aid Highway Act of 1972, S. 3939 which passed the Senate on September 19, 1972, took into account, took cognizance of, the need of seven certain routes—one of which was the route which involves my hometown of Columbus, Ga. That route would take us from the deep water ports of Savannah, Brunswick, and Jacksonville to Albany, Ga., Columbus, Ga., and to Birmingham, Ala., across Mississippi to Memphis, Tenn., across Arkansas to Springfield and Kansas City, Mo.

I would like you to know that this has been also brought to the attention of the committee and we think it is just as meritorious as the others. That is the issue today. This is the reason I make record of the fact that these are of equivalent value and feasibility studies would bear me out.

I want to call your attention to the fact that from the State of Alabama and the other five States mentioned, we have from the State highway departments supporting letters which I will at the proper time ask permission to have inserted in the RECORD.

STATE OF ALABAMA,
Montgomery, Ala., May 17, 1972.

Congressman JACK BRINKLEY,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: The Alabama Highway Department is of the opinion that a Survey and Highway Needs Analysis should be conducted for the proposed highway which connects Kansas City, Missouri and Jacksonville, Florida. This route traverses all the way across the State of Alabama and would be of benefit to many of our citizens. I would like to recommend that you have placed into the 1972 Highway Act a paragraph calling for the study of the potential of this proposed route by the Federal Highway Administration and I further recommend that adequate funds be stipulated to undertake this work.

Any help that I might give you in securing the passage of such a provision I would be more than happy to do.

Yours truly,

RAY D. BASS,
Acting Highway Director.

ARKANSAS STATE HIGHWAY COMMISSION,
Little Rock, Ark., May 18, 1972.

Hon. JACK T. BRINKLEY,
U.S. Representative, Chairman, Joint Highway Route Committee, House Office Building, Washington, D.C.

DEAR REPRESENTATIVE BRINKLEY: Currently, Arkansas has a number of highway corridors which traverse the State that are being endorsed by citizen groups for immediate improvement. As is always the case, the justified highway needs far exceed the Federal and State financing capabilities. One of these corridors is the Arkansas portion of the proposed Jacksonville, Florida, to Kansas City, Missouri, route that you and other members of the U.S. Congress are supporting.

We welcome any assistance that we can get in attempting to improve our financing capabilities for satisfying highway needs. We endorse the efforts being taken to include a special section in the 1972 Federal Aid Highway Act that would fund a feasibility study for the route.

The Arkansas Highway Department is prepared to assist in conducting the necessary planning studies and to work toward formulating future financing for this route. Your personal interest and guidance in this effort is appreciated.

Sincerely yours,

WARD GOODMAN,
Director of Highways.

DEPARTMENT OF TRANSPORTATION,
Atlanta, Ga., May 30, 1972.

Hon. JACK BRINKLEY,
U.S. Congressman,
Columbus, Ga.

DEAR CONGRESSMAN BRINKLEY: As I understand it you are representing a group of Congressmen which met recently to explore the Federal role in planning and construction of a proposed new limited access highway from Kansas City, Missouri to near Brunswick, Georgia.

The proposal has a long history in Georgia as part of a regional or interstate highway having very significant developmental poten-

tial for the substandard per capita income Coastal Plains area of the State. Further, the facility if constructed, would provide vastly improved access from the mid-west to the deep water ports of Savannah, Brunswick and Jacksonville. Also the large volume of Florida bound travellers using such a route from the mid-west regions would be provided good access to a choice of several north-south interstate and other arterial highways.

The Georgia Department of Transportation endorses the proposed highway. Although normal or regular amounts of State and Federal highway funds are not sufficient to initiate planning and construction of the facility we are very hopeful that supplemental Federal funds, such as from the Coastal Plains Regional Commission, might become available in the near future. Meanwhile we fully support and pledge the Department's cooperation in any appropriate evaluation studies as may be directed by the Congress, the Federal Highway Administration or Coastal Plains Regional Commission.

You have my best wishes for success in your personal efforts to obtain support and aid leading to ultimate construction of the proposed Kansas City to Brunswick freeway.

Yours very truly,

EMORY C. PARRISH,
Deputy Director.

STATE OF ARKANSAS,
HIGHWAY DEPARTMENT,
Little Rock, Ark., September 15, 1972.

Hon. JACK T. BRINKLEY,
U.S. Representative,
Cannon Building, Washington, D.C.

DEAR REPRESENTATIVE BRINKLEY: It is our observation that the latest House of Representative draft of the 1972 Highway Act does not contain any reference to a feasibility study for the Jacksonville, Florida-to-Kansas City, Missouri, corridor. That portion of this corridor located in northeast Arkansas is of vital importance to the future development of our State. It represents one of our several major transportation corridor needs.

Your efforts in obtaining an endorsement of this feasibility study as a portion of the final draft of this Federal Highway Act will be appreciated.

Yours very truly,

WARD GOODMAN,
Director of Highways.

DEPARTMENT OF TRANSPORTATION,
Atlanta, Ga., September 20, 1972.

Hon. JACK BRINKLEY, *U.S. Congressman, House of Representatives, House Office Building, Washington, D.C.*

DEAR CONGRESSMAN BRINKLEY: I am taking this opportunity to reiterate the position of the Georgia Department of Transportation as it relates to the planning and construction of a proposed new limited access highway from Kansas City, Missouri to near Brunswick, Georgia as contained in my letter to you dated May 30, 1972.

It is most desirable from the standpoint of this Department that appropriate evaluation studies be made to determine the need for this facility. It would be desirable that these studies be directed by the Congress and performed by either the Federal Highway Administration or the Coastal Plains Regional Commission. The facility would be a multi-state undertaking and would, therefore, be practically impossible for its need to be determined by each state acting individually.

I trust that this will add further emphasis to your position and aid you in your personal efforts to obtain Congressional concurrence for the necessary studies.

Personal regards and best wishes.

Sincerely,

EMORY C. PARRISH, P.E.,
Deputy Director.

MISSISSIPPI STATE HIGHWAY DEPARTMENT,
Jackson, Miss., May 12, 1972.

Hon. JACK T. BRINKLEY,
Member of Congress,
Chairman, Joint Highway Route Committee, Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: Mississippi is extremely interested in the development of a regional highway route generally extending from Missouri to South Georgia. Such a route would probably follow the location of U.S. 78 in this State. This is the main route connecting Memphis, Tennessee, and Birmingham, Alabama, and passes through an area of Mississippi making rapid industrial and commercial progress.

Plans are being developed and financing has already been provided to reconstruct this route to near Interstate standards. However, no arterial route going from state border to state border can adequately serve its potential without comparable regional connections.

Mississippi enthusiastically endorses the proposals of the South Georgia Limited Access Highway Association in working toward developing the mentioned route. We, therefore, respectfully ask that consideration be given to including a provision in the federal highway legislation directing a study to be made determining the feasibility of development of the proposed route.

Sincerely,

E. L. BOTELER, JR.,
Director.

Kansas City, Mo., June 14, 1972.

Hon. JACK THOMAS BRINKLEY,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: The City Council of Kansas City Missouri, adopted the attached Resolution on June 9, 1972. It clearly states the position of the community, supporting the inclusion on the Interstate Highway Program of a highway between Kansas City, Missouri, and New Brunswick, Georgia.

I am transmitting this Resolution to you knowing that you will be interested in this expression of support by the City Council.

Sincerely yours,

VICTOR F. SWYDEN,
Councilman at large.

A RESOLUTION URGING THE U.S. CONGRESS TO APPROVE THE INCLUSION OF THE PROPOSED INTERSTATE HIGHWAY FROM BRUNSWICK, GA., TO KANSAS CITY, MO., IN THE FEDERAL HIGHWAY ACT OF 1972

Whereas, in the initial plans for 45,000 Defense Highways there was included a provision for an Interstate Highway extending from Brunswick, Georgia, to Kansas City, Missouri, by way of Columbus, Georgia, Birmingham, Alabama, Memphis, Tennessee, and Springfield, Missouri, but was deleted from the plan when the approved mileage for the system was reduced, and

Whereas, it is proposed that provision for this highway be included in the Federal Highway Act of 1972, and

Whereas, the Council recognizes that a highway built to interstate standards directly connecting Kansas City to the Atlantic Ocean on the southeastern coast of Georgia would be a great boon to trade and commerce throughout the Kansas City trade area and the entire Mid-Continent region of the United States, and

Whereas, members of Congress from Missouri, Arkansas, Tennessee, Mississippi, Alabama and Georgia have already publicly endorsed the inclusion of this proposed highway in the Federal Highway Act of 1972, Now, therefore, be it

Resolved by the Council of Kansas City: That the Council urges the United States Congress to approve the inclusion of the proposed Brunswick, Georgia, Columbus, Georgia, Birmingham, Alabama, Memphis, Tennessee, Springfield, Missouri, Kansas City, Missouri, highway in the Federal Highway Act of 1972, and be it further

Resolved, That the Council expresses its thanks to members of Congress Bolling, Randall and Hall of Missouri, Alexander of Arkansas, Blanton, Jones, Anderson and Kuykendall of Tennessee, Whitten of Mississippi, Buchanan, Nichols, Dickinson, Edwards, Andrews and Bevill of Alabama, and Brinkley, Stuckey, Hagan and Mathis of Georgia for their joint Communication of May 10, 1972 to the Chairman of the House Public Works Committee, and be it further

Resolved, That copies of this Resolution be mailed to The Honorable John A. Blatnik, Chairman, House Public Works Committee, to each United States Senator and member of Congress from Missouri, and to each of those members of Congress from Arkansas, Tennessee, Mississippi, Alabama and Georgia who are named herein.

STATE OF TENNESSEE,
Nashville, Tenn., May 15, 1972.

Hon. JACK T. BRINKLEY,
Member of Congress, Chairman of the Joint Highway Route Committee, Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: In reference to the proposal for a route from Brunswick, Georgia to Kansas City, Missouri, the Tennessee Department of Highways agrees that it is a regional matter that should be looked at on a regional basis.

We, therefore, concur that an overall corridor analysis should be made on a regional basis.

Yours very truly,

ROBERT F. SMITH,
Commissioner.

STATE OF TENNESSEE,
Nashville, Tenn., May 15, 1972.

Hon. JACK T. BRINKLEY,
Member of Congress, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: I have been furnished with information as to the contents of Section 126 of proposed Highway Act for 1972 of the House Public Works Sub-Committee.

I regret to say that this version varies radically from the provisions of the Senate Bill for the study of the feasibility and necessity for constructing a route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, so aligned as to serve the intermediate locations of Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville, Arkansas; and Springfield, Missouri, which in the version of the proposed Senate Bill in my possession is Section 139(a).

I wish to urge your efforts to obtain revision of the House Bill to conform to the Senate Bill as regards the provisions for study of the route from near Brunswick, Georgia, to Kansas City, Missouri, and refer you to the letter from Commissioner Robert F. Smith of this Department to you, dated May 15, 1972, on this subject.

Your continued efforts are most appreciated.

Yours very truly,

C. S. HARMON,
Director of Research and Planning.

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

Mr. BRINKLEY. I yield to the gentleman.

Mr. KLUCZYNSKI. I wholeheartedly agree with the gentleman.

I would be happy to sit down with the gentleman when we convene in the next

session of the Congress, the 93d session, and I would like to go over some of the problems that you have in the State of Georgia.

The gentleman has been my friend and has been very helpful to me. I want to do the very best to satisfy the gentleman and the people in his area.

Mr. Chairman, I want to say that I am very much impressed with the gentleman's testimony and his remarks here today.

Mr. BRINKLEY. I thank the gentleman.

I would also ask that when this bill goes to conference with the other body that at that time further consideration might be given to the inclusion of these feasibility studies which are listed in the Senate bill.

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

Mr. BRINKLEY. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I certainly want to compliment the gentleman from Georgia on his leadership, including the official and extracurricular meetings about the Georgia limited-access highway. I am interested, and I have participated with the various gentlemen from Georgia, Alabama, Mississippi, and Arkansas in furthering this needed Southeast U.S. interstate corridor. We, in Missouri, are vitally interested and we appreciate the leadership of the gentleman from Georgia.

We understand that this can be considered as part of the feasibility studies, if we go along with the action of the other body in the conference and, indeed, that it comes under the "priority primary roads" that could be considered if the various States could get together and decide upon it.

I want to associate myself with the remarks of the gentleman from Georgia, and endorse them.

Mr. BRINKLEY. I thank the gentleman.

Mr. FINDLEY. Mr. Chairman, the need for a major highway linking Quincy, Ill., with other industrial areas is unquestionable. Currently, this western Illinois community of 50,000 is served by no adequate highway in any direction. There has been no major road construction in the area in over 25 years.

Historically, Quincy's flow of commerce has been toward Chicago. In recent years, commercial ties with Kansas City have grown. But no major roadway links Quincy with these two cities.

During the 1950's, when plans for the interstate system were being formulated, a route connecting the three cities was part of the program. But in 1956 a gross error was made when the Kansas City-Chicago highway was deleted from the system and access roads around major cities were added in its place.

This highway, as it did during the 1950's, has great national significance. The original interstate program undertook to link major regions, and major cities together. But two of the world's greatest cities—Chicago, the gateway to everywhere because of the St. Lawrence Seaway, and Kansas City, the gateway to the west and the throat of southwest traffic because of the Missouri River—still have no direct highway connection.

Hopefully, a feasibility study as provided in the Senate version will be approved in conference and the first step toward this badly needed roadway will be taken.

The people of western Illinois have worked for many years for the construction of a major transportation artery to serve their towns and industry. I am certain the people of Missouri have worked equally hard for a vital transportation link.

I congratulate my colleagues from Georgia (Mr. BRINKLEY) and Missouri (Mr. HUNGATE) for their effective work in advancing consideration of the study of the feasibility of a modern highway link between Chicago and Kansas City, crossing the Mississippi between Quincy and Hannibal.

Mr. HUNGATE. Mr. Chairman, I share the interest of my colleague from Illinois (Mr. FINDLEY) concerning the immediate need for a major highway route from Kansas City to Chicago. Northeast Missouri finds its orderly progress impeded because of the absence of an adequate modern east-west highway artery serving the area.

Northeast Missouri has many great natural, human, and historical resources. Completion of a modern east-west highway would contribute to the development of this important section of mid-America. I join my colleagues from Georgia and Illinois, Mr. BRINKLEY and Mr. FINDLEY, in urging the House and its conferees to accept the other body's amendment, offered by Senator SYMINGTON, of Missouri, and supported by Senator EAGLETON, of Missouri, Senators STEVENSON and PERCY, of Illinois, and accepted by the other body, calling for a feasibility study concerning this important proposed east-west highway.

Mr. BUCHANAN. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from Georgia (Mr. BRINKLEY).

I have often heard individuals facetiously say "you can't get there from here" but this, in essence, is the case today if one is attempting to traverse the corridor between Kansas City, Mo. and Columbus, Ga.

To say that the roads between these two points are not the best in the world, is an understatement.

Included in this corridor are several major cities such as Memphis, Tenn., and Birmingham, Ala., among others.

What is needed is an interstate highway through this corridor which would connect with other interstate roads already in existence or under construction.

There is much support for this project because it would assist in the passage of goods not only between cities in the South, but between North and South, East and West.

This corridor was included in the original plans for the Interstate Highway System, but was eliminated before the law was passed. Time has shown the error of this decision and the necessity for such a route.

To rectify this situation and to aid the economy of the South, a number of Members have supported legislation to create such an Interstate route. There is much support for this project because of the great benefits which would accrue to those cities along the route and to the East-West, North-South traveler.

It was my hope that the legislation which we are considering today, H.R. 16656, would have provided the funding necessary to conduct a feasibility study of this project. Unfortunately this was not the case.

In action on this measure, however, the other body has recognized the need for such an interstate corridor and has provided funding for a feasibility study.

I had intended to offer or support an amendment which would provide for such a study in the House version of this bill. The project is so meritorious and the need is so great that it is my hope the House conferees on this measure, when it is considered in a conference between the two bodies, will agree to include the funds for such a feasibility study.

What we are asking for at this time is not a multi-billion-dollar commitment, it is only a feasibility study, one which the Congress will have the opportunity to review in the future to again determine whether such a route, indeed, merits funding. I have no doubt that that judgment will be a resounding yes, but the project needs the authorization of this Congress at this time, if progress is to be made in the future, and I urge support for a study which will document the need which so many have already recognized.

Mr. KLUCZYNSKI. Mr. Chairman, at this time I yield to the gentleman from Rhode Island (Mr. ST GERMAIN) 3½ minutes.

Mr. ST GERMAIN. I want to thank the distinguished chairman.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman from Rhode Island yield for an observation?

Mr. ST GERMAIN. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. I, too, want to commend the gentleman from Georgia who has brought out the sensitive requirements in our highway program. I certainly applaud his efforts in directing his talents to bring this to the attention of the Committee on Public Works. Like the gentleman from Illinois, I am quite sure the Members will not overlook our future consideration.

Mr. ST GERMAIN. Mr. Chairman, I want to thank the distinguished gentleman from Illinois for yielding. I have been discussing with the gentleman from Illinois, the chairman of the full committee, Mr. BLATNIK, the ranking minority member, Mr. HARSHA, a problem that I foresee. Unfortunately, we find ourselves in a quandary. I had an amendment which I wished to offer to this bill that no doubt would be ruled out of order on a point of germaneness, yet would be perfectly germane and most necessary in the Senate version of this particular bill. I am yielding to the parliamentary situation. However, I want to focus upon the problem as it stands.

Under the legislation before us there are no subsidies to public transit authorities that operate buses. This is not the case with the Senate bill. My concern—and I am sure also the concern, I know, of the gentleman from Illinois who serves

with me on the Select Committee on Small Business—is the question of unfair competition and the rights of the small businessman. If the Senate version were to be accepted, we would find ourselves in a situation where the small operators who transport schoolchildren in yellow buses, the ones we see running around the countryside, would find themselves bidding with the school districts for contracts to transport these children, against transit authorities who are being subsidized by the Federal Government. What concerns me is that we find ourselves in the position where the public transit authorities, subsidized by the Federal Government, would be in competition with these private, small entrepreneurs. It would be impossible for them to compete.

I have discussed the situation with the chairman of the full committee and with Mr. KLUCZYNSKI and with members on the majority side. I discussed it with the ranking minority member. They sympathize, but, as I say, we are in a parliamentary impasse.

I find from the Parliamentarian that the substance of my amendment could be offered if, in fact, in conference it looks as though the Senate version providing funding for the transit authorities operating buses were to prevail, because it does not expand upon but rather restricts the actions in the Senate bill in this area. I want to thank the gentleman for their very serious deliberations with me on this.

I ask for the attention of the gentleman from Illinois. As I understand it, if the Senate version were to prevail in conference, the gentleman would give serious consideration to the amendment that I shall not offer this afternoon to protect the interests of the small businessman?

Mr. KLUCZYNSKI. The answer is "Yes" to the gentleman.

Mr. ST GERMAIN. I thank the gentleman for his consideration and assistance, as well as that of the gentleman from Ohio (Mr. HARSHA).

I yield back the remainder of my time.

Mr. KLUCZYNSKI. Mr. Chairman, I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, I thank the chairman for yielding.

I wholeheartedly support this bill and the great Committee on Public Works, and I commend the chairman and the committee.

I yield back the remainder of my time.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. CULVER).

Mr. CULVER. Mr. Chairman, I thank the gentleman very much for yielding. I commend the chairman and the committee for the efforts that have gone into this legislation before us this afternoon.

Mr. Chairman, I rise in support of H.R. 16656, the Federal-aid highway legislation now before the House. I would like to comment specifically on section 129, which provides beginning Federal participation in improvement of the Great River Road; and section 132, which authorizes transferring the assets and other appropriate materials from the Clinton Bridge Commission to the State of Iowa.

I am particularly pleased that the highway bill contains the language of the Great River Road legislation. This bill was introduced by the distinguished chairman of the Public Works Committee and myself as H.R. 16687.

This language provides, for the first time, significant Federal participation in actual construction of the Great River Road as a scenic highway. There has been Federal participation in certain parts of the Mississippi Valley, where the roads already in existence are parts of the Federal-aid systems. But this legislation marks the beginning of direct Federal assistance to what we hope will eventually be a national system of scenic and recreational highways.

Federal assistance for Great River Road improvement also permits the Federal Government to participate more fully in celebrating the tricentennial of the discovery of the Mississippi River by Marquette and Joliet at the confluence of the Mississippi and Wisconsin Rivers. This same area has been designated officially for special Mississippi tricentennial ceremonies and observances.

Mr. Chairman, two presidential advisory commissions have recommended the establishment of a national system of scenic highways and parkways which will permit American families to drive leisurely through our country's natural wonders and beauties. A recommendation was made by the President's Council on Recreation and Natural Beauty that a 10-year, $4-billion program be initiated and funded.

This recommendation may seem somewhat high in the dollar figures mentioned, particularly in this period of fiscal pinch. But when one realizes that leisure driving is the most popular type of outdoor recreation and that Americans drive more than 300 billion miles a year for pleasure—that is more than 11,000 trips down the entire length of the Great River Road—then $4 billion does not seem to be a disproportionate figure to discuss.

We certainly do not expect to have $4 billion in the immediate future. However, the $60 million contained in the bill for construction and improvement of the Great River Road is a beginning—a beginning not only for the River Road itself as a specifically funded Federal program; but a beginning on the Great River Road as a prototype of the system of scenic and recreational highways this country must have to serve the recreational driving needs of millions of American families.

Mr. Chairman, these driving needs are very real and becoming more pressing every year. In Iowa, as in every State of the Union, recreational driving requires decent, safe, and attractive scenic roads. This is a public necessity of the first order.

We have opened up vast sections of the Nation through construction of the Interstate System. The speed, efficiency, and, above all, the safety of this network are well known. The interstates need no apologies from me. However, while some interstates do provide beautiful, scenic, and, indeed, spectacular vistas, driving speeds and traffic loads make sightseeing and leisurely driving both dangerous and counterproductive.

We clearly need more scenic roads of the type to be found in present and future improves routes along the Great River Road.

Mr. Chairman, I recently was invited to address a hearing of the Highway Beautification Commission held this past Monday, in Iowa City, Iowa. In my prepared statement, I discussed the significance of the Great River Road to our shared goals of highway beautification and environmental enhancement. I would like to read several pertinent passages into the RECORD. Some members of the press and of various environmental groups have expressed concern that the Great River Road might do damage to the banks of the Mississippi. I trust the testimony I read will serve to allay those fears.

This legislation (Great River Road bill, H.R. 16687) would provide some beginning help in constructing and reconstructing the road surfaces themselves and the attendant scenic viewing points and roadside parks necessary for proper enjoyment of the vistas the Mississippi affords.

I do want to emphasize to the Commission it is my understanding the Great River Road is not to become an expressway or super-highway, designed for heavy commercial traffic and thus defacing the values we are trying to preserve along the banks of the Mississippi.

The system is and will continue to utilize present rights-of-way. However, these rights-of-way will be improved and easements and property will be acquired that will provide permanent protection from inappropriate and unsightly development.

In this project we clearly see this type of highway improvement and scenic development are not incompatible with preserving and enhancing scenic and environmental values. The Great River Road should provide the working demonstration of aesthetics and appropriate developmental and enhancement construction going hand-in-hand—as they should and must.

That, Mr. Chairman, is the exact thrust of the Great River Road legislation—protection and enhancement of scenic and environmental values along both banks of the Mississippi. This project is one that environmental and conservation-minded groups should support categorically—as should all Americans interested in providing a safe, restful and rewarding driving experience for all of us.

A study of outdoor recreation in Iowa shows that 78.7 percent of all Iowans average 18 days of recreational driving a year—or a total of more than 28.1 million user-days per year. It is unrealistic and selfish to expect millions of Iowans, and millions more of Americans, to sit home or tour on unsuitable and possibly dangerous roads. Americans need and deserve properly protected and constructed scenic highways. Today we can begin to help insure fulfilling that desire and filling that need.

Mr. Chairman, I would also like, at this time, to express my pleasure at the inclusion in the highway bill of legislation I sponsored to transfer the assets and other appropriate materials from the Clinton Bridge Commission to the State of Iowa.

Federal authorization is needed when

transferring the charters of organizations originally designated by the Congress to construct bridges over navigable waters. The Clinton Bridge Commission is unable to issue taxable bonds within the limits of interest rates permitted by the charter, and complete the construction of the bridge complex crossing the Mississippi from Clinton, Iowa, to Fulton, Ill.

Passage of the language of my bill, as contained in the highway bill now pending, will permit the State of Iowa to assume the assets and liabilities of the bridge commission, issue tax-exempt bonds and complete the bridge structures across the river.

The steadily increasing volume of traffic on existing spans makes the rapid completion of the final construction a high priority item with both the Iowa State Highway Commission and, necessarily, of the people who work and live in the Clinton-Fulton areas. The new bridge structure will provide increased and more efficient access to both sides of the river and improve the safety of those crossing.

The legislation has received the approval of the Department of Transportation, the Iowa Highway Commission and original State authorization for the transfer has been passed by the Iowa Legislature. An identical bill has already passed the Senate, while the House version of the bill will be discussed in conference as part of the omnibus highway bill.

In closing, Mr. Chairman, I wish to express my deep appreciation to the distinguished chairman of the House Public Works Committee. Congressman JOHN BLATNIK's leadership and support have been the essential mainstays of those trying to encourage the further development of scenic highways in the Nation.

I also appreciate the assistance and cooperation of the chairman of the Highway Subcommittee, Congressman JOHN KLUCZYNSKI, and of all members of the full committee in their taking this first step in providing America with this needed system of scenic and recreational highways. I am sure that our own and future generations will see the wisdom of this legislation and will understand that this type of protective development is the way to preserve the beauties and wonders of America's natural heritage.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. GRAY), a member of our committee.

Mr. GRAY. Mr. Chairman, I thank my distinguished friend and colleague for yielding.

Mr. Chairman, 18 years ago I had the great privilege of standing in this well and speaking for the Federal Aid Highway Act of 1955. Unfortunately, because of special interest groups at that time, the bill lacked a few votes of passage, and we had to go back the following year in 1956, and pass what was the greatest public works program in the history of this country.

As of today 80 percent of the interstate highway system is completed throughout the Nation. When completed in a short 3 to 4 years we will have 42,000 miles of modern, four-lane interstate highways crisscrossing the Nation and connecting almost every major city. In addition, many thousands of miles of primary and secondary roads have been built.

Mr. Chairman, I mention that today because the same people, the great distinguished chairman of our committee, the gentleman from Minnesota (Mr. BLATNIK), and the very able and outstanding chairman of the subcommittee on roads, the gentleman from Illinois (Mr. KLUCZYNSKI), and the ranking minority member of the Public Works Committee, the gentleman from Ohio (Mr. HARSHA), and many of the same faces we saw earlier on the House floor today also took part in that debate in 1956. All during this period we have seen thousands of people at work building highways and making plans for the future of America. We are indeed fortunate to have three interstate highways crisscrossing southern Illinois in my district I–57, 64 and 24.

Beyond that, the carnage on the highways was fantastic. We were losing 30,000, 40,000 and 50,000 lives a year. We are still losing a great many lives, but when we recognize that the number of motor vehicles has doubled on our highways since 1956, we will understand that this modern highway system in fact is saving 15,000 to 20,000 lives per year and saving billions of dollars in property damage. When the system is complete it will save even more lives.

So I take this time today to congratulate my distinguished colleague, the gentleman from Illinois (Mr. KLUCZYNSKI), and the ranking minority member, the gentleman from Ohio, and the other members of the committee for the great work they have done in bringing out this bill. I have been a cosponsor of every single highway act since 1955 and take great pride in being a cosponsor of the bill before us. I hope it will pass unanimously and I urge my colleagues to support this important measure.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I take this time to bring up a question that involves an area in my congressional district, a project or proposed highway that according to some of the citizens in that area is related somewhat to the problem that is presented by section 113 of this bill. It is far less down the road, so to speak, because it is in the preplanning stage, but the possibilities exist if the bureaucrats make the wrong decisions that we could have an unfortunate situation develop. I want to build a little legislative history here so that some of the fears of the people in Kent County, Mich., are alleviated at least at this stage of the controversy.

I would like to ask the gentleman from Texas and the gentleman from Ohio—and I have talked to both of them about it—if they would mind responding to a series of questions so that the RECORD could be as complete as possible.

Let me ask the gentleman from Texas first. Is the intended scope of section 133 of this bill limited exclusively to the San Antonio North Expressway situation?

Mr. WRIGHT. The answer is "Yes." The section applies only to an expressway lying wholly within the city of San Antonio and has no application direct or indirect to any other highway.

Mr. GERALD R. FORD. I thought the language was clear and explicit but I did want to get the expression of the gentleman from Texas and also the gentleman from Ohio.

Mr. HARSHA. The answer is affirmative.

Mr. GERALD R. FORD. Let me ask a second question: Is this section of the proposed bill the result of unique and individual circumstances arising only in the San Antonio North Expressway project?

Mr. WRIGHT. I would say to the gentleman, if he will yield, that I know of no other situation which is similar to this particular one. As early as 1959 the State of Texas and the city of San Antonio planned for this route.

All right-of-way was purchased, and all citizens relocated since, at an expense of $7 million. The State and city have been twice frustrated, having complied with Federal law, only to have Federal law changed. At the present time some $4 million worth of construction is lying idle. I think it is a very unique situation.

Mr. GERALD R. FORD. Would the gentleman from Ohio concur?

Mr. HARSHA. If the gentleman from Michigan will yield, I will concur in that.

Mr. GERALD R. FORD. The third question is: Is it true that section 113 of this bill is not intended to establish any precedent for future legislative relief of projects not conforming with the authority and regulatory standards for a Federal-aid highway project?

Mr. WRIGHT. I would say that is absolutely true. This action itself is not unprecedented, but in order to come within its scope any other project would have to come just as this has done, to get a separate provision in the law.

Mr. HARSHA. I will state that this is only intended by the committee to be limited to this specific instance. It is directed in specific terms with the thought in mind that it would not create or set a precedent.

Mr. GERALD R. FORD. Fourth. Were the crucial factors in the committee's report of this section the fact that all rights-of-way had been purchased and all relocations had been completed involving large amounts of Federal, State, and local funds, and construction contracts had been let prior to the imposition of Federal environmental requirements?

Mr. WRIGHT. I would say to the gentleman, yes, those were crucial considerations.

Mr. GERALD R. FORD. Would the gentleman from Ohio agree?

Mr. HARSHA. I would respond, if the gentleman will yield, that as far as my information is concerned and information is available to me, that that is the circumstance.

Mr. GERALD R. FORD. This question is a little more difficult to answer. Let me ask it, as I know that the two distinguished gentlemen, both experts in this field, can give me an answer which will be satisfactory.

Fifth. In your estimation the fact that a highway project is in the preplanning or planning stages would not in itself justify this special legislative relief from Federal-aid highway environmental standards?

Mr. WRIGHT. If the gentleman will yield, I can simply say that I can think of no circumstance in which the committee would wish to extend this type of relief to that kind of a situation. That would be clearly distinguishable, of course, from the present bill before us. In the San Antonio case, construction has already begun on that highway, and it has been 13 years in the process.

Mr. GERALD R. FORD. In the case of Michigan, in Kent County, the project is in the preplanning stage. I assured my constituents that under no circumstances could I envisage the Congress at this stage of the controversy excusing the project from any environmental impact study. I gather from the gentleman's comment that he would agree.

Would the gentleman from Ohio agree?

Mr. HARSHA. If the gentleman would yield, I would likewise agree.

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

Mr. HARSHA. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I have one or possibly two additional questions. Let me say that I am deeply grateful to the gentleman from Texas and the gentleman from Ohio in responding.

Let me put this question: Sixth. Is it not true that the facts and conditions underlying the reasons for section 113 all arose prior to the enactment of the National Environmental Policy Act and related highway environmental provisions?

Mr. WRIGHT. Very emphatically, yes. The highway itself was authorized by the Federal Highway Administration in 1959 or 1960. The letting of contracts was authorized by the Federal Highway Administration, and the required acquisition had already begun and was taking place prior to our passage of that act.

Mr. HARSHA. If the gentleman would yield, it is my understanding that the National Environmental Policy Act was signed into law in 1970. That being the case, clearly the facts in this case before us occurred prior to the signing of that legislation.

Mr. GERALD R. FORD. I thank both the gentlemen for their observations and their assurances.

Let me just say in reference to this particular project which is in the preplanning stage, that here is an illustration of planning that I think illustrates that planners can draw plans without proper consultation with local officials and total examation of the facts.

The net result is they needlessly develop a controversy which, if they had been a little wiser, could have been avoided. With a little more understanding it would have resulted in a good project rather than a controversial one. I want to assure them, on the basis of the colloquy I have here, that certainly I would never sponsor any such an amendment to a highway bill, and I would personally vigorously fight any such amendment that would except this project in Michigan from the necessary requirements of current law.

I thank both Mr. WRIGHT of Texas and Mr. HARSHA of Illinois.

Mr. DRINAN. Mr. Chairman, the Federal-aid highway bill before us today presents a number of transportation and environmental issues of key importance. This mammoth bill authorizes $20 billion in expenditures from the highway trust fund for completion of the Interstate System by 1979: $8 billion per year is authorized for highway projects in the next 2 years, $3.5 billion of this for interstate construction, and $4.4 billion for primary and secondary roads; $890 million is authorized for the establishment of a secondary interstate system known as "priority primary routes."

Significantly, the bill provides a long-needed increase in Federal-aid urban highway trust funds, for the first time striking a balance between urban and rural road programs. Aid for roads within urbanized areas has been increased from $100 million to $700 million; $400 million has been provided for urban extensions of primary and secondary road systems for the next 2 years. Nor have rural roads been slighted: The bill authorizes $700 million for rural primary roads and $400 million for rural secondary roads over the next 2 fiscal years.

Of vital interest to the citizens of my congressional district is that this bill includes Federal funding arrangements to make possible construction of Route 52 in Massachusetts. The $300 million authorized for fiscal years 1974 and 1975 under the "priority primary routes" program will result in construction of Route 52 from the Connecticut line to I–90 and from the New Hampshire line to proposed I–90.

In contrast to other proposed Federal highway projects in Massachusetts and elsewhere which have met fierce local opposition—for example I–695, the inner belt around Boston—Route 52 is both vitally needed and has received virtually unanimous support. Along with my colleagues in the Massachusetts congressional delegation, and on the Public Works Committee, I have been working for months to expedite Federal support for this road. I have testified before the Public Works Committee Subcommittee on Roads on the importance of Route 52 to Massachusetts, and I am pleased and grateful that the Public Works Committee specifically cited Route 52 in their report on the Federal-Aid Highway Act as a "worthwhile project" which would be "logically eligible for immediate selection" for funding under the priority primary route program.

I am deeply concerned about certain other provisions of this bill, however. In my judgment, this bill does not provide adequate solutions to transportation problems in urbanized areas.

It is no exaggeration to state that urban transportation has reached the crisis stage. Since 1956 more than 280 urban transit systems have ceased operation because of financial problems. Last year alone, mass transit systems suffered a combined deficit of $332 million. Highway congestion, long a stifling problem, continues to worsen. With this increased congestion comes increased noise pollution, and, despite Federal regulations on exhaust emissions, the sheer volume of automobiles operating in urbanized areas has resulted in continued worsening of air pollution as well.

It seems to me, and to many of us, that the answer to the urban transportation crisis does not lie in more roads alone. The urban transportation crisis demands greater flexibility on the part of the Federal Government than is contained within this bill. For this reason I will support those amendments that will provide this needed flexibility. These amendments do not jeapordize rural highway programs, nor do they compel any State or locality to use highway funds for mass transit. What they do is to open more options for transportation planners and provide for the improved local control of transportation programs that is necessary if future transit solutions are to be effective.

In a letter of October 2 which was addressed to all Congressmen, Jack Beidler, legislative director of the United Auto Workers, wrote:

> The over-use of automobiles in urban areas threatens the health of city-dwellers and the vitality of our cities. Indeed, continued reliance on the automobile for intra-urban travel will inevitably invite controls on the use of automobiles with consequent injury to the industry.

An amendment to the Federal-Aid Highway Act was offered by Congressmen JOHN ANDERSON, GLENN ANDERSON, and RICHARD BOLLING, which would permit local officials in urbanized areas, with the cooperation of the State Governor, to apply their share of the $700 million in urban system funds to mass transit needs. Unfortunately, the House of Representatives has turned its back on the transportation needs of urbanized communities by failing to overturn the rule which prevents us from considering this important amendment.

Had this amendment been passed and become law, urban funds could be used for the acquisition and construction of bus and rail transit facilities, as well as the highway programs already authorized by this bill. This amendment had the enthusiastic support of the Department of Transportation, major environmental groups, the United Auto Workers, and mayors and other local officials throughout the country.

It is important to note that this amendment would not have mandated any mass-transit projects. All that it would have done was to allow local officials to choose how they think their transportation needs can best be met—with highways, bus systems, or rail transit. This amendment would have had no effect on the total funding level for urban transportation systems; it would only have provided the flexibility needed for more

efficient transportation solutions in urban areas.

Opening the urban systems fund to public transportation expenditures would benefit commuters, truckers, and the business community by relieving highway congestion, as more drivers take advantage of new mass transit opportunities. It would help improve highway safety. It would result in less air and noise pollution in the cities, and it would reduce the automobile-generated demand on our natural resources that is leading to an energy crisis. It is most regrettable that we will not be able to consider it.

Another important amendment is that offered by Congressman JAMES V. STANTON. This amendment would allow interstate funds to be transferred for use in noninterstate highway purposes, at the option of State and local officials. Under present law interstate mileage may be transferred within the Interstate Sysem up to a limit of 200 miles. The bill before us today removes the 200-mile ceiling but does not allow local and State officials the opportunity to use funds made available through the deletion of a controversial interstate segment for construction or improvement of noninterstate roads.

This amendment would allow State and local highway planners to meet the actual needs of their States and communities—rather than be forced to accept Interstate highways that were planned as long as 20 years ago, and are simply out of date. What is more, more than 25 "urban segments" of the Interstate System have become the subjects of intense local controversy. Some of these segments, to be built within cities, would cost as much as $100 million per mile and would result in serious social, economic, and environmental damage.

The third "flexibility" amendment is that introduced by Congresswoman ABZUG. This amendment would require that the $700 million in urban system funds be made directly available to metropolitan transportation agencies. The need for this amendment is clear. Since urban system funds are designed to serve local urban purposes, the use of these funds should be the responsibility of local officials.

Another amendment to the Federal-Aid Highway Act would help solve an additional problem associated with highways—noise pollution. This amendment, which I am sponsoring along with Congressmen FRASER, GUDE, BELL, and MCKINNEY, would enable the Secretary of Transportation to fund noise abatement systems for existing Federal-aid highways.

New highways are already able to utilize Federal funds for noise-control purposes. Under current law the Secretary of Transportation has the authority to establish noise control standards for designs of new highways approved after July 1 of this year. In addition, since 1970 new highway proposals have required environmental impact statements, in which potential noise levels must be considered. Since September 1971, 733 environmental impact statements have been submitted, 605 of these dealing with roads.

The problem is that existing Federal-aid roads—routinely far noisier than new roads planned with environmental considerations in mind—are at the present time ineligible for federally funded noise-abatement programs. Yet traffic noise has become an increasingly severe problem, particularly in urban areas where 75 percent of the Nation's population live. Highway noise on congested thoroughfares often reaches the level of 85 to 90 decibels—far above generally recommended noise levels of 35 to 50 decibels and enough to cause a serious loss of hearing if exposure is prolonged. But the effects of noise pollution extend far beyond the physiologically measurable results of hearing loss, speech, and sleep interference. Highway noise interferes with the activities of all who are within range—schools, and residences, for example. One school in New Jersey was forced by excessive noise caused by its close proximity to an expressway to provide sound insulation for its building at a cost of $160,000. While no one can accurately measure the full damage of highway noise pollution, there is no question that there is too much of it and that something must be done.

Our amendment would authorize the funding of a number of different kinds of noise-abatement techniques, the most important of which are: Construction of physical barriers, acquisition of additional rights-of-way, and landscaping. The most effective noise-suppression technique is to build a solid barrier. On the average, an 8-foot double-wood barrier results in a 68-percent reduction in decibel level. A 6-foot concrete wall on the edge of a flat highway results in a reduction of 12 decibels at a 100-foot distance—which means that noise is reduced by one-half. An equivalent reduction in noise levels can be achieved by the acquisition of between 200 and 300 feet of additional width on either side of a typical highway. While such an additional right-of-way may not be practical in urban areas, Federal funding of such acquisitions would certainly benefit more rural areas where this space is available. Dense foliage on acquired right-of-way land would provide even more improvement.

These amendments challenge Congress to respond to the crucial need of our country for a more efficient, less hazardous, and improved transportation system. Congress has already effectively rejected that amendment which would have given new life to mass transportation. Let us not fail again.

Mr. HARRINGTON. Mr. Chairman, as a strong advocate of a balanced transportation system since entering Congress, I have consistently urged more flexible use of highway trust fund moneys. While highway transportation will continue to be vitally important, excessive expansion of motor vehicle use is neither practical nor desirable. Traffic congestion, air pollution, poor land-use practices, the necessity of conserving scarce fuel resources, and concern for the transportation needs of the "automobileless" poor, young, elderly, and handicapped, all dictate a reevaluation of the role of the highway program, particularly in the area of urban transportation. Consideration of H.R. 16656, the Federal-Aid Highway Act, affords the House an unusual opportunity to strike a blow in the direction of resolving many of these problems.

The amendment I am cosponsoring will make available $700 million of the highway trust fund to purchase mass transit systems in addition to constructing highways. The money may be used only in urban areas. The amendment does not compel the use of highway trust fund moneys for mass transit, rather it provides local officials with the flexibility to meet differing local needs and requirements. This amendment has the full support of urban officials, the major environmental groups, labor organizations, and the Nixon administration.

The resolution of traffic congestion in our metropolitan areas does not lie in the construction of more highways—any commuter in an urban area can relate the woes of the rush hour. Highway planners are now making plans for double-decker lanes, tunnels, bridges and even more miles of city-adjacent highways. In theory, these additional facilities should alleviate traffic jams. In reality, the new roads will fill up as fast as the concrete hardens; traffic will simply rise to meet capacity.

Meanwhile, profits on public transit are falling, rail and bus equipment deteriorating, and service is being cut back. In fact, the vast investment made by the Government in freeways has virtually destroyed all forms of land and water transportation except the automobile. Thus, it has become essential for every American to maintain his own private transportation system, although in an area as small as a city any other form of commuting system would be more economical and beneficial to the public.

The legislation before us today takes account of the limitations of highway construction as a solution for traffic congestion in its provisions allowing the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers. However, the legislation does not go far enough.

We can no longer tolerate the wasted time, wasted resources and air pollution which traffic congestion has created in our urban areas. We must provide attractive alternatives in fast, clean, and efficient public transportation. This goal can be realized by creating more flexibility in the use of trust fund moneys. This legislation if amended will provide local officials with the flexibility they need to provide truly balanced transportation systems.

Mr. ANNUNZIO. Mr. Chairman, I rise to urge my colleagues in the House to oppose the previous question on the rule for H.R. 16656 in order that the Federal-Aid Highway Act of 1972 can be amended to include money for mass transit systems for urban areas.

The Senate saw fit to break 15 years of precedent by passing this amendment in their version of the Federal Aid Highway Act of 1972, and did so by a wide margin of 48 to 26. Thus, they have pushed aside their bipartisan views of the past, and are concentrating on the needs

demonstrated by our present crisis in urban transportation. They have seen how the lack of sufficient mass transit service has strangled our urban areas. It has brought in its wake a tragic situation of hopelessness among the people who have become its victims. And the inadequacy of mass transit service has been compounded by inefficient, congested, polluted urban highways.

The highway and the automobile have been relied on heavily in the past while little attention has been given to other modes of transportation. The President cited in the revenue-sharing message on transportation, March 18, 1971, the astonishing fact that approximately 94 percent of all travel in urbanized areas is by automobile, yet 25 percent of our people—especially the old, the very young, the poor, and handicapped—do not drive a car. This alone shows the inadequacy of our transportation program.

The recently proposed Housing and Urban Development Act of 1972 stressed the urgent need for urban mass transportation by including amendments to provide operating subsidies for urban transit authorities, and by establishing 80-percent Federal funds and 20-percent local funds for any part of the Federal program. As the author of these mass transit amendments to the Housing Act, and as one of the earliest supporters of Federal operating subsidies, I have long felt that we must institute a program of operating subsidies if we want our public transportation systems, not only in Chicago but in all our cities, to continue in operation.

With the failure of passage of the 1972 Housing Act, the inequities in Federal financing remain unchanged, while the Federal dollars remain easily available for highway construction. This failure has been a critical blow to our cities, including Chicago. I feel a sense of deep disappointment, for, as I have said, I was the author of the mass transit amendments and was among the earliest and strongest supporters of operating subsidies for urban mass transit systems. Along with my colleagues, I worked diligently for achieving its purposes, of which the chief aim was to make our cities workable and livable.

Our urban centers are constantly growing, both in geographical size and population. In just a few decades, the number of people living in and close to the cities is expected to double. The problem of moving people and goods around and through our urban places is already critical. And unless we make full provisions for a program to meet and solve the urban transportation snarl, it will grow progressively worse, and I fear that the only alternative being offered to us is bigger, better, longer, and wider concrete highways. There is still time to act—but it must be now.

It is generally recognized that the transportation problem is compounded by an imbalance in spending programs for highways compared to mass transit systems. The urban expressways already built with the help of the massive Federal aid highway program have influenced the urban traveler to depend more and more on his automobile and the automobile is, in more than one way, a killer.

All too often today we find a city that has lost a park to an expressway; the elderly dying of respiratory diseases because the air is polluted; our children becoming statistics—55,000 fatalities on our highways each year; and those who do not have cars or choose not to use them do not have access to a decent mass transit system.

The job facing us today is to make our urban transit systems efficient and accessible to more people, to charge fares which are conducive to increased patronage, and to provide equipment and service attractive and convenient enough to encourage people to depend on mass transit for a substantial part of their urban travel.

Mr. Chairman, I feel priorities have changed in transportation since the enactment of the highway trust fund. History shows us that if transportation is to be viable, it has to adjust to the times; and I cannot stress too strongly that the time for a new start is now. The Senate has opened the door and it is now up to us to walk through with the needed change that our national transportation policies dictate.

Again, I urge my colleagues to oppose the previous question on the rule for H.R. 16656 so that this legislation may be amended to include money for mass transit systems for urban areas.

Mr. FRENZEL. Mr. Chairman, in thumbing through this morning's mail I was attracted to some flyers with headlines that read "Let's end the Highway Trust Fund." Another trumpeted, "America has the world's best highways and the world's worst mass transit." Knowing that the House was scheduled to consider the Federal-Aid Highway Act today together with an amendment I am cosponsoring to permit the use of some highway trust funds for mass transit purposes—I assumed that the Friend's of the Earth, the Sierra Club, or some other ecology-oriented group was hard at work.

It seems I was only half right. The ecology-oriented group turned out to be the Mobil Oil Corp., and the flyers were reprints of advertisements they have sponsored in the New York Times.

The texts of the ads were full of pleasant surprises. "Highways are important to us," states one ad, "but traffic jams, and a glut of cars using too much gasoline to haul too few passengers, waste many resources, including oil." So far so good. But an oil company's solution to the highway congestion problem has to be more freeways in our urban areas, right? Wrong! At least it is wrong insofar as Mobil Oil is concerned. Instead they suggest that we replace the highway trust fund with a national master transportation program funded out of general revenues. Mobil argues that "indefinite continuation of the highway trust fund could deter construction of more urgently needed nonhighway transportation facilities. Indefinite continuation also would encourage expansion of the fund's goals at a time when they ought to be cut back."

Whether or not we subscribe to Mobil's specific recommendations, not many would quarrel with their view that the transportation systems of the past 50 years will have to give way to new technologies if we are to achieve an efficient and attractive transportation system.

Mobil Oil must be numbered among a growing list of corporations and trade associations with a direct interest in highway construction who are exercising responsible leadership in behalf of increased mass transportation funding. Those who favor using at least a portion of highway trusts funds for mass transit purposes include the National Automobile Dealers Association, the Ford Motor Co., the Automobile Manufacturers Association, and the National Highway Users Federation. These companies, individually and through their trade associations, are demonstrating a commendable sense of corporate responsibility toward the public interest. The House will have an opportunity today to manifest its interest in sound transportation policy through its support of my amendment.

The Mobil ads follow:

AMERICA HAS THE WORLD'S BEST HIGHWAYS AND THE WORLD'S WORST MASS TRANSIT. WE HOPE THIS AD MOVES PEOPLE . . .

In recent years the United States has developed a really superb highway system. It's been built with tax revenues earmarked specifically for road building.

But the highway construction boom has been accompanied by a mass transit bust. Train and bus travel in this country, with few exceptions, is decrepit. The air traveler suffers increasing indignities despite bigger, faster planes.

Greater New York is a typical example. You can depend on commuting to and from Manhattan—but only to be undependable and slow. On public transport, the 25 miles to Westfield, N.J. takes 75 minutes at an average speed of 20 miles per hour. The 33 miles to Stamford, Conn. takes 60 minutes at 33 mph. The 26 miles to Hicksville, L.I. takes 55 minutes at 28 mph. When you're on time.

You have to be a stoic with stamina to use public ground transportation for a trip beyond the commuting range. Fly to a nearby city? You can hardly get at our congested air terminals, either by land or air. The ride to or from the airport often takes longer than the flight.

Mass transit seems to work better abroad. Americans are agreeably impressed by the fast, comfortable, and attractive subways in foreign cities. Intercity trains in other countries make ours look pitiful. Japan's high-speed Tokaido line carries more than 200,000 passengers a day. Clean, comfortable French, German, Italian, and British trains regularly attain speeds over 100 mph. European railroads are already planning or building expresses that will do better than 150 mph.

Yet, in the United States, new mass transit systems are for the most part still in the wild blue yonder.

Providing for our future transportation needs will require very large expenditures. We believe there's an urgent need for legislators to reexamine the procedures used to generate and expend transportation revenues. Such a review may yield the conclusion that special earmarked funds are no longer the best approach.

In weighing priorities, no decision-maker can ignore the increasing congestion on those fine highways of ours, especially in and around the great urban centers. But more and better mass transit could stop traffic jams before they start. Just one rail line

has tripled the people moving capacity of a three-lane superhighway.

It costs less—in energy consumption and in money—to move people via mass transit than on highways. Thus mass transit means less air pollution.

It also means conservation. Whether the energy comes from gasoline for cars, or fuel oil, natural gas, or coal for electric power plants, it's derived from a diminishing natural resource. So we think *all* forms of transportation should be brought into a national plan for safe, rapid, economical ways of moving people—consistent with the wisest use of our energy resources.

While Mobil sells fuels and lubricants, we don't believe the gasoline consumed by a car idling in a traffic jam (carrying a single passenger, probably) is the best possible use of America's limited petroleum resources. Our products ought to help more people get where they want to go.

To us, that means a green light for mass transit . . . soon.

Mobil.

[Advertisement from the New York Times, Sept. 14, 1972]

LET'S END THE HIGHWAY TRUST FUND

While America has developed a superb highway system through Highway Trust Fund revenues, our mass transit has slipped sadly. We're moving people better by car, but people who try to get from one place to another by train, bus, or subway are fighting a losing battle. This, in turn, forces more people into their cars and onto the highways. And this puts added pressure on even the best of our highways, not to mention city streets.

For this and other reasons, we've been urging publicly that Congress get moving with a national program to improve mass transit, and re-examine the desirability of the Highway Trust Fund. We doubt whether such special earmarked funds represent sound public policy. Experts in public finance have historically opposed trust-fund financing because this mechanism mandates decision-making and priority-setting by a bureaucracy with its own direction and momentum, without the proper annual review of proposed expenditures.

Some people suggest greater diversion of Highway Trust Fund revenues for mass-transit projects. But the cost of truly comprehensive improvements in all forms of mass transit will far exced the revenues available from the Fund. Robbing Peter to pay Paul by diverting revenues from the Fund will give us the worst of both worlds—poor highways and poor mass transit. We cannot afford either.

Look at the sorry record of recent years. Only in 1970 did Congress appropriate mass-transit funds on a scale even remotely recognizing the need: $3.1 billion spread over five years, or an average of $620 million a year. From 1964 through 1969, a total of only $1 billion was spent for mass transit. The Highway Trust Fund, meanwhile, generates revenues of about $5.7 billion a year—or five times what was actually spent for mass transit over a six-year period.

Thus the problem, largely one of imbalance, is that highway-building has dominated federal transportation policy.

One reason for this is the formula under which the federal transportation policy.

One reason for this is the formula under which the federal government shares revenues with the states for transportation. States now pay only 10% of the cost of highways under the Interstate Highway System. But the states have to pay from a third to a half of the cost of mass-transit programs to which the federal government contributes. From the states' viewpoint, it's just plain cheaper to ignore mass transit and simply build highways.

But the need for improved mass transit and the need for better roads and highways often coincide: Construction of special express lanes for buses can ease commutation problems and unclog other highway lanes for faster movement of passenger cars and trucks.

It shouldn't be an either/or situation. What's needed is substantially increased spending by federal, state, and local governments for construction of needed transportation facilities of all kinds. If the Highway Trust Fund is phased out, Congress can make appropriations at the federal level for an adequate, integrated transportation system.

Even so, we don't want just blindly to build more of what we have had for the past 50 years. We must innovate, and we must look ahead as far as advanced technology can take us in meeting both present and future transportation needs.

We are convicted that this can be achieved only through a National Master Transportation Program, financed both by existing gasoline taxes that would go into the general coffers and by annual appropriations large enough to do the job. A sound first step would be to end the Highway Trust Fund.

Mobil.

[Advertisement from the New York Times, Jan. 20, 1972]

LET'S GET MOVING WITH A NATIONAL MASTER TRANSPORTATION PROGRAM

Anyone in America who rides trains or buses or subways, or uses public transportation to get in and out of airports, knows our mass transit is pitiable.

More and better mass transit could ease traffic jams, reduce air pollution, and conserve energy fuel. And make moving around a lot more civilized.

To achieve this, as we suggested in this space on October 19, 1970 ("America has the world's best highways and the world's worst mass transit"), we must have new and vastly better mass transit systems.

Instead of dealing with highway construction, railway needs, urban transit, airport improvement, and maritime requirements in separate pieces of legislation, we should approach them as part of an overall transportation plan. This would tie all forms of transportation together to move people and goods fast, safely, comfortably, on time, and at reasonable cost.

To carry out that plan, Congress should enact a National Master Transportation Program. The money should come from direct Congressional appropriation, based on clear and rational priorities. In the process, the Congress should review all special earmarked funds, including the Highway Trust Fund.

Mobil supported the Highway Trust Fund when it was enacted in 1956, as a logical way to raise and husband the money needed to build the Interstate Highway system. Now we believe a new look is needed at the whole question of transportation and transportation funding. Such a review may show that special earmarked funds are no longer the best possible approach.

Indefinite continuation of the Highway Trust Fund could deter construction of more-urgently needed non-highway transportation facilities. Indefinite continuation also would encourage expansion of the fund's goals at a time when they ought to be cut back.

Completion of the Interstate Highway System should be reviewed. It now is apparent that some sections of urban areas (lower Manhattan, for instance, and South Philadelphia) would cost $20 million per mile to complete. It is not at all certain that the benefits from these sections would justify the outlay.

Highways are important to us, obviously. Highway travel builds sales for Mobil. But traffic jams, and a glut of cars using too much gasoline to haul too few passengers, waste many resources, including oil.

We want our products to help more people get where they want to go, with greater ease and less waste than is now possible.

In our view, that requires the establishment of a National Master Transportation Program as soon as possible.

Mobil.

Mr. TIERNAN. Mr. Chairman, today I am joining several of my colleagues in sponsoring a series of important amendments to the highway trust fund legislation. I would like to take this opportunity to explain my reasons for doing so.

National transportation needs have changed drastically in the decade and a half since the highway trust fund legislation was first enacted. At that time approximately 33 percent of the population lived in nonurban areas. Land was plentiful, energy was cheap and abundant, and the air was relatively unpolluted. In those circumstances the development of an Interstate Highway System and the improvement of existing primary and secondary roads made real sense. The highway trust fund was designed to, and did in fact, largely meet the total transportation needs of the Nation. It augmented our national defense, allowed the economy to expand, and made Americans the most mobile people on earth, both for work and play.

Today, however, the situation is entirely different. Only 26 percent of the population still lives in nonurban areas while 74 percent of all Americans reside on 1 percent of the land. The result is a net increase in urban population of over 40 million. As a consequence of this increase, severe crowding has become a fact of life for three out of every four Americans.

The situation with regard to energy supply is so critical that suppliers are looking desperately for new energy sources without regard to cost. Even foreign policy is affected—it is estimated that if present trends continue, over 65 percent of our fossil fuel supply will come from foreign sources by 1985. This would result in an annual balance-of-trade deficit in excess of $30 billion, which would of course have a severe impact on our domestic economy.

Noise pollution in the country's major cities is becoming so severe that the old worries about its effect on the quality of life have been replaced with more immediate concern about physical and physiological damage. The noise levels in many major cities are hovering just under that at which permanent damage to ears will occur on a widespread basis.

Another aspect of environmental degradation—air pollution—is so severe that 12 percent of all deaths in major cities would not have occurred had there been no pollution on the day of death.

What have these urban problems to do with the highway trust fund? They are all seriously aggravated by our dangerously skewed priorities in favor of the private automobile, for which the highway trust fund is largely responsible:

Since 1956, highway trust fund moneys have been used to pave 1.4 million acres, nearly twice as much land as there is in my home State of Rhode Island. The result of densely populated areas has been to create layer upon layer of superhighways, while destroying entire neigh-

borhoods, violating parkland, and seriously aggravating the low-income housing situation. In an era of increasing awareness of the need for land-use planning, widespread highway construction represents a tremendous allocation of land, an allocation which has not been seriously reconsidered since 1956.

Of all the petroleum used annually in the United States it is estimated that over one-fourth is consumed by private automobiles. This represents a highly extravagant use of a very scarce resource: Most other forms of transportation are at least three times as efficient.

Nationwide, the highway-automobile system is directly responsible for 40 percent of all air pollution. And in major cities it is estimated that transportation activities generate well over three-fourths of the street noise.

It is the highway trust fund which has forced this situation upon us. Under present law fund money can only be used to construct highways, even if a community determines that its transportation needs could best be served by some other means. To quote Senator KENNEDY:

> The result is that local areas are unable to solve their transportation problems using the mode of transportation—auto, bus, railroad, mass transit, or airplane—they consider best for their own needs.

Localities face a situation in which superhighways are forced down their throats irrespective of local needs or wishes.

There are sound reasons for believing that this policy constitutes a sellout of the public's right to the best possible transportation system in favor of the powerful lobby whose purpose is to promote highway construction.

According to the U.S. Department of Transportation, the average mile of interstate highway costs $1.815 million and consumes 41.5 acres of land. When completed it can carry approximately 36,000 persons per day.

By way of contrast, a two-track high-speed rail system in the Northeast costs $1.4 million per mile, uses only 21 acres per mile, and can carry up to 360,000 passengers per day. For those with a statistical bent the resulting cost-benefit ratio is in excess of 10 to 1. And the disparity would be even greater were we to assign some economic value to the 50,000 American lives lost in highway accidents each year.

Something, Mr. Chairman, is drastically wrong with our transportation priorities. Forget the deaths, forget the air and noise pollution, forget the millions of acres of wasted land and the thousands of barrels of misused petroleum—unbridled highway construction is economically unsound.

I would not want to be interpreted as favoring an end to all highway construction. In a great many areas of the country highway construction will continue to be the best alternative. Certainly the completion of the presently planned Interstate Highway System is most desirable. But in other situations some other transportation mode will be more appropriate, economically, ecologically, and in respect to the safety and convenience of its use.

The need is for a multimodal approach to transportation planning. Depending on the particular situation, some mix of highway construction, rail and bus mass transit, and airport construction will be most appropriate. The final decision of what the mix should be must be made by the cities and States involved. Obviously some national control is necessary—the Interstate System must be exactly that—a coordinated, connected system. But in the absence of overriding national considerations, transportation planning should be the responsibility of the people directly involved.

However, effective transportation planning using the multimodal approach to solve transportation problems cannot develop without a general transportation fund. Money should be available irrespective of the transportation mode that is finally chosen. Otherwise, there is no realistic alternative to more and more highways.

As a first step I am cosponsoring an amendment which would permit funding of all types of transportation projects by the urban systems portion of the trust fund. This amendment would have no effect on the completion of the Interstate System but it would allow desperately needed flexibility in urban transportation planning.

Second, I am supporting an amendment which would delete from the legislation authority for the construction of what is in effect a 10,000-mile extension of the Interstate System. As the Interstate System nears completion, the highway construction lobby is searching desperately for new projects. This "priority primary route" system is part of the program planned by the Highway Users Federation, which according to its president will ultimately cost the public $600 billion. We cannot allow this tremendous expenditure of public funds without a complete reconsideration of the desirability of relying almost exclusively on highway construction to meet the Nation's transportation needs.

Several other amendments are also being offered which I am also supporting. They are designed to insure that the people in the localities involved have a significant voice in the transportation planning and construction for their area.

Mr. Chairman, I regard this legislation as of key importance. Congress is presented today with an opportunity to begin the process which will end in a solution to America's pressing transportation problems.

Mr. FINDLEY. Mr. Chairman, the city of Springfield, Ill., is plagued by the fact that it is criss-crossed by several different railroad lines. When a train comes through Springfield, traffic comes to a screeching halt, backs up for blocks in all directions, and waits, sometimes for up to half an hour. The tracks cross streets in this city of 90,000 at 146 grade intersections.

In the Federal-Aid Highway Act of 1970, the Secretary of Transportation was authorized to "carry out a demonstration project for elimination or protection of certain public ground-level rail-highway crossing in, or in the vicinity of, Greenwood, S.C."

A similar authorization has been provided in this year's bill for a further demonstration project on railroad relocation in Springfield, Ill.

The need for a further demonstration project is evident. The project at Greenwood was small, involving the movement of only one major rail line. Officials of the Federal Railroad Administration with whom I have spoken tell me that there is a great need for another and larger demonstration project on railroad relocation. Only through such a project can a satisfactory methodology be worked out to serve as a model for use throughout the Nation.

Illinois' capital city is the logical choice for such a demonstration project. Springfield has already done a great deal of work toward relocating various railway facilities for the convenience of both the public and the affected railroads. The Capital City Railroad Relocation Authority has been established and over the last 4 years has developed a detailed plan for relocation. Costly engineering work already has been undertaken by the city. Every railroad involved has been consulted, and has assisted, in developing this plan. All support it. The proposal is for all railroads to be relocated into one corridor with eleven grade separations, thereby eliminating 101 grade crossings in the highly urbanized part of the community.

Thus, in every respect, Springfield is far ahead of other cities in the Nation which have a similar problem, and the relative cost to the Federal Government would therefore not be as great.

I am grateful to the Public Works Committee for including the railroad relocation project for Springfield, and especially to subcommittee Chairman JOHN KLUCZYNSKI and ranking minority member WILLIAM HARSHA.

Following is an article that recently appeared in the New York Times describing the critical need for railroad relocation in Springfield:

CITIES RIP UP TRACKS

(By Robert Lindsey)

SPRINGFIELD, ILL.—When the first train pulled into Springfield 125 years ago, the citizenry, including a young lawyer named A. Lincoln, came out to hail the arrival as a prelude to local prosperity and an end to isolation.

Years later, when the Illinois Central's plush streamliner The Green Diamond, raced through the heart of town, youngsters came outside to watch in awe.

But these days, Springfield—along with a growing number of other cities around the nation whose roots are intertwined with steel rails—is doing its best to get rid of its railroad tracks, to unclog traffic and reduce train-auto collisions that take an average of at least one life a year here.

Hundreds of towns like Springfield begged—and sometimes bribed—railroads to lay tracks through their cities in the last century, for prestige, access to the rest of the world and over-all civic "progress."

They gave the railroads free land for stations and free rights-of-way along downtown streets. And they received something in return: as rivers have been in the past, the railroad lines became the spines for the development of civilization.

BONUSES FOR RAILROADS

Marvin Nuernberg, chairman of an agency heading track removal plans in Lincoln, Neb., said:

"In the old days the city gave bonuses to railroads to come into the community, and as a result we had eight railroads radiating like spokes on a wheel. We still have five, and they cut the city apart."

"In Greenwood, S.C., a town of 23,000, work is already under way partly financed by Federal funds, to remove tracks that run along the city's Main Street.

The first town in recent years to complete a full-scale removal program was McKeesport, Pa., which rerouted the main line tracks of the Baltimore & Ohio Railroad around the city two years ago.

"It was like removing a scar from your face," said the city's Mayor, Zoran Popovich. "The noise right in the heart of town every few minutes was terrible; it hurt property values and hampered any kind of orderly development of the town," he added.

But in many of the same cities today, the one-time sources of civic prides are considered symbols of civic blight. As here in Springfield, tracks slash through business districts and residential neighborhoods, creating physical and psychological barriers that split the communities.

AT LEAST 26 CITIES SEEK CHANGE

To end the problem, Springfield has developed plans to remove the tracks of the six railroads that criss-cross the city, and shift all six lines to a single rail corridor around the edge of town.

Lincoln Neb.; Lafayette, Ind.; Wheeling, W. Va.; and Brownsville, Tex., among other cities, have the same idea.

"We know of at least 26 cities that are in various stages of making plans to remove their tracks," said William Loftus, chief of the policy development division of the Federal Railroad Administration.

In Springfield, the capital of Illinois and a strategic rail hub and economic nucleus for the Corn Belt, the automobile long ago replaced the iron horse as the citizenry's primary mode of mobility. And huge trucks bring much of the freight in and out of town. But the trains almost 50 a day—still streak through the heart of town. The tracks cross city streets at 146 intersections.

"You can't drive more than a block or two without crossing some tracks," said Franklin C. Schlitt, secretary of the Capital City Railroad Relocation Authority, the agency that is planning the new common rail corridor.

"When those long coal trains come through town at 4:30 or 5 in the afternoon, when everybody's getting out of work, it's a mess; the cars back up for blocks," Mr. Schlitt added.

Terry Kirk, the owner of a local ambulance service, agreed:

"You can get stuck 15 or 20 minutes behind some of these trains. We don't wait; we take other routes, but you have to go halfway across town and lose 10 minutes on an emergency call."

"All those tracks really tear up your equipment, too," Mr. Kirk added. Other motorists complained that constant trips over railroad tracks caused mufflers and other parts of their cars to break loose and to jar the front ends of vehicles out of adjustment.

CUT IN DEATHS SOUGHT

While most of the growing interest in removing the train tracks is based on the desire of local officials to improve the flow of traffic and remove barriers that hurt city planning, Federal officials see the trend as a major step in reducing the nation's perennially high traffic deaths in grade-crossing accidents.

Mr. Loftus said there were about 75,000 street-rail crossings in the nation situated in urban areas of more than 5,000 population. Only about one-third are protected by automatic signal lights or gates. About 500 persons a year die in urban grade-crossing accidents involving trains and automobiles. About twice as many die annually in accidents at the nation's 150,000 or so rural grade crossings.

FUND-RAISING PROBLEMS

The growing efforts to remove rail lines promises to provide ready-made corridors into the center of cities for mass transit systems, express buses or rail commuter lines. But there seems to be little interest among civic planners in reserving such corridors for future transit use.

"Back east, in the big cities you need mass transit, but we don't have that kind of a problem out here," said Mr. Nuernberg, the Lincoln, Neb., official.

Most cities are having difficulty raising money to finance their track relocation projects. Here in Springfield, the relocation authority hopes to meet the $34-million estimated cost by selling some of the abandoned rail rights-of-way and through a small property tax. The affected railroads have given tentative approval to the idea of using a common corridor on the edge of town.

John Chapin, a lawyer who is working on the project here, said:

"There is really no reason for Springfield to be here. There's no river, nothing special. But when Lincoln helped bring the state capital here in 1837, he helped bring the railroads later, and the railroads made us into an agricultural center and later helped bring some industry.

"We still need the railroads," he continued, "but not in the center of town."

Mr. HANSEN of Idaho. Mr. Chairman, I rise to urge support of the amendment to be offered by the gentleman from Iowa preserve the promise made by the Congress to the American people 7 years ago when the Highway Beautification Act was passed. A key aspect of the act dealt with the removal of highway billboards and signs which have so seriously marred the beauty of our Nation's landscape.

The slowness with which Congress has moved to implement the program is a matter of public record and it was not until 2 years ago that we initiated the first practical steps to getting the signs removed. In 1970, we passed the Federal-Aid Highway Act, title III of which authorized the use of $97 million to begin sign removal. Complementing the authorization was the establishment of a Study Commission which was to investigate and study various aspects of the existing law. It was clearly stated in the conference report that:

The creation of this Commission is not to be construed as derogating in any way from active implementation of the existing program without reduction and authorized during the study.

Yet today, some 2 years later, we are asked by the committee to again delay the removing of highway signs because this Commission has not yet completed its study. We are, in effect, being asked to undercut the progress which has been made in the past 2 years. During this time the States have acted to their detriment in reliance of the 1970 act and have organized the manpower, set up the State procedures, and in every case spent hundreds of thousands of dollars getting geared up to remove the signs.

The committee bill before you has three principal defects. Section 119(b) would allow certain signs to be retained which give direction to natural wonders and scenic or historic attractions. The committee amendment will allow this class of sign to be broadened to include: Rest stops, camping grounds, food services, automotive services, and lodgings. The net effect will legalize 1,200,000 new sign locations which do not now exist. That, Mr. Chairman, is 400,000 more billboards than we currently have.

A further complication is section 119(e) which gives authority to the Secretary, in consultation with the States, to provide within the rights-of-way official signs giving specific information to the traveling public, such as the use of brand-name logo's, such as Texaco, Gulf, Arco, Holiday Inn, and so forth. The committee amendment would only permit the use of these signs on the rights-of-way if it proves impossible to get this information to the traveling public through the use of signs exempted from the act, and off the rights-of-way. The effect of this section, Mr. Chairman, is to effectively undercut regulations which the Department of Transportation has already dissiminated to the States. Oregon's program, for example, would be brought to a complete standstill because its law will not allow the removal of nonconforming signs until these directional signs are in place.

Additionally, the bill would require the Department of Transportation to revise all of its regulations and procedural requirements, and implement the sign removal program on a piecemeal basis, which we all realize is an administrative impossibility, considering the fact that 800,000 signs are nonconforming under the act. The moratorium proposed in section 119(h) places unworkable restrictions on the Department and encourages the sign owners to change the advertising copy to a directional sign, and to use the courts to enjoin the Department in its efforts to administer the program.

Illustrating these serious weaknesses of the committee bill are recent editorials from the Washington Post and the Christian Science Monitor which I would like to have included in my remarks.

I also include a letter from the Honorable John A. Volpe, Secretary of Transportation, in support of this amendment.

I, therefore, intend to vote in favor of the amendment and urge my colleagues to do likewise.

The article follows:

[From the Christian Science Monitor, Oct. 3, 1972]

BAN THE BILLBOARDS

Winking, blinking and flapping products of the outdoor advertising industry have been illegally defacing America's highways for seven years, in blatant disregard of the 1965 Highway Beautification Act. Now, just as the federal government is getting around to enforcing that act, Congress is on the verge of letting the air out of its legal tires.

The puncture comes in the form of a few innocuous words. They lie hardly visible as an amendment to the 1972 federal highway bill. But if passed, the ensuing blowout would wreck the anti-billboard law of seven years ago. That law limits all signs along Interstate and primary roads, except in industrial zones, to directional and other official notices. The new amendment would include signs "pertaining to rest stops, camp grounds, food services, gas and automotive services, lodging" and natural wonders. This exempts every restaurant, hotdog stand, trailer camp, hotel, motel, and gas station now illegally em-

blazoned with billboards, signposts, neon pop art, and fluttering pennants. In this way highway outlaws would quietly be legalized, and the "natural wonders" referred to in afterthought would remain forever hidden behind the visual litter of a nomad population geared to satisfying its needs at 60 m.p.h.

The irony is that the Department of Transportation is just about to launch a major anti-billboard drive, made possible by a $90 million appropriation set aside by Congress five years late. Now Congress appears about to scuttle the legal base for going ahead. This highway act, incidentally, is the same which contains a provision for setting aside $800 million of Highway Trust Fund money to be used for rapid mass transit. The ever-active highway lobby which is pushing hard for the billboard amendment is fighting equally hard against the effort to unbutton the trust fund.

Some proponents of the trust fund diversion argue that they dare not dilute their efforts in that uphill battle by fighting a diversionary skirmish on the billboard issue.

The cause of clearing America's highways of visual rubbish ought not to be sacrificed for the urgent need to fund new rapid transit systems. Congressmen who hesitate to back both causes need the urging of their constituencies, and soon. A telegram to that effect would be a large contribution at a small price toward a more beautiful and more livable America.

[From the Washington Post, Oct. 5, 1972]

THE BILLBOARDS: UP OR DOWN?

Two years ago, when Congress gave Secretary of Transportation John A. Volpe authority to start taking down the nation's 800,000 illegal billboards located on rural highways, there was some question whether Mr. Volpe would act with resolve or reluctance. To his credit, he took the mandate seriously and has now brought 49 of the 50 states into compliance with federal law. The signs are not falling like dominos—some 50,000 have come down so far—but compared to the five years of inaction since the 1965 Highway Beautification Act when none were felled, the achievements are heartening.

With the sign removal program going well, it is understandable that Secretary Volpe is alarmed at what the House Public Works Committee has approved. First, it asks for a two-year moratorium on directional billboard removal, a proposal that Mr. Volpe believes "would seriously disrupt, if not halt, the significant strides" already made. In addition, the committee would allow a new standard: six signs per mile, three each way. Rep. Gunn McKay (D-Utah) notes one possible result: "rather than removing the 800,000 signs which are now non-conforming, it will allow a total of 1.2 million signs when they are properly placed. Instead of removing signs in beautiful rural America, the new language will allow the sign population along the countryside to grow by 400,000 additional signs." The committee's opinion is that the traveling public needs directional signs—where to find gas, food, lodging and like information. Perhaps so, but at a bombardment of three signs per mile each side of the road? One reason many travelers head for rural areas is to escape the strains of pollution. But with more signs clogging the scenery, what's the use?

The House is scheduled to begin debate this week on the Federal Aid highway bill. The proposals on billboards are not a major issue, but once again the question is whether the public interest or the private interest will be served. Congress has already enacted two pieces of legislation calling for the removal of rural billboards. Nothing has changed to suggest that Congress was rash or unwise. If anything, Secretary Volpe should not have to waste time at this point battling the House Public Works Committee; the battle is against billboard pollution, and presumably a victory was in sight. It can still be won if the House rejects needless changes in the law.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., October 4, 1972.

Hon. ORVAL HANSEN,
House of Representatives,
Washington, D.C.

DEAR MR. HANSEN: I want you to know that we very much appreciate your support of the Administration by offering an amendment to Section 119 of H.R. 16656. This amendment will allow the highway beautification program to continue uninterrupted. We will be able to fulfill our commitment to the people of America by beautifying our nation's highways.

In July of 1971, I and the Governor of your State, The Honorable Cecil Andrus, commemorated the start of the highway beautification program in Idaho by removing a billboard. At that time, we presented the Governor with a matching funds grant of $4,068,326, which would insure that Idaho would have sufficient funds to remove all of its non-conforming signs pursuant to Federal and State law. Idaho was the first State to be totally funded.

I am pleased to note that Idaho has removed 2,442 signs since that time and will have the remaining non-conforming signs removed in approximately 36 months. It is important not only to Idaho but to all of the States that we finish the job we have started. Forty-nine States have passed compliance laws and entered into agreements with the Department of Transportation. The States have spent a great deal of State funds in establishing their highway beautification departments and are now implementing a viable working highway beautification program. They relied upon the Federal Government, and are dependent on us for continued funding, so that they can finish the task of sign removal.

We have made too many promises to too many States to turn back now. The amendment that you offer will insure the success of the highway beautification program, thus making it a credit to everyone who is committed to the improvement of our environment, a healthy Federal-State government relationship, and the implementation of this important highway program with the least amount of disruption and inconsistency.

Thank you for your support.

Sincerely,

JOHN VOLPE.

Mr. FRENZEL. Mr. Chairman, an area not fully covered in this legislation is the question of highway noise pollution. These noise levels are increasingly severe environmental pollutants. There exists no provision in this legislation to deal realistically with the noise problem. An amendment being offered by Representatives FRASER, GUDE, and MCKENNY, among others, promises significant improvement in this field. The amendment broadens the Secretary's authority to establish and finance noise control projects along existing freeways.

Further it would authorize the construction of noise barriers, acquisition noise buffer zones, and provide land scraping and resurfacing assistance. These are necessary improvements and I urge the Members support.

Mr. DON H. CLAUSEN. Mr. Chairman, the priority primary provision is a most important part of this year's Federal-Aid Highway Act. As the responsible committee in the highway field, the Committee on Public Works has been besieged in recent years with requests from communities, States, even regions of the country to expand the interstate system or to authorize special programs for supplementary systems which would connect with the Interstate System.

In response to these requests, but as an alternative to further expansion of the interstate system, the committee, after careful study, believes it desirable to encourage and assist the States in building a new intermediate system of highways. The aim would be to improve a limited, integrated system of supplementary routes to be specially financed out of revenues from the highway trust fund. In conjunction with the interstate system, the new routes will provide accessibility to over 90 percent of all urban population and nearly all urban places of over 50,000 in size. In addition, such routes would provide much needed service to those rural regions through which they would pass.

A listing of those States interested in new routes which have been brought to the attention of the committee and should certainly be considered in this selection would include the State of Massachusetts—which may perhaps be characterized as the genesis State of this proposal—Texas, Oklahoma, Louisiana, and Arkansas, in addition to my own State of California.

I have for many years advocated the need to move toward accelerating the construction timetable on our primary and secondary roads, our bridges and other highways that are considered unsafe, functionally inefficient and have caused many traffic accidents and deaths in addition to inhibiting orderly economic growth in economically depressed areas.

Highway 101, in our beautiful redwood empire with the new 70–30 percent matching formula change that takes place after June 30, 1973, because of the committee accepting my suggestion in the Highway Act of 1970, will permit us to construct a safe four-lane highway from San Francisco to the Oregon border and, hopefully, also permit earlier construction of lateral highways from the Sacramento Valley to our highway 101 and other redwood empire roads thus permitting us to promote our tourist business on a year-round basis and permit more people to safely visit our beautiful redwoods, seashores, rivers, mountains, and other unique and historic landmarks.

Further, the bill approved by the other body contained a proposal to explore the feasibility for including new routes on the Interstate System. That section of the Senate bill covered several additional States including Missouri, Georgia, Alabama, Mississippi, Tennessee, Utah, Nevada, and New Mexico.

Whether or not these routes are included as routes on the new priority primary, I have no way of knowing. But the 10,000 miles of additional supplementary miles authorized by this provision will provide a means for them to be constructed if needed.

To fund the new program, $300 million will be authorized for each of the fiscal years 1974 and 1975. Providing this

amount of money for this type of program should enable us over the next several years to substantially improve those principal arterials of the Nation off the Interstate System which are in desperate need of such upgrading. I, therefore, urge that the motion to strike this important and much desired provision be defeated.

Mr. CONTE. Mr. Chairman, I rise in support of this amendment. As ranking minority member of the Transportation Appropriations Subcommittee, I have fought for years for a greater Federal commitment to urban mass transit. The importance of this commitment can hardly be overemphasized. Expansion of city boundaries and the exodus to the suburbs during the last decade have created millions of new commuters. It has been estimated that 18 million persons ride the Nation's mass transit systems every day and that 50 million more drive to work in automobiles. There are now 80 million cars, twice the number that existed in 1950, clogging areas in and around our cities.

It does little good to travel by superhighway from the boundary of one metropolitan area to the outskirts of another in record time—only to spend that same amount of time, because of massive traffic jams, struggling to reach a destination within the city itself.

To meet this problem, it is imperative that our localities be given the opportunity to establish a balanced transportation system suited to their own particular needs.

The Anderson amendment to the Federal Aid Highway Act of 1973 would provide this opportunity and I urge my colleagues to adopt it. Therefore, I hope the previous question is not adopted, so the amendment will be in order.

Mr. WOLFF. Mr. Chairman, I rise in support of the following proposal. This is a very necessary proposal which will have significant meaning for highway users around the country. The proposal I am offering broadens the term, "construction," to include the term, "maintenance"; very simply, my amendment would enable the Federal Highway Administration to earmark some of its funds for road repair and maintenance.

Under present law, State highway departments and local government agencies have full responsibility for maintaining roads which are part of the Federal-aid system. Certainly, the poor condition of many of our roads, particularly our well-traveled urban roads, indicates the fact that our States cannot fully meet this responsibility without some form of financial assistance from the Federal Government. The bill we have before us authorizes funds for the extension of Federal-aid primary and secondary systems, namely in urban areas. The problem facing us in many urban areas, however, is not so much the need for new construction but the deterioration of existing roads which have suffered from overuse, weather and vandalism. It makes little sense to me that we continue to expand and improve our Federal highway system while the roads we have built in the past fall into hazardous despair. The argument is frequently advanced by defenders of the highway trust fund that its revenue comes from various motor vehicle taxes and that its expenditures should accordingly be limited to those functions which directly benefit highway users. Surely, road maintenance and repair, eliminating hazards and accident-provoking disrepair qualifies as such a function.

Mr. Chairman, I expressed my concern in this matter to the Federal Highway Administrator and was told that, under existing law, it is impossible to interpret the regulations of road construction to include maintenance and repair. My proposal will permit this interpretation, enabling the Highway Administration to fill some of our potholes that are a menace to traffic and repave some of our roads with Federal highway funds. Mr. Chairman, for the safety of highway users who are daily threatened by road hazards caused by deterioration, I urge adoption of my proposal to broaden the term, "construction," to include maintenance and road repair.

Mr. VANIK. Mr. Chairman, the Federal-Aid Highway Act of 1972, in its present form, will only serve to aggravate the present problems of transportation which exist in our Nation today. I must oppose this bill.

This bill overlooks the problem of intracity and intercity movement which have become a critical national concern. It is becoming increasingly apparent that cities of the future will not permit every citizen to move freely to work, to shop, or to recreation in his own vehicle. Mass transit developments are essential to limit pollution, and the choking congestion that for most people extend both ends of the working day by 2 hours.

In the 1920's there was a great need for more and better highways. This need still existed in 1954. In 1972, the country is virtually crisscrossed with highways. The new Interstate System, which is nearly completed, will be 42,500 miles long, and will extend into every one of the 48 continental States. As our cities fall into decay with increased air pollution and congestion, we continue to ignore the increasing demand for mass transit in our major metropolitan areas—but we continue to pave the open spaces of our Nation and destroy whole neighborhoods with swaths of concrete.

The highway trust fund has become an "untouchable" that we worship without reason. Those who benefit from highway contracts with the Federal Government have successfully protected it from any mass transit "funding intrusion."

Our cities are quickly becoming "seas of concrete." Two-thirds of our urban areas are already covered by pavement.

The automobiles which use these highways are the largest source of America's pollution problem, contributing an estimated 60 percent of all air pollutants by exhaust emissions. They consume approximately 55 percent of our already scarce petroleum resources.

Further delay in Federal promotion of mass transportation using highway trust fund moneys is inexcusable. All transportation funds should be directed to the needs of the community, not the needs of the contractors.

Section 143 of the proposed bill merely "whistles in the wind" by appropriating $95 million to study the "need" for mass transit—we know there is need, now we need action.

Today I supported the rule that endeavored to open the highway trust fund to the needs of mass transit. Unfortunately this motion lost on the floor of the House.

The clearest proof of mass transit success thus far is in Cleveland, where extension of the rail rapid transit line to Hopkins International Airport has produced twice the rail passenger traffic estimated in the course of projected planning. Acquisition of additional rail cars represents a 50 percent increase from earlier projections.

More than half of all rush hour trips to and from downtown Cleveland are assisted by mass transit—but more is needed. As the Greater Cleveland community has grown to the east, west, and south—transit is needed to keep the inner city alive and accessible without pollution, congestion, and accidents.

The transit amendment I sought to support today would have provided a great opportunity for the Cleveland area to acquire more Federal funds for needed transit facilities.

I cannot support this legislation which in its present form defies adjustment to our present and future transportation needs.

Mr. KOCH. Mr. Chairman, I would like to speak about the amendment that will be offered by the gentleman from California (Mr. ANDERSON) to allow States and localities to use the $700 million allocated to the Federal aid urban system for public transportation as well as highway purposes. I submit that this is a modest proposal. It affects only part of the Federal Aid Highway Act—those funds allocated specifically to urban areas where mobility often requires the development of good mass transit to supplement local road systems.

The Anderson amendment does not mandate mass transit development nor alter the distribution of funds to urban areas. It does not take funds from other parts of the highway program. It simply provides States and localities with the option to use this urban system funds for mass transit and/or highway projects in whatever form of transportation they deem necessary to meet the needs of their communities.

Nevertheless, there are those who argue that highway revenues, taken from gasoline and tire taxes, should be spent only on highway projects for they reason that only these benefit the highway user. It is on this very point that their vision is shortsighted.

Do more highways necessarily benefit highway users? Or at this point in time can mass transit perhaps better serve highway users, as well as their own users, in many urban areas? History has shown that new highways simply attract more cars that slow the pace of traffic and ensnarl the streets of our central cities. Furthermore, no matter how well roads may be constructed, accidents increase in proportion to the number of automobiles on the road. The automobile is the No. 1 killer of persons under

35; in addition to the tragic toll in lives, in 1969 automobile accidents cost this country $28 billion in bodily damage and $12 billion in property damage.

There comes a point of no return in highway building. No matter how many freeways we build, central cities can cope with only so many cars. Not only are there the inevitable time consuming and wearing traffic jams, pollution problems, and loss of taxable land, but valuable business district land must be devoted to car storage—up to 50 percent of this land in some cities. The alternative for moving large numbers of people is public transportation by bus or rail. When large numbers of people are traveling at the same time with the same destination, this is a more efficient alternative, and a much safer one too. As the late Walter Reuther so aptly put it at a committee hearing in 1966 when he was president of the United Auto Workers:

I think it is absolutely ridiculous for 100,000 Americans living in the same urban center to try to go to the same place for the same purpose at the same time, as each drives a ton and a half of metal with him. I just think that this is utterly stupid from an economic point of view and from a human point of view.

Mass transit also relieves our highways of commuter traffic congestion, making the automobile and truck driver's trip faster and safer—certainly a direct benefit to the highway user. As it is today, many truckers and interstate travelers find themselves making good time traveling between cities only to lose the time they gained in urban and suburban freeway traffic. What mass transit will do is get the commuter traffic off the road, leaving the road to those who must drive. Furthermore, it will give all automotive drivers an alternative form of transportation; it is time that we give the traveling public some options too.

What is wrong with transportation in America today is that the functional relationship that does exist between mass transit and highways is not reflected in our planning and funding of transportation programs. In 1966 the Department of Transportation was created to provide a coordinated administration of our Nation's transportation programs; but this objective has been severely hampered by the continued separate modal administrations of the various programs. To argue that public transportation is not highway related is absurd. They are all part and parcel of the same thing: our Nation's transportation system—except that highways consume 60 percent of our Federal transportation budget and mass transit 4 percent. The House Public Works Committee bill, nearly doubling the present $4.5 billion level of expenditures without considering any public transportation needs, only promises to aggregate this disparity.

This has been a year in which many industrial leaders have to recognize that this country cannot survive if it does not have a balanced transportation system. Early this year Mobil Oil Corp. started an ad campaign calling for a national mass transportation program tying all forms of transportation together. Mobil also called for the review of the completion of the Interstate System and improved mass transit. Automobiles are important to Mobil and yet in its ad Mobil said:

. . . traffic jams, and a glut of cars using too much gasoline to haul too few passengers waste many resources, including oil.

Automobile sales are also important to the big four auto manufacturers, and yet the heads of these companies supported legislation in Michigan to allocate some of that State's highway trust fund's revenues to mass transit.

Perhaps, however, the most eloquent and persuasive spokesman for the administration for providing a unified transportation program has been Secretary of Transportation John A. Volpe. He has personally worked to improve mass transportation and he has spoken out vigorously and persuasively on the need to give States and localities more flexibility in the use of their transportation funds.

When I first came to Congress, I introduced a bill cosponsored by over a hundred Congressmen, to create a mass transportation trust fund. I have also introduced in this Congress a bill to provide for the establishment of a single national transportation trust fund. This bill would combine in a single trust fund the highway, mass transit, railroad, and airport programs. It is in my judgment the most efficient and desirable approach to the entire subject.

Only when localities have one source of transportation funding; namely, a single trust fund, will they be given a real choice in determining what form of transportation to construct. It is time that the Congress act to provide some of this needed flexibility in the Federal aid highway bill.

Mr. BIAGGI. Mr. Chairman, I rise in support of the Federal-aid highway bill and urge its passage. The massive program to link this country from coast to coast with a network of interstate highways has been highly successful and has made Americans among the most mobile people on earth.

I previously voted against the previous question, however, because I feel that our efforts must now be directed toward developing a balanced transportation system. In the metropolitan areas of our Nation, mass transit needs are crying out for funding. Only 4 percent of the Federal transportation budget is going toward these needs. The vast resources of the highway trust fund should be put to use in improving and developing mass transit systems.

What many in this Chamber fail to see is the benefit that will accrue to drivers of automobiles and trucks if more people can be attracted to trains and buses. A balanced transportation system will mean better transportation for all the traveling public regardless of what mode they use.

Permitting local officials the option of using highway trust funds for mass transit purposes is a sound approach. The adoption of the rule not allowing this provision to be offered as an amendment was a travesty.

In the city of New York, for example, many millions of people drive cars and pay Federal gasoline taxes. It is highly probable, however, that they travel only on city streets and never on the Interstate Highway System. Thus they obtain no benefit from the highway trust fund. Yet if some of this money would be diverted to improve New York City's subway system, they might indirectly benefit by having reduced traffic levels in the city.

I am sure in many areas of the country—particularly in the West—the people enjoy little benefit from the highway trust fund. Yet their gasoline taxes go to pay for interstate highways that primarily serve the needs of commerce and industry.

This country must develop a balanced transportation system. This bill could have been a step in that direction had the amendment been approved. The vast majority of Americans want to see the development of such a system.

Mr. BLATNIK. Mr. Chairman, this distinguished body, to which I have devoted my entire career, faces momentous decisions on the legislation that is before us today—decisions that will shape national policy on the Federal-aid transportation system for the remaining years of this century.

Within the next 30 years, the population of our country will double, and, if we continue on our present course, 80 percent of that growth will take place in the already congested urban areas that occupy no more than 3 percent of our land area. No prophetic vision is required to foresee the chaos that will then exist if we allow ourselves now to be divided by needless conflict instead of uniting on a prudent course of action.

There is no cause for conflict. The question before the House today is not whether one form of transportation shall be the chosen instrument of the future, but how best to meet the very different—and equally pressing—transportation needs of rural and urban America.

I am wholly in accord with those Members who are pleading the case for Federal aid to build more mass transit facilities to relieve the traffic congestion that is paralyzing our major metropolitan centers.

And I agree with those other Members who contend that there is urgent need for a great expansion of our primary and secondary road systems to serve the millions of countryside Americans who live outside the urban areas and whose needs have been overlooked in the highway programs of the past.

Mr. Chairman, we must have both mass transit and highways. And if we are ever going to have them, if we are ever going to resolve our transportation crises, we must face up to the fact that there is not enough money in the highway trust fund, or in any other existing fund, to pay for them.

Trying to do both jobs out of the same limited pool of Federal money makes about as much sense as trying to stretch a baby's clothes to fit a giant. And we are playing a cruel hoax on the people of this country if we tell them it can be done.

Just a few short days ago, for example, this body did not hesitate to authorize Federal spending of more than $24.6 billion to help the cities and towns of Amer-

ica clean up their polluted waters. We did not hesitate because we recognized the clear and present need for action on a scale that not too many years ago would have been considered fantastic.

We met the problem head on, with a program tailored and funded for the size of the job, knowing that the public was thoroughly aware of the crisis of our waters and thoroughly prepared to pay the price.

Mr. Chairman, I am confident that the citizens of this country will respond to the crisis of our transportation system, once they have been fully informed as to what must be done, and how much it will cost them.

But let us not delude them and ourselves with the notion that the job can be done on the cheap by grabbing a fistful of mass transit money out of the highway trust fund this year and another fistful next year.

The Federal Aid Highway Act of 1972 clearly recognizes the dual nature of our transportation problem: It clears the way for genuine rather than token action on mass transit for the cities, and it makes a start toward closing the gap that has existed for too long in the rural and semirural sector of our highway system.

The people who live and work in my part of the country and in all the other areas of countryside America have been paying for the interstate system and their taxes will go into mass transit for the big cities, but little or nothing has been done to provide them with decent roads.

As an example, I invite you to study the map of my part of the North country. From the top of Minnesota across northern Wisconsin to the top of Michigan, the map is blank, because there just are not any roads worth mentioning.

I hope the House will agree that there is an urgent need to build and improve the primary and secondary roads on which millions of our rural citizens depend. This kind of construction costs no more than $20,000 to $40,000 a mile, in contrast to what we are spending for highways in and around our big metropolitan centers. Just across the Potomac in northern Virginia, for instance, the Shirley Highway is being expanded into an eight-lane superhighway, with all kinds of complex interchanges, at a cost of $45 million per mile. That's anywhere from 1,000 to 2,000 times more than it would cost to build a mile of badly needed road in northern Minnesota, Wisconsin, or Michigan.

We are attempting in this legislation to do something more than just build concrete lanes in the forgotten back areas of America. For one thing, this bill creates a wholly new program of economic growth center highways, funded at $150 million a year for fiscal years 1974 and 1975, to stimulate economic activity in these rural and semirural areas.

This program was set up as a demonstration project in the 1970 Highway Act; it is now funded as an ongoing operation which we believe should be expanded in the next legislation. It is an important element in the overall economic development effort which the Public Works Committee has initiated to revitalize economically depressed areas around the country which, for one reason or another, have not been able to share fully in the general prosperity.

It has long been apparent that something must be done to halt and reverse the tide of migration from countryside America to the congested cities. We must find ways to add economic opportunity to the social and psychological advantages that make rural and small-town living attractive to millions of our people. If we can accomplish that, if we can attract more young people back to the land, we will alleviate many of the problems our big cities face today in the form of traffic congestion, street crime, drug addiction, and all the related ills that seem to befall places where too many people are trying to live too close together.

Many of our smaller towns, because of their relative isolation and the lack of job opportunities, have been losing a big share of their young people to the already crowded cities. This economic growth highway program is aimed at attracting business and industry to the open space of rural America, and giving young people a chance at hometown jobs with the added attraction of countryside living.

One of our greatest problems, as we move into the final decades of the 20th century, is loosely defined as "overpopulation," but might more properly be termed "maldistribution of population."

America has room for all our people and can support the growth we expect; but not by compressing all of them into a few large, unmanageable urban sprawls.

Our greatest task in the coming decades will be to encourage more even distribution of people throughout the entire Nation.

All over the great hinterland of America there are towns and villages set down in delightful surroundings, where the quality of life is high. They lack only jobs, opportunities for people who enjoy rural living and do not want to be forced into the crowded cities by economic necessity. These areas have ample supplies of workers and they would be ideal industrial locations, but no large plant can locate there because their roads are inadequate. They are inaccessible for all practical purposes.

A good road system would enlarge the area from which new industries could draw their workers and would enable the workers to find good, diversified employment without leaving their present homes.

Mr. Chairman, roads have a direct impact on where people live. When we build a road from an outlying area into a city, we guarantee that more people will settle along this road.

When we concentrate road building in the metropolitan areas, we add to congestion, overconcentration of people in the megalopolis.

We can play an important role in reversing this trend, in giving Americans a far greater choice of lifestyles, locations, simply by funding the economic growth center highways.

Does this bill also move toward the development of mass transit to serve our cities? It does, Mr. Chairman, and it does so in what I consider to be a most judicious manner.

Earlier this year, the Secretary of Transportation submitted to Congress a report estimating our mass transit needs at $63.45 billion by the year 1990.

Section 143 of this Federal-Aid Highway Act of 1972 specifically directs the Secretary, in cooperation with the State Governors and appropriate local officials, to evaluate that report as it applies to all urban areas where mass transit problems may exist.

This evaluation is not just another wheelspinning study; it is an action plan to be presented to the Congress by January 31, 1974, little more than 15 months from now. The evaluation will include developing a program to meet the public mass transportation needs of each urban area in the Nation.

Mr. Chairman, I emphasize that each urban area will be the subject of a separate evaluation, because the mass transportation needs of our big cities are by no means identical. What the Los Angeles commuter needs to get him to and from work is far different from the needs of his counterpart in New Orleans, or New York, or Chicago, or Washington, D.C. A big investment in rapid rail transit may be the solution for one metropolitan area, buses and special bus lanes for another, and a combination of the two for a third.

In his evaluation, the Secretary will determine operating and maintenance costs of each urban mass transportation system, as well as appropriate fare structures, and will analyze the Federal, State, and local funding capabilities for meeting these needs.

When this information and these programs are submitted for study by the Congress—and surely 15 months is not an interminable delay in consideration of a program of this magnitude—we will be in a solid position to determine what funds may be needed from the highway trust fund and other sources for mass transit. We will raise the necessary money, as we did in the water pollution control program, and I will help raise the funds.

We are going to need enormous sums of money in the years ahead to provide the mass transit facilities that our urban centers must have. And snatching $800 million, or even $2 billion, out of the highway trust fund would not even make a dent in the total need. As I have already said, there just is not enough money in the fund to do everything that has to be done, let alone everything we all would like to do.

We are not going to solve our problems by pitting rails against road in competition for the highway trust fund. This legislation recognizes the limitations of the trust fund; it recognizes that new sources of funds must be found and brought to bear on the totality of our Nation's transportation problem.

Mr. Chairman, I urge my colleagues to approve this bill.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by title the committee amendment in the nature of a substitute printed in the reported bill

as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 16656

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

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1972".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1974, and June 30, 1975, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, of House Public Works Committee Print Numbered 92–29.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $700,000,000, for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(3) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, and $16,000,000 for the fiscal year ending June 30, 1975.

(5) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1974, and $170,000,000 for the fiscal year ending June 30, 1975.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

(8) For parkways, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

(9) For Indian reservation roads and bridges, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $150,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

(11) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(12) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $3,000,000 for the fiscal year ending June 30, 1974, and $3,000,000 for the fiscal year ending June 30, 1975.

(13) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, and not to exceed $5,000,000 for the fiscal year ending June 30, 1975.

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, and not to exceed $2,000,000 for the fiscal year ending June 30, 1975.

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, and not to exceed $500,000 for the fiscal year ending June 30, 1975.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) Nothing in the first ten paragraphs or in paragraph (13) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319 (b), or chapter 4 of title 23, United States Code.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974, and June 30, 1975, under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1974, and June 30, 1975, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for each such fiscal year for such system.

SUBMISSION OF CERTAIN REPORTS

SEC. 105. The Secretary of Transportation is hereby directed to forward to the Congress within thirty days of the date of enactment of this Act final recommendations proposed to him by the Administrator of the Federal Highway Administration in accordance with section 105(b)(2), section 121, and section 144 of the Federal-Aid Highway Act of 1970 together with those recommendations of the Secretary of Transportation to the Director of the Office of Management and Budget unless these recommendations have been submitted to the Congress prior to the date of enactment of this Act.

DEFINITIONS

SEC. 106. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey in the Department of Commerce)," and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration in the Department of Commerce), traffic engineering and operational improvements,".

(2) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979".

(b)(1) The introductory phrase and the second and third sentences of section 104 (b) (5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) Such section 104(b)(5) is further amended by striking out the sentence immediately preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending June 30, 1978, and June 30, 1979."

DECLARATION OF POLICY

SEC. 108. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared that since the Interstate System is now in the final phase of completion that after completion of that system it shall be the national policy that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum amount possible by no later than the year 1990."

MINIMIZATION OF RED TAPE

SEC. 109. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agen-

cies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs 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."

FEDERAL-AID SYSTEMS

SEC. 110. Section 103 of title 23, United States Code, is amended as follows:

(1) The second sentence of subsection (d) is amended by inserting immediately after "such area" the following: "and shall provide for the collection and distribution of traffic within such area".

(2) Subsection (d) is further amended by inserting immediately following the next to the last sentence the following new sentence: "Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary."

(3) The next to the last sentence of subsection (g) is amended by striking out "1975" and inserting in lieu thereof "1977".

(4) Subsection (g) is further amended by adding at the end thereof the following new sentence: "This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

APPLICATION TO URBAN SYSTEM OF CERTAIN CONTROLS

SEC. 111. The last sentence of subsection (d) of section 103 of title 23, United States Code, is amended to read as follows: "The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system unless determined by the Secretary to be inconsistent with this subsection, except that sections 131, 136, and 319(b) are hereby made specifically applicable to such system and the Secretary shall not determine such sections to be inconsistent with this subsection."

APPORTIONMENT

SEC. 112. Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraph (1) of subsection (b) is amended by striking out "one-third in the ratio which the population of each State bears to the total population of all the States" and inserting in lieu thereof the following: "one-third in the ratio which the rural population of each State bears to the total rural population of all the States".

(2) Paragraph (6) of subsection (b) is amended by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(3) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "30 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(4) Subsection (d) is amended to read as follows:

"(d) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 30 per centum."

(5) The last sentence of subsection (c) and subsection (f) are hereby repealed.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 113. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244(7), U244(10), UG 244(9), U 244 (8), and U 244(11)), shall be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the State of Texas. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 114. (a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

SIGNS OF PROJECT SITE

SEC. 115. The last sentence of subsection (a) of section 114 of title 23. United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 116. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department of its performance of such responsibilities, if he finds—

"(1) such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title;

"(2) the State meets the requirements of section 302 of this title;

"(3) that final decisions made by responsible State officials on such projects are made in the best overall public interest.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance.".

MATERIALS AT OFF-SITE LOCATIONS

SEC. 117. Section 121(a) of title 23 of the United States Code is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 118. After the second sentence of section 129(b) of title 23, United States Code, insert the following: "When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

CONTROL OF OUTDOOR ADVERTISING

SEC. 119. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, be limited to (1) directional and official signs and notices, which signs and notices may include, but not be limited to, signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds, food services, gas and automotive services, and lodging and shall include signs and notices pertaining to natural wonders, scenic and

historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section (except that not more than three directional signs facing the same direction of travel shall be permitted in any one mile along the Interstate or primary systems outside commercial and industrial areas), (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof: "In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained: *Provided*, That such signs on the Interstate and primary shall not be erected in suburban or in urban areas or in lieu of signs permitted under subsection (d) of this section, nor shall they be erected where adequate information is provided by signs permitted in subsection (c) of this section."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof: "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1972, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 120. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 121. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY PUBLIC TRANSPORTATION

SEC. 122. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Sums apportioned under section 104(b) of this title shall be available to finance the cost of these projects.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project.

"(e) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 123. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project", by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

FEDERAL-STATE RELATIONSHIP

SEC. 124. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Federal-State relationship

"The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Federal-State relationship."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 125. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 146. Special urban high density traffic program

"(d) There is hereby authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"146. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 126. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Priority primary routes

"(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement as supplementary routes to extend and supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities as well as extensions. A total of not more than 10,000 miles shall be selected under this section. For the purpose of this section such highways shall hereafter in this section be referred to as 'priority primary routes'.

"(b) Priority primary routes selected under this section shall be improved to geometric and construction standards for the Interstate System, or to such other standards as may be developed cooperatively by the Secretary and the State highways departments in the same manner as are standards developed for the Interstate System.

"(c) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to priority primary routes selected under this section except section 104. Funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized.

"(d) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before January 31, 1974.

"(e) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $300,000,000 per fiscal year for the fiscal years ending June 30, 1974, and June 30, 1975. One-half of such funds shall be apportioned among the States on the basis of the latest existing highway needs study, and one-half shall be available for apportionment to urgently required projects at the discretion of the Secretary."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Priority primary routes."

ALASKA HIGHWAY

SEC. 127. (a)(1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"217. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 128. (a) Section 320(d) of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof $25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been completed by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

GREAT RIVER ROAD

SEC. 129. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83-350), is amended by striking out "$500,000" and inserting in lieu thereof "$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 148. Development of a prototype of a national scenic and recreational highway program

"(a)(1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purpose of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the State pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"148. Development of a prototype of a national scenic and recreational highway program.".

ALASKAN ASSISTANCE

SEC. 130. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence "June 30, 1972 and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 131. (a) Subsection (1) of section 123 of the Federal-Aid Highway Act of 1970 is amended by striking out the first sentence and inserting the following in lieu thereof: "The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report."

(b) Subsection (n) of section 123 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than $450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended."

CLINTON BRIDGE COMMISSION

SEC. 132. (a) In order to facilitate interstate commerce by expediting the completion of interstate bridge facilities across the Mississippi River in the vicinity of the city of Clinton, Iowa, the City of Clinton Bridge Commission (hereafter referred to as the "commission"), created and operating under the Act approved December 21, 1944, as revived, amended, and reenacted, is hereby authorized to sell, convey, and transfer to the State of Iowa all of its real and personal property, books, records, money, and other assets, including all existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, and the substructure constituting the partially constructed new bridge which has been designed to replace the older of the two existing vehicular bridges, together with all easements, approaches, and approach highways appurtenant to said bridge structures, and to enter into such agreements with the State Highway Commisson of the State of Iowa (hereafter referred to as the "highway commission"), and the Department of Transportation of the State of Illinois as may be necessary to accomplish the foregoing: *Provided, however*, That at or before the time of delivery of the deeds and other instruments of conveyance, all outstanding indebtedness or other liabilities of said commission must either have been paid in full as to both principal and interest or sufficient funds must have been set aside in a special fund pledged to retire said outstanding indebtedness or other liabilities and interest thereon at or prior to maturity, together with any premium which may be required to be paid in the event of payment of the indebtedness prior to maturity. The cost to the highway commission of acquiring the existing bridge structures by the State of Iowa shall include all engineering, legal, financing, architectural, traffic surveying, and other expenses as may be necessary to accomplish the conveyance and transfer of the properties, together with such amount as may be necessary to provide for the payment of the outstanding indebtedness or other liabilities of the commission as hereinbefore referred to, and permit the dissolution of the commission as hereinafter provided, less the amount of cash on hand which is turned over to the highway commission by the commission.

(b) The highway commission is hereby authorized to accept the conveyance and transfer of the above-mentioned bridge structures, property, and assets of the City of Clinton Bridge Commission on behalf of the State of Iowa, to complete the construction of the new replacement bridge, to repair, reconstruct, maintain, and operate as toll bridges the existing bridges so acquired until the new replacement bridge has been completed, to dismantle the older of the two existing bridges upon completion of the new replacement bridge, and to thereafter repair, reconstruct, maintain, and operate the two remaining bridges as toll bridges. There is hereby conferred upon the highway commission the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, reconstruction, or completion of any such bridges and for the operation and maintenance of any bridge and the approaches, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes by said State. The highway commission is further authorized to enter into agreements with the State of Illinois and any agency or subdivision thereof, and with any agency or subdivision of the State of Iowa, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision. The cost of acquiring the existing bridge structures, of completing the replacement bridge and of dismantling the bridge to be replaced and paying expenses incidental thereto as referred to in subsection (a) of this section may be provided by the highway commission through the issuance of its revenue bonds pursuant to legislation enacted by the General Assembly of the State of Iowa, or through the use of any other funds available for the purpose, or both. The above-described toll bridge structures shall be repaired, reconstructed, maintained, and operated by the highway commission in accordance with the provisions of the General Bridge Act of 1946, approved August 2, 1946, and the location and plans for the replacement bridge shall be approved by the Secretary of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation of the State of Illinois. The rates and schedules of tolls for said bridges shall be charged and collected in accordance with said General Bridge Act of 1946 and applicable Iowa legislation and shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridges and approaches under economical management, to provide a fund sufficient to pay the principal of and interest on such bonds as may be issued by the highway commission as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity, and to repay any money borrowed by any other means in connection with the acquisition, construction, reconstruction, completion, repair, operation, or maintenance of any of said bridge structures. All tolls and other revenues from said bridges are hereby pledged to such uses. No toll shall be charged officials or employees of the highway commission, nor shall any toll be charged officials of the United States while in the discharge of duties incident to their office or employment, nor shall any toll be charged members of the fire department or peace officers while engaged in the performance of their official duties. No obligation created pursuant to any provision of this section shall constitute an indebtedness of the United States.

(c) After all bonds or other obligations issued or indebtedness incurred by the highway commission or loans of funds for the account of said bridges and interest and premium, if any, have been paid, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the State of Iowa shall deliver deeds or other suitable instruments of conveyance of the interest of the State of Iowa in and to those parts lying within Illinois of said bridges to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same, and thereafter the bridges shall be properly repaired, reconstructed, maintained, and operated, free of tolls by the State of Iowa and by the State of Illinois, or any municipality or agency thereof, as may be agreed upon.

(d) The interstate bridge or bridges purchased, constructed, or completed under the authority of this section and the income derived therefrom shall, on and after the effective date of this section, be exempt from all Federal, State, municipal, and local property and income taxation.

(e) After all of the property, books, records, money, and other assets of the City of Clinton Bridge Commission have been conveyed and transferred to the State of Iowa as contemplated by this section, such commission shall cease to exist, without the ne-

cessity for any hearing, order, or other official action.

(f) The right to alter, amend, or repeal this section is hereby expressely reserved.

INTERSTATE ROUTE NUMBERED 90

SEC. 133. The Secretary of Transportation is authorized to pay to the State of Illinois, not to exceed $55,000,000 on condition (1) that all of Interstate Route Numbered 90 within the city of Chicago, Illinois, shall be operated free to the public, on and after the date such payment is made, and (2) that the Secretary finds that the operation of such route free to the public will avoid the need for the expansion of the traffic capacity of any parallel portion of Interstate Route Numbered 94 within such city serving the same traffic corridor, which expansion would be at a cost in excess of such payment.

ROUTE 101 IN NEW HAMPSHIRE

SEC. 134. The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such section of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREEING INTERSTATE TOLL BRIDGES

SEC. 135. Section 129, title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1974, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1974, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance wtih paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 136. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than February 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a uniform system of tolls and best serves the public interest.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 137. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than January 1, 1975, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this section.

PARTICIPATION IN TOPICS AND FRINGE PARKING PROGRAMS

SEC. 138. In the administration of title 23 of the United States Code the Secretary of Transportation shall take such actions as he deems necessary to facilitate broad participation by the States in the urban area traffic operations improvement programs and projects for fringe and corridor parking facilities authorized by sections 135 and 137 of such title.

THREE SISTERS BRIDGE

SEC. 139. No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1–B2, and B2–B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia and as estimate section termini 02–03 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Act Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court.

DISTRICT OF COLUMBIA

SEC. 140. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 141. (a) The Secretary of Transportation shall permit no further action on Interstate Route I–287 between Montville and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

INTERSTATE SYSTEM

SEC. 142. Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used in making modifications" and inserting in lieu thereof "there is hereby authorized such additional mileage for the Interstate System as may be required in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised." and inserting in lieu thereof the following: "the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92–29."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis,".

PUBLIC MASS TRANSPORTATION

SEC. 143. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall include all urban areas. The evaluation shall include but not be limited to the following:

(1) Refining the public mass transportation needs contained in such report.

(2) Developing a program to accomplish the needs of each urban area for public mass transportation.

(3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.

(4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.

(5) Determining the operating and maintenance costs relating to the public mass transportation system.

(6) Determining and comparing fare structures of all public mass transportation systems.

(b) The Secretary shall, not later than January 31, 1974, report to Congress the results of this evaluation together with his recommendations for necessary legislation.

(c) There is hereby authorized not to exceed $75,000,000 to carry out this section.

FERRY OPERATIONS

SEC. 144. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, shall be inapplicable to any ferry operated solely between the States of Alaska and Washington.

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 145. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of

providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90–480 and 91–205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

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

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

PARLIAMENTARY INQUIRIES

Mr. HALL. Mr. Chairman, reserving the right to object, under the reservation I would make a parliamentary inquiry as to whether or not points of order would have to be lodged, that might be appropriate against title I, at this time, if such unanimous-consent request is granted.

The CHAIRMAN. No. The Chair will state to the gentleman, under the rule the committee amendment in the nature of a substitute is read as an original bill by title for the purpose of amendment. It is the understanding of the Chair that points of order would need to be lodged only at the time a particular amendment were offered.

If the gentleman wished to raise a point of order as to the text of title I, that point of order would need to be lodged immediately upon the granting of the unanimous-consent request now pending before the committee.

Mr. HALL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. Could a point of order be lodged against a subsequent title if and when unanimous consent is granted to consider that title read, printed in the RECORD, and open to amendment at any point?

The CHAIRMAN. The only thing pending before the committee is the unanimous-consent request relating to title I. The granting of that request would have no effect on the parliamentary situation as to subsequent titles.

Mr. HALL. I thank the Chair. I withdraw my reservation.

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

Mr. DINGELL. Mr. Chairman, reserving the right to object—and I will not object—I just want to have assurance that we will not find ourselves restricted as to time for offering amendments because of a motion to limit time for debate in the Committee. If we have that understanding I certainly will not object.

Mr. WRIGHT. I will say to the gentleman that one of the purposes of having the title considered as read and open to amendment at any point is to reserve the maximum amount of time for debate on amendments rather than to consume the time in reading the text of the bill.

Mr. DINGELL. Mr. Chairman, then I certainly do not object.

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

There was no objection.

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California:

On page 82 after line 21 insert the following:

"(b) To encourage the development, improvement, and use of public mass transportation systems for the transportation of passengers within urbanized areas, so as to increase the efficiency of the Federal-aid system, sums apportioned on or after January 1, 1973 from funds apportioned after the date of enactment of this Act, in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of construction of and acquisition of facilities and equipment for public mass transportation projects. For purposes of this subsection the term 'public mass transportation' means ground transportation which provides general or special service (excluding schoolbus, charter, or sight-seeing service) to the public on a regular and continuing basis, and includes activities designed to coordinate such service with other transportation. Projects which may be financed under this subsection shall include, but not be limited to, exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus, rail, and other public mass transportation passengers, construction of fixed rail facilities and the purchase of passenger equipment, including rolling stock for fixed rail."

And reletter succeeding subsections and references thereto accordingly.

POINT OF ORDER

Mr. JONES of Alabama. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. JONES of Alabama. Mr. Chairman, the proposed amendment is in violation of rule XI. The jurisdiction over how funds from the highway trust fund may be used is and always has been in the Committee on Ways and Means. That committee was responsible for the enactment of section 209 of the Highway Revenue Act of 1956. It is that act that created the highway trust fund and designated in section (f) how expenditures from that trust fund may be made. The language of that act categorically and clearly limited expenditures from the trust fund to those attributable to Federal-aid highways.

This is clearly an invasion of the jurisdiction of the Ways and Means Committee.

The second proposition, Mr. Chairman, is that the proposed amendment is not germane and is foreign to the objectives of the bill. The entire thrust and purpose of the bill is to enhance and develop Federal-aid highway systems and use.

Twice before, on August 11, 1966 in the RECORD of that date at page 19103 and again on July 3, 1968 in the RECORD on page 19926–7 an effort was made to amend a highway bill to make funds available from the highway trust fund for mass transit uses. On both occasions the chair sustained points of order holding that the amendments were in violation of rule XVI clause 7.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. ANDERSON of California. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ANDERSON of California. Mr. Chairman, first, the previous speaker raised his points on both the jurisdiction, and the germaneness of the bill.

First, on the issue of jurisdiction—Mr. Chairman, sec. 209(f) of Public Law 84–627, which authorizes expenditures from the Highway Trust Fund states:

Amounts in the trust fund shall be available . . . to meet those obligations . . . incurred under the Federal-Aid Road Act . . . as amended and supplemented, which are attributable to Federal Aid Highways.

That section was written by the Ways and Means Committee.

However, it is the Public Works Committee which has traditionally determined the obligations to be incurred under the Road Act—now the Federal Aid Highway Act.

Examples of Public Works action—affirmed by the Congress—which broaden the trust fund uses without amending the Highway Revenue Act are the following:

(1) 1962 Highway Act allowed relocation payments to be included as part of the cost of construction.

(2) 1970 Highway Act authorized the use of trust fund money for the construction of:

a. exclusive busways,
b. passenger loading facilities,
c. bus shelters,
d. fringe and corridor parking facilities.

Also—construct new housing when replacement housing was not available. Also—ferry boat construction.

Thus, I contend that the public transportation amendment which expands the use of highway trust fund moneys—is not a tax matter—but rather is a disposition of those taxes, a public works matter, when regarding Federal Aid Highways.

On the second point, of germaneness, under clause 7 of rule 16 "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

So, the central question is—does the amendment which authorizes the use of urban system funds for public transportation differ from the intent of the bill?

I contend that the public transportation amendment is directly related to the avowed purpose of both the law, and section 122 of the bill.

The law—Public Law 91–605—created the "Urban Highway Public Transportation" system with the express purpose "to encourage the development, improvement, and use of public mass transportation systems" by authorizing highway trust fund moneys "to finance the Federal share of the costs of projects for the construction of—exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

And, again, in 1970, the Congress recognized the need to establish public transportation systems to complement and supplement the highway system.

Section 134 of title 23 authorized the Secretary of Transportation to designate as "critical transportation regions", those areas where "the movement of persons and goods has reached a critical volume," and "most urgently require the accelerated development of transportation systems embracing various modes of transport."

It is clear that the 1970 act represented a congressional awareness of the need for improved public transportation in our urbanized areas.

In addition to the law, the bill before us today continues and expands upon the public transportation sections. Section 122 authorizes the use of trust fund moneys to finance the Federal share of the construction of exclusive bus lanes, passenger loading areas and facilities. This section also authorizes the Secretary to make Federal-aid rights-of-way available to accommodate needed rail or nonhighway public mass transit programs.

To its credit, the committee also authorized $75 million to evaluate the public mass transportation portion of the 1972 National Transportation Report submitted by the Secretary of Transportation.

Very briefly, Mr. Chairman, the current law, and the bill before us today recognize that our highway system could be more effectively utilized if we encouraged mass transportation systems, so as to obtain the maximum benefits from the heavy public investment in urban highways.

Certainly, if it is germane to use trust fund moneys for ferryboat construction and acquisition—if it is germane to use trust fund money to construct new houses and new businesses—if it is germane to authorize trust fund money for the construction of bus shelters.

Certainly it is germane to permit cities to use trust fund moneys to construct and acquire mass transit systems which goes to the purpose of the bill "to encourage the development, improvement, and use of public mass transportation systems."

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. JONES of Alabama. Well, Mr. Chairman, the gentleman from California has brought out, I think, some very pertinent observations, and that is that in the 1956 act and in the successive acts what the need for the accommodations of the highway system were.

That did not mean they went beyond the authority of the 1956 act. And when he talks about ferryboats, we recognized in the 1956 act the need to continue in the State of Alaska the ferries which were a continuity of the highway system in Alaska.

So I see no reason why a sign board or a restroom would not be a part of the Interstate System.

Does the gentleman mean to make the distinction in here now between a sign on the highway or a restroom as being a function or requirement going beyond the use of highway funds money? That is what we are talking about. We do not go into the consequences of whether or not there is going to be a rapid transit bill, or whether there is not. The question is are we going to violate the highway trust fund for other than what it was specifically created?

The CHAIRMAN (Mr. UDALL). The Chair is prepared to rule.

The gentleman from Alabama (Mr. JONES) makes the point of order that the amendment offered by the gentleman from California (Mr. ANDERSON) is not germane to the committee amendment in the nature of a substitute to the bill, H.R. 16656, and makes the additional point that the matter contained therein is within the jurisdiction of another committee.

The Chair of course is unable to deal with the merits of the public policies involved in the proposed amendment, and the Chair states that this point of order presents a close and difficult parliamentary question to rule upon.

The amendment to section 122 of the committee amendment in the nature of a substitute would add a new subsection 142(b) to title 23 of the U.S. Code to permit apportionments to be made from the highway trust fund for the development, improvement, and use of public mass transportation systems for the transportation of passengers within urbanized areas. The term "public mass transportation" is defined in the amendment to mean "ground transportation which provides general or special service—excluding schoolbus, charter, or sightseeing service—to the public on a regular and continuing basis", and projects which may be financed under this new subsection include, in addition to bus and highway facilities, "fixed rail facilities and the purchase of passenger equipment, including rolling stock for fixed rail."

The Chair has examined the section of the bill, and the section of existing law, which the gentleman from California seeks to amend. Section 142 of title 23, as rewritten in the committee substitute, relates to apportionments from the highway trust fund to finance the Federal share of construction costs of separate bus lanes, highway traffic control devices, bus passenger loading areas and facilities and certain parking facilities to serve bus and other mass transportation passengers, in order to encourage development of mass transportation system—not including rails—which use motor vehicles on the highways.

It is clear to the Chair that section 142 of existing law, and section 122 of the committee substitute, are structured to exclude rail facilities and rail rolling stock from their coverage.

The Chair notes that on two occasions Chairmen of the Committee of the Whole have ruled that, to a bill authorizing funds for Federal aid highways, an amendment permitting the diversion of funds apportioned to a State from highway construction to urban mass transportation was not germane. One of those rulings was on August 11, 1966, and the other on July 3, 1968. The Chair notes that on those occasions, as now, existing law—The Highway Revenue Act of 1956—specifically provided that amounts in the highway trust fund shall be available, as provided by appropriation acts, for making expenditures—to meet those obligations of the United States—which are attributable to Federal-aid highways.

The Chair has reviewed the situation when the Federal Aid Highway Act of 1956 was brought to the floor, and notes that, despite the fact that title I of the Highway Act of 1956 was considered by the Committee on Public Works, and title II, the so-called Highway Revenue Act, was considered by the Committee on Ways and Means, the two titles were brought to the floor and considered as one bill. The two parts passed as one act, and the provisions of title II, specifically those in section 209 relating to the creation of and expenditures from the highway trust fund, were clearly intended to control the uses to which that trust fund could be put.

The Chair would also like to point out one additional vital point here. The subject of urban mass transportation by rail has been considered by the Committee on Banking and Currency. That committee has reported and the Congress has enacted the Urban Mass Transportation Act.

Also the Committee on Interstate and Foreign Commerce has reported legislation dealing with rapid-rail transportation and assistance to the railroad industry generally.

This amendment would place in this bill and in the jurisdiction of the Committee on Public Works a subject matter heretofore not within that committee's jurisdiction.

In the precedents cited by the Chair, as in the present case, the amendments offered constituted an attempt to broaden the scope of the pending section of the bill beyond that contemplated in the committee bill. For this reason, the Chair feels constrained to hold that the amendment is not germane to section 122 of the committee substitute, and sustains the point of order.

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California: Page 82, after line 21, insert the following:

"(b) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as "buses") within urban areas on the basis of local transportation need, so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail." and reletter succeeding subsections and references thereto accordingly.

On page 83, line 2, strike out "subsection (a) of".

Mr. JONES of Alabama. Mr. Chairman, I make a point of order against the amendment, but will reserve the point of order for an explanation.

The CHAIRMAN. The gentleman from Alabama reserves a point of order against the amendment offered by the gentleman from California.

The Chair recognizes the gentleman from California.

Mr. HARSHA. Mr. Chairman, I wonder if the gentleman from California would extend me the courtesy of providing me with a copy of the amendment as I would like to see what he is talking about.

Mr. ANDERSON of California. Mr. Chairman, my amendment is very, very simple.

After listening to the Chairman's ruling a moment ago which placed great stress on rails, and fixed rails, and fixed rail facilities, I have introduced an identical amendment to the previous one except that I have taken out every reference to rails, so it applies now only to buses.

That is what the amendment does.

Mr. Chairman, I would revise and extend my remarks and say in the interest of saving time that my amendment does basically what I described earlier and now I contend this amendment would surely comply with the ruling of the Chair. I contend this amendment is germane.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Alabama (Mr. JONES) desire to be heard on the point of order.

Mr. JONES of Alabama. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. JONES of Alabama. Mr. Chairman, I renew my point of order on the same grounds that I propounded the objections to the other amendment.

This goes into the buying of buses and operating bus systems. Therefore, it is clearly more of a trespass on the jurisdiction and the authority than it was in the original amendment.

For the life of me, I cannot understand where you are taking travel capacity under a Federal-aid system and try to make apportionments to a rapid transit system that it would not be so objectionable to what we are trying to decide here—and that is a highway bill.

It includes loading areas, facilities, shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and for the purchase of passenger equipment other than rolling stock.

Consequently, the amendment just puts us into the business of buying buses.

Mr. Chairman, I cannot understand why the point of order, if it could be sustained as against the first amendment, would not be sustained on this amendment.

Mr. ANDERSON of California. Mr. Chairman, the amendment which I offered a few minutes ago was ruled out of order because it authorized highway trust fund money to be used for construction and acquisition of rail transit, and that rail transit was not considered a highway purpose.

The amendment I am now offering meets that objection by deleting the provision which authorizes the construction and acquisition of rail or rolling stock.

Thus, it is germane to the bill since it deals solely with highway public transportation which is section 122 of the bill before us.

The law states that "Trust funds shall be available" for projects "which are attributable to Federal-aid highways."

The bill before us allows the use of those funds for:

First. Contruction of exclusive or preferential bus lanes;

Second. Bus passenger loading areas and facilities; and

Third. Fringe and transportation corridor parking facilities to serve bus passengers.

My amendment expands that concept to allow trust fund moneys to be used for the acquisition of buses, which are "highway related."

The Committee on Public Works, on page 2 of the report recognizes this fact.

The committee report states:

> This Committee recognizes that bus mass transit is the major part of all mass transit and because of its operational flexibility is eminently suitable for utilizing the vast capital investment represented by the nation's highways and streets.

The Public Works Committee, on which I proudly serve under my leader, Mr. BLATNIK, stated that—

> Bus mass transit is a legitimate concern of the highway program.

I agree with the committee, and certainly feel that this amendment is germane to the legislation on page 82—"Highway public transportation."

Mr. HARSHA. Mr. Chairman, this amendment has been changed considerably from the original amendment. I would like to point out that the section which it has reference to restricts that activity to the Federal-aid highway system only.

The amendment of the gentleman is not so restrictive in that it broadens the scope to highways, any highways, whether they are on the Federal-aid system or not, and this goes far afield to the scope of this amendment, Mr. Chairman, and I urge the point of order be sustained.

The CHAIRMAN (Mr. UDALL). The Chair is prepared to rule. In the rather lengthy, extensive ruling on the previously proposed amendment the Chair made several points. The gentleman from California urges that his new amendment is now germane because reference to the purchase of rail passenger equipment and rolling stock has been eliminated. The gentleman may well have stated the factual situation with respect to the deletion of certain language but the Chair would note that some of the other grounds for sustaining the point of order previously stated would still apply.

For one thing, the point just made by the gentleman from Ohio seems to have some validity to the Chair. The section of the committee bill to which the amendment is offered relates only to uses of the highway trust fund in the Federal aid highway system. Another point is that one could not, for example, use the highway trust fund under existing law or under the terms of the bill, as the Chair reads it, to purchase automobiles even though they would be used upon the highways, and the gentleman from California places great stress upon the fact that his proposed amendment now deals only with buses which would be used on the highway.

The Chair would further note that the amendment would seem to violate clause 4 of rule XXI in that it would divert or actually reappropriate for a new purpose funds which have been appropriated and allocated and are in the pipeline for purposes specified by the law under the original 1956 act.

The Chair also notes the amendment still does not meet another of the points made in the earlier ruling. The matter contained in the amendment relates—certainly in part—to subjects under the jurisdiction of other committees.

Again the Chair feels constrained to and does sustain the point of order.

Mr. BOLAND. Mr. Chairman, I regret that the amendment of my colleague from California (Mr. ANDERSON) to permit a further broadening of the uses of the highway trust fund for mass transit has been struck down on a point of order.

In 1956, we enacted the Federal Highway Act to meet one of the most pressing problems of the country—how to increase mobility. Today, we can point with pride to the world's best highway system. It is ironic, therefore, that this country also faces one of the worst mass transit crises.

The amendment proposed will help to alleviate several critical urban problems: transportation within our densely populated urban corridors, environmental protection, scarcity of nonrenewable energy sources, and the shortage of funds to deal with these problems.

It is clear that excessive reliance on expanded use of motor vehicles is neither practical nor desirable. We must expand public transportation in order to meet the diverse needs of our cities.

We must develop long-range plans that balance public investment among transportation needs, economic growth and environmental restoration. Further expansion of the uses of highway trust fund moneys is a rational solution to the conflict between resources for highways and mass transit competing for the public's transportation investment.

Traffic congestion in urban areas is one of the primary factors contributing to air pollution. In my home city of Springfield, Mass., it has been determined that auto-related pollutants have resulted in air quality below safe standards for public health. If we are to meet the standards mandated in the Clean Air Act, we must review our transportation system and find some means of aiding mass transit in urban areas.

Current restrictions on the use of highway trust funds prevent cities with choice of using the funds to build highways to serve transportation requirements or limiting the amount of Federal aid available for transit. It is a "use it or lose it" proposition. We do not present the planners

with the option of exploring alternative means of solving the problem.

Local governments now face severe financial pressures in providing essential services from limited general revenues. In 1972, it is estimated that local bodies will spend $2.3 billion to subsidize the highway system. At the same time, they will lose valuable taxable property to the highway system, thus decreasing their ability to plan and fund alternative transportation systems. Mass transit systems must compete with other domestic services: Highway trust fund projects do not compete with scarce general revenue funds. Yet, the major beneficiaries of expanded mass transit will be the urban highway users for whom public mass transit is not a viable alternative. By diverting commuters and other marginal users from the highways, traffic congestion will be reduced and those who must rely on highways for the delivery of goods and services will be able to do so more easily.

Furthermore, inefficient highways contribute to the waste of scarce and nonrenewable fuel resources. More efficient transportation systems are an obvious and necessary means of conserving oil resources for the future.

The proposed amendment will not sabotage the highway system. Nor will it deprive any State of its allocation from the trust fund. What the amendment will do is permit local authorities to determine the optimum solution to particular urban transportation problems, and provide long-term and predictable levels of funding for balanced transportation.

Since the social and economic structure of a community is largely determined by its transportation system, I am convinced that local authorities should have the authority and responsibility to determine which transportation systems will best serve the needs of the community.

Passage of this amendment will permit the necessary redirection of transportation priorities over the next decade. Its passage will benefit not only transportation, but also public health, the aged and poor, and the complexity of urban problems that confront our Nation.

The amendment does not affect the pace of the building of the Interstate System. That is a separate program provided for in a separate part of the bill.

The amendment does not mandate that the money be used for mass transit; it gives the local area the option of using the funds for either highways or mass transit. The idea of greater local discretion in the use of Federal funds has recently been endorsed by the Congress in the general revenue-sharing bill.

The use of revenues from gasoline and related taxes for nonhighway purposes is not unprecedented. Ninety-five percent of the receipts of the highway trust fund in fiscal year 1972 were derived from taxes which were on the books long before the trust fund was created in 1956. These taxes provided revenues for the General Treasury fund, used to finance the gambit of Government activities.

Cities deserve a better share of the trust fund dollar. Less than 10 percent of Federal-aid highway miles are found in urban areas, yet these areas accounted for more than 51 percent of all vehicle miles traveled in 1969 and thereby far more than half of Federal gas tax revenues.

There is a tremendous need to reorient transportation priorities in urban areas away from highways to mass transit. Such a reorientation will:

Improve the environment—as much as 80 percent of air pollution in urban areas comes from autos;

Conserve scarce energy resources—passenger cars account for 30 percent of U.S. oil consumption.

Provide greater mobility for those who are now confined—more than half of all households with incomes of less than $3,000 and nearly half of households whose heads are 65 years and older do not have a car;

Help relieve costly and annoying congestion in urban areas; and

Reduce further erosion of the urban tax base caused by the paving over of urban land.

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

Mr. Chairman, I rise in vigorous support of section 141(a) of this bill.

Mr. Chairman, I join with you in the knowledge that every distinguished Member of this House is dedicated to, and most prideful of the fact that this great deliberative body, characterized as the "People's House," functions under the fundamental principle which is the cornerstone and the very foundation of our democracy: "the consent of the governed."

Mr. Chairman, the principle of "the consent of the governed" inherently demands the right of the people to be heard and always the right of the people for redress from the decisions of the administrative branch of government.

Mr. Chairman, a great injustice is being perpetrated on the residents of my congressional district and surrounding communities by the steadfast refusal on the part of State and Federal transportation agencies to provide an open forum for discussion and review where the majority will of the people can be heard to help resolve a longstanding controversial public issue on the alinement of Interstate Highway I–287 in our region of the State of New Jersey. Today, I look to my colleagues here in the Congress to join with me in carrying out our responsibilities of providing a representative government of the people, for the people, and by the people by unanimously supporting in the debate of this most important Federal-Aid Highway Act of 1972, section 141(a) which reads as follows:

> The Secretary of Transportation shall permit no further action on Interstate Route I–287 between Montville and Mahwah (Bergen and Passaic Counties), New Jersey, until new corridor hearings are held.

Mr. Chairman, I along with the help of my distinguished colleague from New Jersey (Mr. HOWARD) introduced this section of this legislation which carried unanimously in the Subcommittee on Roads and was further confirmed unanimously by the affirmative action of the full Public Works Committee. It is important to call to your attention that this legislative action is being sought after I, along with the governing bodies and the people within my congressional district and neighboring communities have exhausted every possible administrative remedy—all of which to date has resulted in the arrogance of an administrative stonewall. The legitimate concern for full public disclosure and public debate to permit the majority will of the people to be heard at an open public forum has always been inherent in our representative democracy.

Mr. Chairman, the government's decision for the presently proposed alinement of I–287 in this region of our State dates back to 1966, prior to the action of this House of Representatives in legislating the enactment of the comprehensive Federal Water Pollution Control Act, the Clean Air Act, the Noise Pollution Control Act, the National Environmental Policy Act, the Uniform Relocation Act, the establishment of the Federal Environmental Protection Agency and the most essential need for the continuing evaluation of the environmental impact effect of public improvements on the quality of life of our society.

The unilateral capricious and arbitrary position of the Federal and State agencies on this most important public issue flies in the face of the intent of the Congress which was formally expressed in the enactment of the Federal-Aid Highway Act of 1970 approved December 31, 1970 which stated, in part, under the section relating to public hearings:

> Such certifications shall be accompanied by a report which indicates the consideration given to the economic, social, environmental and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.

Mr. Chairman, I was first called upon by my constituency for help in resolving this controversy in 1970, while our Public Works Committee was preparing the Federal-Aid Highway Act of 1970 for introduction to the Congress. Based on the facts presented to me at that time on the lack of Government cooperation and concern for public sentiment and opinion expressed by the residents and elected officials of the communities affected by this interstate route in Passaic and Bergen Counties and in view of the relative sketchy information that had been made available to the citizens of the area at the last public corridor hearing held in 1966 and the extraordinary growth and development changes that had taken place in that region of our State, I communicated with the Governor advising him that—

> It would certainly be in the best interest of the public that a new public hearing be scheduled wherein all of the affected communities and our citizenry in general would have the opportunity to bring to the attention of the State their well-founded observations and recommendations which, I am sure, would go a long way towards equitably resolving this most critically important matter.

I petitioned him on behalf of my constituency and strongly urged that he intervene and arrange to have a new updated corridor hearing scheduled at the earliest possible date.

In addition to extending every effort within the authority and jurisdiction of my office to do all I possibly could to bring about a reversal of the "nothing further to discuss with the people" Government attitude by seeking administrative remedial action through the Governor, the New Jersey State Department of Transportation, the U.S. Department of Transportation, the Federal Bureau of Roads, and the Federal Highway Administration, the records will indicate that substantive action beginning in 1966 for this same purpose was being taken by many, many others. Several citizens committees were organized seeking new public hearings. Local governing bodies of the affected communities in voicing their disapproval of the State's present proposed alinement of I–287 in this area have in desperation included among their suggestions for remedial action a proposal for a public referendum on the alinement of Route I–287.

Five alternate routings for I–287 in this area have been suggested by the Hon. Newton Miller, mayor of Wayne. A copy of the text of his communique to the New Jersey Department of Transportation Commissioner, Hon. John Kohl, under date of September 14, 1972, describing these alternate routings is as follows:

Please be advised that as a result of preliminary work on the above captioned proposed Inter-State Highway (I-287 Corridor from Montville to Mahwah) conducted by the Environmental Systems Laboratory of Sunnyvale, California, the following five (5) alternates are presently under consideration and will be included in an environmental impact report being prepared for this Township's review and study:

A. Present State Alignment—Easterly.

B. Westerly Alignment—River Route.

C. Westerly alignment of I–287 beginning from Montville and continuing until the junction with Route 208 and joining with Route 208 at that time, then following easterly along Route 208 until the easterly alignment of I-287 and following along the remainder of I-287 from the intersection of Route 208 until Mahwah. Route 208 through Oakland from the branch point of the westerly to the easterly alignments would be widened to six lanes.

D. The westerly route of I-287 beginning in Montville until a point just south of the Oakland border and thence veering east and crossing the Ramapo River and Route 202 to run along the western side of the Campgaw Mountains until the line again curves east (south of the Seminary) to the present position of Ridge Road or to the easterly alignment path for I-287 to be followed to the N. J. 17 interchange.

E. No Build—Expansion and improvement of existing facilities.

Alternatives A and B are those with which your office are initially familiar; while alternatives C through E present modifications and alternations of the river route and present State alignment. For your edification, a map is enclosed of corridors C and D, which should be referred to as the literal discription thereof is reviewed.

I am making these preliminary results available to you as early as possible to assist you in the preparation of the environmental impact statement presently being undertaken by the State consultants.

I would express my appreciation of the cooperation extended by your department and in particular by Mr. F. DePhillips to our environmental consultants and attorney.

As additional data becomes available, I will review same and forward to your office.

I await anxiously some indication as to the status of the environmental impact statement being prepared by State consultants in this matter.

The Route I–287 River Route Committee Wayne Chapter chaired by Mr. Russell Dunham of Wayne and the Tri-county Route I-287 River Route Executive Committee chaired by Mayor Howard Smith of Bloomingdale and Mayor William Kinney of Franklin Lakes have achieved the consensus of thousands of residents and many governing officials in favor of the proposed alternate river route. I have over thousands of individual letters received since March 1972—and they are still coming into my office—over 100 were received only today—favoring the proposed alternate river route.

The present proposed State alinement is not only dissecting a highly residential community but dangerously borders close to four schools in the area. I received a communique dated May 2, 1972 from Mrs. Mary C. Palmisano, president of the Wayne Council of PTO's—parent teachers organization's—which reads as follows:

On March 22 at the General Meeting of the Wayne Council of P.T.O., a motion was made and carried to support the I–287 River Route Committee in their effort to remove the present alignment of this highway from Wayne.

Wayne Council of P.T.O. is the coordinating body for sixteen (16) local school units in Town and boasts a membership of 6,000.

It was felt that the impact of this highway on not only the school system, but the Town as a whole was totally undesirable. Since there is an alternate route that is agreeable to the surrounding communities, it would seem that this should be explored further and eventually implemented.

This letter represents the opinion of the total body and reflects our grave concern for the welfare of our children and our Town.

Mr. Chairman, in response to the overwhelming request of the people, our Passaic County senatorial delegation to the New Jersey State Legislature presented a resolution which was unanimously adopted by the New Jersey State Senate in April 1972. The New Jersey State Senate resolution introduced by Senators Lazzara, Hirkala, and Bate reads as follows:

Whereas, On March 15, 1972 the Municipal Council, on behalf of the 50,000 residents of the Township of Wayne, in a spirit of bi-partisan concern, unanimously adopted a resolution condemning the proposed alignment of Interstate Highway 287 through the Township of Wayne and requesting consideration of alternate routing; and

Whereas, They are joined in this action by the Honorable Newton E. Miller, Mayor of the Township of Wayne, together with local leaders of industry, commerce and numerous interested civic organizations; and

Whereas, There are other communities in the proposed path of I–287 who voice objections similar to those cited by the Township of Wayne, including the fact that the proposed alignment would have a deleterious environmental impact on the surrounding area, particularly the four schools adjacent to the proposed road; and

Whereas, There exists a group known as the Tri-County 287 River Route Committee representing eleven communities embracing Bergen, Passaic and Morris Counties, and established by resolution of the governing bodies of West Milford, Ringwood, Wanaque, Butler, Bloomingdale, Wayne, Riverdale, Kinnelon, Franklin Lakes, Montville and Lincoln Park under the Co-Chairmanship of the Honorable R. Howard Smith, Mayor of Bloomingdale, and the Honorable William Kinney, Mayor of Franklin Lakes; and

Whereas, Officials, together with leaders of business, industry and various civic groups whose communities lie in the path of the 287 River Route feel both individually and collectively that said highway would be of great benefit to the communities they serve;

Now therefore be it resolved, By the Senate of the State of New Jersey that Honorable William T. Cahill, Governor of New Jersey be, and he is hereby requested to prevail upon the Commissioner of Transportation, Honorable John C. Kohl, to take immediate steps to implement a change in the proposed routing of I–287 to conform as closely as is practicable to the proposed River Route alternate.

Mr. Chairman, as construction and land costs continue to rise and the growth-development patterns of this region of our State continue to face explosive growth with the fierce competition for the use of our land, this is no time to sit back and throw to the winds the mandate of the Congress, as expressed in the Federal-Aid Highway Act of 1970 where the Congress asks for assurances that:

Possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

(1) Air, noise and water pollution;

(2) Destruction or disruption of manmade and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

(3) Adverse employment effects, and tax and property value losses;

(4) Injurious displacement of people, businesses and farms; and

(5) Disruption of desirable community and regional growth. . . . (excerpt from Federal-Aid Highway Act of 1970).

Mr. Chairman, in view of these irrefutable public documented facts on this most critically important matter, I urge all of my colleagues here in the House to join with me in their support of section 141–A of this measure demanding that new corridor hearings be held on Interstate Route I–287 from Mountville to Mahwah in Passaic and Bergen Counties, New Jersey, resoundingly confirming the faith, respect and confidence of our people in the "People's House" and the basic principle of our democracy: "The Consent of the Governed."

Mr. ROE. Mr. Chairman, I yield now to my colleague, the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I thank the gentleman for yielding.

I associate myself with the remarks of the gentleman in support of this section.

Mr. Chairman, on September 21, the Committee on Public Works approved an amendment I proposed barring any Fed-

eral participation, including the use of Federal funds, in the construction of the proposed Corporation Freeway in Winston-Salem, N.C., until new corridor hearings are held.

My proposal was offered as an amendment to the bill we are considering at this time. The amendment states:

The Secretary of Transportation shall permit no further action on the Corporation Freeway in Winston-Salem, N.C., until new corridor hearings are held.

The freeway project, which has been a subject of local controversy and concern for several years, calls for the construction of 7.2 miles of road, and the path of that road would involve displacement of more than 1,000 Winston-Salem residents, including 227 homes and 18 businesses, and would destroy 6 acres of the Bolton Street Park, one of the few remaining open wooded areas in the city, and run through historic Oliver Farm.

In the past few months, I have received over 800 complaints about this project, ranging from the amount of relocation required to the effects of the road construction on the local environment.

Some of these correspondents have also raised the question of whether the proposed route would have the desired effect of improving traffic patterns in and around the city.

A public corridor hearing on the project was held last December in Winston-Salem, and these same objections were raised at the time, but the project proposal was not revised.

I am not anxious to intervene in a local dispute, but I saw no other course than introducing my amendment that would guarantee that the concerns of the people, the environmental impact and possible alternative routes would be adequately explored before this project is constructed.

I believe more extensive exploration is essential to this project, and my amendment would make sure that this additional study is undertaken. I urge the adoption of this proposal by the full House.

AMENDMENT OFFERED BY MR. JAMES V. STANTON

Mr. JAMES V. STANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAMES V. STANTON: Page 102, line 25, strike out "$55,000,000" and insert in lieu thereof the following "$45,000,000".

Mr. JAMES V. STANTON. Mr. Chairman, there has been under very careful consideration by the Public Works Committee of the House this particular section to provide for a badly needed additional Interstate System in the city of Chicago. In recent days the question of the amount of money being offered has been bringing some concern to this committee. In order not to provide speculators with an opportunity to profit at the expense of the Interstate System we have decided, after evaluating the fiscal position of these bonds, to reduce the amount by $10 million.

Mr. Chairman, I want to underline that this amount will not exceed $45 million. This is a parallel route to the Dan Ryan Expressway, and if the Dan Ryan Expressway had to be brought up to existing standards the minimum cost would be $72 million. This is a savings therefore of $27 million to the Federal Government.

On the question of the windfall which has been raised, I want the Members of the House and the committee to be assured that this committee has looked into this question thoroughly. I checked this morning with the bond people, and the price of these bonds at the lowest they were ever sold was in 1966 at $38⅛. If we multiply the bonds outstanding by that amount we arrive at the figure of $45 million. This has been carefully examined and we are insuring by this amendment that no one will profit by action of the Public Works Committee or the Interstate System.

Mr. Chairman, the Chicago Skyway has long been operated well below its planned capacity and projected traffic demand. This is the only express facility in Chicago that has this particular problem. It is also the only toll facility within the city of Chicago, and it is felt that this is the primary reason for its underutilization. This contention is further strengthened by examining a map of the expressway system in this part of the Chicago land area and noting that there is a completely toll-free facility that conveniently bypasses the Chicago Skyway and its Indiana Tollway counterpart, via the Dan Ryan, Calumet, and Kingery Expressways. The completion of I–94 from Chicago to Detroit in November of this year will result in an immediate reduction in traffic on the Skyway with a resultant increase in traffic on the Dan Ryan Expressway.

The consequences of significant portions of the motoring public avoiding this expressway link are increased congestion on the bypass expressways, and increased accidents, congestion, and general neighborhood disruption on the local street system. Future projection show this to be an even greater problem as traffic flows increase and the city's expressway system is stretched to its utmost capacity. Specifically, if the Skyway is kept a toll facility, present trends indicate that by 1995 there will be an average daily traffic—ADT—of only 34,000 vehicles—as compared to roughly a 25,000 ADT today.

However, if this facility were to be made free, this volume would rise to 98,000 ADT by 1995. These 64,000 additional vehicles will have to either go on the Dan Ryan Expressway or on the city streets if the Skyway tolls are retained.

It is estimated that approximately 53,000 ADT of the total bypassing traffic of 64,000 ADT would remain on the Dan Ryan and Calumet Expressways. This would necessitate adding at least one lane in each direction to these two expressways from the present end of the Dan Ryan collector-distributor system at 65th Street through the new 103d Street interchange at Stony Island Avenue. Estimates prepared as a part of the cross-town expressway planning have shown that even if the Chicago Skyway is a free facility, a major roadway project will be needed on the Dan Ryan Expressway from 65th Street past the 95th Street bridge—regardless of where the east-west leg of the crosstown expressway is terminated. This widening could take the form of adding contiguous lanes to the outside of the existing roadways and could be accommodated within the existing right-of-way. Such an improvement would cost an estimated $29,623,000 for bridge reconstruction and replacement of sloped banks with retaining walls.

However, if the tolls are kept on the Skyway, the 53,000 additional vehicles will require adding at least one more lane to this proposed widening. This would result in an unacceptable cross section—seven—lanes in each direction at its widest point. The only other feasible alternative would be the continuation of the collector-distributor system from 65th Street south to 95th Street. This would result in added construction costs—$37,012,000—and additional right-of-way acquisition—$10,725,000—for a total additional cost of $47,737,000. Most important, considerable displacement of homes and business establishments would be required, 155 single family homes, 20 apartment buildings, six stores, one school, and five industrial concerns, which would not be necessary with the aforementioned minimal widening project.

In addition to the widening costs engendered along the Dan Ryan Expressway, retaining the Skyway as a toll facility will require an extra lane in each direction all the way through the 103d Street interchange, an improvement that would not otherwise be needed. This will require structural changes to a number of major interchange bridges at the Dan Ryan-Calumet Interchange just south of 95th Street and at the new 103d Street interchange, in addition to the many street and railroad bridges in between and the widening of the pavement itself. These changes are estimated to cost an additional $24,745,000.

Thus, the total cost of upgrading the expressway system in order to handle just the expressway portion of the Skyway bypass traffic would be approximately $72,482,000.

An even less desirable alternative would be the double-decking of this portion of the expressway. This would result in a costly and ugly structure well above the ground level, with major traffice interchanging problems at the primary arterial connections and the precluding of any future air rights construction, including the presently anticipated park-and-ride facilities at 87th and 95th Streets. This alternative would also still require the added construction items south of 95th Street.

One other alternate method of handling this traffic would be the construction of a paralleling facility. The most likely location for such a facility would be the Stony Island Avenue corridor. Such a facility has been proposed and studied, and due to its monetary and sociopolitical costs has been dropped from the city's long-range plans. The cost for such a facility was estimated at $90 million, with 60 structure disrup-

tions affecting 125 living units and 138 business units.

In addition to the above-mentioned expressway loads caused by the retention of the Skyway tolls, there will also be approximately 11,000 ADT that would remain on the city streets. This would also result in additional costs to the public, although most of these costs would be borne directly by the motorists and the adjacent communities in the form of added operating costs, accident costs, time-delay costs—due to the unavailability of a free express facility as well as the added congestion on the streets themselves—and increased deterioration of the local neighborhoods.

The measurable costs attributable to these increased surface street volumes would amount to approximately $164,000 in additional operating costs each year, $258,000 in accident costs—caused by an additional 560 accidents each year—and $1,850,000 in time delay costs. This would result in a total cost to the motoring public of $2,272,000 each year due to the unavailability of a suitable toll-free facility. Nonmeasurable costs include increased pollution on city streets, disruption of residential neighborhoods due to unwanted through traffic and deterioration of local business areas because of increased congestion.

All of the foregoing traffic projections have assumed the retention of the present ramp configuration on the Chicago Skyway. However, it should be pointed out that if this is not a toll facility, additional ramps could be added to this facility north of the bridge itself, thus adding considerably to its usefulness. Additional ramps have been recommended for 71st Street and Cottage Grove Avenue, 79th Street and Stony Island Avenue, and 87th Street and Yates Avenue. This would reduce even further traffic volumes on the Dan Ryan Expressway immediately south of 65th Street, as well as on the surface streets.

Thus, it is strongly recommended that the Chicago Skyway be made a toll-free facility. This will be of direct benefit to all citizens of Chicago and the State by precluding the need for additional capital expenditures for major expressway construction in this part of Chicago. There will also be direct benefits to the motoring public in this corridor in the form of increased travel options and decreased accident and congestion costs.

DeLeuw, Cather & Co., consulting engineers for the Chicago Skyway Toll Bridge, have recently estimated the current replacement cost of the facility at $120 million. It is the considered opinion of Skyway authorities that the facility can be purchased for a sum less than the $72,482,000 that would be necessary to upgrade the Dan Ryan and Calumet Expressways—I–94—to accommodate current and anticipated traffic demands. It is thus further recommended that this be accomplished as soon as possible in order to take advantage of this current financial situation, to provide an immediate relief to the Dan Ryan Expressway, and to assist in the orderly preparation of future transportation plans and programs for the city of Chicago.

Mr. MIKVA. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Ohio (Mr. JAMES V. STANTON).

The Clerk read as follows:

Amendment offered by Mr. MIKVA to the amendment offered by Mr. JAMES V. STANTON: Page 102, line 23, strike out section 133.

The CHAIRMAN. The Chair will state to the gentleman this is not a proper amendment to the amendment and cannot be considered at this time. It would be in order following the disposition of the pending amendment offered by the gentleman from Ohio.

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

Mr. Chairman, I was hoping to save a little time by making this an amendment to the amendment.

As those Members who read the RECORD or their mail this morning are aware, the gentleman from Illinois (Mr. DERWINSKI) and I are prepared to offer an amendment which will delete this section in its entirety. I merely point out that the Mikva-Derwinski amendment must be a pretty good amendment since the mere offering of it has saved $10 million of the taxpayers' money. I hope when this amendment is disposed of, we can then pass our amendment which will save the other $45 million.

Some years ago an effort was made to get $87 million for this same group of bondholders. Objection was made and that amount was cut to $63 million. It has since been cut to $55 million. Now some of us are objecting again, and it has been cut to $45 million.

I hope the committee will see the wisdom in cutting out the entire amount. This is not the way we ought to be spending the taxpayers' funds.

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

Mr. Chairman, I am going to be exceptionally brief.

I wish to associate myself with the remarks just made by my colleague from Illinois (Mr. MIKVA) and point out that there are a number of basic principles involved. One is that any amendment of this kind, whether it be for $1 million, $55 million, or as 10 years ago, $67 million, is a grave departure from the principles and practices that have been followed under this program.

It sets a very, very major precedent which I do not think the House should follow.

Second, the very fact that the gesture was made to cut the cost by $10 million is recognition of what I think is the basic defect and impropriety of this section 133. I would suggest, regardless of the disposition of the pending amendment, that you all join Mr. MIKVA and myself in the amendment which we will offer to strike the entire section.

Mr. JAMES V. STANTON. Mr. Chairman, I want to strongly object to the remarks that there is any impropriety——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. DERWINSKI. Yes.

Mr. JAMES V. STANTON. I want to point out that the determination of any questions on the financial aspects of this bill will be made by a Federal court.

Mr. DERWINSKI. Would the gentleman yield?

I did not use the word "impropriety." The gentleman did.

Mr. JAMES V. STANTON. The gentleman mentioned "impropriety."

Mr. DERWINSKI. We can check the record, but if I used the term "impropriety," it is not as I recollect. I am sorry it brought this immediate response, because I do not think it sets the stage for proper debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JAMES V. STANTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MIKVA

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

The Clerk read as follows:

Amendment offered by Mr. MIKVA: Page 102, strike line 23, and all that follows down through and including line 9 on page 103.

Mr. MIKVA. Mr. Chairman, Members of the Committee, this is not a new subject matter for this House. In 1963 a separate bill was offered to the House to bail out the bondholders from their improvident investment in this revenue bond issue. The House wisely objected to the bill, rejected it, and the bondholders have continued to hold their improvident investment; but curiously, they have not just held the investment. There has been a lot of action.

These bonds have not paid interest for some 8 or 10 years, but you just could not believe the trading in these bonds. It is incredible.

I went back to the bond statistics and found out that in 1962 and 1963—parenthetically, when the House was considering it the last time—the bonds went from a low of 44 all the way up to 74. Mind you, they had been losing money; they had never made interest; and yet they went from 44 to 74 the last time Congress considered this bill.

Yesterday, would you believe, on a bond issue that has been losing even more money, that has not paid its interest charges now in a long time, the price went up 5 points. Is not that a coincidence? At the beginning of this year they were selling at 42, and now they are up over 62. Is it not a marvelous coincidence that these worthless bonds generate such great enthusiasm on the part of some bondholders and speculators in the city of Chicago?

Let me assure the Committee that the road is built. We are not talking about building a road. This is not an issue that involves the city's full faith and credit. This is a revenue bond issue, a revenue bond issue for a road that was improvidently built; a toll road that should not have been built. At the time it was built, it was objected to since everybody knew about the freeway which was going to be built. I have probably ridden this road as much as anyone in the city. It is a very nice road. It costs 30 cents to ride a few miles of skyway. But, this section 133 has nothing to do with the road. This section has to do with whether the bondholders

should be bailed out of their improvident investment.

I say to the ladies and gentlemen of this Committee, if we bail out the revenue bondholders on this issue, then every sports palace, every parking lot, every ice cream parlor, and every other project that has been built with revenue bonds is going to see the generous Congress as their salvation and come to us to bail out of their bad investments.

Some of us think the Lockheed loan was bad. This is much worse because at least the argument was made that Lockheed needed the loan to be kept alive—at least, that was the argument. There is nothing to keep alive here. The road will go on whether we bail out the bondholders or not. Last year the road yielded some $3,900,000. It had operating and maintenance charges of $1,400,000.

This left $2.5 million of net revenue. That is enough to keep the road going. Unfortunately, it is not enough to keep the bondholders going, especially since some were bought at 61, or $610 for a bond which has not paid interest in 5 years.

Ladies and gentlemen, I do not know who are the bondholders. I know that the city's interest in this, for making it a free road, can be achieved a lot more cheaply than for $45 million.

If we want to set a precedent to buy not only roads but also parking lots, sports arenas, shopping areas, factories and everything which ever has been built with a revenue bond issue, then vote against this amendment. If the Members believe we have something better to do with the taxpayers' funds than to take care of bondholders who improvidently have invested in a bad idea, then vote for the amendment.

If these are trust funds, as I heard earlier today argued with such vehemence, then I cannot think of a worse breach of trust than to take the taxpayers' money to bail out a group of people who bought bonds simply because they lost money on their investment.

They bought bonds yesterday at 62; the price went up 5 points from the day before, on a bond issue that has been losing money. Ladies and gentlemen, were they really buying bonds, or were they hoping to buy something else?

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the city of Chicago administration came before the Committee on Public Works and outlined that the Chicago Skyway has long been operated well below its planned capacity and projected traffic demand. Part of the reason why that occurred is the development of the Dan Ryan Expressway, parallel to it. It is the only toll-free facility within the city of Chicago. It is felt this is the primary reason for its underutilization. This contention is further strengthened by examining a map of the expressway system in this part of the Chicago land area and noting that there is a completely toll-free facility that conveniently bypasses the Chicago Skyway and its Indiana Tollway counterpart, via the Dan Ryan, Calumet and Kingery Expressways. The completion of I–94 from Chicago to Detroit in November of this year will result in an immediate reduction in traffic on the Skyway with a resultant increase in traffic on the Dan Ryan Expressway.

We are attempting to save ourselves a problem in the city of Chicago. The consequences of significant portions of the motoring public avoiding this expressway link are increased congestion on the bypass expressways, and increased accidents, congestion and general neighborhood disruption on the local street system. Future projection show this to be an even greater problem as traffic flows increase and the city's expressway system is stretched to its utmost capacity. Specifically, if the Skyway is kept a toll facility, present trends indicate that by 1995 there will be an average daily traffic—ADT—of only 34,000 vehicles—as compared to roughly a 25,000 ADT today. However, if this facility were to be made free, this volume would rise to 98,000 ADT by 1995. These 64,000 additional vehicles will have to either go on the Dan Ryan Expressway or on the city streets if the Skyway tolls are retained.

It is estimated that approximately 53,000 ADT of the total bypassing traffic of 64,000 ADT would remain on the Dan Ryan and Calumet Expressways. This would necessitate adding at least one lane in each direction to these two expressways from the present end of the Dan Ryan collector-distributor system at 65th Street through the new 103d Street interchange at Stony Island Avenue. Estimates prepared as a part of the Crosstown Expressway planning have shown that even if the Chicago Skyway is a free facility, a major roadway widening project will be needed on the Dan Ryan Expressway from 65th Street past the 95th Street Bridge—regardless of where the east-west leg of the Crosstown Expressway is terminated.

This widening could take the form of adding contiguous lanes to the outside of the existing roadways and could be accommodated within the existing right-of-way. Such an improvement would cost an estimated $29,623,000 for bridge reconstruction and replacement of sloped banks with retaining walls.

However, if the tolls are kept on the Skyway, the 53,000 additional vehicles will require adding at least one more lane to this proposed widening. This would result in an unacceptable cross section—seven—lanes in each direction at its widest point. The only other feasible alternative would be the continuation of the collector-distributor system from 65th Street South to 95th Street. This would add an additional cost of $37 million.

What I am attempting to point out is that the additional cost of correcting the Dan Ryan Expressway far exceeds the amount of money we are authorizing for the purchase of the Calumet Skyway. There is no impropriety involved in this.

I am not here speaking for the citizens of Chicago; I am speaking for the Committee on Public Works, which recognizes that by taking this action we will save millions of dollars for the future development of our Interstate Highway System within the city of Chicago.

Mr. Chairman, I urge that the amendment as proposed by the gentleman from Illinois be defeated.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, the purpose of this amendment is to strike section 133 of H.R. 16656 which authorizes the Secretry to pay the State of Illinois not to exceed $55 million provided Interstate Route 90 within the city of Chicago, Ill., is operated freely to the public on or after the date of such payment and the Secretary finds the operation of such route free to the public will avoid the need for expansion of the traffic capacity of any parallel portion of Interstate Route 94 within the city of Chicago which expansion would be at a cost in excess of such payment. The legislative history of this proposal raises serious doubts as to it necessity and economic justification.

Mr. Chairman, in the first session of the 88th Congress this same House committee approved a bill, H.R. 6289, which would have provided $63,833,000 on condition that Chicago Skyway be operated free to the public. As a result of vigorous objection by 14 members of the committee and because of the objection of the then administration, the bill was dropped.

The reasons advanced then as objections to the bill are valid today and they are basically this:

Preferential special legislation.

This section establishes a devastating precedent for making piecemeal reimbursements for toll bridges or highways.

There is a question as to the possible windfall for bondholders of the skyway toll bridge, which raises serious questions of political skulduggery.

Mr. Chairman, in the last week the market for the Chicago Skyway bonds has become extremely active and the latest bids were $59.50 to $62. Less than a month ago there was no activity on these bonds; the few bids were $54. I would suggest to the Members of the House that this is the type of situation that might require an SEC investigation.

The arguments advanced in defense of this section are that in lieu of removing the tolls on the Skyway at a cost to the taxpayers of $55 million, approximately $72 million would be spent for expansion of the traffic capacity of interstate 94 within Chicago. But under the language before us and provisions of the Federal Highway Act, this is a presumption not a certainty. The result could well be that $55 million would be spent to bail out the Skyway bondholders and the expense of improving interstate 94 would still develop.

There is also a question of $15 million in back interest which would be payable to bondholders. Section 133 would provide $55 million for the payment of the bonds at the recent market rate. There would be an additional windfall from public funds of $15 million to cover the back interest.

Mr. Chairman, I must also remind Members of the House that there have been no hearings on the specific matter

since 1963. The lack of evidence in support of section 133 and the lack of a record should be a warning flag to all Members.

I urge support for this amendment to strike section 133. If there is merit in any proposal to supply $55 million in tax funds to bail out holders of Chicago Skyway bonds, the case should be fully made before the proper subcommittee, including study in depth, if possible, of the real holders of these bonds. I urge support of the amendment.

Mr. Chairman, may I say for the benefit of the gentleman from Ohio (Mr. JAMES V. STANTON) please understand that if there is anything I say that may not sound completely genteel, it is necessary that certain points be made in this debate. So I trust that all Members will accept my statements in that light.

Mr. JAMES V. STANTON. Will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. JAMES V. STANTON. I have always known the gentleman from Illinois to be one of the finest Members of this House. His personal character and integrity have never been questioned.

Mr. DERWINSKI. In that proper spirit, Mr. Chairman, may I compliment the gentleman for very effectively stating the position of the administration of the city of Chicago and commend him further for so quickly having at his fingertips the minute details of this very intricate road network of the city of Chicago.

Mr. JAMES V. STANTON. Will the gentleman yield?

Mr. DERWINSKI. Yes, I yield to the gentleman.

Mr. JAMES V. STANTON. I am very fortunate in having some relatives in Chicago.

Mr. DERWINSKI. Well, I certainly hope the gentleman visits them often, but I hope that if he does, he does not travel this skyway, because it is not in good condition. It has been a white elephant since the ribbons were cut 15 years ago.

At that time the gentleman from Illinois (Mr. MIKVA) and I were members of the Illinois State Legislature, and we participated in the ribbon-cutting ceremony. The Governor of Illinois and the Governor of Indiana, the mayor of Chicago and the president of the county board of commissioners and local legislators all gathered there with television cameras present, and that was the biggest crowd that road has ever seen since that time.

Mr. Chairman, I see no reason why, with the original figure at $55 million in the bill or the reduced figure just accepted, we should be bailing out the bondholders of a white-elephant road.

Let me give the Members an immediate rebuttal to his argument. The claim was made that if we invest these millions in this skyway and then the skyway becomes toll free, this will in fact be a saving because the expenditures needed to expand the facilities on the Dan Ryan, which is the main interstate in Chicago, could be saved.

This is utter nonsense. The skyway runs off at a 45 degree angle from the Dan Ryan; it terminates in Hammond, Ind., and it does not serve the needs of the people who regularly are using the Dan Ryan, which serves the south and west suburbs of Chicago.

One look at the Chicago map—and I have one here—will show there is no practical reason for enough vehicles, just to save the 30 cents they are now paying, to be diverted to this Skyway.

There are a number of other points that must be made, points that can be very properly made. I must explain in advance that I am not a master in the intrigue of bond sales and everything that goes with it, but there is one other figure of $15 million of back interest that is pending.

As I understand the language of this bill, all we would provide is the millions of dollars to repay the bondholders. Somebody, evidently the taxpayers of Chicago or of Cook County or the State of Illinois, is going to have to come up with at least $15 million in back interest. So we are not speaking of $45 million; we are speaking of at least $60 million.

So any alleged savings will immediately go out the window.

I should remind the Members—and at this point I say this for the benefit of the gentleman from Ohio—that it was 10 years ago that this issue hit the floor, and 10 years ago there was a very vehement objection from 14 members of your committee.

The situation has not changed. It is still a dangerous precedent, and millions and millions of dollars of tax money will be allocated to bail out this white elephant.

Mr. MIKVA properly pointed out the sudden interest of the bondholders. I suggest that it will be an extremely dangerous precedent, a hot potato, and is a poor proposal to support.

I suggest to all of you on the floor that the better part of valor would be to move to strike out the language in the bill. If the committee wants to get into it, it can do so at a very early point in the next session. And certainly you need much more information than is contained in the report.

I urge the adoption of this amendment.

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

Mr. DERWINSKI. I yield to the gentleman.

Mr. MIKVA. I want to commend the gentleman from Ohio for having this intricate knowledge of these roads running through my district. I was impressed. But I think he forgot to mention the northern terminus of 75th and Stony Island is at a point where you cannot get there from here. There is nothing that goes from 75th and Stony Island unless you are in the vicinity. For example, trucks cannot wiggle their way in to get to the outer drive downtown, because they cannot use it and they have to swing over to the Dan Ryan. So if we make it a free road, we will get a lot more traffic on this and we will save extra traffic on the Dan Ryan.

Mr. DERWINSKI. Let me suggest, also, that if this were a nationwide issue rather than something of special knowledge to us in the Chicago area, there would not be much support for this measure. It is a bad precedent. It may be isolated, but it is a bad case, and I urge support of the amendment.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment and in support of the Committee on Public Works.

The gentleman from Ohio made a very strong and persuasive argument. The committee very carefully examined the entire issue and the testimony of the engineers and the Public Works Department of the city of Chicago and concluded that they can save a very substantial amount of money for the taxpayers of this country in putting together the interstate system by acquiring this Calumet Skyway at a price of some $45 million as against an expenditure of some $72 million for improvements in the Dan Ryan.

Mr. ANDERSON of Illinois. Will the gentleman yield for a question?

Mr. PUCINSKI. I will in just 1 minute.

Much has been said here, much has been mentioned, of a white elephant. The Calumet Skyway was built before the Dan Ryan was built, and at that time it was serving a very good purpose and probably would have been a very good investment. What happened in subsequent years is that the Federal Government came along with the interstate system and built a competitive road which is a freeway immediately below the skyway.

The question we are confronted with here is whether or not you are going to spend $72 million to expand the freeway facilities to take on the additional traffic that is going to be generated when the Chicago to Detroit expressway is opened or whether you are going to utilize an existing facility at a cost of no more than $45 million.

That $45 million is not a set figure, because a court will decide what will be the payoff to those bondholders. It may be substantially less than that, but it cannot be more than that.

I think the committee has come here with a very wise and thoughtful suggestion. In order to avoid any windfall to speculators, the very speculators my colleague from Illinois (Mr. MIKVA) talked about, who yesterday because they got wind that there was something in this bill, went out and bought these bonds at $5 more. Those speculators are going to lose an awful lot of money if they did that, because the committee here today has set a peg of no more than $38, which is the lowest price that these bonds had ever reached. You cannot pay more than that lowest price in buying these bonds.

And so if there are any speculators in this, I do not have the slightest idea who owns the bonds.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield on that point?

Mr. PUCINSKI. If there are speculators they are going to be very, very disappointed because the committee by the action that we have taken here guarantees that the court will not be able to

offer more than the lowest price that these bonds have ever reached during this entire period.

I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, the thing that troubles me, and I have listened with great care and interest to the explanation of the gentleman from Illinois concerning the Committee on Public Works having gone into the matter very carefully, and at no time during this debate have I heard it said who these bondholders are, and before we authorize $45 million do you not think we have some responsibility to know who those bondholders are?

Mr. PUCINSKI. It is my understanding, and I do not know this for fact, but it is my understanding that the bondholders are a matter of public record, and certainly will become a matter of public record when the court takes jurisdiction over the organization of this whole corporation.

Mr. ANDERSON of Illinois. I would think that that public record ought to be before us today, then, before we cast this vote, because I for one do not want to vote that amount of money out of the Federal Treasury without knowing who is going to get it.

Mr. PUCINSKI. The fact of the matter is the court is going to make that decision, nobody but the court, and that is in this court proceeding here. What we are doing here now is giving the court some elbow room to make this a freeway at a very substantial savings to those who are interested in putting together a very effective interstate highway system.

You can leave the area of Washington, D.C., here, and using all of our express roads now, be in the Chicago Loop without seeking a traffic signal, because of this skyway, and that is all our plan is.

The plan is to make this part of the interstate freeway system.

I think the committee has done a commendable job in trying to solve this problem, but I think we should not lose sight of the fact that they have put a ceiling on the bonds at the lowest price paid for the bonds.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman and Members of the Committee, the Calumet Skyway, is something that was constructed at a time when I was a resident in the district represented by my colleague, the gentleman from Illinois (Mr. MIKVA) and I remember that there was some discussion then as to whether it was not conceivably a white elephant. Nevertheless, obviously there were people who had faith in the viability of the project.

Notwithstanding that, I think that the arguments that have been so eloquently advanced by my two colleagues, the gentlemen from Illinois, (Mr. MIKVA and Mr. DERWINSKI) are valid ones, and I also share the same concern of my good friend, the gentleman from Illinois (Mr. ANDERSON) because, we should be concerned with getting information that has not been revealed up to this point as to who those bondholders are before the Congress of the United States disposes of $45 million of the taxpayers' money.

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

Mr. CRANE. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I again wish to apologize to the House for sounding so very parochial in talking about what is purely a Chicago-area problem, but let me emphasize again that this is not a logical extension of the interstate system; this is a piecemeal acquisition of a white elephant that does a disservice to the taxpayers. There is no justification in the record before the committee for it.

Further, for any of those who may be concerned with this type of approach, this type of legislation, if enacted, will be to the detriment of the entire system.

Then the point that was made here and that must be shot down, is that the construction of the interstate system brought about the financial dilemma of the skyway and that is absolutely true.

Take a look at the map I have here and you find that the communities served by the skyway are distinct in traffic pattern from the communities served by other routes or roads in the interstate system. This will not divert enough traffic to save the alleged cost of expansion of other legs of the expressway.

I think this is a bad investment and urge the support of the amendment.

Mr. CRANE. I would simply like to lend again my support to my colleagues from Illinois who are behind this amendment and I would urge all of my colleagues to support the amendment.

Mr. KLUCZYNSKI. Mr. Chairman, I am opposed to the amendment offered by the gentlemen from Illinois (Mr. MIKVA and Mr. DERWINSKI).

It was at my instruction that the staff of the Committee on Public Works put this skyway in the highway bill.

We had a similar proposition about 12 years ago. I believe it was 1960 when we asked $86 million for the skyway. I am sure the gentleman from Ohio (Mr. HARSHA) remembers that—he signed the minority report. There was so much opposition to it and all the newspapers said that there was a windfall.

Mr. Chairman and Members of the House, you know me long enough—and I would never introduce any legislation where there would be windfall involved. I am the one who directed the staff to put this in the bill so I am opposed to the amendment.

In about 1950 the State of Indiana built a toll road that ended in the southern part of Chicago near Indianapolis Boulevard, I believe, is as far as the toll road went. It dumped out all the traffic and caused a terrible bottleneck, so the city of Chicago built a road over the railroad tracks known as the Calumet Expressway—or the Calumet Bridge—and now it is the Chicago Skyway. They built that at a cost of $101 million.

I remember well the trouble we had in the hearings in the Committee on Public Works 12 years ago—and I dropped it because I figured that some speculators were going to get some money out of it.

At this time, I have not checked with any bondholders because I do not know who they are——and I am sure that every Member of this House will believe me.

I am very much interested in this. I want to make this a freeway, ladies and gentlemen of the House, instead of a tollway. I am appealing to you, as my good friends, to vote down the amendment offered by the gentleman from Illinois (Mr. MIKVA).

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

Mr. KLUCZYNSKI. I yield to the gentleman.

Mr. PUCINSKI. The statement has been made that this expressway is going to be useless.

The testimony before the committee is very clear. If this does become a freeway, the city is prepared to build additional ramps in order to make it a good deal more useful to the people on the southwest side of Chicago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. JAMES V. STANTON) there were—ayes 44, noes 24.

Mr. KLUCZYNSKI. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ABZUG: Page 111, after line 8, add the following new section:

AVAILABILITY OF URBAN SYSTEM FUNDS

SEC. 146 (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 147. Availability of urban system funds.

"(a) Funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title shall be allocated among the urbanized areas within any such State in the ratio that the population within any such urbanized area bears to the population of all urbanized areas within such State."

"(b) Funds allocated in accordance with subsection (a) of this section shall be available for expenditure within any such urbanized area for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title."

"(c) Funds allocated to any urbanized area under subsection (a) of this section shall be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas agree to such availability.

"(d)(1) Where the units of general purpose local government in any urbanized area shall combine together under State law to create a metropolitan transportation agency, or where the State shall create a metropolitan transportation agency, with sufficient authority to develop and implement a plan for expenditure of funds allocated to such urbanized area pursuant to this section, funds allocated under subsection (a) of this section shall be available to such metropolitan transportation agency for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(2) A metropolitan transportation agency shall be considered to exist when (A) an agency for the purposes of transportation planning has been created by the State or

by the unit or units of general purpose local governments within any urbanized area which represent at least 75 per centum of the total population of such area and includes the largest city, and (B) such agency has adequate powers and is suitably equipped and organized to carry out projects on the urban system: *Provided*, That such projects may be implemented by the metropolitan transportation agency through delegation of authority for implementation to the participating local governments."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof: "147. Availability of urban system funds."

Mr. WRIGHT. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

The Chair recognizes the gentlewoman from New York for 5 minutes.

Ms. ABZUG. I thank the Chairman.

This amendment would give urban areas direct control over funds designated for their benefit under the Federal-aid urban system portion of the 1970 Highway Act.

The law requires that routes under the urban system shall be selected so as to best serve the goals and objectives of the community as determined by the responsible local officials. It also provides that the projects be selected by the appropriate local officials and the State highway department in cooperation with each other.

Regrettably, the existing mechanism has some serious flaws, and this amendment would represent a significant step in correcting them. The principal problem arises from the fact that the State highway officials have the sole say in determining where the urban system funds shall be spent. Local officials have some say in deciding where a project will be constructed, but if the State authorities refuse to offer them funding in the first place, they have no recourse so long as the funds are spent in some urbanized area of the State. In addition, though they are guaranteed a voice in the decisionmaking project, the State's power of the purse enables it to simply take its money elsewhere if local officials refuse to accept its dictates.

The first thing that this amendment does is to allocate urban system funds within a State to each urbanized area in that State on the basis of population. This would insure objective fairness in the allocation of the funds and would prevent the situation in which an area having 40 percent of a State's urban population receives only 20 percent of the urban system funds apportioned to that State. Also, this provision would reduce the power of State highway officials to deny funding to a local area whose officials refuse to accept the State officials' dictates as to where a project should be built.

The amendment further provides that urban system funds be made directly available to duly constituted metropolitan transportation agencies. These agencies would be formed by units of general purpose local government and would have the authority to plan and carry out projects under the Federal-aid urban system. If such an agency is not formed in a given urbanized area, the State highway authorities would still have to spend the funds apportioned to that area in that area.

I and those who cosigned the minority views on this amendment—Mr. GROVER, Mr. RANGEL, and Mr. JAMES STANTON—believe that the urban system, as a system designed primarily to serve local needs, should be the responsibility of local officials. While this amendment would give the local officials the basic responsibility for urban system projects in their areas, the existing requirement that local and State officials cooperate in the selection of urban system routes and projects would be retained. This would shift the principal responsibility to the locality, but would retain a voice for the State, so that urban system projects will bear an appropriate relationship to projects outside the urban system.

In closing, I want to note this amendment has the full support of the Department of Transportation, the National Conference of Mayors, and the National League of Cities. It would be an important move toward bringing governmental responsibility closer to the people, and I urge its adoption.

Mr. Chairman, I think the amendment falls completely within the Highway Act. It is not an amendment to the law but merely talks of a way in which funds could be more effectively distributed to carry out the purposes of the act.

Mr. WRIGHT. Mr. Chairman, is it the statement of the gentlewoman that the moneys apportioned or allocated by this amendment would be exclusively for the purposes covered in title 23 of the United States Code, namely the highway purposes?

Ms. ABZUG. Entirely so.

Mr. WRIGHT. Mr. Chairman, in that case I withdraw my reservation of objection.

Mr. JOHNSON of California. Mr. Chairman, I rise in opposition to the amendment.

Over the years this highway program has been run on the most basic principle of government—the Federal-State relationship. There is no reason in the world why that should be changed.

The fact that there are needs in the cities which are great is recognized in this bill by a tremendously increased amount for urban area improvements.

It is not, however, necessary to pass these funds through to the cities to make them effective. The States themselves are better equipped to determine where the priorities lie across the State and between the cities.

The basic responsibilities of State government calls for that unit to be the one which controls what goes on throughout the State.

If we do not continue this State relationship it means chaos in the administration of the program.

A direct relationship between the Federal Government and the cities in the same program as that which involves the State can only lead to controversy among three levels of Government. This is without even taking into account the part that counties play in this whole picture.

Mr. Chairman, this amendment would even make it possible for parts of an urbanized area to shut out other parts of an urban area.

It only requires 75 percent of the population of an area to be the decisionmakers for all of the area. Whole individual communities could be deprived of their just share of funds.

Mr. Chairman, I would ask that the House reject this amendment. The States do have the expertise built up. They are dealing with the agencies of local government. In our own State of California, we have over 500 agencies of local government involved, so I do think the relationship between Federal, State, counties and cities is working very well at the present time.

Certainly, they have a measure of expertise that has been developed. There are different systems in all 50 States across the land as far as highways are concerned. Today, in our great State of California, we are putting better than a billion dollars a year into the overall highway program at the present time.

Some $300 million of that comes from the Federal Government's share. The other comes from State and local governments. I would say that I would hate to see this relationship broken up and this expertise set aside with this particular amendment.

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

Mr. Chairman, as the distinguished gentleman from California indicated, this amendment, for the first time, authorizes distribution of Federal-aid highway funds within a State to various cities, circumventing the States' normal role in the State-Federal relationship. In addition, it would encourage the creation of new bureaucracies, as the number of mini highway departments in all of the urbanized areas within which this money would be distributed are established. The effect of their creation would be to further compound the problems that already exist in getting highways built as quickly as possible.

We are already confronted with so much redtape, so much bureaucracy, in the highway program that it takes 6, 7, or 8 years now to plan and construct a highway. This would further lengthen out the process.

Local communities now have an input with the State in determining where highways should go; in developing plans and designs for them. They have an input. There is cooperation between communities and localities and the State now which complements the State-Federal relationship.

This particular amendment, Mr. Chairman, is nothing more than an indirect form of special revenue sharing which the proponents of special revenue sharing were not able to secure approval of in the normal fashion.

The special transportation revenue-sharing proposal was referred to the Committee on Ways and Means. This is an effort to circumvent the jurisdiction of that committee in order to get special revenue sharing enacted. That is all this amendment is. It is an attempt to get, indirectly, what they could not get directly.

I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG).

The question was taken; and on a division (demanded by Ms. ABZUG) there were—ayes 9, noes 49.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SCHWENGEL

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

The Clerk read as follows:

Amendment offered by Mr. SCHWENGEL: H.R. 16656 is hereby amended by striking section 119 in its entirety and substituting in lieu thereof the following:

"SEC. 119. Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967.'"

Mr. SCHWENGEL. Mr. Chairman, this deals with the title on page 76 which reads "Control of Outdoor Advertising." It might well read, "Decontrol of Outdoor Advertising."

I speak as a member of the committee and I speak as a member of the Commission which has been studying the question of beautification of highways for almost a year now under the very able leadership of the gentleman from Texas.

I suggest that the amendments proposed in the bill will change the basic law that was wisely passed here in 1965. The amendments that are proposed by the committee will play havoc with the orderly implementation of the act of Congress passed in 1965.

The Commission of which I am a member has not yet completed its study and report to the Congress, and has a great deal of unfinished business. This is indicated in the interim report.

Now, some of the Members of Congress want to change this with an amendment that would virtually strip the existing law of the effective control of signs and would interfere with the implementation of the act, by imposing a moratorium on certain classes of signs. Their proposals not only ignore the intent of Congress as expressed in the conference report, but will lead to further visual pollution along our Nation's highways, which is certainly not in the public interest.

Let me illustrate. Section 131(c) of the act allows certain signs giving direction to natural wonders and scenic or historic attractions, under regulations to be promulgated by the Secretary. The proposed amendments to this subsection would open it up to every kind of sign which is now out on the highway outside of commercial or industrial areas. This subsection would be broadened to include the following classes of signs: Lodging, gas and automotive services, food services, camping grounds and rest stops. Outside of a very rare product advertising sign, and perhaps a few old signs without advertising copy, I cannot think of a sign in rural America which would not qualify under the proposed amendment to this subsection.

Then, to make it even more difficult to administer, they inject some of the standards they want the Secretary to promulgate. It sounds restrictive, but does it sound very restrictive when they say, "Not more than three signs in any 1 mile facing the same direction?" Surely one can immediately see that the billboard lobby will insist that this be interpreted no less than 3, which will guarantee them 6, probably.

This is the critical part. Applying this criteria to more than 200,000 miles on the interstate and primary road systems not zoned industrial or commercial, the least number of signs we will have will be 1.2 million. The present act renders approximately 800,000 signs nonconforming and subject to removal. Under the proposed amendment we will be left with one and one-half times as many new signs as we will require to be removed under section 131(d).

Keep in mind we are going to have to pay for the removal of some 800,000 signs plus, under subsection 131(g) of the Act, only to have 1.2 million signs go up with our blessing. The Members should ask themselves, is this effective control, or is it some kind of a very sad mistake, an unfortunate one?

Mr. Chairman, I urge the adoption of the amendment.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment. I very earnestly hope that the committee will vote down this amendment.

If this amendment is adopted, it will undo all the work that has been accomplished by the Commission on Highway Beautification which this Congress authorized, and on which the gentleman from California (Mr. DON H. CLAUSEN), the gentleman from Oklahoma (Mr. EDMONDSON), the gentleman from Iowa (Mr. SCHWENGEL), and I, have been privileged to serve.

This Commission, in an attempt to make some practical sense out of this highway beautification program, has conducted a very extensive series of open public hearings in six different cities throughout the United States to ascertain the wishes of the State Highway Departments, and of the general public.

In addition to that, we commissioned the taking of two nationwide polls by two highly respected polling organizations, the DeKadt Marketing and Research Organization, and the Sendlinger Organization.

Based upon those hearings and upon these polls, we believe that we have fairly well ascertained for the first time what the general public thinks about highway beautification. This Commission then wrote an interim report, to which the gentleman from Iowa (Mr. SCHWENGEL) and I, as well as the gentleman from Oklahoma (Mr. EDMONDSON) and the gentleman from California, (Mr. DON H. CLAUSEN) concurred, along with the four Members of the Senate and three Presidential appointees.

This report made several recommendations which we thought to represent reasonable changes at this point in the highway beautification program. Now, these are the changes we provide in the bill, the changes that would be eliminated by the accepting of the amendment offered by the gentleman from Iowa (Mr. SCHWENGEL).

First of all, we discovered that throughout the country, where we had written in the previous law a limitation of 660 feet beyond the controlled highway within which billboards cannot be constructed, many builders of billboards had simply gone beyond the 660-foot limitation to a point 661 feet beyond, and there they had begun to erect gigantic, massive billboards, in violation of the purpose of the law.

So what we did here was to extend that control to what we thought was reasonable, to those that were visible from the highway and constructed with the purpose of their message being read from the highway.

That is one of the changes we make. We think it is a reasonable change.

The second change we would make would be in deference to the wishes of the American motoring public. Very clearly it was stipulated in public responses to both of these polls, that a distinction should be made between those signs that merely advertise products such as whisky, cigarettes, suntan lotion, or any other general nationally advertised product on the one hand, and on the other hand those which the motorists say they want: signs giving direction and information to services and facilities available on or immediately off that highway for the motoring public.

In that regard we have simply said this: that in taking down the nonconforming signs, take down first those which just advertise brands and products, and which do not give the motorist information that he can use on this particular stretch of the highway, and leave until last those that advertise small places of business that do provide services to the motorist, services which are sometimes just a mile off the highway, where the highway has by-passed them, and give these signs a moratorium until first the product advertisements have been taken off. We would like meanwhile to let these mom-and-pop establishments and the little businesses that do provide services of a motorist orientation and whose very continued existence may depend upon such signs remaining.

Now, those are the two basic changes that we have proposed in the law. Those changes were recommended by the Highway Beautification Commission, consisting of the four Members of the House, four from the Senate, and the three Presidential employees.

They have been embodied in the Senate bill; they have been accepted there.

Now, it is proposed by the gentlemen from Iowa that we do away with all this work and simply go back to the Highway Beautification Act, which has been a

bone of contention, and that we ignore all the hearings and activities of the Commission, and bring it to naught.

So it is my suggestion, if you want a workable beautification program that does beautify highways, one that avoids the monstrosity of these enormous signs erected adjacent to the highways just beyond the 660 feet, and at the same time one that will give the motorist some information which he needs and permit the little business along the highway which provides a service for the motorist to remain in business, then vote down this amendment, and adopt these recommendations contained in the bill.

We have copies of the recommendations of the commission at the various desks here in the Chamber, and we would be happy for you to read them. We also have summaries of the two nationwide polls that were taken.

We believe, having heard from the beautification people, having heard from the billboard people, the professional conservationists, and all the related lobbyists, that we really ought to find out what the American public wants and try to conform ours to that. This is what we have endeavored to do.

I urge you to vote against the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman.

MOTION OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Chairman, I move that all debate on this amendment and all amendments thereto be concluded in 5 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

The CHAIRMAN. The Chair will state that the gentleman from California (Mr. DON H. CLAUSEN), has been recognized for 5 minutes at the time the limitation was imposed by the committee. Therefore, the gentleman from California (Mr. DON H. CLAUSEN) is recognized.

Mr. DON H. CLAUSEN. Mr. Chairman, serving, as I do, on the Highway Beautification Commission with Mr. SCHWENGEL, the author of this amendment, and Mr. WRIGHT, the Chairman of the Commission, who is in opposition to the amendment, I want to state that I feel the amendment, as offered by my friend from Iowa, goes too far.

There are some portions of section 119 that I am not in full agreement with, such as my concern over the potential impact of subsection 119E and the possible increase in signs that would subsequently add to the costs under just compensation, as it now stands, but the hearings we held in Syracuse, N.Y., and our hearings throughout the country brought to our attention the fact that something had to be done until such time as the Commission completes its report and offers a recommended legislative course of action.

Mr. TERRY, who represents the Syracuse area, has asked if I would relate some of the experiences and some of the problems we heard about in Syracuse.

As you are aware, the aim of the highway beautification program was to remove unsightly signs on our highways in order to make them more pleasant and pleasing for the traveling public. That was the purpose of the act in 1965. If you are aware of that, you are no doubt familiar with the shortcomings of the statute and the hardships it has created.

I would like to mention a case which has come to my attention. This happens to be a constituent of Mr. TERRY's, Mrs. Merle Smith, a widow, a former teacher, who converted her home into a tourist home in order to help make financial ends meet. She is a pensioner with only a small retirement income from her teacher's retirement pension. Her business, her tourist home, is located about 500 feet from U.S. Route 15 in Rochester, N.Y. She has erected two signs adjacent to the highway, one measuring 4 feet by 3 feet, which says "Smith's Tourist Home," with an arrow pointing off the road. It also contained the word "Vacancy. Rooms are available." A second sign, 5 feet by 3 feet, says "Tourists. Open all year." Mrs. Smith received a notice from the State of New York that she had to remove the two signs within 30 days and that failure to do so would result in removal by the State of New York authorities.

There was also a suggestion that if Mrs. Smith desires to reestablish these signs, they may be placed 660 feet from the highway right-of-way. By this, I gather, the director of real estate property was suggesting that she erect a jumbo sign. Of course, in view of the modest type of business Mrs. Smith runs, such an alternative would be totally unrealistic.

But there is no doubt that removal of her two signs would put Mrs. Smith out of business. Her tourist home is not easily seen from the highway because there are tall maple, spruce and cedar trees surrounding her house.

Of course, she has the alternative of cutting these trees down and erecting a large on-site sign on her property. But this hardly seems like a sensible thing for her to do, the State to require, or the Federal Government to demand in the administration of what is purportedly a "beautification act".

The inequity that Mrs. Smith wrote to Mr. TERRY about, as well as being conveyed to both of us on the committee, is not the only one that constituents have called to my attention. There are others. In fact, Mr. TERRY has a file full of them. All point out the inequities and at times the problems associated with the Highway Beautification Act that was enacted in 1965 and which is presently being forcefully administered around the country.

Mr. Chairman, I am all for a sensible program to control outdoor advertising on our highways, but if such a program is to succeed from both the standpoint of the traveling public and property owners adjacent to our highways, it must be fair and equitable to all concerned.

I must emphasize, in conclusion, that our Beautification Commission hearings should have been held before the original legislation was passed, rather than after the fact.

Because, the hearings have revealed the number of problems that have occurred throughout the country.

I am very much concerned about the many small tourist-oriented businesses that are dependent upon directional and informational signs to stay alive and contribute to the jobs and the general economic and tax base of their respective areas.

It is for this reason that I reluctantly oppose my good friend, FRED SCHWENGEL'S sweeping amendment.

I plan to offer an amendment later dealing with an alternative and optional just compensation approach.

Directional signs are necessary for the traveling public in order that they may be apprised of the tourist opportunities in the area in which they are traveling. They are also necessary to insure that the small businessmen and others who derive a living from such tourist trade may advertise their wares.

Yet, as the law now stands and is being administered, the Mrs. Smiths of America are literally being driven out of business. Surely, this was not the intention of those who first proposed a beautification law. Certainly, I will not attribute such an intention to Lady Bird Johnson who conceived it.

Because of the imperfections of the 1966 act, the Congress created the Highway Beautification Commission in 1970. The mission of the Commission was to identify the "Mrs. Smith" type of inequities contained in the law and to find ways and means of alleviating them.

The Commission, as you know, has yet to submit its recommendations with regard to the Mrs. Smith type of problems. Accordingly, we are extending the life of the Commission for an additional period. During that time, until the Commission has had time to study and recommend a solution to the directional sign problem and Congress has had time to consider and act upon it, there should be a moratorium to protect the Mrs. Smiths of our land and others who would otherwise suffer grievous hardships from implementation of the present law.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Tennessee.

Mr. BAKER. Mr. Chairman, I rise in opposition to the amendment as is pointed out in our committee report, the Commission on Highway Beautification—established by the Federal-aid Highway Act of 1970—did not become fully operational until late in 1971. After that, the Commission held extensive public hearings, assembled a large amount of information and just recently submitted an interim report of its activities to Congress suggesting some changes and requesting an extension of time for completing its work. Among other reasons for an extension, was the fact that State regulatory legislation had only recently been enacted in many States and that enforcement in most States had only just begun.

Further, the Commission indicated it had not yet had the opportunity for in-depth reviews of State and local advertising control programs. We feel that the Commission, given sufficient time, can assist Congress in solving the difficult and perplexing problems which have plagued the beautification program from the outset. The Commission did suggest certain changes to correct several basic defects of the 1965 Beautification Act which have thus far hindered the effective implementation of the program by the States.

The language before us was drafted in fundamental harmony with the Commission's recommendations.

The Commission suggested that Congress might wish to consider making some distinction between outdoor advertising signs which simply advertise products and those which provide information of potential usefulness to motorists regarding services and facilities in which highway travelers may be expected to have specific interest. Now, motorists need to get information about such travel-oriented services and facilities as lodging, food service, automobile service, camping areas, truck stops, tourist and recreation attractions, and the like. Thus, the committee recommends that directional and other official signs and notices for signs giving information in the specific interest of the traveling public be authorized, and that the Secretary of Transportation be authorized to permit the States to allow certain directional signs within the right-of-way of highways. We also felt it wise to provide that no sign lawfully in existence on June 1, 1972, giving directional information in the specific interest of the traveling public need be removed until December 31, 1974. Now this "moratorium" on the removal of signs applies very selectively and with respect only to these signs which can be described as "directional signs—giving specific information in the interest of the traveling public," and this selective "moratorium" would last only until December 31, 1974. It seems to me this is in fundamental harmony with the Commission's recommendation that States be allowed, and encouraged, to remove first those nonconforming signs which have no traveler-service orientation and to defer removal of nonconforming signs giving directional information to motorists.

The idea, in other words, is to encourage first the removal of those signs which merely advertise products as distinguished from motorists' services which are available along the roadside. There are surely a very great many nonconforming billboards which merely advertise products. I feel sure there are more than enough of these to keep the States busy in a very active removal program during the period of this proposed "moratorium."

Further, we are providing language to assure that just compensation will be paid for all signs required to be removed which were lawfully erected under State law. And, to prevent inequities from arising where a second removal of a sign is required by virtue of the provisions contained in this bill, a new amendment which authorizes 100-percent Federal funding for removing such signs has been added. And, the committee language provides that all signs must be removed not later than the end of the fifth year after they become nonconforming pursuant to State law. This is necessary—allowing the States the 5 years to implement these provisions and providing full funding. This is an enormously expensive undertaking for any State. Many States, including my own State of Tennessee, worked hard and long to get implementing State legislation for the last act—the pressures on State legislatures from lobby groups are terrific—and they almost lost my State the 10-percent highway funds.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman for yielding, and I simply want to make the point that, due to the extremely unfortunate and ill-advised action that was taken to limit debate on this amendment to 5 minutes, other Members will not be given any opportunity to speak on this amendment.

Nevertheless I would like to register my own very strong support for the amendment. I feel very deeply that the time has come for the Congress to redeem its promise it made 7 years ago to clear the billboards off the highway right-of-ways, and let the people who travel on the highways enjoy the scenic beauties of our country.

To fail to pass this amendment will effectively stall and delay this program of cleaning up the Nation's highways. Its most serious effect would be to legalize the increase in the number of billboards on the affected highways from 800,000 to 1,200,000.

Mr. Chairman, I urge a favorable vote for the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I merely respond to the gentleman from Idaho by stating to the gentleman that if we were to pass the amendment as it is presented to the House it would eliminate the possibility of removing the major jumbo signs which were brought to our attention in the hearings before the Commission throughout the country. Their removal is a primary reason for this interim legislation being advanced and included in section 119.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. SCHWENGEL).

The question was taken; and on a division (demanded by Mr. SCHWENGEL) there were—ayes 18, noes 46.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'KAY

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

The Clerk read as follows:

Amendment offered by Mr. McKAY: On page 80, line 15, insert the following: *"Provided,* A state may not refuse to purchase and remove any non-conforming sign, display, or device voluntarily offered to the state for removal by a sign owner if funds are available in the Department of Transportation."

Mr. McKAY. Mr. Chairman, this amendment has to do with the right of a small sign company, if it wishes, to offer its signs to the State, and requires the State to accept them if the money is available in the Department of Transportation.

The intention of section 131(o) of this bill is to prevent a State from causing injury to advertisers whose signs serve to direct the public to their business establishments, but the section should not in any way alter the authority of the Secretary of Transportation to proceed with the purchase and removal of nonconforming signs where sign owners offer their nonconforming signs to the States for purchase and removal.

Many small sign owners have been adversely affected by the Highway Beautification Act, the act jeopardizes their ability to continue operation as banks have withdrawn support and employees sought refuge in a more certain and stable industry. These sign companies relied upon the 1965 Highway Beautification Act which promised them sign removal as of July 1, 1970, and just compensation for their nonconforming signs.

The amendment I now propose will not only guarantee the sign companies rights to voluntarily enter into a sale of their nonconforming signs to the States but will assure them of the expeditious administration of their claim. It is the intent of this amendment to prevent a State from waiting until a sign company can no longer maintain its signs and then acquire those signs at distressed prices because of their deteriorated condition. The refusal of a State administratively to process voluntary offers by sign owners or to seek funds for the purchase of such signs will be in noncompliance and subject to penalty.

Furthermore, the intent of this amendment is to protect those sign companies who have relied upon both Federal and State law to their detriment. Many companies are in the process of negotiating with the respective States for the removal of their nonconforming signs. They are at the mercy of the State. It is irresponsible to withdraw at this time, particularly when those companies have been laboring under the promises contained in the law which assures them "just compensation" for every single one of their nonconforming signs upon removal. Under the proposed changes in the beautification law a sign company which is a hardship company because of the Highway Beautification Act of 1965 can come forward and surrender each sign made nonconforming by that act, and be assured that those signs will be removed within a reasonable period of time and without delay.

Mr. Chairman, this morning I received a telegram from Mr. Henry Hellend, director of highways for the State of Utah, which I would like to insert in the RECORD at this point:

[Telegram]

Representative GUNN McKAY,
U.S. Congress, Longworth House Office Building, Washington, D.C.

House Bill 16656 contains language on the highway beautification program which would more than double the cost being borne by the State of Utah and puts the State in an

impossible position. We urge you to amend or delete any section which would alter the present beautification program. We fully support the program as it is now being administered by the Department of Transportation. Utah has removed 2,800 signs from an inventory of 9,000 nonconforming signs. The State currently has 15 sign companies programmed for sign removal with $3,500,000 authorized. The remaining 20 sign companies have been programmed and $2,000,000 in funding will be authorized within the next 90 days. We have spent $350,000 for sign removal so far. It costs the State of Utah from its own funds in excess of $100,000 per year to administer this program. H.R. 16656 would more than double that cost. If Utah can remove the nonconforming signs the administrative costs can be reduced to approximately $50,000 per year. The State has a compliance law and contracts which will continue in effect even if the Federal program is altered. Both the Federal and State governments have no course of action but to honor the present commitments and continue the program in its present form.

Sincerely yours,

HENRY HELLAND.

This telegram is self-explanatory in terms of the problems this bill will cause the State of Utah if it is not allowed to go forward with the program of beautification. Specifically, area sign companies have come forward and negotiated with the State. Utah is not alone in this problem. Let us consider a couple of other States:

The State of Colorado:

First. Colorado has received $500,000 in matching funds for sign removal;

Second. Colorado has removed 13,000 of nonconforming signs;

Third. Colorado has programed eight sign companies for sign removal;

Fourth. Colorado is going to host 1976 winter Olympics and their law requires all nonconforming signs down by 1976; and

Fifth. Six signs per mile in the State of Colorado would be a perpetual monument to the rashness and erratic behavior of Congress on this issue.

The State of Michigan:

First. Michigan has proposed a sign removal program through the Department of Transportation and has been allocated $6,000,000 for use in 1 fiscal year;

Second. The Michigan program calls for sign companies to come forward and claim their just compensation within a 30-day period; and

Third. If no provision is made for sign companies to offer their signs, this entire State program will be thrown into a state of confusion.

There are other States affected:

First. Oregon has been a leader for years in the beautification program;

Second. Idaho is fully funded as Congressman HANSEN has described; and

Third. California, Washington, Nevada and virtually all States are active in this program.

We have launched a program. It is off the ground. Calling it back now without considering all the ramifications is disastrous to the program and will raise great distrust in the States for future programs.

I would like to place in the RECORD at this point some remarks I would like to have offered in connection with the Schwengel amendment but was denied by the motion to cut off time:

STATEMENT BY REPRESENATIVE GUNN MCKAY

(Impact of H.R. 16656 on the Highway Beautification Act of 1965)

As a member of the House Appropriations Committee and as Congressman from the state of Utah, I strongly object to the new language of H.R. 16656, Section 119, dealing with the control of outdoor advertising. It will sky-rocket the costs; it will destroy the faith of many states which are participating in the Highway Beautification Program; it will do irreparable injury to those who have relied upon the law, and it will have the effect of increasing the number of signs on our highways rather than decreasing them. Let me explain:

1. 400,000 ADDITIONAL BILLBOARDS AUTHORIZED

Currently there are approximately 800,000 non-conforming signs scheduled to be removed by 1976. These are located on approximately 200,000 miles of unzoned rural primary and interstate roads. Under the new proposed language, which permits six signs per mile (three each direction), rather than removing the 800,000 signs which are now non-conforming, it will allow a total of 1,200,000 signs when they are properly placed. Instead of removing signs in beautiful rural America, the new language will allow the sign population along the countryside to grow by 400,000 additional signs.

2. SUBSIDIZED NEW SIGN CONSTRUCTION

Since the 800,000 non-conforming signs are concentrated in rural areas around the towns and cities of America, nearly all of these rural signs, with the exception of six per mile, will be removed. The federal government and states will pay for the cost of dismantling and also the cost of the sign itself; while at the same time the sign companies will be able to relocate its dismantled signs and erect new signs along portions of the interstate and primary system.

3. CONTROLLING ADVERTISING MESSAGES AS WELL AS SIGN LOCATION

The moratorium on removal of directional signs "in the specific interest to the traveling public" is more than just a stay in the proceedings of sign removal. It changes the whole nature of the Beautification Act. Until now the question of whether a billboard was conforming or non-conforming was determined by its location on a highway. Now the message on the sign, as well as the sign location, will determine whether the sign can remain up. These directional signs cover a broad sweeping category of signs including food services, restaurants, cafes, bars, car dealers, garages, service stations, lodgings, motels, hotels, apartment houses, etc. Administrating this program and monitoring sign messages will sky-rocket the costs of the program. State officials must decide from a sign's face whether or not it is of "specific interest to the public".

4. FREEDOM OF EXPRESSION SUBJECT TO MONITORING

The freedom of an advertiser or billboard company to create and express a message to the traveling public is severely restricted. In order to retain a location of a non-conforming billboard, the sign company must find the right advertiser. The message from a motel would be allowed, but the message from a manufacturer of a product would be prohibited. This is not just a provision controlling billboards. In fact the language of this bill would control advertising copy and the messages that are placed upon the sign. The Highway Beautification Act of 1956 as amended prohibited certain signs based upon zoning requirements. In that Act Congress was *not* dealing with fundamental rights of freedom of expression. The language now proposed actually gets into the monitoring of advertising messages and may well invite litigation to test whether or not there is a restriction on the freedom of speech of an advertiser whose copy is not allowed because it does not conform. Such language should be referred to the House Judiciary Committee for their comments before the members of this House are asked to vote on it.

5. EMERGING MONOPOLY IN OUTDOOR ADVERTISING

The passage of the Highway Beautification Act in 1965 virtually eliminated the small and medium-size advertising companies from competition in the roadside advertising market. Many small companies have been forced to allow their advertising contracts to expire or sold out at distress prices because of their inability to continue as banks withdrew support and employees left. Right now, many states are in the process of purchasing the non-conforming signs of companies operating within those states. These include California, Arizona, Oregon, Washington, Nevada, Utah, Idaho, Colorado, Maine, Michigan, New York, just to name a few. Those sign companies are virtually at a standstill and are relying upon their government for fair treatment.

The provisions under this act now under consideration would increase the movement toward a monopolistic market in roadside advertising. It increases the leverage of large companies to sell and erect signs in new locations across the nation. A moratorium and new sign location authorizations at this time merely add to the capacity of the large sign company to eliminate virtually all of its competition.

6. COMITY BETWEEN THE STATE AND FEDERAL GOVERNMENT UNDERMINED

Pursuant to the 1970 Federal Aid Highway Act, the Secretary of Transportation has done a remarkable job of bringing 49 of 50 states under compliance. He has promulgated federal guidelines in the Federal Register and approved "just compensation" schedules for sign removals for many states. The legislation under consideration would introduce mass confusion among states and undermine the will of both the Department of Transportation and state highway divisions to go forward with any further work on sign removal or control. States in the process of purchasing and removing nonconforming signs are placed in a legally vunerable position, and the measure could create general distrust in the government's beautification program.

7. NEW LANGUAGE IGNORES HIGHWAY BEAUTIFICATION COMMISSION INITIAL RECOMMENDATIONS

When the 1970 Federal Aid Highway Act was passed the House Public Works Committee insisted on having a Highway Beautification Commission to re-study the billboard program even though the Secretary of Transportation had just completed a year-long study and made recommendations to the committee. Secretary John A. Volpe, at that time stated that, "What was needed was funds and to get on with the job of sign removal" in rural areas. The Secretary underscored the point, "*We have made too many promises to too many states to turn back now.*" The Commission report stated, "The Commission does not recommend any change in Federal law at this time." The House is now being asked to accept a new and costly proposal which is just the opposite of what the Commission reported.

These points raise legitimate questions about the section of propriety of this legislation. I would urge the House to refer this bill to the Judiciary Committee to determine if the language jeopardizes the Constitutional rights of any citizen.

Mr. JONES of Alabama. Mr. Chairman, we have examined the amendment offered by the gentleman from Utah (Mr. MCKAY) and find no disagreement as to its provisions.

The CHAIRMAN. The question is on

the amendment offered by the gentleman from Utah (Mr. McKAY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered my Ms. ABZUG: page 107, line 12, through page 108, line 5: Strike all of section 139. Renumber the succeeding sections accordingly.

Ms. ABZUG. Mr. Chairman, this amendment would strike from the bill section 139, which would prohibit judicial review of administrative actions relating to the construction of the Three Sisters Bridge across the Potomac River between Washington and Virginia.

The battle over the construction of this project has been waged in the courts and in Congress for a number of years. The bridge, conceived 20 years ago, was to be linked with highways which have not yet been built and which may never be built. Citizens who were opposed to the bridge because it would run through their communities, creating considerable noise and air pollution, with no proof that it was truly necessary for the area's transportation needs, because it had not been demonstrated to be of safe construction design, and because it was to run through park land, including the C. & O. Canal National Historical Park, took the matter to court.

Extended court consideration of the case, with attendant stays on construction, led Congress to try to prod transportation officials into getting the project started. Section 23 of the 1968 Highway Act directed them to commence work of several projects in the District of Columbia area, including Three Sisters, but made that direction subject to "all applicable provisions" of the Federal Highway Act. In signing the bill containing section 23, President Johnson stated that the direction to begin the enumerated projects was subject to compliance with the rest of the act, and the courts upheld his interpretation in 1970. The case was then remanded for a trial court finding as to whether there had in fact been compliance with the applicable requirements of law. The district court found that there had not been a proper hearing on the question of the bridge's design, and also that there had not been proper approval of the safety aspects of the bridge. The court of appeals agreed with the lower court on the latter question and also ruled that highway officials had failed to comply with statutory provisions which require highways to be based on coordinated, comprehensive planning and which prohibit the use of public owned parkland for interstate highways unless there is no feasible and prudent alternative.

The question before us is not whether this bridge should or should not be built. There are Members supporting my amendment who stand on both sides of that issue. The fact here is that even if the bridge is the greatest thing that could happen for transportation in this area, there are two reasons why section 139 should be removed from this bill:

First, it creates an exception to the provisions of the Highway Act and the National Environmental Policy Act which are there to protect the general public and the environment, and which apply to every interstate project in this Nation.

Second, it deprives citizens of the United States of their right to have access to the courts for redress of their legal grievances. Congress may have power to legislate as to the jurisdiction of Federal courts, but it may not exercise that power in violation of due process of law.

As a member of the Public Works Committee, I know first hand how hard working and serious a body it is. Consequently, I am certain that the provisions of the Highway Act requiring a proper public hearing on bridge design, proper approval of the safety aspects of a bridge, and coordinated, comprehensive transportation planning, as well as the provision prohibiting the use of publicly owned parks for interstate highways unless there is no feasible and prudent alternative, were not put there lightly, but only after the most careful and informed consideration. The courts have held that all of these provisions of the act have been violated with regard to the Three Sisters Bridge project. They have not said, "You may not build this bridge." All they have said is, "You have failed to comply with the law, and you may not proceed until you can demonstrate that the requirements of the law have been satisfied." In a government and a society of laws, that is entirely reasonable and proper, and we should not be creating a special exception to the law just because one project is right here in our backyard or because we would like to see it built.

In addition to the failure of those responsible for this project to comply with the law, there is every indication that the bridge is opposed by the overwhelming majority of the citizens through whose communities it would run. The only witness at this year's hearings on highway legislation who spoke about the bridge opposed it and called for the repeal of section 23 of the 1968 Highway Act, which had attempted to compel construction of the bridge.

At the hearings in 1968, and today as well, numerous civic groups, including the D.C. Federation of Citizens Associations, the D.C. Federation of Civic Associations, the Committee of 100 on the Federal City, Arlingtonians for the Preservation of the Palisades, and the Emergency Committee on the Transportation Crisis, have expressed strong opposition to the bridge. An informal referendum among District of Columbia residents in November 1969 resulted in an 84-percent vote against construction of the bridge and its connecting freeway system. Only last week, the Arlington County Board resolved that—

The Arlington County Board is opposed to Section 139 of the Federal-Aid Highway Bill currently before the House Public Works Committee . . .

In recent days, many individual residents of the area, as well as the Washington Post, have also called for the deletion of section 139 from the bill.

I cannot see what else we have to know in order to decide to strike section 139 from the bill. The project has not complied with the law in numerous respects, there is doubt as to whether it is safe, and it is opposed by the community. I urge the adoption of my amendment to delete section 139 from this bill.

PERFECTING AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Chairman, I offer an amendment as a perfecting amendment.

The Clerk read as follows:

Perfecting Amendment offered by Mr. BROYHILL of Virginia: Page 107 line 13 after "SEC. 139." insert "(a)".

Page 108 after line 5 insert the following: "(b) This section shall take effect upon the final determination of the route of Interstate Highway I–66 from its present terminus in Virginia at I–495 to its connection with a bridge or bridges (presently constructed or to be constructed) across the Potomac River."

PARLIAMENTARY INQUIRY

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BROYHILL of Virginia. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DON H. CLAUSEN. Mr. Chairman, my parliamentary inquiry is this: The gentleman indicated a perfecting amendment. Is this in effect an amendment to the amendment rather than a perfecting amendment? I do not understand.

The CHAIRMAN. The Chair will state from a quick study of the amendment that it appears to be a perfecting amendment to the section which is proposed to be stricken by the amendment offered by the gentlewoman from New York.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield for a further parliamentary inquiry?

Mr. BROYHILL of Virginia. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. As I understand the parliamentary situation, the gentlewoman from New York has moved to strike that entire section. The gentleman from Virginia has moved to add a provision to the section in the bill. I ask the Chair in what order or sequence will the votes come on the several proposals.

The CHAIRMAN. The vote would come first, the Chair will state, on the perfecting amendment of the gentleman from Virginia. Following that the principal amendment to strike out the section would be put to the committee.

Mr. GERALD R. FORD. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, if the perfecting amendment of the gentleman from Virginia fails, then we have a vote on the amendment of the gentlewoman from New York. If successful, would she strike out not only the section in the bill, but the perfecting amendment as well?

The CHAIRMAN. The gentleman has stated the situation as the Chair understands it.

Mr. BROYHILL of Virginia. Mr. Chairman, in an attempt to clear up the confusion, the net effect of the perfecting amendment is that it reinstates section 139 that the amendment of the gentlewoman from New York seeks to strike, but adds an amendment to section 139 as it appears in the committee bill.

The final effect of my amendment if adopted would be to make the section 139 in the bill applicable when the construction of the proposed Interstate I–66 in northern Virginia as proposed to be constructed from the Interstate beltway Route 495 into the District of Columbia—whenever that is ready for construction, then section 139 would become applicable. The proposed Three Sisters Bridge is a part of the Interstate System and is meant and is planned to be connected with I–66 in northern Virginia if and when that is completed.

I–66 is now being held up in the Fourth Circuit Court of Appeals or there is pending an appeal in the Supreme Court at this time. It is being delayed for an environmental impact study and also for a study of the various alternatives. If I–66 is not constructed from the beltway into the District of Columbia, then the construction of Three Sisters Bridge would be superfluous. However, on the other hand when I–66 is proposed to be constructed and all the cobwebs have been eliminated, then it is essential and most necessary that we construct Three Sisters Bridge without further delay.

I am in favor of the Three Sisters Bridge. The people I represent are in favor of it. The people I represent are in favor of the construction of I–66. I have taken a poll of that area and I find that 69 percent are in favor and 19 percent opposed and 12 percent have no opinion. That was after 33,000 questionnaires were turned in. Some of my own people are opposed to the Three Sisters Bridge and some to I–66. Some people are opposed to it for environmental reasons and some do not want their property taken, and it is pending in the court because some people claim they have not had their proper hearing in court.

The Three Sisters Bridge has been pending for years and years and years. We have had it studied and restudied.

There have been court hearings after court hearings. We had a hearing on the design of the bridge to be constructed after $600,000 or $800,000 expenditure. A model was constructed to show the design for esthetic purposes and for engineering purposes. I do not think we should delay construction of Three Sisters Bridge any further. I think any further delay is ridiculous, but my amendment does permit it to be held up only until after we have clarified whether we will construct I–66.

Mr. Chairman, I hope my perfecting amendment will be adopted.

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

Mr. BROYHILL of Virginia. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 2 additional minutes.

Mr. HALL. Mr. Chairman, I object.

Mr. KLUCZYNSKI. Mr. Chairman, I believe that there is a complete misunderstanding as to the nature and reasons for this amendment.

There is no attempt here to prevent people from having their say on the subject. They have already had it in every way imaginable. The Chief Justice of the Supreme Court recognized this completely in his statement on the issue.

So that we can be clear on what he said, I want to read at this time his entire statement:

> I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the court of appeals has, for a second time, unjustifiably frustrated the efforts of the executive branch to comply with the will of Congress as rather clearly expressed in section 23 of the Federal-Aid Highway Act of 1968. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

The same thing is happening in the Virginia case wherein the courts said they cannot decide on the spout run connections to the bridge until the bridge controversy itself is resolved.

So both courts have set up a situation where nobody can decide anything.

This section of the bill takes the issue away from the courts in the District of Columbia in order to insure that the 1968 act is followed.

Every bridge across the Potomac River has been authorized individually by the Congress. Every one has been full of controversy. There is nothing different about this one except the fact that even the courts have created an impossible situation. It is up to the Congress to decide now whether the actions they have taken in passing a law are going to be followed or not.

Mr. Chairman, I hope that this body will stand up and defeat the amendment.

PARLIAMENTARY INQUIRY

Mr. ADAMS. Mr. Chairman, a parliamentary inquiry.

The gentleman from Virginia stated that his amendment in effect put back in section 139 and then added another part. My parliamentary inquiry is: Is this a substitute, so that if the gentleman's amendment is adopted, there is no vote on the Abzug amendment, or is the Chair ruling that if the gentleman's amendment is adopted then thereafter there is a vote occurring on the Abzug amendment which would strike it all?

The CHAIRMAN. As the Chair stated previously, the adoption of the perfecting amendment proposed by the gentleman from Virginia would not negate the vote on the principal amendment offered by the gentlewoman from New York, so that even if the gentleman's amendment were to be adopted the committee would then vote to the proposed amendment as offered by the gentlewoman from New York.

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

Mr. Chairman, if I understand the amendment offered by the gentleman from Virginia correctly I believe I am in support of it in that it delays or makes it a whole package for both the Three Sisters Bridge and the connecting link. I think that is obviously something that has to be done or we are going to end up with either a hanging bridge or a hanging highway. I think that leaving it without a national system would be a very bad thing for us to do.

I also however think we are better off if we leave the matter of both the highway, which is presently in litigation, and the bridge, which is in litigation, to the courts. I have been involved with the gentleman from Virginia and a number of others in trying to see that we get both a subway system and a completion of the highway system here.

But, this bill is a very bad precedent. This bill now applies to Virginia and to the District of Columbia. If we say to the citizens of that State and the District, "You cannot have your day in court," it is wrong. If that bridge is going to fall down, we had better find out about it before it happens. If the highway is not going to connect to the end of the bridge we had better find that out. I know that this is a hardworking committee, and the Members are well aware of the problems involved, but this section is not the solution.

I do not know yet how we are going to get from the end of I–66 on the Three Sisters Bridge into the rest of the city past the Lincoln Monument. Even now, any of us who drive that, and I happen to do so every morning, we know that there is a gigantic scramble when you come to the end of those bridges. There sits the Lincoln Monument and there sits the river, and there sits the State Department.

Until someone has finally resolved that we leave this. That is why I think we need an orderly process here. You could end up with the I–66 link and bridge going across and ending up nowhere except a lot of cars congregating around the Lincoln Monument and trying to go some place and wondering where they are supposed to go.

I advise any of the Members who are questioning my statement to go down and drive it some morning. The Members will see how confusing it is. I think the orderly process of what the court has been trying to do should go ahead.

Mr. JONES of Alabama. Would the gentleman yield?

Mr. ADAMS. I am happy to yield.

Mr. JONES of Alabama. Is the gentleman suggesting that we have fewer bridges in order to accommodate the traffic?

Mr. ADAMS. No, what I am suggesting is that the whole plan has not been completed in its total review and the administrators involved with it have not stated how they are going to handle the traffic once you get from the beltway across the bridge and into the city. We have no link that connects the end of I–95 with I–66.

Mr. JONES of Alabama. How long do you think it is going to take to build that bridge?

Mr. ADAMS. I have heard estimates of about 2 years to build it.

Mr. JONES of Alabama. Does the gentleman not think that they can build the approaches to it in a reasonable period of time?

Mr. ADAMS. I do not, because——

Mr. JONES of Alabama. Well, the gentleman is not aware totally, then, of the plans that have been made over the years; the amount of effort that has gone into it; $7 million, excessive amounts of money to make the proper plan.

Mr. ADAMS. If the gentleman will let me complete my statement, I am very aware of the proposed plans because we were involved with both the inner loop and outer loop and the radial and the connecting highways coming in and I have supported completing the link across in front of the Capitol Building, but the link from I–66 to I–95 that has not been finally decided or completed, and the difficult one from the end of I–95 to connect with I–66 has not been finished. You have to do something about the Lincoln Memorial, the Mall, all of the things that are in the Federal Triangle.

This design was made back in 1968. It has not been changed. We are attempting, as I understand it, to complete the litigation and build the appropriate bridge and connecting links. My point here is that we should allow the orderly process to go ahead.

I believe the gentleman from Michigan (Mr. DINGELL) is going to mention another section in this bill, and we should not substitute our judgment for the orderly process of court review that goes on every place else in the country. I know that the gentleman from Kentucky and all of us have been very unhappy down through the years about the time that these court cases take, but I am just saying that is the way it is in modern America. We should not tamper with it.

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

Mr. Chairman, I have no particular brief pro or con on the Three Sisters Bridge. I think it might be a good idea to read the language the gentlewoman from New York wishes to strike out. It says:

> No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1–B2, and B2–B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia and as estimate section termini 02–03 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Arts Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court.

I find that exceedingly surprising language.

I know a lot of people feel strongly one way or the other about the Three Sisters Bridge, which personally I do not. The idea that we should pass a statute here saying that one cannot take a question to court and get it determined, and that anything the Secretary does cannot be reviewed by a court, to me, as a member of the bar and a citizen of the Republic, is kind of shocking, really.

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

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

Mr. ECKHARDT. The gentleman's remarks are entirely appropriate here. I was wondering what would happen if an action were brought to foreclose on earthmoving equipment by a creditor of a contractor. The way this reads that would impede construction of the bridge. Let us suppose there were a foreclosure action brought, or a reorganization suit brought that would result in reorganizing one of the companies involved, or a suit with respect to safety. Would not the gentleman feel that these might impede construction of the bridge?

Mr. DENNIS. I say to the gentleman, it is a very surprising section to me.

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

Mr. DENNIS. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. The language is strong, but the language has come at the suggestion of a per curiam decision or memorandum from the Chief Justice of the Supreme Court of the United States. Let me read it. These are the words of the Chief Justice in the case that grew out of this litigation that got to the Supreme Court:

> The petition for a writ of certiorari is denied.
>
> MR. CHIEF JUSTICE BURGER, concurring.
>
> I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the Court of Appeals has, for a second time, unjustifiably frustrated the efforts of the Executive Branch to comply with the will of Congress as rather clearly expressed in § 23 of the Federal-Aid Highway Act of 1968. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

This is a memorandum from the Chief Justice on March 27, 1972. He suggested that the Congress take this action if it so desired, and he fully concurs in the proposal by inference, if not directly, in this bill.

Mr. DENNIS. I appreciate what my distinguished colleague and leader has said. I am familiar with the fact that we have the power to circumscribe and limit the jurisdiction of the inferior Federal courts. That is in the Constitution.

The Chief Justice, in pointing out we could do that, said nothing that is not true. I do not know whether he has entirely suggested that we do it, particularly in the manner attempted here.

It does seem to me, while we may have that power, it is a pretty drastic action to take here. Surely we could run this thing through the courts and get a decision eventually. This is the kind of procedure that I, having the background and training I have, do not happen to like.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. DENNIS) has expired.

Mr. DENNIS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

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

Mr. HALL. Mr. Chairman, I object.

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

Mr. Chairman, the entire situation in the District of Columbia as it relates to Three Sisters Bridge is nothing but a process in legal gymnastics.

The minority leader has pointed out what the Chief Justice of the Supreme Court has written. We are trying to comply with the advice given in the Court's decision. What could be better or wiser than following the advice of the Chief Justice? We want to get along with the business of building the highways throughout the United States, and clear up the problem here in the District.

We have been talking about the Three Sisters Bridge. We might as well be talking about any bridge in the United States that is on the Federal system.

The engineering requirements have been met; the specifications, and the studies have been concluded.

Here we come along with an unusual situation here in the District. If we are going to take up a highway bill and we are going to pass on every abutment to a bridge and every curve that some engineer gives some answers on, then we are going to be sitting here looking at blueprints and trying to work out something from a maze of engineering requirements that none of us is capable of making. It is time to resolve this problem once and for all.

Now, why can we not go along with the advice given in the decision instead of trying to make all of these demographic studies that are required on the origin of traffic and where the traffic is going to be received and deposited? All of those things were taken into account.

Let us get along with the business rather than fragmenting ourselves on the question of a bridge between the District of Columbia and the State of Virginia. We should not get into that, any more than we are going to get into the discussion of any other bridge or highway in the country. However, in this case we have to get involved. There really is no other choice.

Mr. DENNIS. Will the distinguished gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman.

Mr. DENNIS. Is the gentleman suggesting when he says that it might as well be any bridge in the country that we are going to adopt the procedure in this Congress of passing laws which say that the people all over this country cannot take any bridge to court?

Mr. JONES of Alabama. Oh, nobody has made that suggestion at all.

Mr. DENNIS. Mr. Chairman, I do not see why this one is any different.

Mr. JONES of Alabama. Mr. Chairman, the gentleman is just making an observation that is not even pertinent to the question.

Mr. DENNIS. Will the gentleman yield further?

Mr. JONES of Alabama. I yield to the gentleman from Indiana.

Mr. DENNIS. My observation which the gentleman says is not pertinent is based on the gentleman's remark that this might as well be any bridge in the country. That is just what I think, too. I do not want to get into the business of saying you cannot take any bridge in the country to court if there is some reason to take it there.

Mr. JONES of Alabama. Well, the gentleman from Alabama has not suggested you cannot take matters involving other bridges to court.

Mr. Chairman, what I am trying to say is that we are complying with the Court's requirements.

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

Mr. Chairman, for years now the Committee on Public Works and the Committee on Appropriations have believed that there is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-by-day growth of traffic, the highway program must be carried out along with the present rapid rail transit system that is now under construction.

In 1955, the Washington metropolitan area transportation study was approved and the necessary survey completed in 1959. There were 13 elements composing the freeway program in the District of Columbia recommended by the survey. Prior to the completion of the survey and on September 15, 1955, the Commissioner of Public Roads, pursuant to the Highway Act, distributed urban mileage. In this year of 1955, the Highway Departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with highway legislation. The freeway projects approved for the District of Columbia were as follows:

First. Northeast freeway. By the way, they have had eight studies of this one since it was adopted. A study would be made and then the project would be filed away, costing thousands upon thousands of dollars.

Second. The north-central freeway, six studies have been made.

Third. Palisades parkway, six studies.

Fourth. Three Sisters Bridge, eight studies.

Fifth. Fourteenth Street Bridge, staff studies.

Sixth. Potomac River freeway, eight studies.

Seventh. South leg, seven studies.

Eighth. North leg, west, seven studies.

Ninth. North leg, central, seven studies.

Tenth. Northeast-north-central freeway, eight studies.

Eleventh. North leg, east, six studies.

Twelfth. East leg, six studies.

Thirteenth. Intermediate loop, five studies.

Since these projects were selected and approved there have been 82 studies made at a cost of over $20 million. For instance, on the Three Sisters Bridge there have been eight studies and, in addition to the studies, a little over $2 million has been expended on this project. The contract for the piers, which was let in September of 1969, entailed a little over a million dollars, and Secretary Volpe, of the Department of Transportation, entered into a contract for a model of the bridge which, when completed, cost a little over $1 million and, by the way, after being fully tested and approved, was awarded a citation, as the "Model of the Year."

Not a single one of the freeway projects, including Three Sisters Bridge, was selected by the Public Works Committee, the Appropriations Committee, or any committee in the Congress. The locations and sites were not selected by any committee in the Congress. All of the projects and the locations and sites were approved and selected by the District of Columbia officials, together with the officials in the Bureau of Public Roads and in the Department of Transportation.

The Board of Trade, the Board of Realtors, the District of Columbia Chamber of Commerce, the Federal City Council, the Washington Savings and Loan League, and many other organizations in the city of Washington approved the freeway projects and the balanced transportation system consisting of freeways and rapid rail transit.

The Washington newspapers approved the balanced system of transportation and the freeway projects, which were later contested by suit, and with certain of said projects incorporated in the Highway Acts of 1968 and 1970.

For many years now, the Evening Star has approved a balanced transportation system, and on June 20, 1968, in an editorial entitled "Freeway Mandate" we find the following:

The House Public Works Committee had a choice of two legislative approaches in making good its promise to end the unconscionable stalemate over Washington area freeways.

One possible avenue was to direct the completion of the District's long-delayed freeway program in a bill limited to that single purpose. Instead, the committee has chosen to incorporate this necessary congressional mandate as a part of the national interstate highway legislation, which commands a high priority for passage in this session. That decision was the right one.

For it is amply clear by now that the only hope of revising the District's deadlocked program rests with Congress. The various Federal and city agencies which should have moved District freeways ahead through normal administrative processes have demonstrated their inability to do so. Indeed, the opponents of urban freeways have thwarted this process by keeping freeway decisions in a state of chaos. By including its mandate in the national highway bill, the House committee has assured that this deplorable situation will finally receive from Congress the attention it deserves. That assurance simply would not have existed in the case of a purely local bill.

Fortunately, the legislation also proposes, on a national basis, liberal expansions of financial assistance to families and businesses displaced by freeways. These provisions are urgently needed. If enacted, they should eliminate one of the major points of freeway contention in the District.

There are reports that the committee's strongly worded directive on the District, requiring that a cohesive freeway system be completed, may encounter difficulty when the bill reaches the Senate. If so, that problem will have to be faced when it arises.

It may not arise at all, however, if the real facts of this controversy are fully clarified in the House. The specific projects which the House bill sanctions are vital to the city. They comprise a modest network of roads, designed simply to complement the region's proposed rail transit system. A certain amount of flexibility as to planning details is required, as the Committee no doubt will explain in its report. But there should be no compromise whatever in a firm demand by Congress that the freeway program proceed without further delay.

An editorial entitled "District of Columbia Freeway Network" from the Washington Post of June 21, 1968, states as follows:

The House Public Works Committee has wisely included the long-stalled District of Columbia freeway projects in its omnibus Federal highways bill. If this legislation is passed, the District will have a mandate to go ahead with its controversial freeway network without further wrangling. At this point many objective observers find it impossible to believe that any law will end the dispute. But there is a powerful argument for Congress to go as far as it can in making the policy decision even if it cannot at this time resolve all the controversial details.

In our view the Potomac Expressway to connect with the George Washington Memorial Parkway on the Maryland side of the river, the North Central Freeway, the Three Sisters Bridge and completion of the inner loops are essential to give this city a modern transportation system. They must, of course, be carefully integrated with the new rapid transit system. Even if rapid transit fulfills the great expectations associated with it, however, this rapidly growing city will need these minimal highway projects to reduce congestion and keep heavy traffic off residential streets.

Especially hopeful is the committee's decision to include in its bill a provision for higher relocation payments for families and businesses to be displaced by the highways. It is not enough to pay a family whose home is taken merely "fair market value" if that is not enough to buy a comparable home in a similar neighborhood and to reimburse the family for the expense and inconvenience of moving. Highways are for the benefit of the entire community. Their construction should not impose a special burden on those who have the misfortune to be living where the road must go.

The condemnation of homes for expressways has caused special hardships in the past because many of the new projects have cut through the slums. In some instances that is unavoidable because of the necessity of linking the inner city with beltways and express radials. But a new concept of the "just compensation" that the Government must pay for such property taken under duress is in order. It should be enough to save the dispossessed family from any real loss and perhaps a little more to assuage injured feelings. Congress has been slow in coming to the acceptance of this principle, and the mammoth highways bill that has now been set into motion through the legislative pipeline should not be passed without it.

Again, on June 30, 1968, from the Evening Star we have an editorial entitled "Congress Must Act," and this editorial is as follows:

The necessity for Congress to end the ridiculous controversy over Washington freeways by compelling the completion of a moderate, rational highway system has been evident for a long, long time. This week, at last, the House of Representatives will have the opportunity to begin that process. Its Members should not hesitate to do so.

Fortunately, the House Public Works Committee has given assurance that the issue will be faced by inserting a District freeway mandate in the high-priority administration bill—scheduled for debate tomorrow—to extend and broaden Federal aid to highway programs throughout the country.

It is hard to think of a more fitting legislative vehicle, for the national bill contains long needed reforms, especially in terms of expanded Federal assistance to persons displaced by highways, which have a direct pertinence to the District dispute.

A fight on the House floor nevertheless seems assured, since three committee members already have filed a minority report against the District mandate. It seems to us, however, that their arguments have added nothing new to the tired old tirades of those people who seem to believe that the best way to deal with automobiles is to ignore them.

In its excellent report on the District issue, the Public Works Committee makes certain concessions to freeway opponents, including a relinquishment of District control over Glover-Archbold Park. But it insists that "quite obviously the area within the District of Columbia boundaries cannot be left to eventual isolation from the rest of the Washington Metropolitan Area, the national interest simply will not permit that. Absent action by either the local government or the executive branch, the Congress must act."

That is the sum and substance of the case. The House committee's finding that a reasonable freeway program must proceed, as a necessary complement to a proposed rail transit system, was reached after months of study. We are confident that any other unbiased forum apprised of the facts, would reach an identical conclusion.

The Committee on Appropriations began appropriating for the freeways in the year 1958. Over $200 million is now available in Federal and District funds for the District of Columbia's freeway system. By virtue of delay, lawsuits, and failure to comply with the law set forth in the Highway Acts of 1968 and 1970 the cost of the freeway projects more than doubled the original amount estimated.

In the year 1963, the District of Columbia Committee brought out legislation authorizing construction of a rapid rail transit system for the city of Washington. This bill was recommitted back to the committee due to the fact that the cost of constructing this system and answers concerning where the money would come from were not answered to the satisfaction of the Members of the House of Representatives.

In the year 1965 another transportation act was brought to the House and here we had a request for a 25-mile system to cost $431 million to be constructed entirely within the limits of the District of Columbia. Of the total amount $50 million was to come from the District of Columbia, $100 million from the Federal Government and the balance to be obtained through the issuance of bonds. No construction was started under the authorization of 1965 which was approved by the Congress and it was not until the Transportation Act of 1969 that we finally had construction beginning on a rapid rail transit system here in the Nation's Capital. The Transportation Act of 1969 provided for 98 miles at a cost of $2.5 billion; $1,147,044,000 would come from the Federal Government in grants and $216,500,000 would come from the District of Columbia. The seven jurisdictions in Maryland and Virginia would pay $357 million for construction of the 98-mile system and the balance of $835 million would be in bonds to be issued and thereby retired out of funds from the fare box.

In the year 1966 the Committee on Appropriations, acting upon the recommendations that I made as chairman of the District of Columbia Budget Subcommittee, recommended to the House of Representatives that the rapid transit money be appropriated and the rapid transit system start following the act of the National Capital Planning Commission which approved the freeway program. Just as soon as the money was released to start the rapid transit system, a lawsuit was immediately filed and the freeway system was stopped. This existed until February 1968 when a final judgment was rendered in the district court directing that certain requirements had to be complied with by the District of Columbia before they could proceed with the freeway system. Up until the time of this suit, there was complete agreement in the Congress and the District Building and the Federal Government that both the freeway system and the rapid transit system should go together and both be completed. When the judgment was entered in February 1968 Congress acted.

The States of Maryland and Virginia then proceeded on the theory and the understanding that the District of Columbia would construct its freeway projects and these two States then perfected their plans to correspond with the exits and entrances to the District of Columbia.

The Highway Act of 1968 contained the following provision:

DISTRICT OF COLUMBIA

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "the 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction, shall be undertaken as soon as possible after the date of enactment of this act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section, the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I–266 (section B1 to B2).

(2) Potomac River Freeway, I–266 (section B2 to B4).

(3) Center Leg of the Inner Loop, I–95 (section A6 to C4), terminating at New York Avenue.

(4) East Leg of the Inner Loop, I–295 (section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under the section 106 or 117 of title 23, United States Code, the Commission of the District of Columbia, may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507 and 508 of title 23, United States Code.

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 (47 stat. 161; D.C. Code, sec. 8–115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of replacement property.

Following passage of the Highway Act of 1968 and with the complete concurrence of the District officials, the Department of Transportation and the President of the United States, a contract was let for construction of the Three Sisters Bridge, with construction starting in August 1969. At this time the Subcommittee on the District of Columbia budget and the Committee on Appropriations in the House recommended that rapid transit funds be released, with construction to begin immediately on the rapid transit system. Contracts were let placing the first mileage in the rapid rail transit system under construction and the pier contract began on the Three Sisters Bridge. Within a matter of days after the contract was let on the Three Sisters Bridge another suit was instituted in Federal court seeking an injunction enjoining construction of the Three Sisters Bridge project. The Three Sisters

Bridge contract proceeded underway and in the Highway Act of 1970 we find the following:

(Excerpt from Public Law 91-605, pp. 18 and 19)

DISTRICT OF COLUMBIA

"Sec. 129. (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-Aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (secs. C4.1 to C6).

(2) North Central and Northeast Freeways, I-95 (secs. C7 to C13) and I-70S (secs. C1 to C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7 on I-95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

President Nixon has emphatically stated time after time that we must have a balanced system of transportation for our Nation's Capital and that the Highway Acts of 1968 and 1970 will be enforced. On August 12, 1969, President Nixon directed the following letter to me:

DEAR BILL: Your diligent efforts through the years to insure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Departments of Highways to implement immediately the requirements of the Act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.

The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act.

A balanced transportation system is essential for the proper growth and development of the District of Columba. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the $18,737,000 deleted from the Supplemental Appropriation bill together with the $21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.

With cordial regards.

Sincerely,

RICHARD NIXON.

Still maintaining that the Highway Acts of 1968 and 1970 are the law and must be enforced, the President on April 27, 1971, directed the following letter to me:

DEAR BILL: The regional rail rapid transit system (Metro) project stands today at a critical point in its history. Construction work is evident in downtown Washington. The first suburban construction will begin this summer. Interruption in the downtown construction work now underway penalizes both residents and merchants, the latter of whom have already suffered business losses due to Metro construction, and delays the first day of operation.

Unfortunately, previous delays and inflationary pressures in the economy have increased the original construction cost estimates by approximately $450 million. In my recent message to the Congress on District affairs, I have reaffirmed my commitment to Metro and proposed a plan which would solve its new financial problems without increasing the net financial drain on the Federal Treasury.

I know of your commitment for a balanced transportation system for the nation's capital. I fully share that commitment. Because of this concern, I have reviewed the status of the D.C. interstate highway projects mandated by the Federal Aid Highway Acts of 1968 and 1970. My review indicates that the District Government is in full compliance with the requirements of these Acts within the constraints of judicial actions. I reaffirm my pledge to you to insure that the Federal agencies involved with these projects continue to work diligently to facilitate progress on these interstate projects. I have asked the Secretary of Transportation to make a presentation to you and other interested Members of the Congress at your earliest convenience as to the current status of the Three Sisters Bridge and other projects named in the 1968 and 1970 Highway Acts. We are taking, and will pursue, all necessary and appropriate action within the law to expedite the construction of the Bridge.

I believe these actions provide tangible evidence of both the District and Federal Governments' commitment to complete these highway projects. I request that your Subcommittee give favorable consideration to the $34.2 million fiscal year 1971 supplemental for the District's contribution to METRO.

Sincerely,

RICHARD NIXON.

On November 18, 1971, the President issued the following statement concerning the rapid rail transit-freeway impasse:

Late in its second century of life as the Nation's Capital, the Washington metropolitan area is suffering severely from hardening of vital transportation arteries. The nearly three million people in the District of Columbia and its Maryland and Virginia suburbs are acutely aware of this worsening problem as they struggle to move about the area pursuing business or pleasure or the work of government. So are the eighteen million visitors who come here each year from across the country and around the world, expecting magnificence—and finding it, but finding also, in the simple matter of getting about the city, more frustrations than they deserve in the Capital of a Nation that has sent men to the moon.

In recent months, though Washingtonians have also become increasingly aware that something is being done about the transportation tangle. METRO—our superb area-wide rapid rail transit system of the future—is already a fact of life for all who use the downtown streets, as construction pushes ahead on the first 8 miles of the project. Streets are dug up, ventilation shafts have been dropped, tunnels are being bored. Over $863 million has already been committed by the eight participating local jurisdictions and the Federal Government. At the same time, a coordinated interstate highway system for the region is progressing toward completion, as many thousands of detouring commuters know.

We need these freeways, and we need the METRO—badly. I have always believed, and today reaffirm my belief, that the Capital area must have the balanced, modern transportation system which they will comprise. Yet now, almost incredibly in light of the manifest need for both of them, the future of both is jeopardized by a complex legal and legislative snarl.

To save them, here is what has to happen:

1. The local highway actions mandated by the Federal-Aid Highway Acts of 1968 and 1970 must go forward immediately.

The question whether the District of Columbia and the Federal Government, in their efforts to carry out this mandate, are presently in compliance with statutory requirements, has been the subject of lengthy litigation. The U.S. Court of Appeals for the District of Columbia has recently ruled that they are not yet in compliance, in the case involving the Three Sisters Bridge. But I am convinced that they are. Accordingly, I have ordered the Attorney General to proceed with the filing of a motion for rehearing en banc before the Court of Appeals. I have also instructed him, if that fails, to file a petition for certiorari with the Supreme Court.

2. The METRO system must move toward completion and operation as rapidly as possible.

Not only do delays in METRO work cost taxpayers heavily; they might even erode confidence and cooperation seriously enough to consign the entire project to an early grave, with all the sad consequences that could have for metropolitan development in the years ahead. I strongly urge the Congress, therefore, to take appropriate action at once to end the present delay and to prevent any more such derailments of METRO progress.

We have come to a critical juncture. Obedience to the law is at stake. A huge investment is at stake.

It is time for responsible men to join in responsible action and cut this Gordian knot.

On May 9, 1972, President Nixon directed the following letter to me:

DEAR BILL: As we approach the time for Congressional action on the District's 1973 budget, I want to express to you my personal hopes that we can move forward with the District's contribution to the METRO system. As we approach the July 4, 1974, initial operation date of METRO, any further delays in construction will substantially increase the cost of the system.

I believe that we share a strong fundamental agreement about the importance of building in the national capital area a viable transportation system for our residents and visitors, including highways, the Three Sister's Bridge, buses and rapid transit. I am

doing everything possible to see that all elements of this program move forward with maximum speed.

Particularly as we approach our Bicentennial celebration, in which the national capital will play a major part, I sincerely hope that we can work together toward this goal.

Sincerely,

/s/ RICHARD NIXON.

In the second suit filed in 1969, we again have a suit requesting an injunction and this suit is still in court. The District Court dismissed the suit filed in August 1969 maintaining that the provision contained in the Federal-Aid Highway Act of 1968 concerning the construction of the Three Sisters Bridge, the Potomac River Freeway, center leg of the inner loop, east leg of the inner loop, and the study which was to be made was the law and had to be complied with.

The Federal-Aid Highway Act of 1970 contained the provision concerning the study of the east leg, the north leg, the North Central Freeway, and the Northeast Freeway.

The decision of the district court was appealed to the circuit court of appeals.

After enactment of the 1970 Highway Act, over 4 months of the 12-month period elapsed and the District made no effort to begin studies.

On October 12, 1971, Judge Bazelon handed down an opinion reversing and remanding the case to the district court. This was a three-panel decision with Judge Bazelon and Judge Fahy on one side and with the opinion fixed by Judge Bazelon. Circuit Judge MacKinnon dissented. I am not acquainted with Judge MacKinnon but understand that the judges in the courts in the District of Columbia and the lawyers throughout this section of the country recognize Judge MacKinnon as one of the outstanding judges on the U.S. court of appeals and further recognize the fact that he is considered an excellent lawyer.

I have carefully read the opinion handed down by Judge Bazelon together with the dissenting opinion of Judge MacKinnon. Judge Bazelon, in his opinion, on page 31, states in part as follows:

It is plainly not our function to establish the parameters of relevance. Congress has carried out that task in its delegation of authority to the Secretary of Transportation. Nor are we charged with the power to decide where or when bridges should be built. That responsibility has been entrusted by Congress, to among others, the Secretary, who has the expertise and information to make a decision pursuant to the statutory standards. So long as the Secretary applies his expertise to considerations Congress intended to make relevant, the acts within his discretion and our role as a reviewing court is constrained. We do not hold, in other words, that the bridge can never be built. Nor do we know or mean to suggest that the information now available to the Secretary is necessarily insufficient to justify construction of the bridge. We hold only that the Secretary must reach his decision strictly on the merits and in the manner prescribed by statute, without reference to irrelevant or extraneous considerations.

Also in Judge Bazelon's opinion, he states in part as follows:

If the bridge cannot be built consistently with applicable law, then plainly it must not be built. It is not inconceivable, for example, that the Secretary might determine that present and foreseeable traffic needs can be handled (perhaps by expansion of existing bridges) without construction of an additional river crossing.

Mr. Chairman, the chief judge of the circuit court of appeals went too far in his opinion. All through this opinion he sets up a series of hoops through which the Secretary of Transportation must jump, notwithstanding the fact that the Federal-Aid Highway Acts of 1968 and 1970 are the law, and clearly indicates that after his instructions are followed there may be other suggestions made later on which would in effect continue to direct the District officials and the Secretary of Transportation to ignore and evade the Highway Acts of 1968 and 1970.

Mr. Chairman, the legislative branch of our Government is a coequal branch and certainly we have no right as Members of Congress to stand by and permit the judicial branch of our Government to take over the legislative branch. The restrictions placed on the Secretary of Transportation by Judge Bazelon are such that it will be virtually impossible to build the Three Sisters Bridge as directed by Congress. Mr. Chairman, I most respectfully state that Judge Bazelon has overstepped the permissible bounds of judicial review and substituted pure speculation which is not supported by the record now pending in his court.

Judge MacKinnon, in his dissenting opinion, stated in part as follows:

The governmental authorities responsible for dealing with this situation concluded that it is necessary to erect the Three Sisters Bridge across the Potomac River as one essential part of the overall highway improvement program proposed for the entire metropolitan area. The erection of this bridge is here opposed by a citizens group of the District of Columbia which does not seriously attack the basic merits of the overall program to improve highway traffic congestion but instead ground their opposition on an alleged failure to comply with certain procedural requirements imposed by statute which are applicable to the planning and construction of the project. In such matters, under our form of government with its separation of powers, the function of policy making is assigned to the Legislative and Executive Branches. Congress enacts the basic laws and these are carried out by (1) the Executive Department functioning principally through the Department of Transportation, headed by the Secretary of Transportation, a member of the President's Cabinet, Mr. Volpe, though other Federal departments may perform isolated functions; and (2) by the District of Columbia acting through its Highway Department.

It should also be noted that the Constitution vests Congress with complete control over the entire area of the District of Columbia for all governmental purposes and insofar as legislation is concerned vests it with the combined powers of the federal and state governments. U.S. Constitution, art. I Sec. 8; *Kendall v. United States* 12 Pet. 524, 618 (1838); *Stoutenburgh v. Hennick*, 129 U.S. 141, 147 (1889); *Shoemaker v. United States*, 147 U.S. 282 300 (1893); *Atlantic Cleaners and Dyers v. United States*, 286 U.S. 424, 434–35 (1932); *O'Donoghue v. United States* 289 U.S. 516, 539 (1933). The Constitution thus imposes a precise duty upon the members of Congress to look after the needs of the District of Columbia in addition to those of their individual district constituents. Members of Congress are also charged with guarding all the interests of the entire nation in the District of Columbia as the seat of our national government. Pursuant to this assignment of responsibilities, Congress and its Members have taken cognizance of the need for transportation facilities in the District of Columbia and the surrounding metropolitan area. To meet the area's anticipated transportation needs it has authorized the appropriation of federal funds for the construction of a metropolitan subway system and has also authorized and directed that substantial additions be constructed to the thru-highways in the area. These additions include the erection of the Three Sisters Bridge. In this connection it was the decision of Congress that the subway construction and the additional highways (including the Three Sisters Bridge) would be built contemporaneously. This conclusion follows from the facts of the contemporaneous appropriations and the express congressional direction that work on the Three Sisters Bridge begin within thirty days after the congressional enact (82 Stat. 815).

Again, on page 6 of Judge MacKinnon's opinion, we find the following:

In this terse manner the extensive findings of the trial court are effectively negated. The discussion of the application of the separate statutes (Title 23, U.S. Code) which follows fully demonstrates the wide gulf between the majority and the practical trial judge who heard all the witnesses in an extensive 12-day hearing, received 1,025 pages of depositions and then thoroughly documented his findings in an opinion covering 40 printed pages. *D.C. Federation of Civic Associations v. Volpe*, 318 F. Supp. 754 (D.D.C. 1970).

Again, in Judge MacKinnon's dissenting opinion, on pages 8 and 9, we find the following:

Certainly the location of present highways and bridges in the Washington area when combined with various topographical features, existing traffic flow patterns, and the fact that one objective of the Three Sisters Bridge project was doubtlessly intended to alleviate some of the traffic congestion presently existing on the highways within the parklands on both sides of the river in the vicinity of the Three Sisters Bridge, might compel the conclusion that as a matter of sound highway engineering the only feasible project that would correct the congestion would be to erect a bridge in the vicinity of the Three Sisters Islands.

Mr. Chairman, again on pages 17 and 18 of Judge MacKinnon's dissenting opinion we have the following:

CONGRESS, REPRESENTATIVE NATCHER AND SO-CALLED POLITICAL INFLUENCE

In Part II of the majority opinion Judge Bazelon deals with the position of Congress and refers principally to some statements by Representative Natcher relating to the Three Sisters Bridge. The opinion infers that Representative Natcher by his acts was a party to forcing approval of the Three Sisters Bridge without regard to its merits, but the record does not so reflect. As the trial court found, Representative Natcher stated that he would do what he could to withhold appropriations for the construction of the District of Columbia rapid transit system "until the District complied with the 1968 Act" and "the freeway project gets under way beyond recall." Representative Natcher was thus merely attempting to see that the laws enacted by Congress were carried out. The Three Sisters Bridge was just one of several freeway projects upon which Congress in 1968 had directed the District of Columbia to commence work. It is not unusual or improper for Congress to withhold appropriations until its laws are complied with.

On pages 23 and 24 we find Judge MacKinnon states in part as follows:

The realities of this situation are that under the Constitution the Congress of the United States has a wider voice in the affairs of the District of Columbia than it does in the affairs of states or other cities. Pursuant to its constitutional mandate Congress does take a firm hand in matters affecting the District and that is precisely what this court found was lacking in the first case (1968) involving the District highway program. *D.C. Federation of Civic Associations, Inc. v. Airis*, 129 U.S. App. D.C. 125, 391 F. 2d 478 (1968). But no Congrssman has any weight in such matters beyond his ability to speak for Congress and to the extent that he does speak for Congress he is only calling attention to the expressed will of Congress.

Congress has spoken in this matter. In Section 23 of the Highway Act of 1968 it ordered the erection of the Three Sisters Bridge, not as a single project but as a part of the broad highway improvement program for the Washington Metropolitan area. And Congress and those who speak for it have a continuing interest in seeing that the expressed will of Congress, as clearly enunciated in a statute signed by the President, be carried out.

Judge MacKinnon, on pages 26 and 27, states in part as follows:

The majority also ignore the fact that the so-called parklands involved on the Virginia side of the river are all in the George Washington Memorial Parkway. Highways have always been an important part of this highway park. The George Washington Memorial Parkway was established by Congress (46 Stat. 482 et seq.) as a narrow elongated parkway along both banks of the Potomac River from Mt. Vernon and Fort Washington to the Great Falls of the Potomac. It parallels the Potomac River from Mt. Vernon to a point above the Great Falls on the Virginia side, except for the City of Alexandria, and from Fort Washington (in Maryland across from Mt. Vernon) to a similar point above the Great Falls on the Maryland side, except within the District of Columbia. One of the congressional purposes in establishing the parkway as a memorial was to provide for the construction of extensive highways within the dedicated area. The legislation also sought to protect and preserve the natural scenery of the Potomac Gorge and the Great Falls of the Potomac, to preserve the historic Patowmack Canal and to acquire that portion of the Chesapeake and Ohio Canal below Point of Rocks (46 Stat. 482–83).

The fact that this park has to a substantial extent, and always has had extensive highways within its confines, makes it practically impossible for any proposed bridge in this area to be erected without affecting some of its lands. This results from the fact that much of the traffic congestion which the proposed bridge seeks to relieve is traffic over the automobile highways within the parkway itself.

President Nixon instructed the Secretary of the Department of Transportation to proceed immediately with the appeal from the Circuit Court of Appeals' decision to the Supreme Court. On March 28, 1972, the Supreme Court refused to hear the case on a writ of certiorari. Chief Justice Warren E. Burger, in an unusual concurring opinion which refused to grant the review, suggested that the Court of Appeals and its Chief Judge, David L. Bazelon, had unjustifiably frustrated the efforts of the executive branch to comply with the will of Congress so clearly expressed in the Federal Highway Act of 1968. Chief Justice Burger stated as follows:

I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the Court of Appeals has, for a second time, unjustifiably frustrated the efforts of the Executive Branch to comply with the will of Congress as rather clearly expressed in Section 23 of the Federal-Aid Highway Act of 1968. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

By the way, Mr. Chairman, during the hearings before the Subcommittee on the District of Columbia Budget, it developed that the total cost of the rapid rail transit system would exceed the amount authorized in the Transportation Act of 1969. Instead of $2.5 billion, it developed that the cost would amount to $2,980,200,000; $1,147,044,000 to be in grants from the Federal Government. The District of Columbia's share will be $269,700,000 instead of $216 million. The Virginia jurisdiction must pay $204,900,000 instead of $150 million. The Maryland jurisdiction will pay $248,900,000 instead of $197 million. Instead of $835 million in bonds, the bonds issued under the recent legislation enacted by the Congress provided for $1.2 billion worth of bonds with the Federal Government guaranteeing payment of the bonds. The $835 million in bonds issued in 1969 could not be sold because the bankers and the brokers knew that the bonds could not be retired out of the fare box. They demanded a guarantee by the Federal Government. Congress conceded and this is the law today.

Mr. Chairman, that portion of the Federal Aid Highway Act of 1972 concerning the Three Sisters Bridge and the District of Columbia Freeway program is as follows:

THREE SISTERS BRIDGE

SEC. 139. No court shall have power or authority to issue any order or take any aciton which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1–B2, and B2–B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia and as estimate section termini 02–03 in the 1972 Estimate of the Cost of completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Arts Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court.

DISTRICT OF COLUMBIA

SEC. 140. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

The provision set forth above concerning the bridge complies fully with the suggestion made by Chief Justice Burger of the Supreme Court. The amendment should be voted down and the provisions in the bill pertaining to the Three Sisters Bridge project and the District of Columbia projects sustained.

Mr. WRIGHT. Mr. Chairman, I rise to see if we can get some agreement of a reasonable nature on a limitation of time. Perhaps we can ask for a limitation of time on the Broyhill of Virginia amendment at this point.

The CHAIRMAN. The Chair would ask if the gentleman from Texas is asking for a limitation of time on the amendment and all amendments thereto?

Mr. WRIGHT. On the Broyhill of Virginia amendment and all amendments thereto.

Mr. Chairman, I want to be fair, and I note that some Members want to be heard, and I can see that there are seven or eight possible Members who want to be heard on this general subject, as well as the Delegate from the District of Columbia. Therefore, I am preparing to move that all debate on the Broyhill of Virginia amendment and the Abzug amendment and all amendments thereto conclude at not later than 10 minutes after 8.

Mr. DINGELL. Mr. Chairman, I have a point of order.

The CHAIRMAN. The Chair will entertain the gentleman's point of order as soon as the gentleman from Texas has stated his motion.

Mr. DINGELL. I merely want to give the gentleman a chance to withdraw his motion.

Mr. WRIGHT. Perhaps we can secure a unanimous-consent agreement. We have more amendments to come.

Mr. Chairman, I ask unanimous consent that all debate on the Broyhill of Virginia amendment and all amendments thereto close in 10 minutes.

Mr. DINGELL. Mr. Chairman, I have a point of order.

Mr. WRIGHT. Mr. Chairman, I move that all debate on the Broyhill of Virginia amendment and all amendments thereto close at 8 o'clock, and that it include 5 minutes expressly reserved for the Delegate from the District of Columbia (Mr. FAUNTROY).

The CHAIRMAN. The Chair will state to the gentleman from Texas that it is not in order to reserve time for specific members of the committee in connection with a motion of this kind.

MOTION OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, in that case, then I move that all debate on the Broyhill of Virginia amendment and all amendments thereto close at 5 minutes to 8.

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

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

The CHAIRMAN. The Chair will count.

One hundred and three Members are present, a quorum.

MOTION OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I withdraw my previous motion, and move that all debate on the section presently being considered, that section dealing with the Three Sisters Bridge, and any amendments thereto, shall conclude at 10 minutes after 8.

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

The motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing at the time the limitation of debate was ordered.

Each Member will be recognized for 1⅓ minutes.

The Chair recognizes the gentleman from Maryland (Mr. GUDE).

(By unanimous consent Mr. FRENZEL yielded his time to Mr. GUDE.)

Mr. GUDE. Mr. Chairman, I rise in strong support as a cosponsor of the amendment offered by our colleague, the gentlewoman from New York (Ms. ABZUG). Section 139 must be removed from this legislation. It attempts to make a single project exemption of Three Sisters Bridge from the entire existing body. To approve of section 139 would be to act in a manner similar to the Redskins if having lost one game during the season decided the rules were unfair and tried to change them but only for that one game.

The question at issue here is not one's personal position whether or not to construct the bridge. Supporters of this amendment are on both sides of that issue. Along these lines I might point out that enactment of this section might well mark the opening of a whole new round of legal actions which could well cause not only great confusion but as a result, further impede the orderly review and construction processes already established.

Adoption of this section could well further delay, rather than hasten construction of the Three Sisters Bridge.

However, Mr. Chairman, there is no question but that approval of this section will set a very clear precedent for future back-door attacks on the carefully constructed processes established by NEPA and enforced by the courts.

One other point important, indeed, central to this discussion is the fact that the Three Sisters Bridge is intended to connect with Route I–66 in Virginia. However, the fate of I–66 is currently before the courts. What if we should pass section 139 only to discover that I–66 will not be built where presently planned? We will have ordered construction of a bridge to nowhere. We will have built quite a rainbow monument to ourselves.

Before closing, I would point out that support for our amendment has come—loud and clear—from virtually every citizen's association, and conservation organization in the area, as well as from many national conservation groups.

Firm opposition to 139 has come from the Secretary of Transportation, who has stated that:

Processing the Three Sisters Bridge without compliance with the existing court order may lead to contempt proceedings against the Secretary of Transportation. We . . . would oppose any provision mandating the processing of the project and construction of the Three Sisters Bridge without compliance with Federal statutory provisions.

The Secretary goes on to state concern over the removal from local jurisdiction of the transportation planning and construction process:

Any proposal to remove these functions from the District of Columbia and the State of Virginia would supersede local initiative and responsibility and create a precedent for similar action with respect to highway controversies in the several States.

Mr. Chairman, I cannot emphasize strongly enough the importance of this amendment. I urge that it be given the full support of the Committee.

Mr. FRENZEL. Mr. Chairman, I rise today to address specific environmental problems created by certain provisions of the 1972 Federal Aid to Highways Act, H.R. 16656.

The legislation before us contains several provisions which will effectively negate the hard fought gains won by the passage of the National Environmental Policy Act of 1969. The bill would create a special exemption in environmental impact evaluations and establish a dangerous precedent by overturning a court decision even though the decision may displease many of us, including me. Therefore, Mr. Speaker, I urge the adoption of the Abzug and Dingell amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment by the gentlewoman from New York (Ms. ABZUG) and against the amendment offered by the gentleman from Virginia (Mr. BROYHILL).

I do not think that the membership has had the amendment properly explained to them so that they really understand what it does. It is the House bill all over again. All it says is that once the roads at either side of the river are properly located, there will be no legal test as to the Three Sisters Bridge, which shall be built across between the two road cuts. In this fashion it is no less objectionable than is the language of the bill itself which strips large numbers of citizens of the fruits of a lawsuit already won.

This Nation has a tradition against ex post facto laws and against bills of attainder. This legislation before us smacks very strongly of both bills of attainder and ex post facto law.

Let me tell the Members, Mr. Chairman, about the Rules of the House. I am reading now from the rules of the Committee on Public Works. This was adopted from the old rules of the Committee on Roads, and it says:

. . . but it shall not be in order for any bill providing general legislation in relation to roads to contain any provisions for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

The reason for this language was clearly explained by the author of the old Committee on Roads when he said that roads bills are in the nature of pork-barrel bills, and that this provision was inserted at the request of the Committee on Roads to prevent logrolling between Members with regard to bills of this kind.

The language of the bill proves the wisdom of the rule. We should reject the Broyhill amendment and strike the language relating to the Three Sisters Bridge.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I certainly concur in the points just made by the gentleman from Maryland (Mr. GUDE) about the unwisdom of this section from the standpoint of policy. But there is a much more serious problem here which goes to the language of the section depriving any court of any authority to review any approval, authorization, finding, determination, or similar action taken or permitted by any government agency with respect to this bridge.

That goes far beyond anything that Chief Justice Burger said. He said that the Congress had the power to insure that its legislative mandate not be reviewable in a court. But this bill says that no action by any government agency shall be reviewable in a court with respect to this bridge.

This means, for example, that if the bridge should collapse because of gross negligence permitted by a government agency, nobody could sue the contractor in court, and the same inhibitions will apply to almost any other possible court action relating to the construction or operation of this bridge, so long as it arises out of any determination taken or permitted by any government agency.

We have no right under the Constitution to deny any citizen due process, and, of course, we have all taken an oath to support the Constitution. I do not see anything in Chief Justice Burger's dictum that justifies such a blatant effort to deprive citizens of the constitutional rights to due process of law.

I urge the adoption of the Abzug amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

(By unanimous consent, Mr. SCHEUER yielded his time to Mr. ECKHARDT.)

Mr. ECKHARDT. Mr. Chairman, the gentleman from Indiana (Mr. DENNIS) I think has laid the question out very well with respect to this unusual power granted in this section, but I would like to point out one other thing. The distinguished minority leader quoted from the Chief Justice of the Supreme Court with respect to the authority of Congress to limit the jurisdiction of the courts with respect to a particular area of litigation. This is certainly correct, but I have never in my life found a provision of Congress that permits a court to decide one way but does not permit the court to decide another.

Listen to this language:

No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project.

Does that mean that the court then has the power to enhance or uphold or expedite the process? Can this Congress, while a case is in court, order that no decision shall be on the side of the plaintiff, that the court does not have jurisdiction to decide for the plaintiff but might decide for the defendant?

It seems to me utterly ludicrous that Congress would enact a piece of legislation while the matter is in the process of litigation in which the court is told the direction in which it must decide the decision. I hope this House would consider this matter most seriously and strike this entire section.

One should also understand that if we write this kind of language in a bill passed in Congress we can deny relief in court to people whose rights may arise in matters which we do not now anticipate. This says that any action which will in any way impede or halt the construction of this bridge cannot be brought in court.

As I was mentioning in my colloquy a minute ago, it would impede the building of the project if a creditor should bring a suit to foreclose on roadbuilding equipment. It would impede the process if there were an injunction against a continuation of unsafe practices. All of these things would be barred by this act if we pass this section.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I do not know how many Members are going to change what they are going to do on the basis of what is said in these few minutes. I will be brief.

Mr. Chairman, I emphathize with my good friend, the gentleman from Kentucky (Mr. NATCHER) and others who have been wrapped up in this whole issue and feel terribly strongly about what happens to Three Sisters Bridge, but the only issue is not only that. More than half this body are lawyers. The gentleman from Indiana (Mr. DENNIS) has put his finger on exactly what is involved in this issue. My good friend, the minority leader, read what the Court said, but we must look at what the Chief Justice said and at the bill in comparison with each other and we find they are not dealing with the same thing. Somehow the committee has written language of a meat ax into this particular section when we ought to, if we would listen to the Chief Justice, Mr. Burger, write in the language of a rapier. They do not meet as they should meet. This is dangerous language in the bill. I suggest Mr. Chairman that, if we actually do not strike this language, as lawyers we will be making a very serious mistake.

The CHAIRMAN. The Chair recognizes the Delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York. I urge that this body strike from this bill the language that would prohibit any judicial review of the Three Sisters Bridge project and thus mandate the construction of a bridge that few in the District of Columbia or Virginia want or feel to be necessary.

This would be a blatant denial of basic civil liberties and a corruption of the American political system. It would be destructive of the basic concept of checks and balances which the three separate branches of Government provide us.

Now I realize that good and decent men can differ over the questions raised by this bridge. A few years ago we did not have in this city the Metro system under construction to balance the existing road and bus systems. A few years ago we did not have or anticipate the crisis in air pollution which, in this Nation's Capital, is the result of the increased use of the automobile. Within the past 2 months, the Washington area has experienced two pollution alerts; each of them results from the automobile. We have no industry; there is no one upon whom we can shift the blame.

Irrespective of the merits of this bridge, however, let me point out two other issues. When Congress passed the entire spectrum of what is called the nontitle 23 considerations, it did so with the intent to assure that local and Federal authorities would build only those bridges which are in the best interests of all of the people. Congress provided for hearings, standards for the taking of park lands, standards for safety, and, finally, review by a court of competent jurisdiction. Our attempts to repeal that concept and replace it with the idea that would allow a bridge to be built or a roadway constructed with only the consideration of those few who may be in power at the time is a misuse of the trust imposed in us and an unwise and improper policy for a democracy to follow.

Why should not the citizens of the community have an input into the policy determinations that give rise to this sort of project? It is their money that will build it. It is their land which will be taken. It is their homes which will be relocated. Finally, if it should be such that the officials who are charged with these duties fail to exercise them, why should the citizen be denied a hearing before a court?

The language in this section would deny all of these things; and, it does not build the bridge. It is prospective. It addresses itself to events that will occur in the future. In his letter of September 18, Secretary Volpe indicated that it is his belief that the section is inapplicable to any preexisting court decision. He also indicated that it is a potentially bad precedent for all jurisdictions. I agree with him. Today we have this precedent in Washington, D.C. Tomorrow, any one of my colleagues can find a similar mandate for his district. I do not like it; I do not think any of you would like it.

Let me remind this body that the court of appeals never did address itself to the merits of the bridge. It only stated that before the bridge could be built one must comply with the laws which Congress passed in the manner and nature which we had intended. That is perfectly reasonable. I hope we uphold that position by voting for this amendment.

As the WTOP editorial so well stated:

> Barring citizens from asking for redress in the courts, even though their own taxes and their own communities are at stake, would be a corruption of the American system. No bridge—not even the Three Sisters—is so important.

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

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

I am a little bit amused by some of the arguments which I have heard put forward. First, someone said that over half of this body are lawyers. That is kind of a bad thing to say, because this Three Sister's Bridge has become a lawyers' paradise. They are suing and resuing and milking the Federal Government.

Then, I hear the delegation from the District say that it is the taxpayers' money that is going to pay for that bridge.

My dear friend, who are you kidding? There are not enough taxes paid in the District of Columbia to pay for that bridge in the next half century. The people of the United States are going to pay for it just as they do for everything in the District, including the huge welfare burden we have here.

What is at stake is that you have a subway system which you wanted, which is going to cost, you say, two and a half billion dollars. Five billion dollars is the right figure. Nobody—and I mean nobody—in their right mind is ever going to ride that thing after dark on any day of any week of any year, as long as crime is rampant in this city. So, you had better build some bridges, so the people who have to work there can get home at night, and so they can get to work in the morning, because if you do not, they are going to have to sit in line in their cars. They are never going to ride that marvelous subway. You have not got enough policemen in town to ride shotgun.

The Chief Justice said what we ought to do, and I say, let us defeat this amendment and go ahead and do it.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Virginia, and in support of the amendment of the gentlewoman from New York.

It seems to me that we can take an example of some failure of safety inspections in this city just a couple of days ago in connection with the construction of the subway.

As I read the language proposed out of the Committee on Public Works, one could not go into court to prevent unsafe construction practices on that bridge. There is total foreclosure, with no action. I believe it is one of the most outrageous reaches for power I have seen since coming to the House.

We ought to think very carefully.

As for this being a snake pit, I live in the District of Columbia, and I live within walking distance of this Capitol. It is a good, easy target to always criticize the District of Columbia, but when we do let us point the finger at ourselves, because we are the government of the District of

Columbia, and I confess we do not do an adequate job.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, this bridge has been in controversy in the courts for better than 6 years. At the end of the first 2 years, finally, the Congress said, "That is enough," and ordered that the bridge be built. In the ensuing 4 years there have been repetitive legal actions taken to stymie the intent of the Congress, culminating in a decision by the Supreme Court in which we had the words of the Chief Justice giving us some guidance as to what we could do to get the bridge built.

The most pertinent part of the language is as follows, from the words of the Chief Justice:

> In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

The Court is telling us we should do something of this kind, as reflected in this section, in order to stop the kind of litigation which has frustrated the Congress and the people of this area for better than 6 years.

I hope that the amendment of the gentlewoman from New York (Mrs. ABZUG), will be defeated.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I must say that after listening to the debate I am more convinced than ever that this is one of the most scandalous provisions I have ever seen in a piece of legislation. If we allow this section to remain in the bill, we will strip citizens of the right of redress in the courts of the United States.

This does not affect only the Three Sisters Bridge area; the principle affects every single place in this country.

So far as the comments of Chief Justice Burger are concerned—by the way, they were purely an aside and certainly do not have the force of law—this provision goes way beyond even what he said. Even though he is a judge, his comments may have been injudicious. He did not suggest that we should restrain or should prevent any citizen from doing anything at all as to the enforcement of any provision of law relating to the Three Sisters Bridge. He did not say we should make it unreviewable by any court. Members are distorting it by constantly saying that is what the Chief Justice said.

In any case, his statement is not a part of the law, and it was not a part of the decision. In fact, the decision sustained the lower, which had ruled that the bridge could not be built unless certain conditions were remedied. We must recognize that what is involved here is a complete denial of due process to any citizen who pays taxes in this area or in every other area of this country, and no responsible body, no legislature, could possibly agree to that and believe any words in the Constitution.

Article III of the Constitution gives Congress the power to establish courts inferior to the Supreme Court and to provide exceptions to the jurisdiction of the Supreme Court itself, and it has been suggested that these two provisions empower Congress to wholly prohibit judicial review of an administrative determination. Ex Parte *McCardle*, 74 U.S. 506 (1869). However, the powers of Congress under the original Constitution are circumscribed by the due process clause of the fifth amendment, and Congress may not exercise its article III powers in a manner which would violate due process of law. *Battaglia* v. *General Motors Corp.*, 169 F.2d 254 (2 Cir.), cert. denied, 335 U.S. 887 (1948); see, *Yakus* v. *United States*, 321 U.S. 414 (1944). The provision before us would deprive citizens of the United States of their day in court, and as such would undoubtedly violate their right to due process of law.

Mr. Chairman, I ask that the Members not adopt the Broyhill of Virginia amendment, and that they adopt my amendment striking section 139 from the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. BROYHILL).

PARLIAMENTARY INQUIRY

Mr. BROYHILL of Virginia. Mr. Chairman, there seems to be some remaining confusion as to the effect of the amendment that I offered, with respect to the Abzug amendment, and I should like to direct another parliamentary inquiry to the Chair, so that we can clear this up.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROYHILL of Virginia. Is it not correct that if my amendment is adopted, section 139 of the bill will be reinstated?

The CHAIRMAN. The Chair will state to the gentleman that section 139 is in the bill. The gentleman's amendment does not seek to take it out. The Abzug amendment would strike the entire section.

The question proposed by the Abzug amendment is whether there is to be a section 139. The question proposed by the perfecting amendment of the gentleman from Virginia (Mr. BROYHILL), is the modification of that section 139, and the gentleman would add a new subsection, renumbering the existing subsection as number 139a.

Mr. BROYHILL of Virginia. I thank the Chair.

The effect of the amendment I offered, therefore, is to delay the effect of section 139 as it appears in the bill until the question of the construction of Interstate 66 is settled.

This is I–66 from the beltway to Washington. This is a vital link to the Three Sisters Bridge when it is constructed, and if I–66 is not constructed, then the construction of the Three Sisters Bridge is of less importance.

If my amendment is not adopted, then we will have the question of the Abzug amendment, which is to strike section 139.

I oppose that, because I think we have delayed the construction of this highway through action in the courts long enough.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Virginia (Mr. BROYHILL).

The perfecting amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG).

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

TELLER VOTE WITH CLERKS

Ms. ABZUG. Mr. Chairman, I demand tellers.

Tellers were ordered.

Ms. ABZUG. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Ms. ABZUG and Messrs. NATCHER, JONES of Alabama, and DENNIS.

The Committee divided, and the tellers reported that there were—ayes 125, noes 173, not voting 132, as follows:

[Roll No. 415]

[Recorded Teller Vote]

AYES—125

Abzug	Fraser	Moss
Adams	Frelinghuysen	Murphy, N.Y.
Addabbo	Frenzel	Nedzi
Anderson, Calif.	Fulton	Obey
	Fuqua	Pettis
Anderson, Ill.	Green, Pa.	Pike
Archer	Gude	Podell
Aspin	Halpern	Price, Ill.
Begich	Hamilton	Rangel
Bennett	Hanley	Rarick
Bergland	Hanna	Rees
Biester	Hansen, Idaho	Reuss
Bingham	Harrington	Robison, N.Y.
Blatnik	Harvey	Rodino
Boland	Hawkins	Roe
Bolling	Hechler, W. Va.	Rooney, Pa.
Brown, Mich.	Heckler, Mass.	Rosenthal
Buchanan	Heinz	Roybal
Burke, Mass.	Helstoski	Sarbanes
Byrnes, Wis.	Hicks, Mass.	Saylor
Conable	Hicks, Wash.	Scheuer
Conover	Hillis	Schwengel
Conte	Horton	Seiberling
Coughlin	Jacobs	Smith, N.Y.
Culver	Karth	Steiger, Wis.
Danielson	Kastenmeier	Stokes
de la Garza	Keating	Stratton
Dellenback	Koch	Symington
Dellums	McCloskey	Taylor
Dennis	McDade	Tiernan
Dent	McKevitt	Udall
Diggs	McKinney	Van Deerlin
Dingell	Macdonald, Mass.	Vander Jagt
Donohue		Vanik
Drinan	Madden	Vigorito
du Pont	Mallary	Waldie
Eckhardt	Mazzoli	Whalen
Edwards, Calif.	Meeds	Whitehurst
Eilberg	Mikva	Wydler
Esch	Minish	Young, Fla.
Fish	Mink	
Foley	Mitchell	
Ford, William D.	Moorhead	
	Morgan	

NOES—173

Alexander	Brooks	Carter
Andrews, Ala.	Broomfield	Casey, Tex.
Andrews, N. Dak.	Brown, Ohio	Cederberg
	Broyhill, N.C.	Chamberlain
Annunzio	Broyhill, Va.	Chappell
Arends	Burke, Fla.	Clausen, Don H.
Ashbrook	Burleson, Tex.	
Baker	Burlison, Mo.	Cleveland
Belcher	Byron	Collier
Betts	Cabell	Collins, Tex.
Biaggi	Caffery	Colmer
Blackburn	Camp	Crane
Bray	Carlson	Curlin
Brinkley	Carney	Daniel, Va.

Daniels, N.J.	Jonas	Robinson, Va.
Davis, Ga.	Jones, Ala.	Rogers
Davis, Wis.	Jones, N.C.	Rousselot
Delaney	Jones, Tenn.	Roy
Derwinski	Kazen	Runnels
Dorn	Kee	Ruth
Downing	Kemp	St Germain
Dulski	King	Sandman
Duncan	Kluczynski	Satterfield
Edwards, Ala.	Kyl	Sebelius
Erlenborn	Landgrebe	Shipley
Evins, Tenn.	Landrum	Shoup
Fascell	Latta	Shriver
Findley	Long, La.	Sisk
Fisher	Long, Md.	Skubitz
Flood	McCollister	Slack
Flowers	McDonald, Mich.	Spence
Flynt	McEwen	Springer
Ford, Gerald R.	McFall	Stanton, J. William
Forsythe	McKay	Stanton, James V.
Fountain	Mahon	Steed
Frey	Mann	Stubblefield
Garmatz	Martin	Sullivan
Gaydos	Mathis, Ga.	Thompson, Ga.
Gettys	Mayne	Thone
Gibbons	Michel	Ullman
Goldwater	Miller, Ohio	Waggonner
Gonzalez	Mizell	Ware
Goodling	Montgomery	Whalley
Griffin	Murphy, Ill.	White
Grover	Myers	Whitten
Gubser	Natcher	Widnall
Hall	Nichols	Wiggins
Hammer-schmidt	Nix	Wilson, Charles H.
Harsha	Passman	Winn
Hastings	Patten	Wright
Hays	Pepper	Wylie
Henderson	Perkins	Wyman
Hogan	Pickle	Yatron
Hosmer	Poage	Young, Tex.
Howard	Preyer, N.C.	Zablocki
Hull	Price, Tex.	Zion
Hutchinson	Quillen	
Jarman	Randall	
Johnson, Calif.	Rhodes	
Johnson, Pa.	Roberts	

NOT VOTING—132

Abbitt	Grasso	Patman
Abernethy	Gray	Pelly
Abourezk	Green, Oreg.	Peyser
Anderson, Tenn.	Griffiths	Pirnie
Ashley	Gross	Powell
Aspinall	Hagan	Pryor, Ark.
Badillo	Haley	Pucinski
Baring	Hansen, Wash.	Purcell
Barrett	Hathaway	Quie
Bell	Hébert	Railsback
Bevill	Holifield	Reid
Blanton	Hungate	Riegle
Boggs	Hunt	Roncalio
Bow	Ichord	Rooney, N.Y.
Brademas	Keith	Rostenkowski
Brasco	Kuykendall	Roush
Brotzman	Kyros	Ruppe
Burton	Leggett	Scherle
Byrne, Pa.	Lennon	Schmitz
Carey, N.Y.	Lent	Schneebeli
Celler	Link	Scott
Chisholm	Lloyd	Sikes
Clancy	Lujan	Smith, Calif.
Clark	McClory	Smith, Iowa
Clawson, Del	McClure	Snyder
Clay	McCormack	Staggers
Collins, Ill.	McCulloch	Steele
Conyers	McMillan	Steiger, Ariz.
Corman	Mailliard	Stephens
Cotter	Mathias, Calif.	Stuckey
Davis, S.C.	Matsunaga	Talcott
Denholm	Melcher	Teague, Calif.
Devine	Metcalfe	Teague, Tex.
Dickinson	Miller, Calif.	Terry
Dow	Mills, Ark.	Thompson, N.J.
Dowdy	Mills, Md.	Thomson, Wis.
Dwyer	Minshall	Veysey
Edmondson	Mollohan	Wampler
Eshleman	Monagan	Williams
Evans, Colo.	Mosher	Wilson, Bob
Galifianakis	Nelsen	Wolff
Gallagher	O'Hara	Wyatt
Giaimo	O'Konski	Yates
	O'Neill	Zwach

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JAMES V. STANTON

Mr. JAMES V. STANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAMES V. STANTON: Page 108, line 21, strike out section 142 and in lieu thereof the following:

TRANSFER OF INTERSTATE SYSTEM MILEAGE WITHIN A STATE

SEC. 142 (a) The fourth sentence of subsection (c)(2) of section 103 of title 23, United States Code, is amended to read:

"The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost of the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph; such costs shall be that as of the date of the withdrawal."

(b) Paragraph (2) of subsection (e) of section 103 of title 23 of the United States Code is amended by adding at the end thereof the following:

"The authority granted by this paragraph shall expire on the date of enactment of the Federal-Aid Highway Act of 1972. However, the amendment contained in section 112(a) of the Federal-Aid Highway Act of 1972 shall be retroactive."

(c) Subsection (e) of title 23, United States Code, is amended by adding the following:

"(4) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate System to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System (including urban routes necessary for metropolitan transportation) or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of such interstate route or portions thereof within that State as provided in this subsection necessary to provide the essential connection of the Interstate System in such State in lieu of the route or portions thereof which were withdrawn. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph. Such costs shall be that as of the date of the withdrawal. Whenever the Secretary determines that such routes or portions thereof are not essential or whenever the amounts necessary for the completion of the substitute essential routes or portions thereof are less than the cost of the withdrawn route or portions thereof, the amounts remaining or the difference shall be transferred to and added to the amounts apportioned to such State under paragraph 6 of subsection (b) of section 104 of title 23, United States Code, for the account of the urbanized area from which the withdrawal of the routes or portions thereof was made in such urbanized areas. In considering routes or portions thereof to be added to the Interstate System under the second and third sentences of this paragraph, the Secretary shall, in consultation with the States and local governments concerned, assure (A) that such routes or portions thereof will provide a unified and connected Interstate System (including urban routes necessary for metropolitan transportation), and (B) the extension of routes which terminate within municipalities served by a single interstate route, so as to provide traffic service entirely through such municipalities. Any mileage from a route or portion thereof which is withdrawn under the second sentence of this paragraph and not replaced by a substitute essential route or portion thereof may be redesignated as part of the Interstate System by the Secretary in accordance with paragraph (1) of this subsection."

(d) The table of contents of chapter 1, title 23 of the United States Code is amended by adding at the end thereof:

"148. Transfer of Interstate System mileage within a State."

Mr. HOWARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 5 minutes in support of his amendment.

INTERSTATE TRANSFERS AND SUBSTITUTIONS

Mr. JAMES V. STANTON. Mr. Chairman and Members of the House, it is no secret that one of the biggest transportation headaches faced today by our State and municipal officials concerned with urban transportation stems from urban interstate segments that have turned out to be inappropriate by reason of environmental and social disruption and which may also be unnecessary for interstate continuity. With a situation of this nature, State and local officials often would prefer to abandon projects representing such segments, but they are naturally loathe to forego this type of transportation improvement if project abandonment means giving up altogether the Federal funds involved.

Existing law recognizes this problem to a degree by permitting transfer of interstate funds from one interstate project to another, and by providing an additional 200 miles to the total interstate mileage to facilitate such transfers when the new segment represents more mileage than the old segment. H.R. 16656 goes an additional step in providing greater flexibility to State and local officials in this regard by removing any mileage limit with respect to interstate substitutions.

However, in my opinion, these improvements though commendable, do not go far enough. Often these segments are not really essential to the continuity of the interstate system and the funds involved could be better applied to local transportation problems in some other manner. My amendment would permit State and local officials to ask the approval of the Secretary of Transportation for transfer of funds representing the estimated cost of an unwanted interstate segment to the Federal-aid urban system for use on that system in the urban area affected. Given

such an application from the Governor of the State and from appropriate local officials, the Secretary of Transportation would be authorized to approve the transfer of funds from the interstate system to the urban system provided the Secretary found that the segment to be abandoned was not essential for interstate continuity.

I believe it is critically important that we provide State and local officials with this kind of flexibility in the use of Federal-aid highway funds. In these times when there are so many pressing demands on public funds at all levels of government, and when urban transportation problems are so severe, it verges on the criminal to let Federal funds be used for unwanted projects when State and local officials can find more desirable alternatives that better serve local, State, and Federal interests.

Very simply, we are trying to take a segment of the funds that are allocated in urban areas and allow the Secretary of Transportation to agree with the local officials that an alternate form of transportation be used. The Secretary of Transportation supports this request. It is a request to give the Secretary, the Governor, and the local officials greater flexibility.

I urge the adoption of the amendment. I know the Members are tired. It is an extremely important amendment. It is one that is vital to the needs of urban America. I ask for the Members' support.

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

Mr. Chairman, in the 1950's when the interstate and defense system was established, it was established to have an interconnecting network of highways all across this country, connecting the areas where the people lived. After it was in operation a dozen years or so, it was found that with the great mobility in this country there were interstate routes located where the people no longer needed an interstate highway. These highways had not yet been constructed, but if the States did not build that section of interstate highway, all the money for that and the mileage would go back to the Treasury, to the interstate fund to be distributed to other States.

Therefore, in 1968 an amendment was added to the highway bill that said that if in the determination of the Secretary of Transportation another part of that State could qualify for an interstate road, the amount of money to be used to build the part that had been abandoned may be transferred for another interstate highway. This recognized the needs of the State and still kept the Interstate System intact.

However, Mr. Chairman, under this amendment if a State abandons a section of interstate highway, the interstate money would not be used only for a qualified interstate route somewhere else in the State, thereby preserving that money and interstate mileage within the State, but according to this amendment it could be used for noninterstate roads in urban areas, designated urban areas.

Mr. Chairman, the Interstate System is set up so that all the interstate money will be used only for interstate roads.

The flexibility that the gentleman from Ohio mentioned is there for roads on the primary or secondary system. There is $2.2 billion in this bill over 2 years for roads other than interstate, so the States may use roads in urban areas from those funds. But one great mistake in this amendment which is being proposed has to do with the nonurban areas. It says the money taken from an interstate may only be used to build other roads in designated urban areas. If one lives in a nonurban area one cannot get 1 cent. Even if an interstate is eliminated in one's rural area this language would prevent any money from being used for any kind of road within that area. So adoption of this amendment would leave gaps and holes in the interstate system and would not do anything for any lasting good for urban areas and would prevent even 1 foot of a trail road being built outside an urban area.

I hope the committee will stick with the provision that is in the bill now which permits all the interstate money to stay within the State so that they may change their interstate route from where the people no longer need the interstate highway system to a new area which has built up which can use that interstate road.

We have a road program and we have some money for interstate roads and some for noninterstate roads. This would completely decimate the program in Massachusetts because their money may not be used for the purpose they may need unless it is interstate.

I hope the committee will vote down this amendment.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment. I would like to have the attention of the author of the amendment, the gentleman from Ohio (Mr. JAMES V. STANTON). In paragraph (b) it says:

> Paragraph 2 of subsection (e) of section 103 of title 23 of the United States Code is amended by adding at the end thereof the following: The authority granted by this paragraph shall expire on the date of the enactment of the Federal-Aid Highway Act of 1972. However, the amendment contained in section 112(a), of the Federal-Aid Highway Act of 1972, shall be retroactive.

Would the gentleman explain to the Chamber what that means?

Mr. JAMES V. STANTON. The provisions which are given—this same language, as the gentleman knows, was offered in the Senate bill and is contained in the Senate bill. The transfer of interstate highway to a State is not effective. The activity and the money will go to the local community at the time of the adoption as determined by the Secretary of Transportation when he agrees with the local community.

Mr. HARSHA. But what I am trying to find out is what the gentleman means when he says the authority granted herein shall expire on enactment of this bill we are debating today and then states in another provision of the bill that it is retroactive. I think the amendment is worded in a faulty way.

Mr. JAMES V. STANTON. No. This is the Senate language which is in the Senate version which was adopted by the Senate.

Mr. HARSHA. Oh, well, that would explain it if it was done in the other body.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JAMES V. STANTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

> Amendment offered by Mr. DINGELL: On page 71, immediately after line 21, strike all of section 113 beginning on line 22 through the period on line 23 of page 72, inclusive.

Mr. DINGELL. Mr. Chairman, in accordance with clause 6, rule XXIII of the Rules of the House, my amendment was printed in the CONGRESSIONAL RECORD of September 27, 1972, at page 32629.

Section 113 of H.R. 16656 states that "notwithstanding any provisions of Federal law or any court decision," the Federal Government's interest in the San Antonio Expressway as a Federal-aid urban highway project is "terminated." The effect of this provision is to allow the highway interests to build, in total disregard of the national interest in preserving all public parklands, a highway through two urban parks in the city of San Antonio.

Mr. Chairman, this provision is opposed by the administration in letters to me from the Council on Environmental Quality and from the Environmental Protection Agency. Those agencies call section 113 a "retreat" from our national commitment to preserve our parklands and our environment. I include the text of those letters at the end of my remarks.

Mr. Chairman, the committee's report on this provision contains the same two errors that were in the Senate report on this provision.

First, the report states that the State of Texas obtained initial route approval from the Federal-aid Highway Administrator "prior to certain changes in Federal law." This is clearly not the case, and I cite as my authority our former colleague, and now Judge, Congressman Homer Thornberry, who carefully set forth the factual data surrounding the development of this highway from its initiation in the late 1950's through the date of his decision in August 1971.

The laws that the committee refers to are the National Environmental Policy Act of 1969, and section 4(f) of the Department of Transportation Act of 1966. Judge Thornberry tells us in his decision that both statutes were in force prior to any approval of the route by the Department of Transportation or any of its agencies. Indeed, in January 1968, 2 years after section 4(f) of the 1966 statute was enacted, the Secretary of Transportation stated that his Department had not approved the right-of-way (2 ERC 1871, 1973). The text of Judge Thornberry's decision follows my remarks.

Second, the House report states that the Department of Transportation "approved the letting of the construction contracts prior to recent Federal court decisions" on this subject. That is also not the case, according to Judge Thornberry (2 ERC 1871, 1874).

No contracts were ever approved by the Department of Transportation for the highway to go through parkland. The only contracts that were approved by Secretary Volpe were those which he approved in August of 1970. That is 1 year before the court decision, but long after the court case had been filed by concerned citizens in 1967. But those were not contracts for the segment of the highway through the park. They were contracts for two other segments of the highway. At the time of his approval of those two construction contracts, Secretary Volpe said he had a firm commitment from the State that it would study the route through the parkland, including alternative routes, before proceeding further (2 ERC 1871, 1874).

Thus, the charge in the committee report that this project "has twice been caught by changes in Federal law and procedures affecting its completion" is totally erroneous.

As the Council on Environmental Quality states, the "attempt to circumvent" these two laws "raises the question whether the decision to continue this particular project" could withstand the analysis "being conducted daily with respect to other highway projects around the country." I for one feel certain that it could not withstand this analysis, and that is why the highway interests seek to avoid that analysis.

Mr. Chairman, this amendment would terminate the Federal-aid project, with the result that the State would have to repay to the highway trust fund the moneys already provided under this project by the Department of Transportation. But, and I emphasize this "but," this would be merely a paper transaction, because section 113 specifically designates these funds as being available solely to the State of Texas for other highways in Texas. In short, it is taking the money out of one pocket and putting it in another. The taxpayer is not receiving one benefit. Indeed, the citizens of this country are being shortchanged by this backdoor attack on our environmental laws.

In addition, if section 113 is enacted, the highway interests would be able to build this highway through 9 acres of Brackenridge Park, and through park acreage in other public parks, for a total of 124 acres. The parks are Franklin Fields, Koehler Park, and Olmos Basin Park. They are identified by Judge Thornberry in his decision as the parks to be affected by this highway. (2 ERC 1871, 1873)

Let me also state that, in addition to impairing our environmental laws, this section will overturn Judge Thornberry's decision of August 1971, in which he held that:

First. The Secretary of Transportation failed to carry out the environmental study of this highway as required by NEPA; (2 ERC 1871, 1878)

Second. The Secretary of Transportation has demonstrated no effort to comply with section 4(f) of the Department of Transportation Act; (2 ERC 1871, 1877) and

Third. Secretary Volpe acted beyond the scope of his authority in approving construction contracts for the two segments of the highway outside the parkland. (2 ERC 1871, 1878)

I have outlined the full details of this matter in the CONGRESSIONAL RECORD of September 21, 1972, at page 31872, the CONGRESSIONAL RECORD of September 27 at page 32629, and the CONGRESSIONAL RECORD of October 4 at page 33828.

Mr. Chairman, I urge the adoption of my amendment, which is cosponsored by Representatives BOB ECKHARDT, JOHN E. MOSS, JOHN P. SAYLOR, BELLA S. ABZUG, BILL CHAPPELL, JR., PAUL N. MCCLOSKEY, JR., GILBERT GUDE, and HENRY S. REUSS.

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

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

Mr. WRIGHT. Did I correctly understand the gentleman to say that San Antonio Expressway runs through parkland?

Mr. DINGELL. The gentleman, in his letter this morning, referred to the whole area as parks, yes. I would refer the gentleman to his letter.

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

Mr. Chairman, unfortunately the distinguished gentleman from Michigan, I am afraid, does not have a proper and full understanding as to what this is all about. In the first place, he has referred to it repeatedly as a highway. It has nothing to do with highways at all. We are talking about an intra-city freeway.

Let me give a little of the history of what this fuss is all about. They talk about studies. This has been under study for 15 years.

Beginning 12 years ago the city of San Antonio attempted to build an intracity local expressway from the inner city out to a growing area in the suburban part of the city. That was approved by the State of Texas. The plan for it and the rights-of-way as projected were approved by the Federal Government. The city proceeded to buy the rights-of-way. They spent $7 million in doing that. They moved the people off and got ready for construction. That was back in the early 1960's.

As they were about ready to proceed with the project, along came section 4(f) of the 1966 Department of Transportation Act, which has been referred to. That occurred after the money had already been spent, the $7 million, with the approval of the Federal Government and before section 4(f) was ever inserted in the law.

Following that litigation developed. It was contended that the route of the expressway would infringe upon environmental matters.

Then following that time when the litigation began and was repeated and went through the courts up and down, the Federal Government agreed that they could proceed with two segments of this thing, the middle portion of which was mostly in the district I represent. So the contracts were let with the approval of the Federal Government. They spent $4 million before Judge Thornberry, who was referred to a moment ago, shut it down and decided the Secretary of DOT did not have authority to allow them to proceed with construction.

The result has been a standstill. It is an impasse, an impossible situation. The people of San Antonio have been punished for years in their attempt to complete the project with their own money, the money of Texas and the city. They have already spent $15 million. Now they are shut down. They want relief. They have already paid back to the Federal Government every dime the Federal Government contributed. They want to proceed with it as their own project financed by them locally.

Let me refer to this nine acres which my friend from Michigan was exercised about, which is being taken, and about which there is most of the fuss.

And this is what is involved: It is the Breckenridge Park. The people in San Antonio are very park-minded and recreation-minded, and they have some very good facilities of that kind.

The nine acres taken from a corner of Breckenridge Park included four acres in the golf course in the park. The other five acres were cut off because of the golf course; it could not be used, and it is not used now.

Four years ago, after all this, we thought it was settled. Four years ago they reconstructed the golf course, and they started using new holes, new arrangements. So far as we know, all the golfers down there are happy.

Apparently some people in some parts of the United States are not happy because we have changed the golf course a little bit. That is about what it amounts to.

The gentleman from Michigan referred to another area of city-owned property, a portion of which was taken. That consisted of about 100 acres. That is what is called the Almos Park. That is not a recreation area; it was not intended for that purpose. It is a floodwater basin for protective purposes, and it had been held by the city of San Antonio and became usable for express right-of-way purposes for the freeway; that is about 100 acres of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISHER. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

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

There was no objection.

Mr. FISHER. So Olmos Basin was never intended and has never been used for recreation purposes.

Then to compensate, in a manner of speaking, or at least offset, or to placate, or whatever you want to call it, after a fuss was raised about this taking of a limited number of acres off the corner, not through the middle of these areas, the city of San Antonio went out and bought 713 acres of good, usable land suitable for park and recreation purposes, and it is still there.

This project, Mr. Chairman, is of great concern to the people of San Antonio, because of this unlimited holdup and the interminable delays in an attempt to get their freeway constructed. One hundred and three thousand local citizens signed a petition that in effect said to the Con-

gress: "For God's sake, help us get some relief."

Every elected officeholder in San Antonio who has any connection whatever with this problem endorses it, endorses what we are doing here; the two U.S. Senators from Texas endorse it; all three of us who represent San Antonio as Members of the House of Representatives endorse it.

I hold in my hand here a listing of 29 of the principal city and civic organizations of San Antonio that endorse it. It is a sort of a "must" in the minds of the people there. They have been punished and delayed repeatedly, far too long.

This is a hundred percent local; it has nothing to do with an interstate highway. It is not a highway; it is a strictly local limited area right there in the city of San Antonio. They are paying for it themselves; they paid the Government back everything that the Government put into it. They want to proceed and complete their expressway and that is what we are asking for here in this legislation. It is the only way we know of to proceed in an orderly way. It should be of no major concern to anybody else in the country, other than San Antonio.

That is the kind of help which we are asking for here tonight. The move to knock out section 113 is devoid of logic or reason. There is no precedent being established by section 113 because there can be no comparable development in the future such as has happened to San Antonio in its long struggle to build the North Expressway.

I urge defeat of the amendment.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to state that when the matter was originally brought to the Committee on Public Works there was general language which would apply all over the United States, and I objected in the committee to that general language. Then we revealed the merits of the San Antonio matter before our committee for one-half day, and it was the almost unanimous conclusion of our committee that this was a totally unprecedented situation in the United States, and that the exception was such an exception that we should make it.

I think that is the reason and that is the reason why I believe we should support the local residents in San Antonio in a very unique and unusual situation that I think is unparalleled in the United States.

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

Let me try to clarify some of the facts concerning this matter and then talk about the principles involved.

The area involved, it is true, is within a city, and it goes through one of the finest recreational facilities within a city in the United States. It is a place I have been familiar with since I was a small child—one of the best zoos, for instance, in the country and a beautiful sunken garden.

Mr. Chairman, the point I should like to make here is that that area which is within the city links two Federal interstate projects. What was attempted to be done when there was a dispute about where the link should go was to excise a part of that Federal project and treat it as undecided until the two links on both sides were completed.

So this is a Federal interstate highway question. It is a matter obviously under the control of the Highway Act and a matter which requires compliance with Federal rules on the protection of environmental matters.

I am not going to argue with my friends from Texas as to the merits or demerits of the project. I merely want to point out that if we follow a precedent of permitting our constituents to convince us to come to the Congress and excise from a highway project in a general highway bill a little portion of a Federal highway and permit the State to pay for that, using the money in other aspects of their highway program, then you and I and every one of us are going to be faced from now on with the onerous task of a county commissioner in determining the local question of establishing where the highway is to run. Beyond that we are going to shoot full of holes the standards and principles established to protect environmental values.

I just want to read to you very briefly from the Environmental Protection Agency letter of October 3, 1972, to Mr. DINGELL and myself from Mr. William D. Ruckelshaus, Administrator, because it expresses exactly what is the national concern on this program:

> In wider context enactment of section 113 would establish a dangerous precedent for invoking special legislation in behalf of similar Federal-aid highway projects and, by extension, other Federal projects which may not be acceptable from an environmental standpoint. Such special legislation would inevitably undermine and defeat the purposes and protections of the National Environmental Policy Act.

In summary, he recommends in favor of striking this exception from this legislation.

Then I have a letter on the letterhead of the Executive Office of the President, Council on Environmental Quality, signed by George J. McDonald, Acting Chariman. He says:

> In addition to these implications, the Council is concerned over the long-term precedent-setting effect of the proposed legislation. We know of no basis for distinguishing the San Antonio project from any similar highway projects which must presently comply with the provisions.

Now, if we permit anyone who wants to excise that area from the total program that has an impact on environment, and therefore remove it from Federal controls, then we should leave this language in. But I say that this is bad policy. Besides, this is objectionable with respect to the aspect of crossing jurisdictional boundaries of committees, because we are in effect cutting into the affairs of several other committees that are directly concerned with environmental questions.

I believe that on the merits the project and route sought to be excepted is bad. It actually goes through a longer stretch, and is more circuitous and covers more acreage than the other proposals.

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

Mr. Chairman, I hope I shall not take the whole 5 minutes. I just want to straighten out two or three points. First of all, everybody needs to understand that this is not my district, I am something like 300 miles from that district. But I think I speak the truth when I say that out of the 23 members of the Texas delegation 22 are for the project.

Mr. ECKHARDT. If the gentleman will yield, I think the gentleman from Texas is incorrect in that statement.

Mr. WRIGHT. Perhaps I am in error, although I think not. I will say instead that probably 20 out of the 23 are in favor of the project. I believe at least that many are definitely for the project.

But that is not the essential thing. The essential thing is that most of the San Antonio people are for it, and they are not asking for Federal money. They are asking for the privilege of giving back the Federal money and letting them go ahead and build their own road with their own money.

Why do we come to you with this problem? It is because the people in San Antonio have been frustrated with this situation for some 13 years.

In 1959 the city and the State highway department got the go-ahead from the Federal Highway Administration to approve this route and build the road. In 1961 they got official permission from the Federal Highway Administrator to let contracts for the construction of the road. They did let contracts for the road, and they spent $7 million of their own money in buying the right-of-way and paying for the relocation of citizens. They completed all of that and began building the road. Some $4 million worth of construction was accomplished. Twice they have gotten into the dilemma that they have been complying with existing law while going ahead, and then we have passed new Federal laws that required them to start all over and do additional things.

So, what they are doing is saying: "Let us build the road with our own money." Some 103,000 people from San Antonio signed the petition. They say: "Take the money back, and let us finish the road. We need it. We can't afford all these interminable starts and stops."

The gentleman from Michigan (Mr. DINGELL) is an honest man, and I know he did not mean to misrepresent anything when he said that this would go through some 100-odd acres of parkland. That is not strictly true. It is a floodway. I refer to the Olmos Floodway. It is not a recreational park.

Brackenridge Park is different. This is a recreational park, and connected with this park are truly great facilities. It is one of the most magnificent recreational parks in America. There are 323 acres in this park. Of that, how many does this highway take? Four acres out of the 323. And those 4 acres had originally been part of a golf course, but the golf course was redirected and rebuilt 4½ years ago.

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

Mr. WRIGHT. Of course, I yield to

my good friend, the gentleman from Michigan.

Mr. DINGELL. A former Member from Texas, new Federal Judge Thornberry, said it takes between 115 to 250 acres of park land.

Mr. WRIGHT. Mr. Chairman, I do not yield further to the gentleman. I do not like to dispute Judge Thornberry, but what he calls a park and what most of us call a park seem to be two different things.

Mr. Chairman, I have been there, and the gentlemen from San Antonio have been there—let them tell you whether the Olmos area is park or flood plain. I think they will tell you it is a flood plain. Here is a picture of the area right here. Look at it and judge for yourselves.

Four acres of park land are actually all that are being taken according to the people of San Antonio, and they are the people who want to use their money and finish this road. So, I say vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MOSS

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

The Clerk read as follows:

Amendment offered by Mr. Moss: On page 68, immediately after line 15, strike all of section 109 beginning on line 16 through the period on line 4 of page 69, inclusive.

The CHAIRMAN. The gentleman from California (Mr. Moss) is recognized.

Mr. MOSS. Mr. Chairman, if the Members of this body will look at the bill before them, they will see that section 109 has the very enticing title "Minimization of Redtape."

Let me assure you, I fully subscribe to any valid effort to minimize redtape. But I am afraid here that what we are doing is erecting another type of barrier which is so eagerly sought in the bureaucracy of government.

For a period of 16 years I chaired a committee fighting government secrecy, trying to break down the barriers in government. I know that the gentleman from Texas (Mr. WRIGHT) has the best of intentions in saying that as a matter of public policy, we should attempt to reduce to a minimum the redtape. I do not know what redtape means—and I do not know what "reduce to a minimum" means.

But, I can tell you from my experience that it probably means you will not be able to get any facts regarding any procedural matter unless the disclosure is specifically required by law. This does not just apply to the Federal Highway Administration. This broad brush language encompasses many statutes that have a direct effect on the highway program—the Fair Labor Standards laws, including those relating to minimum wage—the Occupation, Health, and Safety laws—the Rural Assistance and Development law, the Davis-Bacon Act, as well as the Environmental law such as the law we passed yesterday. It addresses itself to all other Federal agencies—all other Federal agencies.

Now, as I look around this floor, I see Members who have come to me over the years when they faced these almost irresistible barriers that the bureaucracy is so skillful in erecting.

I say that we broke down some of them with the work of the Information Committee—but they can go back up so quickly that it will shock you, if we give them just the tiniest bit of encouragement. In this language, we are going to give them more than a tiny bit of encouragement—we are going to say it is the public policy—do not keep any records. Do not write any memorandums—do not do anything—unless the law says you have to have it. Then we cannot find out what you have done.

I submit there is far too much redtape in all of our Government and that we, in the Congress, ought to act affirmatively to clear it up. But I think much of it must be recognized as being there because the Congress has mandated procedural requirements that make it impossible to operate without that redtape. If we want to objectively look at our laws and the policies imposed upon departments and agencies and eliminate them specifically, I will give my wholehearted support, but this is not the way to do it.

I point out to the gentleman that with all modesty, there is no man in this House who has had to work with more agencies of the Government in an effort to make information available to the public and to the Members of this body than I have, and than I did during the 16 years that I chaired the Subcommittee on Government Information.

This is a dangerous directive to the bureaucracy. If it does not mean anything and is merely an expression of hopeful policy, we do not need it; but if it does mean anything, it means to the bureaucrats, do not give out anything; do not tell anybody what you are doing.

I hope the amendment is adopted.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

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

There was no objection.

The CHAIRMAN. Members standing when the unanimous-consent order was made will be recognized for 1⅔ minutes each.

The Chair recognizes the gentleman from Alabama (Mr. JONES).

(By unanimous consent, Mr. JONES of Alabama and Mr. HARSHA yielded their time to Mr. WRIGHT).

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Alabama.

MOTION OFFERED BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Chairman, I move that all debate on title I and all amendments thereto conclude by 9:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, if I may address myself very briefly to this, I recognize the sincerity of the gentleman from California, but I honestly hope this section does some good. I cannot conceive of its doing any harm, and if there is any one thing we do need, it is something to stop the proliferation of paperwork and redtape which seems inexorably to attach itself to every program as it matures.

Last year we had exhaustive hearings on the redtape that has encrusted itself like barnacles on our Nation's highway program. Let me give the Members just a few illustrations.

Back in 1950 or thereabouts, President Truman asked a man named Alf Johnson, who then was the highway department head for the State of Arkansas, to intercede for the administration with the State highway officials, who prior to that time had opposed Federal aid, and to get them to go along with the Federal program.

Alf Johnson reported that the reason they had theretofore opposed Federal aid was that without Federal aid they could build a highway and get started on it at least 6 months after they decided they needed to go ahead, but with Federal aid it took a year and a half.

Do the Members know how long it takes today? Seven years. Seven years from the time they decide they need the highway until they have fulfilled all of the proliferating requirements and may commence.

Last year, the then Highway Administrator Frank Turner testified to our committee that new requirements imposed by new laws and guidelines executively written were going to require—get this—18 million additional pages of paperwork a year by his department alone. So can Members wonder why we ask to minimize redtape and cut down on paperwork wherever it is possible? I think it is the duty of Congress to do this.

The Illinois State Highway Department was so interested in our study that they sent us a picture. Let me show Members this picture and I hope all can see it. The picture depicts all the paperwork related to just one highway project in their State. It is stacked between two chairs and two miniskirted girls are standing tiptoed on the chairs trying vainly to reach the top of the stack. I would say it is a rather well-stacked photograph.

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

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

Mr. DINGELL. Mr. Chairman, I would like to ask the gentleman does this repeal the National Environmental Policy Act?

Mr. WRIGHT. Of course not; it does not repeal any act. Here is what it says. Listen carefully. See if it does repeal anything:

(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs 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.

It does not repeal any act. It simply directs them to the maximum extent that they can to reduce excessive paperwork and to use minimum guidelines when they are necessary. We passed one law with 45 words and by the time they wrote guidelines it had 7,500 words in the guidelines and it literally required books for those trying to work under the guidelines.

Mr. Chairman, I urge retention of the provisions of the bill and vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Moss).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

AMENDMENT OFFERED BY MR. FRASER

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

The Clerk read as follows:

Amendment offered by Mr. FRASER: 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 after consultation with appropriate federal, state, and local officials, 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, and landscaping. Sums apportioned for the Federal-aid system on which such project wil 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.'"

Mr. FRASER. Mr. Chairman, this amendment broadens the authority of the Secretary of Transportation to fund noise control projects along existing Federal-aid highways. These projects could include, for example, construction of physical barriers, landscaping, and acquisition of additional right-of-way. Funding for work along the Federal Interstate System would be on a 90–10 basis. For other Federal-aid highways, the funding arrangements that now apply to new construction would apply to these noise control activities.

Our amendment also enables the Secretary to set noise standards for existing highways. Under current law he has the authority to set standards for new projects approved after July 1, 1972.

Mr. Chairman, freeway noise is becoming an increasingly severe problem—particularly of our urban areas. Just last week, a group of constituents took me to listen to the problem first hand at the edge of one of our freeways in Minneapolis and we were unable to hear ourselves think. In this neighborhood, which abuts the right-of-way for Interstate 94, local residents have found that they can no longer use their backyards, because of the din from the freeway.

Decibel readings in the area often approach 90, the level at which prolonged exposure can cause permanent loss of hearing.

Experiments have shown that freeway noise can be reduced significantly either by construction of noise barriers on the right-of-way itself, or through acquisition of additional right-of-way to serve as a noise buffer zone. One such experiment in Toronto, Canada, is expected to reduce noise levels by 50 percent. A similar effort is now underway in my district, Minneapolis, Minn.

The Minneapolis project has received Federal support but only because it is a demonstration. Our amendment would permit funding for this kind of activity on a regular basis.

Our proposal is certainly not intended to provide a total solution to highway noise problem. Hopefully, noise may be less a pollutant in the future as highway departments find ways of designing quieter freeways. Quieter engines and tires will also help considerably. But we have to find a way to live with the freeways we already have and that is what this amendment will help us do.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, after examining the amendment, as far as this side is concerned, we would be glad to accept it.

Mr. FRASER. I thank the gentleman from Alabama.

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

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, this side has no objection to the amendment.

Mr. FRASER. I thank the gentleman from Ohio.

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

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

Mr. GUDE. Mr. Chairman, I rise to second this amendment, which extends the authority of the Secretary of Transportation to approve noise-control projects on existing freeways.

Traffic noise is an increasing problem in urban areas. Three-fourths of our population is now centered in urban areas. By the year 2000 at present rates that proportion will have risen to 85 percent. Two years ago the Congress provided that noise-control design should be built into the highways of the future. Let us now attempt to deal constructively with the considerable noise problem on existing expressways.

Traffic noise may be attacked in two ways: First, through control of noise at its source; that is, by designing quieter motor vehicles, better mufflers, better engine enclosures, and less noisy tires. This House has approved a bill this year which deals with this half of the problem. The second way of reducing traffic noise is through control of the path of the noise—by designing quieter highways.

Among the highway-design factors that affect noise are: Distance from highway, depression or elevation of the roadway, steepness of grade, vegetation, construction of barriers, and road surface. A very smooth pavement such as seal-coated asphalt can cut noise levels by 5 decibels. On a proposed section of highway in the Fells Point area of Baltimore, a 15-foot barrier of acrylic plastic will reduce noise by 19 decibels. Since the decibel scale is logarithmic, this means an 88-percent reduction in sound level for adjacent residences.

Exposure to high noise levels over an extended period of time can bring about permanent impairment of hearing. Only through a loss in hearing can the body insulate itself against the stress caused by a noisy environment. We all know that noise hinders sleep, interferes with concentration, and results in a general lowering of the quality of life.

In its 1971 report on noise to the President and Congress, the Environmental Protection Agency noted that "the technology exists to control most indoor and outdoor noise." Let Congress give a clear indication that it considers abatement a priority objective of the Federal highway program. I urge your support of this amendment.

Mr. MCKINNEY. Mr. Chairman, I rise in support of the amendment offered by Mr. FRASER to H.R. 16656, the Federal Aid to Highways Act.

Connecticut's Fourth Congressional District, which I represent, is about 15 miles wide. Within that 15-mile-wide breadth, we have two major highways, the Merritt Parkway and Interstate 95, running east and west through the district and a proposed major widening of Route 7 coming down from the north through the heart of our countryside.

The traffic on these highways has risen dramatically in the last 10 years with a resulting increase in excessive freeway noise. In a geographically compact urban district like mine, people cannot escape from freeway noise. They simply learn to tolerate it at best. Turning up the radio in their car or, for those who live adjacent to the highway, raising the volume on the TV is a palliative but not a solution.

The proposal we offer this evening certainly does not provide a 100-percent solution to the problem. However, by broadening the authority of the Secretary of Transportation to fund noise control projects along existing highways, we will have taken a major step forward. Existing law simply authorizes demonstration projects. As we all know, there are only a limited number of demonstration projects funded each year. Under our amendment, State highway departments would be able to receive funding for freeway noise control projects on a regular basis. The technology now exists to reduce excessive freeway

noise. I would urge that we now provide the Secretary of Transportation with the power to utilize that technology for all the areas in this country afflicted with freeway noise pollution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 56, noes 11.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. KOCH

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

The Clerk read as follows:

Amendment offered by Mr. KOCH: Page 85 immediately before line 8 insert the following:

BICYCLE TRANSPORTATION

SEC. 125(a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 146. Bicycle transportation

"(a) To encourage the development, improvement, and use of bicycle transportation on or in conjunction with highway rights-of-way for the transportation of persons so as to increase the traffic capacity of the Federal-aid systems, the Secretary shall require that projects carried out with sums apportioned in accordance with subsection (d) of section 104 of this title shall to the extent practicable, suitable, and feasible include the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles and pedestrian walkways in conjunction or connection with Federal-aid highways. Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(c) In addition to projects carried out pursuant to subsection (a), there is hereby authorized to carry out projects for the construction of bicycle trails on or in conjunction with highway rights-of-way for the transportation of persons so as to increase the traffic capacity of the Federal-aid systems, and to permit development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, $10,000,000 out of the Highway Trust Fund for each of the fiscal years 1974 and 1975 which shall be apportioned in accordance with paragraph (1) of subsection (b) of section 104 of this title, except that no State shall receive less than 1 per centum of sums apportioned under this section.

"(d) Funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands, highways shall be available, at the discretion of the Department charged with the administration of such funds, for the construction of bicycle and pedestrian routes in conjunction with such trails, roads, highways, and parkways.

"(e) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"146. Bicycle transportation and pedestrian walkways."

And renumber all succeeding sections and references thereto accordingly.

Mr. KOCH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. KOCH. Mr. Chairman, this year this country has experienced a boom in bicycle riding. By the end of the year an estimated 11.5 million bicycles will have been sold; indeed bicycle sales promise to be higher than automobile sales. Today there are an estimated 75 to 80 million cyclists.

It is important that bicycles be recognized as a component of our transportation system. Bicycles are an important transportation resource and can make a definite contribution to municipal transportation—they should not be regarded as only a recreational vehicle. Many commuters, when given the option of safe bicycle travel, will choose to pedal to work rather than ride by car or bus. Last May I sent a questionnaire to my constituents in which a question concerning bicycling was included—49 percent of the respondents indicated that if exclusive bike lanes and parking facilities were provided, they would ride a bike to work; this compared to 7 percent of the respondents who said that they presently ride a bike to work.

The bicycle is a cheap, healthful, noiseless nonpolluting alternative for short-distance transportation. And when provided with their own bicycle lanes, bicycles have a very low accident rate. There is a danger, however, for cyclists who are forced to use roads heavily congested with automobiles. Thus, if bicycle transportation is to be encouraged, we need to develop bicycle lanes and paths. It is time that cyclists be given their share of the road.

The amendment I am offering would allow the Federal Government to aid States and localities in financing the construction of bicycle and pedestrian paths in conjunction with highway rights-of-way.

I am pleased to note that our colleagues, the gentleman from Texas (Mr. WRIGHT) and the gentleman from Michigan (Mr. ESCH) are joining me in sponsoring this amendment.

The purpose of the amendment is to encourage the development and use of bicycle transportation so as to increase the traffic capacity of the Federal aid systems and to permit the development of pedestrian walkways in conjunction with highway rights-of-way.

Funds under this amendment could be used to finance the Federal share of the cost of constructing separate or preferential bicycle lanes or paths, bicycle traffic control devices, bicycle shelters and parking facilities, and pedestrian walkways. Projects authorized under this program would have to be located and designed according to an overall plan providing for safety and for contiguous routes.

An additional $10 million for each of the fiscal years 1974 and 1975 would be specifically authorized from the trust fund for carrying out construction of bicycle and pedestrian paths in connection with other new or completed highway projects. Such funds would be apportioned to the States in accordance with the apportionment formula for the Federal-aid primary system, except that no State would receive less than 1 percent of such apportionments.

What we are proposing here is very similar to the highway express lanes provided for buses. By constructing separate bicycle lanes we relieve local roads and highways of bicycle traffic, easing the flow of motor traffic and increasing the safety of the cyclists. Bicycle transportation funding is appropriately included in the Federal Aid Highway Act, for bicycles are unquestionably road vehicles.

The provisions of this amendment are identical to those contained in section 130 of the Senate-passed bill, and they are supported by the administration.

SUBSTITUTE AMENDMENT OFFERED BY MR. COLLINS OF ILLINOIS FOR THE AMENDMENT OFFERED BY MR. KOCH

Mr. COLLINS of Illinois. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. COLLINS of Illinois for the amendment offered by Mr. KOCH:

Page 85, before line 8, insert the following:

Bicycle Transportation

SEC. 1(a) chapter 2 of Title 23, United States Code, is amended by adding at the end thereof the following new section:

"Sec. 218. Bicycle Transportation

"(a) To encourage the development, improvement and use of bicycle transportation, the Secretary of the Interior, acting through the Bureau of Outdoor Recreation, shall carry out (directly, by grant, contract, or otherwise), projects for the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicyclists and persons using bicycles, in conjunction or connection with forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and Federal, State and local parks.

(b) Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety.

(c) No motorized vehicle shall be permitted on the lanes and paths authorized by this section, except for maintenance purposes.

(d) The Federal share of the cost of the project authorized by this section which is on State or local lands shall be 70 percentum.

(e) There is authorized to be appropriated not to exceed $10 million per fiscal year for the fiscal years ending June 30, 1974 and June 30, 1975, to carry out this section."

(b) The analysis of chapter 20, Title 23, United States Code, is amended by inserting at the end thereof the following: "218 Bicycle Transportation."

Mr. JONES of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with. Mr. Chairman, we have examined the amendment and have no objection.

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

There was no objection.

The CHAIRMAN. The Chair will state that the gentleman from Illinois was not

on the list of those Members standing. The Chair recognizes the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, the committee accepts the amendment. We find it in proper order and it plays a useful part in the highway program.

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

Mr. JONES of Alabama. I yield to the gentleman from Ohio.

Mr. HARSHA. We have discussed the substitute amendment. It was the same amendment offered in the committee by the gentleman from North Carolina (Mr. MIZELL) as now presented to the House by the distinguished gentleman from Illinois. We believe it cleans up the problems we had with the original amendment, and we are willing to accept it.

Mr. WRIGHT. Mr. Chairman, bicycling is an American tradition traceable back to the earliest days of our history as a Nation. It has been the symbol of at least one era. There is the romantic image of the boy in the porkpie hat and the girl with the strawberry curls on a bicycle built for two.

And today the bicycle has emerged as one of the most remarkable social phenomena of our times. No longer are we able to view the bicycle as merely a shiny toy more at home with children on the sidewalks than with the busy commuters on the streets of our cities and towns.

Right now, there are an estimated 80 million Americans who ride bicycles—some for pleasure, but many as a means of transportation. The sharp rise in bicycling is due not only to the fact that Americans are more pollution conscious in these days of great environmental concern, but also to the fact that they are more health conscious than ever before. More and more Americans are realizing that they could simply use the exercise that bicycling gives them. After all, what could be a better tonic for most paunchy middle-agers than a brisk little pedal to work each morning?

Whatever their individual reasons, more Americans are traveling by bike than at any time in the past 30 years. The Bureau of Outdoor Recreation of the Department of Interior says that bicycle riding is the country's fastest-growing outdoor recreation activity. And William Ruckelshaus, Administrator of the Environmental Protection Agency, has declared that bicycling—next to walking—is the ultimate form of personal transportation.

But where do these 80 million Americans go to ride their bicycles? Naturally, bicycles are banned from high-speed roads. They are not permitted on many sidewalks. They are extremely dangerous on crowded city streets, and are generally confined to the right lane in order not to obstruct traffic. At the present time, according to the Bureau of Outdoor Recreation, there are about 15,000 miles of bikeways available in all of America, either for recreation or transportation. So, most cyclists must share the city streets with cars and buses.

The hazards involved are evident practically without recourse to statistics. Most of us have had the experience of driving down the road and suddenly overtaking a bike rider, traveling far slower with his foot power than we are in our powerful car with its thunderous horsepower. The potentials for tragedy are clear. The National Safety Council, in 1970, reported 820 deaths and 38,000 injuries to cyclists resulting from collisions between bicycles and motor vehicles.

Even under the best of circumstances there is not much humor in trying to ride a bike on streets designed for cars. Aside from the safety aspect, there is simply too much congestion, particularly during rush hours. Americans are used to a mobile society and we have reached the point where we are going to have to find unique solutions to some of the problems brought about by this way of life.

I believe a system of bicycle ways and pedestrian paths in conjunction with highway projects would provide such a solution. To some degree it would alleviate the danger of accidentally running down the daring cyclist who chooses to brave the onslaught of city traffic. And it would provide a healthy and inexpensive means of personal transportation for many Americans, both young and old.

Mr. ESCH. Mr. Chairman, I rise to oppose the substitute amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. ESCH. Mr. Chairman, I rise to oppose the substitute amendment, although I am sure the committee does have the votes. I believe the record should be clear that the substitute amendment only allows construction of bicycle paths within park lands and similar places such as that.

The intent of the main amendment is to provide for bicycle paths where they are needed the most; that is, within the cities in relationship to our highways. I would urge the Members to reject the substitute amendment and to vote for the prime amendment.

Whether or not this amendment is agreed to, hopefully it will come out of the conference.

I believe the record should be clear. We should at least pass the substitute amendment, but hopefully we should reject the substitute amendment and vote for the main amendment. We need to provide our young people and our senior citizens with bicycle paths not only in our park lands but everywhere in this country. The main amendment will do that. I hope the substitute amendment will be rejected and that Members will vote for the main amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COLLINS), as a substitute for the amendment offered by the gentleman from New York (Mr. KOCH).

The substitute amendment was agreed to.

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

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

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

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 87, strike line 9 and all that follows down through and including the material that appears immediately following line 5 on page 89, and renumber succeeding sections accordingly.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, this amendment would strike from the bill before us today section 126 which would authorize the establishment of a 10,000-mile network of priority primary routes. The stated purpose of this program is to extend and supplement the Interstate System. The routes selected for improvement under this program would generally be built up to Interstate System standards. Frankly, you can call it what you want but what this system really is is a 10,000-mile extension to the Interstate System. It differs only in that the Federal share of the cost will be 70 percent rather than 90 percent. Initially it is funded at $600 million for the first 2 years but clearly this authorization implies a future commitment far in excess of that level.

It is hard to estimate what the total cost of this extension may come to, but I believe a fair estimate is that it may come to $19 billion. That is what we are being asked to support today, without a justification in the hearings. There is nothing in the hearings to support this.

This extension of the Interstate System is opposed by the Secretary of Transportation. In a letter to Chairman Blatnik dated September 18, 1972, he states that:

> We strongly object to this new program and would hope that it would be deleted from the bill.

He has also stated that there is no justification for this program in the national highway needs report which he submitted on March 15.

I repeat, the administration does not support this $600 million extension of the Interstate System and supports my amendment. This is an economy vote, Mr. Chairman and members of the committee, and it is an ecology vote. I urge the Members to strike out this extension of the Interstate System which is wholly without justification in the hearings, and which is not necessary. Currently, under the present highway statutes, primary highways can be built to whatever standards are necessary to satisfy travel demand. In many instances, this means that primary highways are built to Interstate standards. However, and this is the key point, these high level primary links are selected by the States and placed wherever they are needed. To now sit down at the map and draw up a 10,000-mile highway network that we are going to be building for the next two decades, makes absolutely no sense at all. The adoption of section 126 is frankly the last thing we need now.

I would be the last to argue that there are no great transportation needs throughout the Nation. But the States and the local officials should be the ones to determine when and how these needs are met, not the Federal Government. This is a Federal-aid program and I would like to underline the word "aid."

The major problems that we have been encountering with the Interstate System in our major urban areas are due in large part to the fact that we are now building roads that were drawn on a map somewhere in Washington more than 20 years ago. We do not need to go through another round like that one. The success of the highway program has in large part been due to the fact that it is the States who initiate projects with the Federal Government providing assistance, but not assuming a heavyhanded role in directing the program. To now come up with this new Interstate System makes little sense to me. If funds are required we should give them to the States and communities with the fewest possible strings attached. I for one feel very strongly that this section should be deleted from the act and I am offering this amendment to do so. I hope I have your support.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Chairman, I just want to say I oppose the amendment. I do not believe it should be adopted. I hope the committee will see fit to vote down the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, the priority primary provision is a most important part of this year's Federal-Aid Highway Act. As the responsible committee in the highway field, the Committee on Public Works has been besieged in recent years with requests from communities, States, even regions of the country to expand the Interstate System or to authorize special programs for supplementary systems which would connect with the Interstate System.

In response to these requests, but as an alternative to further expansion of the Interstate System, the committee, after careful study, believes it desirable to encourage and assist the States in building a new intermediate system of highways. The aim would be to improve a limited, integrated system of supplementary routes to be specially financed out of revenues from the Highway Trust Fund. In conjunction with the Interstate System, the new routes will provide accessibility to over 90 percent of all urban population and nearly all urban places of over 50,000 in size. In addition, such routes would provide much needed service to those rural regions through which they would pass.

A listing of those States interested in new routes which have been brought to the attention of the committee and should certainly be considered in this selection would include the State of Massachusetts—which may perhaps be characterized as the genesis State of this proposal—Texas, Oklahoma, Louisiana, Arkansas, and New Hampshire.

In addition, the bill approved by the other body contained a proposal to explore the feasibility for including new routes on the Interstate System. That section of the Senate bill covered several additional States, including Missouri, Georgia, Alabama, Mississippi, Tennessee, Utah, Nevada, and New Mexico.

Whether or not these routes are included as routes on the new priority primary, I have no way of knowing. But the 10,000 miles of additional supplementary miles authorized by this provision will provide a means for them to be constructed if needed.

To fund the new program, $300 million will be authorized for each of the fiscal years 1974 and 1975. Providing this amount of money for this type of program should enable us over the next several years to substantially improve those principal arterials of the Nation off the Interstate System which are in desperate need of upgrading. I, therefore, urge that the motion to strike this important and more desired provision be defeated.

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

Mr. CLEVELAND. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to associate myself with the remarks of the gentleman from New Hampshire. I hope that the amendment will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, first let me congratulate the Committee on Public Works on the excellent job that they have done on this piece of legislation.

Second, let me congratulate the Members of the House on resisting the attempted raid on the Highway Trust Fund. When those of us who were in Congress in 1956 created the Highway Trust Fund, we publically pledged to the people that we would keep that trust fund inviolate, complete the interstate system and aid the States in their construction of A, B, and C highways.

Third, one of the most important parts of this years Federal Aid Highway Act is the new provision for priority primary highways. After many years of pleas from communities, States and regions to expand the interstate system or to authorize special programs for supplementary systems to connect with the interstate system the committee has responded to their request.

The committee in an effort to encourage and assist the States have devised this new intermediate system of highways. This new intermediate system, although limited, will be specially financed out of revenues from the Highway Trust Fund.

These new intermediate or primary priority routes together with the Interstate System will provide accessibility to over 90 percent of all urban population and nearly 100 percent accessibility to all urban places over 50,000 in density.

I am happy to have had a small part in having the committee take this new approach and I am more than delighted in the fact that the listing of States interested in these new routes include Pennsylvania and in particular, Route 219 in Pennsylvania.

The committee has very wisely provided the funding for this new program by authorizing $300 million dollars for each of the fiscal years 1974 and 1975. These moneys should enable the U.S. Bureau of Roads and the various States to proceed with full speed to improve these principal roads leading to and from the Interstate System that are in desperate need of upgrading to modern standards.

I urge the motion to strike this important and new innovation in the highway system be defeated.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I rise in support of section 147 of the Federal-Aid Highway Act of 1972 and against the amendment to strike it from the bill. Section 147 would establish a new highway system called "priority primary routes" and selects 1,000 miles for such a system. The State highway department of a given State being authorized to designate the new system in their respective States. The bill authorizes $300 million for 1973–74 and $300 million for 1974–75. The roads selected to be constructed would be built to interstate four-lane standards on a 70–30 basis.

The committee report on the bill on pages 14 and 15 describes the new system, and calls it an intermediate system, above the standard of the present primary system. The report describes the roads the system contemplates and on page 15 states "worthwhile projects that have been brought to the attention of the committee" and would appear to be logically eligible for immediate selection under the $300 million authorized in each of the 1974 and 1975 fiscal years, are: In Pennsylvania, Route 219.

I ask that the Members resist the amendment of the gentleman from New York (Mr. BINGHAM) to strike this section from the bill, H.R. 16656.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

I think we must consider these priority primary routes. There are many areas in the country in which we need these priority primary routes.

This, I feel, would be a very destructive amendment. I urge its defeat.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, one of the specific purposes of this section in the bill is to help alleviate the congestion in the open areas, and to take some of the traffic off those tied-up arteries that are not able to sustain the amount of traffic that exists in urban areas.

This will go a long ways toward alleviating that congestion and that traffic problem.

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

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

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. ANDERSON of California. Mr. Chairman, I offered this amendment in committee and I wish to, at this time, give my full support to the able gentleman from New York (Mr. KOCH).

This amendment would allow the Federal Government to aid the States and localities in financing the construction

of bicycle and pedestrian paths in conjunction with highway rights of way.

Since bicycling, under proper conditions, increases the passenger carrying capacity of highways, I contend that the appropriate accommodation for bicycle riders would not only help alleviate traffic congestion—and auto pollution, but would also provide a healthy recreational activity as well.

This amendment, where practicable and feasible, would provide that funds apportioned for Federal aid to highways would be available to finance the Federal share of construction costs for separate bicycle lanes or paths, bicycle traffic control devices, bicycle shelters and parking facilities and pedestrian walkways which are in conjunction with future Federal-aid highway rights of way.

The $10 million for each of the 2 fiscal years—1974 and 1975—would be authorized from the trust fund for carrying out construction of bicycle and pedestrian paths in connection with either new or completed Federal-aid highway projects.

I feel this is a good amendment and would help meet the pressing needs of the ever-growing army—80 million persons—of bicycle riders—both young and old—who enjoy commuting to work or school, and who enjoy the wholesome, healthy recreation of bicycling.

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

The question was taken; and on a division (demanded by Mr. BINGHAM) there were ayes 9, noes 68.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Alabama (Mr. BUCHANAN) is recognized for 1 minute.

Mr. BUCHANAN. Mr. Chairman, I wish to bring to the attention of the great Committee on Public Works and its distinguished members a problem. I ask the committee in its wisdom to ponder, in its piety to pray, and in its power to do something about it after the problem has been heard.

Mr. Chairman, I represent the lovely city of Birmingham. It is a great city, but it has a great logjam with all the traffic passing through it and within it, because we have had no beltway, we have had no completed freeways, and until recently we had nothing in the way of an interstate or freeway system.

Now, the great State of Alabama has received, since 1960, $771.9 million for interstate highways alone. Of this amount, less than 14 percent has gone to its greatest and its most populous city, in which area some 22 percent of Alabama's people live. This year, when the highest priority project in the State, according to the State highway department's own admission and judgment, is in Birmingham, they are not funding it. Given these circumstances, I urgently seek the committee's help.

AMENDMENT OFFERED BY MR. MALLARY

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

The Clerk read as follows:

Amendment offered by Mr. MALLARY: On page 79, strike lines 7 through 12 and insert in lieu thereof the following:

"(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu therof the following: "Each State shall have the authority to determine whether to pay just compensation for the removal of outdoor advertising signs, displays, and devices lawfully erected under state law, or to remove such signs, displays, or devices by use of its police power without providing compensation, except through amortization over a reasonable period."

Mr. MALLARY. Mr. Chairman, the amendment which I offer is almost identical to one offered by the gentleman from California (Mr. DON H. CLAUSEN) in the Committee on Public Works. It relates to compensation for remodeled outdoor advertising devices.

My State, Vermont, proudly boasts of one of the most progressive pieces of billboard legislation in the country. That antibillboard law was passed by the Vermont legislature in 1968, with the assistance of the Federal Highway Administration, who looked on it as an innovative method of reducing roadside blight caused by billboards.

Now Vermont may be going to court with the Department of Transportation over the issue of whether Vermont's antibillboard law is too stringent and does too well what was intended by the Federal Highway Beautification Act.

Part of our problem relates to compensation for sign owners. After a series of court cases, the Vermont Supreme Court has determined that a 5-year amortization—dating from the actual passage of the billboard law—is just and proper compensation for the value of the sign. In other words, the State may remove them and no compensation from the State is necessary following their removal.

At the time the Vermont Legislature passed the bill, the State received a waiver from the Federal Highway Administration which allowed the State to circumvent the Highway Beautification Act and order the removal of high rise signs along the interstate.

I am attempting to indicate that during the time this law was passed, and following passage, Vermont received support from the Highway Administration.

Last summer, it became evident that the Highway Administration was planning to penalize my State of Vermont by reducing the amount of Federal highway funds by 10 percent unless we complied with Federal regulations regarding the compensation of sign owners for those signs which are removed.

That question may soon move to the courts. Each side has agreed that the solution may need the judgment of the court, and Vermont is waiting out a 60-day period while DOT determines whether to cut Vermont's highway allocation.

The present law is ambiguous with regard to whether the 10 percent penalty may be imposed for failure to pay compensation. A reading of the law indicates in section 131(b) that Federal-aid highway funds apportioned to a State which has not made provision for "effective control" shall be reduced by 10 percent. The definition of "effective control" in section 131(c) does not mention or discuss the question of whether compensation shall be paid on the removal of outdoor advertising devices. This amendment will clarify this ambiguity and will give clear permission for any State to use whatever method it determines to be proper to remove such devices.

It seems anomalous that a State should have its Federal highway fund allocation reduced when it is leading the way in complying with the intent of the Federal Highway Beautification Act and doing so in compliance with all State laws and setting a standard far in excess of Federal minimums. The essence of this question is whether we wish to permit the States to have reasonable latitude in operating their beautification programs if they are in conformity with Federal minimum standards or whether we wish to dictate entirely how their funds are to be spent.

The question is whatever we will here force States to use limited funds for compensation for fully amortized signs to the detriment of highway construction programs.

Mr. Chairman, I urge support for this needed amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to support the amendment of the gentleman from Vermont (Mr. MALLARY). It had been my intend to offer the amendment as I had previously presented it for adoption in the Public Works Committee.

However, during the course of this evening, Mr. MALLARY has visited with me and advised of his interest in this amendment its content and further revealed his legislative and personal experience with this specific type of highway beautification programs while serving as speaker of the Vermont Legislature.

Therefore, I was delighted to yield to him for purposes of offering this amendment and join in supporting the effort to include it in the bill, under the control of outdoor advertising sections.

As the language of the amendment clearly states the basic purpose of the amendment is to provide the authority to each State to have an option in dealing with the question of compensation for nonconforming outdoor advertising signs.

The States would have the authority to pay "just compensation" or use the combination of police power and a reasonable amortization period that would be fair to all concerned.

During the Highway Beautification Commission hearings in California, there were two major points of concern expressed by the spokesman for the garden clubs of California and the Western States, as well as the California Roadside Council.

The two points related to the jumbo billboard that in their words added to the "visual pollution" along our highways just beyond the 660 feet outer limit set in my view unwisely, in the 1965 act and the question of just compensation alternatives.

While we have addressed our efforts in section 119 of the bill toward the jumbo billboard question, we have not provided for language that would comply with the second basic question aforementioned.

It is for this reason I felt an obligation as a member of this committee and of the Highway Beautification Commission to represent these groups from my State of California and support this amendment in committee and now on the floor.

I hope the Members will support this alternative just compensation amendment offered by Mr. MALLARY.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, this is a very fundamental amendment. This would strike at a very fundamental tenet of American jurisdiction, that whenever the public takes private property from a citizen for public purposes the private citizen shall be fairly compensated for it. That has been provided in this highway beautification law since its beginning. The amendment would say a State could take these properties away from citizens even if they were lawfully erected, and remove them by action of its police power without providing compensation therefor.

I do not think we want to do that. We ought to be strongly opposed to it. We must vote this amendment down if we are to follow fundamental and long-standing principles.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. MALLARY).

The amendment was rejected.

The CHAIRMAN. If there are no further amendments to be proposed to title I, the Clerk will read.

The Clerk read as follows:

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1972".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1974, and $360,000,000 for the fiscal year ending June 30, 1975.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $115,000,000 for the fiscal year ending June 30, 1974, and $115,000,000 for the fiscal year ending June 30, 1975.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $35,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, and June 30, 1975, not to exceed $10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings, $150,000,000 for the fiscal year ending June 30, 1974, and $225,000,000 for the fiscal year ending June 30, 1975. Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

(b) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

(2) one-third for projects on highways not included on any Federal-aid system.

(c) Funds made available in accordance with paragraph (1) of subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: "$225,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975,"; by striking out "out of the Highway Trust Fund," in the first sentence; and by inserting after the first sentence the following: "Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PAVEMENT MARKING PROGRAM

SEC. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 149. Special pavement marking program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special pavement marking program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not in any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included in any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, out of the Highway Trust Fund, the sum of $100,000,000, to be available until expended. Such sums shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter. Such funds shall be apportioned on the same basis as is provided in paragraph (2) of section 104(b) of this title.

"(f) Funds apportioned to a State but not required by it for pavement-marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator.

"(g) Each State shall report to the Secretary in January 1975, and in each January thereafter for three years following completion within that State of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished since commencement of the program. The report shall include an analysis and evaluation with respect to the number, rate, and severity of accidents at improved locations, and the cost-benefit ratio of such improvements, comparing a period one year prior to completion of improvements to annual periods subsequent to completion of such improvements. The Secretary shall submit a report to Congress not later than June 30, 1975, and not later than June 30 of each year thereafter until completion of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished by the several States under this section."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"149. Special pavement-marking program."

PAVEMENT-MARKING RESEARCH AND DEMONSTRATION PROGRAM

SEC. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs with respect to the effectiveness of various types of pavement markings and related delineators under inclement weather and nighttime conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 207. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)"

immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

PROJECTS FOR HIGH HAZARD LOCATIONS (SPOT IMPROVEMENTS)

SEC. 208. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof (after the section added by section 2 of this Act) the following new section:

"§ 150. Projects for high hazard locations

"(a) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $100,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(b) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(c) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"150. Projects for high hazard locations.".

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 209. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 151. Program for the elimination of roadside obstacles

"(a) Each State shall conduct a survey of all expressways, major streets and highways, and through streets to identify roadside obstacles which may constitute a hazard to vehicles, and assign priorities and establish a schedule of projects for their correction. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, to the extent necessary, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $75,000,000, to be available until expended, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

"(e) Commencing in 1974, the Secretary of Transportation shall report to Congress the progress made by the several States during the preceding calendar year in implementing improvements for the elimination of roadside obstacles. His report shall analyze and evaluate each State program, identify any State found not to be in substantial compliance with the schedule of improvements required by subsection (a), and contain recommendations for future implementation of the program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"151. Program for the elimination of roadside obstacles."

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 210. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media and other techniques for informing the public of means and methods for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation shall develop highway safety pilot television messages of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZENS PARTICIPATION STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with State and local traffic safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on the traffic enforcement process, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purposes of carrying out this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 212. (a) The Secretary of Transportation shall make a thorough study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein. The Secretary shall report to the Congress his findings and recommendations not later than June 30, 1974.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

UNDERPASS DEMONSTRATION PROJECT

SEC. 213. (a) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

DEMONSTRATION PROJECT—RAIL-HIGHWAY CROSSINGS

SEC. 214. (a) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $36,000,000 to carry out subsections (a) and (b) of this section.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposal numbered DOT-FR-20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads and multi-civic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(e) Federal grants or payments for the purpose of subsection (d) of this section shall cover 70 per centum of the costs involved.

(f) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to subsection (d) of this section.

(g) For the purpose of carrying out subsections (d), (e), and (f) of this section, there is hereby authorized to be appropriated the sum of $2,500,000 out of the Highway Trust Fund, and not to exceed $9,500,000 out of any money in the Treasury not otherwise appropriated.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. HARSHA

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

The Clerk read as follows:

Amendment offered by Mr. HARSHA: On page 121, lines 17 and 18, strike the following: "to be available until expended".

Mr. HARSHA. Mr. Chairman, I shall not take 5 minutes, because this is merely a technical amendment.

Mr. JONES of Alabama. Will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

Mr. JONES of Alabama. The members of the committee on this side accept the amendment and agree that it is necessary for the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HARSHA).

The amendment was agreed to.

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

I will not take the 5 minutes, but several members of the committee have asked me what it was I was asking the committee to do a few minutes ago.

If I can have the attention of the distinguished members of the great Committee on Public Works—and I say this sincerely—I will tell you what I am asking you to do.

Where a State will not play fair with its major urban areas and areas where there are great concentrations of traffic, and where by giving last priority rather than high priority to the people and problems of such areas a State pursues a policy that is uneconomic, unwise, and unjust,.as in the case of Alabama, I ask this committee to consider in the future either strengthening the review powers of the Federal Highway Administration or providing some means whereby an urban area can have some hope for help. Such action would, at least in our case, be beneficial not only to our city, but to the whole State as well.

Mr. JONES of Alabama. Will the gentleman yield?

Mr. BUCHANAN. I am glad to yield to the distinguished dean of the delegation.

Mr. JONES of Alabama. I am quite sure the committee will be willing to look into this matter so that we can help the gentleman with his problem.

Mr. BUCHANAN. I thank the distinguished gentleman from Alabama.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 301. (a) Title 23, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 6—DISCRIMINATION ON THE BASIS OF SEX PROHIBITED

"SEC.
"601. Prohibition of discrimination on the basis of sex.

"§ 601. Prohibition of discrimination on the basis of sex

"No person 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 title or carried on under this title. This provision will 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."

(b) The analysis of chapters at the beginning of title 23, United States Code, is amended by adding at the end thereof the following:

"6. Discrimination on the basis of sex prohibited ---------- 601".

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

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

There was no objection.

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 127, after the material appearing after line 23, insert the following:

TITLE IV—TRANSPORTATION DEVELOPMENT

SHORT TITLE

SEC. 401. This title may be cited as the "Transportation Development Act of 1972".

Findings and Declaration of Purpose

SEC. 402. The Congress finds—

(1) that the development of a balanced, coordinated, and efficient transportation system adequate to meet the current and future transportation needs of the United States is essential to the commercial life, national defense, and general welfare of the people of the United States;

(2) that it is in the national interest to provide the traveler in the United States with coordinated, improved, and balanced transportation, and to provide expeditious, safe, and comfortable transportation convenient to meet his needs;

(3) that the preservation and enhancement of the environment, the conservation of natural resources, and the strengthening of long-range land-use planning is vital to the health and welfare of the people of the United States, and that the planning and development of transportation facilities should be consistent with these goals;

(4) that research, development, and demonstrations of improved and coordinated transportation coupled with systematic coordinated and comprehensive transportation planning within and between all regions of the United States must be encouraged and should be vigorously pursued; and

(5) that planning, research, development, and demonstration projects coordinated among and between the several modes of transportation which will encourage diversity of approaches and experimentation suitable and productive for the regions of the country are necessary to proper and economical transportation development.

FUNCTION AND POWERS OF THE SECRETARY

SEC. 403. (a) In carrying out the purposes of this title, the Secretary shall—

(1) develop plans and research, development, and demonstration projects for balanced and coordinated national transportation, and establish a priority ranking for such plans and projects;

(2) evaluate the relative benefits of the plans, programs, and projects in serving the essential transportation needs of the United States;

(3) evaluate, on a continuing rather than a temporary basis, the prospects that plans, programs, and projects will improve the economic, environmental, and social development of an area served by a plan, program, or project;

(4) initiate and coordinate the preparation of long-range overall transportation plans, such plans to designate the priority of transportation needs;

(5) develop comprehensive and coordinated plans utilizing long-range overall transportation plans as a guide, and establish priorities thereunder, that give due consideration to transportation planning by private organizations and to Federal, State, and local transportation planning; and relate transportation development to other planning and development activities including but not limited to preservation and enhancement of the environment;

(6) conduct investigations, research, surveys, and studies to provide data required for the preparation of plans;

(7) establish and maintain an adequate data and information base for the purposes of transportation planning and development, and coordinate the development of information systems to insure that maximum compatibility and usefulness are achieved;

(8) initiate research and development of intercity systems aimed at immediate improvements in intercity transportation of persons and property using existing facilities and available equipment;

(9) initiate research and development of safe and reliable high-speed prototype intercity transportation systems, susceptible of early demonstration;

(10) initiate research and development of equipment for use in urban areas for the purpose of providing at an early date a prototype demonstration system providing new and improved passenger transportation for such areas;

(11) initiate research and development of transportation systems that provide compatibility between urban and intercity systems;

(12) insure that demonstration projects reflect the priority of the transportation needs in regions;

(13) provide assistance to and cooperate with Federal, State, and local agencies in conducting or sponsoring research, development, and demonstration projects;

(14) at the request of, and in cooperation with, the responsible agencies involved, review and study Federal, State, and local public and private transportation plans, programs, and projects and, where appropriate, provide assistance and recommend modifications or additions which will increase their effectiveness and compatibility in the region;

(15) formulate and recommend, where appropriate, interregional compacts and other forms of interstate and interregional cooperation to carry out recommended programs for improved transportation; and

(16) provide for and encourage involve-

ment and financial participation by State and local governments and private industry to the maximum extent practicable. (b) In carrying out this title, the Secretary is authorized to—

(1) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible;

(2) acquire, by purchase or otherwise, such property (real or personal) as may be necessary to carry out research and development projects and demonstration projects under this title;

(3) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out his functions and on such terms as he may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation;

(4) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics needed to carry out the purposes of this title; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(5) collect and coordinate transportation data, statistics, and other information which he determines will contribute to the improvement of the national transportation system and make such information available to other Federal agencies and to the public insofar as practicable;

(6) call together and confer with, from time to time, any persons, including representatives of labor, management, transportation, and government, who can assist in meeting the problems of area, regional, or national transportation, and make provisions for such consultation with interested departments and agencies of the Government as he may deem appropriate in the performance of the functions vested in him by this title;

(7) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5 of the United States Code, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently, while so employed: *Provided*, That contracts for such employment may be renewed annually; and

(8) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this title.

(c) Effective two years after the date of enactment of this title, the Secretary shall not approve—

(1) studies pertaining to technological assessment and forecasting, transportation priorities, regional or carrier development, feasibility, or technological development; or

(2) research, development, or demonstration projects involving the study, design, construction, trials, acceptance, and introduction of new or improved transportation systems, subsystems, and operating techniques;

unless they have been coordinated in accordance with the terms of this title.

(d) In accordance with the development of coordinated transportation plans, the Secretary shall, to the maximum extent practicable, undertake research, development, and demonstrations on a project basis. In so doing he shall establish organizational, performance, time, and cost controls which will assure coordination and timely completion of projects.

(e) In carrying out the provisions of this title, the Secretary is authorized to establish procedures to insure that planning efforts and future systems development are in accordance with the purpose of this title by requiring (1) detailed evaluation of the technological development requirements of each project included in a transportation plan, and (2) detailed estimates of the nature and magnitude of resources required for the effective completion of each project.

(f)(1) Except as may be otherwise expressly provided in this section, all powers and authorities conferred by this section shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing.

(2) All financial and technical assistance authorized under this section shall be in addition to any Federal assistance previously authorized and no provision of this section shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any region, State, or other entity eligible under this section would otherwise be entitled under any other provision of law.

(3) Except to the extent otherwise authorized by law, nothing in this title shall be construed to authorize the Secretary to make any transfer or expenditure of money from any trust fund created by an Act of the Congress.

TRANSPORTATION DEVELOPMENT COORDINATION

SEC. 404. (a) In order to provide for improved coordination in the development of transportation systems and facilities to meet the transportation needs of the United States, the Transportation Development Administrator shall exercise all functions, powers, and duties of the Secretary relating to planning, research and development, and demonstration projects under the following provisions of law:

(1) Title 23, United States Code.

(2) The Act of September 30, 1965, relating to high-speed ground transportation (49 U.S.C. 1631 et seq.).

(3) The Urban Mass Transportation Act of 1964.

(4) The Federal Aviation Act of 1958.

(5) The Airport and Airway Development Act of 1970.

(b) The President shall, within two years after the date of enactment of this title, transfer to the Secretary any functions (including powers, duties, activities, facilities, and part of functions) of the National Aeronautics and Space Administration and the Department of Housing and Urban Development or of any officer or organizational entity thereof, which relate primarily to the functions, powers, and duties of the Secretary described in paragraphs (1) through (5) of subsection (a) of this section. In connection with any such transfer, the President shall provide for appropriate transfers of records, property, personnel, and funds. Whenever the President makes any transfer under this subsection, he shall submit to the Congress a full and comprehensive report concerning the nature and effect of such transfer.

(c) The Transportation Development Administrator shall exercise all functions, powers, and duties transferred to the Secretary under subsection (b) of this section.

ESTABLISHMENT OF THE ADMINISTRATION

SEC. 405. (a) There is established in the Department of Transportation a Transportation Development Administration to be headed by an Administrator appointed by the President, by and with the advice and consent of the Senate. In addition to such functions, powers, and duties as are specified in this title to be carried out by the Administrator, the Administrator shall carry out such additional functions, powers, and duties as the Secretary may prescribe.

(b) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Administrator, Transportation Development Administration.".

GENERAL PROVISIONS

SEC. 406. (a) There is established a Transportation Development Advisory Commission (hereafter in this section referred to as the "Commission"). The Commission shall be composed of eleven members appointed by the President from private life as follows:

(1) One person to serve as chairman of the Commission who is specifically qualified to serve as chairman by virtue of his education, training, or experience.

(2) Ten persons who are specially qualified to serve on such Commission as follows:

(A) One from among representatives of carriers in the several modes of transportation.

(B) One from among representatives of manufacturers in the transportation industry.

(C) One from among representatives of shippers.

(D) One from among representatives of State transportation agencies.

(E) One from among representatives of educational institutions.

(F) One from among representatives of consumer organizations.

(G) One from among representatives of labor organizations in the transportation industry.

(H) One from among representatives of private organizations engaged in transportation research.

(I) One from among representatives of organizations concerned with conservation or regional planning.

(J) One representative of the general public. Not more than six members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations. Six members shall constitute a quorum.

(b) It shall be the duty of the Commission—

(1) to formulate recommendations concerning the long-range needs of the national transportation system; and

(2) to facilitate coordination of all modes of transportation, and cooperation between Federal, State, and local agencies and community and industry groups to achieve coordination of transportation development.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(c) Each member of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the President, but not exceeding $100 per day, including traveltime; and, while so serving away from his home or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(d)(1) The Commission is authorized without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, 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, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate

authorized for GS–18 by section 5332 of such title.

(2) The Commission is authorized to 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) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(4) 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 subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(e) The Commission shall submit to the President and to the Congress, not later than eighteen months after the date of enactment of this title, a report containing the initial recommendations formulated by it under this subsection.

ANNUAL REPORT

SEC. 407. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on March 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include—

(1) a summary of outstanding problems confronting the administration of this title in order of priority;

(2) an analysis and evaluation of research and development activities, and demonstration projects, including the policy implications thereof, conducted as a result of Government and private sponsorship and which have contributed to technological progress in transportation during such year; and

(3) a summary of the extent to which technical information was collected, coordinated, and disseminated to governmental agencies and the transportation industry; the extent to which consumer-oriented information was made available to the public; and the extent to which such information was utilized by the recipients.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national transportation system and to promote cooperation among the several States in the improvement of the national transportation system.

SEC. 408. There are authorized to be appropriated such sums, not to exceed $75,000,000, as may be necessary to carry out the provisions of this title.

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

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

Mr. HARSHA. Mr. Chairman, reserving the right to object, may I ask the gentleman where this amendment would fit in?

Mr. PICKLE. If the gentleman will yield, this would be on page 127, and it is a new title, title IV.

Mr. HARSHA. That would be after line 23 on that page?

Mr. PICKLE. That is correct.

Mr. HARSHA. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Alabama reserves a point of order against the amendment.

Mr. PICKLE. Mr. Chairman, the purpose of this title is to provide for the better coordination of research and development, planning, and demonstration projects. The goal of this amendment is to help this Nation design and institute a meaningful national transportation policy.

In individual pieces we have the greatest transportation system in the world. We have a bold and formidable Interstate Highway System, a great network of airlanes, and a longtime sturdy freight system on the railroads.

Individually, they are great. Together, they comprise perhaps our biggest blunder or neglect.

Not enough collective, cohesive, coherent thought has been given to a truly balanced national transportation system.

Name me an airport that is not fast approaching the redline danger level of too many planes, too few runways, and not enough air traffic controllers. Pilots everywhere look over their shoulder in the landing approach.

Tell me it is not so that some of our interstate highways have actually raped the landscape and in some cases, even caused flooding because they make a manmade dike in the way of heaven's waters.

Tell me where the trains run on time—or run at all. Explain to me how we can put a man on the moon—yet we still cannot get him across town, home from work, in time for supper.

One by one, our systems do the job. Together, they do not.

This is a transportation shame. More than a shame, it is a national tragedy. Transportation—getting there and back—affects us all, everyone: From the poor man trying to catch a city bus to work, to the commuter, to the manufacturer with his goods drydocked somewhere, to Henry Kissinger off on another secret mission.

The fact is—each system and agency has hunted for its own solution. There was not planning enough for a coordinated system.

No longer can we be content to put legislation band-aids on individual systems. Today, we must treat the whole body.

We must tie the systems together. The time has come to establish in fact—not in words—a truly national system, a truly national approach. We have run out of space for the superhighways. Their airways are clogged. The iron wheel is groaning on the iron rail, and bumping on roadbeds that slip, slide, and flake away under relentless pounding freight cars.

And the greatest of all—mass transit—has been thrust into our legislative living room. It was hurled upon us—unwanted and without heirs, ancestry or funds. Sadly, our search for a solution has been too timid.

Fortunately, the Congress has taken the helm in many cases. We have stepped into a leadership vacuum to give some direction.

In 1946, we enacted the Airport and Airways Development Act.

In 1956, we created the highway trust fund.

In 1965, we authorized the Office of High Speed Ground Transportation.

In 1966, we created the Department of Transportation.

In 1968, we gave life to the Urban Mass Transportation Agency.

In 1969, we created the airport and airways trust fund.

Most recently, in 1970, we set into motion the National Railway Passenger Corporation.

All this legislation, all this money, all this effort was tantamount to recognition that we do have a national transportation problem—and we do not have a clear national transportation system.

I can cite you a day-by-day example of what I mean: There are several different agencies within the Department of Transportation involved, in research, development, planning, and demonstration projects—yet each has only general knowledge of what the other is doing. They pass or develop like ships in the night while the public waits for the bus that never comes.

Specifically, the Federal Highway Administration has its own planning and research activities.

So does the Federal Aviation Administration.

And so with the Federal Railroad Administration, along with the Office of High Speed Ground Transportation.

Likewise, with the Urban Mass Transportation Administration.

HUD and NASA are also involved in transportation research and development and planning and they are completely separate agencies with no close ties to the Department of Transportation.

Although there is a sincere effort within the Department of Transportation to coordinate the efforts of these various jurisdictions, there is no clear coordination, no real authority, no real muscle. There is no substantial national transportation policy, even though all of us are aware that last year the DOT published a report entitled "A National Transportation Policy."

Mr. Chairman, the Public Works Committee report on H.R. 16656 deals at length as to whether or not to use highway trust fund money for mass transit.

The Public Works Committee feels that it is not wise at this time to use highway funds for other purposes. But the committee has proposed $75 million of general revenue be used for a study, for research on the question. The committee wants to take this study and in 1974 examine the question all over again.

Section 143 is the part of the bill where this study is outlined.

My substitute for section 143, I feel, makes more sense. I think that my proposal is a good compromise in meeting the transportation needs of America.

On the one hand, it leaves the trust

funds intact while, at the same time, making sure highway trust fund research moneys are part of an overall development effort in solving our transportation problems.

I urge the Members to support my title.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Alabama insist on the point of order?

Mr. JONES of Alabama. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. JONES of Alabama. Mr. Chairman, the point of order would lie against the germaneness of the amendment to the bill. I do not see how it could ever be calculated to have any such affinity as would be necessary to be germane to the bill. I think it is so far removed that I cannot imagine it being germane to this proposition.

As to the point about the reorganization of the executive department and the Department of Transportation, then it should be held by some other committee and not here at this stage of consideration of our bill.

The CHAIRMAN. Does the gentleman from Texas (Mr. PICKLE) desire to be heard on the point of order?

Mr. PICKLE. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PICKLE. Mr. Chairman, I wish I could have heard the argument made by the chairman of the subcommittee a little more clearly, but I do want to be heard.

Mr. Chairman, I think the amendment is germane.

The Public Works Committee has put many research programs into their bill that we have been considering today.

The Public Works Committee in section 143 which you voted on earlier today, was a proposal for $75 million appropriation from general revenues to study the needs of mass transit.

No point of order was raised against that. I do not know by what authority the Committee on Public Works can conduct a study in the field of mass transportation which would probably lie under Banking and Currency or through the operation of WMTA, under HUD.

But, aside from that, you do say you are going to appropriate money for research. That is all I am doing. I am putting this same sum of $75 million in this title that I have offered as an amendment for a continuation of study.

My amendment deals with research and development, just as the bill you now have before you does. This particular bill opens up for consideration of research and development of transportation problems. All I am doing really is just following a different approach.

On page 446, section 799, of the House rules, examples are given of germane amendments. For example, it was germane to propose another route for a canal when the House was considering a canal and its route.

I am only proposing another route for the research as proposed in section 143.

Just a few minutes ago you adopted an amendment that provides for a bicycle trail alongside a highway. I do not know in what jurisdiction the matters should have been established. I do not object to the trail. I think it is fine. I question whether it ought to be properly in the highway bill before us. I do think all I am offering in this thing is a new proposal, a new approach to conduct research and development. I think it is germane, Mr. Chairman.

Mr. HARSHA. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman will state his point of order.

Mr. HARSHA. Mr. Chairman, this is a very broad, sweeping measure that we have never seen before. We have never had it presented to our committee. We have not had the opportunity to review it until just now. It calls for a complete reorganization of a number of agencies. It involves the jurisdiction of the Committee on Interstate and Foreign Commerce, the Committee on Banking and Currency. It deals with the Urban Mass Transportation Act, the Federal Aviation Act, the Airport and Airways Development Act. I suspect before we get through reading it, it will involve the Committee on Ways and Means and other committees. It is completely without the scope of this committee and this particular legislation.

I urge the point of order be sustained.

The CHAIRMAN (Mr. UDALL). The Chair is prepared to rule.

The gentleman from Texas has offered an amendment which would add to the committee amendment a new title IV entitled "Transportation Development."

The Chair has had an opportunity to examine the amendment of the gentleman from Texas. The Chair notes that the amendment offered now before us would provide a comprehensive research, and development program and demonstration projects covering all systems of transportation throughout the entire United States and their interrelation, whereas the main thrust of the bill before the committee is highways and highway transportation.

In addition, the amendment would provide a wide-ranging reorganization of agencies within the Department of Transportation by establishing a new Transportation Development Administration to coordinate this transportation program, and to assume the responsibilities and functions of the Secretary of Transportation, not only with respect to title 23 of the United States Code, but also with respect to the high-speed ground transportation program, the urban mass transportation program, the Federal Aviation Act, and the Airport and Airways Development Act.

In the opinion of the Chair, the amendment contemplates a program far broader than the mass transportation study which was contained in the bill in section 143.

In addition, the amendment provides for a department reorganization which is not a subject contained in the committee substitute.

For these reasons the Chair rules that the amendment is not germane, and is constrained to sustain the point of order.

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

Mr. Chairman, I will not take the 5 minutes, but I just want to get something off my chest. I am amazed and chagrined that a great committee like the Committee on Public Works should treat its members and myself in particular the way we were treated this evening by a cutoff of debate when there was known to be a serious amendment that had been circulated to the entire membership of the House a week ago that had the support of the Department of Transportation, the support of the administration, and would have saved $600 million immediately and possibly $19 billion eventually.

To cut off debate in such a way as to provide that this amendment could be supported in only 1 minute of time I think is unworthy of this House.

I yield back the remainder of my time.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16656) to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, pursuant to House Resolution 1145, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROVER

Mr. GROVER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROVER. In its present form I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROVER moves to recommit the bill H.R. 16656 to the Committee on Public Works.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

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

Mr. MIZELL. 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 the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 264, nays 30, not voting 136, as follows:

[Roll No. 416]

YEAS—264

Adams	Flowers	Mann
Alexander	Flynt	Martin
Andrews, Ala.	Foley	Mathis, Ga.
Andrews, N. Dak.	Ford, Gerald R.	Mayne
Annunzio	Ford, William D.	Mazzoli
Archer	Forsythe	Meeds
Arends	Fountain	Michel
Baker	Fraser	Miller, Ohio
Begich	Frelinghuysen	Mills, Md.
Bennett	Frenzel	Minish
Bergland	Frey	Mink
Betts	Fulton	Mitchell
Biaggi	Fuqua	Mizell
Biester	Garmatz	Montgomery
Blackburn	Gaydos	Morgan
Blatnik	Gettys	Mosher
Boland	Gibbons	Moss
Bray	Goldwater	Murphy, Ill.
Brinkley	Gonzalez	Murphy, N.Y.
Brooks	Goodling	Myers
Broomfield	Gray	Natcher
Brown, Mich.	Green, Pa.	Nedzi
Brown, Ohio	Griffin	Nichols
Broyhill, N.C.	Gubser	Obey
Buchanan	Hall	Passman
Burke, Fla.	Hamilton	Patten
Burke, Mass.	Hammer-schmidt	Pelly
Burleson, Tex.	Hanley	Pepper
Burlison, Mo.	Hanna	Perkins
Byrnes, Wis.	Hansen, Wash.	Pettis
Byron	Harsha	Pickle
Cabell	Harvey	Pike
Caffery	Hastings	Poage
Camp	Hawkins	Podell
Carlson	Hays	Preyer, N.C.
Carney	Heckler, Mass.	Price, Ill.
Carter	Helstoski	Price, Tex.
Casey, Tex.	Henderson	Quillen
Cederberg	Hicks, Mass.	Railsback
Chamberlain	Hicks, Wash.	Randall
Chappell	Hillis	Rangel
Clausen, Don H.	Hogan	Rarick
Cleveland	Horton	Rhodes
Collier	Hosmer	Riegle
Collins, Tex.	Howard	Roberts
Conable	Hull	Robinson, Va.
Conover	Hutchinson	Robison, N.Y.
Conte	Jacobs	Rodino
Coughlin	Jarman	Roe
Culver	Johnson, Calif.	Rogers
Curlin	Johnson, Pa.	Rooney, Pa.
Daniel, Va.	Jonas	Rousselot
Daniels, N.J.	Jones, Ala.	Roy
Danielson	Jones, N.C.	Runnels
Davis, Ga.	Jones, Tenn.	Ruth
Davis, Wis.	Karth	St Germain
de la Garza	Kastenmeier	Sandman
Delaney	Kazen	Satterfield
Dellenback	Keating	Saylor
Dennis	Kee	Schwengel
Dent	Kemp	Sebelius
Derwinski	King	Shipley
Diggs	Kluczynski	Shoup
Dingell	Kyl	Shriver
Donohue	Landgrebe	Sikes
Dorn	Landrum	Sisk
Downing	Latta	Skubitz
Dulski	Long, La.	Slack
Duncan	McCollister	Smith, N.Y.
du Pont	McDade	Spence
Edwards, Ala.	McEwen	Springer
Erlenborn	McFall	Stanton, J. William
Esch	McKay	Stanton, James V.
Evins, Tenn.	McKinney	Steiger, Wis.
Fascell	Macdonald, Mass.	Stokes
Findley	Madden	Stubblefield
Fish	Mahon	Sullivan
Fisher	Mallary	Symington
Flood		Taylor
Teague, Tex.	Ware	Winn
Thompson, Ga.	Whalen	Wright
Thompson, N.J.	Whalley	Wydler
Thone	White	Wyman
Tiernan	Whitehurst	Yatron
Udall	Whitten	Young, Fla.
Ullman	Widnall	Young, Tex.
Vander Jagt	Wiggins	Zablocki
Vigorito	Wilson, Charles H.	Zion
Waggonner		

NAYS—30

Abzug	Gude	Reuss
Anderson, Ill.	Hansen, Idaho	Rosenthal
Aspin	Hechler, W. Va.	Roybal
Bingham	Koch	Sarbanes
Bolling	Long, Md.	Scheuer
Crane	McCloskey	Seiberling
Dellums	McKevitt	Stratton
Eckhardt	Mikva	Van Deerlin
Edwards, Calif.	Moorhead	Vanik
Grover	Rees	Waldie

NOT VOTING—136

Abbitt	Eilberg	Nelsen
Abernethy	Eshleman	Nix
Abourezk	Evans, Colo.	O'Hara
Addabbo	Galifianakis	O'Konski
Anderson, Calif.	Gallagher	O'Neill
Anderson, Tenn.	Giaimo	Patman
Ashbrook	Grasso	Peyser
Ashley	Green, Oreg.	Pirnie
Aspinall	Griffiths	Powell
Badillo	Gross	Pryor, Ark.
Baring	Hagan	Pucinski
Barrett	Haley	Purcell
Belcher	Halpern	Quie
Bell	Harrington	Reid
Bevill	Hathaway	Roncalio
Blanton	Hébert	Rooney, N.Y.
Boggs	Heinz	Rostenkowski
Bow	Holifield	Roush
Brademas	Hungate	Ruppe
Brasco	Hunt	Scherle
Brotzman	Ichord	Schmitz
Broyhill, Va.	Keith	Schneebeli
Burton	Kuykendall	Scott
Byrne, Pa.	Kyros	Smith, Calif.
Carey, N.Y.	Leggett	Smith, Iowa
Celler	Lennon	Snyder
Chisholm	Lent	Staggers
Clancy	Link	Steed
Clark	Lloyd	Steele
Clawson, Del	Lujan	Steiger, Ariz.
Clay	McClory	Stephens
Collins, Ill.	McClure	Stuckey
Colmer	McCormack	Talcott
Conyers	McCulloch	Teague, Calif.
Corman	McDonald, Mich.	Terry
Cotter	McMillan	Thomson, Wis.
Davis, S.C.	Mailliard	Veysey
Denholm	Mathias, Calif.	Wampler
Devine	Matsunaga	Williams
Dickinson	Melcher	Wilson, Bob
Dow	Metcalfe	Wolff
Dowdy	Miller, Calif.	Wyatt
Drinan	Mills, Ark.	Wylie
Dwyer	Minshall	Yates
Edmondson	Mollohan	Zwach
	Monagan	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Pirnie.
Mr. Rooney of New York with Mr. Devine.
Mr. Boggs with Mr. Hunt.
Mr. O'Neill with Mr. Del Clawson.
Mr. Holifield with Mr. Mailliard.
Mr. Rostenkowski with Mr. Broyhill of Virginia.
Mr. Addabbo with Mr. Ruppe.
Mr. Brademas with Mr. Eshleman.
Mr. Brasco with Mr. Lent.
Mr. Burton with Mr. Mathias of California.
Mr. Celler with Mr. Clancy.
Mr. Wolff with Mr. Minshall.
Mr. Monagan with Mr. Dickinson.
Mr. Carey of New York with Mr. Peyser.
Mrs. Grasso with Mr. Steele.
Mr. Cotter with Mr. Heinz.
Mr. Davis of South Carolina with Mr. Quie.
Mr. Edmondson with Mr. Ashbrook.
Mr. Giaimo with Mr. Powell.
Mr. Reid with Mr. O'Konski.
Mr. Purcell with Mr. Belcher.
Mr. Roncalio with Mr. Lloyd.
Mr. Bevill with Mr. Bow.
Mr. Barrett with Mr. Williams.
Mr. Anderson of California with Mr. Bell.
Mrs. Chisholm with Mr. Gallagher.
Mr. Evans of Colorado with Mr. Lujan.
Mr. Eilberg with Mr. Nelsen.
Mr. Nix with Mr. Miller of California.
Mr. Yates with Mr. McClory.
Mr. Kyros with Mr. Kuykendall.
Mr. Clay with Mr. Galifianakis.
Mr. O'Hara with Mr. Keith.
Mr. Roush with Mr. Brotzman.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. McCormack with Mr. Teague of California.
Mr. Lennon with Mr. Scherle.
Mr. Stephens with Mr. Schmitz.
Mr. Staggers with Mr. Wampler.
Mr. Hathaway with Mr. Zwach.
Mr. Smith of Iowa with Mr. Talcott.
Mr. Hungate with Mr. Smith of California.
Mr. Blanton with Mr. Snyder.
Mr. Ashley with Mr. Wylie.
Mr. Byrne of Pennsylvania with Mr. Schneebeli.
Mr. Clark with Mr. Conyers.
Mr. Denholm with Mr. Steiger of Arizona.
Mr. Dow with Mr. Terry.
Mr. Pucinski with Mr. Drinan.
Mr. Mollahan with Mr. Wyatt.
Mr. Matsunaga with Mr. McDonald of Michigan.
Mr. Steed with Mr. Dowdy.
Mr. Ichord with Mr. Thomson of Wisconsin.
Mr. Stuckey with Mr. Scott.
Mr. Abourezk with Mr. Badillo.
Mr. Link with Mr. Collins of Illinois.
Mr. Colmer with Mr. Gross.
Mrs. Griffiths with Mr. Bob Wilson.
Mr. Haley with Mr. McCulloch.
Mr. Melcher with Mr. Abbitt.
Mr. Metcalfe with Mr. Corman.
Mr. Hogan with Mr. Harrington.
Mr. Patman with Mr. Abernethy.
Mr. Anderson of Tennessee with Mr. Aspinall.
Mr. Lennon with Mr. Pryor of Arkansas.
Mr. Mills of Arkansas with Mr. McMillan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KLUCZYNSKI. Mr. Speaker, pursuant to the provisions of House Resolution 1145, I call up from the Speaker's table the Senate bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. KLUCZYNSKI

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

The Clerk read as follows:

Mr. KLUCZYNSKI moves to strike out all after the enacting clause of C. 3939 and to insert in lieu thereof the provisions contained in H.R. 16656, as passed, as follows:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1972".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of $3,500,000,-

000 for the fiscal year ending June 30, 1974, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1974, and June 30, 1975, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, of House Public Works Committee Print Numbered 92–29.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $700,000,000, for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, and $700,000,000 for the fiscal year ending June 30, 1975. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975.

(3) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, and $16,000,000 for the fiscal year ending June 30, 1975.

(5) For forest development roads and trails $170,000,000 for the fiscal year ending June 30, 1974, and $170,000,000 for the fiscal year ending June 30, 1975.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

(8) For parkways, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

(9) For Indian reservation roads and bridges, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $150,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

(11) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(12) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $3,000,000 for the fiscal year ending June 30, 1974, and $3,000,000 for the fiscal year ending June 30, 1975.

(13) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, and not to exceed $5,000,000 for the fiscal year ending June 30, 1975.

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, and not to exceed $2,000,000 for the fiscal year ending June 30, 1975.

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, and not to exceed $500,000 for the fiscal year ending June 30, 1975.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) Nothing in the first ten paragraphs or in paragraph (13) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319 (b), or chapter 4 of title 23, United States Code.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974, and June 30, 1975, under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1974, and June 30, 1975, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for each such fiscal year for such system.

SUBMISSION OF CERTAIN REPORTS

SEC. 105. The Secretary of Transportation is hereby directed to forward to the Congress within thirty days of the date of enactment of this Act final recommendations proposed to him by the Administrator of the Federal Highway Administration in accordance with section 105(b)(2), section 121, and section 144 of the Federal-Aid Highway Act of 1970 together with those recommendations of the Secretary of Transportation to the Director of the Office of Management and Budget unless these recommendations have been submitted to the Congress prior to the date of enactment of this Act.

DEFINITIONS

SEC. 106. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey in the Department of Commerce)," and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration in the Department of Commerce), traffic engineering and operational improvements,".

(2) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979"

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) Such section 104(b)(5) is further amended by striking out the sentence immediately preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending June 30, 1978, and June 30, 1979."

DECLARATION OF POLICY

SEC. 108. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared that since the Interstate System is now in the final phase of completion that after completion of that system it shall be the national policy that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum amount possible by no later than the year 1990."

MINIMIZATION OF REDTAPE

SEC. 109. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs 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."

FEDERAL-AID SYSTEMS

SEC. 110. Section 103 of title 23, United States Code, is amended as follows:

(1) The second sentence of subsection (d) is amended by inserting immediately after "such area" the following: "and shall provide for the collection and distribution of traffic within such area".

(2) Subsection (d) is further amended by inserting immediately following the next to the last sentence the following new sentence: "Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary."

(3) The next to the last sentence of subsection (g) is amended by striking out "1975" and inserting in lieu thereof "1977".

(4) Subsection (g) is further amended by adding at the end thereof the following new sentence: "This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

APPLICATION TO URBAN SYSTEM OF CERTAIN CONTROLS

SEC. 111. The last sentence of subsection (d) of section 103 of title 23, United States Code, is amended to read as follows: "The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system unless determined by the Secretary to be inconsistent with this subsection, except sections 131, 136, and 319(b) are hereby made specifically applicable to such system and the Secretary shall not determine such section to be inconsistent with this subsection."

APPORTIONMENT

SEC. 112. Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraph (1) of subsection (b) is amended by striking out "one-third in the ratio which the population of each State bears to the total population of all the States" and inserting in lieu thereof the following: "one-third in the ratio which the rural population of each State bears to the total rural population of all the States".

(2) Paragraph (6) of subsection (b) is amended by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(3) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "30 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(4) Subsection (d) is amended to read as follows:

"(d) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 30 per centum."

(5) The last sentence of subsection (c) and subsection (f) are hereby repealed.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 113. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244(7), U 244(10), UG 244(9), U 244(8), and U 244(11)), shall be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the State of Texas. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 114(a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

HIGHWAYS 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 after consultation with appropriate Federal, State, and local officials, 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, and landscaping. 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.

SIGNS ON PROJECT SITE

SEC. 116. The last sentence of subsection (a) of section 114 of title 23, United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 117. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department of its performance of such responsibilities, if he finds—

"(1) such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title;

"(2) the State meets the requirements of section 302 of this title;

"(3) that final decisions made by responsible State officials on such projects are made in the best overall public interest.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance.".

MATERIALS AT OFF-SITE LOCATIONS

SEC. 118. Section 121(a) of title 23 of the United States Code is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 119. After the second sentence of section 129(b) of title 23, United States Code, insert the following: "When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

CONTROL OF OUTDOOR ADVERTISING

SEC. 120. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, be limited to (1) directional and official signs and notices, which signs and notices may include, but not be limited to, signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices per-

taining to rest stops, camping grounds, food services, gas and automotive services, and lodging and shall include signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section (except that not more than three directional signs facing the same direction of travel shall be permitted in any one mile along the Interstate or primary systems outside commercial and industrial areas), (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof: "In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authortiy of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained: *Provided*, That such signs on the interstate and primary shall not be erected in suburban or in urban areas or in lieu of signs permitted under subsection (d) of this section, nor shall they be erected where adequate information is provided by signs permitted in subsection (c) of this section."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof: "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first: *Provided*, That a state may not refuse to purchase and remove any non-conforming sign, display, or device voluntarily offered to the state for removal by a sign owner if funds are available in the Department of Transportation.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1972, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 121. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 122. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY PUBLIC TRANSPORTATION

SEC. 123. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passenger. Sums apportioned under section 104(b) of this title shall be available to finance the cost of these projects.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project.

"(e) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 124. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project", by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

FEDERAL-STATE RELATIONSHIP

SEC. 125. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Federal-State relationship

"The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Federal-State relationship."

BICYCLE TRANSPORTATION

SEC. 126. (a) Chapter 2 of Title 23, United States Code, is amended by adding at the end thereof the following new section:

"Sec. 218. Bicycle Transportation

"(a) To encourage the development, im-

provement and use of bicycle transportation, the Secretary of the Interior, acting through the Bureau of Outdoor Recreation, shall carry out (directly, by grant, contract, or otherwise), projects for the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicyclists and persons using bicycles, in conjunction or connection with forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and Federal, State and local parks.

"(b) Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety.

"(c) No motorized vehicle shall be permitted on the lanes and paths authorized by this section, except for maintenance purposes.

"(d) The Federal share of the cost of the project authorized by this section which is on State or local lands shall be 70 percentum.

"(e) There is authorized to be appropriated not to exceed $10 million per fiscal year for the fiscal years ending June 30, 1974 and June 30, 1975, to carry out this section."

(b) The analysis of chapter 20, Title 23, United States Code, is amended by inserting at the end thereof the following:

"218 Bicycle Transportation."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 127. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 146. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served in now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"146. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 128. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Priority primary routes

"(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement as supplementary routes to extend and supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities as well as extensions. A total of not more than 10,000 miles shall be selected under this section. For the purpose of this section such highways shall hereafter in this section be referred to as 'priority primary routes'.

"(b) Priority primary routes selected under this section shall be improved to geometric and construction standards for the Interstate System, or to such other standards as may be developed cooperatively by the Secretary and the State highway departments in the same manner as are standards developed for the Interstate System.

"(c) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to priority primary routes selected under this section except section 104. Funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized.

"(d) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before January 31, 1974.

"(e) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $300,000,000 per fiscal year for the fiscal years ending June 30, 1974, and June 30, 1975. One-half of such funds shall be apportioned among the States on the basis of the latest existing highway needs study, and one-half shall be available for apportionment to urgently required projects at the discretion of the Secretary."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Priority primary routes."

ALASKA HIGHWAY

SEC. 129. (a) (1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"217. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 130. (a) Section 320(d) of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been completed by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

GREAT RIVER ROAD

SEC. 131. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83-350), is amended by striking out "$500,000" and inserting in lieu thereof "$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 148. Development of a prototype of a national scenic and recreational highway program

"(a) (1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of

privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purpose of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the State pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"148. Development of a prototype of a national scenic and recreational highway program.".

ALASKAN ASSISTANCE

SEC. 132. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence "June 30, 1972 and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 133. (a) Subsection (i) of section 123 of the Federal-Aid Highway Act of 1970 is amended by striking out the first sentence and inserting the following in lieu thereof: The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report."

(b) Subsection (n) of section 123 of the Federal Aid Highway Act of 1970 is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than $450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended."

CLINTON BRIDGE COMMISSION

SEC. 134. (a) In order to facilitate interstate commerce by expediting the completion of interstate bridge facilities across the Mississippi River in the vicinity of the city of Clinton, Iowa, the City of Clinton Bridge Commission (hereafter referred to as the "commission"), created and operating under the Act approved December 31, 1944, as revived, amended, and reenacted, is hereby authorized to sell, convey, and transfer to the State of Iowa all of its real and personal property, books, records, money, and other assets, including all existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, and the substructure constituting the partially constructed new bridge which has been designed to replace the older of the two existing vehicular bridges, together with all easements, approaches, and approach highways appurtenant to said bridge structures, and to enter into such agreements with the State Highway Commission of the State of Iowa (hereafter referred to as the "highway commission"), and the Department of Transportation of the State of Illinois as may be necessary to accomplish the foregoing: *Provided, however,* That at or before the time of delivery of the deeds and other instruments of conveyance, all outstanding indebtedness or other liabilities of said commission must either have been paid in full as to both principal and interest or sufficient funds must have been set aside in a special fund pledged to retire said outstanding indebtedness or other liabilities and interest thereon at or prior to maturity, together with any premium which may be required to be paid in the event of payment of the indebtedness prior to maturity. The cost of the highway commission of acquiring the existing bridge structures by the State of Iowa shall include all engineering, legal, financing, architectural, traffic surveying, and other expenses as may be necessary to accomplish the conveyance and transfer of the properties, together with such amount as may be necessary to provide for the payment of the outstanding indebtedness or other liabilities of the commission as hereinafter referred to, and permit the dissolution of the commission as hereinafter provided, less the amount of cash on hand which is turned over to the highway commission by the commission.

(b) The highway commission is hereby authorized to accept the conveyance and transfer of the above-mentioned bridge structures, property, and assets of the City of Clinton Bridge Commission on behalf of the State of Iowa, to complete the construction of the new replacement bridge, to repair, reconstruct, maintain, and operate as toll bridges the existing bridges so acquired until the new replacement bridge has been completed, to dismantle the older of the two existing bridges upon completion of the new replacement bridge, and to thereafter repair, reconstruct, maintain, and operate the two remaining bridges as toll bridges. There is hereby conferred upon the highway commission the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, reconstruction, or completion of any such bridges and for the operation and maintenance of any bridge and the approaches, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes by said State. The highway commission is further authorized to enter into agreements with the State of Illinois and any agency or subdivision thereof, and with any agency or subdivision of the State of Iowa, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision. The cost of acquiring the existing bridge structures, of completing the replacement bridge and of dismantling the bridge to be replaced and paying expenses incidental thereto as referred in subsection (a) of this section may be provided by the highway commission through the issuance of its revenue bonds pursuant to legislation enacted by the General Assembly of the State of Iowa, or through the use of any other funds available for the purpose, or both. The above-described toll bridge structures shall be repaired, reconstructed, maintained, and operated by the highway commission in accordance with the provisions of the General Bridge Act of 1946, approved August 2, 1946, and the location and plans for the replacement bridge shall be approved by the Secretary of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation of the State of Illinois. The rates and schedule of tolls for said bridges shall be charged and collected in accordance with said General Bridge Act of 1946 and applicable Iowa legislation and shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridges and approaches under economical manage-

ment, to provide a fund sufficient to pay the principal of and interest on such bonds as may be issued by the highway commission as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity, and to repay any money borrowed by any other means in connection with the acquisition, construction, reconstruction, completion, repair, operation, or maintenance of any of said bridge structures. All tolls and other revenues from said bridges are hereby pledged to such uses. No toll shall be charged officials or employees of the highway commission. nor shall any toll be charged officials of the United States while in the discharge of duties incident to their office or employment, nor shall any toll be charged members of the fire department or peace officers while engaged in the performance of their official duties. No obligation created pursuant to any provision of this section shall constitute an indebtedness of the United States.

(c) After all bonds or other obligations issued or indebtedness incurred by the highway commission or loans of funds for the account of said bridges and interest and premium, if any, have been paid, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the State of Iowa shall deliver deeds or other suitable instruments of conveyance of the interest of the State of Iowa in and to those parts lying within Illinois of said bridges to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same, and thereafter the bridges shall be properly repaired, reconstructed, maintained, and operated, free of tolls by the State of Iowa and by the State of Illinois, or any municipality or agency thereof, as may be agreed upon.

(d) The interstate bridge or bridges purchased, constructed, or completed under the authority of this section and the income derived therefrom shall, on and after the effective date of this section, be exempt from all Federal, State, municipal, and local property and income taxation.

(e) After all of the property, books, records, money, and other assets of the City of Clinton Bridge Commission have been conveyed and transferred to the State of Iowa as contemplated by this section, such commission shall cease to exist, without the necessity for any hearing, order, or other official action.

(f) The right to alter, amend, or repeal this section is hereby expressly reserved.

ROUTE 101 IN NEW HAMPSHIRE

SEC. 135. The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditures on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREEING INTERSTATE TOLL BRIDGES

SEC. 136. Section 129, title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1974, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1974, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 137. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than February 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a uniform system of tolls and best serve the public interest.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 138. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than January 1, 1975, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this section.

PARTICIPATION IN TOPICS AND FRINGE PARKING PROGRAMS

SEC. 139. In the administration of title 23 of the United States Code the Secretary of Transportation shall take such actions as he deems necessary to facilitate broad participation by the States in the urban area traffic operations improvement programs and projects for fringe and corridor parking facilities authorized by sections 135 and 137 of such title.

THREE SISTERS BRIDGE

SEC. 140. No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1–B2, and B2–B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia and as estimate section termini 02–03 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Arts Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court.

DISTRICT OF COLUMBIA

SEC. 141. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 142. (a) The Secretary of Transportation shall permit no further action on Interstate Route I–287 between Montille and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

INTERSTATE SYSTEM

SEC. 143. Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used in making modifications" and inserting in lieu thereof "there is hereby authorized such additional mileage for the Interstate System as may be required in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised." and inserting in lieu thereof the following: "the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92–29."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis,".

PUBLIC MASS TRANSPORTATION

SEC. 144. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall

include all urban areas. The evaluation shall include but not be limited to the following:

(1) Refining the public mass transportation needs contained in such report.

(2) Developing a program to accomplish the needs of each urban area for public mass transportation.

(3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.

(4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.

(5) Determining the operating and maintenance costs relating to the public mass transportation system.

(6) Determining and comparing fare structures of all public mass transportation systems.

(b) The Secretary shall, not later than January 31, 1974 report to Congress the results of this evaluation together with his recommendations for necessary legislation.

(c) There is hereby authorized not to exceed $75,000,000 to carry out this section.

FERRY OPERATIONS

SEC. 145. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, shall be inapplicable to any ferry operated solely between the States of Alaska and Washington.

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 146. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90–480 and 91–205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1972".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1974, and $360,000,000 for the fiscal year ending June 30, 1975.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $115,000,000 for the fiscal year ending June 30, 1974, and $115,000,000 for the fiscal year ending June 30, 1975.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $35,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, and June 30, 1975, not to exceed $10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings, $150,000,000 for the fiscal year ending June 30, 1974, and $225,000,000 for the fiscal year ending June 30, 1975. Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

(b) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

(2) one-third for projects on highways not included on any Federal-aid system.

(c) Funds made available in accordance with paragraph (1) of subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: "$225,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975,"; by striking out "out of the Highway Trust Fund," in the first sentence; and by inserting after the first sentence the following: "Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PAVEMENT-MAKING PROGRAM

SEC. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 149. Special pavement-marking program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special pavement-marking program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement-marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included in any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, out of the Highway Trust Fund, the sum of $100,000,000, to be available until expended. Such sums shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter. Such funds shall be apportioned on the same basis as is provided in paragraph (2) of section 104(b) of this title.

"(f) Funds apportioned to a State but not required by it for pavement-marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator.

"(g) Each State shall report to the Secretary in January 1975, and in each January thereafter for three years following completion within that State of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished since commencement of the program. The report shall include an analysis and evaluation with respect to the number, rate, and severity of accidents at improved locations, and the cost-benefit ratio of such improvements, comparing a period one year prior to completion of improvements to annual periods subsequent to completion of such improvements. The Secretary shall submit a report to Congress not later than June 30, 1975, and not later than June 30 of each year thereafter until completion of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished by the several States under this section."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"148. Special pavement-marking program."

PAVEMENT-MARKING RESEARCH AND DEMONSTRATION PROGRAM

SEC. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs with respect to the effectiveness of various types of pavement markings and related delineators under inclement weather and nighttime conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 207. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof,

and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

PROJECTS FOR HIGH HAZARD LOCATIONS (SPOT IMPROVEMENTS)

SEC. 208. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof (after the section added by section 2 of this Act) the following new section:

"§ 150. Projects for high hazard locations

"(a) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $100,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(b) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(c) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"150. Projects for high hazard locations.".

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 209. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 151. Program for the elimination of roadside obstacles

"(a) Each State shall conduct a survey of all expressways, major streets and highways, and through streets to identify roadside obstacles which may constitute a hazard to vehicles, and assign priorities and establish a schedule of projects for their correction. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, to the extent necessary, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $75,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 30 per centum of the cost thereof.

"(e) Commencing in 1974, the Secretary of Transportation shall report to Congress the progress made by the several States during the preceding calendar year in implementing improvements for the elimination of roadside obstacles. His report shall analyze and evaluate each State program, identify any State found not to be in substantial compliance with the schedule of improvements required by subsection (a), and contain recommendations for future implementation of the program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"151. Program for the elemination of roadside obstacles."

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 210. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media and other techniques for informing the public of means and methods for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation shall develop highway safety pilot television messages of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with State and local traffic safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on the traffic enforcement process, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purposes of carrying out this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 212. (a) The Secretary of Transportation shall make a thorough study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein. The Secretary shall report to the Congress his findings and recommendations not later than June 30, 1974.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

UNDERPASS DEMONSTRATION PROJECT

SEC. 213. (a) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

DEMONSTRATION PROJECT—RAIL-HIGHWAY CROSSINGS

SEC. 214. (a) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $36,000,000 to carry out subsections (a) and (b) of this section.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposal numbered DOT–FR–20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(e) Federal grants or payments for the purpose of subsection (d) of this section shall cover 70 per centum of the costs involved.

(f) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to subsection (d) of this section.

(g) For the purpose of carrying out subsections (d), (e), and (f) of this section, there is hereby authorized to be appropriated the sum of $2,500,000 out of the Highway Trust Fund, and not to exceed $9,500,000 out of any money in the Treasury not otherwise appropriated.

TITLE III

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 301. (a) Title 23, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 6—DISCRIMINATION ON THE BASIS OF SEX PROHIBITED

"Sec.

"601. Prohibition of discrimination on the basis of sex.

"§ 601. Prohibition of discrimination on the basis of sex

"No person 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 title or carried on under this title. This provision will 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."

(b) The analysis of chapters at the beginning of title 23, United States Code, is amended by adding at the end thereof the following:

"6. Discrimination on the basis of sex prohibited ---------- 601".

Attest:

Clerk.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16656) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3939

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the House insist upon its amendment to S. 3939, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. KLUCZYNSKI, WRIGHT, JONES of Alabama, HOWARD, HARSHA, CLEVELAND, and DON H. CLAUSEN.

GENERAL LEAVE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

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

There was no objection.

PERSONAL EXPLANATION ABOUT A LIVE PAIR

Mr. CRANE. Mr. Speaker, I had a live pair which I was unable to exercise with the gentleman from Illinois (Mr. PUCINSKI). Had he been present, he would have voted "yea." I voted "nay."

CONFERENCE REPORT ON S. 3755, AMENDING AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

Mr. DINGELL on behalf of Mr. STAGGERS, filed the following conference report and statement on the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1543)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, 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 to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Airport Development Acceleration Act of 1972".

SEC. 2. Section 11 (2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport,".

SEC. 3. (a) Section 14(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(a)) is amended—

(1) by striking out "1975" in paragraph (1) and inserting in lieu thereof "1973, and $312,500,000 for each of the fiscal years 1974 and 1975"; and

(2) by striking out "1975" in paragraph (2) and inserting in lieu thereof "1973, and $37,500,000 for each of the fiscal years 1974 and 1975".

(b) Section 14(b) of that Act (49 U.S.C. 1714(b)) is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,540,000,000"; and

(2) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,190,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,540,000,000 prior to June 30, 1975".

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for sponsors whose airports enplane not less than 1.00 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1.00 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."; and

(2) by adding at the end thereof the following new subsection:

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

SEC. 6. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom: *Provided, however,* That any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973.

"(b) Nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other

service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting, without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans,

the provisions of subsection (a) shall not apply to such authority until July 1, 1973.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

And the House agree to the same.

That the House recede from its amendment to the title of the Senate bill.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
JAMES HARVEY,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP A. HART,
NORRIS COTTON,
JAMES B. PEARSON,
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 House to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, 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 amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the Senate bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill. The committee of conference also recommends that the House recede from its amendment to the title of the Senate bill.

The differences between the text of the Senate bill, the House amendment thereto, and the substitute agreed to in conference are noted below.

Unless otherwise indicated, references to provisions of "existing law" contained in this joint statement refer to provisions of the Airport and Airway Development Act of 1970.

SHORT TITLE

Senate bill

The first section of the Senate bill provided that the legislation could be cited as the "Airport Development Acceleration Act of 1972".

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

STATE TAXATION OF AIR COMMERCE

Senate bill

Section 7 of the Senate bill provided for a permanent prohibition against the levy or collection of a tax or other charge on persons traveling in air commerce or on the carriage of persons so traveling or on the sale of air transportation or on the gross receipts derived therefrom by any State or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, territories or possessions of the United States or political agencies of two more States. There were two exemptions from this prohibition. First, any State which levied and collected such charges before May 21, 1970, would be exempt from the prohibition until July 1, 1973. Second, any airport operating authority which (1) has an outstanding obligation to repay money borrowed and expended for airport improvements, (2) has collected a head tax on air passengers, without carrier assistance, for the use of its facilities, and (3) has no authority to collect any other type of tax to repay the loan, would be exempt from the prohibition until July 1, 1973.

The Senate bill also provided that the prohibition would not extend to the levy or collection of other taxes, such as property taxes, net income taxes, franchise taxes, and sales or use taxes, nor to the levy or collection of other charges such as reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of aircraft facilities.

House amendment

The first section of the House amendment provided for an 18-month moratorium on the levy or collection of any tax, fee, or other charge on persons traveling in air transportation or on the carriage of persons in air transportation.

Section 2 of the House amendment provided for an investigation of fees and charges levied and collected by States on persons traveling in air transportation in order to determine the effect of such charges on air transportation in the United States. The investigation was to be conducted by the Civil Aeronautics Board, which was required to report the results of the investigation to the President and to the Congress, together with its recommendations, not later than twelve months after the date of enactment of this legislation.

The House amendment authorized an appropriation of $100,000 to carry out the investigation.

Conference substitute

The conference substitute is the same as the Senate bill.

ANNUAL AUTHORIZATIONS FOR AIRPORT DEVELOPMENT GRANTS

Senate bill

Section 3(a) of the Senate bill amended section 14(a) of existing law—

(1) to increase the minimum annual authorization for airport development grants to air carrier and reliever airports from $250 million per year to $375 million per year for each of the fiscal years 1974 and 1975; and

(2) to increase the minimum annual authorization for airport development grants to general aviation airports from $30 million per year to $45 million per year for each of the fiscal years 1974 and 1975.

House amendment

No provision.

Conference substitute

The conference substitute follows the Senate bill with the following changes:

The minimum annual authorization for grants to air carrier and reliever airports is increased from $250 million to $312.5 million for each of the fiscal years 1974 and 1975.

The minimum annual authorization for grants to general aviation airports is increased from $30 million to $37.5 million for each of the fiscal years 1974 and 1975.

OBLIGATIONAL AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS

Senate bill

Section 3(b) of the Senate bill amended section 14(b) of existing law to increase from $840 million to $1.68 billion the authority of the Secretary of Transportation to incur obligations to make airport development grants. This section of the Senate bill also extended from 1975 to 1978 the authority of the Secretary to liquidate obligations incurred before July 1, 1975, and provided that not more than $1.26 billion in such obligations could be liquidated before June 30, 1974, and not more than $1.68 billion in such obligations could be liquidated before June 30, 1975.

House amendment

No provision.

Conference substitute

The conference substitute follows the Senate bill with the following changes:

The authority of the Secretary to incur obligations is increased from $840 million to $1.54 billion.

There is no extension of authority to liquidate obligations after June 30, 1975.

The authority to liquidate obligations is limited to $1.19 billion before June 30, 1974, and to $1.54 billion before June 30, 1975.

U.S. SHARE OF PROJECT COSTS—IN GENERAL

Senate bill

Paragraph (1) of section 5 of the Senate bill amended section 17(a) of existing law to provide that the United States share of allowable project costs of any approved project shall be—

(1) 50 percent for sponsors at airports which enplane not less than one percent of the annual total of passengers enplaned by all certificated air carriers (large hubs); and

(2) 75 percent for sponsors at airports which enplane less than one percent of the annual total of passengers enplaned by all certificated air carriers (medium hubs, small hubs, non hubs, and general aviation airports).

Under existing law, the United States share may not exceed 50 percent, regardless of the passenger enplanements at the airport.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill except that the United States share may not exceed 50 percent for airports classified as large hubs and may not exceed 75 percent for smaller airports.

SAFETY CERTIFICATION AND SECURITY EQUIPMENT

Senate bill

Paragraph (2) of section 5 of the Senate bill added a new subsection (e) to section 17 of existing law to provide that the United States share of allowable project costs of an approved project shall be—

(1) 82 percent of that portion which represents the cost of safety equipment required for airport certification under section 612 of the Federal Aviation Act of 1958 and incurred under a grant agreement entered into after May 10, 1971; and

(2) 82 percent of that portion which represents the cost of security equipment required by rule or regulation of the Secretary of Transportation and incurred under a grant agreement entered into after September 28, 1971.

Under existing law, such costs would be governed by the general provision that the United States share *may not exceed* 50 percent.

Section 2 of the Senate bill also amended section 11(2) of existing law, relating to the definition of "airport development", to specify that required security equipment is a part of airport development.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill except that the United States share may not exceed 82 percent.

LAND FOR FUTURE AIRPORT DEVELOPMENT

Senate bill

The Senate bill contained amendments to section 17 of existing law (relating to the United States share of project costs) and to section 11(2) of existing law (relating to the definition of "airport development") to provide that the initial United States share of costs representing the cost of acquisition of land or any interest therein or any easement or other interest in airspace purchased after May 21, 1970, for future airport development would be 100 percent of the allowable cost thereof. The Senate bill further provided that the sponsor receiving such assistance must agree to reimburse the United States for all such land acquisition costs in excess of the allowable project costs, with interest, within a period to be determined by agreement between the Secretary of Transportation and the sponsor. Depending on the size of the airport, the allowable project costs would be up to 50 percent or up to 75 percent.

House amendment

No provision.

Conference substitute

The Senate receded and these provisions are omitted from the conference substitute.

TERMINAL FACILITIES

Senate bill

The Senate bill contained three provisions designed to make airport terminal facilities eligible for Federal financial assistance. These provisions amended section 11(2) of existing law (relating to the definition of "airport development"), section 17 (relating to United States share of project costs), and section 20(b) (relating to costs not allowed).

Under these provisions, airport development would include the construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport and the United States share was 50 percent of the allowable cost thereof.

Under existing law such facilities are not eligible for Federal financial assistance.

House amendment

No provision.

Conference substitute

The Senate receded and these provisions are omitted from the conference substitute.

APPROVAL OF PROJECT APPLICATIONS ON U.S.-OWNED AIRPORTS

Senate bill

Section 4 of the Senate bill amended the last sentence of section 16(c)(1) of existing law to permit the Secretary of Transportation to approve an airport development project submitted by a public agency (as defined in section 11(11) of existing law) if the United States or an agency thereof holds title to the landing area of the airport, or gives assurances that good title will be acquired. Presently, title to the landing area must be held or acquired by a public agency and, as defined in existing law, the term "public agency" does not include the United States or an agency thereof.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
JAMES HARVEY,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP A. HART,
NORRIS COTTON,
JAMES B. PEARSON,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 9463, IMPORTATION OF PRE-COLUMBIAN SCULPTURE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9463) to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture, murals and any fragrant or part thereof, exported contrary to the laws of the country of origin, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, BYRNES of Wisconsin, and BETTS.

TRANSFER OF VESSEL TO BOARD OF EDUCATION, CITY OF NEW YORK

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15735) to authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the city of New York for educational purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of title V, Merchant Marine Act of 1936 and section 11, Merchant Ship Sales Act of 1946, the Secretary of Commerce is hereby authorized to transfer, without reimbursement, the title and ownership of USNS *Twin Falls*, T–AGM 11, to the Board of Education of the City of New York for use as an educational facility. The vessel shall be delivered to the board at the place where the vessel is located on the effective date of this Act, in its present condition, without cost to the United States. While the vessel is owned by the Board of Education of the City of New York it shall be used solely for educational purposes, and such vessel shall not be used for operation or transportation purposes of any nature whatsoever. In the event that the United States should have need for the vessel, the Board of Education of the City of New York, on request of the Secretary of Commerce shall make the vessel available to the United States without cost. In the event the Board of Education of the City of New York no longer requires the vessel for the purposes of this Act, such vessel shall be conveyed back to the United States in as good condition as when received, except for ordinary wear and tear, to be be delivered by the Board of Education of the City of New York to the point of original delivery without any cost to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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 have asked for this time for the purpose of asking the distinguished whip on the majority side the program for the remainder of the week, if any, and the schedule for next week.

Mr. McFALL. Mr. Speaker, if the distinguished minority leader will yield, I will be happy to respond to his inquiry.

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

Mr. McFALL. There is no further legislative business today and after the announcement of the program for next week, I will ask unanimous consent to go over until Monday.

The program for the House of Representatives for the week of October 9th is as follows:

Monday is Columbus Day and there will be a pro forma session, with no legislative business.

I would like to announce also that due to the fact that the House will only have a pro forma session on Monday, the House restaurants and the bank, and the Sergeant at Arms office will be closed.

Tuesday and the balance of the week, the program is as follows:

House Resolution 1138, nongermane amendments;

House Resolution 1123, electronic voting;

H.R. 16810, debt limit increase, under a modified closed rule, with 4 hours of debate.

There are 14 unanimous-consent bills from the Committee on Ways and Means.

There will be the supplemental appropriations bill, 1973.

H.R. 14370, the conference report on revenue sharing.

Beginning on Tuesday and throughout the rest of the week, there will be a number of suspensions.

Mr. Speaker, I ask unanimous consent that the list of 44 suspensions be printed in the RECORD at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The list of suspensions is as follows:

1. H.R. 15965: D.C. Teachers' Pay.
2. H.R. 16724: D.C. Bus Acquisition.
3. H.R. 61732: Small Busines Investment Act Amendments.
4. H.R. 16563: Youth Conservation Corps.
5. H.R. 16444: Golden Gate National Urban Recreation Area.
6. S.J. Res. 247: Extend Copyright Protection.
7. H.R. 16924: Uniformed Services Pay.
8. H.R. 16925: Nuclear-Qualified Personnel Pay.
9. H.R. 16943: Transfer of Army and Navy Property for National Parks.
10. H.R. 8063: Economic Development of Indian Organization.
11. H.R. 6482: Strip Mining Reclamation.

12. H.R. 12006: Longshoremen's and Harbor Workers Compensation Act.
13. S. 3671: Amend Administrative Conference Act.
14. H.R. 8273: Immigration and Nationality Act Amendments (Sec. 301(b)).
15. H.R. 1536: Immigration and Nationality Act Amendments (Sec. 319).
16. H.R. 16755: Emergency Health Personnel Act.
17. S. 1478: Toxic Substances Control Act.
18. H.R. 16675: Comprehensive Alcohol Abuse and Alcoholism Prevention.
19. H.R. 7287: Prohibit Future Trading in Irish Potatoes.
20. H.R. 1612: Eligibility of ASC County Committee Members.
21. H.R. 15462: International Boundary and Water Commission Expenditures.
22. H.R. 15597: Additional Acquisition, Piscataway Park, Md.
23. H.R. 9859: Cumberland Island National Seashore, Georgia.
24. H.R. 8756: Hohokam Pima National Monument, Arizona.
25. H.R. 6067: Mississippi Sioux Indian Judgment.
26. H.R. 11449: Disclaims Interest, Antoine Lerous Grant.
27. H.R. 10751: To establish the Pennsylvania Avenue Bicentennial Development Corporation.
28. H.R. 15716: To establish Glen Canyon National Recreation Area, Arizona and Utah.
29. H.R. 15280: Increasing annual Appropriation Authorization for NACOA.
30. H.R. 15627: Oil Pollution Act Amendments of 1972.
31. H.R. 16074: Jellyfish Appropriation.
32. H.R. 14384: Commercial Fisheries Research and Development Act.
33. H.R. 14385: Fishermen's Protective Act of 1967.
34. H.R. 16793: Canadian Fishing Vessels.
35. H.R. 14740: Aircraft Loan Guarantees.
36. H.R. 15054: Facilitate the Payment of Transportation Charges.
37. H.R. 16676: Community Mental Health Centers Act.
38. H.R. 16883. Post-Secondary Education Commission.
39. S. 2700 Diplomatic Privileges for Commission of the European Communities.
40. H.R. 16946: Securities Processing Act.
41. H.R. 10295: Cargo Security.
42. H.R. 256: Thaddeus Kosciuszko Home National Historic Site.
43. H.R. 16554: Authorize Certain Feasibility Investigations.
44. H.R. 13396: Land Acquisition, Delaware National Recreation Area.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from California respond to one or two inquiries which I think will make the RECORD perhaps more complete and clarify certain scheduling situations?

As I understood, the gentleman from California said that on Columbus Day there would be a pro forma session and no bills would be taken up?

Mr. McFALL. That is correct.

Mr. GERALD R. FORD. On Tuesday and the balance of the week, we have a list of resolutions and bills.

Is it the intention of the leadership to program them in the sequence in which they are listed here?

Mr. McFALL. It is my understanding that on Tuesday we will have two resolutions from the Committee on Rules concerning the rules changes and also the debt limit bill.

Then the remainder of the schedule will be handled as rapidly as we are able to accomplish the business, as printed.

Mr. GERALD R. FORD. But the first three listed, the two resolutions from the Committee on Rules and the debt limit increase bill are programed for Tuesday.

Mr. McFALL. I might add in further reply that the supplemental appropriations bill will be taken up on Wednesday and the revenue sharing conference report will be taken up on Wednesday.

Mr. GERALD R. FORD. I thank the gentleman from California.

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

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

Mr. HALL. If House Resolution 1138 entitled "Non-Germane Amendments" is to be up as the first order of business on Tuesday, does that mean that finally we have everything settled with the other body and that we no longer are going to dance as puppets on the string of the majority leader of that other body? I understand he has had some rather serious objections to part of that, and there might even be a committee amendment involved, which I would hope in the wisdom of the House we would reject.

ADJOURNMENT OVER TO MONDAY, OCTOBER 9, 1972

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

PERSONAL EXPLANATION

Mr. DRINAN. Mr. Speaker, I was in the Chamber all day participating actively in the discussion on the Federal Aid Highway Act of 1972. At the moment of voting I was unavoidably detained because of serious business. Had I been present, I would have voted "yea" on H.R. 16656.

FIRST BAPTIST CHURCH— MANLIUS, N.Y.

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

Mr. HANLEY. Mr. Speaker, in his classic "Democracy in America" Alexis De Toqueville told of his journeys through our young nation in the early 1800's. He described the critical importance of associations or in modern terms special interest groups—that sense of participating in community which he found so integral a part of our national strength.

A prime example of one of these associations or, if you will, special interest groups was the small band of friends of John Baker, an elder of the Baptist Church in the tiny upstate New York village of Manlius in 1797.

Little more than a convenient crossroads in the vast Revolutionary War military tract of central New York, Manlius represented the northwestward frontier of white settlers at the time.

Gathering a group of friends sharing common religious beliefs, John Baker organized the First Baptist Church of Manlius, N.Y. in 1797. It may be assumed that this physical joining together helped the members endure the severe climate and hardship of earning a livelihood in that era by establishing a God-oriented association—a special interest group.

So dedicated were these first members that an offer to build a church structure was turned down because of fear that pride might be engendered according to the local records so they were prevailed upon to continue to use their temporary quarters in a schoolhouse for 30 years until a church was finally erected in 1827. The building still stands.

From this humble but hardy beginning the First Baptist Church of Manlius has today grown to a fine brick colonial complex of buildings in Manlius which participates in the dynamic ecumenical affairs of the area, by providing play area for preschoolers, meeting rooms for Boy and Girl Scouts as well as a general athletic program for area youngsters.

It seems that the analytical Mr. De Toqueville knew well of what he wrote in the early 19th century. The benefits of associations, particularly the one begun by Elder John Baker in 1797 are still being enjoyed by young Americans in 1972, the 175th Anniversary of Manlius' First Baptist Church.

THE WATERGATE BUGGING INCIDENT

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

Mr. GONZALEZ. Mr. Speaker, yesterday a judge of the U.S. District Court who is in charge of the case involving the Watergate bugging incident issued an order precluding anyone from making any statements concerning the Watergate bugging case. As the paper reporting this incident indicates, this would even apply to Senator McGOVERN, the Democratic candidate for the President of the United States.

Mr. Speaker, as a duly elected Member of the House of Representatives and as one who feels a deep commitment—as all Members of this body do—to the Constitution and the oath of office which we take each Congress, I must say that never in my life have I known of any action taken by a judge which does more to tear down the foundation of our democratic society than this action taken by this judge.

As a result of this judge's order, we might just as well renounce our oath of office which we had to take to become a Member of this esteemed body because none of us under this order, as I understand it, can either make statements concerning the issues which are completely foreign to or at best auxiliary to the Watergate case itself.

Nor can any individual make comments on or carry out an investigation that in any way might impinge on the so-called Watergate case.

The House Banking and Currency Committee, in my opinion, has a responsibility and an obligation to get to the

bottom of several aspects of the Watergate case which in no way impinges on the civil liberties of those defendants who have been charged with, among other things, breaking and entering the Democratic National Headquarters. This involves such matters as the use of foreign funds traveling through the banking system which may have been used as payments to individuals who, in turn, may have violated the law. It involves the use of funds which may have been used to secure speedy approval of a request for a bank charter.

Mr. Speaker, I cannot reiterate the importance of what I say. If this order issued by Judge Sirica is allowed to stand, we will witness the end of our democratic society.

HIGHWAY VERSUS TRANSIT HASSLE

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

Mr. DON H. CLAUSEN. Mr. Speaker, I realize that time for debate on the Federal-Aid Highway Act will be limited today, so I would like to take this early opportunity to comment on what I feel is the key issue of the many we will be discussing today.

What I mean is the highway versus transit hassle. Those who have the opportunity of hearing only the arguments of mass transit enthusiasts might conclude that the highway program had more money than it could, in good conscience, use and that those who opposed diversion to nonhighway purposes were part of some sort of conspiracy, hatched by a few selfish individuals and interests intent upon feathering their own nests. Many might even be lead to conclude that if only we could build enough subways, we could solve all the transportation problems of the Nation in short order—in rural areas and small communities where subways are not feasible as well as in big population centers.

Such arguments are, of course, fallacious. At the outset, I want to make it clear that I do not oppose the construction of mass transit facilities in the cities. But I do not think they should be built at the expense of highways. If they are, I very much fear that by the latter part of the decade we will be confronted with the biggest traffic jam in the Nation's history.

This is not to say that mass transit will not contribute to reducing somewhat our reliance on cars for certain types of trips. Hopefully it will. But if we keep building cars at the pace we are building them, and people keep buying cars at the pace they are buying them, and they keep driving them at the increasing rate they have been driving them, subways and other mass transit facilities will not help much.

In rural areas, where automobiles are the primary and perhaps sole means of transporting people from point to point, public mass transit will contribute little to alleviating transportation problems. And, if rural areas do not contain most of our people, they contain most of the miles of highways they travel.

Insofar as urban areas are concerned, public mass transit will certainly play an important role. But much of its contribution will be highway oriented bus transit. Certainly, this will be the case for all but the largest of our cities. As to them, those which already have subway systems have not succeeded in stopping people from making the personal choice of driving their cars to the city in the past. And, frankly, I doubt if they will in the future—no matter how much the cities improve their transit systems.

Nor will the construction of urban mass transit stop people from buying, or Detroit from building, more cars. Nor is the U.S. Government likely to reverse its policy of encouraging Detroit to build and people to buy more cars in order to help the economy grow.

What then will diversion accomplish? Will it, in any way, decrease Secretary Volpe's latest needs report conclusion that, by 1990, $600 billion in investment will be required to take care of the Nation's highway needs; that $300 billion of this sum will be required to meet essential highway needs? I think not. And mark this well: The roughly $125 billion in revenues expected to be generated by the highway trust fund will be grossly inadequate to fund the type of highway program that Secretary Volpe's report indicates has to be financed. If we divert substantial portions of that $125 billion to nonhighway purposes, we will surely end up creating the biggest rural-urban traffic snarl in the history of the Nation.

If this is true, if the highway program truly needs every dollar raised by the highway trust fund to sustain the highway program, is there a solution to our public transit dilemma?

I believe there is. If we abandon the idea of borrowing from Peter to pay Paul, I believe it will be possible to find ways and means of providing adequate support for both programs.

The trust fund has been eminently successful in enabling this country to sustain a continuing highway program for almost two decades. Why not apply the same proven approach to the cities? Why not establish an urban area transportation systems trust fund with the moneys generated pledged to alleviating the public mass transit crisis in our cities?

I find it hard to believe that rail transit systems serving the central business, financial and commercial sections of our major cities cannot generate reasonable fares. Nor can I believe that cities which profess to need such facilities cannot place levies on parking which would discourage commuting by car to cities while contributing to the support of such programs. Nor can I believe that metropolitan areas cannot place special taxes on the sale of fuels and other related commodities within their domains.

There may be some people who cannot pay the full fare charged by such systems. But that is a special problem—the kind which revenue sharing and other subsidy programs are designed to alleviate.

In sum, it is my firm conviction that to rape the highway trust fund would be nothing less than folly. It has served our purposes well. A companion urban area transportation system trust fund will do the same for our cities.

In this regard, I want to mention a most important provision of H.R. 16656. Section 143 directs the Secretary, in cooperation with the Governor of each State and appropriate local officials, to undertake an evaluation of the public mass transit section of the 1972 National Transportation Report submitted to the Congress by the Secretary of Transportation earlier this year. The objective of that report was to outline the requirements of all transportation modes to serve the Nation's highway needs by the year 1990. In assessing public mass transit, the report indicated that $63.45 billion would be needed to fulfill our needs.

The evaluation proposed in section 143 would cover all urban areas where mass transit problems exist. The purpose of the evaluation would be to:

First. Refine the Needs Report data.

Second. Develop programs to fully provide for those needs.

Third. Analyze existing and other funding capabilities of Federal, State, and local governments for meeting those needs.

Fourth. Determine operating and maintenance costs for such systems.

Fifth. Compare fare structures nationwide.

Not to exceed $75 billion is authorized to carry out section 143. With such funding, the evaluation should turn out to be the most probing and thorough study of public mass transit needs ever undertaken. When completed and submitted in January 1974, it should provide the Congress with the knowledge and the information necessary for legislating wisely in this area—and we must legislate wisely if we are to alleviate the transportation crisis in our cities.

I believe that section 143 is a most important provision. There has been little attention given to the likelihood of seriously diminishing the yield of revenues available to the highway trust fund if the diversion effort is successful. The highway trust fund is an investment in our economy and converting a portion of it to mass transit would reduce its income and harm both modes of transportation.

Implementation of section 143 will throw some much-needed light on a subject to which much attention, but very little study has been given.

I want to read a copy of my recommendations to the Republican platform in Miami; a telegram from the State of California on the highway bill and a telegram from Allen Grant expressing the California Farm Bureau's opposition to diversion of trust fund receipts for other than highway related transportation purposes.

My recommendation is as follows:

The United States and our Federal system of states, cities and counties must have a coordinated, integrated and balanced transportation system if we, as a Nation, are to enjoy the benefits of the economic growth potentials and improved quality of life for all Americans—whether they live in urban or rural America.

In order to accomplish this, a *positive*

and balanced method of finance must be advanced and implemented by the Executive and the Congress—in cooperation with state and local governments, as well as the private sector.

With President Eisenhower and the Congress working together, the Highway Trust Fund made possible the Interstate and Federal-Aid Highway System.

With President Nixon and the Congress cooperating, the Airport-Airways Trust Fund was established to move toward improving our airport-airways facilities on a systems approach.

Now, the time has come to advance the third trust fund concept—The Urban Transportation System Trust Fund—to fill the missing link in our "finance vehicles" that will permit our public and private transportation and traffic engineering experts to advance the best coordinated, integrated and balanced transportation systems that modern engineering and technology can provide, with emphasis on efficiency, safety, convenience and economy.

The Department of Transportation, in concert with urban areas, must inventory the total needs and estimated cost of Urban Transportation System requirements and present this information to the proper committees of the Congress for appropriate action.

The Ways and Means and Finance Committees of the Congress, in cooperation with the Administration, should hold hearings, develop the record, and advance the best ways and means of financing this Urban Area Transportation System Trust Fund.

The integrity of the established trust funds and their committed purposes, as enacted by Congress, must be preserved.

Once the three trust funds are established, the individual and the communities can then select and support the mode of transportation they feel best meets their respective needs. Further, it will permit the professional transportation and traffic engineers of all modes to accelerate and implement the best coordinated, integrated and balanced total transportation system in the world.

The Republican party will continue to provide innovative leadership and positive results in the continued development and utilization of all transportation modes—automobile, bus, truck, train, public and private transit, barge, ship and aircraft. We will support adequate funding and positive methods of finance to guarantee progress toward relief of congestion, more flexibility and efficiency in meeting the special needs of our increasingly mobile population of all age groups, with special emphasis on the handicapped and elderly.

Our ultimate objective is to provide a more efficient, safe and functional transportation system that includes all modes that will improve the movement of goods, people and services and the quality of life for all Americans.

A more balanced method of finance will lead to a more balanced transportation system, which in turn, can provide a more balanced population pattern throughout the United States.

SACRAMENTO, CALIF.

Subject: 1972 Federal Highway Act.
Hon. DON H. CLAUSEN,
U.S. Representative,
Capitol Hill, D.C.

GENTLEMEN: It is understood that H.R. 16656 will be considered on the floor of the House of Representatives this Thursday, October 5. We would like to summarize our concerns regarding the developments in the House and Senate versions of the 1972 Highway Act, including S. 3939, H.R. 16656, and other transportation proposals under consideration. We have followed closely the development of this legislation, sought counsel at all levels, and listened to the arguments. We find no evidence or reason to change our position.

California has consistently expressed concern with those proposals which identify new program areas at the delay and expense of completion of the Interstate Highway System. We strongly urge that the $4 billion level of apportionment for this program be continued, and that those funds which have been held back in the past and accumulated in the highway trust fund be released. California is also concerned that new State and local transportation financing programs are being proposed to be implemented in advance of having been tested as to their need and viability. It is premature to adopt any program on the basis of findings in the 1972 needs study in advance of the completion of the 1974 study. The 1974 study will be more closely tied to the completion of regional transportation plans throughout this State and would more accurately serve as the basis for identifying future programing needs. This is surely the only rational way in which we can effectively allocate resources. We oppose any measure which would pass funds for any new program directly through State government to local agencies. Because the State is in a position to bring together local, regional, and statewide interest, the State is in a best position to coordinate a unified programing approach. Federal pass-through provisions seriously cripple a State's ability to perform this important role at the extreme detriment to the overall transportation program. We strongly urge that you consider the pending legislation in light of these three important principles.

Respectfully,

FRANK J. WALTON,
Secretary of Business and Transportation.

BERKELEY CALIF.

Hon. DON H. CLAUSEN,
U.S. Congress,
House Office Building,
Washington, D.C.:

Sincerely urge you oppose use of highway trust funds for bus and rail mass transit systems. Urge you support H.R. 16656 as reported.

ALLEN GRANT,
President, California
Farm Bureau Federation.

A COLUMBUS DAY TRIBUTE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, Columbus Day is more significant in this era than ever before. The reason is clear—that today, as in the lifetime of Columbus, the minds of men are groping for new concepts, new vistas, new horizons.

When, in 1492, Columbus probed the mysteries of the Western Ocean, he may well have acted with a sense of hope extending far beyond the economic goals involved. Columbus was, after all, a man of considerable political ability, acquainted with kings and queens, and governmental leaders of every kind. As such, he recognized the true condition of Europe in those dreadful and distressing times. The Ottoman Turks had just destroyed the last vestige of the Byzantine Empire, overrun the Balkans, and jeopardized the fate of Austria. Emperor Frederick III had been driven from his Austrian lands by the Hungarians and was by this time in retirement. In England, the War of the Roses had rent the heart of the nation, and the houses of Lancaster and York were in shambles. Such were political conditions when Christopher Columbus set sail for the New World for the first time. Is it too much to assume that, as a man of political sensitivity, he hoped to ease the troubles of the Old World as much as seek the riches of the New?

What Columbus did accomplish, of course, was to change the fate of every human being then living and of billions yet unborn. It was the skill, effort and vision of Columbus that eventually brought to the world's scene the Land of Liberty—the great American colossus of the West. In this respect, the spirit of Columbus lived on and our American heritage has been greatly enriched by the cultures, backgrounds, and traditions of the multitude of immigrants who followed Columbus westward.

The millions of Columbus' countrymen who have emigrated to our Nation have made substantial contributions to our national culture in every field and I am proud that many of these Italian Americans reside in my congressional district and in the Buffalo, N.Y., area.

On the occasion of this Columbus Day, I would like to pay tribute to these creative and hardworking Italian Americans.

Mr. Speaker, the Buffalo Commission on Human Relations has published a booklet which tells the story of the city's nationality and racial groups. In honor of the many Italian Americans who reside in my district, I would like to include at this time, the section from this fine booklet which describes the history and numerous accomplishments of the people from my area who are of Italian heritage:

PIONEERS OF BUFFALO—ITS GROWTH AND DEVELOPMENT

(By Stephen Gredel)

ON BEHALF OF THE PEOPLE OF BUFFALO

THE ITALIANS

A new labor force for industry and especially railroad construction was found among the Italians who swarmed into Buffalo next. Living in a small waterfront settlement at first, they soon extended their area as far as Front Park and Niagara Street on the north and Eagle and Chicago Streets on the east.

There were some Italians connected with the early history of the area—Father Francis J. Bressani; Henry de Tonty, called "Tonty of the Iron Hand," and Paul Busti, general agent for the Holland Land Company living in Philadelphia—but these men were not settlers.

Luigi Chiesa is generally recognized as the first Italian pioneer settler of Buffalo. He sold rat traps and bird cages and established his business at the corner of Elm and Batavia Streets in the 1850's. He Americanized his name to Louis Church, and his daughter, Maria, married John Roffo, son of another prominent early Italian family in the city. John Roffo opened a grocery store on the waterfront where Dante Place is now and also built a block of houses, called Roffo's Block, on Erie Street for incoming Italians. Dominico Bozze arrived here about the same time that Chiesa did and bought the Old Revere House in 1860. Four years later he renamed it Waverly House. He introduced billiards to the city and kept a saloon.

Other Italian settlers of that early period also influenced the formation of the Italian community. They were Giovanni Bierone, Antonio Pellegrini, Augustus and Philip Dene-

gri, Vitale Bottani, Giovanni Carraccioli, the Oishei and Pieri brothers. With employment hard to find, many of them moved to the Dante Place section where the rents were cheapest and where they could live at minimum cost. For years the members of the Italian community clustered around the corner of Genesee and Elm Streets; gradually they moved to Canal Street, and that area became the business center of the colony for many years.

One of the most prominent of the early Italian settlers was Louis Onetto who came in 1868. He opened an ice cream shop, later started an ice cream factory using a steam process, and built an ice house. He established a wholesale fruit business and introduced the first peanut and popcorn fritters to the city. In 1890, he started the first Italian macaroni factory in Buffalo. During the 400th anniversary of the discovery of America, he played the role of Columbus in the parade. He helped to establish the first Italian language newspaper, *Il Corriere Italiano*, and to build the first Italian Roman Catholic Church in Buffalo, St. Anthony of Padua. He died in 1943 at the age of 93. His businesses are still thriving. Louis Onetto was known here as the "King of Peanuts and Macaroni" and was truly recognized as "Patriarch of the Italian colony."

Economic restrictions in Italy were largely responsible for the Italian immigration to this country. Most of the early immigrants came from the northern provinces of Italy as political refugees, but they were followed later by large numbers who came from the rural areas of southern Italy and Sicily. In the 1890's a large group of Italians from northern Italy arrived, and the state census of 1892 shows that there were about 2,500 Italians in Buffalo that year. As they moved in they congregated in the 1st, 3rd, 19th and 20th wards, and these wards became predominantly Italian. Today, their descendants have begun to disperse throughout the city and are being assimilated.

As with the Polish people who settled on the east side and had difficulties with the Germans, so was it also with the Italians. Life was not easy for them as they moved into an area that for decades had been an Irish stronghold. Oldtimers recall how Italians fought the Irish with empty bottles, bricks and fists. In time, however, Irish were forced to make way for the large numbers of thrifty Italians who were buying land and building homes.

Typical of the turbulence of the period was the battling among boys. Once the Irish and German boys had a monopoly in the newsboy and shoeshining businesses on Main Street. When an Italian boy was caught working there he would be driven from the streets, but gradually around the turn of the century, this monopoly weakened. Those who once fought on the waterfront streets became ward leaders and policemen. Boys who fought viciously at the drop of a hat, grew into men intent on dominating the political life of the city.

The Italians, mostly of Republican leaning in politics, proved themselves thrifty, industrious citizens and ardent patriots. Many had an ear for music and sound which may have helped them to learn English more easily. Second generation Italians are often indistinguishable from the general citizenry except for their names. In 1910 Buffalo had 11,379 Italians; in 1930 the number of foreign born Italians had reached an all-time high of 19,471. The 1950 census shows that the number of foreign-born has begun to decrease, with only 14,696 Italians being listed.

When their numbers increased, their settlement expanded "out in the wilderness" to Ferry, Winchester, Fillmore, Sidway, Delavan and later to Humboldt Parkway. After the turn of the century a small Italian colony developed on Roma Avenue. By 1920, two-thirds of the Italians of Buffalo lived on the west side along the waterfront in the Niagara District and had displaced the previous residents of that area.

Knowing a great deal about fruit in their native country, it was natural for Italians to engage in fruit-handling and peddling here and in areas outside the city. They owned numerous saloons and restaurants specializing in their style of cooking. Today, Italian food is part of the diet of other ethnic groups as well. In time, Italians entered the professions and other businesses. They may now be found as architects, contractors, barbers, importers, bankers, doctors, merchants or in any of a variety of other occupations.

They organized many religious and mutual aid societies. In 1922 there were about fifty such organizations with Italian connections. Buffalo had twenty-three lawyers and thirty-five physicians of Italian origin by 1922. One of the most prominent was Dr. Charles Borzilleri, an active member of numerous professional societies and a recognized leader in the local Republican organization. Today you will find many office holders of Italian heritage among those in political service of the city and state level affiliated with both major parties.

Italians first published their weekly newspaper, *Il Corriere Italiano*, in 1898 and for many years Ferdinando Magnani was its editor. As the number of foreign-born Italians decreased, publication ceased by 1950. Buffalo elected its first mayor of Italian origin in 1958, Frank A. Sedita, a Democrat, and he was reelected in 1965 which shows locally their increasing political influence.

GEORGE McGOVERN HAS FLUNKED THE TEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 60 minutes.

Mr. CRANE. Mr. Speaker, Senator McGOVERN is going to do for Vietnam what he has already done for welfare. He is going to give us another "plan." For those of us who have followed him back and forth, to and from the drawing board on so many other issues, the Senator's new Vietnam plan should be interesting, as long as it lasts.

But if it is anything like all of the other plans he has given us, it is not going to last very long. Within a few weeks it will probably have changed beyond recognition.

For one thing is certain about GEORGE McGOVERN. What he is a thousand percent behind today, he is usually a thousand percent against tomorrow. It is the only reliable thing about him as a Presidential candidate.

He has already twisted and shifted on Vietnam many times. For instance, GEORGE McGOVERN says he was "right from the start," and yet, at the start, he loudly applauded the Kennedy-Johnson policy of escalation that transformed Vietnam into a ground war for hundreds of thousands of American soldiers.

GEORGE McGOVERN says he was "right from the start," but he voted for the Gulf of Tonkin Resolution that sent us down the road to war.

GEORGE McGOVERN says he was "right from the start" but in 1965 he said, and I quote, that:

> North Vietnam cannot benefit any more than South Vietnam, from a protracted conflict. I would hope we would be prepared to wage such a conflict rather than to surrender the area to communism.

GEORGE McGOVERN says he was "right from the start" on Vietnam, but in 1967 he said:

> I have never advocated that we surrender or withdraw from Vietnam until we can negotiate an honorable end to the fighting. That is why I have voted for all the military appropriations for the war.

GEORGE McGOVERN has condemned our country—and compared us to Nazi Germany and President Nixon to Adolf Hitler—for using American air power to strike at enemy military sites. Yet it was GEORGE McGOVERN, the man who says he was "right from the start," who applauded President Johnson's decision to bomb North Vietnam, and who said in 1965:

> President Johnson has conducted our military effort there with restraint and prudence that entitles him to the confidence of the American people and the respect of the world.

It was GEORGE "right-from-the-start" McGOVERN who said of the original Johnson decision to bomb the North that:

> The carefully selected retaliatory air strikes in North Vietnam which he ordered can be justified.

GEORGE McGOVERN went on record in 1965 calling President Lyndon Johnson a "man of peace—not a warhawk."

GEORGE McGOVERN went on record this year calling President Nixon, who has successfully withdrawn half a million Americans President Johnson sent to fight in Vietnam, another Adolf Hitler.

Where is the consistency; where is the logic; where is the basic truth and decency in this kind of hateful, two-face rhetoric?

And can the American people trust the actions of a man who cannot even talk with fairness or consistency?

In 1967 GEORGE McGOVERN said:

> I am not now, nor have I ever been, an advocate of unilateral withdrawal of our troops from Vietnam. I have voted for all the appropriations supporting our men.

NOW GEORGE McGOVERN says that we should surrender—that we should pull out not only our combat troops, which President Nixon has managed to do without surrender, but all forms of support, and let the Communists have a free hand with the military and civilian population of South Vietnam.

"Begging is better than bombing," Senator McGOVERN has told us, and we can probably expect more begging than ever in his newest plan for Vietnam.

But we cannot even be sure of that. For what GEORGE McGOVERN said yesterday seldom has any bearing on what GEORGE McGOVERN will say today or tomorrow.

The man means well—he really is a sincere, dedicated person. But he has proven that he just does not have what it takes to make the right decisions. He cannot make up his mind; he does not really know where he stands, or why.

In Miami, during the Democratic Convention, he reversed himself on Vietnam twice during the same 24-hour period. That has to be a record, even for GEORGE McGOVERN.

First he made a statement breaking away from his old position that as President he would withdraw all American

forces from Southeast Asia within 90 days. He said that he would keep a residual force in Thailand and maintain a naval presence in the area.

Then, when he was confronted by an angry band of his hippy followers in the lobby of the Doral Hotel, he reversed himself again, and declared that he would pull out everything, regardless of the impact this would have on Southeast Asia.

The hippies gave him a big hand. He told them what they wanted to hear.

But I wonder how those of our friends around the world in Europe, Israel, and the Far East felt when they saw how little it takes to make GEORGE MCGOVERN abandon his commitments and reverse his course?

And I wonder how most Americans felt when they saw this, and again, when they saw him abandon TOM EAGLETON after promising to support him "1,000 percent," and again when he jumped from one welfare proposal to another, abandoning each plan as fast as his staff could throw together a new one?

Leadership—especially leadership at the top, in the White House—takes many things. But above all, it requires the ability to decide, the ability to make the right decision, and the courage to implement the right decision; even if that means risking your own popularity.

President Nixon has proven that he has both the ability and the courage to do this. GEORGE MCGOVERN has flunked the test on both counts, and his latest Vietnam "plan" is just another example of his inability to come up with serious, permanent solutions to pressing national problems.

Mr. DERWINSKI. Mr. Speaker, Senator MCGOVERN's attempts to grapple with the complexities of foreign affairs are always faintly embarrassing, to him, and often damaging to the United States.

His latest efforts have led to the recruitment of Abram Chayes, who has promptly informed our adversaries in Hanoi of Senator MCGOVERN's willingness to do whatever they tell him to do.

This particular aspect of America's prospective foreign policy—commonly known as McGroveling—is obviously congenial to Mr. Chayes. He not only advocates completely selling out our allies in Vietnam, but our other allies in Southeast Asia as well. After assuring a reporter in a recent interview of his willingness to turn South Vietnam over to the Communists, he was asked:

What if Hanoi then insists that we must dump Lon Nol in Cambodia and Souvanna Phouma in Laos . . .?

Mr. Chayes' forthright reply was:

I don't think Hanoi will want Communist regimes in Cambodia and Laos, at least not right away. But if it does, then we'll have to dump Lon Nol in Cambodia and Souvanna Phouma in Laos.

Small wonder that Mr. MCGOVERN won the early endorsement of radio Hanoi.

In the past Senator MCGOVERN has been caught in the unhappy position of not knowing exactly what his staff was up to—or even generally what they were up to. At one point, he even professed to be "furious" at them. I call upon the Senator to tell us if he knows what Professor Chayes has professed in the name of MCGOVERN and if he agrees with the Chayes positions and where, if all else be true, Senator MCGOVERN would draw the line in selling out our allies.

Mr. THOMPSON of Georgia. Mr. Speaker, one of the great things about President Nixon's campaign for the Presidency 4 years ago was his absolute refusal to say or do anything that would hamper the search for peace by the incumbent administration. There were many opportunities to score political points on the war during that campaign. But Richard Nixon resolutely refrained from using these opportunities if that meant dividing America, or slowing our progress toward peace.

Unfortunately, this same sort of restraint by the opposition candidate has not been evident in the 1972 campaign.

The opposition candidate has refused to accept briefings at the White House. But he has encouraged his agents to conduct independent talks with Hanoi. And it is little wonder, therefore, that his campaign line often parallels that of Hanoi's propaganda machine and that the North Vietnamese have tried to involve themselves in our election to an unprecedented degree.

Look what they are doing with our prisoners of war. They dangle them like bait before the world, milking them for every propaganda plus. But that is not all. Not only do they use the POW's to build up their own position with world opinion, they are also using them to promote the McGovern position with American opinion.

The North Vietnamese have been trying to affect our election in other ways as well. From their newspapers and radio come daily pro-McGovern statements. Just the other day, the editor of Hanoi's Communist Party newspaper told a group of visitors, and I quote from one of their reports, that:

The ideal political scenario for the North Vietnamese—would have Nixon defeated.

I believe this is a terribly dangerous development. For if the American people tolerate foreign interference on behalf of one candidate in the Presidential election of 1972, this could open the floodgates to foreign involvement in American elections for many years to come.

This pattern is all the more dangerous because the foreign government involved is one with which we are at war. Unable to achieve their objectives by force on the field of battle, they now try to achieve them by distorting an American election.

I hope and trust the American people will realize this danger—and resist it. And I would also hope that responsible leaders from both parties will speak out loud and clear against this attempted interference. Other governments, even though they were our adversaries, have refrained from such behavior in the past. All of us, whatever our opinions on particular political matters, must let Hanoi know that we will not tolerate their efforts to meddle with our democratic process.

Mr. SPENCE. Mr. Speaker, I wonder if any of us present have ever heard these words: "I have never advocated surrender or withdrawal from Vietnam until we can negotiate an honorable end to the fighting."

Well, many people have said things like that—over the years. The polls show us that a majority of Americans say this now. But those exact words—as I just read them—were spoken by Senator GEORGE MCGOVERN 5 years ago—and he was right.

He was right, too, a little later when he declared:

I am not now nor have I ever been an advocate of unilateral withdrawal of our troops from Vietnam.

And he was right when he said quite unequivocably:

We cannot run out unilaterally on our commitment to the Government of Saigon.

Unfortunately, however, Senator MCGOVERN has completely reversed himself on all these key points. And that is why he is so wrong today.

He is wrong because he ignores what would happen if we were to unilaterally withdraw.

He ignores the blood bath that would surely follow, as it has followed North Vietnamese victories before.

He ignores the fact that North Vietnam has brutally invaded the South, belying his claims that this is some sort of civil war.

He ignores the fact that unilateral withdrawal would leave us with no leverage for gaining the release of our prisoners of war. In a sense he confesses this point when he says that he would "go to Hanoi and beg" as a way of getting the prisoners home.

And Senator MCGOVERN also ignores the terrible impact on our whole foreign policy of reneging on our promises in Vietnam.

Over the years we have built up 42 alliances with nations all over the world. President after President, Senator after Senator, Cabinet after Cabinet, from both parties have agreed that these alliances are vital to the well-being of the United States.

But what is our alliance after all? Like friendship between individuals, alliances between nations are relationships of trust. They are built up over time as one nation learns to rely on another nation's word.

It is easy to keep your word in fair weather. Character is not really tested until the chips are down. But if, when the chips are down, we completely renege on those who have bet their lives on us, well then, how can we expect any nation anywhere to respect our word again?

And the fact is that millions of human beings have bet their lives on us—not just in Vietnam but in Cambodia, Laos, and Thailand. Yet Senator MCGOVERN would have us blithely abandon these commitments and not give them another thought.

How can Senator MCGOVERN suggest this course? He clearly thought the better of it 5 years ago.

The answer is that he does not value our world role or our international alliances. He honestly thinks we can retreat and live by ourselves.

He would withdraw 170,000 American troops from NATO—whether the Communists match these withdrawals or not. He would abandon our commitments to Korea; he would weaken our commitments to our SEATO and ANZUS pacts. He would cut our military spending by $32 billion, an amount which even Senator PROXMIRE calls "excessive."

The New York Times has described his attitude as one of "weariness with—challenge and commitment" and that seems to be the case.

I believe, however, that the American people are more resilient than the Senator. I know for example, that they are excited by the new possibilities in our dealings with China and Russia. They appreciate the exciting new possibilities for world trade. They know that we need our allies if we are to be safe and healthy. They know we cannot go it alone.

And so—whatever their views on Vietnam—they are not ready to say, "America come home." For if America comes home from its involvement in the world community, if we come home in defeat with our tail between our legs, then we will have reached a sad turning point in the great American adventure.

Senator MCGOVERN was right when he recognized these truths 5 years ago. President Nixon is right when he recognizes them today.

Mr. KING. Mr. Speaker, MCGOVERN's credibility is suspect. He rubber-stamped early escalation of the war, voted for Gulf of Tonkin Resolution and supported Johnson's initial decision to bomb the North. He only "discovered" the morality issue after President Nixon took office. This is the politics of opportunism, not the politics of principle.

If GEORGE MCGOVERN is so appalled by the loss of life and the violence in Vietnam, why has not he forcefully denounced the North's outright military invasion of the South? Does he believe in a moral double standard—one which says that America and her allies can do no right, and that Vietcong terrorists and North Vietnamese invaders can do no wrong?

Senator MCGOVERN has said that "begging is better than bombing." If the Communists still refuse to release our prisoners after he has begged all he can, what will he do then—abandon them?

Which GEORGE MCGOVERN do we believe—the MCGOVERN of yesterday, today or tomorrow? A speech could be built around his changes in position on Vietnam—and the likelihood that a man who has changed so many times in the past will change again and cannot be trusted.

What happens to our friends in Israel, Western Europe and elsewhere in the world if a MCGOVERN administration ignores its treaty commitments to countries like Thailand? How will we be able to negotiate with either friends or foes once we establish ourselves as international word breakers?

We all want peace but peace with honor. And not by surrender. We cannot in good conscience abandon our friends. President Nixon has done everything humanely possible to bring peace but the divisiveness of our people caused by our politicians and their speeches has strengthened the resistance of Hanoi to negotiate.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order.

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

There was no objection.

VOTING RECORD OF REPRESENTATIVE WILLIAMS HONORED

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, on September 25, 1972, with my help the Congress approved the interim agreement between the United States and the Soviet Union to limit strategic nuclear arms. This will allow the second round of the strategic arms limitation talks—SALT—to resume in the near future. The congressionally passed agreement requests the President to seek equal weapons systems in any future agreements with the Soviets.

A White House spokesman said the President was extremely pleased with the congressional action. The overwhelming vote in both Houses is a gratifying expression of support for these historic arms limitation agreements, and a hopeful milestone in our continuing effort to achieve further progress in strategic arms limitation. This is the first major step in effectively stopping the arms race. A halt to the arms race will mean more money to develop human resources and will eventually allow the reduction of taxes to the individual taxpayer.

The agreement freezes the United States and Soviet missiles at present levels. This gives the Russians a numerical superiority in ICBM's and missile submarines during the interim period. The United States is ahead in multiple nuclear warheads, as well as long-range bombers, which are not limited.

President Nixon has signed into law a flood relief bill I cosponsored. This bill was introduced after observing the severe damage and suffering caused by the flooding in Delaware County in the fall of 1971, and by Agnes in 1972. It automatically reduces the interest of loans made following disasters in calendar year 1971 from 5⅛ to 3 percent. Those people who took out disaster recovery loans for less than the full amount of their flood damages can now go back to the Small Business Administration and increase their loan to cover the total amount of the damages.

PENDING BUSINESS

The 92d Congress is working hard to finish all pending business by October 14, 1972. A number of important bills must still be acted upon along with a number of conference reports to be considered after the conferees work out the differences in the House and Senate versions of the bills.

Several important appropriations bills remain to be completed such as Defense, foreign assistance and a final supplemental. Not yet resolved are the welfare-social security program and the consumer bill before the Senate. If we do not manage to get the important legislation finished by October 14, we will come back into session after the election to complete action on such legislation. My next Washington report will include a summary of major legislation enacted during the second session of the 92d Congress.

HOUSE CONDEMNS RANSOM

With my help the House condemned ransom for Soviet Jews in the form of exit visas costing up to $35,000. This moral outcry was included in a House amendment to the foreign aid appropriations bill which provided that none of the money in the bill could be used to aid or promote trade with or investment in nations that charge more than $50 for an exist visa.

Such official outcry may force the Soviets to cancel this tax which they claim is based solely on education. In fact, it is a poorly disguised ransome on Jews wishing to emigrate to Israel.

We must not consider new Soviet trade agreements until this tax is canceled. I have joined a number of other Congressmen in this proposal, and it is gaining strength day by day. As a nation, we cannot consider trade in goods and commodities with another nation that trades in human lives.

ENVIRONMENTAL AND EDUCATIONAL RECORD

I have introduced, cosponsored, or voted for a number of highly important environmental bills. Among these bills are: Clean Air Act Appropriations for Research; Clean Air Act Amendments; Vehicle Air Pollution Control Device Act; Federal Water Pollution Control Act of 1971; Noise Control Act of 1971; Accelerated Reforestation of National Forests Act; Environmental Protection and Enhancement Act; Tinicum National Environmental Center Act; Federal Environmental Pesticide Control Act; Aircraft Noise Control Amendment to the Federal Aviation Act.

We must remember that it has taken years to reach today's pollution levels. We will end pollution, but we will need time. The Congress is providing funds for research to find ways to reduce and eliminate environmental pollution and these programs will ultimately succeed.

Important educational bills receiving my strong support were: Higher Education Act; Manpower Development and Training Act; Equal Educational Opportunities Act of 1972; Juvenile Delinquency Prevention Act; Federal Grants to Assist Elementary and Secondary Schools bill.

CONSUMER PROTECTION

Being a strong advocate of Federal consumer protection, my support aided the Consumer Protection Act of 1971 which passed the House of Representatives. It is currently pending before the Senate. This act will establish a Federal Consumer Protection Agency which will

act as a consumer advocate to protect the rights of every consumer in this Nation.

On September 20, 1972, my vote helped pass H.R. 15003, the Consumer Product Safety Act. This legislation is aimed at reducing the nearly 20 million injuries and 30,000 deaths suffered by Americans each year in home accidents. The bill will create strong, new Federal standards of required product safety for items sold in interstate commerce.

I serve as a member of the National Commission on Consumer Finance which, for over 2 years, has been conducting a comprehensive study of the field of consumer credit. It will serve as a guide to consumers on available sources of credit, and will measure the effectiveness of supervisory and regulatory agencies. It will, undoubtedly, become the basis for new consumer protection legislation on both State and National levels.

VOTING RECORD HONORED

My national security voting record has been rated 100 percent by the American Security Council. This is a high honor because the council compared the voting record of every Member of the Congress on national security issues with majority public opinion. To determine public opinion in this field, the American Security Council retained the Opinion Research Corp., to conduct a study called "Public Attitudes on National Defense." Separately, the American Security Council conducted a mail poll on these and additional issues with 151,786 opinion leaders participating.

For the third consecutive Congress, I have received the prestigious "Watchdog of the Treasury" award in honor of my economy voting record. This economy award was received from the National Associated Businessmen. Mr. H. Vernon Scott, president of the NAB, told me, "Your outstanding economy voting record indicates to your constituents and to our membership that you have a keen awareness of the need for fiscal responsibility.

"As you know so well, inflation contributes to a higher cost of living which touches all of us. Your votes for economy in government merit the appreciation of each of your constituents."

My promise to the people of the Seventh District has always been to represent fiscal responsibility in the Congress. Inflation is a secret thief which steals earning power from each of us. We must be willing to fight inflation on the Federal level by supporting only those programs which are economically sound. Until we do, we will always be victimized by high inflationary rates.

THE NON-COMMUNIST FLAG SHIP ARRIVALS IN NORTH VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, periodically I have reported to the House and to the American people on an aspect of the war in Vietnam which too often in the past failed to receive all the attention it deserved. I refer to the commerce of merchant vessels under the registry of non-Communist nations in North Vietnamese ports. In 1968, for example, this free world flag traffic reached 148 arrivals. By 1971 this trade had been cut back, through diplomatic efforts by the Nixon administration, to 63 such arrivals, with the number of countries involved dropping from 9 to 2. During the first 4 months of this year these arrivals amounted to 33, with 20 flying the flag of the United Kingdom and 13 that of the Republic of Somalia. Since the mining of North Vietnamese harbors in May, however, this traffic, along with Communist flag shipping, has been reduced to zero.

The loss of this source of transportation and supply, of course, has made it just that much more difficult for the Hanoi regime to carry on the war in South Vietnam. This action has had only one ultimate purpose; namely to hasten an end of hostilities. The material and propaganda support provided by these free world flag vessels through the conflict has clearly not contributed toward this end, but quite the contrary has served only to prolong the fighting. That is why I have so strongly opposed this trade in the past and why I wish to point to its elimination as a positive step toward peace.

Non-Communist flag ship arrivals in North Vietnam

1964	401
1965	256
1966	74
1967	78
1968	149
1969	99
1970	58
1971	63
1972:	
January	6
February	8
March	10
April	9
May	0
June	0
July	0
August	0
September	0
	33

CONGRESS SHOULD INVESTIGATE

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 10 minutes.

Mr. FRENZEL. Mr. Speaker, on the day before yesterday the House Banking and Currency Committee defeated an investigation resolution containing subpena powers considered by most members of the committee as being far too broad in extent, too political in nature, and too prejudicial to the personal rights of accused persons.

In the CONGRESSIONAL RECORD of October 3 the distinguished gentleman from Texas (Mr. GONZALEZ) indicated that he would like to begin an investigation with his subcommittee just as soon as possible. As a member of that subcommittee, I would second the gentleman from Texas' request and have written to him with a copy of my letter to the chairman, suggesting that at least two subcommittees be activated to continue the investigations which the chairman thought were so important the day before yesterday.

Today the chairman has written to Judge Sirica in an apparent effort to legitimize his enthusiasm for unrestricted investigation. Meanwhile time which could be used for investigation of the alleged irregularities is wasting. We do not need subpena powers or statements from judges to investigate bank charters. We should be investigating now.

Without the ability to concentrate the investigation on a single candidate, the chairman seems unwilling to exercise the oversight obligations of the committee with respect to questions raised in his staff report. The attitude now seems to be if it cannot be done in an unfair and unreasonable way, it would not be done at all.

My letter to Mr. GONZALEZ and the chairman's letter to Judge Sirica follow:

OCTOBER 4, 1972.

Hon. HENRY GONZALEZ,
Chairman, Subcommittee on International Finance.

DEAR HENRY: I noticed your remarks in the Congressional Record of October 3 relative to the vote in the Banking and Currency Committee regarding investigation of possible violations of various banking laws and irregularities in the granting of bank charters.

While I do not subscribe to all of your statements, I do very strongly endorse your desire to have our Subcommittee proceed with an investigation which would include all possible violations rather than center on one particular campaign. I will be pleased to work with you in any way on whatever investigation you are able to initiate, and I feel that we could have a couple of meetings to provide at least a basis for further work without a need to issue subpoenas, etc. I call your attention to my remarks on Page H9080 in the Record of October 3, and feel strongly that we should proceed with the investigation just as soon as possible.

By copy of this letter I am requesting the Chairman to activate not only your Committee to look into the possible use of foreign banks and contributions but also that he activate the appropriate subcommittee to look into the questions which he and his staff have raised about possible irregularities in the granting of a charter to the Ridgedale National Bank in the City of Minnetonka, Minnesota, in my district.

My statement in the Record was subjected to much editing from its original version. I haven't been quite so upset about a procedure in a long time. This Committee and its Chairman can very well conduct an investigation on the issuance of that bank charter without subpoena power. I expect to continue to bring this matter to the attention of the public at every possible opportunity.

Thanks for your interest in these important matters.

Best regards,

BILL FRENZEL,
Member of Congress.

WASHINGTON, D.C.,
October 5, 1972.

Hon. JOHN J. SIRICA,
Chief Judge, U.S. District Court, Washington, D.C.

DEAR JUDGE SIRICA: As a Member of Congress and as Chairman of a standing Committee of the House of Representatives, I am deeply concerned about press reports which indicate that you have issued an order prohibiting anyone connected in any way with

the Watergate case from making statements to anyone outside of your court. I am further disturbed by a quotation which is attributed to you in this morning's *Washington Post:*

"I tried to make it (the order) as broad as I could."

It is my understanding that the seven defendants before you are charged with conspiracy; interception of oral and written communications; second degree burglary; and unlawful possession of intercepting devices.

As I am sure you are aware, there are many aspects of the incidents which relate to what has become popularly known as the "Watergate Caper" which do not involve the relatively narrow set of charges brought against these seven defendants. A great number of these aspects touch on matters which are Banking and Current Committee of the House of Representatives.

I trust that it was not the intent of your order to, in any way, hinder the Congress, its duly designated Committees, or any of its Members from pursuing proper legislative functions. If your order is broadly interpreted, it appears likely that persons who have information essential to these legislative functions will be inhibited from discussing issues with Members of Congress, their staffs, and investigating arms of the Legislative Branch.

While there is no desire to interfere with your Court or to impair the rights of any defendants before your Court, the Constitution requires the Congress to carry out its responsibilities. I do not feel it would be proper, under the Constitution, for the Congress to abandon these responsibilities simply because indictments have been brought in one narrow area of the complex and far-ranging incidents that have been lumped under the phrase, "Watergate Caper."

Unless I am misreading the indictment, the extensive banking issues are not mentioned and comments emanating from the Justice Department indicate that there is no immediate prospect that any of these issues will be raised before a grand jury.

Again let me emphasize that I have no question about the rights and responsibilities of the Congress to proceed on its separate course. But what I am concerned about is the interpretation which prospective Congressional witnesses might place on your order and for this reason, I feel that it is very important—important to the proper carrying out of the Congressional function—for you to make it clear that your order extends only to the charges which are raised in the indictments and not to other issues.

Unless this is done, I am convinced that irreparable damage may well occur to the integrity of the banking system, the integrity of the political process, and the very integrity of our Federal Government.

For example, Judge Sirica, one of the issues about which I am deeply concerned relates to the granting of a bank charter at Minnetonka, Minnesota. There have been public inferences that a $25,000 political contribution may have contributed to a decision to grant this charter. It is a fact that this $25,000 was later found in the bank account of one of the suspects in the Watergate case.

This charter must still obtain approval from another Governmental agency—the Federal Reserve Board—and the facts surrounding this political contribution and other elements in the granting of this bank charter should be known before any final steps are taken and the bank is allowed to open under the auspices of the current applicants. If these facts cannot be determined and final approval to the application is granted, it is conceivable that irreparable harm will occur to competing banking interests in Minnesota and to the integrity of the banking system and the bank regulatory agencies.

If your order is broadly interpreted, it may well be that the witnesses who hopefully will come forward with the details of this bank charter will be inhibited and will decline to provide the Congress and the appropriate regulatory agencies with essential information. I feel confident that you do not want your order to be interpreted by anyone as interfering with the investigation of this bank charter or any of the witneses who might come forward and present information to the Congress on this issue.

Also, this Committee, and the Congress, are deeply concerned with questions involving the transfer of money across international borders, particularly as these transactions affect the domestic banking system and contribute to the furtherance of criminal activities. This is an ongoing concern and, once again, I trust that your order was not intended to interfere with the right of the Congress to investigate such matters and to determine whether laws and regulations are being properly followed by commercial banks and the appropriate Federal agencies.

The movement of campaign contributions in this country and in foreign countries affects many areas of the Banking and Currency Committee's jurisdiction and specifically its oversight functions, as assigned it by the House of Representatives, and once again I trust that your order is not intended to interfere with these responsibilities of this Legislative Branch.

It is common knowledge that newspapers have carried extensive reports of the destruction of certain records which might bear on these jurisdictions of this Committee and the Congress and it is reasonable to assume that there are dangers that other documents will be destroyed, damaging the ability of the Congress to carry out its legislative function in these areas. It is also common knowledge that political committees dissolve immediately after an election and that the personnel who would have pertinent information will scatter after the campaign making it difficult, if not impossible, for the necessary information to be gathered for the Congress to perform its proper functions. Thus, it is important that the Congress and its various investigating arms, be able to move forward immediately and not await the outcome of other developments at some unspecified time in the future, particularly when these developments are essentially unrelated to the issues before the Congress.

In discussing this case, we might as well face the practical situation as it actually exists. It is a fact that the Justice Department is an arm of the Administration about which most of this investigation centers. It is a fact that the futures of the high officials of the Justice Department are dependent upon political events and there is nothing to be gained by pretending that this situation does not exist. The Justice Department has, in recent days, attempted to intervene in matters before the Banking and Currency Committee and has attempted to use issues which are before your Court as an excuse to block and to encourage others to block proper legislative investigations. This heightens the probable damage from a broad interpretation of your order and it heightens the need for you to limit your order to those very specific charges in the indictments and not allow your order to be used for broader political purposes.

I have looked at this entire situation very carefully and I am firmly convinced that there is no reason why the Congress and the Judicial Branch cannot carry out their functions and responsibilities concurrently without damage to anyone in this case.

It is anticipated that voluntary witnesses will be appearing in public sessions of the Committee in the immediate future and, therefore, it is of the utmost importance that we have your reply to the questions I raise in this letter at the earliest possible moment. I hope you will find it convenient to supply this answer.

With best regards, I am,

Sincerely,

WRIGHT PATMAN.

SENATOR McGOVERN AND THE NORTH VIETNAMESE

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. ZION) is recognized for 10 minutes.

Mr. ZION. Mr. Speaker, Senator McGOVERN has talked a great deal about the alleged immorality of the government in Saigon in recent months. But he never discusses the brutality of the North Vietnamese. He ignores the bloodbaths which have occurred after past Hanoi victories. He ignores the total police state which now exists in North Vietnam. He ignores the massive invasion against South Vietnam which Hanoi launched last spring with its entire home army.

This double standard has deeply bothered me for a good long time now, but I was particularly shaken recently to learn that the North Vietnamese were also supporting the international terrorists who have brought such sorrow to the world—and that Senator McGOVERN had been silent even about this. Imagine how he would have reacted if President Thieu of South Vietnam had endorsed the Black September group. But when Hanoi gave strong and vocal support to these extremist activities, the opposition candidate for President did not say a word.

Now I am sure Senator McGOVERN does not approve of these activities nor of Hanoi's endorsement. And I am not trying to imply that he does. What I am trying to demonstrate is the danger of this new-left point of view which is so accustomed to disparaging the United States and giving the benefit of the doubt to our enemies, that it blinds its adherents to events which do not fit their stereotypes.

Hanoi's support for the terrorists—at Munich and elsewhere—should not come as a great surprise. It is perfectly consistent with a philosophy that tries to achieve by force and violence what it cannot achieve through diplomacy and persuasion. The nation that has sent 100,000 of its troops marauding through Laos, the nation that has 55,000 of its troops fighting in Cambodia, the nation that has sent a force of 100,000—200,000 rolling into South Vietnam, such a nation is not likely to be very squeamish about terrorist groups which try to promote their ends through kidnaping or skyjacking, or the mailing of fatal bombs.

What is surprising is that a candidate for the Presidency of our country fails to take a strong position against such attitudes—even though he constantly castigates our South Vietnamese allies. What is surprising is that Senator McGOVERN encourages his agents to negotiate with Hanoi even while he turns down briefings at the White House. What is surprising is that he makes no critical comment when Hanoi radio supports his

candidacy or when our prisoners of war are used as propaganda tools.

Perhaps this same double standard explains why the Senator would cut off all American aid to Greece—a government which, whatever its deficiencies, supports U.S. policies—but does not take a similiar stand regarding the Communist government in Cuba or the Marxist government in Chile.

No wonder the editor of the Hanoi newspaper has told American visitors that Senator McGOVERN's victory in November would be an "ideal scenario" from his point of view.

Unable to win their objectives by force, the leaders in Hanoi now try to win them by unprecedented interference in an American election. But again, the man who keeps such a close eye on President Thieu, is nowhere near so sensitive to the sins of the North Vietnamese leaders.

And this is a shame. For Senator McGOVERN—speaking out loud and clear—is the only one now who can keep Hanoi from meddling in our election so that the American people can make this great decision for themselves.

THE LATE SENATOR JOHN T. VAN SANT, A DEDICATED AMERICAN

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, with a great deal of sorrow, I want to call the attention of my colleagues to the death of John T. Van Sant, former Republican whip of the Pennsylvania State Senate and member of the Pennsylvania Legislature for 20 years.

Mr. Van Sant died Tuesday at his home in Allentown, Pa.

Prior to my own election to Congress, I, too, served in the Pennsylvania Senate as the senator from Northampton County, Johnny Van Sant represented the neighboring county of Lehigh.

Although we sat on opposite sides of the aisle in the senate, it was my great pleasure to know John as both colleague and close personal friend, one to whom I could and frequently did turn for counsel and assistance. Probably the most appropriate way to describe Johnny Van Sant is to say that he was, above all, a very fine person.

He earned recognition as a dedicated and accomplished legislator, qualities which also earned him broad respect and support of his Lehigh County constituency. His expertise in State government affairs, and his ability to apply that expertise to the solution of problems in his senate district, made him one of his county's most outstanding assets.

Although he concluded his senate tenure in 1970, at a time when he ranked third in seniority in that chamber, he returned to Harrisburg since to resume his long association with State government in several capacities. The State capitol was, after all, a very important part of his life, because it was the center of a career of public service he had come to love and pursue with greater energy than his body could maintain.

Mrs. Rooney and I share the sorrow we know is felt by his wife, Jane, and daughters, Sandra and Nancy. We hope their loss and personal grief will be eased by the knowledge that the great good John Van Sant has accomplished in his lifetime will live on.

ADJUSTING ALLOWANCE FOR TRAVEL OF MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 457, 92d Congress, provided the Committee on House Administration the authority to fix and adjust from time to time various allowances of Members of the House of Representatives. Pursuant to this authority the committee has revised order No. 2 and issued order No. 4. Both actions are effective in the 93d Congress.

Order No. 2—revised—increases from 24 to 36 the number of trips a Member may claim for reimbursement for travel to his district during the 2-year term of a Congress. The order further provides an increase from $1,500 to $2,250 the lump sum transportation payment that a Member may elect to receive, in lieu of the above. The order also increases from four to six the number of round trips per Congress allowed employees in the office of a Member.

Order No. 4 increases the Members' stationery allowances from $3,500 to $4,250 for each regular session of Congress.

Order No. 2—revised—and order No. 4 follow:

COMMITTEE ON HOUSE ADMINISTRATION: ORDER NO. 2—REVISED—TO ADJUST THE ALLOWANCE FOR TRAVEL OF MEMBERS AND STAFF TO AND FROM CONGRESSIONAL DISTRICTS

Resolved, that effective January 3, 1973, until otherwise provided by order of the Committee on House Administration;

(a) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by Members (including the Resident Commissioner from Puerto Rico) in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in the district which he represents, for not more than 36-round trips during each Congress, such reimbursement to be made in accordance with rules and regulations established by the Committee on House Administration of the House of Representatives.

(b) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by employees in the office of a Member (including the Resident Commissioner from Puerto Rico) for not more than 6-round trips during any Congress between Washington, District of Columbia and any point in the Congressional district represented by the Member. Such payment shall be made only upon vouchers approved by the Member, containing a certification by him that such travel was performed on official duty. The Committee on House Administration shall make such rules and regulations as may be necessary to carry out this section.

(c) A Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) may elect to receive in any Congress, in lieu of reimbursement of transportation expenses for such Congress is authorized in paragraph (a) above, a lump sum transportation payment of $2,250 for each Congress. The Committee on House Administration of the House of Representatives shall make such rules and regulations as may be necessary to carry out this section.

(d) This order shall not affect any allowance for travel of Members of the House of Representatives (including the Resident Commissioner from Puerto Rico) which is authorized to be paid from funds other than the contingent fund of the House of Representatives.

COMMITTEE ON HOUSE ADMINISTRATION: ORDER NO. 4—TO ADJUST THE ALLOWANCE FOR STATIONERY FOR REPRESENTATIVES, DELEGATES, AND RESIDENT COMMISSIONER

Resolved, that effective January 3, 1973, until otherwise provided by order of the Committee on House Administration; the allowance for stationery for each Member of the House of Representatives, Delegates, and Resident Commissioner shall be $4,250 per regular session.

EMANUEL CELLER: DEAN OF THE HOUSE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in this morning's New York Times there appears an article which has captured the spirit and sagacity of the distinguished dean of this House, EMANUEL CELLER. Those of us who know him, love this man.

It is not my desire at this time to recite his accomplishments. There will be a more appropriate occasion for that; rather, it is my desire to place in the CONGRESSIONAL RECORD for posterity, an article which has portrayed so beautifully the flavor of this exceptional person who happens to be a dear friend.

The article follows:

WHAT HARDING—AND EIGHT OTHER PRESIDENTS—TOLD MANNY CELLER

(By Richard L. Madden)

WASHINGTON, October 4.—One of Emanuel Celler's favorite stories is about a visit he once had at the White House with President Calvin Coolidge.

"As we talked," Mr. Celler recalled, "the President reached down, opened a drawer in his desk, took out a fine, fat Havana cigar, clipped off the end, lighted it and closed the drawer.

"He looked over at me and said: 'Do you smoke cigars, Congressman?' I said, 'Yes, I do, Mr. President. Coolidge then directed a servant to 'give the Congressman one of those White Owls out of that box in the corner.' "

Yesterday, still smoking a cigar, the 84-year-old Mr. Celler sat in the Speaker's lobby just off the floor of the House of Representatives and looked back on Mr. Coolidge and the eight other Presidents who have served in the White House during the Brooklyn Democrat's 50 years in the House.

Mr. Celler, who was defeated in the June 20 Democratic primary by Elizabeth Holzman, a 31-year-old lawyer, and who announced last week that he would not seek re-election

as a Liberal party candidate, is not exactly an unbiased observer of the last half century.

But no man in Congress today can match his years of memories of dealings downtown with friendly and hostile Presidents. Mr. Celler's 50 years in the House are exceeded only by Representative Carl Vinson of Georgia, who retired in 1955 after 50 years and two months in office. And Mr. Celler has been chairman of the House Judiciary Committee for a record 22 years.

President Warren G. Harding died in 1923, a few months after Mr. Celler went to Congress, but the Representative remembers him as a "free and easy" person who "didn't pay much attention to his appointees."

Herbert Hoover, he recalls, "wore those big high collars and was a rather austere man . . . a great engineer, but his prowess in engineering didn't transcend into the Presidency."

Franklin D. Roosevelt, Mr. Celler recalls, "was like an electric shock to the nation. He was a man of boldness. I don't think he had too great a degree of erudition or wit.

"He was a very skillful politician. He knew how to placate, how to compromise, how to charm. When you would go to him to discuss something, he would beguile you. You would leave wondering just what the hell it was you had gone to talk to him about. He'd do most of the talking."

SPLIT WITH ROOSEVELT

Mr. Celler opposed Mr. Roosevelt's plan in the nineteen thirties to enlarge the Supreme Court. "He never forgave me for that," Mr. Celler recalled, "and after that I was never invited to the White House again."

He remembers Harry S. Truman as a man of "great courage, very earthy, very matter of fact. Once he made up his mind, he stuck to it and nobody could change it."

"I heard a delegation of Senate and House members that called on President Truman to talk about Israel shortly after he took office. He said to me: "You know, I've been in office only a few weeks and already the Swedish-Americans, the Irish-Americans, the Polish-Americans have been in to see me. When are the Americans coming to see me about America?"

Mr. Celler said he was surprised by the President's remark, but noted that Mr. Truman later became a stanch friend of Israel "in every respect."

EISENHOWER RECONSIDERED

Dwight D. Eisenhower, he said, "was like a fish out of water in the Presidency."

"He was a great soldier, a great general," he said. "Before he was made General of the Army by Roosevelt he spoke to us on the course of the war. He spoke for an hour without a note and it was just thrilling. That was his field—the military. Politics was not his field."

Even so, Mr. Celler credits Mr. Eisenhower, as President, with being very cooperative with him in obtaining the votes in Congress to pass the civil rights bill of 1957—the first civil rights measure of this country—creating a commission on civil rights and authorizing a civil rights division in the Justice Department.

John F. Kennedy, Mr. Celler continued, "was a real favorite of mine."

"I knew him when he was in the House," he said. "He had a true sense of history to know that any President who fails to recognize the mistakes of the past is only doomed to repeat them."

"I had the trust and cooperation of him and his brother Robert," Mr. Celler said.

Lyndon B. Johnson, he recalled, was "most cooperative" in aiding the passage of other civil rights bills during the nineteen-sixties.

As an example of how Mr. Johnson operated as President, Mr. Celler said he once called on the President to complain that Israel was having great difficulty in obtaining spare parts for the Skyhawk aircraft that had been supplied by the United States.

Mr. Johnson, as Mr. Celler remembered, turned to an aide and said: "'I believe Manny. I want that bottleneck removed.' He turned to me and put one hand on my knee and said: 'Manny, I'm 100 per cent for Israel.' Then he put his other hand on my other knee and said: 'And I'm 101 per cent for Manny Celler.'"

As for Richard M. Nixon, Mr. Celler said that "his place in history has yet to be determined."

"He is one of the most political of all Presidents," he added. "He has grown with the job."

He gives Mr. Nixon high marks for foreign policy, but low marks on domestic programs. "I have found him to be willing to listen," he said. "He's a good listener."

On his own record, Mr. Celler said he is proudest of the civil rights bills, immigration reforms and the four constitutional amendments he has sponsored (permitting District of Columbia residents to vote for Presidents, abolishing the poll tax in Federal elections, providing for the disability of the President and lowering the voting age to 18). His biggest unfinished work, he said, is in the antitrust field, where he would like to see more controls over conglomerate corporations.

One achievement that has not gained a great deal of recognition, he noted, was his successful effort to establish The Federal Register, a daily publication of government agency regulations.

The idea came to him, he said, when Harold Ickes, Secretary of the Interior in the Roosevelt Administration, appeared before Mr. Celler's committee one day and referred to a new departmental regulation.

When Mr. Celler asked to see the Regulation, Mr. Ickes pulled from his pocket an envelope on which the new policy had been scrawled. After that, Mr. Celler said, "I conceived the idea of The Federal Register. Now it's an imposing volume, as big as The Congressional Record."

Mr. Celler's reminiscences were interrupted by bells summoning House members to the floor for a vote on a bill creating a new civic center in Washington and authorizing the naming of a number of Federal buildings around the country for deceased and retired members of Congress, including the Federal Court House in Brooklyn, which would become the Emanuel Celler Federal Building.

Asked if he thought that was a good idea, Mr. Celler smiled and replied: "Oh yes, as Mark Anthony said, 'The evil that men do lives after them; the good is oft interred with their bones.'"

THE SYRIAN JEWISH COMMUNITY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the conference of presidents of major American Jewish organizations has written to President Nixon urging that he use his good offices to make a personal appeal to the Syrian Government urging that Government to permit those Syrian Jews who wish to emigrate, to do so. The conference has requested that the President convey to the Syrian Government the willingness of the United States to accept the small Syrian Jewish community if the Syrian Government were to permit its exodus.

It would serve no purpose at this time to set forth the report issued by the Committee of Concern headed by Gen. Lucius D. Clay, which examined the state in which the Syrian Jewish community finds itself, other than to say that the Syrian Jewish community has suffered greatly and continues to suffer. The Syrian Government is reluctant to permit its Jewish community of approximately 4,500 souls, to leave for Israel. That impediment to emigration would be removed if the United States demonstrated its compassion as it has on other occasions by allowing these tormented people to enter the United States under the parole authority of the Attorney General without regard to immigration quota restrictions.

I can assure the Members of this House that the Jewish community in the United States will provide for all of the Syrian Jews permitted to so enter the United States and that they will not be a burden of any kind on the American economy. Our country, I am proud to say, just extended such parole status to Asian Ugandans whose lives are similarly in danger and I would hope that with the same kind of magnificent humanitarianism and compassion we would extend a helping hand to an agonized people, small in number, who could and should be rescued.

Mr. Speaker, I am appending to this statement copies of the letters that the Conference of Presidents of Major American Jewish Organizations and I have sent to President Nixon urging his intercession. I hope that other Members will send similar letters to the President. I have also sent similar letters to the Secretary of State and the Attorney General.

The following is a letter to the president from the Conference of Presidents of Major American Jewish Organizations:

OCTOBER 3, 1972.

DEAR MR. PRESIDENT: The Jewish Community, as represented through the Conference of Presidents of major American Jewish Organizations, feels a deep sense of anguish and anxiety over the fate of 4,500 Jews in Syria who are suffering harsh terms of living, restricted employment, and forbidden emigration.

We appeal to you to use your good offices in the most appropriate fashion in making a personal appeal to the Syrian Authorities to permit Syrian Jews who wish to emigrant to the United States to do so.

We would welcome a statement that our government, under the parole authority provisions, would grant Visas to all Syrian Jews who wish to emigrate to the United States.

Please accept our kind regard and best wishes.

Sincerely Yours,

JACOB STEIN,
Chairman.

Mr. Speaker, my letter follows:

OCTOBER 5, 1972.

Hon. RICHARD M. NIXON,
President, the White House,
Washington, D.C.

DEAR MR. PRESIDENT: I wrote to you in July of this year urging your intercession on behalf of the Jewish community in Syria and bringing to your attention the report issued by the Committee of Concern headed by General Lucius D. Clay. This week the Conference of Presidents of major American Jewish Organizations led by Jacob Stein has, I know, urged you by letter to include under parole status the Syrian Jewish community composed of approximately 4500 souls, so

that the Syrian Government, which might not permit an exodus of Syrian Jews were they to go to Israel, would relent and permit them to come to the United States.

I was proud indeed, when Attorney General John Mitchell in September, 1971 exercised his parole authority on behalf of Soviet Jews and equally proud just last week when you granted parole status to Asian Ugandans who are in physical danger in that country.

I implore you to extend the same humanitarianism and compassion on behalf of the Syrian Jewish community.

Sincerely,

EDWARD I. KOCH.

THE WATERGATE STORY

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, amid all the political intimidation of the moment, it could be that our CONGRESSIONAL RECORD will shortly be the last truly free publication in the country.

Yesterday's court order in the Watergate case, appearing to bar public discussion of this matter, constitutes prior censorship similar to orders handed down at the time of the Pentagon papers. An obvious difference between these cases, however, is that the Watergate case contains no element of national security—only political security.

In the face of yesterday's order, it was encouraging to see the Los Angeles Times this morning carry a full-page, first-person account of the Watergate crime, as told by one of its participants who gained immunity for his testimony in the case.

If the court now moves against the Los Angeles Times, Mr. Speaker, other publications may feel enjoined from carrying the same story. It is for this reason that I have asked unanimous consent to place the full narrative in the RECORD.

More than ever, this case cries out for fuller disclosures, not for coverups ostensibly to protect the rights of defendants. It could be that depositions already on file, and the transcript of grand jury testimony taken in this case contain evidence of the most outrageous conduct by high officials in government—by appointees of the President, no less—to occur in this century.

Following is the extract from the Los Angeles Times of today, Thursday, October 5:

AN INSIDER'S ACCOUNT OF THE WATERGATE BUGGING

(By Alfred C. Baldwin III)

(Baldwin was a key government witness before the grand jury that indicted seven men in the Watergate case.)

NEW HAVEN, CONN.—Across the street in the Democratic National Committee offices I could see men with guns and flashlights looking behind desks and out on the balcony.

It was a weird scene at Washington's Watergate complex. The men were looking for several persons, including my boss—James W. McCord Jr., who was security director for both President Nixon's Reelection Committee and the Republican National Committee.

A short while later McCord and four other men, all in handcuffs, would be led by police to patrol cars and taken to jail. And a White House consultant would rush into my motel room across the street from the Democratic offices and peer down on the scene before fleeing the area.

I had been using a walkie-talkie and acting as a lookout for McCord and his men, who were engaged in a bugging operation. For three weeks I had monitored conversations on a tapped phone in the Democratic offices.

My mission had been to record all conversations. McCord appeared to be especially interested in any information on Sen. George McGovern and the Democratic Party chairman, Lawrence O'Brien, and anything having to do with political strategy.

When the Committee for the Reelection of the President hired me for security work with Mrs. Martha Mitchell, nothing was said about eventual espionage missions involving electronic eavesdropping.

But then the man I worked directly under, Jim McCord, was not given to long explanations about anything. You would have to know McCord to understand what I mean.

Like myself, McCord is an ex-FBI agent. But he also served 20 years in the Central Intelligence Agency and he is one of those ex-CIA agents who do more listening than talking. When he wants you to do something else, he just tells you. No buildup or anything.

When McCord was ready to switch me from protecting John Mitchell's wife to other security work, he simply told me that the President's reelection committee had other work for me. Contrary to some press reports, I got along fine with Mrs. Mitchell during the days I protected her. She is a vivacious person and I found working with her fascinating.

But I felt any work with the reelection committee would be fascinating and I like Jim McCord.

I never questioned McCord's orders. I felt he was acting under orders and with full authority. After all, his boss was John Mitchell, the committee director and former attorney general of the United States. And his superior was President Nixon.

If that was not enough to impress me with McCord's authority and official standing, we were surrounded by former White House aides. McCord said we're "on loan" to the committee.

My involvement with the committee began May 1 when McCord telephoned my home in Hamden, Conn. He had secured a résumé I had filed with the Society of Ex-FBI Agents in New York and had reviewed it and several other résumés on file with this society. He felt that because of my age, background and marital status—I am 36 and single—I was best suited for the position.

He said they (the committee) needed someone immediately so I took a plane to Washington that night and registered at the Roger Smith Hotel where we met the next morning. He emphasized that although the job was temporary, it could be a stepping-stone to a permanent position after President Nixon's reelection.

We walked a block down the street to the Reelection Committee headquarters at 1701 Pennsylvania Ave., a block from the White House, and McCord took me on a tour of committee offices on several floors. As different persons passed, McCord would say things like, "that's so and so, he's from the White House" or "there's another one who's on loan from the White House."

We went to the office of Fred LaRue to get approval for my employment and McCord said, "Mr. LaRue is over from the White House. He's John Mitchell's right-hand man."

LaRue was friendly enough, but very businesslike. McCord read some brief data he had jotted down on the back of an envelope: "Al Baldwin, ex-FBI agent, former Marine captain, law degree, taught police science..."

LaRue looked me up and down. I was in standard FBI dress—conservative suit, white shirt and tie and black, wing-tipped shoes. Our conversation was brief. I think he asked if I was prepared to travel and I said, "yes, sir." He replied, "okay, that's fine."

McCord later issued me a loaded .38-snub-nosed police special and said, "you'll wear this." I had no permit or official identification and questioned whether I was authorized to carry it.

He handed me a card bearing his name and the name of the reelection committee and said: "You're working for the former attorney general and there's no way a policeman or any other law enforcement officer is going to question your right to carry that weapon. But if you have any problem, have them call me."

In McCord's office at committee headquarters I noticed extensive electronic equipment—walkie-talkies, television surveillance units and various other devices. The top of a fancy briefcase was open, exposing considerable electronic equipment. I was told it was a debugging unit.

McCord told me I would be accompanying Mrs. Mitchell on a trip to Michigan and New York. He issued me $800—eight brand new $100 bills—and said it was for food, drinks, tips and incidental expenses for the trip.

In Michigan, where Mrs. Mitchell attended several affairs, we were joined by LaRue. He mentioned to me at one point that the pistol I was carrying had once been his weapon. As far as I knew, he was not in security work and I did not know why he would have needed a pistol. But I asked no questions.

From Michigan we went to New York City. One of the FBI's bullet-proof limousines used by the late J. Edgar Hoover met us at Grand Central Station and took us to a suburban town where we stayed for two days. When we left, the same limousine picked us up and carried us back to Grand Central Station. I was impressed.

The campaign trip lasted for seven days. Upon our return to Washington I was called up to the Mitchell apartment in the Watergate where Mitchell thanked me for the job I had done.

I had expected to leave in two days on another trip with his wife, but McCord said she was not feeling well and the situation was so "delicate" that Fred LaRue was accompanying her. He said he had other security work for me and he advanced me another $500—five brand new $100 bills.

"M'CORD GAVE ME A CODE NAME, BILL JOHNSON"

At McCord's direction, I moved from the Roger Smith Hotel to the Howard Johnson Motel across the street from the Watergate. I checked into Room 419, which he had registered under McCord Associates, the name of his security firm.

McCord gave me a code name, Bill Johnson, and instructed me to investigate antiwar demonstrations that were occurring in Washington about that time. I was supposed to try to learn of any plans of demonstrators to damage Republican headquarters or to disrupt the Republican Convention in Miami in August.

I still had no committee identification, however, and twice authorities had to telephone the committee to establish my credentials. Once a Secret Service agent stopped me at the Capitol and another time security police stopped me at Andrews Air Force Base. Both times the committee vouched for my credentials.

On May 24, after about two weeks of covering demonstrations, I visited my home in Hamden. When I returned to Washington the next day, I found Jim McCord in Room 419 surrounded by an array of electronic equipment, including walkie-talkies and the debugging case that had been in his office at the reelection committee.

A sophisticated receiving set, which McCord later said was worth approximately $15,000, was in a large blue Samsonite suit-

case. There was a portable radio with short-wave band and an array of tape recorders and other pieces of equipment.

McCord said, "I want to show you some of this equipment and how we're going to use it." Just like that, no preliminaries and no explanations of why we would use it.

"You'll be doing some monitoring on this equipment," he said, and proceeded to show me how to operate the monitoring unit.

Then he took the room telephone apart and inserted a tap on it. To test the device, he dialed a local number for a recorded announcement. The tap picked up the message.

McCord pointed across the street to the Watergate and said, "we're going to put some units over there tonight and you'll be monitoring them." He didn't have to tell me; I knew the Democratic National Committee offices were in the Watergate.

From the balcony outside Room 419, I watched McCord walk across Virginia Ave. and enter the Watergate complex. Subsequently he appeared at a window of the Democratic offices and I could see at least one other person and perhaps two with him.

McCord later returned to the motel room and said, "we've got the units over there." He began adjusting the monitoring unit.

We were not sure whose telephones had been tapped. They had tapped one telephone they believed belonged to Lawrence O'Brien and had tapped another one they hoped belonged to a staff official close to O'Brien.

McCord finally picked up a conversation on one phone on the monitoring unit. At first we thought the phone was used by a man named Spencer, then we decided it was used by a man named Oliver. Finally, we realized it was used by a man named Spencer Oliver, who happened to be coordinator of the state Democratic Party chairmen.

A number of persons besides Oliver used his phone too. Over the next three weeks I would monitor approximately 200 telephone conversations. Some dealing with political strategy and others concerning personal matters. With several secretaries and others using the phone, apparently in the belief it was one of the more private lines in the Democratic offices, some conversations were explicitly intimate.

"We can talk," a secretary would say, "I'm on Spencer Oliver's phone."

McCord told me two men who were working with him were coming into the motel room and he would introduce us by code names since we were all involved in security work. He introduced them as Ed and George. I have since learned they were G. Gordon Liddy and E. Howard Hunt Jr., former White House aides.

McCord explained the monitoring devices and other electronic equipment to Liddy and Hunt. They stayed a short while, then left.

On May 26 McCord told me "We're going into another area tonight."

About midnight McCord and I left in his car and headed toward the Capitol. He was driving and holding a walkie-talkie, which he hooked on and held out through the car window. He finally contacted another unit as we neared the Capitol and said we were approaching the area.

He told me to keep an eye open for a Volkswagen, there was someone in it who would be working with us. On a street near the Capitol we passed a small building bearing a McGovern headquarters sign and McCord pointed and said, "That's what we're interested in right there."

Not until then did I realize the target was McGovern headquarters. An upstairs light was on and a drunk was standing in front of the building.

McCord pointed to a row of buildings across the street from McGovern headquarters and said, "We're trying to rent a place over there where you'll be doing the same thing you're doing in the other place."

As we passed a parked car about a block from McGovern headquarters, a voice came in over McCord's walkie-talkie: "You just went by us, did you see us?"

McCord replied that he had and pulled our car alongside the parked car. There were people in the front and back seats.

A man stepped from the car, walked over to our car and slid into the seat beside me and started talking to McCord without even acknowledging I was there. It was Liddy. I could not identify the persons in the back seat.

Liddy, who acted as though he was McCord's superior, was carrying an attache case. But he did not open it. On a subsequent visit to the monitoring room at the motel he inadvertently left the case. The only item in it at that time was a high-powered pellet pistol, wrapped in a towel.

McCord cruised around the McGovern headquarters as he and Liddy talked. Liddy, holding onto his attache case, expressed concern about a spotlight that illuminated the back of the building and asked, "do you think we ought to take it out?" McCord said he thought it would not be a problem.

McCord and Liddy seemed to be nervous because the Volkswagen had failed to show up and because the drunk was still in front of the building. Finally, about 3:30 a.m., Liddy said, "we can't do it tonight; we'll have to do it another night."

We let Liddy out of his car and McCord drove me back to the motel where I would resume my monitoring activities. There was no set time for monitoring. The Democrats worked weird hours, like on Sundays and some days until 3 or 4 in the morning. And when I was in the room, I was monitoring from the time I got up until I went to bed.

I would keep an eye on the little TV-type screen on the monitoring unit. A constant line ran across the screen when the tapped phone was not in use. When someone started using the phone, the line would scatter and I would quickly put on the earphones.

The first couple of days I monitored it, I wrote a log of the calls in longhand. But after that McCord brought a typewriter and I typed the logs from my notes. I kept them in duplicate and gave both copies to McCord.

Initially, I would write "Unit 118" in the upper right hand corner of the log. But McCord, realizing that this was the actual frequency monitored, told me to use a code number and I started using the number 418.

I would also write the date and page number in the upper right hand corner. In the body of the log on the left side I would designate the time and write "Unit On." Then I would drop down a line and mark the time of the first recorded conversation and specify "call in" or "call out." I would then write the contents of the conversation.

McCord would come by once or twice a day to pick up the logs. Sometimes the logs would be only a page or two long, but on a busy day they might run to six pages.

When something important in the logs would catch McCord's eye, he would quickly sit down and type up a memo from information in the logs. He would start the memo with "A confidential source reports."

Sometimes when I monitored conversations I thought were especially important I telephoned him at the reelection committee and told him there was something of interest to him. The first couple of times I called I started to tell him about the conversation, but he said, "don't talk about it over the telephone. I'll come over."

A few days after the monitoring began, McCord instructed me to find another room that would give us a better view of the Democratic offices and perhaps help us establish contact with the tap there that we had been unable to monitor.

I checked us into Room 723 with a view directly across from the Democratic offices.

About June 6 McCord left for Miami, advising that he would be gone only a day. The next day he telephoned, however, and said he had been delayed. I replied that I had recorded some important conversations. He did not want to discuss them on the telephone but instructed me to deliver my original logs to an official at the President's reelection committee.

He said to put the logs in an envelope and to staple and tape the envelope. He gave me the name of an official and I wrote it on an envelope. It was someone I believed was superior to McCord, although I can't recall his name, but it was not Liddy or Hunt.

That evening I carried the envelope to the committee headquarters. An elderly guard was on duty in the lobby of the building and he took the envelope, recognized the name on it and said he would see to it that the official received it.

McCord told me that he was in Miami checking on security arrangements being made for the Democratic and Republican conventions. He said that during the Democratic convention we'd be needed in Miami for monitoring and other security work and that the President's committee had already opened a suite of hotel rooms down there. For about two weeks we had been trying without success to determine O'Brien's whereabouts. Also McCord was interested in the precise location of O'Brien's office since he was uncertain that the tap he had been unable to monitor was actually on O'Brien's phone.

On June 12 McCord told me to visit the Democratic committee offices under my code name to find out what I could about O'Brien's whereabouts and the location of his office. Since I am from Connecticut and familiar with the Democratic Party officials there, I passed myself off as a nephew of our state chairman, John Bailey.

"This is Bill Johnson of Connecticut, a nephew of John Bailey,' 'said a secretary who introduced me around.

O'Brien's secretary said, "Oh, yes, would you like to see Mr. O'Brien's office? This used to be your uncle's office."

It was the first time I knew that Bailey was a former national chairman of the Democratic Party.

I made a mental note of the office's location overlooking the Potomac River, and I asked if anyone knew O'Brien's whereabouts. His secretary said he was somewhere in Miami and subsequently I was furnished O'Brien's telephone number in Miami.

I returned to the motel room and gave McCord the number and we went over a sketch of O'Brien's office. He seemed extremely pleased.

There were also plans to return to McGovern's headquarters on the weekend. McCord said, "You know the place we were at the other night? We've got to go back there."

Later, Liddy and Hunt came into the motel room. With McCord they walked out on the balcony and looked over toward the Democratic offices.

Before Liddy left, he reached into his inside coat pocket and withdrew an envelope containing a thick stack of brand new $100 bills. He counted off about 16 or 18 bills and handed them to McCord, who put them in his wallet.

". . . FIRST LISTENING DEVICE I HAD SEEN UNATTACHED TO A PHONE"

On Friday evening, June 16, McCord displayed a unit that I thought looked like door chimes. He removed the unit's cover, exposing a sophisticated electronic device.

Then to test the device he put it next to the television set and turned the set on. The unit picked up the television reception. It was a bug, as opposed to a telephone tap, and was the first listening device I had ever seen unattached to a phone.

Later in the evening McCord displayed a shopping bag full of different kinds of tools and equipment—screwdrivers, wires, batter-

ies and soldering irons. The room ended up looking like a small electronics workshop.

McCord indicated to me that in addition to placing new devices at the Democratic headquarters, the unit we had been unable to monitor would either be removed from the offices or put in a new location in the offices.

We both continued working on the devices for some time. During a telephone conversation McCord said he might have to wait until another night to carry out the mission . . . some guy was still working in the Democratic offices.

Suddenly I saw the light in the committee offices go off and I told McCord, "Hey, look. The guy's leaving now."

McCord told the other party that the light had been turned off and that they could proceed. Then he handed me a walkie-talkie and said he was going across the street. He said, "If you see anything unusual, any activity, anybody around, you get on this and let us know."

He took his wallet, change, car keys and other items from his trouser pockets and dropped them on the bed. He left the room with a raincoat over his arm. After he left, I noticed that the listening device that looked like door chimes was missing.

I walked out on the balcony and watched him cross Virginia Ave. and walk into the Watergate complex.

Less than an hour later, the lights on the entire floor above the Democratic committee offices went on. I picked up the walkie-talkie—I don't remember whether I identified myself as "unit 1" or "base"—but I said, "We've got some activity."

A man whose voice I did not recognize—it was not McCord—responded, "What have you got?"

I mentioned the lights going on and he replied, "Okay, we know about that, that's the 2 o'clock guard check. Let us know if the lights go on any other place."

My watch indicated it was 2:15. I figured the guard check was late.

Not long after that a car parked in front of the Watergate and three men got out and went inside. I wondered if that meant anything, but I did not use the walkie-talkie at that time.

Suddenly, a few minutes later, the lights went on inside the Democratic offices. I noticed the figures of three men. At least two of them came out on the balcony. They were casually dressed and were carrying flashlights and guns. I could see one man in the office holding a gun in front of him and looking behind desks.

WE'VE GOT SOME PEOPLE . . . AND THEY'VE GOT GUNS . . .

Watching from the balcony outside my room, I grabbed the walkie-talkie and said, "Base to any unit." A voice came back: "What have you got?"

I said, "Are our people dressed casually or are they in suits?"

An anxious voice asked, "What?" I repeated the question.

"Our people are dressed in suits," the voice said.

"Well," I answered, "we've got problems. We've got some people dressed casually and they've got guns. They're looking around the balcony and everywhere, but they haven't come across our people."

The man on the other end sounded absolutely panic stricken now and started calling: "Are you reading this? Are you reading this?"

Receiving no reply, he then added: "They don't have the unit on or it's not turned up. Are you still in the room?"

I replied: "Right."

He said: "Stay there. I'll be right over."

By now, there was all kinds of police activity—motorcycles and paddywagons driving up and guys jumping out of patrol cars and running up to the Watergate. Then I saw two men carrying suitcases casually walking out of the hotel section. I recognized one as Hunt, he glanced up at the balcony where I stood, and then with the other man walked over and entered a car parked in front of the Watergate. The two of them drove away.

Moments later I was contacted on the walkie-talkie again and told: "We're on the way up. Be there in a minute." I said. "You'd better not park near this building, police are all over the place."

He said, "Okay."

Then I heard a voice from another unit whisper, "They've got us." Then McCord's voice came through: "What are you people? Are you metropolitan police or what?"

Another voice demanded: "What's that?" And then the unit went silent. I tried to renew the contact, but to no avail.

A few minutes later Hunt, wearing a windbreaker, rushed into the room. He was extremely nervous.

"What do you see?" he asked.

I told him I saw McCord and some other men being led away from the Watergate in handcuffs. He walked over, looked down at the scene and then said: "I've got to call a lawyer."

Picking up the phone, he dialed a local number. "They've had it," he told the party on the other end, adding: "Well, I've got $5,000 in cash with me we can use for bond money."

Hunt, hanging up the phone, turned and asked if I knew where McCord lived. I said yes, I had been to his house in Rockville, Md., a Washington suburb. He instructed me to pack all the equipment and take it to McCord's house and asked if I had a place to go.

I said I could go to my home in Connecticut and he said, "Well, get all this stuff out of here and you get out of here. Somebody will be in touch with you."

With that, he threw his walkie-talkie on the bed and rushed from the room. "Does that mean I'm out of a job?" I shouted after him. But he disappeared down the hallway without answering.

EQUITY SOUGHT IN TRANSBORDER BUS SERVICE

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, I am today introducing legislation to equalize the competition for lucrative bus routes crossing the Mexican and Canadian borders.

I was prompted to take this action by a situation which has arisen in my own district, fronting on our border with Mexico.

The need for the bill is underscored by the fact that Mexican bus lines are permitted under certain circumstances to provide service into the United States, while U.S. carriers are denied similar access to Mexico.

As a result of this regulatory anomaly, a Mexican bus company, Mexicoach, has been given temporary authority, by the Interstate Commerce Commission, to provide scheduled service from Tijuana, Mexico, to downtown San Diego, a distance of about 16 miles in the United States.

In granting this permit, the ICC cited a 1969 decision holding that foreign carriers can provide cross border service if they do not go between cities on the U.S. side. This regulation may well be desirable for compact border communities like El Paso-Juarez but makes little sense when applied to outstretched San Diego.

The new Mexicoach service is regarded with considerable trepidation by at least one established U.S. carrier, the Greyhound Line. Greyhound now schedules 78 trips a day between downtown San Diego and the border gate but warns it may be forced to cut back if Mexicoach is permitted to go on duplicating that service.

I can only salute the enterprising spirit shown by the owners of Mexicoach, which is providing a long-needed service across the border.

Normally, I would hesitate to criticize any arrangement for making this sort of convenience available to the traveling public. But in this instance the competition offered by Mexicoach is just plain unfair—because Greyhound is not allowed to enter Mexico, and thus cannot really compete with Mexicoach for the many travelers who want to cross the border.

My bill would alleviate this problem, and restore a measure of justice to this situation by simply providing that foreign bus lines could not do business in this country "unless the foreign country concerned grants reciprocal privileges to citizens of the United States." Without reciprocity, the Interstate Commerce Commission would be specifically prohibited from approving such applications.

There is obviously not much time remaining in this session for action on this legislation, but I do hope in this fashion to alert the ICC to our concern over what appears to be a gross inequity in the regulatory scheme of things. And of course the reciprocity requirement would work both ways; foreign carriers could avail themselves of its protections in exactly the same way as their U.S. rivals.

I believe this bill is both equitable and necessary. If the commerce commissioners' hands are tied, Congress can always act next year.

CHANGE IN SOCIAL SECURITY LAW

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I am today introducing a bill to change the present social security law regarding when the social security benefits entitlement period ends.

Under present law, entitlement ends the month before a person dies. For some this works well, for others this is a distinct disadvantage. The matter was brought to my attention by one of my constituents who told me that for nursing homes this means that if an individual is under their care and has assigned his or her social security benefit to that nursing home and then dies, even as late as the last day of the month, then that nursing home receives no social security benefits for that month.

I think this unfair and I agree with this constituent that a nursing home or other care facility should not have to thus involuntarily contribute to the Federal Government.

So I introduce this legislation today to provide that an individual's entitle-

ment to benefits shall continue through the month of his death. However, I also include an exception. In cases where an individual has not assigned his or her benefits to a nursing or other home, and in which that individual has survivors who will receive benefits, it is necessary that they begin to receive survivor benefits immediately. For this purpose my bill excepts the situation where the continuation of such entitlement would cause a consequent delay in survivor eligibility and reduce the total amount that the family would receive. For their benefit, entitlement on the part of the individual should end the month before death so that they can begin to receive the higher survivors' benefits.

My proposal thus would take care of both situations fairly, I believe, and at no great cost to the Government. After all, the change would not affect a great number of individuals and it relates to a situation that arises only upon the death of the individual.

UNWARRANTED CRITICISM OF THE U.S. MARINE CORPS

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I have always retained a great respect for the U.S. Marine Corps. As a result, I was most disturbed to hear a statement on the floor by my colleague, Representative ABZUG, on June 29, 1972, which incorporated a complaint of the National Lawyers Guild regarding alleged unlawful action by the Marine Corps in declaring off-limits a NLG-sponsored activity in Japan. Representative ABZUG's remark also indicated a critical interest by Representative DELLUMS in this matter.

I recalled hearing some testimony in public hearings of the Committee on Internal Security, which I chair, on June 20, 1972, concerning "Attempts To Subvert the U.S. Military Forces" to the effect that the National Lawyers Guild was one of the organizations which has been extremely active among our servicemen in Japan as well as in the Republic of the Philippines. In view of the fact that the NLG has been officially characterized in the past as the "foremost legal bulwark of the Communist Party," I directed the committee staff to make an inquiry of the Department of Defense concerning the activities of that organization in Japan and in the Republic of the Philippines. The following response was received from the Department of Defense concerning this matter:

OFFICE OF THE ASSISTANT SECRETARY
OF DEFENSE,
Washington, D.C.

HON. RICHARD H. ICHORD,
Chairman, Committee on Internal Security, House of Representatives, Washington, D.C.

DEAR MR. ICHORD: On July 5, 1972, Mr. Donald Sanders, the Committee's Chief Counsel wrote inquiring about any detailed information we might have available relating to the activities of the National Lawyers Guild (NLG) in the Philippines and Japan. The Department's information concerning the NLG relates primarily to their representation of military personnel in those areas. We have not undertaken any independent inquiry about the National Lawyers Guild in that area, and the information we have was developed in response to allegations the Guild made to the effect that the military was "harassing" NLG representatives.

We have been advised that NLG representatives first arrived in Manila in September, 1971, and initially operated from an office located in that city. Two months later they opened a GI Center in Santa Maria village outside Clark Air Force Base's main gate. The GI Center is a meeting place for dissidents. NLG representatives have conducted workshops there on such subjects as conscientious objector claims, UCMJ Article 138 complaints, and dissent activities in general. The Center is also the focal point for publication of an underground newspaper, *Cry Out*, which the NLG uses extensively to advertise its legal services. Attendance at the GI Center has recently fallen off and the Guild attorneys have resorted to showing stag movies in an attempt to generate interest. Our information is that the underground newspaper has caused little consternation on the part of the officials at Clark Air Base.

When NLG attorneys initially arrived in the Clark Air Base area, they were welcomed by the Base Staff Judge Advocate (SJA) and informed that the Air Force would cooperate with them in their defense of airmen. He recommended that they interview their clients in the Base legal office and told them that a private office, telephones, and research materials would be made available. However, he informed them that they would not be permitted actively to solicit business on Base.

Despite this effort by the Air Force to establish a good professional working atmosphere, NLG relations with the military have not always been a model of felicity. Several examples will suffice to illustrate. In November, 1971, the NLG represented an airman charged with possession of heroin. Several weeks before the court-martial convened, Mr. Sander Karp, an NLG attorney, told the SJA that he was encountering delay in getting on base to prepare for trial. The SJA secured base passes for Mr. Karp and three other civilian attorneys which authorized their presence on base from 0700 to 2200 hours each day. At 0130 hours on the morning following the commencement of trial, Mr. Karp, the accused, and several dependent children were apprehended by security police parked in an isolated area of Clark Air Base. Mr. Karp was immediately escorted off base and released. The next morning a search of the area revealed a bag of marijuana hidden in the bushes adjacent to the place where Mr. Karp had been parked.

In a more recent incident an NLG attorney prepared a nonjudicial punishment appeal which purported to contain a sworn statement from a Clark Air Base noncommissioned officer. Upon review of the appeal in the base legal office, it was noticed that the statement was unsigned. The noncommissioned officer in question was contacted and it was discovered that he had not, in fact, made the statement. He said that he had talked with the NLG attorney but that the written statement attributed to him was a misrepresentation of his interview. Therefore, he had refused to sign the statement since it was not true.

In two instances within the last several months, NLG attorneys have attempted to solicit clients at the Clark correctional facility and in both instances the incarcerated airmen explained to security police that they did not want to be represented by the Guild.

The SJA advises that, contrary to the allegations made by NLG representatives, he has never contacted any agency of the Philippine Government concerning the status of the NLG. The actions of Philippine immigration authorities in threatening expulsion of Guild attorneys were apparently undertaken solely on the initiative of those authorities. Their interest in the Guild is said to have been prompted by reason of the following facts NLG attorneys arrived in the Philippines on September 7, 1971, with 59-day visitors' visas. The purpose of their visit was listed as "practicing law." Aliens are prohibited from practicing law in the Philippines and local attorneys who represent American interests in the Philippines have lobbies for strict enforcement of this law. Nevertheless, NLG attorneys succeeded in having their visas extended until December 5, 1971, when the visas finally expired. No further attempt was made to renew the visas until late January, 1972, at which time the Guild attorneys again stated their purpose as being that of practicing law.

The NLG has apparently also fallen into disfavor with the Philippine Government because of its alleged subversive activities there and because of continued criticisms of the Marcos administration in *Cry Out*. On March 15, 1972, the GI Center was raided by the Philippine Constabulary. During a search of the premises literature was said to have been found linking the NLG with the Kabataang Makabayan, a communist youth organization. Communist literature and illicit drugs were also reported to have been found on the premises.

Guild representation of Navy cases in the Philippines began in January, 1972. At that time the staff judge advocate at Subi Naval Base met with NLG representatives and advised them that they might use the law center library and that they would be extended the usual courtesies granted to lawyers practicing before Navy courts. However, NLG requests for special passes to permit entry into the Base without escort was refused on the ground that there was no basis for this exceptional treatment. But Guild attorneys have had no difficulty in entering the Base and using the law center. On the other hand, inasmuch as NLG representatives are not covered under the Military Bases Agreement, they are not authorized commissary or Navy exchange privileges.

Recent activities of NLG representatives which are said to be indicative of the nature of their presence at Navy installations in the Philippines are summarized below.

1. They have admittedly associated with and provided advice and information to the publishers of an underground newspaper, *Seasick*, at Subic Naval Base. This publication is calling for rebellion against authority, opposing U.S. actions in Vietnam, and trying to subvert U.S.-Philippine relations. In the March, 1972 edition, Mr. Daniel Siegel is said to have admitted providing information for the article on page 5, attached at TAB "A".

2. They have openly admitted opposing U.S. activities in Vietnam and attempting to subvert the morale of sailors. Attached at TAB "B" is a copy of a speech by Miss Barbara Dudley at the Guild observance of "Armed Farces Day" in Olongapo last May 19th.

3. They have openly engaged in political activities in the Philippines in opposition to authority and to the presence of U.S. bases there.

4. Mr. Daniel Siegel has practiced as defense counsel before Navy courts-martial though admitting that he is not licensed to practice law anywhere.

With respect to Guild activity in Japan, two NLG attorneys have apparently handled the bulk of the legal representation there. Mr. Eric Seitz has participated in courts-martial of all the Services and Mr. Sander Karp, after leaving the Philippines, worked primarily at the Marine Corps Air Station in Iwakuni. Incidents involving the NLG, noted above as

occurring in the Philippines, have not been reported in Japan.

Attempts to create dissension and disloyalty among servicemen at overseas bases are not deemed to be a part of legitimate representation and activities of this nature will not be sanctioned. Our overseas commanders, of course, do not control the independent actions of the authorities of host governments in the enforcement of the immigration or other laws of the host countries which may impinge upon the activities of American civilian attorneys.

I trust the foregoing information and attachments will be of assistance to your Committee.

Sincerely,

ROWLAND A. MORROW,
Director, Defense Investigative Program Office.

The Department of Defense report speaks for itself and certainly demonstrates an attitude on the part of the military quite the opposite of that suggested by my colleagues' critical remarks on the Marine Corps' actions. It also is indicative of activities by representatives of the National Lawyers Guild which not only are a disservice to our military men who may be in actual need of sound, unbiased, legal advice, but further indicates a rather serious involvement of the NLG representatives in the internal affairs of the Republic of the Philippines.

I intend to call this matter to the attention of the Department of State. In addition, I feel that this is a situation which should be closely examined by the American Bar Association.

Regrettably, there is a tendency on the part of some of my colleagues to assume the righteousness of an organization, such as the National Lawyers Guild, which pays lip service to justice for the so-called underdog, but whose devious methods and activities are, to say the very least, a poor reflection on the legal profession.

HIGHWAY ACT AMENDMENT

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, at the proper time when we consider H.R. 16656 I will file the following amendment to deal adequately with the bill board question.

H.R. 16656 is hereby amended by striking section 119 in its entirety and substituting in lieu thereof the following:

SEC. 119. (a) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

MARTZ COUPLE CELEBRATES 80TH ANNIVERSARY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, much rhetoric is devoted to the subject of the elderly by those of us in Congress. However, two people who have surpassed the age of 100 should not only be respected as elders; they must be considered a unique living storehouse of American heritage.

I am proud to represent two such people, George Martz, age 101, and Annie Huber Martz, his 103-year-old wife. The amazing aspect of their cherished milestone is that they have spent 80 of those years as husband and wife, and will celebrate their 80th wedding anniversary tomorrow.

My profound admiration of this esteemed couple is shared by all those who know them.

Let us consider the course of their history as it corresponds to the serious, as well as lighthearted progress of the United States.

The Martz' were born as our country struggled to recover from the spiritual and material devastation of the Civil War. When they were married in 1892, the World's Columbian Exposition in Chicago was in full swing as it featured another amazing American invention, the Ferris wheel. A month before George and Annie Martz' 10th anniversary, the Wright brothers had built a specially designed, motor-driven glider that flew over 600 feet at Kitty Hawk, N.C.

As they celebrated their silver anniversary in 1917, the average price of a new automobile was $720. Observing their golden anniversary in 1942, the Martz' along with the Nation, turned to music to soothe the pains of World War II by listening to Bing Crosby sing "White Christmas," and welcomed Aaron Copland's monumental American ballet, "Rodeo."

George and Annie Martz are truly a unique collage of American heritage. They have lived together from the last days of the wagon trains to the exploration of our newest frontier, the universe. They have seen the United States develop culturally, economically, and socially. The Martz' have made their contribution to the Nation and, like governments, have emerged from both the good and bad times stronger and looking to the future.

Mr. and Mrs. Martz reside in the exact homestead near Mayport, Pa., where they purchased the land in 1892 for the exorbitant price of $1.50 an acre. Seven children were born to the couple, six of whom survive and reside in the vicinity of the family farm.

I know the union of Mr. and Mrs. Martz is the oldest in Pennsylvania, and I challenge any one of my colleagues to disprove the fact that it is the oldest in the United States.

I know everyone joins me in extending hearty congratulations to Mr. and Mrs. Martz, and in wishing them many more years of happiness.

CONFERENCE REPORT—COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. GARMATZ submitted the following conference report and statement on the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-1544)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, 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 the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the folowing new title:

TITLE III—MANAGEMENT OF THE COASTAL ZONE

SHORT TITLE

SEC. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

SEC. 302. The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional ar-

rangements for planning and regulating land and water uses in such areas are inadequate; and

(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing and land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

DECLARATION OF POLICY

SEC. 303. The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

DEFINITIONS

SEC. 304. For the purposes of this title—

(a) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(b) "Coastal waters" means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(c) "Coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purpose of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(e) "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(f) "Secretary" means the Secretary of Commerce.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone, subject to the requirements outlined in Sec. 307(g).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

(b) Such management program shall include:

(1) an identification of the boundaries of the coastal zone subject to the management program;

(2) a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters;

(3) an inventory and designation of areas of particular concern within the coastal zone;

(4) an identification of the means by which the state proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year and no state shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial grant to a coastal state, no subsequent grant shall be made under this section unless the Secretary finds that the state is satisfactorily developing such management program.

(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however,* That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

(h) The authority to make grants under this section shall expire on June 30, 1975.

ADMINISTRATIVE GRANTS

SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however,* That no annual administrative grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsec-

tion and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation. recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the state under the program as amended.

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

INTERAGENCY COORDINATION AND COOPERATION

SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

(c) (1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

(e) Nothing in this title shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

PUBLIC HEARINGS

SEC. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

RECORDS

SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

ADVISORY COMMITTEE

SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

ESTUARINE SANCTUARIES

SEC. 312. The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

ANNUAL REPORT

SEC. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

RULES AND REGULATIONS

SEC. 314. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 315. (a) There are authorized to be appropriated—

(1) the sum of $9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977 for grants under section 305, to remain available until expended;

(2) such sums, not to exceed $30,000,000, for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977, as may be necessary, for grants under section 306 to remain available until expended; and

(3) such sums, not to exceed $6,000,000 for the fiscal year ending June 30, 1974, as may be necessary, for grants under section 312, to remain available until expended.

(b) There are also authorized to be appropriated such sums, not to exceed $3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

And the House agree to the same.

EDWARD A. GARMATZ,
ALTON LENNON,
THOMAS N. DOWNING,
CHARLES A. MOSHER,
THOMAS M. PELLY,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, 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 struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The Committee of Conference has agreed to a substitute for both the Senate bill and the House amendment. Except for technical, clarifying, and conforming changes, the following statement explains, as appropriate, the differences between the Senate bill, and the House amendment thereto, together with an explanation of the conference substitute.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

Section 304. The Managers agreed to adopt the House language as to the seaward extent of the coastal zone, because of its clarity and brevity. At the same time, it should be made clear that the provisions of this definition are not in any way intended to affect the litigation now pending between the United States and the Atlantic coastal states as to the extent of state jurisdiction. Nor does the seaward limit of the coastal zone in any way change the state or Federal interests in resources of the territorial waters or Continental Shelf, as provided for in the Submerged Lands Act and the Outer Continental Shelf Lands Act. The Conferees also adopted the Senate language in this section which made it clear that Federal lands are not included within a state's coastal zone. As to the use of such lands which would affect a state's coastal zone, the provisions of section 307(c) would apply.

The Conferees adopted the Senate definition of "Secretary" to mean the Secretary of Commerce. As the bill was passed by the Senate, and as a companion bill was reported to the House, it was provided that the administration of the Coastal Zone Management Act should be the responsibility of the Secretary of Commerce, and it was expected that actual administration would be delegated to the Administrator of the National Oceanic and Atmospheric Administration. The rationale behind this decision, as discussed in both Senate Report 92–753 and House Report 92–1049, was based in large part on NOAA's capability to assist State and local governments in the technical aspects of coastal problems since it houses such entities as the National Ocean Survey, Environmental Data Service, Environmental Research Laboratories and Office of Sea Grant, among others.

When the House bill was considered on the Floor, however, an amendment was proposed and adopted which would place the responsibility for administration from the Secretary of Commerce with the Secretary of the Interior. The argument in support of this change addressed itself to the fact that the Coastal Zone Management Act involved land use decisions and since pending land use legislation in both Houses gave the administrative responsibility to the Secretary of the Interior, that official should also administer the Coastal Zone Management Act so that the land use aspects of the coastal zone legislation and the national land use legislation could be readily coordinated and not result in conflict between the two programs.

The Conferees adopted a final approach which acknowledges the validity of many of the arguments advanced to justify the placement of responsibility in the Department of Interior rather than the Department of Commerce. First, the definition of what land areas shall be included in the "coastal zone" has been limited to those lands which have a direct and significant impact upon coastal water. Secondly, those lands traditionally managed by the Department of Interior or the Department of Defense, such as parks, wildlife refuges, military reservations, and other such areas covered by existing legislation,

were specifically excluded from the coverage of the bill. Thirdly, it is provided that upon enactment and implementation of national land use legislation, the Secretary of Commerce shall coordinate with and obtain the concurrence of the Federal official charged with managing the national land use program.

Until such time as a state begins its participation in any national land use program, the question of this required concurrence will not of course arise. The Conferees expect that the concurrence procedure will take place after Federally supported land use programs become effective, and would take place when the coastal zone program is submitted for original approval under title 306 or where a modification is proposed. It is also expected that where a coastal zone program already exists in a state when the state Federally supported land use program is proposed, that necessary changes in the coastal zone program consistent with the concept of land use responsibility, as outlined in section 307(g) would be accomplished. The Conferees also agreed to include definitions for "management program", for "water use", keyed to the requirements of section 307(f) and "land use", keyed to the requirements of section 307(g).

Therefore, what the Conferees agreed upon was basically a water-related coastal zone program administered by the Secretary of Commerce with required full coordination with and concurrence of the Secretary of Interior. This compromise recognizes the need for making coastal zone management fully compatible with national land use policy, while making use of the special technical competence of the National Oceanic and Atmospheric Administration in the Department of Commerce in managing the nation's coastal areas.

Sec. 305. The Conferees adopted the Senate approach of providing for a maximum for any one state of ten percentum of the total amount appropriated for development grants, and likewise for a minimum of one percentum for any single state. It goes without saying that this minimum percentum applies only when the state elects to participate under the program. The Conferees also agreed to extend the program through June 30, 1977, in view of the fact that the initial actions under the program may be slow in some states due to the necessity for changing state laws in order that the state may be eligible under the title.

The Conferees agreed not to include a provision which would authorize direct grants to political subdivisions of states pending the adoption of a statewide program, concluding that individual situations which were alluded to, such as the Anchorage plan in the State of Alaska and bi-county plans in the State of New York, can be taken care of by the provisions of section 306(h). The Conferees also agreed to exclude a similar provision which had been contained in the Senate version of section 306.

Sec. 306. The Conferees accepted the Senate maximum and minimum percentages for state administrative grants similar to those for development grants in section 305. In addition, the Conferees accepted the two additional items required by the House in state management programs, the first as to adequate consideration for the national interests involved in the siting of facilities representing regional or national requirements, and the second relating to inclusion of procedures whereby specific areas may be set aside for certain listed purposes, in each case endorsing the rationale for those inclusions as contained in House Report 92-1049.

Sec. 307. In the language adopted for Interagency Coordination and Cooperation, the Conferees agreed that the Secretary must coordinate his activities under this title with all other interested Federal agencies and may not approve state programs until the views of those agencies have been considered. They also agreed that as to Federal agencies involved in any activities directly affecting the state coastal zone and any Federal participation in development projects in the coastal zone, the Federal agencies must make certain that their activities are to the maximum extent practicable consistent with approved state management programs. In addition, similar consideration of state management programs must be given in the process of issuing Federal licenses or permits for activities affecting state coastal zones. The Conferees also adopted language which would make certain that there is no intent in this legislation to change Federal or state jurisdiction or rights in specified fields, including submerged lands.

The Conferees adopted the Senate provisions making it clear that water and air pollution control requirements established by Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, shall be included as a part of the state coastal zone program. Finally, the Conferees adopted language making it clear that the Secretary of the Interior or such other Secretary or Federal official as may be designated in national land use legislation, must concur in any state coastal zone program requirements relating to land use, before those requirements may be approved by the Secretary.

Sec. 312. The Conferees agreed to delete the provisions of the House version relating to extension of estuarine sanctuaries, in view of the fact that the need for such provisions appears to be rather remote and could cause problems since they would extend beyond the territorial limits of the United States. The Conferees retained the authority to establish estuarine sanctuaries within state waters.

Sec. 313. In the provisions for an annual report, the Conferees included the requirement, among others, that the Congress be notified specifically as to Federal activities or projects which are not consistent with an approved state management program thereby enabling the Congress to take corrective measures as it deems appropriate.

Sec. 315. The Conferees agreed to compromise the appropriation authorization provisions, by including a provision for $9,000,000 each year for a period of five years for development grants, a provision for necessary sums; not to exceed $30,000,000 for each of four fiscal years beginning with fiscal year 1974 for administrative grants, and a provision for necessary sums not to exceed $6,000,000 for the single year of fiscal year 1974. In addition, Conferees agreed to authorize necessary sums not to exceed $3,000,000 per year for five years for administrative expenses.

MATTERS EXCLUDED IN CONFERENCE PROVISIONS

In addition to deleting the Senate provisions relating to direct grants to certain political subdivisions of states, discussed earlier as to section 305, the Conferees also deleted the Senate provisions (in section 311 of the Senate version) establishing a National Coastal Resources Board. The Conferees concluded that such a Board was cumbersome, expensive and unnecessary. The Conferees also excluded the House provisions (in section 313 of the House version) authorizing a Federal management program for the contiguous zone of the United States, because the provisions relating thereto did not prescribe sufficient standards or criteria and would create potential conflicts with legislation already in existence concerning Continental Shelf resources. Having deleted the estuarine sanctuary extension authority and the Federal contiguous zone program authority, the Conferees also deleted the penalty provisions which were contained in section 316 of the House version, as no longer necessary.

EDWARD A. GARMATZ,
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Managers on the Part of the House.
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ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CAREY of New York (at the request of Mr. MAZZOLI), 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. HECHLER of West Virginia, on Thursday next, for 30 minutes.

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

Mr. KEMP, today, for 15 minutes.

Mr. CRANE, today, for 60 minutes.

Mr. WILLIAMS, today, for 15 minutes.

Mr. CHAMBERLAIN, today, for 5 minutes.

Mr. FRENZEL, today, for 10 minutes.

Mr. ZION, today, for 10 minutes.

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

Mr. GONZALEZ, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. THOMPSON of New Jersey, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON in three instances and to include extraneous matter.

Mr. FINDLEY, immediately following the remarks of Mr. BRINKLEY in the Committee of the Whole today.

Mr. HUNGATE, immediately following the remarks of Mr. BRINKLEY in the Committee of the Whole today.

Mr. BUCHANAN immediately following remarks of Mr. BRINKLEY in Committee of the Whole today.

Mr. PIKE, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is

estimated by the Public Printer to cost $510.

Mr. VAN DEERLIN, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $425.

Mr. BRINKLEY, and to include extraneous matter with remarks in the Committee of the Whole.

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

Mr. BLACKBURN.
Mr. HALPERN in two instances.
Mr. RIEGLE.
Mr. ESCH in two instances.
Mr. VANDER JAGT.
Mr. ROUSSELOT in two instances.
Mr. WYMAN in two instances.
Mr. GUBSER.
Mr. GROVER.
Mr. BROOMFIELD.
Mr. NELSEN.
Mr. FRENZEL.
Mr. HOSMER in three instances.
Mr. LANDGREBE.
Mr. WHALEN.
Mr. PELLY in three instances.
Mr. BROWN of Michigan.
Mr. SPRINGER.
Mr. WHITEHURST.

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

Mr. BLATNIK.
Mr. FRASER in five instances.
Mr. HARRINGTON in four instances.
Mrs. HICKS of Massachusetts in three instances.
Mr. MINISH in two instances.
Mr. CARNEY.
Mr. CHAPPELL.
Mr. JONES of North Carolina.
Mr. ANNUNZIO.
Mr. CLARK.
Mr. UDALL in seven instances.
Mr. RODINO in three instances.
Mr. BEGICH in two instances.
Mr. ROSENTHAL in five instances.
Mr. BOLLING.
Mr. BYRNE of Pennsylvania.
Mr. DE LA GARZA in 10 instances.
Mr. ROY.
Mr. EVINS of Tennessee in two instances.
Mr. ROONEY of Pennsylvania.
Mr. NICHOLS.
Mr. PATTEN.
Mr. LONG of Maryland.
Mr. NIX.
Mr. PREYER of North Carolina.
Mr. MATSUNAGA in five instances.
Mr. BRASCO.
Mr. CULVER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2952. An act to authorize a Federal payment for the planning of a transit line in the median of the Dulles Airport Road and for a feasibility study of rapid transit to Friendship International Airport; to the Committee on the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

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. 5838. An act to designate certain lands in the Lava Beds National Monument in California, as wilderness;

H.R. 6318. An act to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes;

H.R. 9198. An act to amend the Act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems;

H.R. 10243. An act to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes;

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629. An act for the relief of Corporal Bobby R. Mullins;

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the Dstrict of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the Act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes;

H.R. 11948. An act to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law;

H.J. Res. 1211. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission;

H.J. Res. 1257. Joint resolution to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer; and

H.J. Res. 1263. Joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol Day."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1475. An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo", and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 7378. An act to Create a Commission on Revision of the Federal Court Appellate System of the United States;

H.R. 12652. An act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; and

H.R. 14909. An act to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, October 9, 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:

2395. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2396. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d) (6) of the act; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2397. A letter from the Comptroller General of the United States, transmitting a report on U.S. efforts through the Department of State to increase international cooperation in controlling narcotics traffic; to the Committee on Government Operations.

2398. A letter from the Comptroller General of the United States, transmitting a report that greater benefits to more people are possible by better uses of Federal outdoor recreation grants, under programs administered by the Bureau of Outdoor Recreation, Department of the Interior, and by the Department of Housing and Urban Development; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 13895. A bill to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes; with amendments (Rept. No. 92-1534). Referred

to the Committee of the Whole House on the State of the Union.

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 7625. A bill to adjust the pay of the police forces at Washington and Dulles Airports; with amendments (Rept. No. 92–1535). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on the investigation of possible politicization of Federal statistical programs (Rept. No. 92–1536). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16946. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of securities depositories, clearing agencies, and transfer agents, and for other purposes; with an amendment (Rept. No. 92–1537). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 256. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; with amendments (Rept. No. 92–1538). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 13396. A bill to authorize an increase in land acquisition funds for the Delaware National Recreation Area, and for other purposes; with an amendment (Rept. No. 92–1539). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee of conference. Conference report on H.R. 10729 (Rept. No. 92–1540). Ordered to be printed.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 13067. A bill to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.; with amendments (Rept. No. 92–1541). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 16932. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; with amendments (Rept. No. 92–1542). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 3755 (Rept. No. 92–1543). Ordered to be printed.

Mr. GARMATZ: Committee of conference. Conference report on S. 3507 (Rept. No. 92–1544). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE 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. DANIELSON: Committee on the Judiciary. H.R. 8307. A bill for the relief of Michael A. Korhonen; with amendments (Rept. No. 92–1529). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 7012. A bill for the relief of Murray Swartz (Rept. No. 92–1530). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. S. 2147. An act for the relief of Marie M. Ridgely (Rept. No. 92–1531). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. S. 2753. An act for the relief of John C. Mayoros (Rept. No. 92–1532). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 3483). An act for the relief of Cass County, N. Dak.; with an amendment (Rept. No. 92–1533). 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. ASPINALL (for himself, Mr. JOHNSON of California, Mr. LLOYD, Mr. RONCALIO, Mr. McKAY, and Mr. RUNNELS):

H.R. 17009. A bill to authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BEGICH:

H.R. 17010. A bill creating an additional Federal district judgeship for the district of Alaska; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 17011. A bill to require local governmental approval for section 235 or 236 housing; to the Committee on Banking and Currency.

H.R. 17012. A bill to pay grants to students enrolled in psychology or sociology in institutions of higher education to encourage their part-time employment and clinical training in certain hospitals for mental rehabilitation; to the Committee on Education and Labor.

By Mr. BRASCO:

H.R. 17013. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 17014. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. HOSMER (for himself, Mr. CHARLES H. WILSON, Mr. BELL, Mr. CORMAN, Mr. DEL CLAWSON, Mr. WIGGINS, Mr. PETTIS, Mr. REES, Mr. VEYSEY, Mr. DANIELSON, Mr. BOB WILSON, Mr. HAWKINS, Mr. ROYBAL, Mr. SMITH of California, Mr. STEIGER of Arizona, Mr. RHODES, Mr. UDALL, Mr. HOLIFIELD, and Mr. HANNA):

H.R. 17015. A bill to authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JONES of Alabama (for himself and Mr. BEVILL):

H.R. 17016. A bill providing for the establishment of a wild area system; to the Committee on Agriculture.

By Mr. MONAGAN:

H.R. 17017. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 17018. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits shall continue through the month of his death (except where the continuation of such entitlement and the consequent delay in survivor eligibility would reduce the total amount payable to the family); to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 17019. A bill to amend title 18 of the United States Code to provide penalties for fixing certain horse or dog races, and for other purposes; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself and Mr. DANIELS of New Jersey):

H.R. 17020. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. STEIGER of Wisconsin (for himself, Mr. DANIELS of New Jersey, Mr. ESCH, Mr. BROWN of Ohio, Mr. CONTE, Mr. GUDE, Mr. REES, Mr. BELL, Mr. MAZZOLI, Mr. SMITH of Iowa, Mr. CONOVER, Mr. ERLENBORN, Mr. KYL, Mr. McKINNEY, Mr. CLEVELAND, Mr. MOSHER, Mr. RUPPE, Mr. HUNGATE, Mr. BERGLAND, and Mr. FORSYTHE):

H.R. 17021. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. VAN DEERLIN:

H.R. 17022. A bill to amend section 202 of the Interstate Commerce Act to prohibit certain motor carrier operations between the United States and any contiguous foreign country by a person not a citizen of the United States unless the foreign country concerned grants reciprocal privileges to citizens of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Michigan:

H.R. 17023. A bill to amend the Food Stamp Act of 1964, to allow eligible households to purchase canning equipment and certain seeds with food stamps, and for other purposes; to the Committee on Agriculture.

By Mr. CULVER:

H.R. 17024. A bill Newsmen's Privilege Act of 1972; to the Committee on the Judiciary.

By Mr. DENHOLM:

H.R. 17025. A bill to provide for an investment tax credit on closing inventory of small businesses; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 17026. A bill to provide long-term custodial care and home care to the chronically ill; to the Committee on Interstate and Foreign Commerce.

By Mr. McKAY:

H.R. 17027. A bill to amend title 13, United States Code to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, to provide for a mid-decade sample survey of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN:

H.R. 17028. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

By Mr. THOMPSON of Georgia:

H.R. 17029. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for expenses paid by the taxpayer for the elementary or secondary education of a dependent; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. ADAMS, Mr. FASCELL, Mr. FRENZEL, Mr. HARRINGTON, Mr. RARICK, Mr. ROONEY of Pennsylvania, Mr. STRATTON, Mr. TIERNAN, Mr. WOLFF, and Mr. WYDLER):

H.R. 17030. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizen as a condition to emigration; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.J. Res. 1322. Joint resolution to prevent surface mining operations on public lands and deep mining in national forests; to the Committee on Interior and Insular Affairs.

By Mr. STEELE:

H.J. Res. 1323. Joint resolution to insure orderly and responsible congressional review of tax preferences, and other items which narrow the income tax base; to the Committee on Ways and Means.

By Mr. KEMP (for himself, Mr. ROE, Mr. ROSENTHAL, Mr. SCHNEEBELI, Mr. SCHWENGEL, Mr. SMITH of New York, Mr. STRATTON, Mr. THONE, Mr. WHALLEY, and Mr. WYDLER):

H. Res. 1152. Resolution designating May 3 as "Polish Constitution Day"; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. ADDABBO, Mr. ANNUNZIO, Mr. BIESTER, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. CLEVELAND, Mr. COLLIER, Mr. DELANEY, Mr. FISH, Mr. GARMATZ, Mr. GIAIMO, Mr. GREEN of Pennsylvania, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mrs. HICKS of Massachusetts, Mr. HUNT, Mr. LONG of Maryland, Mr. MCKEVITT, Mr. MINSHALL, Mr. MOORHEAD, Mr. MURPHY of New York, Mr. PEPPER, and Mr. PIKE):

H. Res. 1151. Resolution designating May 3 as "Polish Constitution Day"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUDE:

H.R. 17031. A bill for the relief of Rosa Ines Toapanta; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 17032. A bill for the relief of Evangelina and Edwardo Sado; to the Committee on the Judiciary.

By Mr. NELSON:

H.R. 17033. A bill for the relief of Selmer Amundson; to the Committee on the Judiciary.

SENATE—*Friday, October 6, 1972*

The Senate met at 11 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

PRAYER

The Reverend Evans E. Crawford, Ph. D., dean of the chapel, Howard University, Washington, D.C., offered the following prayer:

God of our harvest, hope, and home, come in all Thy nourishing and sustaining presence to these who have been chosen to exercise the people's choice. Grant to them and to us a full harvest of the liberties in whose name we labor. Judge us by our fruits; but if and where we fail, give to us an abundance of Thy promised mercy. Renew in us daily such a hunger and thirst after righteousness that no reach of our power may exceed the roots of our praise. Ring through our responsibilities the resounding amens of the heritages we share. Put the charges we have to keep by living and liberating waters, so that, in planting or reaping, the people and the nations may walk, work, and worship with fruitful freedom in pastures greened by Thy grace and in fields ripened by Thy glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 6, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 804(b), Public Law 91–452, the Speaker had appointed Mr. PURCELL, Mr. CURLIN, Mr. HOGAN, and Mr. HUNT as members of the Commission on the Review of the National Policy Toward Gambling, on the part of the House.

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System; that the House receded from its disagreement to the amendment of the Senate numbered 1 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate; that the House receded from its disagreement to the amendment of the Senate numbered 2 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate; that the House receded from its disagreement to the amendment of the Senate numbered 6 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate; that the House receded from its disagreement to the amendments of the Senate numbered 21, 44, 65, 66, and 67 to the bill and concurred therein, severally with amendments, in which it requested the concurrence of the Senate; and that the House receded from its disagreement to the amendment of the Senate to the title of the bill, and agreed to same.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 5, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs and the Committee on Armed Services may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Executive M—92d Congress, second session—the Convention on International Liability for Damage Caused by Space Objects.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE PROJECTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive M, 92d Congress, second session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive M, 92d Congress, second session, the Convention on International Liability for Damage Caused by Space Objects, which was read the second time, as follows:

CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,