kota (Mr. ABOUREZK) under the order previously entered, the distinguished senior Senator from West Virginia (Mr. RANDOLPH) be recognized for not to exceed 15 minutes.

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

### PROGRAM

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

The Senate will convene at 10 o'clock a.m. After the two leaders or their designees have been recognized under the standing order, the Senator from South Dakota (Mr. ABOUREZK) will be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from West Virginia (Mr. RANDOLPH) for not to exceed 15 minutes, to be followed by the distinguished Senator from Michigan (Mr. GRIFFIN) for not to exceed 15 minutes, to be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes, after which the Senate will resume consideration of the unfinished business, S. 352. The question at that time will be on the adoption of Amendment No. 90, proposed by the distinguished Senator from Florida (Mr. GURNEY). On that amendment the yeas and nays have been ordered, and the time for debate on that amendment is divided and controlled, with a vote to occur on the Gurney amendment at 12 o'clock meridian. As far as the leadership can foresee at this time, that will be the only yea-and-nay vote tomorrow.

After that vote Senators may make speeches, after which the Senate will adjourn for the Easter recess.

### ADJOURNMENT TO 10 A.M.

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 10 a.m. tomorrow.

The motion was agreed to; and at 5:25 p.m. the Senate adjourned until tomorrow, Wednesday, April 18, 1973, at 10 a.m.

### CONFIRMATIONS

Executive nominations confirmed by the Senate April 17, 1973:

DEPARTMENT OF THE INTERIOR

Dale Kent Frizzell, of Kansas, to be Solicitor of the Department of the Interior.

Laurence E. Lynn, Jr., of California, to be an Assistant Secretary of the Interior.

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

### WITHDRAWAL

Executive nomination withdrawn from the Senate April 17, 1973:

Louis Patrick Gray III, of Connecticut, to be Director of the Federal Bureau of Investigation, which was sent to the Senate on February 21, 1973.

# HOUSE OF REPRESENTATIVES—*Tuesday, April 17, 1973*

The House met at 12 o'clock noon.

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

*The Lord is my God and I will praise Him, my father's God and I will exalt Him.*—Exodus 15: 2.

O God and Father of us all, we pray that Thou wilt touch our hearts, illumine our minds, and transform our spirits as we wait upon Thee in prayer. Kindle in our inmost being the wonder and the warmth of Thy presence that we may be made equal to every experience, ready for every responsibility, and adequate for every activity.

We remember that Thou didst lead the children of Israel from the land of bondage to the life of freedom. In grateful remembrance of that day we join our Hebrew friends in celebrating the joyful festival of the Passover. Lay Thy hand in blessing upon the House of Israel and upon every one of us. May we sing the songs of freedom and chant the refrain of peace as we journey together to the promised land of liberty and justice for all. 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.

### EXTENDING DIPLOMATIC PRIVILEGES TO LIAISON OFFICE OF PEOPLE'S REPUBLIC OF CHINA

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1315) to extend diplomatic privileges and immunities to the liaison office of the People's Republic of China and to members thereof, and for other purposes.

The Clerk read the title of the Senate bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, can I assume there is no Federal cost in connection with this legislation?

Mr. HAYS. If the gentleman will yield, as far as I know, there is no cost at all. The purpose of this is to extend this liaison mission, which is not an embassy arrangement, the same diplomatic privileges as though they were an embassy, which I understand the People's Republic of China has already extended to our liaison office in Peking.

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

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1315

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, under such terms and conditions as he shall determine and consonant with the purposes of this Act, the President is authorized to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof.

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.

### PROVIDING FUNDS FOR COMMITTEE ON HOUSE ADMINISTRATION

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 353 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 353

*Resolved,* That effective January 3, 1973, the Committee on House Administration is authorized to incur such expenses (not in excess of $2,400,000) as the committee considers advisable to provide for maintenance and improvement of ongoing computer services for the House of Representatives and for the investigation of additional computer services for the *House of Representatives,* including expenditures for the employment of technical, clerical, and other assistants, for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), and for the procurement of equipment by contract or otherwise. Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, and signed by the chairman thereof. Not to exceed $200,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202 (i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### PASSOVER 1973

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. DORN. Mr. Speaker, it is a special pleasure to extend Passover greetings to Americans of the Jewish faith and to all men who cherish freedom.

Passover 1973, the year 5733 in the Hebrew calendar, marks the beginning of the celebration of the 25th anniversary of the State of Israel. Passover recalls the deliverance of the Jewish people from Egyptian bondage and slavery. Throughout the ages this joyous celebration has manifested the desire of all men to be free. Our Jewish brothers throughout the centuries, this heroic struggle, has encouraged all of us in the cause of freedom. Men will be free, Mr. Speaker, and especially this year freedom-loving people all over the world salute the courageous and valiant people of the State of Israel.

One of the greatest stories of freedom in our time, is the dedicated and devoted effort of Israel to rebuild a nation. A nation, surrounded by hostile armies and constantly under attack from Red-trained terrorists. These brave people have written a shining page in the history of freedom.

As Jewish people throughout the world celebrate the Passover by retelling the story of the deliverance from Egypt by eating unleavened bread, they are joined in spirit by all men who cherish freedom, courage, and justice.

In South Carolina, Mr. Speaker, we are proud of one of the most historic Jewish communities in the Western Hemisphere. Their contributions to the history, culture, and development of our State, from prerevolutionary times to the present, is immeasurable. We are proud of a legacy of brotherhood and understanding.

It is a pleasure, Mr. Speaker, to join all men of good will on Passover 1973, in celebrating one of the greatest sagas of freedom in the history of the world.

## PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 6883

Mr. BOWEN. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on the bill H.R. 6883.

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

There was no objection.

## CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 98]

| | | |
|---|---|---|
| Badillo | Carey, N.Y. | de la Garza |
| Biaggi | Carney, Ohio | Diggs |
| Blatnik | Chappell | Dingell |
| Boggs | Chisholm | Dulski |
| Breaux | Clark | Eckhardt |
| Brinkley | Conyers | Eilberg |
| Burke, Mass. | Coughlin | Evins, Tenn. |
| Foley | McKinney | Riegle |
| Gibbons | Maraziti | Rooney, N.Y. |
| Gilman | Martin, N.C. | Roy |
| Gray | Mathias, Calif. | Ryan |
| Gubser | Montgomery | Sebelius |
| Harrington | Morgan | Staggers |
| Harvey | Moss | Stanton, James V. |
| Hébert | Obey | Talcott |
| Holtzman | Parris | Teague, Calif. |
| Jarman | Passman | Thompson, N.J. |
| Jones, Ala. | Patten | Waldie |
| King | Podell | Yates |
| Kuykendall | Powell, Ohio | Young, Ga. |
| Long, La. | Price, Tex. | |
| McKay | Railsback | |

The SPEAKER. On this rollcall 369 Members have recorded their presence by electronic device, a quorum.

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

## CLOSING MILITARY INSTALLATIONS

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

Mr. ADDABBO. Mr. Speaker, we have all witnessed in recent weeks the Nixon administration's enthusiastic welcome for our returning prisoners of war. That is as it should be, for they are all brave men and we are deeply grateful for their safe return.

But I must point out that in yesterday's announcement of the closing of military installations around the Nation, it seems apparent to me that this administration has little, if any, regard for yesterday's heroes.

The Pentagon says it will save $2.8 million by closing the St. Albans Naval Hospital in Queens. Last year that hospital treated 143,000 outpatients in the New York metropolitan area, most of them retired military personnel. These men and women risked their lives for all of us in previous wars, and now they are old and tired, living on small military retirement budgets and desperately in need of adequate medical care. With St. Albans gone, there is just no way they will get that care.

One hundred forty-three thousand cases a year. Mr. Speaker, we all want economy in our military, and most of us think military spending should go down in peacetime, rather than go up as the proposed budget would do.

But do we cut our budget by harming those who have fought hardest in this Nation's behalf? For myself, I would rather forgo one fighter plane, one missile or one less of any of the exotic weapons systems the Pentagon is asking for, and provide the medical treatment we promised our career soldiers and sailors.

The Pentagon, at least under this administration, seems to have a distinctly short memory for yesterday's heroes. I have but one vote, but it is my firm intention to use that vote from this point on to see if we can jog their memory back to when a promise made was a promise kept.

## PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

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

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

There was no objection.

## FUNDS FOR SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 334 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 334

*Resolved*, That effective March 1, 1973, the expenses of the investigations and studies to be conducted pursuant to H. Res. 279, by the Special Committee To Investigate Campaign Expenditures, acting as a whole or by subcommittee, not to exceed $45,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $20,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Special Committee To Investigate Campaign Expenditures shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, since the resolution was not read, I think we ought to have some explanation of it.

Mr. THOMPSON of New Jersey. Certainly.

Mr. Speaker, this resolution, I will say to my friend from Iowa, covers the amount of $45,000 for the Special Committee To Investigate Campaign Expenditures.

This committee, since the enactment of the election reform law last year, will in effect go out of business on June 15.

It has ongoing investigations arising out of the last election. This is a simple phaseout, I might say, a permanent

phaseout of the committee which is now chaired by the distinguished gentleman from Iowa (Mr. SMITH). The ranking member is Mr. DEVINE of Ohio.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

---

## LEGISLATIVE BRANCH APPROPRIATIONS, 1974

Mr. CASEY of Texas. 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. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from New Hampshire (Mr. WYMAN) and myself.

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

There was no objection.

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

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. 6691, with Mr. MURPHY of New York 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 unanimous-consent agreement, the gentleman from Texas (Mr. CASEY) will be recognized for 1 hour, and the gentleman from New Hampshire (Mr. WYMAN) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the usual annual appropriation bill for the legislative branch of Government for the next fiscal year. Funds are included for the operation of the House of Representatives, the various joint activities of the House and Senate, the Architect of the Capitol, the Botanic Garden, the Library of Congress—including the Congressional Research Service—the Government Printing Office, the General Accounting Office, and the Cost-Accounting Standards Board.

Conforming to long practice, funds exclusively for operations and activities of the Senate—including two items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

The various items in the bill are set out in the accompanying report. Detailed explanations in support of the requests considered by the Committee appear in the printed hearings. I am sure the subject that is of greatest interest is the inclusion of $58,000,000 for the extension of the west central front of the Capitol. I will discuss our recommendation in that regard following a brief outline of the other appropriations in the bill.

Before doing that I want to thank all the members of the subcommittee for their assistance throughout the hearings. We have a number of new members on the subcommittee this year—Mr. GIAIMO, of Connecticut; Mrs. EDITH GREEN, of Oregon; Mr. FLYNT, of Georgia; Mr. ROYBAL, of California; Mr. STOKES, of Ohio; and Dr. RUTH, of North Carolina. Our new ranking member is Mr. WYMAN of New Hampshire. He has been particularly helpful and he is ably filling the spot previously held by our late and devoted friend and colleague, Frank Bow, of Ohio.

Mr. EVANS, of Colorado, Mr. CEDERBERG, of Michigan, and Mr. RHODES, of Arizona, are continuing their faithful service on the subcommittee.

SUMMARY OF BILL

The appropriations recommended in the bill total $550,044,940. The requests considered by the Committee totaled $566,945,389. There is very little that this Committee can do other than recommend appropriations to cover the costs of the allowances and programs authorized by the Congress.

Reductions totaling $16,900,449 have been made. However, the major portion of this decrease is actually a deferral of action on two items. The largest one, $12,012,000, is in the request for funds to reimburse the U.S. Postal Service for official mail costs of the Congress pending a policy decision on rates and other matters on which the reimbursement will be based. I understand these matters are being, or will be, considered by the Committees on Post Office and Civil Service, along with officials of the House and Senate. The Committee has also deferred action on a request of the Government Printing Office for $3,200,000 for general plans and designs of a new Government Printing Office annex pending authorization by the Public Works Committees.

INCREASES

The bill is $102,873,900 over 1973 appropriations enacted to date. Over half of the increase is due to the inclusion of $58 million for the extension of the West Central Front of the Capitol which I will discuss later. The appropriations recommended for the operation of the House include an additional $2,262,000 to cover the increase in the clerk-hire allowances providing all Members authority to employ 16 clerks. There is an increase of $4,879,520 for official mail costs due to both the growth in the volume of outgoing mail and a more accurate count of the mail by postal authorities. The requirements for and cost of congressional printing continue to soar. A total increase of $17,500,000 is provided for this appropriation. Included is $14,800,000 to cover additional printing in previous years not known last year and an increase of $9,700,000 for 1974 to meet anticipated growth in workload as well as additional labor and material costs. The committee has allowed $4,600,000 for the acquisition of a site adjacent to the Government Printing Office plant for future expansion. This land is in an urban renewal area and will be acquired from the Redevelopment Land Agency, and is the remainder of the square on which the existing plant is located. Proposals to relocate the plant outside the city have been abandoned and a decision has been made to stay at the present location within easy access of the Congress. An increase of $7,615,000 has been provided for the General Accounting Office, of which $2,041,000 is for additional staffing to meet the increased workload imposed by the Congress, and $5,574,000 to cover mandatory pay costs and price increases.

PAY INCREASES

There are no funds in the bill to cover the costs of the 5.14-percent pay increases that went into effect on January 1 of this year for most of the employees of the legislative branch, except certain wage board employees. Appropriations for these costs will be considered at a later date along with similar requests from the executive branch.

ELIMINATION OF NONESSENTIAL JOBS AND ACTIVITIES

The Committee on House Administration has been conducting a study of nonessential jobs over the past few months. Immediate results of that study are reflected in the transfer of Capitol custodial employees and House baling room activities from the Doorkeeper to the Architect of the Capitol and those budgets have been adjusted accordingly. It is understood other transfers and changes may be forthcoming. Such budgetary adjustments as may be required will be made in future bills. The committee has long been concerned over the continued existence of duplicate activities. One in particular is the House Library and Clerk's document room, and for 2 years we have urged legislation to abolish that facility. Language is included in the bill that applies to the total funds for the Clerk of the House which reads as follows:

*Provided*, That no part of this amount shall be available for the House Library—Document Room (in the Cannon House Office Building) unless and until appropriate arrangements have been made to phase out and terminate its operations not later than the close of the fiscal year 1974.

It is not the intention of the committee that the library facility, just off this Chamber to my right, be closed. That library is serving the day-to-day needs of the Members during the sessions of the House and arrangements should be made to continue its operation.

IMPROVEMENTS IN CAPITOL BUILDING

The bill includes funds for a number of improvement and restoration projects in the Capitol which will add to the beauty and safety of the building as we prepare for the bicentennial celebration in 1976. Two of note involve the cleaning of the stonework and painting the domed ceilings in the rotunda and Statuary Hall. Lighting improvements will also be made in the rotunda. The Statuary Hall project includes a partial restoration to the way it looked when it was used as the House Chamber prior to occupancy of this chamber in 1857, through the repro-

duction of the fireplaces, the chandelier, wall sconces, plaques, and draperies which were removed from the Hall many years ago. Of course, it is not possible to restore the floor and furnishings as we are doing in the old Supreme Court and Senate Chambers. Work is progressing in the old Court Chamber, and on completion of that project they will proceed with the restoration of the old Senate Chamber on the second floor. Other projects funded in this bill include cleaning the stonework and painting the ceilings in the small rotundas on the second floor of the Capitol and the installation of marble balustrades on the steps of the House and Senate wings as a safety measure. Funds were provided in last year's bill for a similar installation on the center steps of the East portico. Work is progressing on the renovation of the corridors to the Attending Physician's and minority leader's offices.

CONGRESSIONAL RESEARCH SERVICE

The committee is recommending additional funds for the Library of Congress, particularly for the Congressional Research Service. A total of $10,690,000 is recommended for the Service in 1974. This is an increase of $1,535,000 over current appropriations and is the third step in a 5-year program to build up the Congressional Research Service to meet the expanded responsibilities given it by the Legislative Reorganization Act of 1970—79 of the 104 new positions requested have been allowed. The committee is of the opinion that qualified people cannot be recruited at the rate new positions have been requested. In the last 3 years Congress has added 165 new positions to the staff of the Service. With the allowance provided in the bill a total staff of 603 will be available in 1974. In 1969 the then Legislative Reference Service staff totaled 306.

EXTENSION OF THE CAPITOL

As I indicated earlier in my remarks, the committee recommends the appropriation of $58,000,000 for the extension of the West Central Front of the Capitol. as requested by the Architect of the Capitol at the direction of the Commission for Extension of the U.S. Capitol. It was the unanimous conclusion of the members of the Commission that the project should proceed without further delay and their statement of February 28, 1973, in that regard appears in the committee report on page 13. As the Members of the House know, the membership of the Commission is composed of the majority and minority leadership of both the House and the Senate plus the Architect of the Capitol.

AUTHORIZATION—STUDY OF ALTERNATIVES

This project is not new to the Congress. It has been considered and reconsidered over a period of years. It has been planned, studied and restudied. A detailed legislative history and chronology of events leading to the development of plans for extending the West Front appears in the printed hearings commencing on page 681 and is summarized in the report commencing on page 14. I will ask permission later to include portions of this material in the RECORD so that it will be available for all to read.

The material referred to follows:

LEGISLATIVE HISTORY AND CHRONOLOGY OF EVENTS LEADING TO DEVELOPMENT OF PLAN 2 FOR EXTENDING THE WEST FRONT

AUTHORIZATION

Public Law 242, 84th Congress, approved August 5, 1955, is the original basic statute. It authorized the "extension, reconstruction, and replacement of the central portion" of the Capitol, based on a 1905 architectural plan to be carried forward in accordance with such modifications and additions as approved by the Commission for Extension of the U.S. Capitol. It created a joint congressional commission to direct the Architect of the Capitol in carrying out the project.

Public Law 406, 84th Congress, approved February 14, 1956, amended Public Law 242—a technical amendment.

Public Law 87–14, approved March 31, 1961, made the appropriation "Extension of the Capitol" available for furniture and furnishings.

Public Law 88–248, approved December 30, 1963, amended Public Law 242, as amended, by deleting from the basic act the authority "to obligate the additional sums herein authorized prior to the actual appropriation thereof" and by substituting in lieu thereof: and, prior to any appropriations being provided for extension, reconstruction, and replacement of the west central portion of the U.S. Capitol, to obligate such sums as may be necessary for the employment of nongovernmental engineering and other necessary services and for test borings and other necessary incidental items required to make a survey, study and examination of the structural condition of such west central portion, to make reports of findings, and to make recommendations with respect to such remedial measures as may be deemed necessary including the feasibility of corrective measures in conjunction with the extension of such west central portion.

ENGINEERING STUDY

As a result of the changes made by Public Law 88–248 and pursuant to direction of the Commission, and in line with the thinking of the Appropriations Committees, the Architect of the Capitol entered into a contract, March 13, 1964, with the Thompson and Lichtner Co., Inc. of Brookline, Mass., for a fresh engineering survey of the conditions of the west central front, an outstanding firm with no previous connection with the project. Their report was received in November 1964 and has been widely published. A copy of the covering letter which summarizes the findings in the report follows:

THE THOMPSON & LICHTNER CO., INC.,
*Brookline, Mass., November 1, 1964.*

Hon. J. GEORGE STEWART,
*Architect of the Capitol,*
*U.S. Capitol, Washington, D.C.*

DEAR MR. STEWART: We present herewith in five volumes, a report on the structural condition of the west central portion of the U.S. Capitol, extension of the Capitol project, in fulfillment of contract No. ACbr–540 of March 13, 1964, which included under paragraph 4, submission of a report of findings to the Architect of the Capitol upon completion of examinations, analyses, and studies, together with recommendations with respect to such remedial measures as may be deemed necessary, including recommendations as to (1) whether the existing wall, if found deficient, can be repaired in its present condition, (2) whether the existing wall can be refaced with marble in its present condition, (3) whether remedial action requires extension of the west central front and its reconstruction in marble, or (4) whether any other means of preservation are deemed feasible and advisable.

Plans and specifications for exploratory work, including test pits, soil borings and cores of walls were prepared under date of May 15, 1964 with invitation for a proposal of June 10, 1964. The J. F. Fitzgerald Construction Co., Inc. of Canton, Mass., was awarded the contract No. ACbr–545 for this work on June 29, 1964. Observations of the exploratory work, consultation and advice, examination, study, analyses and tests were performed by representatives of The Thompson & Lichtner Co., Inc. resident at the site or in Brookline, Mass.

The purpose of this study being primarily to determine the structural condition of the exterior west wall of the central or original portion of the Capitol, information was obtained on the quality of the facing sandstone, the backup fieldstone, the mortar used in laying the stone, the thickness, the workmanship, and the stresses in the wall. As the stability of the wall is dependent on the foundations and supporting soils, the report on the foundation investigation of the Capitol of May 1957 was examined in detail and such additional borings, test pits and tests were made as appeared necessary. The interior of the west portion of the Capitol was examined to determine whether there was evidence of structural distress and, in particular, if such conditions were affecting the exterior walls. The use to which an old structure, such as the Capitol has been subjected, and the conditions under which it was constructed required study of its history in evaluating the structural condition, particularly since much of the construction is covered by ornamentation and cannot be examined.

The facing stone is a white to light gray sandstone obtained locally and known as Aquia Creek sandstone. The color of much of this stone is also light brown gray or buff, depending on the iron content. Pieces of stone were removed and cores cut from the walls at sufficient locations to evaluate the quality of the walls. These samples were examined in the field and laboratory. Analysis shows the stone is composed of quartz grains cemented together largely by silica and therefore it is inert relative to compounds usually found in the atmosphere. Tests for compressive strength and absorption show that it is relatively weak and absorptive compared to sandstone normally used for exposed building stone. Observations of the disintegration of unpainted areas of the stone, such as the Bulfinch gate posts on Constitution Avenue at 7th and 15th Streets, confirm the low quality as related to resistance to weathering. Spalled areas are found throughout the wall surfaces and in the ornamentation, particularly of the entablature at the top of the building. There were also numerous patched areas and areas of replacement of stone. Spalling in certain areas probably is partly the result of the burning of the Capitol by the British in 1814.

The major portion of the stone shows softening and discoloration to a depth of three-sixteenths of an inch and no other signs of weathering despite the inferior quality of the stone, because it has been covered with paint. Painting started about 1822 and the wall was painted at about 8-year intervals thereafter as evidenced by the thickness of paint on the stone at present. Although the painting has been effective as protection, it has affected the architectural detail and quality which is found objectionable by those interested in the appearance. The removal of the paint should involve the removal of the affected three-sixteenths of an inch of stone behind and this would give rise to a similar objection since such removal of the paint could not be made without changing the texture as well as the dimensions. The stone would then have to be repainted or treated with silicone at not over 5-year intervals to protect it from the weather.

Although the stone does not show evidence of major weathering because of the paint, there is a serious amount of cracking and dislocation of stones. The stones are found to have been carefully cut on the face and

sides to uniform dimensions and plane, but rough cut in the back and the rear portion of the sides. The resulting ashlar dimensional sandstone masonry is of good line and surface and of excellent appearance. Voids of varying widths were found, however, behind almost all facing stone and the fieldstone or brick backup, evidencing movement of the two resulting from temperature and moisture, as well as settlement and load adjustment effects. The fact that the fieldstone is of granite gneiss means that it has a thermal coefficient of expansion of about 70% of that of the sandstone. The sandstone will have a higher or lower temperature than the backup and the differential movement in 100 feet could be one-fourth of an inch or more. There is no provision for expansion or contraction and, as the joints of the dimensional stone are very small, expansion could cause the poorly backed ashlar to bulge out and contraction would open up the joints causing cracks to appear. Water getting into the cracks and freezing would further open the cracks and cause heaving out of the wall. The situation is aggravated by the fact that in many locations voids of several inches in width are found in back of the ashlar which had not been filled in during the laying of the wall. The areas of the wall at the basement floor level above the terraces on the old House and old Senate wings which had been veneered at a later date are in a dangerous conditon. Bonding was done in those areas by the use of metal ties which have corroded and broken. Apparently the space between the veneer and the backup was not filled with mortar as called for by good practice. The walls are leaning and must be replaced shortly or they will fall.

The character of the cracking in the walls shows that an important factor is also settlement. Shrinkage cracks normally will appear at the edges of openings, such as windows and door frames, but would not cause cracking and dropping of lintels. Keystones will drop due to excessive loading or release of the support of the abutment stones of the arch. There must have been differential settlement of the foundations through the years, causing cracking of the walls, as investigation of the stresses due to loads does not indicate overloading of the arches or lintels as a cause.

The backup of the ashlar sandstone is brick masonry with lime mortar in the old Senate wing and elsewhere it is fieldstone or granite gneiss rubble with lime mortar. The stone is of good strength; the workmanship varies but, in general, is not of good quality containing many voids. The masons laid a reasonable good face in back of the sandstone and a poorer inside face, but were generally very careless about the interior of the wall which appeared to be constructed in some cases by dumping the stone in little or no mortar as a bed. The cores taken through this masonry and examination of the holes by means of a boroscope disclosed not only voids, but also cracked stone and brick, providing further evidence of settlement.

Cracking of the wall can also result from shrinkage of mortar and because of the low strength of lime mortar, adjustment of the stone to solid bearing during the early life of the wall. Laboratory tests show that the brick and stone were of acceptable strength. The lime mortar was poorly mixed in many cases and in one case the lime shells from which the lime was made were found in the mortar. The mortar is of such quality that it can only be classified as generally weak.

The structure, except for the exterior walls, has not been subjected to weathering and is not in a hazardous condition. Certain areas of the exterior walls are now in a dangerous condition and the entire walls in a very few years will be in a similar condition unless proper corrective measures are taken.

The structure represents a high quality of engineering for the materials, manpower and construction facilities available at the time of construction. The use of the local sandstone was probably dictated by time limitations and cost. The poor workmanship on the walls was undoubtedly the lack of good mechanics and the quality of inspection.

The conclusions and recommendations are summarized in the following:

1. The workmanship on the sandstone ashlar masonry facing is generally good.

2. The workmanship on the fieldstone rubble masonry is generally inferior.

3. The workmanship on the brick masonry is generally acceptable.

4. The sandstone used for the exterior facing is an inferior material for use in a monumental structure.

5. The fieldstone used for the backup of the sandstone and for foundation walls is generally a good material.

6. The brick used for the backup of the sandstone and for interior floor and foundation arches and wall is generally a satisfactory material.

7. The mortar used is largely a lime mortar and is generally not of good quality for such mortar.

8. The masonry facings at the terrace level on the west side of both the Old Senate and Old House wings, which were not part of the original construction, are displaced and require prompt removal and replacement with proper bonding to the backup wall. The bottom course should be of granite.

9. The entablature at the front of the center wing is displaced and requires prompt removal and replacement.

10. The retaining walls of the terraces at both the Old Senate and Old House wings require reconstruction of the foundations to provide adequate frost protection.

11. The exterior walls of the west-central portion of the Capitol are distorted and cracked, and require corrective action for safety and durability.

12. Retention and repair of the existing walls as corrective action is not recommended as it would require the hazardous removal of much of the facing so as to allow installation of ties to the backup wall, or the installation of ties through the face joints with resulting disfiguration of the structure. There would still be walls and foundations of structurally inferior construction with the walls requiring continuing protective treatment.

13. Facing of the existing walls as corrective action with durable marble and granite, leaving the sandstone in place, is not recommended because it would require additions to the present foundations and there would still remain walls and foundations of structurally inferior construction without preserving the historic architecture.

14. Removal of the sandstone completely and replacement by high quality marble and granite as corrective action is not recommended because it would be a very costly and hazardous operation and there would still remain walls and foundations of structurally inferior construction.

15. Removal of the entire wall and foundation and replacement by reinforced concrete with a facing of high quality granite for the courses at grade and high quality marble above for the face stone is not recommended because of the hazard, cost, and interference with occupancy.

16. Retention of the wall as an interior wall of an extended building is recommended as the least hazardous and as causing the least interference with the occupancy of the present structure. A properly designed and constructed extension would also provide desirable lateral support for the West-Central Portion of the Capitol.

17. The attic roof slab in the House wing requires corrective action because of the extensive corrosion of the reinforcing steel.

18. Drawings should be prepared of the Capitol so that there is readily available information on the structural condition in relation to the many mechanical and electrical, and other installations which have resulted in much cutting and patching. These drawings should be kept current so that the safety of the structure as affected by changes in installations and usage can be readily checked.

19. Level readings of vertical movements and measurements of horizontal movements should be taken annually of all important elements of the Capitol so as to provide data as a basis for corrective action before cracking and failures occur.

20. Piezometer readings to check the ground water level should be made on a regular schedule and the data used to assist analysis of the settlement data.

Respectfully,

THOMPSON & LICHTNER CO., INC.,
MILES N. CLAIR, *President*.

PUBLIC HEARING BY COMMISSION

A public hearing was held by the Commission on June 24, 1965, with Dr. Miles N. Clair, president of the Thompson & Lichtner Co., Inc., testifying as to the dangerous conditions requiring immediate action and the plan for permanent corrective action.

DECISION TO DEVELOP PRELIMINARY PLANS AND COST ESTIMATES

At the close of the hearing, the Commission agreed unanimously, that the Architect of the Capitol be authorized and directed to submit to the Appropriations Committees of the House and Senate request for funds for preparation of preliminary plans and estimates of cost for the extension in marble of the west-central front of the Capitol, based on the findings in the Thompson & Lichtner report.

WOOD BRACES INSTALLED IN 1965

As a result of the Thompson & Lichtner study and recommendations, the most obviously dangerous portions of the west front were shored with heavy wood timbers in 1965 as a temporary expedient.

FUNDS FOR PRELIMINARY PLANS AND COST ESTIMATES

In September 1965, the Architect of the Capitol, pursuant to the direction of the Commission, appeared before the House Appropriations Committee and requested $300,000 for preliminary plans, cost estimates, and a model (see pp. 334 through 363 of pt. I of printed hearings on the Supplemental Appropriation Act, 1966). The $300,000 was included by the House in the bill.

In October 1965, the Architect of the Capitol appeared before the Senate Appropriations Committee and requested the $300,000 planning money (see pp. 379 to 404 of the printed Senate hearings on the Supplemental Appropriations for 1966). The Senate deleted the $300,000 from the bill.

The $300,000 was restored in conference between the House and Senate conferees. The bill carrying these funds was approved October 31, 1965, by the President.

ARCHITECTS DIRECTED TO PROCEED WITH PRELIMINARY PLANS

In December 1965, the Architect of the Capitol, upon direction of the Commission, ordered the associate and advisory architects for the extension of the Capitol project to proceed with the preliminary plans and estimates of cost. The first stage of their work was completed in May 1966, and a progress report and study model were furnished.

COMMISSION'S CONSIDERATION AND APPROVAL OF PLAN 2

The Commission in charge held a meeting June 17, 1966, for the purpose of considering the report of the architects. At this meeting the architects reviewed with the Commission the basic historic, architectural, and engineering information relating to the west front and demonstrated three basic plans by use of a study model and drawings. The Commission approved plan 2 and directed that this plan be completed and perfected; that the final scale model be prepared for exhibition to Members of Congress and the public; and that the Architect of the Capitol be di-

rected to seek necessary funds for proceeding with the project.

MODEL PLACED ON DISPLAY

In November 1966, the scale model of the Capitol showing the west front extension as approved by the Commission, was placed on public display in Statuary Hall in the Capitol. In January 1967, the Speaker sent a letter to all Members of the Senate and House calling attention to the model and asking each Member to examine the model. The model has been on continuous display since 1966.

DELAY IN REQUESTING CONSTRUCTION FUNDS

During the Summer of 1966, when the legislative branch appropriation bill for 1967 was under consideration, although no funds were provided in the bill for the west front extension, the Senate amended the bill to provide:

"*Provided,* That no part of any appropriation contained in this Act shall be used for administrative or any other expenses in connection with the plans referred to as schemes 1, 2 and 3 for the Extension of the west Central Front of the Capitol."

This amendment was deleted by the Senate and House conferees on the bill and the following statement appears in the conference report dated August 15, 1966:

"There are no funds in the bill for the west front extension project, nor is there any authority to proceed with construction contracts, or even detailed plans and specifications. The work can proceed only if and when the Congress should appropriate the money for the work in a future bill.

"$300,000 was, however, appropriated by the Congress last year for preparation of preliminary plans and estimates of cost, including a model, and incidental expenses looking to extension of the west central front. Most of that fund is already contracted. While the associate architects engaged for this purpose completed the first stage study and plans earlier this year, from which schemes 1, 2, and 3 were developed, and for which a study model (of scheme 2) was made, more time is necessarily required for perfection of plans and drawings and preparation of a full scale model for the scheme (No. 2) selected by the special Extension Commission. At its meeting with the architects in June, the Commission directed the Architect to get the full-scale model ready for exhibition to Members of Congress and the public generally.

"A full-scale model showing the entire Capitol building—both East and West Fronts—should be of great, almost inestimable visual-aid value in helping Members, the press, and the public generally form sound opinions about the appearance of the building if extended and the effect of the particular proposals in scheme 2 on the architectural features of the present West Front. But the conferees understand that the full-scale model will not be ready to place on display until about mid-November.

"In the circumstances, then, it would be premature, and illogical, to consider any further appropriations for the West Front project at this session."

COMPLETED PRELIMINARY PLANS SENT TO THE CONGRESS

In May 1967, the full report and recommendations of the architects relating to the authorized preliminary plans and estimates of cost, were completed and sent by the Architect of the Capitol to Speaker John W. McCormack, Chairman of the Commission for Extension of the United States Capitol and other members of the Commission. This report, with illustrations, was printed and sent by Speaker McCormack to all Members of the House and Senate with his letter of June 21, 1967.

ADDITIONAL WOOD BRACING IN 1968

Late in 1967 additional dangerous sagging and cracking in certain sections of the west side of the building were observed. With approval of the Commission, the Architect of the Capitol sought and the Congress granted $135,000 for additional temporary wood shoring and for repainting, filling cracks, and painting the west central front. This work was finished in the summer of 1968.

DELAY IN REQUESTING CONSTRUCTION FUNDS

The preliminary plans and estimates of cost for the extension of the west central front were completed and published in 1967. The Commission did not direct the Architect of the Capitol to request funds for the contract plans and construction from 1967 to 1969. It is understood that the Commission's reluctance was due to the conflict in Vietnam and the resulting heavy stresses on the national budget.

ACTION OF THE COMMISSION

Late in July 1969, Chairman McCormack after discussing the seriousness of further delay with fellow Commission members and members of the House Appropriations Committee, requested that other members of the Commission join him in approving planning funds for extending the west central front in accord with the previously approved plan 2. All members of the Commission agreed to direct the Architect of the Capitol to seek planning funds, in the amount of $2 million at this time. The opinion of the Commission was unanimous, and was reached during the first week of August 1969.

LETTER FROM CHAIRMAN M'CORMACK TO APPROPRIATIONS COMMITTEES

Upon receipt of unanimous approval of all members of the Commission, Chairman McCormack directed a letter on August 8, 1969, to Chairman Andrews of the Legislative Subcommittee, Committee on Appropriations, House of Representatives, pointing out the urgent need to proceed with planning the extension, advising of the Commission's decision, and expressing the hope that this request could be heard in connection with the then current hearings on the legislative branch appropriation bill, 1970.

After the Legislative Subcommittee indicated informally to the Speaker that a hearing would probably be scheduled on the item early in September after the recess, the Speaker sent similar letters of recommendation to Chairman Russell of the Senate Committee on Appropriations and Chairman Montoya of the Legislative Subcommittee.

FUNDS APPROPRIATED FOR WEST CENTRAL FRONT, FISCAL YEAR 1970, AND LEGISLATIVE PROVISIONS GOVERNING USE OF SUCH FUNDS

An appropriation of $2,275,000 for the west central front and legislation governing the use of such funds were provided in the Legislative Branch Appropriation Act, 1970, Public Law 91–145, approved December 12, 1969, as follows:

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: Provided, That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: Provided further, That not to exceed $250,000 of the foregoing appropriation shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within 6 months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: Provided, however, That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: Provided further, That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable and beautiful for the the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension plan 2;

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump-sum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15 million; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the plan 2 extension work: Provided further, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commision shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

*Expenditures, 1970–1971, for emergency repairs to temporary shoring and other miscellaneous related work, including measuring and recording movements of building*

During the period, 1970–1971, $23,170 was expended for emergency repairs to the temporary shoring installed in 1965 and 1968 and other miscellaneous related work, including additional measurement and recording of movements of the west central wall.

*Procedures followed by the Commission for Extension of the U.S. Capitol in selection of engineers-architects to make the feasibility study required by Public Law 91–145*

The following procedures were followed by the Commission for Extension of the United States Capitol in making their selection of engineers-architects to make the study and report on the feasibility and cost of restoring the west central front required by Public Law 91–145.

*December 16, 1969.*—Four days after the President signed the act, the speaker, as chairman of the Commission in charge of this project, sent letters to all members of the Commission, outlining the action taken by the Congress through the Appropriations Committees and quoting pertinent provisions of the conference report on this matter. He proposed that the American Society of Civil Engineers, a professional engineering society, which had taken no position on either extension or restoration and who could offer "independent judgment on this proposition in the spirit of the conference report" be requested to review the material available and then suggest to the Commission the names of several engineers or engineering firms, with experience in restoration and reconstruction of old buildings such as the Capitol.

*December 20, 1969.*—Several members of the House Appropriations Subcommittee approached the Speaker and asked him to consider also asking the deans of engineering of several of the leading universities throughout the country to offer their opinions on well qualified firms to make the study. The Speaker agreed with this proposal and the other members of the Commission were contacted and asked to consider requesting the opinions of the deans, in addition to the American Society of Civil Engineers.

*January 2, 1970.*—The Speaker received concurrence from all Commission members in this procedure.

*January 12, 1970.*—The Speaker sent letters to the deans and the American So-

ciety of Civil Engineers, requesting their assistance.

*Early in March, 1970.*—The Speaker received replies from the American Society of Civil Engineers and all but a few of the deans (15 of the 19 deans responded to the Speaker).

*March 9, 1970.*—The Speaker sent requests to the firms or individuals recommended to undertake the study, requesting their brochures and other information which would show their capabilities to undertake the study; also requesting to be advised whether they had previously been associated with the project, or had any predisposition for or against the extension or restoration work. There were, of course, numerous overlappings of the recommendations of the American Society of Civil Engineers and the various deans of engineering. Several firms recommended, which had previously been associated with the project, were eliminated. Letters went out to 26 firms or individiuals, in all.

*April 20, 1970.*—The Speaker sent letters to the Commission members enclosing a summary report on results of contacts with the American Society of Civil Engineers and the deans of 19 engineering schools, and a digest of information about the 19 firms voicing an interest in the feasibility study in response to request from the Speaker for brochures. In addition, a digest of information was included from four unsolicited firms.

CONTRACT NEGOTIATIONS

*May 25, 1970.*—The Commission for Extension of the U.S. Capitol met for the purpose of selecting a firm to make the feasibility study and cost of restoring the west central front of the Capitol, pursuant to the provisions contained in the Legislative Branch Appropriation Act, 1970. The Commission, after considering guidelines, criteria, and key provisions to be incorporated in a contract, directed the Architect of the Capitol (1) to enter into negotiations with the firm of Praeger-Kavanagh-Waterbury, engineers-architects of New York City, on the basis of such considerations, for undertaking the feasibility study ordered by the Congress, and (2) if thereafter a mutually satisfactory contract could be negotiated, to enter into a contract with that firm, subject to approval of the contract by the Chairman of the Commission.

*June 22, 1970.*—A draft of the proposed contract, negotiated by the Architect of the Capitol with the Praeger-Kavanagh-Waterbury firm, was forwarded by the Speaker to the Commission members for their review and comments. Changes suggested by Commission members were incorporated in the final draft of contract.

CONTRACT AWARDED FOR FEASIBILITY STUDY

*July 1, 1970.*—The Speaker announced that a contract had been signed with the firm of Praeger-Kavanagh-Waterbury, July 1, 1970, for making the feasibility study required by Public Law 91–145. The total contract cost was $182,600.

OTHER EXPENDITURES IN CONNECTION WITH FEASIBILITY STUDY

In addition to the amount of $182,600 expended for the engineers-architects contract, $45,779 was expended for exploratory work in and adjacent to the west central portion of the Capitol on the basis of drawings and specifications prepared by the Praeger-Kavanagh-Waterbury firm and performed under their supervision and direction: $7,722 for compression tests performed on the same basis; $9,368 for administrative and miscellaneous expenses.

COMPLETION AND DISTRIBUTION OF ENGINEERS-ARCHITECTS REPORT

*January 2, 1971.*—Upon completion of the feasibility study and report, the Acting Architect of the Capitol transmitted a copy of the Praeger-Kavanagh-Waterbury report, dated January 1971, to the Commission members. The report was also given to Members of Congress requesting it, to the Press, and to various architectural and engineering societies.

(The summary of the report follows:)

SUMMARY OF REPORT

FINDINGS

Through survey, research and analysis, the following findings are submitted with regard to the five conditions established by Congress on the question of whether to extend or restore the west front of the Capitol, as defined in Public Law 91–145:

1. The West Central Front can be made safe, sound and durable for the forseeable future without impairing its inherent beauty and without hazard to safety of the structure and persons by cleaning the wall, strengthening it by grouting and restoring its appearance by repainting.

2. Such restoration can be accomplished without vacation of west central front office space or the terrace structure.

3. Restoration methods can be specified to form a basis for performance of the work by competitive lump sum construction bids.

4. The cost of restoration can be limited to $15,000,000.

5. The restoration work can be accomplished within the time projected for the Plan 2 extension work.

EVALUATION OF STRUCTURAL ADEQUACY

A detailed inspection of the walls, evaluation of soils investigations and analysis of loadings and induced stresses indicate the following:

1. Soils beneath foundations of the west central front wall safely support the imposed loads. Anticipated settlement due to secondary consolidation of underlying clay strata is negligible and the wall will not be subjected to future excessive settlement.

2. Cracking of exterior walls is caused primarily by expansion and contracting due to temperature changes abetted by other environmental factors, such as moisture absorption and freeze-thaw weathering.

3. Foundation walls and substructures safely support imposed loads, but consideration of age and deterioration indicates that they should be strengthened.

4. Bearing walls safely support imposed loads, but temperature effects have disturbed their integrity and structural restoration is recommended.

5. Elements of the portico entablature have failed and must be repaired.

6. Many stones forming window lintels have cracked and must be repaired.

7. Numerous masonry elements have broken or deteriorated and should be replaced or repaired.

RESTORATION PROGRAM

It would be extremely difficult if not impossible to establish the exact value of the reserve structural capacity available in the west front walls. This value is highly indeterminate because of the variable conditions of construction and effects of time and environmental change on individual elements and sections of the wall. Therefore, it would be prudent to strengthen the walls and thereby insure their continued structural adequacy. The following restoration procedure will provide these results.

1. Strengthen foundation walls by filling voids in the interiors of the walls with cement grout and epoxy.

2. Solidify upper bearing walls by filling voids in the interiors of the walls with cement grout and epoxy.

3. Reinforce walls with steel rods anchored in grout holes.

4. Clean the entire wall surface and identify damaged stone areas. Repair faulty stone work by removing and replacing with new stones.

5. Repair balustrade and entablature by removing broken elements and replacing with new stone.

6. Repair portico by dismantling to the level of the column capitals, repairing spanning elements using post-tensioning techniques, and rebuilding.

7. Repair lintels using post-tensioning techniques.

8. Treat entire surface with stone preservative, and paint.

*E. Cost estimate*

Table 3 is a tabulation of estimated quantities and costs for Schemes 1 and 2, summarized as follows:

Scheme 1—Painted Sandstone.. $13, 700, 000
Scheme 2—Exposed Sandstone.. 14, 500, 000

Included are amounts for replacement of all windows, repair of existing roof slabs and old terrace walls, bird proofing, delays, funds for emergency repairs, and a contingency of 15%. Unit costs include an escalation factor. A liberal amount is included to cover full-sized trial method experiments which will be necessary to establish the best procedures during the early stages of the work, as well as retention of stone artists and experts to measure and make models for special carving and repair work.

The third Commission condition stipulates that "restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids". A cost plus contract with an "upset price" seems more realistic and could be obtained on a competitive basis.

ACTION TAKEN BY COMMISSION ON ENGINEERS-ARCHITECTS REPORT

*March 8, 1972.*—The Commission for Extension of the U.S. Capitol met and considered the Praeger-Kavanagh-Waterbury report and, after establishing to its satisfaction that the conditions specified in Public Law 91–145, relating to restoration, could not be met, directed the Architect of the Capitol to proceed with the preparation of final plans for extending the west central front in accord with plan 2 heretofore approved by the Commission.

LEGISLATIVE APPROPRIATION BILL, 1973, IN THE HOUSE OF REPRESENTATIVES

*March 23, 1972.*—The bill passed the House on that day. There were no funds requested or granted in the bill for the west front project.

Chairman Casey in his opening remarks explaining the bill, stated as follows:

WEST CENTRAL FRONT OF CAPITOL

There are no funds in the bill for the west front project. The Members of the House are aware of the action of the Commission for Extension of the United States Capitol on March 8, 1972, in directing the Architect of the Capitol to proceed with the preparation of final plans for extending the west central front.

In reviewing the history preceding this action, I would refer back to Public Law 91–145, approved December 12, 1969. This law, the Legislative Branch Appropriation Act, 1970, appropriated $2,275,000 for the extension of the Capitol including $250,000 for the employment of independent nongovernmental engineering and other services on the feasibility and cost of restoring the west central front. The law provided, and I quote:

"*Provided further,* That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to

safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

On July 1, 1970, Speaker McCormack, Chairman of the Commission for Extension of the U.S. Capitol, announced the employment of Praeger-Kavanagh-Waterbury, engineers-architects of New York, to make a study of the feasibility of restoring the west central front of the U.S. Capitol. The consulting firm submitted its report on December 30, 1970. The Commission met on March 8 and I quote from a portion of the resolution adopted unanimously by its members:

"Whereas, the restoration feasibility and cost study and report of the Praeger-Kavanagh-Waterbury, Consulting Engineers-Architects, made pursuant to Public Law 91–145, was considered by the Commission at its meeting of March 8, 1972, in Room EF–100 of the Capitol; and

"Whereas, the Commission established to its satisfaction that all five of the conditions specified in Public Law 91–145, relating to restoration, cannot be met; Now, therefore, be it resolved

"That the Architect of the Capitol is hereby directed to proceed with the preparation of final plans for extending the west central front in accord with Plan 2 heretofore approved by the Commission."

No additional money is needed at this time. The money for the preparation of final plans for extending the west central front was appropriated in Public Law 91–145. There is no need for construction funds at this time. They could not be utilized.

Action of Congress subsequent to issuance of order by the Commission for Extension of the U.S. Capitol directing the Architect of the Capitol to proceed with preparation of final plans for extending the west central front of the Capitol in accordance with plan 2 heretofore approved by the Commission.

AMENDMENT ADOPTED BY THE SENATE LIMITING USE OF WEST FRONT FUNDS

*March 24, 1972.*—The Senate Committee on Appropriations added the following amendment to the legislative branch appropriation bill, 1973, as passed by the House, March 23, 1972:

EXTENSION OF THE CAPITOL

"Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however*, That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress."

*March 28, 1972.*—The Senate approved adoption of the amendment, March 28, 1972.

*March 28, 1972.*—The following amendment offered by Senator Mansfield and Senator Scott during the debate on the legislative branch appropriation bill, 1973, as a substitute for the committee amendment, was rejected by the Senate, March 28, 1972, on a roll-call vote of 40 to 35:

"Funds available under this appropriation may be used for the preparation of plans for the extension of the West Central Front: Provided however, That no funds may be used for construction of said project until specifically approved and appropriated therefor by the Congress."

Several meetings were held by the Senate and House conferees on the bill, but no agreement was reached on the Senate's amendment relating to the extension of the west front.

*June 28, 1972.*—During consideration of the conference report, the House, by a voice vote, agreed to recede from its disagreement to the Senate amendment; and by a roll-call vote (197 to 181) agreed to concur in the Senate amendment.

*Effect of this Action.*—This amendment had the effect of preventing the Architect of the Capitol from carrying out the order of the Commission to proceed with the preparation of final plans. Preliminary plans permitted under the language in the amendment were completed several years ago, approved by the Commission, and circulated to all Members of the House and Senate in 1967 by the chairman of the Commission.

RECENT ACTION OF THE COMMISSION

*February 28, 1973.*—The Commission met and again considered the extension project. The unanimous conclusion was that the extension project should proceed without further delay, primarily because (1) the extension offers the best solution for insuring the future stability, appearance, and usefulness of the Capitol and (2) the urgent need for space in the Capitol for legislative purposes is growing daily.

In order to obtain the specific approval of funding from the Congress for the extension project, as envisioned in the Senate amendment cited hereinbefore, the Architect of the Capitol was directed to present to the Committees on Appropriations a request for $58 million ($60 million less $2 million already appropriated) for the fiscal year 1974.

That is the request being placed before the House Committee on Appropriations today.

HEARINGS HELD IN RECENT YEARS RELATING TO THE WEST CENTRAL FRONT OF THE CAPITOL

June 24, 1965: Public hearings by the Commission for extension of the U.S. Capitol, relating primarily to the report of the Thompson & Lichtner Co., Inc.

September 8, 1965: House hearings on the supplemental appropriation bill. 1966, $300,000 for the preliminary plans and estimates of cost for the extension of the west central front, in accordance with request of the Commission. (Pages 334 through 363 of part I of printed hearings.)

October 12, 1965: Senate hearings on the supplemental appropriation bill, 1966, pages 379–404, $300,000 for the preliminary plans and estimates of cost for the extension of the west central front, in accordance with request of the Commission.

April 29, 1966: House hearings on the legislative branch appropriation bill, 1967, pages 55 to 59; report of the Architect of the Capitol on the status of the project. No funds in bill for project.

June 17, 1966: Commission meeting for the purpose of considering the three plans developed for extension of the west front; Commission approved plan 2; directed that the final scale model be prepared for exhibition to Members of Congress and the public; and directed the Architect of the Capitol to seek necessary funds for proceeding with the project.

June 17, 1966: Senate hearings on the legislative branch appropriation bill, 1967, pages 151 to 167: although there were no funds in the bill for the extension project, the Senate inserted a proviso in the bill forbidding the use of funds in the bill for "administrative or any other expenses in connection with the plans referred to as schemes 1, 2, and 3 for the extension of the west central front of the Capital." The proviso was deleted by the Senate and House conferees.

May 10, 1967: House hearings on the legislative branch appropriation bill, 1968, pages 10–31, 35–36, and 753–797: Testimony of the Architect of the Capitol relating to status of project; testimony of Congressman Stratton, Congressman Scheuer, and representatives of the American Institute of Architects, relating primarily to their desire for a study of repairing and restoring the west front; comments of the Architect of the Capitol on the AIA report.

June 2, 1967: Senate hearings on the legislative branch appropriation bill, 1968, pages 231–232: brief statements relating to status of project.

December 7, 1967: House hearings on the supplemental appropriation bill, 1968, pages 796–809: $135,000 for emergency protective work to the west front; discussion of status of project.

December 13, 1967: Senate hearings on the supplemental appropriation bill, 1968, pages 115–119: $135,000 for emergency protective work to the west front; discussion of status of work.

March 26, 1968: House hearings on the legislative branch appropriation bill, 1969, pages 205, 230–233, report on emergency work and status.

April 28, 1968: Senate hearings on the legislative branch apropriation bill, 1969, pages 220–233: statements by Senator Bartlett and the Architect of the Capitol: summary of work to date.

June 18, 1969: House hearings on the legislative branch appropriation bill, 1970, pages 223–225: status report.

July 30, 1969: Senate hearings on the legislative branch appropriation bill, 1970, pages 364–370: status report.

September 8, 1969: House hearings on the legislative branch appropriation bill, 1970, special hearings (separate volume) on request of the Commission and the Architect of the Capitol for $2 million for final plans for the extension of the west front in accordance with plan 2 approved by the Commission.

September 23, 1969: Continuation of Senate hearings on the legislative branch appropriation bill, 1970, pages 497–761: relating to the request of the Commission and the Architect of the Capitol for $2 million for final plans for the extension of the west front in accordance with plan 2 approved by the Commission.

March 4–5, 1970: House hearings on the legislative branch appropriation bill, 1971, pages 411–412; 436–461; 493–498: Status of work, conditions of this old wall, outline of procedures being utilized to select the engineering firm to make the restoration feasibility study of the west front.

March 17, 1970: Senate hearings on the legislative branch appropriation bill, 1971, pages 143–149: Report on procedures to select engineering firm to make the restoration study.

September 24, 1970: House hearings on the supplemental appropriation bill, 1971, pages 412–415: up-to-date statement relating to the restoration study.

November 24, 1970: Senate hearings on the supplemental appropriation bill, 1971, page 600: up-to-date statement relating to the restoration study.

April 29, 1971: House hearings on the legislative branch appropriation bill, 1972, pages 159–162: status report.

June 10, 1971: Senate hearings on the legislative branch appropriation bill, 1972, pages 392–394: status report.

November 2, 1971: Senate hearings on the supplemental appropriation bill, 1972, pages 893–901; 990–998: conclusions of the Architect of the Capitol relating to repair and restoration of the west front; statement of American Institute of Architects.

February 16, 1972: House hearings on the

legislative branch appropriation bill, 1973, pages 355–357; 377–392: report of the Architect of the Capitol.

March 1, 1972: Senate hearings on the legislative branch appropriation bill, 1973, pages 311–315: report of the Architect of the Capitol.

March 8, 1972: Commission for extension of the U.S. Capitol met, considered the restoration feasibility study and after establishing to its satisfaction that the conditions specified in Public Law 91–145, relating to restoration, could not be met, directed the architect to proceed with the final plans for the extension in accordance with plan 2 already approved by the Commission.

June 21, 1972: Senate hearings on the supplemental appropriation bill, 1973, pages 31–32: brief comments on need for space.

February 28, 1973: Commission met, again considered the project, and concluded that the project should proceed without further delay, primarily because (1) the extension offers the best solution of insuring the future stability, appearance, and usefulness of the Capitol and (2) the urgent need for space in the Capitol for legislative purposes. Directed the Architect of the Capitol to present to the Committees on Appropriations a request for $58 million ($60 million less $2 million already appropriated) for the fiscal year 1974, in order to obtain the specific approval of funding from the Congress for the extension project.

(NOTE.—The statement of the Commission follows:)

FEBRUARY 28, 1973.

STATEMENT OF COMMISSION FOR EXTENSION OF THE U.S. CAPITOL

WEST CENTRAL FRONT OF THE CAPITOL

In meeting of March 8, 1972, the Commission met and considered the restoration feasibility and cost study and report made pursuant to the provisions of Public Law 91–145, approved December 12, 1969. The Commission established to its satisfaction that all five of the conditions specified in Public Law 91–145, relating to restoration, could not be met.

Thereupon, pursuant to Public Law 91–145, the Commission directed the Architect of the Capitol to proceed with the preparation of final plans for extending the west central front in accord with Plan 2 which had already been approved by the Commission.

The Architect of the Capitol was prevented from proceeding as directed by the Commission, by the following language in the Legislative Branch Appropriation Act, 1973, Public Law 92–342, approved July 10, 1972:

"EXTENSION OF THE CAPITOL

"Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however,* That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress."

The purpose of this language, according to its proponents, was to prevent the expenditure of planning funds already appropriated for that purpose until the Congress itself had specifically approved and appropriated funds for the Extension of the West Central Front as approved by the Commission.

The Architect estimated that the cost of planning and construction of the extension is approximately $60 million.

The Commission has again considered the extension project and has concluded that the project should proceed without further delay, primarily because (1) the extension offers the best solution for insuring the future stability, appearance, and usefulness of the Capitol and (2) the urgent need for space in the Capitol for legislative purposes is growing daily.

In order to obtain the specific approval of funding from the Congress for the extension project, the Architect of the Capitol is hereby directed to present to the Committees on Appropriations a request for $58 million ($60 million less $2 million already appropriated) for the fiscal year 1974.

CARL ALBERT,
*Speaker of the House of Representatives, Chairman.*

SPIRO T. AGNEW,
*President of the Senate.*
THOMAS P. O'NEILL, Jr.,
*Majority Leader of the House.*
MIKE MANSFIELD,
*Majority Leader of the Senate.*
GERALD R. FORD,
*Minority Leader of the House.*
HUGH SCOTT,
*Minority Leader of the Senate.*
GEORGE M. WHITE,
*Architect of the Capitol.*

Mr. Chairman, at this time I will briefly outline the history of the project.

The original basic statute, Public Law 242, enacted in 1955 during the 84th Congress, authorized the extension, reconstruction, and replacement of the central portion of the Capitol. It also created a joint congressional commission to direct the Architect in carrying out the project. The east central portion of the Capitol was extended under the authority of this law during the years 1958–61. In view of that successful extension, efforts were begun to proceed with similar treatment of the old deteriorated west portion. Those who opposed the east extension then shifted their opposition to the west extension. They prevailed upon the Congress to have the project studied further. As a result an outside consulting engineering firm, the Thompson & Lichtner Co., was retained to study various alternatives and to recommend the best solution. Their report was received in 1964 and widely circulated. The total cost of this study, including site work, was $102,000. Their conclusion was that an extension, similar to the east extension, was the best solution. A summary of that report commences on page 681 of the printed hearings on this year's bill.

PRELIMINARY PLANS

The Commission in charge of the project then directed the Architect of the Capitol to seek $300,000 for preparation of preliminary plans for the west extension. These funds were granted by the Congress and the architects who designed the east front extension were retained to prepare the preliminary plans for the west front extension. These preliminary plans were completed and sent to all Members of the House and Senate in 1967. As a part of these plans, a model was prepared and placed in Statuary Hall where it could be viewed by Members of Congress and the public. The model is still there and I am sure relatively few people are aware that it is not a model of the Capitol as it is today, although it shows the proposed west front extension and the minor changes to the terraces.

FINAL PLANS—INDEPENDENT STUDY

In 1969 the Commission requested that $2 million be allowed for proceeding with the final planning for the west extension. The Congress granted that amount, but once again the proponents of preservation wanted another study before proceeding with final extension plans. These proponents of no change proposed that $250,000 be granted for a study of the cost and feasibility of restoration and coupled with this a list of five conditions which must be met through restoration in order for restoration to receive further consideration. Again the Congress agreed to the further study and appropriated $250,000 for the study, in addition to $2,000,000 for the final extension plans, and vested in the Commission the responsibility to determine whether all five conditions specified in the law could be met through restoration.

In July 1970, a contract was awarded to an outside engineering firm, Praeger-Kavanagh-Waterbury, for making the feasibility and cost study required under the $250,000 appropriation. Their report was received and forwarded to the Commission members in January 1971. The summary of that report is printed in the hearings on this bill commencing on page 689.

The Commission met in March 1972 and considered the Praeger-Kavanagh-Waterbury report. After establishing to its satisfaction that all the conditions specified by the Congress, relating to restoration could not be met, the Commission directed the Architect of the Capitol to proceed with the final plans for extending the west central front as provided in the legislation (Public Law 91–145).

RESTRICTION ON FINAL PLANS

When the legislative branch appropriation bill, 1973, reached the Senate, although it carried no item relating to the west front project, a provision was added permitting preparation of preliminary plans for the extension, but prohibiting use of funds for final west front plans. Since the preliminary plans for the west front had already been completed, this provision had the effect simply of delaying the preparation of final plans, and, thereby delaying for at least another year any improvements to the deteriorated west side. The provision was agreed to by the Senate and, upon consideration of the conference report, the House agreed to concur in the Senate amendment.

COMMISSION ACTION

As I stated earlier, the Commission met in February 1973 and again considered the west front project. The unanimous conclusion was that the extension project should proceed without further delay since it offers the best solution to insuring the future of the building and because of the urgent need for space in the Capitol Building for legislative purposes.

COMMITTEE ACTION

The committee once again held full hearings on the west front project. The transcript is a part of the printed hearings on this bill and it has been made available to all Members of the Congress and the public. To underline the extensive hearings that have been held on the project, there is a digest in this year's printed hearings—commencing on page 706—which shows that the west front has been the subject of testimony in 29 hearings from 1965 to and including the recent hearings held in March of this year.

The committee, after considering the information that has been developed

over the years relating to this project, has concluded that the west extension should proceed without any further delay. There is no disagreement over the question of the necessity to repair the wall that forms the west central front of the Capitol. Competent experts recommend extension as a permanent solution to the existing problems of stability and appearance. The urgent need for space is growing daily. The additional space that will be provided through extension will not be just for immediate needs, but for generations to come. The Capitol Building has grown as the Nation has grown. There have been 15 major changes in this building. It is not the original building as it stood in 1830.

The total estimated cost of the west front extension project as of March 1973 is $60,000,000. Included in this amount are funds for the cost of interior furnishings and an allowance for a 7 percent increase per year to meet additional costs that may occur due to inflation in each of the construction years from 1973 through 1976. The previous appropriation of $2,000,000 is now available for the development of final plans and specifications when the project is approved by the Congress. The appropriation of $58,000,000, as recommended, will provide the total funding for the project and, if approved, will allow the Architect to proceed with the entire project without undue delay.

Mr. Chairman, this concludes my general remarks on the bill.

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

Mr. CASEY of Texas. I yield to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, there is a great deal of discussion around the Capitol Building concerning the building of a public restaurant in this new space that will be available.

Is that or is that not being proposed?

Mr. CASEY of Texas. Mr. Chairman, it is not being proposed as far as I know. The preliminary plans suggested that a cafeteria or restaurant be included.

We are going to convert Union Station into a tourist or visitors reception center. The opponents to extending the west front say that since we are going to have that center, we do not need a larger Capitol, but that is wrong. People are not coming to Washington just to see the tourist reception center at Union Station. They will be coming to see the Capitol, as well as the other attractions in the city and I dare say that 50 percent of them will never go to the tourist center. They will come directly to the Capitol.

Remember, several millions of people visit this Capitol. There is not going to be any Howard Johnson type restaurant as far as I know. I have talked to the Speaker about it and told him that someone included a proposed restaurant in the preliminary plans.

I will say to the gentleman from New York that I think we should enlarge our own Members dining room. Some Members say they do not want to take guests in there. I do and I do not like to have to have them stand out in that hall, being jostled around like cattle for 30 minutes or more while waiting to get a table.

Mr. WYDLER. Mr. Chairman, as I understand it there would be a new front room called the Rayburn Room in which the Members could meet with their constituents or with their staffs. Is that type of room available on this floor?

Mr. CASEY of Texas. Yes, such a room is planned and would be available for use on days such as yesterday when we had to stay on the floor. Members like to sign their mail but cannot leave here because there is not time to get to their offices. Members may and do use the reception room to sign mail, but I do not think that is what it is for. I think we should have workrooms off the floor for all Members where they can bring their staff people so as to go over their work when they can't get away from the floor long enough to go to their offices.

Mr. WYDLER. I thank the gentleman.

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

Mr. CASEY of Texas. Mr. Chairman, I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, on the section concerning parking, has any audit been made of how many facilities there are available to the public on Capitol Hill? I do not know where people can park here for even 15 minutes.

Is there any provision at all for the taxpayers, if they want to come down here and quickly see a Member, any facilities at all for the public on Capitol Hill?

Mr. CASEY of Texas. The only facilities we have now on Capitol Hill are behind the former Congressional Hotel building.

Mr. VANIK. Is that available to the public?

Mr. CASEY of Texas. Some of it is available to the public. One cannot always get in there.

I agree with the gentleman that parking facilities are tight.

Mr. VANIK. Has the committee given any consideration to that problem?

Mr. CASEY of Texas. There will be parking facilities at Union Station for people who want to park there, and there will be a bus to shuttle them up here.

Mr. VANIK. That is a part of the plan?

Mr. CASEY of Texas. Yes, sir.

Mr. VANIK. I believe that is about the only public facility in the area which provides practically no parking.

Mr. CASEY of Texas. I say to the gentleman that we have a tight situation even for employees.

Mr. VANIK. I understand.

Mr. CASEY of Texas. There is a proposal now to get some of the space down at the D.C. Armory for employee parking and to run a shuttle bus from there to the Capitol.

The gentleman from California (Mr. SISK) is the chairman of that committee, and I believe the gentleman from Iowa (Mr. GROSS) is a member of that committee.

Mr. VANIK. How long will it take before this alternate parking facility can be developed?

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

Mr. CASEY of Texas. I yield to the gentleman from Indiana.

Mr. ROUSH. I believe the gentleman does make a good point. I have been informed that by the year 1976 there will be 2,000 parking spots available at the new Visitor's Center, and that some 2,500 additional spots are planned thereafter.

Mr. VANIK. It seems to me, in response, what is being planned there will hardly be enough to accommodate the increased personnel by that time. I fear that the planning seems to exclude the public. I believe there ought to be some set-aside for the public for probably 1-hour parking here at a decent place on Capitol Hill.

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

Mr. CASEY of Texas. I yield further.

Mr. ROUSH. I believe the gentleman has pointed out something that probably will come into this debate, which is the dire need for an overall plan for Capitol Hill, one which would be designed in a very systematic way to accommodate the needs of the Congress and the needs of the public.

As it is now, we are proceeding in a very haphazard way, building this building and then that building, finding a lot here and a lot there.

I believe the gentleman has pointed out something very much needed on Capitol Hill.

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

Mr. CASEY of Texas. I yield to the gentleman from Ohio.

Mr. VANIK. I should like also to suggest that there is land available over at Anacostia. It is available over on the other side of the river. If we could, we might establish a shuttle service now, some time before 1976.

It would seem to me we have to provide some way for the visitors to the Capitol to be able to get here, without paying an exorbitant rate on a parking lot or without being totally dependent on the taxicab system.

Mr. CASEY of Texas. I will be pleased to work with the gentleman, but we have a committee which has been studying this problem for some time. The gentleman from Iowa (Mr. GROSS) is a member of the committee.

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

Mr. CASEY of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Let me recount briefly what happened with respect to the public parking at the Congressional Hotel. Some time ago a meeting was held about that, since the subway is coming out, and the terminus of it is on Second Street, at the far edge of that lot. They wanted space in which to park their machinery. I was one of those who agreed to a narrow space along the street where they could park machinery.

I went down there the other day, and, lo and behold, they had taken over three-fourths of the parking space, not only with machinery but also with trailers to operate out of and everything else. That is some more of the construction around here we have to fight all of the time.

They tried to take over First Street, to the east side of the Cannon Building, the street separating the Cannon Build-

ing from the so-called Madison Library. They tried to take over the whole street.

That is where the public parking goes. Give them an inch, and they take a mile.

Mr. CASEY of Texas. I want to say to the gentleman from Ohio that I do not want the remarks of the gentleman from Indiana to go unchallenged, that is that there is no planning going on here on Capitol Hill, because there is. It goes on continuously. In fact, there is a plan for removing automobiles from the east front plaza, by putting in underground parking facilities and leaving the area as an open mall where people can walk.

So there is planning going on all the time, but if it takes as long to carry out any plans as it has to extend the west front of the Capitol, I do not know if you and I will ever live to see the results.

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

Mr. CASEY of Texas. I yield to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I thought that the gentleman might want to correct a statement that I think he made: that the walls of the House and the Senate side on the west side are not the original walls. I thought the gentleman said that.

Mr. CASEY of Texas. No. What I meant was that the central portion was not the original building. It is just a different part of the addition.

Mr. BENNETT. I am assured by the Architect of the Capitol that they are in fact the original walls of the Capitol Building.

If the gentleman is referring to the situation when they moved from Philadelphia, there was at one time a very small red brick building where the Supreme Court Building stands today, while they were getting into this building. It was a purely temporary building, but the walls that are on the west side of the present Capitol on the Senate and the House sides are, in fact, the walls erected in the late 1700's or early 1800's, the original walls in fact.

Mr. CASEY of Texas. Well, I would agree with the gentleman that that is the first structure that was put in between the two Chambers, yes.

Mr. BENNETT. Well, they are in fact the walls which were erected in the late 1790's or early 1800's, I am not sure which.

Mr. CASEY of Texas. Did the gentleman say, the late nineties?

Mr. BENNETT. Well, the structure on the Senate side, I think, was begun in 1796, and the one on the House side was started I believe in 1799, if I am not mistaken in the years. But they are not walls which were erected after other walls were erected. These are the original walls of this building.

Mr. CASEY of Texas. No.

Were they not erected after?

Mr. BENNETT. Mr. Chairman, the Architect of the Capitol has assured me that those two walls were the original walls of the Capitol, erected when the original structure was built. They sustained the fire of 1814, and they still stand. Personally I feel these walls should be left exposed as they are in a preserved state. Then, I think any other needs for Congress should be achieved in less expensive new structures to be erected on Capitol Hill.

Mr. CASEY of Texas. Mr. Chairman, I will stand corrected. I am not going to argue about the history on that, but I will argue about the necessity for these appropriations for the west front extension.

Mr. BENNETT. Mr. Chairman, I did not think the gentleman wanted to leave in the RECORD the statement that these were not the original walls of the building, because the Architect of the Capitol assures me they are, and that is important to some people.

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

Mr. CASEY of Texas. Yes, I yield to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I contend that the Architect of the Capitol has not concluded his studies, and I refer to page 740 of the hearings.

Mr. CASEY of Texas. Mr. Chairman, I did not understand the gentleman. His study of what?

Mr. ROYBAL. His study of the needs, the space needs for the Capitol.

Mr. Chairman, on page 740 I asked the Architect of the Capitol the following question:

I understand that you are developing a comprehensive plan for Capitol Hill. In what stage is that plan and how does the west front extension proposal fit into the plan?

His answer was:

That is correct. I believe the answer is yes, we are engaged in studies involving a long-range plan for physical needs on the Hill.

Then he goes on to say:

We have at this point not finalized anything but it would appear that additional office space will be needed both for the Senate and for the House and for the Supreme Court.

He further states:

The long-range plan is in its infancy, as it were.

Now, that clearly indicates to me that it is not finalized in the plans, that he does not know what the needs for the whole area are, and that this Congress does not have any basis for making a finding of fact.

Mr. CASEY of Texas. Mr. Chairman, I would say to the gentleman that I do not think he nor I nor anyone else can tell you what the space needs are going to be for the next 50 years or 100 years, but I do say we do need some additional space. All anyone needs to do is walk around and see that.

Maybe the space needs are going to have to be assigned in a more orderly manner, but I assure the Members that you cannot do it if you do not have the space.

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

Mr. CASEY of Texas. I yield to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I think it might be useful to read further in the testimony of the Architect of the Capitol, in view of what the gentleman from California (Mr. ROYBAL) was quoting.

In that same passage the Architect said in these words:

We fit the west front needs into that long-range plan in the sense that there are, as I mentioned, needs for different kinds of space in different locations. We feel that all the buildings that we could build away from this building will not enable us to provide space in proximity to the chambers, which we feel is a necessity. It will become increasingly important as the voting times diminish as they already have.

So clearly the Architect feels it is necessary to have more space in the Capitol Building even though he does have the long-range plans or studies, as the gentleman from California suggests. The long-range plan does not exclude or take the place of any need for more space in the Capitol Building itself.

Mr. CASEY of Texas. I thank the gentleman.

Mr. CEDERBERG. Will the gentleman yield?

Mr. CASEY of Texas. I am glad to yield to the gentleman.

Mr. CEDERBERG. I would like to be associated with the remarks of the gentleman in the well on this legislation and also the need for the extension of the west front of the Capitol.

We talk about space needs for ourselves, but there are other needs that have to be met. I suggest any Members of this body who do not believe we have space problems and needs that have to be met only has to walk through that door and go down to the rotunda of the Capitol and see how we treat our constituents when they come here to visit us here in the Capitol.

Space can be and will be made available on the west front of the Capitol to alleviate that kind of a problem. There is no reason why it cannot be. It is just unforgivable the way our constituents are treated as they come here to take tours.

I recommend that you take a walk right now through the center of this building and see for yourselves.

Mr. CASEY of Texas. Mr. Chairman, I thank the gentleman and reserve the balance of my time.

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

Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Texas (Mr. CASEY). I certainly enjoy my association with the chairman of this subcommittee in the work of the committee and with all members of the committee. We have in this subcommittee again proved the maxim that the Committee on Appropriations of this House does not operate as a partisan political group but, rather, in a joint effort.

This is particularly true when it comes to funding the legislative branch. The bill before us is a good bill, and I believe it should be supported in the form in which it is presented.

Mr. Chairman, this bill is $16.9 million less than was requested. The total of the bill, which is $550 million, is $102 million or 23 percent more than 1973, but 81 percent of this increase is accounted for by nonrecurring items for the Architect of the Capitol and the Government Printing Office. Fifty-eight million dollars is in here for the extension of the West Front of the Capitol and $10 million is land acquisition costs for the Govern-

ment Printing Office next to its present site. We have funds in here for the electrical improvement and air-conditioning that is necessary for the long-range working establishment that we call Capitol Hill.

There are some areas of savings involved, however, postal costs in this bill are $12 million less than the estimate. This subject is a rather difficult one, because it is well to notice that the Post Office and Civil Service Committee has provided for a reexamination of postal costs in its bill H.R. 3180. I think all of us will agree a careful examination of the method of computation of our postal costs can save a great deal of money. The CONGRESSIONAL RECORD is a good case in point. It goes first-class mail. Its average weight is 16 ounces. If we start to pay 8 cents an ounce to send it, it will cost about $1 a RECORD, and that will amount to over $13 million in a given Congress. So the authorizing committee could save some money and make some real contribution if it provided that Members would receive an allowance of a certain designated number of CONGRESSIONAL RECORDS to go first-class mail with the balance required to go in a different classification at a considerable saving to the taxpayers.

If the RECORD had gone, for example, at the second-class rate, the cost would have been 15 cents per RECORD instead of $1 a RECORD, or a total of less than $2 million, a savings of more than $11 million in comparative figures.

One of the things the subcommittee did was to deny to the Capitol Hill Police approximately $100,000 that was requested for minicomputers for its squad cars. We felt on this that the jurisdiction was too limited, the area was too confined, and the need was not demonstrated to the point of warranting this additional add-on with a prospect of approximately $5,000 a year operating costs thereafter.

The Library of Congress received $421,000 less than it requested, so as to go slower on hiring more people for the Congressional Reference Service, yet it still received a very substantial Congressional Reference Service increase in both personnel and equipment.

We have been considerably concerned with the Joint Committee on Congressional Operations because of the duplication that seemed to be involved. This committee was formed under title IV of the Legislative Reorganization Act of 1970, Public Law 91–510, and therein its three functions were defined as the responsibility of making continuing studies of the organization and operation of the Congress, and to make recommendations to simplify its operation and improve it; to identify and compile those court cases that had a vital interest to the Congress, and to run a Capitol Hill job placement service.

These are very valuable functions on a working basis, but if that is what the committee was formed to do then we should use it for this purpose. Instead of this the Congress has parceled these functions out to a large extent elsewhere. The first and most important function, to study and recommend improvements in the congressional structure, has been handed over to the gentleman from Missouri, Mr. BOLLING's select special committee created to do what the joint committee's first function is to do, and given $1.5 million for this purpose.

In the testimony before the House in the hearings, the joint cochairman of the joint committee, the gentleman from Texas (Mr. BROOKS) indicated he could have done substantially the same thing Congress asked the gentleman from Missouri (Mr. BOLLING) to do for approximately $50,000 with the staff that they had. It seems to me there is something wrong there.

I have not seen the eight volumes of the court cases, even though of vital interest, and I suspect that many other Members have not as well, but we do have a Law Division in the Library of Congress, and we could easily, it seems to me, direct them to perform this task.

This leaves within the prerogatives of this Joint Committee on Congressional Operations only its third function, which is acting as an employment service, and this is being substantially achieved by at least 10 other places right here on Capitol Hill.

It may be argued that the other placement services do not give typing and shorthand tests, but I would venture the opinion that if an individual Member's office cannot screen an individual for this information themselves and these categories, then perhaps they deserve to hire what they get.

I think there is room here for considerable oversight of this joint committee, and this our subcommittee under the direction of Mr. CASEY intends to do during the coming year.

Essentially in this bill, then, the one big question of course is what to do with the West Front, and there we can expect, I presume, a vote today, and considerable controversy when the bill is read.

I did not approach this question with any preconceived notion as to what should be done, but as I sat on the legislative subcommittee and studied its proposals and listened to the witnesses I am convinced that one of the alternatives far outweighs the other. The concept of restoration is a valuable and meaningful way to protect our physical heritage.

Restoration plays a major part of what the Architect of the Capitol's business is all about. Right now, for example, the Old Senate Chamber and the Old Supreme Court Chamber are being carefully restored, restored as they were when they were used by such great personages in American history as Justice Oliver Wendell Holmes and Senator Daniel Webster.

Closer still is the restoration work going on right below us on the ceiling, the art work in the approach to the Members' dining room.

We all support these commitments to our historical heritage and tradition. There is a genuine case to be made for preservation of this Capitol as a working symbol of democracy, but there is no historical need to preserve an old wall of no architectural significance whatsoever, filled with rubble. There is a misplaced emphasis on that wall. It is not a shrine, but the entire Capitol of the United States of America is a shrine. It might be different if the Capitol had not undergone 17 major changes since it originally stood in 1830. Those changes have been listed in a report to each Member from the Speaker of this House, from the majority leader, and from the minority leader who, together, are appealing to the Members to provide for the funds for the extension of the Capitol on the west front.

The Capitol has continually grown as our country has grown, and the same argument that we should preserve the facade if used from the beginning would have precluded any additions to the building, including the House and Senate wings, the large dome, and the east front extension.

When they extended the east front, the argument was made at that time by the American Institute of Architects that if one had to do anything, "Go West, young man, go West." It was much better and more architecturally compatible with the concept of the National Capitol to extend the west front than to extend the east front.

The east front was extended. That was rejected, but now the shoe is on the other foot, and they say that we should preserve the wall. There have been, and there always will be, those who wish to preserve mementos in American history for what they stand for in the minds of people who are proud of that history.

When electricity was first suggested in the Capitol, there was a great cry on the House floor against this new-fangled apparatus. Gas served us well in the past, and it will continue to do so, it was said. Yet today the west wall is crumbling. Oh, it is not going to fall down tomorrow morning, but it is shored up, and the Members will see wooden buttresses supporting it and chunks of dilapidated cornice wood, and cracks plainly visible. No one argues—even Mr. STRATTON will agree—that something must be done.

In 1967 a report by the Architect of the Capitol, Mr. Stewart, to the Speaker, Mr. McCormack, went through this entire subject in depth. It contained photographs of where the wall is cracking and how it is cracking, and photographs of the shorings that are up against the west front. It went through the proposals as far as the diagrammatic structures of the various levels that would be involved in the extension and what would be in there, and it summarized the availability of space and assessed the entire situation and, of course, recommended extension.

Something has got to be done. Yet this is a time of fiscal crisis, and people suggest $60 million—$58 million is in this bill, and there was $2 million previously appropriated for plans—is too much money.

The fact of the matter is that the $60 million figure is not the actual cost of extension. It is false to suggest that extension works out at $348 a square foot. The reason is that those who propose to restore the west wall would spend at the minimum $15 million and a maximum probably up to $25 million or $30 million and yet would not have one single solitary thing to show for it. In fact they would even have to paint the wall after

it was drilled full of holes in order to keep it looking decently over the years.

So what we have to do is to take the total that it would cost for extension—and this $58 million has built-in inflation calculation so that the Architect of the Capitol says we can get the extension completed for this figure even though it may be a year or two or three down the road in terms of actual construction, and we must subtract from that whatever the figure may be for restoration. Then we take the difference, which could be $40 million, or it could be $35 million, and divide into that total the 270,000 square feet of available space that will become available to this people's working Capitol of the United States. When we get through doing that we come out with a square foot figure that is a horse of a far different color than has been portrayed by some of the opponents of extension.

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

Mr. WYMAN. I yield to the gentleman from Arizona.

Mr. RHODES. The testimony our subcommittee elicited indicates that restoration involves cost estimates that are so indefinite that it would probably be impossible to get anybody to make any kind of firm bid on restoration of that wall. It would be necessary for a cost-plus a fixed fee contract to be let for restoration. Is that not the situation?

Mr. WYMAN. That is correct.

Mr. RHODES. So even though we have estimated that restoration may cost $25 or $30 million, we do not know that because the situation is so indefinite we cannot get a firm bid.

Mr. WYMAN. The gentleman's observation is correct, and of course the point is if it did not cost a nickle to restore that wall, the need for facilities for this body, on this floor, and for the general public who come here in numbers involving 20,000 or 30,000 or 40,000 a day sometimes is so patent as to require funding extension without any regard to what restoration would cost.

The additional cost beyond restoration would be, let us say, $40 million, but $14 million of this figure is not for construction at all but is for architects' and engineers' fees, and administrative cost to the Architect's Office, and furniture and furnishings and the contingency fund. But $46 million of the $60 million is actual construction money.

If we subtract then $20 or $25 million that would likely be spent on restoration, we end up with a sum that can vary from $21 to $26 million. Dividing this by 270,000 square feet leaves a square foot cost of the proposed extension closer to $80 a square foot, and that is the square foot cost to restore and enhance a historic monument. That is in actuality a very low cost when we consider that a modern building such as the FBI Building is only about $12 a square foot cheaper and there is no requirement there of historical restoration.

If we go out and look at the Capitol extended, the model is just out in the outer Chamber at this time, we will see beyond all peradventure that the Capitol extended will be so much better looking than the Capitol as it stands now that one does not have to have a degree in architecture to appreciate the improvement.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. CASEY of Texas. The gentleman makes the so-called cost-per-square-foot comparison, but we should remember the actual cubic-foot cost should be considered also. When we talk about a square-foot cost it is usually for a regular office building that has 10-foot ceilings. We are talking about a different matter as in a beautiful monumental building such as the Capitol we have vaulted ceilings and artistic design.

Mr. WYMAN. The gentleman is exactly correct. As in the Cannon Building and in many rooms of the National Capitol, the ceilings are very high. The cubic-foot cost for that reason is substantially less than it would be if translated to a conventional building.

To give some indication of how distortion of costs can occur, the Rayburn Building has always been discussed in the press as costing $135 million, which allowed an enormous square foot figure to be calculated. What was never discussed was that the $135 million included restoration of the Cannon Building and the Longworth Building; the construction of garages in the Rayburn Building and south of the Longworth Building; property acquision for the block of the Rayburn Building; cost to acquire the Congressional Hotel. So that actually the figure for the Rayburn Building came a lot closer to $35 per square foot, hardly the colossal blunder it has been so reliably reported to be.

We keep mentioning the figure for restoration as $15 million to $30 million. This is done because, as the gentleman from Arizona has pointed out, there is simply no idea of what it might cost to restore the west wall, except that we are reasonably sure that it will be greater than $15 million.

The Praeger report that has so frequently been referred to only said that it was advisable to restore the wall; it did not say that it was wise to restore the wall, and that they thought it could be done for $15 million. But, when the Architect of the Capitol asked Mr. Praeger if he would restore it for $15 million, he told Mr. White that he would not touch it for that cost.

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

Mr. WYMAN. I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, the gentleman is aware that Mr. Praeger is a structural engineer. He is not a contractor, so obviously he is not going to undertake the job.

The purpose of the Praeger report was to try to find out the truth of an assertion that was made very emphatically on this floor, as the gentleman well remembers, some 4 years ago, that the Capitol was crumbling. To settle that argument we went to Mr. Praeger. He determined that the Capitol was not crumbling. It was not falling down, and that all that support business out there was simply window dressing.

He is not in the contracting business, so it was not his decision to say whether it was wise or unwise or whether he wanted to bid on the construction. I think it is misleading to suggest that Mr. Praeger should have bid on the proposal.

Mr. WYMAN. I thank the gentleman from New York and I agree that Mr. Praeger was not a contractor. He was an engineer, but to try to determine just what it might cost to restore the wall, Mr. White asked three reputable general contractors.

He went to the people who actually do the construction work rather than simply ask opinions of other architects and engineers. He asked John Healey & Sons, a general contracting firm from Wilmington, Del. The president of the firm was the president of the Association of General Contractors, which is the national organization of general contractors.

He asked the Tompkins Co., who are the general contractors on the extension of the east front superstructure, because they were familiar with the building, this building. He asked the Turner Construction Co., which is a nationally known organization.

He tried to pick three that would be representative of the highest quality in the construction industry. None of the three would offer a lump sum bid with a limit of $15 million. None indeed would even offer an estimate as to how much it might cost. They said, and I am generalizing, that there were just too many unknowns. No one gave an estimate of what it would cost, even though they had studied the Praeger report and studied that wall showing a thickness of 20 feet.

Praeger extrapolated his findings over the rest of the wall, problems they recognized to be structurally different elsewhere, and it may be difficult and even impossible to get a general contractor to sign to a lump sum bid.

I think we are going to be bogged down in a quicksand of cost if we attempt to restore that wall.

We also had arguments on the esthetics. The American Institute of Architects are simply against any changes in the Capitol at all. When the extension of the east front was before the Congress in 1958, they stated in their national newsletter that the space requirements of the Capitol could be far better met, and at less cost, by leaving the east front alone and, as I said previously, extending the west front. This cry in 1958 of "Go West, young man" is now "Go underground," or "Go anywhere, but don't go West."

But, let me stress that their opposition to the extension does not necessarily reflect the national architects as a whole. At the AIA conference in Denver in 1966, a resolution was brought before them calling for the preservation of the west front. That resolution created so much debate it was tabled because they were unable to arrive at a consensus. The subject of preserving the west front of the Capitol has never been discussed since at a national architect convention.

The other esthetic argument is that the Olmsted terraces, according to my distinguished colleague from New York, will be torn up and replaced with "cast

stone." There has never been, and there is not now, such a proposal.

The fact of the matter is that with the extension as proposed and as shown in the model which is now under consideration by this body, the bulk of the old terraces would remain untouched. Only the middle front section need be moved, and that can be reproduced substantially as it is today. And it will be.

So these general aspects of the question are in the situation to be evaluated by this body today. There have been four studies.

In 1957, the firm of Moran, Proctor, Mueser and Rutledge did a soil study and surveyed the physical construction of the wall and basically said "something needs to be done."

In 1964, the firm of Thompson and Lichtner did a detailed examination of the west front, including test cores of the west wall, and came to the general conclusion that the west front is "distorted and cracked, and required corrective action for safety and durability." They recommended that the wall be retained "as an interior wall of an extended building" which would provide the Capitol with lateral support. Because of the lateral stresses mentioned in that report, the wooden beams were set in place to bolster the wall.

Whether they were actually needed or not, they were put in as a safety factor.

In 1966, a critique of the Lichtner report was done by Locraft and came to the same conclusions.

In 1970, even though we had been told in a previous report that something should be done and, indeed that something was an extension, we still did yet another report to determine if it was feasible to restore the wall for $15 million. The Praeger, Kavanaugh, Waterbury firm after a thorough study concluded, yes, it was feasible, but that generally, however, "cracking will continue to occur."

There are many, many aspects of this which probably need to be better understood by Members who are toying, I am sure, with the idea that they do not want to vote for $58 million if they can vote for $30 million. That is understandable.

According to the Praeger report, should restoration be done, there will be 2-inch diameter holes drilled every 3 feet horizontally and vertically over the entire wall. Approximately 5,700 holes will be drilled.

Not only will this be noisy, but it is going to be a little bit different kind of a wall after that is done, no matter how much paint it may have on it. I believe it is unjustifiable on the basis of anything except sentimental reasons, spending anywhere from $15 to $30 million, gaining no additional space, having a continuing maintenance problem, when that is compared with spending $60 million and getting 270,000 square feet of vitally needed space for the working part of this Capitol, to be used by the public, at a square foot cost that compares favorably with construction costs generally, and in an extremely beautiful structure.

Mr. Chairman, the Architect of the Capitol in his testimony before our subcommittee said—and I quote from page 716 of the hearings—the following:

It is a very difficult decision. It is a soul-searching decision and I have spent 2 years of study and have had numerous conversations with other professionals in order to learn as much about it as I could. I have talked to the people that have been involved in this, not only Mr. Praeger who wrote the restoration report, but Mr. Severud, who is a world renowned structural engineer. One of the reasons that I began to be greatly concerned with these matters is that I found that the world renowned experts disagree. I was asked by the Commission and various Members of Congress to offer my opinion. I found myself in the difficult position of finding experts, who presumably knew more than I did, taking opposite views. I began to have to sift through the reasons for some of the opposite views. I tried to balance them very carefully. For me it is not a very simple decision nor is it a 90–10 decision. For me it is a 55–45 decision. I would love to be able to say from my personal views that preservation and restoration are the only answer. I cannot do that.

Mr. Chairman, that is the end of the quotation by the Architect of the Capitol, Mr. White.

Let me read finally the Architect's conclusion. Knowing that a decision had to be made, he said, after his soul-searching and after his evaluation, at page 711 of the hearings, the following:

I believe that it would be like trying to traverse a swamp, in terms of cost, before the Congress would be through paying for the cost of restoration. There are those, as you know, Mr. Chairman, who feel restoration is an appropriate procedure irrespective of what the cost may be. I cannot bring myself to that conclusion as a professional. There are, however, some of my fellow professionals who feel that way and feel very strongly. It becomes a matter for the Congress to decide as to what the most practical expenditure of the public funds would be; whether to spend, in my opinion, possibly as much as $30 million for restoration and have a constant maintenance problem which the Praeger report indicates both in terms of cracking of the stone and in terms of painting, or whether to expend an additional $30 million and get 270,000 square feet of space which is sorely needed by the Congress.

With those two choices in mind, it seems to me that it is reasonable, looking at it from the standpoint of what best serves the interest of the people and their representatives, who form the Congress, to expend the money in such a way as to gain the space rather than to attempt to preserve the wall.

Mr. Chairman, it would be pennywise and pound foolish not to take advantage of the differential between the cost for restoration and the cost for extension and to proceed with this vitally needed addition to the National Capitol. It is in the best of taste. It will take years to accomplish even if we appropriate the money for it at this time, but we should brook no further delay because the public need is truly urgent.

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

Mr. WYMAN. I yield to the gentleman from Wisconsin (Mr. STEIGER).

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

I hesitate to go off the subject of the millions that are being debated on the restoration of the Capitol. However, there is an item on page 24 of the bill "For necessary expenses to enable the Librarian to revise and extend the Annotated Constitution of the United States" and for "Revision of Hinds' and Cannon's Precedents" for $132,000.

Mr. Chairman, I wonder if the distinguished and able ranking Member of the subcommittee, the gentleman from New Hampshire, would be willing to share with the members of the committee any insight that he has as to the purposes for which that money would be used and what information was obtained during the subcommittee's deliberations and when it might be possible for the Members of the House to receive what was a mandate on the Legislative Reorganization Act of 1970. Now, the updating of precedents are just for Hinds' and Cannon's which arose since 1936.

Mr. WYMAN. I can only draw the gentleman's attention to the hearings. I do not have a copy of them before me, but it is something provided annually in the legislative bill. It was recommended to us that it should be again appropriated and this has been done. It was time for it to be done. We did not consider it an inordinately high figure, and therefore we appropriated the funds for it.

Mr. STEIGER of Wisconsin. Will the gentleman yield further?

Mr. WYMAN. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Perhaps the distinguished chairman of the subcommittee would be willing to shed further light on that. One hundred thirty two thousand dollars for the Librarian to assist the Parliamentarian I realize is not a large sum of money when one talks about $30 million versus $60 million. My concern here, as the Speaker of the House is aware, is whether or not it will finally be possible for the Members of the House to receive the precedents. Will this $132,000 help to accomplish that purpose?

Mr. CASEY of Texas. If the gentleman will yield, that is exactly what it is for. Yes, indeed. It is to assist the Parliamentarian in bringing the precedents up to date so that each Member will have a set. It takes time to correlate and compile them. This is to provide assistance for just that purpose. This appropriation provides for the personnel to do it.

Mr. WYMAN. If the gentleman remembers, at the time we had the discussions about impeachment and other questions on the floor of the House there was great dispute at the time as well as on the subject of the exclusion or expulsion of a Member. The precedents were not in a useful form in which they would be available to us if this job is done. As Mr. CASEY says, the money included here is to get this job done so that we will have this added tool.

Mr. STEIGER of Wisconsin. Will the gentleman yield further?

Mr. WYMAN. I yield to the gentleman.

Mr. STEIGER of Wisconsin. In the 6 years, the brief amount of time I have had the honor of serving as a Member of this body, we have appropriated money each year in the legislative appropriation bill for this purpose. I am really trying to search for, I guess, how much money we have appropriated just in the last six years for updating the precedents of the House. But beyond that may I say I hope it is possible for the Legislative Appropriations Subcommittee to lend a hand to do the job and to apply

pressure to the Parliamentarian to do what in 1970 was mandated of him for the 93d Congress but which has not been done yet. If we are going to spend another $132,000 to spin our wheels for another year, then I think we ought to find out whether there are alternatives available.

Mr. CASEY of Texas. If the gentleman will yield, the best estimate I have is that it will take two or more years to complete this job and have a complete recompilation of the precedents. There is $25,000 in the bill every year for compilation of the precedents for each particular year, but this appropriation to the Library of Congress is to recompile, up date and index the Hinds' and Cannon's precedents. The last updating and publication was in 1936. What I am told is it will probably take 2 or more years.

Mr. DELLENBACK. Will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Oregon.

Mr. DELLENBACK. I would like to commend my colleague from Wisconsin for having raised this question. There is no complaint with the gentleman in the well, the gentleman from New Hampshire, about this particular amount. It is rather a case of Members of this House being crippled in dealing with matters that arise in debate in normal procedures time after time when we do not know what is the gap, the hiatus, in the published precedents and what we can count on. We are trapped in a situation where the only way possible for a Member, as the gentleman knows, to find out what a ruling will be is to go in advance to the Parliamentarian and ask to get an answer. Sometimes you do not. This is not intended as a criticism of the Parliamentarian at all as an individual, but it is a case of asking for an update from the gentleman in the well and the chairman of the subcommittee as to the status of what was ordered by this House to be done a couple of years ago, namely, the publication of the precedents of the House.

If the gentleman will yield further, may I address a further question to the chairman of the subcommittee?

Mr. WYMAN. I yield to the gentleman.

Mr. DELLENBACK. Did I understand, Mr. CASEY, you to say that in this particular instance we can count on that now being done in 2 years?

This appropriation and one more appropriation will complete the job, if that is what I understood the Chairman of the Subcommittee, the gentleman from Texas (Mr. CASEY) to say.

Mr. CASEY of Texas. Mr. Chairman, if the gentleman will yield, I cannot give the gentleman that assurance. That is the estimate furnished to me, and I cannot give the gentleman assurances because I do not know. This is a difficult job, and I understand it has taken time to secure the best qualified personnel to do it.

Mr. DELLENBACK. Mr. Chairman, if the gentleman will yield further, do we understand, then, Mr. Chairman, that the testimony has been given to the gentleman's subcommittee—and we do not ask the personal guarantee of the chairman of the subcommittee on this—but was it told to the gentleman's subcommittee in testimony then, sir, that this job would be completed by the Parliamentarian in 2 years, this year and 1 more year, and we can expect the job will be completed?

Mr. CASEY of Texas. Mr. Chairman, if the gentleman will yield still further, I might point out to the gentleman from Oregon that in the record of the hearings, on page 384, the gentleman from Colorado (Mr. EVANS), who is a member of our subcommittee, asked the witness, Mr. Jayson, the Director of the Congressional Research Service in the Library of Congress, the following question:

> Mr. EVANS. You say that the Parliamentarian anticipates he will have this finished in a few years. What is your understanding of the meaning of a few years; 2, 3?
>
> Mr. JAYSON. I don't know the details but I suspect 2 or 3 is the figure he has in mind. I chatted with him about it and 3 years was the figure mentioned.

So, that is about all that I can tell the gentleman about it.

Mr. DELLENBACK. I thank the gentleman from Texas.

Mr. CASEY of Texas. I can assure the gentleman that I want this job completed just as early and as fast as possible, just like the gentleman from Oregon does, but I am not prepared to tell the gentleman from Oregon exactly how long it will take.

Mr. DELLENBACK. I appreciate the answer of the chairman of the subcommittee, the gentleman from Texas (Mr. CASEY).

Mr. WYMAN. Mr. Chairman, may I say that we are in agreement on this; this is one of those things that you cannot order done at a certain time. You can order it done at a certain time if you do not care what you get—and we do care, but it is a difficult job in getting the precedents out together with all of their ramifications, and assembled in printed form.

I might further say that as one who has a part of the responsibility for funding the preparation of this material, if they say they cannot do it in 12 or 18 months, then I do not want them to be ordered to put it out in 8 months, because we cannot order it in 8 months and have it done the way we want it.

Mr. DELLENBACK. If the gentleman will yield still further, I am sure that every Member of this House wants these precedents in a published form, and I am sure the Speaker of the House wants them as much as do we. We are not asking for the guarantee of the gentleman now in the well, and I am sure the gentleman is not agreeing that it will be done in 18 months in view of the testimony that it may take 2 or 3 years, and this was apparently not the testimony of the Parliamentarian, but was the testimony of a representative of the Library of Congress reporting to the House on what he understood the Parliamentarian would probably have to do in this connection.

So I just must confess that I again want to thank and to commend our colleague, the gentleman from Wisconsin (Mr. STEIGER), for having raised this issue. We would like the RECORD to show clearly that we think this is an extremely important task. It is important to every Member of this House, and to the proper conduct of the legislative process that this material be in the hands of every Member as a working tool.

Unfortunately, although the Reorganization Act was passed several years ago in which this was directed to be done, it is still terribly difficult to get anything concrete in hand, or at least have anybody say specifically that this much has been done at this time, and this is when the job will be completed, and this is an example of one of these intangible results that was ordered by this body a couple of years ago.

Mr. WYMAN. I could not agree with the gentleman from Oregon more, and the gentleman makes his point. I shall certainly join with the chairman, the gentleman from Texas (Mr. CASEY) in pressing for a speedup in the preparation of this tool.

Mr. STEIGER of Wisconsin. Mr. Chairman, if the gentleman will yield, I am grateful both for the comments of the gentleman from Oregon (Mr. DELLENBACK) and the gentleman in the well (Mr. WYMAN). I raised this issue simply, not only because of the points that have been made by our colleague, the gentleman from Oregon (Mr. DELLENBACK), but also because, very honestly, I think we do look to the Legislative Subcommittee of the Committee on Appropriations in a situation like this to hopefully give us support and help in our effort to make sure that that job is done, and done as soon as it can be done, and properly done, and all in a timely fashion.

I concur with the gentleman from New Hampshire (Mr. WYMAN) that one cannot expect overnight this to happen. I have written to the Speaker. I have asked the Speaker when we can anticipate the provisions of the Legislative Reorganization Act to be carried out.

Mr. WYMAN. The gentleman is always at liberty to offer an amendment setting a time limit.

Mr. STEIGER of Wisconsin. The time limit is in the Legislative Reorganization Act of 1970. It said "in the 93d Congress." Thus, I have written to the Speaker to ask him if in fact that will be fulfilled. I have great confidence in our Speaker. I trust he will respond by saying, "Yes, before the end of this Congress we will get it," assuming that we may be sure we will be back again with his subcommittee.

I am deeply grateful to the gentleman.

Mr. WYMAN. I thank the gentleman.

Mr. DAVIS of Georgia. Mr. Chairman, the bill before us, H.R. 6691, the Legislative Appropriations Act for the coming fiscal year, contains no funding for the new Office of Technology Assessment. I should like *briefly to explain* this, and to say that Mr. MOSHER joins me in this statement.

Last October Congress passed the Technology Assessment Act of 1972. This law culminated 6 years of extensive work by the Committee on Science and Astronautics. It established for only the third time in history an independent service institution within the legislative branch and dedicated to the improvement of the congressional information process. That institution is the Office of Technology Assessment.

The Office consists of a Technology Assessment Board, which formulates policy

for assessment activities, and a Director who will be responsible for the day-to-day operations of the Office and charged with executing the functions stipulated for it in the basic act. The Director will be appointed by the Board for a 6-year term; his selection, however, has not yet been made.

Meanwhile, according to law, the bipartisan Technology Assessment Board has been appointed by the Speaker and the President pro tempore of the Senate, six Members from Each House as follows.

From the House: Mr. DAVIS of Georgia, Mr. TEAGUE of Texas, Mr. UDALL, Mr. MOSHER, Mr. GUBSER, and Mr. HARVEY. From the Senate: Mr KENNEDY, Mr. HOLLINGS, Mr. HUMPHREY, Mr. CASE, Mr. DOMINICK, and Mr. SCHWEIKER.

Since the chairmanship of the Board goes to the Senate in odd-numbered Congresses, Senator KENNEDY has been chosen Chairman for the 93d Congress. In the next Congress the chairmanship will shift to the House, and in each case only the Members of the body designated make the selection. The same method operates for the vice chairmanship which goes to the House other than that of the chairman.

For fiscal years 1973 and 1974 the Congress authorized an aggregate of $5 million to get the Office underway.

For a number of reasons, including the lateness of the act's passage last year and the many organizational problems confronting the Congress this year, it has not been possible for the Board to meet and organize until recently, April 10—and consequently not possible for the Board to approve a budget request for presentation to the Appropriations Committee.

Thus the bill before us, the Legislative Appropriations Act for fiscal 1974, contains no funding for the Office of Technology Assessment. We on the Board, however, do wish to point out that a request will be made to include such funding when the bill is in the Senate committee and that funds for OTA are expected to be included in the final act.

Members of the House Appropriations Committee are aware of this situation, and we are grateful to them for making mention of it in their report.

Mr. Chairman, those of us who have worked on the Technology Assessment concept do not claim that the new Office is going to solve all our Nation's problems which are involved with technology—but we are confident that it is going to help the Congress significantly as it attempts to deal with those problems.

At this point in the RECORD, Mr. Chairman, we should like to include a summary explanation of the Office and the rationale behind it.

Mr. CASEY of Texas. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

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

EXTENSIONS AND AUTHORIZATIONS FOR HOUSING AND URBAN DEVELOPMENT PROGRAMS

Mr. BARRETT. Mr. Chairman, I introduce today, on behalf of myself and Mr. WIDNALL, the ranking minority member of the Housing Subcommittee, a joint resolution to extend certain housing and urban development authorities and to make necessary authorizations for certain programs.

This joint resolution was reported favorably by unanimous vote of the Housing Subcommittee on Tuesday, April 17. The resolution and a section-by-section summary are included at the conclusion of my remarks.

The resolution contains 1-year extensions of certain Federal Housing Administration and Farmers Home Administration authorities which will expire on either June 30 or September 30 of this year. In addition, it contains the following authorizations:

First, "open-end" authorizations—that is, such sums as may be necessary—for fiscal year 1974 for four community development programs—urban renewal, model cities, open space, and neighborhood facilities—which may need additional funds during the fiscal year 1974 transition period; and

Second, specific authorizations of $110 million for comprehensive planning and $195 million for new community guarantees, both of which are needed to meet the administration's budget program for fiscal year 1974.

These authorizations are necessary to permit action by the Appropriations Committee on fiscal year 1974 budget. I understand that the Appropriations Committee plans to mark up the HUD appropriations bill in early June, but only if necessary authorizations are enacted by that time. The Senate will be proceeding in the same way.

The subcommittee's action in including open-end authorizations for community development programs attempts to meet a special circumstance attached to these programs.

As Members know, cities throughout the country are experiencing very severe transition problems in phasing out existing programs and preparing for either special revenue sharing or block grant legislation. Because the administration has asked for no new funding for fiscal year 1974: First, model cities programs are being cut, on the average, to 55 percent of their past approved program levels; and second, very few new urban renewal NDP's are being started, and even those that are being approved cannot involve land acquisition, which is the main purpose of the urban renewal program.

These cutbacks in local programs are resulting in very wasteful delays in carrying out projects and activities which can be carried on under either the special revenue-sharing proposal or the block grant program. It simply makes no sense to defer these long-planned activities, since they will become more costly when carried out a year later.

In addition, cities are reporting that the sharp cutbacks in community development activities is forcing very deep cuts in local staffs. In San Francisco, for example, 25 percent of the city's redevelopment staff will be let go. Again, this makes no sense when cities will simply have to staff-up again in fiscal year 1975 when the new community development program starts.

The open-end authorization will enable the Appropriations Committee to take testimony from the cities and the administration on the precise amount of funds needed to carry on an orderly transition period.

I expect the resolution to be taken up by the Banking and Currency Committee immediately after the coming recess, with House action shortly thereafter.

The resolution and summary follow:

H.J. RES. 512

Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

EXTENSION OF FHA INSURANCE PROGRAMS

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "June 30, 1973" in the first sentence and inserting in lieu thereof "June 30, 1974".

(b) Section 217 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(c) Section 221(f) of such Act is amended by striking out "June 30, 1973" in the fifth sentence and inserting in lieu thereof "June 30, 1974".

(d) Section 235(m) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(e) Section 236(n) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(f) Section 809(f) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "June 30, 1974".

(g) Section 810(k) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "June 30, 1974".

(h) Section 1002(a) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "June 30, 1974".

(i) Section 1101(a) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "June 30, 1974".

FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709–1), is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO GNMA

SEC. 3. Section 3 of the joint resolution entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", approved December 22, 1971, as amended, is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

URBAN RENEWAL AUTHORIZATION

SEC. 4. The first sentence of section 103(b) of the Housing Act of 1949 is amended by striking out "and by $250,000,000 on July 1, 1972" and inserting in lieu thereof "by $250,000,000 on July 1, 1972, and by such additional sums on and after July 1, 1973, as may be necessary to make grants under this title up to the amounts approved in Acts making appropriations for the fiscal year ending June 30, 1974".

MODEL CITIES AUTHORIZATION

SEC. 5. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting after the first sentence the following new sentence: "In addition, there are authorized to be appropriated for such purpose such sums as may be necessary for the fiscal year ending June 30, 1974."

(b) Section 111(c) of such Act is amended by striking out "September 30, 1972" and inserting in lieu thereof "July 1, 1974".

OPEN-SPACE LAND AUTHORIZATION

SEC. 6. The first sentence of section 708 of the Housing Act of 1961 is amended by inserting before the period at the end thereof the following: ", plus such additional sums as may be necessary for such purposes for the fiscal year beginning July 1, 1973".

NEIGHBORHOOD FACILITY GRANT AUTHORIZATION

SEC. 7. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: "In addition, there are authorized to be appropriated for the fiscal year commencing July 1, 1973, such sums as may be necessary for grants under section 703."

(b) Section 708(b) of such Act is amended by striking out "September 30, 1972" and inserting in lieu thereof "June 30, 1974".

WAIVER OF CERTAIN REQUIREMENTS APPLICABLE TO GRANTS FOR BASIC WATER AND SEWER FACILITIES

SEC. 8. Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "September 30, 1972" and inserting in lieu thereof "June 30, 1974".

REHABILITATION LOAN AUTHORIZATION

SEC. 9. Section 312(h) of the Housing Act of 1964 is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

COMPREHENSIVE PLANNING AUTHORIZATION

SEC. 10. The fifth sentence of section 701 (b) of the Housing Act of 1954 is amended by striking out "not to exceed $470,000,000 prior to September 30, 1972" and inserting in lieu thereof "not to exceed $580,000,000 prior to July 1, 1974".

NEW COMMUNITY DEVELOPMENT

SEC. 11. Section 713(e) of the Housing and Urban Development Act of 1970 is amended by inserting before the period at the end thereof the following: ", which amount shall be increased by $195,500,000 on July 1, 1973".

RURAL HOUSING AUTHORIZATIONS

SEC. 12. (a) Section 513 of the Housing Act of 1949 is amended by striking out "October 1, 1973" each place it appears and inserting in lieu thereof "June 30, 1974".

(b) Section 515(b)(5) of such Act is amended by striking out "October 1, 1973" and inserting in lieu thereof "June 30, 1974".

(c) Section 517(a)(1) of such Act is amended by striking out "October 1, 1973" and inserting in lieu thereof "June 30, 1974".

(d) Section 523(f) of such Act is amended by striking out "1973" each place it appears and inserting in lieu thereof "1974".

---

SECTION-BY-SECTION SUMMARY OF JOINT RESOLUTION

To extend the the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes.

SECTION 1—EXTENSION OF FHA INSURANCE PROGRAMS

This section amends various provisions of the National Housing Act to extend for one year, until June 30, 1974, the authority of the Federal Housing Administration to insure loans and mortgages.

SECTION 2—FLEXIBLE INTEREST RATE AUTHORITY

This section would amend section 3(a) of Public Law 90-301 to extend for one year, from June 30, 1973, to June 30, 1974, the authority of the Secretary of Housing and Urban Development to set the maximum interest rates for FHA mortgage insurance programs at levels he finds necessary to meet the mortgage market.

SECTION 3—TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO GNMA

This section would extend, from June 30, 1973, to June 30, 1974, the authority of the Government National Mortgage Association to purchase mortgages with principal obligations in excess of statutory limits whenever the Secretary of Housing and Urban Development determined such action necessary to avoid excessive discounts on Government-backed mortgages.

SECTION 4—URBAN RENEWAL AUTHORIZATION

This section would amend section 103(b) of the Housing Act of 1949 to increase the aggregate amount of capital grants which may be made under the urban renewal program on or after July 1, 1973, by such amounts as may be necessary and are approved in Acts making appropriations for Fiscal Year 1974.

SECTION 5—MODEL CITIES AUTHORIZATION

This section would amend section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 (and makes a conforming amount to section 111(c) of such Act) to authorize appropriation of such sums as may be necessary for model cities for Fiscal Year 1974.

SECTION 6—OPEN-SPACE LAND AUTHORIZATION

This section would amend section 701 of the Housing Act of 1961 to authorize appropriation of such sums as may be necessary for the open-space land program for Fiscal Year 1974.

SECTION 7—NEIGHBORHOOD FACILITY GRANT AUTHORIZATION

This section would amend section 708(a) of the Housing and Urban Development Act of 1965 to authorize appropriation of such sums as may be necessary for neighborhood facility grants for Fiscal Year 1974.

SECTION 8—WAIVER OF CERTAIN REQUIREMENTS APPLICABLE TO GRANTS OF BASIC WATER AND SEWER FACILITIES

This section would amend section 702(c) of the Housing and Urban Development Act of 1965 to extend from September 30, 1972, to June 30, 1974, the period within which communities must meet full comprehensive planning requirements in order to be eligible for basic water and sewer grants.

SECTION 9—REHABILITATION LOAN AUTHORIZATION

This section would amend section 312(h) of the Housing Act of 1964 to extend from June 30, 1973, to June 30, 1974, the period within which the Secretary is authorized to make rehabilitation loans.

SECTION 10—COMPREHENSIVE PLANNING AUTHORIZATION

This section would amend section 701(b) of the Housing Act of 1954 to authorize the appropriation of an additional $110 million for comprehensive planning grants.

SECTION 11—NEW COMMUNITY DEVELOPMENT

This section would amend section 713(e) of the Housing and Urban Development Act of 1970 to increase the authorization for new community development guarantees by an additional $195,500,000.00 on July 1, 1973.

SECTION 12—RURAL HOUSING AUTHORIZATIONS

Subsection (a) would amend section 513 of the Housing Act of 1949 to extend, through Fiscal Year 1974, the authority to make appropriations for section 504 loans for repairs to homes, for section 516 farm labor housing grants, for section 506 research related to rural housing, and for funds necessary for the administration of housing programs for which the Secretary may be responsible.

Subsection (b) would amend section 515 (b)(5) of the Housing Act of 1949 to extend, through Fiscal Year 1974, the authority of the Secretary of Agriculture to insure loans under the rural rental housing program.

Subsection (c) would amend section 517 (a)(1) of the Housing Act of 1949 to extend, through Fiscal Year 1974, the Secretary of Agriculture's authority to make insured loans to low- and moderate-income families for single-family housing.

Subsection (d) would amend section 523(f) of the Housing Act of 1949 to extend, through Fiscal Year 1974, the authority to appropriate funds for mutual self-help housing purposes and to make seed money loans and technical assistance grants under that program.

Mr. CASEY of Texas. I yield 10 minutes to the gentleman from New York (Mr. STRATTON).

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

The CHAIRMAN. The Chair will count.

One hundred and two Members are present, a quorum.

Mr. STRATTON. Mr. Chairman, I appreciate the opportunity to discuss this matter for 10 minutes. In previous years we have always had trouble getting anything like equal time. The other side has had about 1 hour and 15 minutes, but I will try to summarize at least any key arguments in 10 minutes.

This is for many Members of the House an old chestnut. It has been around here since 1966. A good deal of material has been written on the subject, and many Members have gotten this material lately in the mail. I am not sure whether they have had an opportunity to read it all, but we do have 72 freshman Members, and to a large extent the question of whether the west front is going to be extended or not lies in the hands of those new Members who will be voting on this issue today for the first time.

Let me make it clear, because there seems to be some confusion on the matter, that there will be recorded votes in the House today on this issue, provided we can get the appropriate number to stand up and request them. They will be taken in the Committee of the Whole. The only votes that are being put over until tomorrow are votes on amendments adopted in the Committee of the Whole House when we go back into the House itself.

So this issue will, hopefully, come to a record vote today.

Many points have been raised, and I cannot take the time in these short 10 minutes to answer all of them, but let me try to concentrate on what I regard as the major points in this controversy.

One part of this story has not come out in the literature that has circulated around lately and in what has been said is that we have had a great many different arguments made about the need for the West Front since this proposal first surfaced in 1966. We have heard about the Praeger report and other studies. What we have not heard is that this plan first surfaced as a device to keep the Capitol from collapsing around our ears.

We were told by the previous Architect of the Capitol that this Capitol was so deteriorated that even if a helicopter came close it would collapse. But a bomb went off in the Capitol a couple of years ago in the west front and there was no appreciable damage. The Praeger report destroyed that story most completely and demolished what had been a phony argument.

Then we were told extension was needed for tourist space. The gentleman from Michigan (Mr. CEDERBERG) commented on the crowded condition of the rotunda, but we have been assured that there are not going to be any tourist spaces in the west front. Instead we have appropriated $12 million for a tourist center at Union Station. There are not even going to be any new restaurants. So the rotunda is going to remain the same size, and no one is going to change the number of persons visiting in the rotunda with this extension project.

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

Mr. STRATTON. I yield briefly to the gentleman from Michigan.

Mr. CEDERBERG. I cannot see where the Visitors Center at Union Station has anything to do with the number of visitors who will be visiting the Capitol, and while we are extending this west front there is no reason why we cannot have some additional space so that we will not have all those tourists now crowding into the rotunda.

Mr. STRATTON. Mr. Chairman, I decline to yield further.

The fact of the matter is we have been told there is going to be no space for that purpose. At one time we were told that we would have a movie theater and a briefing room, but that has all been taken out now. We are going to have 290 office spaces. That is what we are told.

As a matter of fact, the interesting thing about this whole extension proposal is that even today, after 6 years we have no clear-cut floor plan of what is going to go in it. No document has ever been issued. Some are saying now we are going to have one room where we can go and sign our mail. Somebody else says something else. But we still do not have even a clear, firm floor plan for the extension. It changes from year to year, and even if we vote on it today, we do not know what the Architect is going to come up with tomorrow.

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

The CHAIRMAN. The Chair will count.

Eighty-eight Members are present, not a quorum. The call will be taken by electronic device.

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

[Roll No. 99]

| | | |
|---|---|---|
| Adams | Conyers | Gettys |
| Badillo | Davis, Ga. | Gibbons |
| Biaggi | Dellenback | Gilman |
| Blatnik | Diggs | Hanna |
| Bolling | Dingell | Harrington |
| Breaux | Dulski | Harvey |
| Brinkley | Eilberg | Hawkins |
| Carey, N.Y. | Evins, Tenn. | Hébert |
| Carney, Ohio | Fisher | Holtzman |
| Chappell | Foley | Horton |
| Clark | Fraser | Jones, Ala. |
| Clay | Frelinghuysen | Jones, N.C. |
| King | Passman | Stanton, James V. |
| Landrum | Patten | Stephens |
| Long, La. | Pepper | Talcott |
| Lott | Podell | Teague, Tex. |
| McEwen | Powell, Ohio | Waldie |
| McKay | Price, Tex. | Wilson, Charles H., Calif. |
| McKinney | Railsback | Wilson, Charles, Tex. |
| Mailliard | Reid | Yates |
| Maraziti | Rooney, N.Y. | |
| Mathias, Calif. | Rosenthal | |
| Melcher | Ryan | |
| Montgomery | St Germain | |
| Morgan | Satterfield | |
| Nelsen | Sikes | |

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURPHY of New York, 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. 6691, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 361 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New York has consumed 4 minutes. The gentleman has 6 minutes remaining.

Mr. STRATTON. Mr. Chairman, I want to extend my appreciation to my colleagues for interrupting their busy schedules to come over here to hear me on this particular issue. I hope it will be instructive.

I would like to remind those who have come over that contrary to what may have appeared in the whip notice or in the RECORD there will be a recorded vote in the Committee of the Whole on this west front of the Capitol matter this afternoon, assuming that we are able to get the proper number to stand up. The vote that was deferred until tomorrow was the vote in the full House on any amendments that may be adopted in the Committee of the Whole.

Mr. Chairman, I was saying when the quorum call came that one of the interesting things about the west front is that we still do not have any actual plans as to how the space will be used. There has never been any design, and the changes in plans from year to year depend on whom you want to question, apparently, in order to try to get the 218 votes needed to get the money. I think we ought to have a design first before we agree to spend any money.

In fact, we have never had any study made of our space needs. Although there has been a lot of talk about how this extension is going to meet all of our space needs, we ought to be honest and admit that even if the west front were extended down to Pennsylvania Avenue, it still may not meet all of our space needs in the next 20 or 30 or 40 years. We may even have to have another office building; but you will not be able to get all the space you want in the west front whether it is extended or not extended.

Mr. GUDE. Will the gentleman yield?

Mr. STRATTON. I yield briefly.

Mr. GUDE. Mr. Chairman, I wish to lend my voice in opposition to the extension of the west front of the Capitol. I feel compelled to add my support to those who seek to restore the west front—the only remaining original wall of the Capitol exposed.

I oppose extension of the west front for several reasons, which I believe merit careful consideration. On financial grounds alone, gentlemen, we should not even be talking about spending $60,000,000 at a time when so many important Federal programs are literally dying for a lack of funding. We are all familiar with those programs and the areas they involve. We are talking about no money for education, no money for programs to benefit our senior citizens, no money for numerous social services, no money for day care, no money for physical and mental health facilities and training programs. The list is indeed lengthy.

Yet here we stand debating as to whether we should authorize and fund construction of the most expensive office space ever constructed.

Another argument of basic importance to this debate is the issue of the historical importance of the west front. As the only remaining original wall of the Capitol outside, its historic value is obvious. Regardless of space needs, we should not even consider covering and extending the west front, particularly when various alternatives do exist to meet any proven needs for additional office space.

As the gentleman from New York (Mr. STRATTON) has properly pointed out, we have never made a study of the space needs of Congress, and no one is certain of just what those needs are at present, much less for several years down the road.

I believe, along with the gentleman, that it would make far more sense from the point of view of economics, history and architecture to consider restoration of the west front. This project—necessary in order to prevent further deterioration of that wall—has been thoroughly studied and it has been shown that the existing west front can be properly restored for under $15 million—a far cry from the high sum needed for the proposed extension. This concept has been strongly endorsed by the American Institute of Architects from the point of view of the architectural integrity of the west front.

Mr. Chairman, I wish to commend the gentleman from New York for his leadership in this matter. He has not only shown leadership, but he has researched this matter very carefully.

I think he has shown the fallacy both from a money and from a historic and architectural standpoint of extending the west front.

So I support the gentleman in his efforts and again commend him for his activities.

Mr. STRATTON. I appreciate the gentleman's remarks.

Mr. CLEVELAND. Will the gentleman yield?

Mr. STRATTON. Very briefly.

Mr. CLEVELAND. I, too, thank the gentleman for yielding and wish to commend him for his efforts and to be associated with him in his remarks. And I ask leave to revise and extend following his remarks.

I have a question that I would like to ask.

In some of the literature that I received in my office in support of extending the west front was very critical and challenged the cost of a simple restora-

tion. I understand in the Praeger report it was estimated to be about $15 milion. They were very critical of that figure of $15 million and, in fact, suggested that it might be $20 million or $25 million. I wonder if the gentleman will comment on that.

Mr. STRATTON. Of course, the Praeger report was presented in 1970 and was not acted on or even looked at by the commission for more than a year, so it is possible with inflation that the figure may by now have gone above $15 million.

The important thing to remember is that the track record of the Architect of the Capitol's office on estimating costs up here is pretty bad. I think the overrun on the Rayburn Building was pretty close to 100 percent, if I remember correctly. Although the figure for the extension is listed now at $60 million, it could well end up to being closer to $90 million or $100 million or even more before it is finished.

Mr. Chairman, we are really being asked here to act on whether we should restore the west front of the Capitol or whether we should extend it. Yet the fact is that in all of the 6 years we have never had any study made of restoration at all. No wonder you cannot get any bids, because the Architect of the Capitol is opposed to it, so obviously nobody wants to bid when they know the fellow presumably soliciting the bids does not want you to offer a bid.

We have an arrangement here where it is heads, you win; tails, I lose. You cannot ever win on this basis.

What we need to do is to proceed to get some real bids on restoration, and we have got $2 million in the kitty to do just that.

Let me make two other points:

This is, after all—and let us not forget about it—the first action that this 93d Congress is taking on the 1974 budget. We have had a lot of talk on both sides of the aisle in recent months about spending priorities, about cutting off programs of social value, taking away milk from schoolchildren, for example, keeping oldsters out of hospitals because of the rising costs of medicare. Is this 93d Congress going to go back home to the people and tell them that in the very first action we took on this 1974 budget we put in $40 million or $50 million more than was needed just to take care of hideaway offices for our own convenience? And at a cost, mind you, of $368 a square foot. That is five and a half times more than the square footage cost of the FBI building at $68 a square foot, which will be the most expensive office building ever built. I do not think we can do that.

But the thing that bothers me most, Mr. Chairman, is that in the past few days we have seen a good deal of pressure applied. We have seen a lot of arm-twisting, here. I wish there had been the same kind of arm-twisting on the economic stabilization bill yesterday. We might have done better.

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

Mr. STRATTON. Mr. Chairman, would the gentleman from Texas yield me 2 additional minutes?

Mr. CASEY of Texas. I yield 2 additional minutes to the gentleman from New York.

Mr. STRATTON, I thank the gentleman for the additional time.

As I was saying, I wish we had seen the same kind of lobbying on the economic bill yesterday.

What is so important about this West Front to justify all that pressure. Members have called me personally on the phone and Members have sent me letters saying, "Sam, I would like to vote with you, but they have squeezed me just a little bit too hard. I do not think I can make it."

Is that the way we want to decide this issue?

The real question is whether in this period of budget crisis the first action on the 1974 budget that we are going to take is to provide a few hideaway offices for senior Members.

If this Capitol has to be repaired, then let us repair it. But if we are going to extend it, then we are going to go into the 200th birthday of this country in 1976 with the backyard of our Capitol covered with mud and construction fences. I do not think we want that; I do not think we need it. I think we ought to prevent it. And the gentleman from California (Mr. ROYBAL) will offer an amendment at the proper time to strike the $58 million for the extension of the west front of the Capitol. We have already got $3 million earmarked. Let us see what this restoration will cost; let us come up with some real plans, and then we can act intelligently and not as a result of arm-twisting.

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

Mr. WYMAN. Mr. Chairman, I yield myself 2 minutes.

I take this time to make the point in response to the gentleman from New York (Mr. STRATTON) that we had better straighten out some of these strawmen on this issue. I do not know why, for example, that the gentleman from New York persists in the mythology of hideaway offices. There are no hideaway offices in the proposed extension of the west front. There are plans for committee rooms, conference rooms, public rooms, and a few Member's offices.

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. WYMAN. I cannot yield at this time.

The Architect's proposed floor plan for the attic consists of a document room, the fifth floor plan is for the tally clerk, the press room, the bill clerk, Journal clerks, and the joint committees.

The second floor plan is for auxiliary cloakrooms, public reception room, and joint conference rooms. The first floor plan calls for public assembly and congressional joint use, Appropriations Committee, and then the ground floor, the basement, is for offices.

Now, as to "hideaway" offices, a term that I know the gentleman would like to have Members fear will give constituents the general impression that by voting to extend the Capitol we are voting for hideaway offices.

Mr. STRATTON. On page 725 of the hearings it says so.

Mr. WYMAN. What the gentleman from New York is referring to when he uses the epithet of "hideaway" is, I presume, an office for a senior Member of the Congress who may be entitled to an office space adjacent to the work floor. There is little that is more useful, more helpful, more constructive to legislative deliberative process than such facilities.

Such rooms have existed in the other body for a considerable number of years to their great advantage, but there are only 100 Members in the other body, and there are 435 Members in this body. In addition to this fact, the gentleman makes a point that the assignment of office space—and he made the point; I did not have to make it—will be determined after and if the addition to this Capitol is authorized by this body. What will go into that space will be determined by the Building Commission. The Building Commission—the Speaker, the majority leader, and minority leader—have all appealed in a very cogent, a very reasoned, and a very documented letter to each of the Members of this body for their support of this extension today.

Mr. STRATTON. Will the gentleman yield me time to answer this?

Mr. WYMAN. I yield myself one additional minute, and I yield to the gentleman from New York.

Mr. STRATTON. I am grateful to the gentleman, who is a good friend of mine except when we get down to this west front question—and he is still a good friend.

On page 725 of the hearing we have the Architect himself explaining what this space will be used for. He said:

> I would hope, if I were a Congressman or Senator, that I could go someplace, close a door and not have the phone ring, but just sit there and think. * * * Everyone needs that at times, and there is not any place except a private office where you can achieve that privacy.

That is exactly what the Architect said. As a matter of fact, when he made his statement before the subcommittee he said "tucked away somewhere in the Capitol," and I said I would accept "tuck away" instead of "hideaway." But he took that word out when he corrected the record.

Mr. WYMAN. The gentleman is aware of the fact, is he not, that at the present time there are now pending before the House Office Committee more than 100 requests for space, and that most of these requests do not relate to individual offices for individual Members? Is the gentleman familiar with that fact—how critical the space is adjacent to this deliberative Chamber?

Mr. STRATTON. I have already suggested we are going to need more space in the future, but I think we ought to follow the recommendations of the Committee on Appropriations. I think there are $350,000 available for remodeling space in the Rayburn Building.

Mr. WYMAN. I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, about 90 percent of the debate on this bill thus far has been devoted to the west front of the Capitol. There has been no discussion of other contents of the bill.

I am reminded that when I was a boy on the farm we had an old dog, and to keep him out of mischief, we sometimes

tossed him a piece of old carpet to chew on and tear apart. I am afraid that is about what is going on here today.

I am opposed to the west front extension, but there are other things in the bill that ought to be looked into. We might, just for an opener, take a look at the leadership's Cadillacs. There are a few of those around. I suppose these referred to in the bill are all 1973 models. I guess they change every year now to new ones, and they are up to $18,780 a copy. I suppose, too, these are complete with the latest emission controls, and perhaps hot and cold running water.

Mr. CASEY of Texas. Will the gentleman yield?

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

Mr. CASEY of Texas. The gentleman from Iowa, I am sure, will be amazed to know, as I learned from one Member just a few minutes ago, that the Architect of the Capitol even has a chauffeur-driven limousine.

Mr. GROSS. I was going to ask about that report. That is news to me. Is that a fact—that the Architect of the Capitol now has a chauffeur-driven automobile?

Mr. CASEY of Texas. Somebody has told me that. But I will say to the gentleman the $18,000 the gentleman includes the driver. That includes the driver's pay.

Mr. GROSS. It is nice to know that.

Mr. CASEY of Texas. I thought the gentleman would like to know that.

Mr. GROSS. It is still a pretty fair price per copy for cars. I assume they are leased, are they not, in one of these sweetheart deals with the manufacturers?

Mr. CASEY of Texas. Call it sweetheart or not, I would like to have the privilege of renting one that cheaply myself.

Mr. GROSS. I do not believe I would want to drive a Cadillac back in my district and campaign with a liveried chauffeur.

Moreover, I do not believe they are necessary for so many other people in public office in these times when we should be trying to save a few dollars.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. CASEY of Texas. Mr. Chairman, if the gentleman will recall, we had to cut down on the number of chauffeur-driven automobiles requested on this side of the Capitol.

Mr. GROSS. Not if we are providing one for the Architect, we have not.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. When the Executive Office appropriation comes around I hope the gentleman will ask how many chauffeur-driven automobiles they have at the White House.

Mr. GROSS. I do not think I have ever failed to do that if I have been able to spot the money in an appropriation bill.

Mr. HAYS. It reminds me of the prospector's mule when he broke his leg.

Mr. GROSS. If the gentleman from Ohio will point it out or if it is presented as a line item, the gentleman can bet his bottom dollar I will.

Mr. HAYS. I wish I had the authority to bring it in that way. I do not.

Mr. GROSS. That is up to the Appropriations Committee as to whether they are line items and thus visible. Fortunately they are in this case today.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GROSS. With some trepidation I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. As the gentleman knows, I am not known as one of the most parsimonious Members of this body but I have just one comment with respect to the extension of the Capitol. I might call the attention of the gentleman to the fact that it takes the Capitol 80 feet closer to the White House.

Mr. GROSS. I thank the gentleman for that observation, but I might say to him that just a few minutes ago it was reported to me that the committee of which the gentleman is a member as well as the gentleman from Ohio approved today $20,000 additional for each Member of the House to hire additional employees and that obviously means more office space.

Mr. THOMPSON of New Jersey. The gentleman does not have to take it if he does not want it.

Mr. GROSS. That is a very nice alternative. I appreciate it and will not take the increased allowance but how about the rest of the Members?

Mr. THOMPSON of New Jersey. We take pride in our joint sponsorship.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. But we did not give them any more bodies.

Mr. GROSS. They will get the warm bodies and do not think they will not.

Mr. HAYS. They must stay within the same limitations of staff people they had before. There are no additions of staff people.

Mr. GROSS. That is very nice, but it is still a $20,000 additional expenditure for every Member who wants to take it.

Now with respect to these various joint committees I read the hearings on this subject. Here is the Joint Economic Committee which will get a total of $820,640, including salaries of $628,592. For the Joint Economic Committee with a total of 28 employees, that is in an average salary including secretaries, typists, file clerks, and a messenger, of more than $22,000 a year. That is hard to imagine.

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

Mr. WYMAN. I yield the gentleman 2 additional minutes.

Mr. GROSS. I thank the gentleman from New Hampshire.

That is pretty fair going, an average of more than $22,000 a year for every employee of the Joint Economic Committee. Then we have the Joint Economic Committee on Congressional Appropriations and I would suggest that everybody read the hearings on the Joint Congressional Committee on Appropriations. They are interesting. Then we get down to that good old committee, the Joint Committee on the Reduction of Federal Expenditures. For God's sake, what has it contributed to the cause? We have done nothing but boost these appropriations and this is no different. Up go the expenditures, and this bill does not even provide the money for the increase in Federal pay as of last January 1. Not even those funds are in this bill, according to the chairman of the committee.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. Would the gentleman care to talk about the item for the House restaurant. That is something he can really brag little bit about. I am sure he read it in the hearings.

Mr. GROSS. I would rather the gentleman would do his own bragging if he does not mind.

It is more than a little ironic that we would continue a Joint Committee on Reduction of Federal Expenditures in view of the direction we are going in this Congress.

Mr. Chairman, I hesitate to contemplate the Easter Recess that is coming up, because the last time we left town for a period of time the Members know what happened. We got chandeliers, beautiful crystal chandeliers; a $30,000 to $35,000 carpet and a complete outfit of new furniture, all at a cost of nearly $164,000.

I hesitate to leave because I am afraid of what I will find when I return. The deeper the country goes into debt the plusher the surrounding in this place.

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

Mr. CASEY of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I do not have as much time as the gentleman from Iowa to look the budget over item by item, but I would like to point out a couple of things to him which he may have missed.

In the past year, the Government has spent $550,000 for a couple of pandas the President got as a present from the Chinese People's Republic. As far as the west wall is concerned, if we spend as much per Member to do the west wall as they have spent per panda in the executive branch, we could build twice as much west front as we plan to build, because the cost would be just twice what they say it is going to be at the greatest estimate.

I do not make any apology for the committee this morning voting about 2 to 1 to give the Members more money for staff. We had a survey made, and the constituents are really responsible for this, because the mail around here has increased about 25 percent over the last Congress. I suppose most people expect that mail to be answered.

I collaborated many times with my dear friend from Iowa on projects for which we have a similar interest, but I must say that I do recall his standing up here the last time we got a raise for Congressmen and talking against it.

We have since had six or seven cost-of-living increases for all the help

around here. I know that I would vote for another raise for Members now if I had a chance.

The gentleman stood up and gave a long peroration about how much he was opposed to this increase in salary, but I checked on it the first month the checks went out and he accepted his, as he said he would—I will give him credit for that.

I asked him on the floor and he said that if we forced him to take it, he was going to take it.

Now, we are forcing him to put on another staff member, I suppose, although he must write a letter and request it.

I might say to the gentleman that if he writes the letter and requests it, it will be approved routinely the same as for everyone else. I can see the gentleman from Iowa palpitating with eagerness. I think he has something to contribute.

Mr. GROSS. I do not know how the gentleman from Ohio voted on pay reform, but those who did vote for it delegated to a Presidential commission the power to fix their pay. I assume if the gentleman has his way, we will have another pay increase.

Mr. HAYS. I just said so, and I would vote for it right here on the floor.

Mr. GROSS. You will first have to go on bended knee to the President.

Mr. HAYS. I understand that, but my voting record is not too bad on that, because I did make a mistake on this. I voted against the Postal Corporation which was sponsored by the same people, and against the substitute bill on the election reform which was sponsored by the same people, so I have a pretty good batting average of 666 percent, which is pretty good in anybody's league. It is higher than any of these $100,000 per year ballplayers.

Mr. GROSS. If the gentleman keeps voting for pay increases, I will take them.

Mr. HAYS. I am glad the gentleman got that in the RECORD because I knew he would and I wanted him to say it.

Mr. WYMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, there is not much I can say, I am sure, that will change the minds of the majority insofar as the expenditure now being proposed to extend the west front. I have been around the city of Washington since 1947 off and on, and since 1951 that west wall has been falling down.

Nowhere in the records or annals of Congress can I find at any time a projected study in detail of how to preserve the west wall or any other such report that can be located at the present time in our records.

In other words, what they are doing is that they are deliberately avoiding a discussion or a study of how to maintain the esthetic beauty of this building, which in my estimation is vital for the oncoming generations. They do not want to preserve that. They want to add some monstrosity.

They give us some story about how we are going to get 50 or 75 feet closer to the White House. We are going to get 50 or 75 feet closer to the gin mills, too, so we can make short shrift of that.

Let us stop kidding ourselves. The offices they want to build will be for those selected Members of Congress. I am sure I shall never see the day when I have one.

As the Architect pointed out, they will be secluded offices for certain Members who need them so vitally, to rest a bit from their arduous duties on the floor.

We have a tough time getting them on the floor for quorum calls. How are we going to get them out of the west wing when they get there?

The best thing to do is to forget about that extension. We voted $10 million to fix up Union Station for a center for visitors coming into this city. Today I was over there, and it looks the same to me. I see the same people with the brushes sweeping up over there. I see nothing changed around the place.

When they get through running this bill through the Congress today it will simply mean to us this: If Members vote for that extension they will be voting for $60 million and a pig in a poke.

I will guarantee this one thing: That $60 million will not even pay for the foundation, because that report was made 4 years ago. No one wants to talk as to what it will cost now.

They give us this same old story about putting this on this floor, that on that floor, and something on the other floor. If I can recollect correctly, that is exactly what we have now.

This is not going to do legislative business a bit of good. It will only enhance the prestigious attitude of those Members of the House who want to have something off the Capitol floor so that they might take their friends and visitors there to impress them a bit more, at the expense of the American taxpayer.

Mr. CASEY of Texas. Mr. Chairman, I yield myself 1 minute.

I want to tell the Members of the House something with respect to the Capitol with the West Front extended as proposed.

All I can say is that we do not know what we are going to get as far as actual space allocations are concerned if we extend it, but I know good and well what we are going to get if Members fall for this idea of restoration. We are going to have a painted wall, just the same as it is out there right now. There is nothing sacred about that wall, except its age and its sentimental value.

We are still going to have a weak wall, if we restore it, and it is going to continue to crack and give.

No one makes a pilgrimage to this wall, as people do to the Blarney Stone, to kiss it. If they do, all they are going to get to kiss is some General Services Administration paint.

We need the space, not just for now but for years to come. Every time we make some improvements in the operations in this Capitol it requires more space. For instance, the electronic voting system we installed this year requires more space.

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

Mr. CASEY of Texas. Mr. Chairman, I have no further requests for time.

Mr. WYMAN. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I listened with interest to what my good friend the gentleman from New Jersey when he said that the proposed extension is a monstrosity.

I do not know whether all the Members can readily see the Capitol in this model here before us as it will be extended, but I submit to the Members—and I am not an architect—that the Capitol as extended will be more beautiful than the Capitol as it now stands, with or without the shoring.

Second, so that what is involved will be understood this schematic is a sectional of the Capitol, and this is the proposed extension. This is what we are talking about. That is the Capitol as it now stands; this is the Capitol as it will be extended. The fact that the extension is architecturally in keeping with the remainder of the Capitol is beyond dispute.

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

Mr. WYMAN. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I will ask if the gentleman would just pick up the section that has the House in it and the section that has the Senate, he will see that we have made additions to the Capitol and the gentleman can show the Members what it looked like before.

Mr. WYMAN. The gentleman is correct. I have shown it to the Members.

Mr. HAYS. I am glad somebody has told us that it was here in 1850, because if it had not been, we would still be meeting over in Statuary Hall.

Mr. WYMAN. This is the extension on the east front that was completed a while ago and also proposed by the Architect, who then said we ought to do it if we are going to do it at all on the west front.

Mr. Chairman, the fact of the matter is that if we do the restoration, we are going to spend 20 million bucks, and we are not going to have anything to show for it at all. This is foolish.

Furthermore, to those who maintain that architecturally the west wall will be a matter of integrity, we are going to drill 5,700 holes in it. And do the Members know what is inside that west wall? Nothing but rubble. When they built it, they filled it with rubble in between. This is proved by borings.

So, Mr. Chairman, there is no justification whatever for this, if you want to talk on the basis of economy. We will be spending $20 million and not getting one square foot of space to show for it. What is proposed to be done with extension is to spend the difference between the $60 million that is involved and the $20 million—let us put it at $20 million—which is $40 million, and what are we going to have for this? We are going to have 270,000 additional square feet of usable space that is desperately needed for the people of the United States of America and for their representatives in Congress to do a better job. Mr. Chairman, the Committee on Appropriations in the House is now composed of 55 members. We do not have enough chairs to get them into the room that we have to operate in and to seat our staff when we have a meeting. You cannot even sit down in there, much less hear witnesses.

Now, is that the way to handle the work of the Committee on Appropriations, which has the responsibility for handling a quarter of a trillion dollars each year? Is it right to say that committee should go away from adjacency to the floor when it is essential if we are to do the job and get the work done right in this House, and that there should be such facilities close to this floor?

Mr. Chairman, I submit that for the money and for constituent use it is false economy and it is a phony argument to stand here and say that because there is a fiscal crisis we should not provide for extension of the west front of the Capitol at this time.

The only legitimate argument against extending the west front of the Capitol is a sentimental one, the one that has been advanced by the gentleman from New York and some of my colleagues who feel very strongly about it for sentimental reasons, that for some reason the last remaining wall of the Capitol itself should remain and not be covered up.

Mr. Chairman, I submit that we are in a situation where, because of the uniqueness of this real estate, the fact is that anywhere in the world there is no place with a higher concentration of people than we have in this area.

Mr. VANIK. Mr. Chairman, I oppose several provisions in the legislative appropriation bill before the House today.

First, this bill provides some $58 million for the extension of the West Front of the Capitol Building. I realize that this issue has been under debate since 1955. Although most architectural and engineering firms agree that something should be done to shore up the West Front, the oldest existing outside wall of the Capitol Building. In light of this expert opinion, I certainly would support the repair, restoration, and rebuilding of the existing West Front wall.

But I am definitely opposed to the proposal to spend $58 million—a figure which would undoubtedly double or multiply, as it does for most Government construction in Washington—for an expansion or extension of this central portion of the Capitol. This proposal would move the building a few million dollar inches to the West and provide additional office space at a cost of $368 per square foot. If there were no cost-overruns, this cost per foot of office space would be nearly six times as expensive as any other government office space yet built. In terms of efficiency and concern for the taxpayer, this extension would make the Rayburn Building and the new FBI building look like bargain basement purchases.

There is absolutely no need for the type of additional, costly space which would be provided by this extension. If more committee space and office room for Members is needed in the Capitol, it can be obtained by moving out a number of the custodial and clerical offices now occupying this valuable space. There are a number of offices in the Capitol that are of little or no priority in terms of developing and assisting in the passage of legislation. These offices should be moved out and into relatively low-cost office space in other buildings.

In addition to the various technical reasons which make a West Front extension unnecessary, I feel that this is absolutely the worst possible year to propose such an appropriation. This is the year in which we, in the Congress, have been calling for new priorities for the reorientation of programs, so that they more clearly meet the needs of our Nation's people. This is the year in which the President has impounded billions of dollars in program funds. This is the year in which executive impoundment is withdrawing funds to provide nutritious food and milk for our children, funds for education, scientific research, and health. This is the year in which we are attempting to reassert and establish congressional control over the budget and the development of future budgets. This is the year in which we are trying to demonstrate—more than ever—congressional responsibility in appropriations. This is no year in which to vote for this massive expenditure of funds for new office space for ourselves—space which would cost over $110,000 for each of the 535 Members of Congress.

I also feel that it is unnecessary to increase appropriations for the Botanic Gardens. An $88,600 expenditure for congressional flowers is a wasteful extravagance. I regret that we were not successful in striking this item from the legislation.

Mr. Chairman, the state of the economy does require a budget ceiling. Within that ceiling, we must make some hard choices and we must make every effort to preserve and continue those programs which most serve the people. There is entirely too much in this appropriation bill which fails to meet that criteria.

Mr. RINALDO. Mr. Chairman, we are being asked today to spend $58 million on a project that has been criticized by many architects who are familiar with it.

Are we going to spend $58 million at a time when we have so many unmet domestic needs?

Are we going to spend $58 million at a time when the Congress faces a severe budgetary crisis?

Are we going to spend $58 million at a time when we are all too familiar with other, similar projects that ended up costing much, much more than the original estimate?

Are we going to spend $58 million at a time when funding for so many important "people programs" is being cut back?

Are we going to spend $58 million at a time when many responsible architects have estimated that we can restore the West Front of the Capitol for approximately one-quarter of the $58 million we have been asked to appropriate?

Are we going to spend $58 million at a time when we are approaching our Nation's 200th anniversary and the money would be spent to destroy the last remaining portion of the original Capitol Building?

Are we going to spend $58 million at a time when such an expenditure simply cannot be justified?

My answer to this $58 million question, Mr. Chairman, is a resounding "No."

Mr. CLEVELAND. Mr. Chairman, I rise in support of the amendment of the gentleman from California (Mr. ROYBAL) and to commend the efforts of our colleague from New York (Mr. STRATTON) in helping bring the issue before this body in clear terms.

The debate has been constructive, and has made clear the fact that the issue boils down to a demand—I will not say need—for space in the Capitol for the leadership and some Members. So the question is, at this time in history, do we want to spend this kind of money for this purpose? My answer is no.

The Senate recently voted to sustain the President's veto of the vocational rehabilitation bill. And we in this chamber voted to sustain the veto of the rural water and sewer program. I joined in that effort, though with great reluctance, in the overriding interest of helping stabilize the economy through budgetary restraint. The spending of $60 million for the West Front extension, aside from other considerations I cited in my remarks in the RECORD on April 4, at page 11125, conflicts with that objective.

We have approved a $20 million Visitors Center near the Capitol and a major expansion of the Library of Congress with the Madison Library, and also taken over the Congressional Hotel in the search for more space. Now is the time to consolidate and make the most efficient use of available facilities and call a halt to this version of the space race.

I urge that the amendment striking $58 million from the Legislative Appropriations Act be adopted.

Mr. ROUSH. Mr. Chairman, I have refused to speculate on the motives of those who take an opposite position from my own in this matter. I believe that the present Architect, Mr. White, came to his decision to support extension after a very conscientious effort to do what he believed best, and that he did so with a great deal of pain with respect to covering the West Front with a new exterior. He himself admitted that in testimony before the subcommittee when he said, on page 716 of the hearings—

> For me it is not a very simple decision nor is it a 90–10 decision. For me it is a 55–45 decision.

On the other hand, I would appreciate the same generosity of spirit to apply to those of us who, after weighing all these arguments, came to a different position. Last year, as a member of the Legislative Subcommittee, I had to confront this matter. I had never really given the matter of the west front very much thought, but my position on that subcommittee at the time forced me to do so. I had received my copy of the Praeger report and had looked through it. I was in the unenviable position of being a layman, not a technical expert, trying to sift and weigh professional, differing conclusions on the same topic. On one side were the Praeger report and the American Institute of Architects Task Force report; on the other was Mr. White's opinion and the decision of our Commission for the Extension of the U.S. Capitol—a title, by the way, which more or less assumes what the final posture on this issue by the Commission will be. Given that line-up, I had to side with those who stated that restoration was feasible and less costly than extension.

Now, however, I find somewhat to my dismay that those of us who take this

stance are considered more or less to be a bunch of irrational zealots because we favor restoration. Mr. White stated during the hearings, on page 732, concerning this issue:

It generates a lot of emotion, as you say. The reasoning then begins to diminish.

That remark was made in response to a comment by the subcommittee chairman, Mr. CASEY, that we "just want to keep an old painted wall."—page 732. Well, Mr. Chairman, with all due respect, this is not just an old painted wall. This is a part of everybody's heritage—the last part of our original Capitol that is visible. If we restore it we do not prohibit some future generation from adding to the Capitol if that becomes essential or desirable at a later date. But if we encase it now we prohibit them from seeing this last bit of their original Capitol Building. You have pointed out in hearings that this wall in question constitutes less than 20 percent of the entire building, somehow implying that this means it is inconsequential and of no import. I say that if it is only 20 percent of the building, why should we not keep that small piece of America's history intact?

Finally, I must say I am growing weary of spending an inordinate amount of time dickering over this same subject, and I hope we do not make an annual rite of spring of it. It is time that we came to a decision once and for all; prepared an adequate, comprehensive study of space needs to satisfy the entire Hill area; restored the west wall of this building; and got on with the business of taking care of the rest of the country.

Mr. Chairman, it is my intention to participate in this debate on the amendment to be offered by the gentleman from California (Mr. ROYBAL). At that time I will discuss the cost of this proposed extension to the west front of the Capitol.

Much has been said here today and in written communications to the members concerning the position of the American Institute of Architects on this issue. I include a statement from the American Institute of Architects.

STATEMENT BY WILLIAM L. SLAYTON, HON. AIA, EXECUTIVE VICE PRESIDENT OF THE AMERICAN INSTITUTE OF ARCHITECTS

The American Institute of Architects wishes to respond to certain specific statements contained in a letter of April 16, 1973, addressed to Members of the House of Representatives and signed by the House Speaker, and the House Majority and Minority Leaders.

The letter states that the matter of extension has come up before an AIA Convention only once. This is incorrect. We would like the record to show that the matter of the Extension of the United States Capitol has come up before at least 5 national conventions. It first came before the 1955 AIA Convention in Minneapolis when the following Resolution was adopted:

"Resolved, That The American Institute of Architects, in Convention assembled, register with the Congress its strongest opposition to the alterations of the external form of the National Capitol and urge the Congress to preserve intact the authenticity and integrity of the Capitol as the Nation's greatest historic monument, and be it further Resolved, That The American Institute of Architects offer its services to the Congress through a Committee of distinguished and unbiased architects who would advise as to how to obtain more space without sacrificing these priceless historic values."

In 1957 at its Centennial Convention in Washington, D.C. the following resolution was adopted:

"Resolved, That The American Institute of Architects convened for their Centenary Celebration reaffirm their conviction that the East Front of the National Capital, the outstanding architectural heritage of the American people, should be preserved in its present form and position in accordance with the considered views of the majority of informed architectural opinion."

In 1966 at its Convention in Denver, a Resolution was put before the delegates calling for the exterior of the Capitol to remain unchanged. Following inconclusive debate, a motion to table was made and passed on the basis that plans for extension were not well enough known to the delegates and that such a resolution was an affront to architects who had worked on the plans for extension. The tabling resolution thus cut off debate. Two days later in the Convention another resolution was introduced and adopted with only two "nay" votes. This resolution supported then current legislation calling for a Commission on Architecture and Planning which would develop a plan for the development of Capitol Hill. The need for such a master plan of development had been a part of the resolution which was previously tabled.

A second statement in the April 16th letter indicated that the AIA (in 1958) in opposing the East Front Extension advocated "developing a proposed scheme for extension on the west side of the building." This is incorrect.

At no time has the Institute supported a West Front extension. The above quotation was taken out of context from the Institute's newsletter "Memo" of January 27, 1958. It was contained in a news item reporting the creation of a committee on the Preservation of the National Capitol. This committee, *not* a committee of The American Institute of Architects, was composed of "architects, architectural historians, as well as other prominent citizens outside the profession, to rally public support for the last major stand against the proposed extension of the East Front of the Capitol."

This preservation committee *did not advocate* an extension to the West Central Front, but ". . . believed that the special requirements could be better filled . . . at far less cost . . . by leaving the East Front alone and instead developing a proposed scheme for expansion on the west *side* (underscored by AIA) of the building."

The April 16th letter also notes that, "a former President of that organization [AIA] said the West Front has 'no particular historic significance'." While the AIA cannot identify that quote or its originator, it can be emphatically stated that at no time was such a statement made on behalf of the Institute by any officer. If the statement was made, it could have been but one of many individual opinions expressed in the efforts to preserve the East Front.

With regard to the April 16th letter referring to the opinion of the present national Treasurer of the AIA, AIA President Scott Ferebee, Jr., FAIA, in a letter of April 8, 1973, to Congressman Bob Casey, noted that the current AIA Treasurer's "principal point was that the AIA had based its position on emotional considerations rather than rational ones. I can assure you that such is not the case. In a self-searching evaluation of our position unmatched by anything else we have done since I have been active at the national level of AIA, we have had three separate committees of distinguished practitioners examine the facts of the matter and have had their findings and recommendations reviewed by our Board of Directors. To insure fairness, we invited the Architect of the Capitol, George White, who we hold in the highest esteem, to present the case for extension to our Executive Committee, who subsequently reaffirmed our position with only [the AIA Treasurer] abstaining."

AIA President Ferebee goes on to say in the letter to Congressman Casey that . . . "We continue to believe that the West Front should be restored and its attendant terraces preserved. We further believe that the proposed extension will destroy the delicate proportions that now exist between the Capitol dome and its supporting base. Notwithstanding these considerations, we feel strongly that a master plan should be developed for Capitol Hill. Arguments for additional space will arise every few years as long as Congress is housed there, and at best, the proposed extension is a temporary solution."

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk proceeded to read the bill.

Mr. CASEY of Texas. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, and open to amendment and points of order at any point.

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

There was no objection.

POINT OF ORDER

Mr. HAYS. Mr. Chairman, I make a point of order against the language on page 3, "Office of the Clerk," that the following language:

*Provided*, that no part of this amount shall be available for the House Library—Document Room (in the Cannon House Office Building) unless and until appropriate arrangements have been made to phase out and terminate its operations not later than the close of the fiscal year 1974.

On the ground that it is legislation on the appropriation bill.

The portion of the bill to which the point of order relates is as follows:

OFFICE OF THE CLERK

For the Office of the Clerk, including not to exceed $265,572 for the House Recording Studio, $3,264, 730: *Provided*, That no part of this amount shall be available for the House Library—Document Room (in the Cannon House Office Building) unless and until appropriate arrangements have been made to phase out and terminate its operations not later than the close of the fiscal year 1974.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. CASEY of Texas. Yes; Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CASEY of Texas. Mr. Chairman, in my opinion it is not legislation on an appropriation bill, but rather in the form of a limitation. I think it is wholly within the jurisdiction of the committee to include this provision in the bill.

The CHAIRMAN (Mr. MURPHY of New York). The Chair observes that the language "that no part of this amount shall be available for the House Library—Document Room (in the Cannon House Office Building)" is in the form of a limitation. However, the language which follows—"unless and until appropriate arrangements have been made to phase out and terminate its operations not later than the close of the fiscal year 1974" poses additional duties and therefore is legislation on an appropriation

bill, and because of that language the point of order is sustained.

Mr. HAYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair sustains the point of order.

POINT OF ORDER

Mr. ROUSH. Mr. Chairman, I have a point of order against the language found on page 17 of the bill, lines 14 through 22.

The portion of the bill to which the point of order relates is as follows:

EXTENSION OF THE CAPITOL

For an amount, additional to amounts heretofore appropriated, for "Extension of the Capitol", in substantial accordance with plans for extension of the West Central front heretofore approved by the Commission for Extension of the United States Capitol, to be expended, as authorized by law, by the Architect of the Capitol under the direction of such Commission, $58,000,000, to remain available until expended.

Mr. ROUSH. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ROUSH. Mr. Chairman, my point of order is based upon these following facts: The appropriation as proposed lacks legislative authority and, secondly, the language "$58,000,000 to remain available until expended" constitutes legislation on a general appropriation bill.

Mr. Chairman I point to rule XXI of the Rules of the House of Representatives. Rule XXI prohibits an appropriation in a general appropriation bill unless previously authorized and, second, it prohibits on a general appropriation bill provisions changing existing law.

I will take my second point first, Mr. Chairman, the prohibition against changing existing law.

I would refer to the appropriation bill last year, which would be Public Law 92–342, under the section "Extension of the Capitol:"

Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however,* That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

I point out to the Chairman that the plans have not been specifically approved.

Second, Mr. Chairman, I would point to an old provision of the law which is found in the United States Code, 1970 edition, title 40, section 162, which provides that the Architect of the Capitol shall perform all the duties relative to the Capitol Building performed prior to August 15, 1876, by the Commissioner of Public Buildings and Grounds and shall be appointed by the President: *Provided,* That no change in the architectural features of the Capitol Building or landscape features of the Capitol Grounds shall be made except on plans to be approved by the Congress.

Now, Mr. Chairman, I am again going back to rule XXI. The question then arises as to whether or not the Congress has passed authorizing legislation.

Mr. Chairman, I have searched this matter diligently and the only authority that I can find for the extension of the west front of the Capitol necessarily has to be inferred from the language of a bill which was passed in 1855. I would like to read that section of that bill. Again it is entitled "Extension of the Capitol":

The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of the President of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol, to provide for the extension, reconstruction, and replacement of the central portion of the United States Capitol in substantial accordance with scheme B of the architectural plan submitted by a joint commission of Congress and reported to Congress on March 3, 1905 (House Document numbered 385, Fifty-eighth Congress), but with such modifications and additions, including provisions for restaurant facilities and such other facilities in the Capitol grounds, together with utilities, equipment, approaches, and other appurtenant or necessary items—

Mr. Chairman, I submit that this is the authority for the extension of the East Front and Scheme B is the key reference in the 1955 statute, and those words are in substantial accord with Scheme B of the architectural plan, et cetera. Scheme B, as it is referred to, provides that the building—referring to the Capitol Building—should be projected eastward 32 feet, 6 inches from the wall of the Supreme Court and statuary hall—should be projected eastward, Mr. Chairman.

The question then arises can authority be inferred? Certainly there is no specific authority granted by this authority by inferring from that wording, which affects the rest of Scheme B. And I respectfully submit that the answer is "no," that that is not the effect of the statute. It is not another program, it is not another sentence, it is a continuation of the same sentence, and the only possible inference is that the language was inserted to implement Scheme B, which calls for an extension of the East Front.

Finally, Mr. Chairman, the bill provides for the appropriation of $58 million, to remain available until expended. The precedents of the House are explicit that an appropriation made available until expended is in the nature of legislation and not in order on a general appropriations bill, and thus is in violation of rule 21.

In support of this, Mr. Chairman, I refer to Cannon's Precedents, and to volume 7, sections 1272, 1276, and 1399, each of which ruling is to the effect that a clause in a general appropriations bill "to remain available until expended" constitutes legislation on an appropriations bill, and is not in order.

I find no precedent, Mr. Chairman, to the contrary. The bill contains the precise language ruled against in the precedents—$58 million to remain available until expended.

Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Does the gentleman from Texas (Mr. CASEY) desire to be heard on the point of order?

Mr. CASEY of Texas. Mr. Chairman, I do.

Mr. Chairman, this project is authorized, and I would point out that the gentleman from Indiana (Mr. ROUSH) who is making the point of order, failed to read all of Public Law 242 of the 84th Congress.

The law reads:

Extension of the Capitol: The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of the President of the Senate, the Speaker of the House of Representatives—

Et cetera.

In substantial accordance with Scheme B of the architectural plan submitted by a joint commission of Congress and reported to Congress on March 3, 1905 (House Document Numbered 385, Fifty-Eighth Congress), but with such modifications and additions, including provisions for restaurant facilities and such other facilities in the Capitol Grounds, together with utilities . . .

It does not just refer to one item. I think this gives great latitude.

Together with utilities, equipment, approaches, and other appurtenant or necessary items . . . there is hereby appropriated $5,000,000, to remain available until expended: *Provided,* that the Architect of the Capitol under the direction of said commission and without regard to the provisions of section 3709 of the Revised Statutes, as amended, is authorized to enter into contracts.

Et cetera.

This law was amended February 14, 1956, and there was added this amendment under "Extension of the Capitol." This was Public Law 406, 84th Congress:

The paragraph entitled "Extension of the Capitol" in the Legislative Appropriation Act, 1956, is hereby amended by inserting after the words "to remain available until expended" and before the colon, a comma and the following: "and there are hereby authorized to be appropriated such additional sums as may be determined by said Commission to be required for the purposes hereof.

Mr. Chairman, I think it is quite clear that the authority is here for any and all changes under plan B as put together in the architectural plan, because there is language in there "with such modifications and additions" as well as "other appurtenant or necessary items, as may be approved by said Commission," and the Capitol building includes not only the East Front, but it includes the West Front. I submit the point of order is not well taken.

The CHAIRMAN. (Mr. MURPHY of New York). The Chair is ready to rule.

The gentleman from Indiana (Mr. ROUSH) makes the point of order against the paragraph on page 17, lines 14 through 22 on the grounds that first, the provision "to remain available until expended" constitutes legislation on an appropriation bill in violation of clause 2, rule XXI; and second, the appropriation for $58 million for the extension of the West Central Front is not authorized by law and is in violation of clause 2, rule XXI.

The Chair has listened carefully to the debate and the laws and precedents cited by the gentlemen from Indiana and Texas; and the Chair has had an opportunity to examine the authorizing legislation for the West Front construction. and would note that in 1956—Public Law 84–406—the basic statute was amended to provide that—

There are hereby authorized to be appropriated such additional sums as may be determined by said Commision to be required for the purposes hereof.

The Chair would also call the Members' attention to the provisions of 31 U.S. Code 682, which provides that all moneys appropriated for construction of public buildings shall remain available until the completion of the work for which they are, or may be appropriated. Therefore, the inclusion of the language "to remain available until expended" in the appropriation bill, although not contained in the basic authorizing statute for the west front, cannot be considered a change in existing law since other existing law—31 U.S.C. 682—already permits funds for public building construction to remain available until work is completed.

The gentleman from Indiana also contends that Public Law 92-342 requires "specific" approval by Congress of preparation of final plans or initiation of construction prior to an appropriation therefor. The Chair has examined the legislative history of the provision relied upon by the gentleman from Indiana in support of his argument that the appropriation must be specifically approved by Congress prior to the appropriation, and it is clear from the debate in the Senate on March 28, 1972, that approval in an appropriation bill was all that was required by the provision in Public Law 92-342. The Chair feels that there is sufficient authorization contained in Public Law 92-242 as amended by Public Law 84-406 for the appropriation contained in the pending bill, and that no further specific authorization is required prior to an appropriation for final plans and construction for the west front.

For these reasons the Chair overrules the point of order.

AMENDMENT OFFERED BY MR. ROYBAL

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

The portion of the bill to which the amendment relates is as follows:

EXTENSION OF THE CAPITOL

For an amount, additional to amounts, heretofore appropriated, for "Extension of the Capitol", in substantial accordance with plans for extension of the West Central front heretofore approved by the Commission for Extension of the United States Capitol, to be expended, as authorized by law, by the Architect of the Capitol under the direction of such Commission, $58,000,000, to remain available until expended.

The Clerk read as follows:

Amendment offered by Mr. ROYBAL: Page 17, strike out lines 14 through 22.

Mr. ROYBAL. Mr. Chairman, my amendment simply strikes out an appropriation of $58 million. I came to this conclusion after having heard all of the arguments that we have heard here during this debate, and having heard also a feeble attempt by the Architect of the Capitol to justify an expenditure of $60 million. The Architect reasoned that the sole purpose of extending the Capitol was to provide needed space for Members of Congress.

I think we can stipulate to the fact that space is needed. I do not know of a single person in this Chamber or anyone who works in the Capitol, not a single visitor who will not agree that more space is needed for Members of Congress. I think the page boys if asked would volunteer the same information, for it is known to them and known to everyone else. The Architect then was not telling us anything new. We all knew that more space was needed for Members of Congress.

But the question is how much space. Is the space now in use now properly used, and if more space is needed where is that space coming from? The truth of the matter is that the Architect of the Capitol has not yet completed a comprehensive study that could well give this body the information it needs. At the moment he cannot tell us how much space is needed, he cannot tell us where he is going to get available space to provide for our constituents' needs or for our staff or for anyone else. The truth of the matter is that the Architect said when he volunteered this information to the committee that the comprehensive plan was still in its infancy and it was not possible for him to determine precisely just what was needed in the immediate and foreseeable future. It seems rather incredible to me that a nation that can complete several trips to the Moon cannot see fit to complete a study of congressional needs before we are asked for a $60 million appropriation.

A great deal has been said about public facilities and that our constituents will need the space. Under the proposal before us not a single inch of space will be made available to our constituents, because all of these facilities are already scheduled to be transferred to the Union Station about one-quarter of a mile away.

Four years ago, the argument was made that even a theater was going to be made available. That is all out. The Architect has already changed his mind, office space will be provided for Members of Congress, and nothing will be made available for my constituents or for those of anyone else.

The second reason that the Architect gave was that the restoration was impractical, but the truth of the matter is that the recommendations of the Praeger report that cost this Congress or this Nation $250,000 was never submitted for a public bid. Therefore, neither the Architect nor anyone else knows whether or not there is a single firm in the United States that will restore that wall. He, however, bases his entire decision on the fact that he asked three local firms for their opinion and the three local firms said they would not take on the job. It seems to me there are firms in every State of the Union that could have been contacted, and it seems to me also that if the Architect actually wanted a real sounding of what could be done, he should have submitted the restoration of the west front to an open competitive bid and then make a final determination on this subject matter.

Then the Architect also tells us that under restoration no space will be made available. Of course, no space will be made available if it is just restoration, but I think it is also the responsibility of the Architect to conduct another study to determine whether or not we can restore and at the same time provide space. The American Institute of Architects takes the position that this can be done, that there can be restoration, and that at the same time we can provide the space that is needed for the Congress of the United States. They further contend that it could be done at a cheaper rate and for less money than the now proposed extension for a figure of $60 million. Since a study has not been made we will never know.

I realize that most minds have been made up, but I still have some questions to ask and it seems to me every Member of this House should be asking the same questions. Why is it for example that we have here what I think is a beautiful model and a beautiful illustration of the West Front extension.

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

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

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

Mr. ROYBAL. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I want to commend the gentleman from California for his statement and for the searching inquiry he made during the hearings on this particular issue in the subcommittee. I wish to commend him.

Mr. ROYBAL. I thank the gentleman from Iowa.

May I state that I wish to commend the Architect for presenting to the Congress this model and this beautiful picture, but what he has failed to do is prepare something similar highlighting restoration with underground office space for congressional use in order to give the Members of this House at least an alternate choice.

The Members of this House have not been presented with an alternative. It is quite clear to me that only one side is being considered and that the Architect or everyone else is willing to give us answers to our questions at least, not one person has volunteered an answer.

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

Mr. ROYBAL. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, did I understand the gentleman to say the space on restoration?

Mr. ROYBAL. Yes. I did.

Mr. WYMAN. What space on restoration?

Mr. ROYBAL. According to the American Institute of Architects, the area can be restored and space can be provided underground. It could be done at a price that is less than that now estimated for extension.

Mr. WYMAN. If the gentleman will yield further, that throws the $15 million out of kilter, does it not?

Mr. ROYBAL. It may throw it out of kilter. But the gentleman must also realize that it could be possible to restore and provide the entire space needed for perhaps $35 or $40 million.

The truth of the matter is that we do not have the answer. My argument is that this Congress has not been provided with alternatives. We have not been provided with the studies necessary

to make a finding of fact. If we approve this, we are going to be appropriating it simply, because we have already made up our minds to vote for the extension and nothing else. There are no facts before this Congress. This Congress cannot possibly make a finding of fact based on the information that has been provided to it at the present time.

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

Mr. ROYBAL. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, is it not true, assuming it costs even $20 million to restore the west wall, if we want to spend the $60 million, which is the estimate for extension, we would still have $40 million there which we could put in underground facilities, for instance?

Mr. ROYBAL. All of these things are possibilities. My point still is the same. We do not have the basic information to make a judgment on.

The studies have not been completed. My question is, Why have the recommendations of the Praeger report not been given out to bid? It seems to me this is the first thing an architect would do in order to make a determination. Why has a study not been completed with regard to the space needs of Members of Congress?

Reference has been made to our constituents. The truth of the matter is that the Architect cannot at this time tell us of any space provision that can be made for constituents with the extension of the west wall for the simple reason that his study and report has not been completed.

These are the questions I am asking. I am also wondering why it is that we do not really have some information from the Architect that tells us exactly what the square footage cost is going to be for construction and extension of the west front. Some have said that it is going to be $368 per square foot. I heard this morning that it was $222 per square foot. But whatever it is, we still do not have that figure. We only know it is going to cost $60 million.

Under questioning, the Architect also admitted that it could be more. If inflation creeps even higher than it is today—within the next 3 years it could be much more. He was unable to make a final determination and quote a final figure.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I sit on the Military Construction Subcommittee. We have been voting appropriations for many years without demanding that we get full details on every project proposed to be constructed. I doubt very much if our committee could ever handle the work we have to do if we had to pass not only on the cost, but also on the details that are involved.

(On request of Mr. SCHERLE, and by unanimous consent, Mr. ROYBAL was allowed to proceed for 1 additional minute.)

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

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

Mr. SCHERLE. I should like to ask my colleague if in the plans for the extension of the west front any provisions have been made for parking facilities for our constituents who are coming to the Nation's Capital, to visit the historic buildings?

Mr. ROYBAL. Judging from the testimony that was presented to the committee, I can only say that the answer is "No."

Mr. SCHERLE. I should like to say, Mr. Chairman, it is inconceivable to me that we should invite a number of people from our various districts throughout all of the 50 States to come to Washington, to view the Nation's Capital, to view the various monuments, to come in to see the House in session, and yet have no place for them to park. I would think that would be a prerequisite, almost, so far as our deliberations are concerned and so far as plans for the Nation's Capitol are concerned. We must make some arrangements for parking facilities for our people when they come to visit the Nation's Capital.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the last word.

I should like to ask a further question of the gentleman from California. I wonder if he will comment on the question I proposed to him before; that is, we do appropriate money as a standard practice without demanding complete plans, so why should this project be any different?

Mr. ROYBAL. First of all, I wish we did not appropriate money without having all of the details. I am sure the gentleman would not buy a house, for example, without finding out exactly what it would cost.

I do not believe that the Congress or any committee thereof should bring to this floor an expenditure of any funds unless the committee knows exactly what the cost is going to be. That is all I have been asking in this instance. I just want to know what the facts are and why it is that we must appropriate $60 million for this purpose?

Mr. LONG of Maryland. The gentleman knows why, of course, we do not do this. We just do not have the time to demand detailed plans for everything for which we appropriate money. We have to rely to a very large extent on our confidence in the people who have the job of executing these plans.

Does the gentleman lack confidence in the House leadership, who will have the job of passing on these plans? Will they not have something to say? Are these not people of mature judgment on whom we can rely to a very large degree to spend the money wisely and to come up with good plans?

Mr. ROYBAL. With all due respect to the House leadership, I do not know any of them who are architects or engineers. I do not see how we can take the position they are experts on this subject.

Mr. LONG of Maryland. The Members of Congress are not architects or engineers.

Mr. ROYBAL. No. That is the reason why we must have all the information we can possibly get and not just a one-sided thing that has been presented to the subcommittee and to the House.

Mr. LONG of Maryland. Could I ask the gentleman if he is opposed to this plan on the ground of esthetics, on the ground that we are destroying a wall with historic meaning, or on the question of expense?

Mr. ROYBAL. I am opposed to this plan, because I firmly believe that the House does not have the necessary information to make a finding of fact. I have already pointed out that in at least in three areas we do not have the necessary information. Based solely on that I firmly believe that the House should not make a final determination. The House should approve my amendment and give us an opportunity to back up a little bit and take another good look at it. We should get the Architect of the Capitol to bring us the information we want. After he does that, if all indications are that the extension of the Capitol is the proper thing to do. I will then support it.

But I will not support it until such time as I am convinced that every avenue has been explored and that all information has been made available to the Congress.

Mr. LONG of Maryland. Well, what the gentleman is really saying is that he wants to study this whole program that has been going on for years and years. Is the gentleman really saying, "Let us study it for another 4 or 5 years?"

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

Mr. LONG of Maryland. I yield further to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, we have been told that this matter has been going on and on for years. The only thing we have to show for it is that several reports that have been made, but the truth of the matter is that none of these reports have been followed through—the recommendations of the Praeger report, for example, at a cost of $250,000 have never been submitted to bid.

I think we should let the construction firms of this Nation determine whether or not they can restore the west front and for how much money.

Mr. LONG of Maryland. Does that not cost an awful lot of money to do that?

Mr. ROYBAL. The point is that we have already expended $250,000 for that particular report and we wind up putting it in the wastebasket.

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

Mr. LONG of Maryland. I yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. I might point out that you cannot put a report out for bid.

Mr. LONG of Maryland. I agree with the gentleman.

Mr. Chairman, I would like to ask one more question. The gentleman laid great emphasis on the fact that this is not serving the constituents. The gentleman understands we cannot have a building here that is built primarily to serve all 208 million people in the country.

Our daily operations serve the constituents, and providing this extra space will enable us to do our job better. Our subcommittees on the Committee on Appropriations need more room and the full committee needs more room. The gentleman knows this.

Mr. Chairman, we have a tremendous

space problem, particularly now that we are opening our hearings and inviting the public in. This problem, I am sure, is going to increase in the future.

Are we not here to serve the constituents? Is that not our job?

Mr. ROYBAL. That is our job, and I agree with the gentleman.

Mr. Chairman, the truth of the matter is that we all stipulated to the fact that more space is needed. I have said that before. Even the page boys can tell us that.

But how much is needed, and how much is needed for the future? That is the question.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. LONG) has expired.

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

Mr. Chairman, I believe firmly that it is in the best interest of the people of the United States that we go ahead with the extension of this west front of the Capitol. We can go through the history of the extension of the Capitol, if we want to, and we will find this kind of debate has taken place every time.

We went through this on the question of the east front of the Capitol, and now we do not find anyone that I know of who takes any exception to the action we took at that time.

Mr. Chairman, we in our subcommittee have been going through this, and we by a substantial majority believe that the Building Commission is right. Now, who are the members of the Building Commission?

The members are: The Speaker of the House, the majority leader of the House, the minority leader of the House, the Vice President of the United States, the majority leader of the Senate, and the minority leader of the Senate. These gentlemen are all concerned Americans interested in being sure that the uses and activities in the U.S. Capitol for which they have a responsibility and we have a responsibility can be adequately and properly carried out in the future as this Nation grows.

This building has grown with the country, and I doubt if there are very few of us here who are in some position of responsibility who will be here to use the necessary new facilities that are going to be made available. They are not for us; they are for those who are going to come after us. They are to provide the kind of service that is necessary for the citizens of the United States.

Mr. Chairman, I have absolute confidence in this Building Commission. I have absolute confidence that they are going to do the right thing. I find it completely inconsistent to spend 15, 20, or $30 million—we do not know what the cost is—to restore a wall and get absolutely nothing for it except a restored wall, when for a little additional money we can have this additional space.

I am certainly not impressed with the idea that we have to preserve that particular wall because it is the last wall of the Capitol. This Capitol has grown as the Nation has grown, and it is going to have to continue to grow as the Nation grows; and you can take this model right here part by part and see what has happened as we have grown.

Mr. Chairman, I just want to say that I am for this, and I believe it is in the best interest of future generations that we take this action now. I have, as I said, complete confidence in the Building Commission that what they do after we make these appropriations will be the right thing.

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

Mr. CEDERBERG. I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. I just want to join with the gentleman from Michigan in wholeheartedly endorsing the west front extension. It makes sense from every reasonable standpoint, it seems to me.

We do need the space. It will not detract from the Capitol. It is, as the gentleman from Michigan has said, a continuation of the growth of the Capitol. This great Nation needs a Capitol that is more adequate than it is today, and this will make it more adequate. It is better from the standpoint of those who work here and better from the standpoint of those who come to Washington on business and as visitors.

It is unreasonable that we should deny to ourselves and to the people of the United States this extension of the Capitol. I earnestly hope that this work can proceed and that the amendment will be soundly defeated.

Mr. CEDERBERG. I thank my chairman.

Let me say again I find it completely inconsistent to spend money for the restoration of a wall to the tune of maybe $30 million, although we have no idea what it will be exactly, and which will give us no additional space for that amount of expenditure when we know that we can spend a little additional money and provide for a great deal of additional room to meet our growing needs.

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

Mr. Chairman, first of all may I commend the Members of the House who have participated in this debate on the high quality of their presentation. I think most of the points have been covered that can be covered, and I think they have been covered well.

I would like to touch upon a few points and my point of view as I see this situation.

I think I have reached the same conclusions that every Speaker before me had reached during the past 10 to 15 years, that is, that it would be very foolish if we undertook simply to drill a few holes in the west front, which is not good construction and was never good construction, as I understand it—it was constructed out of sandstone from nearby Virginia and filled full of mortar—and then do a paint job over it so that you can see nothing of the original west front. That is exactly the proposition that has been put to the Commission for Extension of the U.S. Capitol.

The Commission acted on the Praeger report. Here is the action signed unanimously by the Commission on the Praeger report, and it is signed by those on both sides of the Capitol and on both sides of the aisle.

It seems to me that since we have to do something about the west front, we ought to do the thing that will give us the greatest service. If there is anybody in the Congress that knows there is a tremendous demand for space, it is I. I believe I have had more requests from Members of Congress on the question of space than on any other subject. Now, it is true this is not going to solve all of those problems, but it is going to furnish some relief. It is going to enable some of the committees and the committee chairmen and members of the leadership who have space in various office buildings to consolidate over here. That will be of some help. It is going to enable ranking committee members who have business off the floor to have space over here. We do not even have space for the ranking member of the Committee on Rules. It is going to enable us to provide space for common-use work areas for Members.

You know, the so-called Board of Education Room is in use right now by a Member. I have never used it as a private room, as Mr. Rayburn did before me. I have let it out to Members for luncheons and for private meetings and public meetings or whatever they wanted it for, just as I have the Speaker's dining room and just as I have the EF–100 room down on the floor below.

We always have more requests than we can possibly meet. These are legitimate requests for the use of rooms in the Capitol.

I look upon this situation just exactly as does the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON). This Capitol was not built simply as a monument, a great national shrine devoted to the Congress. This Capitol is a working, growing organization of a working, growing nation. This Government has grown many times since the Capitol was originally built. This Capitol has been changed at least a dozen times since the original plans were drawn, and the original Capitol was built.

I want to say a word on behalf of the Architect of the Capitol. When George Stewart died, I went to "GERRY" FORD, the gentleman from Michigan, and I said to the distinguished minority leader, "We do not want a political architect up here." The Architect, as you know, is appointed by the President of the United States. I said, "I hope the President will give the job to a great architect."

The distinguished minority leader reported back to me that he discussed the matter with the President of the United States, who has, as I said, the appointing authority, and the President of the United States had said that he has asked the most distinguished architectural associations in the United States to submit names of five outstanding architects from among the architects of the Nation, and that he would pick one of the five.

That is how our present Architect, George White, was selected. He is an outstanding architect, and an outstanding engineer. There is no one—no one—and I would like to have somebody try—can get a lump-sum bid under the conditions of the Praeger report. It is absolutely impossible. The Architect has looked at it, and he has asked other architects and other engineering firms

and other construction firms about it. But we have come to the crossroads. We have to take care of our Capitol Building. Why do we not take care of it in a manner that will give us some extras, just as we did when we faced the financial crisis during the Civil War, and President Lincoln said, "Go ahead and finish our Nation's Capitol." And they built the Capitol, and as I remember, finished the Capitol when we were in the Civil War. And with every good respect, I ask for an affirmative vote for the extension of the west front of the Capitol and for a negative vote on the amendments offered by the distinguished gentleman from California (Mr. ROYBAL).

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there are certain factual situations all would admit to, whether we oppose the extension or whether we are for restoration. The first, of course, is that something has to be done. We have procrastinated year after year after year. I bring this up only because I see it every single day. If any of the Members have any doubt that something has to be done then I invite them, Democrats or Republicans, to come to my office and see the massive scaffolding that is erected there to maintain the west front of the building while we dillydally around.

No. 2: De we need any space? The distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT), I think has fully emphasized the need for space. Let me do it a little differently. For 8 years I ducked the responsibility of being on the House Building Commission, while others on our side of the aisle served us on that Building Commission. The Speaker asked me to serve on it because he said the overwhelming demand for more space requires that somebody in the leadership on our side serve on that Commission. So I accepted. Believe me, it has been an eye-opener.

I have 100 letters in this file from Members on my side of the aisle asking me to help them get more space over and above the suite that is assigned to them. Now it is an awfully hard thing to do to turn down about two out of three, because we do not have any more space to give out, even with the Congressional Hotel, which the Congress recently acquired.

This year, if I recall correctly, half of the committees in the House wanted more space. We were not able to go along with every request because we had equally pressing requests from individual Members and other groups. There is just no question but what we need more space.

Now let us ask this question. Will restoration of that wall add one square foot of additional space? The answer is "No." All they would do is tear out the wall, rebuild another wall, and we end up with the same space. If we extend as has been recommended, as I recall the figure, we would get 270,000 more square feet. Believe me, whether it is for committees or the leadership, for Members, or for the public, we need more space. Extension of the west front is one reasonable, rational way in which to get it.

The question has been raised whether we can get a firm bid on the restoration, whether we can get a firm bid on the extension. The gentleman from California has raised the question, Why does the Architect not go out and get a firm bid on the restoration?

A firm bid cannot be obtained from any contractor if there is no money in the pot for them to build it, if they get the award. We have to have the money or the appropriation first. As soon as we make up our minds whether it is $20 million or more for the restoration, or $58 million more for the extension, then we can go out and get actual bids. There is no question about it: We can get a competitive, firm bid on the extension.

I think it is fair to say we cannot get a firm, competitive bid on a restoration. In order to try to get some figure, the Architect of the Capitol went to three recognized construction firms in the District of Columbia and the surrounding area, and none of them would give any precise figure, and there are some good reasons why.

Those of the Members who have been in my office—and there are other similar offices—have observed that the ceiling is sloping from the top down to a point about 10 or 15 feet high. If the one wall is taken out, all of that ceiling is going to have to be taken down, too, and that is a very difficult engineering construction job. That among other reasons is why we cannot get a firm bid, because these construction people are not accustomed today to dealing with that complicated kind of a restoration problem. It is not an ordinary job where a wall is taken down and there remains a flat ceiling. It is a difficult, unusual construction job.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mr. GERALD R. FORD. To summarize on this point, I think we can get a firm competitive bid for extension. It is highly unlikely, if not absolutely impossible, to get a firm competitive bid for restoration. Oh, yes, they will do it at cost-plus, but they will not tell you whether the cost will be $15 million or $18 million or $30 million.

Oh, yes, they will do it on a cost-plus basis with no firm contractual figure. Under this setup no one knows what the ultimate cost will be for restoration.

Now the question has been raised from time to time whether we want to just preserve that sandstone west front. I think everybody recognizes that it is not the right kind of substance or surface for us to have on that side of the Capitol. Some people argue that it ought to be preserved because it is the last original part of the Capitol. That argument, I might add, was made at the time we were debating here whether or not to proceed with the east front, and the American Institute of Architects in those days, when that struggle went on, sent out a newsletter dated January 27, 1958, and here is what it said. After condemning the proposed extension of the east front, then they wrote this in their memo:

> It is believed that the space requirements could be better filled at far less cost by leaving the East Front alone and instead developing a proposed scheme for expansion on the west side of the building.

Apparently the American Institute of Architects were not too concerned about the preservation of the west front in 1958. As a matter of fact, by their own memo they urged the Congress to proceed with some activity on the west front. I do not understand how they have had a change of heart.

I might bring up another question.

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

Mr. GERALD R. FORD. I yield to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, on this point about the architects the gentleman has mentioned, I would like to relate briefly that within the last 2 weeks I had two architects from my hometown of Lansing, Mich., visit me in Washington on another matter. We were having lunch in the House Restaurant and they proceeded to tell me what an awful thing it was to extend the west front of the Capitol. I suggested that after lunch I take them around and show them what we had been discussing. I showed them the east front and I showed them the condition of the west front and I suggested they go outside and look around a bit. I am happy to report to my colleague that after they got home I received a letter stating that after looking into the situation and eyeballing the Capitol building they would recommend that we go ahead and build the west front extension.

Mr. GERALD R. FORD. On the same point that we ought to go for extension and not restoration, I have a copy on the letterhead of the American Institute of Architects, signed by Elmer E. Botsai, treasurer, and Mr. Botsai the treasurer of the American Institute of Architects endorses the recommendation of the Architect of the Capitol. This man is an officer, an elected officer of the American Institute of Architects.

Mr. Chairman, let me conclude. We need the space. Something has to be done, and when we look at the return on the expenditure, we get far more benefit from an extension where we get some space than we do for a restoration where we end up with not one extra square foot of space.

Mr. Chairman, I strongly recommend that we agree with the committee, and that we disapprove the amendment offered by the gentleman from California.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. It is with some hesitation that I take the floor immediately after the distinguished minority leader, the Speaker of the House and the gentleman from Texas (Mr. MAHON), the chairman of my committee, the Appropriations Committee.

I would hope that I could be very reasonable in my approach to the issue before us. I cannot argue with the fact that

we need space. I do question as to whether or not this will provide us adequate space.

I cannot argue with the fact that Mr. White is a competent architect. I think he is a very competent architect.

Mr. Chairman, I would argue with those who would say that some of us who are advocating restoration might be just a little addled in our thinking. I would like to base on my argument, if I thought it was wise, entirely on that alone, because I think that old gray wall should be preserved. But, I know this body and that is not the most telling argument that can be made.

We need space, but how much are we willing to pay for that space? The President of the United States is telling us that we have to show fiscal responsibility in this country. The people are clamoring that the President and the Congress show fiscal responsibility. The Committee on Appropriations is diligently working to see to it that we produce a budget which is consistent with fiscal responsibility. Every subcommittee is applying itself as it has never applied itself before, addressing itself to this matter of fiscal responsibility.

How much should we pay for office space, The FBI building will cost $68 per square foot. The Rayburn Building cost $50 per square foot. General office space in this country costs $20 per square foot.

Mr. Chairman, this morning I measured my inner office, my private office, mind you, in the Rayburn Building. My office is approximately 22 feet by 16 feet, which makes 352 square feet. Two figures have been tossed around here as to the cost. One is $222 per square foot. That is the actual space, the actual square footage that will be involved if extension is approved. The other is $368 per square foot, which is the usable office space within the proposed projection of the west front.

Using my office as an example, that much space, an office of 22 by 16 at $222 per square foot would cost $77,922. Let us use the other figure. Let us use $368 per square foot. It would cost $129,536.

Let us bring the analogy into this Chamber. This morning I measured the table at which my distinguished colleague, the gentleman from Texas (Mr. CASEY) is sitting. That table is 41 inches wide and 144 inches long. It holds 41 square feet. Using the $222 per square foot figure, that would come to $9,102. That much square footage as represented by that table costs $9,102. Or, if we use the $368 per square foot figure, it would come to $15,088.

Let us bring it just a little closer. To my left is a small table. It is a very small table. Let us imagine that it is just a small portion of this proposed extension of the Capitol Building. This table which I have measured, is 42 inches long and 28 inches wide. It contains 8.16 square feet. At $222 per square foot, that space would cost $1,811.52. If we used the other figure of $368 per square foot, that small space which you see in the well of the House would cost $3,002.88.

Mr. Chairman, that is too much for office space.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. Mr. Chairman, I ask unanimous consent that the gentleman may have an additional 2 minutes.

Mr. SAYLOR. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

I want to commend the gentleman who was previously in the well for his statement. I agree very much with what has been said.

I believe the important thing to remember is timing and priority. One of the things we have askew this afternoon, is timing and priorities.

We are asking the people of our constituencies to tighten their belts, to economize on all Federal projects, because we are fearful of inflation and a possible tax increase, and yet now we are going to spend $60 million to enlarge the Capitol. I believe the timing is wrong.

We are cutting back funds for the handicapped, funds for compensatory education, and we are cutting back funds on many other important programs and telling people we have to save money and cut the budget, and yet now we are going to spend it on enlarging the Capitol.

Mr. Chairman, I believe we have our priorities and our timing completely out of balance with the needs of our Nation.

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

Mr. BELL. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I should like to observe to the gentleman that a problem arises in the fact that we have a crumbling west wall. It is shored up. We have to do something about strengthening it. It so happens that it might tip over. It might fall down.

If we have to do that, and we have to spend at least $20 million on it, then if we spend something more than that to get the space needed, one cannot use the figures the gentleman used in his diagram.

Mr. BELL. If I am not mistaken, that wall has been crumbling for a number of years.

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

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

Mr. GROSS. I think it has been for 25 years that the west wall has alleged been ready to fall.

Mr. BELL. That wall has been crumbling for about 25 years.

Mr. GROSS. And it was allegedly so bad that planes were not allowed to fly over the Capitol for fear the vibration would cause a collapse. But planes have flown over the Capitol and the wall is still standing.

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

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

Mr. STRATTON. I believe the gentleman from California has put this thing back into balance. Basically what we are being asked to do is this: We have a car which needs some repair, and it is being proposed that we trade it in and get a Cadillac. Why not fix it up where it needs fixing?

The Lincoln Memorial is supposed to be deteriorating from atmosphere, and one of these days it will have to be fixed up. Are we going to add on space or repair it? Let us repair it at the cheapest possible price.

Mr. BELL. I certainly concur.

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

I do not suppose very many of us have open minds at this posture, but I believe a most eminent observation was made just now. We have to reestablish our priorities.

We will always be in need of space, my friends and colleagues. The instant this extension is finished, if it passes, we will still need more space.

We needed more space 33 years ago for the books in the library. I know, I was a clerk in the Senate library then.

Contrary to what my friend the eminent minority leader says, there is and will be thousands of feet of usable space down there, if restoration is made. We do not have those facts before us. But no plans on restoration. As Mr. ROYBAL said earlier, the pressure is on for extension, and we are denied plans on space in restoration. There will be space. We do not know exactly what it is.

Eight years ago, when I came to the 89th Congress, we had just finished the $125 million Rayburn building to alleviate a space problem. It is a beautiful building. The gentleman from Massachusetts (Mr. O'NEILL) says so.

Just last year, we began moving into an 8-story building, the former Congressional Hotel. It is a beautiful hotel with 30,000 or 40,000 square feet of usable space. We just got our proliferating subcommittees going in there now. And now we have 14 of them, on energy alone, yet none of them relate the energy crisis of today to our insistance on office building extensions on compounding energy consumption habits such as are required if this Capitol is extended.

Here we are telling people all over this country that we are sick and tired of inflation, sustain vetos on REA programs, that we are tired of money going down the drain. Yet we want to spend $58 million for our unsatiable demand for office space just 8 years after spending $160 million for the Rayburn Building, and even while we have yet to fill the old Congressional Hotel space.

If we have any sense we will rearrange our priorities, vote for this amendment, so that this bill can go forward, and we can legislate parks and grass and trees around this Capitol to see that what precious little open space we have here can remain, and decentralize this Government to the rest of the country rather than keep concentrating it here in the District of Columbia.

Mr. SYMMS. Mr. Chairman, I wish to commend my colleague from Wyoming for his timely remarks.

It occurs to me that maybe the people in his State and mine might not be better off if we had less Government officecrats around here. We already have so

many Government edicts that the sheep in Wyoming and Idaho are being gobbled up by the coyotes—the extension of this office—may only make it more convenient for the Government to make more edicts and do nothing for the taxpayers of America.

Mr. O'NEILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, by virtue of the fact that I am the majority leader, I am on the Commission for Extension of the U.S. Capitol. I have listened to this argument today and, as I recall, the same arguments were made in 1957 when there was terrific opposition to the east front. And you look at the east front today. I think that it is beautiful.

I have been in Congress now for 11 terms. I think I am a sentimentalist, to be truthful. I have always gotten a thrill out of seeing the cadets on the plains of West Point ever since I was a kid. When I go to the Tomb of the Unknown Soldier, I get a terrific feeling. But I get the greatest thrill of all every time I see the Capitol of the United States and its dome. Whenever I am in an airplane over the city, I see that dome and it inspires me.

Mr. Chairman, the Capitol is the symbol of the United States, as much as the flag itself.

So I think the issue far transcends priorities. The truth of the matter is the west front out here is crumbling. We have been arguing about it now for many, many years, and I have heard the debates, and the different points that have been raised. One man says that we ought to dig down below the west front and use the ground beneath the building here.

Mr. Chairman, the Rayburn Building, I guess, is the most expensive building in the history of the world. It originally had about a $55 million bid, and it went to $120 million by the time they completed it.

Why was that? They had not read the water tables right, the fact that there is water underneath here. The same thing is true of the Capitol. The truth of the matter is that now from experience they know they cannot go down below the Capitol and build down there. They cannot go below the Capitol for the same reason they had difficulty with the Rayburn Building. That was done at a tremendous cost. They had to put a cradle down there.

Mr. Chairman, we should not do the same thing here.

The gentleman has talked about the parking space. We will have a Visitors' Center nearby that the gentleman from Illinois is an expert on, that is in process.

I believe the bids are out, and we hope it is finished and completed by the 200th anniversary of this great Nation. So there is going to be ample parking space for everybody here.

As I said, I am a member of the Commission. We have all criticized for so many years the former Architect of the Capitol. They said he was political, that he had been a Member of Congress who had been defeated and he was appointed to be Architect of the Capitol. And now the Speaker has explained to you how the new Architect of the Capitol was appointed.

Mr. Chairman, I sit on the Commission, and I have great admiration and respect for the Architect. He comes in with the program, he presents the program, he tells us what he has in mind, and then he makes a recommendation. I am not an architect, but I believe he is competent by the manner and by virtue of the fact that he has been chosen for the job, and by the manner in which he was chosen. So when he tells me we ought to have an extension of the west front—and he has made a study of it—I believe him.

I know a couple of years ago the American Architects' Association and thousands of architects were opposed to it. But after that, the American Institute of Architecture did send a letter out, and for the most part, they had reversed their feeling on it. They have reversed their feeling on it, some of the really great architects of America, because they have confidence in George White and have changed their stand.

Mr. Chairman, if they have confidence in him and they are in the business, why should we not have confidence in this man?

As we look at the building here, there are many of us who think this was the original building itself. Well, the original building, of course, was only a part of what we have here. It was built by Bulfinch, in whom we in Massachusetts have so much great pride, because we have so many of his buildings. And then they put the dome on. We have seen the picture from the 1840's, and the dome that was on the Capitol; it looked like a monstrosity, and it looked like it was absolutely out of place.

Then in the 1860's they added the wings. So bit by bit the building has been built. Then in 1957 we had the great argument on the east front.

I think as a member of the Commission I would be remiss if I did not go along with the recommendations of the architect. I think he is a tremendously able, and competent man appointed by the President of the United States. We hired him to do the work. This is his recommendation. He knows far more about the subject than we do.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Chairman, I wonder if we can get some idea of how many want to speak and limit the time on this amendment.

Mr. Chairman, I move that all debate on this amendment and any amendments thereto end in 25 minutes.

The motion was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. GROSS moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. GROSS. Mr. Chairman, I have listened to the House leadership, all pleading for more space. There is one good way to get more office space in this or any other building around the Capitol, and that is to abolish a few of the subcommittees, the duplicating full committees, the joint committees, and the select committees. If we want space, the effective way to get it is to get rid of some of the surplus warm bodies around this place. Then there will be no need to spend $60 million, $80 million, or $100 million for more space.

Mr. O'NEILL. Will the gentleman yield?

Mr. GROSS. I yield very briefly. I have only 5 minutes, and I had to offer a preferential motion to get that.

Mr. O'NEILL. If the gentleman is directing his remarks at me, I made no mention of space whatsoever. I merely think the Capitol of the United States, which has so often been made reference to as a Cadillac, ought to be the finest building in this country.

Mr. GROSS. I understand that the gentleman did not speak for more space, but his two predecessors did.

I do not intend to buy a pig in a poke here today, and that is what is being proposed in this deal the leadership is asking us to approve today.

On Thursday, March 1, 1973, when this subject was before the subcommittee for hearings, Mr. ROYBAL had this to say:

Mr. ROYBAL. I am looking at this strictly from the standpoint that I would view a personal matter. I don't think I would buy a four-bedroom house on preliminary plans alone. I think I would enter into a contract only when I saw the final plans. What we are doing here, as far as I can see, is that we are putting in $60 million into schematic drawings and not the final plans.

Mr. WHITE (the Architect). That is true.

What are you asking us to do here? Buy a pig in a poke?

Mr. WYMAN. Will the gentleman yield?

Mr. GROSS. Very briefly.

Mr. WYMAN. The gentleman knows that the interior or whatever goes into this will be determined by the Speaker and the chairman of the joint committee.

Mr. GROSS. So what? We have an office building called the Rayburn Building. A Speaker and the committee was involved in that. Someone criticized the gentleman from California (Mr. ROYBAL) a little while ago because he suggested a further study of this deal. If there had been more study and if perhaps the membership of the House had been taken into consideration, we might not have had a Rayburn building that started out to cost $65 million and wound up costing $130 million.

That is exactly what happened, and the gentleman knows it. There are firm plans for furniture, yes, for furniture and draperies, and so forth, there are firm plans for that, but there are no firm plans for the Capitol extension itself. We do not know here this afternoon how many offices are to be in that extension of the Capitol, what kind of offices they will be, or whether they will even be offices. They might stick in a restaurant before they get through, or a bowling

alley, or something of that kind—we do not know.

Here is a propaganda letter from the leadership that was distributed here today, and with it is a photograph—I do not know which one of our leaders took it. Perhaps all three of them got into the act, with one of them holding the camera, another sighting it, and the third one pulling the shutter. I do not know.

It intrigues me to see all of the leadership, the speaker, the majority and minority leaders, all backing a drive of this kind to spend $60 million at a time when we ought to be cutting down on expenditures, not increasing them. I thought there was some concern around here about debt and deficit. Is there any real concern about debt and deficit on the part of the leaders who here propose a sight-unseen set of offices, or whatever they want to put in there, and at a cost of $60 million? There is $2 million worth of furniture ready to be planted in it—and I do not know whether it is going to be King Louis XV or XIV furniture. I do not know how many glass chandeliers they are going to put in this setup such as we have next door, and which we could have dispensed with until we did something about the debt, deficit and inflation that is crucifying the people of this country.

I want to see them vote for a tax increase bill. I want to see the leadership of this House espouse a tax bill; be honest with the people, if they are going to spend money in this fashion.

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

Mr. GRAY. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, and colleagues, first let me impart a little good news. At 10 o'clock this morning the Baltimore and Ohio Railroad in New York signed a commitment with the Chemical Bank for a $16 million loan to start construction immediately on the long-awaited National Visitor's Center at Union Station. We will have 2,000 parking places for automobiles, and about 300 parking places for buses. We will have facilities for two heliports on the roof, with scheduled transportation to outlying airports, and two stops for the new subway. All modes of travel will come into the Visitors' Center, and visitors will be able to get the right type of information and then see our beautiful Capitol City with public transportation in comfort. I am also happy to advise that President Nixon has in his budget $8 million for other work at the Visitors' Center. We will have this needed Visitors' Center and these facilities ready within 18 months. Mr. Chairman, there were over 25,000 persons in the Capitol building today. We must have this new facility.

Mr. Chairman, as the chairman of the Subcommittee on Public Buildings and Grounds, the House Committee on public works, it has been my privilege to sit and listen to requests from Members of the House and Senate for public buildings throughout the country. We have the legislative, executive, and judicial branches in our Government. I know this debate has been honest and sincere, but I would like to ask a question: Do you really believe we are being extravagant when we ask for a small $58 million appropriation to protect this great, historic Capitol, when at the present time the executive branch is building in Washington alone more than $300 million worth of public buildings? The FBI building down the street has a cost of $128 million.

Do you believe we are being extravagant when the judiciary has now under construction in the 50 States, Puerto Rico and the Virgin Islands, not $58 million, but over $1 billion worth of new courthouses to serve the judiciary? Do you believe we are being extravagant, my colleagues, when the administration now is building over $2 billion worth of public buildings throughout the United States—and they are needed, and I helped to pass the authorizations.

Do the Members know that in Washington alone we are paying $85 million a year for leased space, exclusive of Government-owned buildings? Are we here today telling our constituents that we cannot afford a very modest increase in the size of the U.S. Capitol at a cost of $58 million? I say we are not being extravagant; I say we have no choice in the matter, because the front of the building is going to fall down if we do not.

If someone criticizes a Member for a "no" vote against this amendment and a "yes" vote for this bill, remind him that this is infinitesimal compared to what is being spent for needed space in the executive and the judiciary branches of Government. The question today my friends, is not, can we afford this project to extend the West Front of the Capitol, but can we afford not to extend it?

Mr. GROSS. Will the gentleman yield?

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

Mr. GROSS. We have to save a little money in order to build dog racing tracks around here.

Mr. GRAY. My friend knows full well we do not propose to build dog tracks. We have an RFK Stadium out here costing the taxpayers a little more than a million dollars a year, and I am a little surprised that my friend from Iowa opposes any source for bringing in revenue. We have only said let us look at rodeos, let us look at dog racing, let us look at various types of entertainment programs to try to bail out the RFK Stadium. The gentleman criticizes us when we have deficits; he criticizes us when we try to bring in revenues to help the poor taxpayers. I respect my friend very much but he cannot have it both ways.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa (Mr. GROSS).

The preferential motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

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

Mr. Chairman, in this debate this afternoon I have heard occasional references to supporting a wall, or being sentimental as if there were certain deprecating feelings about that. I see nothing wrong with a little honest, patriotic sentiment. This is not just any old wall; this is not just any old building. This is a wall that was built from 1793 to 1829. This is Thomas Jefferson's wall. This is the way he thought the Capitol ought to look, and it is the last remaining part of the building that he and George Washington knew.

We are Members of the House of Representatives. In a way we are part of history. Maybe we ought to be a little bit sentimental. I have mentioned Thomas Jefferson; Henry Clay was the Speaker of this House, John Quincy Adams was a Member. Abraham Lincoln sat here. We ought to think a little bit about preserving the Capitol that they knew.

These are the terraces of Olmsted out here. What do we want to tear it up for and put it beyond recall in order to get a few washrooms, restaurants, and tourist centers?

Go over to Great Britain. Go to the House of Parliament. Go to Westminster Hall. They understand these things. There is a building there. The Members have seen it. William Rufus built it in 1100-something. In 1600 they tried Charles I there. It looks just the same today as it did then. Just imagine the fate of a bill in Parliament that someone would bring in to alter that building so that the Speaker of the Parliament or the leader of the opposition could have offices, or anybody else could have offices, or American tourists could have more room to look the place over.

We talk about sentiment. I think we ought to think about sentiment, but we cannot do it on sentiment alone. We have got to be practical.

I talked to the Architect of the Capitol. I said I would like to save this old building if it can be done, but I do not want to spend a lot of money if it cannot be done.

I said to Mr. White, "In your professional opinion is it feasible, is it possible to restore it instead of extending it?"

He said, "Yes, it is."

That is what Mr. White said. And the estimated cost of restoration is one quarter to one-half of the estimated cost of extension.

In this case sense and sentiment march together, and I say support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. (MAYNE).

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

Mr. Chairman, I rise in support of the Roybal amendment. I certainly want to commend my colleague, the gentleman from Indiana (Mr. DENNIS), for the stirring tribute he has rendered to sentiment, which I too think is one of the values which should be given serious consideration here today. Surely we in this Congress spend enough money on creature comforts, on office space, and on all of the paraphernalia of modern mechanized man, that we can afford occasionally to think a little bit about our traditions and our rich historic heritage in this country. Certainly the west wall of the Capitol is all we have left of the original exterior of this building.

The American Institute of Architects has been criticized for what its experts said 20 years ago. Well, they lost that battle, and the American people lost the east front of the Capitol. It can never be returned. The original east front of the

Capitol is now buried in a girdle of concrete and marble and we will never see it again. That is what is going to happen to the west front of the Capitol unless the Members of Congress are willing to do something now to stop the proposed extension. We can never go back and have that west wall again if this plan proceeds.

Unless the Roybal amendment is adopted, we shall never again be able to say to the schoolchildren of this country who come here, as we were able to come here in our childhood and walk along that terrace and look at that west wall, overlooking the Mall, that here is where Clay and Webster and Calhoun walked and made their great decisions which shaped the destiny of this Nation. That scene can never be restored. As we approach the bicentennial of this republic, I think we should recognize and protect these important values. We must not ignore our solemn responsibility to future generations to preserve this one last part of the exterior of the Capitol that is such an important part of our fundamental precious American heritage. I strongly urge my colleagues to support this amendment deleting the unwise authorization for the West Front extension to proceed.

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

Mr. BIESTER. Mr. Chairman, in years to come, will visitors gazing at the west front of the Capitol from the foot of the hill view an extensive expansion of greenery or an expensive extension of concrete and marble?

Looked at from all angles and perspectives the arguments against extension of the west front are sound and persuasive.

At one time, extension was necessary, we were told, because the west front was in danger of collapse. After years of controversy, Congress commissioned a report by an esteemed engineering firm to weight the needs and merits of extension versus restoration. When it set the record straight that repair and renovation at a cost of about $15 million was all that was necessary to preserve the edifice, proponents of extension switched tactics and said we needed more office space in the Capitol.

Extension of the west front would cover the last remaining portion of the original Capitol building; the fact it survived the British in 1812 may not be good enough anymore. Extension would distort the visual balance which now exists and detract from the impressive impact of the dome. It would destroy the wide terraces and sloping landscaped grounds which add such grace and distinction to the west side of the building.

Do we really want to deface the historical and esthetic beauty of the Capitol in the name of additional congressional office space and tourist facilities at a cost of $58 million? I think not.

If Congress needs more office space, it is debatable that locating it in the Capitol in this fashion is either desirable or necessary. Existing services of lower priority now utilizing space in the Capitol could be moved elsewhere if the need for more room is so urgent. There are buildings and properties on both the House and Senate sides that could accommodate present and future needs. I do not deny that the time is approaching when more space for congressional purposes will be required. I only question the wisdom and appropriateness of using the Capitol for it. As one architectural firm observed:

> Like it or not, this building is now a monument, albeit a working monument, and there is no such thing as an efficient or economical monument.

The Capitol is a tremendously popular tourist attraction, and all efforts should be made to serve the needs of the thousands of daily visitors to this national monument. Tourist needs, however, can be satisfied at the soon-to-be developed Visitors' Center at Union Station three blocks away. The park and fountain area between the Capitol and Union Station is very attractive and it makes sense to encourage visitors to enjoy these grounds and utilize the Union Station facility. Construction of the west front extension, should it now be approved, would only insure one large eyesore of a mess at a time when the Capitol should look its best for the bicentennial.

A strong case can be made against the extension from an economic point of view as well. Now, at a time when costs and unnecessary Government expenses are at the forefront of legislative consideration, it hardly makes sense to appropriate this kind of money for a project of such doubtful merit. As Congress must act upon large cutbacks in domestic programs, it is difficult to understand—as it will be to the public, as well—how this body can, in good conscience, justify an expenditure on such a project involving our personal convenience.

If the debate over the extension has served any useful purpose, it is that we do have to get down to the task of developing a comprehensive plan for the future utilization of space in the immediate area surrounding the Capitol. I feel we should more profitably direct our attention to this need rather than consume valuable time on a matter that should be put to rest once and for all. Let us get on with the restoration so that the Capitol will be in readiness for 1976.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, I did not expect to speak to the House today but I thought since we have been discussing what is going to happen as a result of these plans it might be good to refer to them and to look at them.

The thing that really impelled me to take the floor and speak at this time is the remarks which were made by those who are proposing merely to restore the west front. They say by restoring the west front we can in some way increase the space in it. When pressed how they said we could go underground. I will say to the Members, I do not want to be part of anything that would send the Congress of the United States or its Members or its committees underground. I think that is totally demeaning to us and I think we should look at the sensible plans of what is being proposed.

Here is the plan for the first floor, and I am going to talk only about the House side because that is our business.

On the first floor area is the Committee on Appropriations which will be given a committee room in which to meet. They need it. Why would we ever object to giving the Committee on Appropriations a decent committee room in which to conduct their hearings? It seems very sensible and reasonable and thoughtful.

There are spaces for our leadership and they are not broken down but they are going to be designed by the leadership as they should be to meet their needs. It is only a small part of the total space.

Also there is space for the enrolling clerks to have an office space, and we would all argue they need it.

In the central part shared with the Senate is a large space for public assembly where some of the tourists might be able to meet off the rotunda and get organized before they go on their trips. I do not see anything wrong with that.

On the second floor we come to the area which is going to be right off our Chamber, which is going to be another area like the Rayburn Room, and we certainly need it and it is in the public interest. It is not for the leadership, but for the Members. Why should we object to that? Do we want it to be put underground? Certainly it is the type of thing we consider proper and right and necessary.

Also there is another cloakroom for Members and a work area for Members. Why should there not be a work area right off the floor, particularly since we have an automatic voting system which requires us to get here in a few minutes for votes and to remain close to the House floor.

In addition there are two conference committee rooms. They have long been needed by the Senate and the House.

The proposed extension would be devoted to serving the needs of the Members and that is clearly in the public interest as it serves the needs of the people.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I am very much in favor of this amendment. I think we can preserve this wall.

The testimony shows that it can be strengthened. The speaker who just preceded me referred to the fact that he did not feel that any additional space would be made available by restoration or preservation of the wall.

In fact there is no real space which would be made available unless we do go underground; but when we look at the bottom floor of this building we see it is very inadequately used. Practically nothing is there but storerooms, and warehouses.

Today, when we have air conditioning and we have lighting, there is a tremendous space, acres of space available on the bottom floor of this building which is not adequately used.

One would not actually expect to find, even in a downtown office building, such a degraded use as exists in the basement portions of this building.

The concern I have for preserving this wall is partly because of the fact that I think it does stand as a specific symbol

of the traditions of our country. My concern is also partly because I do not really want to see this building turned into a tourist type activity with assembly halls and things of that type which will make it more difficult for us in Congress to perform our duties here. My concern is also that we save taxpayers dollars.

Instead of doing that sort of thing in this building, other buildings could be constructed here of a temporary nature to last 25 or 30 years, which could then be torn down and rebuilt as the times of our lives change, and our needs change. It is a much better way to spend our money and it would save money.

I recommend that this amendment be approved. In so doing, we are preserving the heritage of our country, and by using this building sensibly, since we already have acres of inadequately used space underneath, we can save the money of the taxpayers.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I think most Members are vitally concerned about the wise expenditure of the taxpayers' money. It seems to me that this argument has been intertwined here with some other aspects.

I certainly do not disagree with my distinguished colleague from Indiana (Mr. DENNIS) as far as the history of our great Capitol, but what really makes the history of this Capitol? The people who come here to visit, as they are today thousands of schoolchildren are visiting their Nation's Capitol.

They look with pride upon this building, not because of this historic value, necessarily, but because it is the Capitol of the United States; the building itself.

To be a capitol it has to be large enough and adequate enough to be able to handle the government of this country. Some of the opponents of this extension are the very people who are for some of the programs that cause larger facilities to be necessary here; larger agencies, larger commissions. We cannot vote constantly for an all-expanding Federal Government, and at the same time tie the hands of those who work here in the Capitol to expand with that growing need.

I serve on two subcommittees which meet in very small rooms. I do not suppose there are any people here who have rooms in their homes as small as the two subcommittees have. Now, we are opening up to the public so that they may see how their money is being spent. They have a right to know how the Committee on Appropriations in Washington spends their money, but by the time we put up chairs for the members of the press, the taxpayers have no place to watch the money being spent.

I would like to see the expansion include rooms so that the public could see.

I would like to ask, of this 270,000 square feet, how much is actually going to be available for building space? I yield to the gentleman from Michigan, the distinguished minority leader, for an answer.

Mr. GERALD R. FORD. Mr. Chairman, at this stage there is one area specifically set aside for the Committee on Appropriations. I served on the Committee on Appropriations for 14 years. I am very familiar with that very small space which they use today. Also, it has more members now than it had before.

Mr. MYERS. There are telephone booths in the country larger than those two rooms.

Mr. GERALD R. FORD. There will be adequate committee space for the Committee on Appropriations. I can assure the gentleman from Indiana, furthermore, that as I understand it, the Capitol Building Commission will have the final review on the plans for space in this extension if the Congress approves the necessary funding for the extension.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, it is with fear and trepidation when some of us have to oppose our leadership. On the other hand as we go home during the recess to face our constituents—it is about time we should begin to think of ourselves, and how we can explain spending $60,000,000 when we can restore the west front for $15,000,000.

I had hoped the gentleman from Illinois (Mr. GRAY) might say something more about the space soon to be available at the old Union Station to be converted into a new visitor's center. He started out his remarks very fine when he said the Baltimore and Ohio had signed a contract this morning for $16,000,000. If Members will look at the letter signed by leadership, needs for space seemed to be the main argument for the west front. Now it develops Mr. GRAY will have space for 2,500 cars, and we are going to have a little train running back and forth. We are going to have all the visitors facilities we need down there. Then over on the other corner of New Jersey and C Street we have an eight-story building. I understand the top floor of the old Congressional Hotel will be vacated providing a lot of new space.

Some of us, in supporting the Roybal amendment, believe the new West Front amounts to an unacceptable change in the original Capitol.

But the really important point is that we are all going home on Thursday night. We should all keep in mind that this is the very first vote—the very first vote we will have on a fiscal year 1974 appropriation bill. Everything we have done up to now, all the vetoes and everything else, have involved fiscal year 1973.

So, when we go home we should be able to say we supported this amendment and helped pass it. We have seen the administration make cutbacks to reduce deficits all the way from the elimination of student loans, veterans benefits, REAP, small water districts, and many other things. Let us say we voted to try to help reduce the deficit. Perhaps saving this $60,000,000 will not balance the budget but it will help by just that much.

No matter what we do this afternoon it does not mean we are going to have this extension. The other body has been pretty adamant about it. But Members have an opportunity here, as they go home Thursday night to say, "This is the first vote, and our vote was to hold the line on spending." Let us do what is needed for $15,000,000 and save the $60,000,000 that would be the cost of this unnecessary extension.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, as a onetime historian I must say that I gave this matter some very careful thought and I was rather concerned about what was the right thing to do here.

Adding it all up, it seems to me that if Frederick Law Olmsted were living now he would be laughing at us. We talk about the West Front as though it were the same as it was when it was originally built. If we wanted to keep it the way it was when it was originally built, Mr. Olmsted's terrace would never have been created. That terrace changed completely the aspect and style of the west front. Furthermore, it made the west wall itself less attractive than before. All one has to do is go out and look at those big wells and see that there is *nothing* esthetic about them.

So all we are talking about is whether we are going to take that wall and take some stones out and replace them with new stones and say it is still the same wall, which obviously it would not be.

If we really want to do something about preserving historic features of this building, let us create some new space to which we can transfer all the statues out of Statuary Hall, so that we can recreate the original hall, which was the original House of Representatives. Then people can come to this building and look at the interior of the House the way it was when the Capitol was first built.

This Capitol is not the same as it was 50 years ago, and at that time it was not the same as it was 100 years ago. It has been a changing, evolving thing.

The real question is: Is this a sound thing from an architectural standpoint? Most architects today concede that the east front extension was an improvement. I submit that if Frederick Law Olmsted were alive today he would say the proposed West Front extension is an improvement.

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

Mr. SEIBERLING. Yes, I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I have listened to the gentleman, and I believe he is 100 percent right. This room is not even the same as it was when I came here, because at that time it had about 30 I-beams sticking up all over the place to keep the roof from falling in. But I suppose we should have left it like that.

Mr. SEIBERLING. I thank the gentleman from Ohio (Mr. HAYS).

Mr. Chairman, if we want to get down to the immediate present, we have some artists putting paintings on the ceiling of the corridor leading to the House dining room. If we want to preserve it the way

it was originally, we would just leave it blank.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. CASEY) to close the debate.

Mr. CASEY of Texas. Mr. Chairman, I certainly have respect for the proponents, those who want to keep the old wall, but I would point out to the Members that if we spend $20 million or $30 million, or whatever it costs—and we will never be able to get a firm bid to do it—for restoration and our constituents come back and see it, they will say, "When are you going to restore the west wall?" That is what they are going to ask us, because it is still going to be a painted wall.

Now, if we extend and leave openings to show the original wall, such as we have in the extended east front, we can take that paint off and we can actually see the original stones. One would actually be able to touch them. However, if we try to preserve this old west wall, all we are going to look at is, as I have said earlier, a new coat of gray paint every once in a while.

Now, I would say to the gentleman who spoke earlier about the restoration of the old House Chamber—maybe he was not on the floor today when I mentioned that money is included in the bill for the partial restoration of the old House Chamber—that I agree with the gentleman heartily. All the work that is being done in the restoration of the old Supreme Court Chamber and the old Senate Chamber is along the lines the gentleman speaks of.

Mr. Chairman, we are not going to destroy this building; we are not going to desecrate its looks. The American Institute of Architects says we are going to ruin the facade. The "facade" means the decorative exterior—special architectural treatment.

We are not going to ruin the facade. Look at the rendition of the proposed extension displayed here in the well, and if it is not a beautiful sight, I do not know what beauty is.

The proposed new structure adds a peak on the portico that points up to the dome.

Mr. Chairman, the AIA in its last meeting brought up the question of whether or not to support extension or restoration of the west front, and it was so controversial it was tabled. This recommendation of the AIA is just a recommendation of the board of directors, that is all. They are not speaking for all of the architects of this country.

I would suggest to the Members of the House that they assert themselves as to what is the best use of the money, what is best for the looks of the Capitol, and what is best for its utility. I want to point out on the model displayed in the well the underground service area. Presently, all of our trash is hauled and all of our deliveries are made right on the sidewalk adjacent to the main steps on the east front. I do not like to see this. It certainly detracts from the beauty of the east front and is particularly bad during the service band concerts during the summer months.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROYBAL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 195, not voting, 50, as follows:

[Roll No. 100]

AYES—189

| | | |
|---|---|---|
| Abdnor | Goodling | Quie |
| Abzug | Grasso | Railsback |
| Adams | Green, Pa. | Randall |
| Anderson, Calif. | Gross | Rarick |
| | Grover | Rees |
| Anderson, Ill. | Gubser | Regula |
| Andrews, N.C. | Gude | Reid |
| Archer | Gunter | Reuss |
| Armstrong | Guyer | Riegle |
| Ashbrook | Hamilton | Rinaldo |
| Aspin | Hammer-schmidt | Robison, N.Y. |
| Bafalis | | Rodino |
| Baker | Hanley | Roncalio, Wyo. |
| Beard | Hanrahan | Roncallo, N.Y. |
| Bell | Hansen, Idaho | Roush |
| Bennett | Hébert | Roybal |
| Biester | Hechler, W. Va. | St Germain |
| Bingham | Heckler, Mass. | Sarasin |
| Bray | Heinz | Sarbanes |
| Breckinridge | Hicks | Satterfield |
| Brotzman | Holt | Scherle |
| Brown, Mich. | Howard | Schneebeli |
| Broyhill, N.C. | Huber | Schroeder |
| Burgener | Hudnut | Skubitz |
| Butler | Hunt | Spence |
| Byron | Johnson, Colo. | Steele |
| Chisholm | Jones, Tenn. | Steelman |
| Clancy | Jordan | Steiger, Ariz. |
| Clawson, Del | Keating | Steiger, Wis. |
| Cleveland | Kemp | Stephens |
| Cochran | Ketchum | Stratton |
| Cohen | Koch | Stuckey |
| Collier | Landgrebe | Studds |
| Collins | Lent | Symms |
| Conlan | Lott | Taylor, Mo. |
| Conte | Lujan | Teague, Calif. |
| Crane | McCloskey | Thompson, N.J. |
| Cronin | McDade | Thone |
| Daniel, Dan | Macdonald | Thornton |
| Daniel, Robert W., Jr. | Mallary | Towell, Nev. |
| | Mann | Udall |
| Davis, Ga. | Martin, N.C. | Van Deerlin |
| Davis, S.C. | Mathis, Ga. | Vander Jagt |
| de la Garza | Mayne | Vanik |
| Dennis | Mazzoli | Vigorito |
| Devine | Mezvinsky | Waggonner |
| Dorn | Miller | Walsh |
| Drinan | Mills, Md. | Wampler |
| Duncan | Minish | Ware |
| du Pont | Mink | Whalen |
| Edwards, Ala. | Mitchell, N.Y. | Whitehurst |
| Edwards, Calif. | Moakley | Widnall |
| Fish | Montgomery | Wilson, Charles, Tex. |
| Flowers | Moorhead, Calif. | |
| Flynt | | Winn |
| Fountain | Mosher | Wylie |
| Fraser | Nedzi | Yatron |
| Frelinghuysen | Nelsen | Young, Alaska |
| Frey | Nichols | Young, Fla. |
| Fuqua | Parris | Young, Ga. |
| Gaydos | Pettis | Young, Ill. |
| Gettys | Peyser | Young, S.C. |
| Giaimo | Pike | Zion |
| Ginn | Preyer | Zwach |
| Goldwater | Pritchard | |

NOES—195

| | | |
|---|---|---|
| Albert | Brown, Ohio | Culver |
| Alexander | Broyhill, Va. | Daniels, Dominick V. |
| Andrews, N. Dak. | Buchanan | |
| | Burke, Calif. | Danielson |
| Annunzio | Burke, Fla. | Davis, Wis. |
| Arends | Burke, Mass. | Delaney |
| Ashley | Burleson, Tex. | Dellenback |
| Barrett | Burlison, Mo. | Dellums |
| Bergland | Burton | Denholm |
| Bevill | Camp | Dent |
| Blackburn | Carter | Derwinski |
| Blatnik | Casey, Tex. | Dickinson |
| Boland | Cederberg | Diggs |
| Bolling | Chamberlain | Dingell |
| Bowen | Clausen, Don H. | Donohue |
| Brademas | | Downing |
| Brasco | Conable | Eckhardt |
| Brooks | Cotter | Erlenborn |
| Broomfield | Coughlin | Esch |
| Eshleman | McCollister | Roy |
| Evans, Colo. | McCormack | Runnels |
| Evins, Tenn. | McEwen | Ruppe |
| Fascell | McFall | Ruth |
| Fisher | McSpadden | Sandman |
| Flood | Madden | Saylor |
| Ford, Gerald R. | Madigan | Sebelius |
| Ford, William D. | Mahon | Seiberling |
| | Mailliard | Shipley |
| Forsythe | Martin, Nebr. | Shoup |
| Frenzel | Matsunaga | Shriver |
| Fulton | Meeds | Shuster |
| Gonzalez | Melcher | Sikes |
| Gray | Metcalfe | Sisk |
| Green, Oreg. | Michel | Slack |
| Griffiths | Milford | Smith, Iowa |
| Haley | Mills, Ark. | Smith, N.Y. |
| Hanna | Minshall, Ohio | Snyder |
| Hansen, Wash. | Mizell | Staggers |
| Harsha | Mollohan | Stanton, J. William |
| Hastings | Moorhead, Pa. | |
| Hays | Moss | Stanton, James V. |
| Helstoski | Murphy, Ill. | |
| Henderson | Murphy, N.Y. | Stark |
| Hillis | Myers | Steed |
| Hinshaw | Natcher | Stokes |
| Hogan | Nix | Stubblefield |
| Holifield | Obey | Sullivan |
| Horton | O'Brien | Symington |
| Hosmer | O'Hara | Taylor, N.C. |
| Hungate | O'Neill | Thomson, Wis. |
| Hutchinson | Owens | Ullman |
| Ichord | Patman | Veysey |
| Jarman | Pepper | White |
| Johnson, Calif. | Perkins | Whitten |
| Johnson, Pa. | Pickle | Wiggins |
| Jones, N.C. | Poage | Williams |
| Jones, Okla. | Price, Ill. | Wilson, Bob |
| Kastenmeier | Quillen | Wilson, Charles H., Calif. |
| Kazen | Rangel | |
| Kluczynski | Rhodes | |
| Kuykendall | Roberts | Wolff |
| Kyros | Robinson, Va. | Wright |
| Landrum | Rogers | Wyatt |
| Latta | Rooney, Pa. | Wydler |
| Leggett | Rose | Wyman |
| Lehman | Rosenthal | Young, Tex. |
| Litton | Rostenkowski | Zablocki |
| McClory | Rousselot | |

NOT VOTING—50

| | | |
|---|---|---|
| Addabbo | Foley | Mitchell, Md. |
| Badillo | Froehlich | Morgan |
| Biaggi | Gibbons | Passman |
| Boggs | Gilman | Patten |
| Breaux | Harrington | Podell |
| Brinkley | Harvey | Powell, Ohio |
| Brown, Calif. | Hawkins | Price, Tex. |
| Carey, N.Y. | Holtzman | Roe |
| Carney, Ohio | Jones, Ala. | Rooney, N.Y. |
| Chappell | Karth | Ryan |
| Clark | King | Talcott |
| Clay | Long, La. | Teague, Tex. |
| Conyers | Long, Md. | Tiernan |
| Corman | McKay | Treen |
| Dulski | McKinney | Waldie |
| Eilberg | Maraziti | Yates |
| Findley | Mathias, Calif. | |

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WYLIE

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

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 20, line 17, strike out "860,200." and insert in lieu thereof "$804,768.".

Mr. WYLIE. Mr. Chairman, this is a very simple and easily understood amendment which would merely reduce the amount appropriated on page 20, line 17, by $55,432.

This is a figure which I have taken from the report on page 17 where it is said:

As shown on page 921 of the printed hearings, the total cost of loaning plants to Congressional offices during calendar year 1972 was $55,432, composed of $25,593 for the cost of plant materials and $29,839 for the salaries of Botanic Garden personnel involved in storage, make-up, potting, and delivery. The Committee suggests that steps be taken to put appropriate controls into effect to prevent this activity from growing into unmanageable proportions.

The way to prevent it from growing into unmanageable proportions is to

eliminate the amount altogether. The Botanic Gardens personnel do not like this program and they do not want it. Most Members of Congress do not like it and do not want it and do not need it as far as I am concerned, so I think the best way to keep it from growing into unmanageable proportions, as I suggested, is to eliminate it.

I think it is this sort of thing which makes the membership look foolish. Besides, it provides unfair competition with free enterprise.

I would suggest the adoption of my amendment.

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

Mr. Chairman, I take this time to make the announcement, particularly in view of the close vote on the Roybal amendment, that both the Speaker and the minority leader assured me yesterday that when we meet tomorrow, there will be a motion offered to recommit the bill with instructions to strike out the money for the west front.

Therefore, because of the number of Members who are absent on account of the holiday today, we will have an opportunity to vote again on the west front issue with the full membership. In view of the very close vote, I think we may still have a chance to win tomorrow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WYLIE

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

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 5, line 14, strike out "$63,262,000" and insert "$61,000,000".

Mr. WYLIE. Mr. Chairman, I offer this amendment more as a matter of principle than anything else. Last year we had added to our staff without our vote and without our consideration an additional employee, so that the Members have had their staff personnel increased by five since I came to Congress without approval by the Members of this body.

We have never had any chance to vote on this issue. I get along with far less employees than the 16 authorized for my staff, and my district is as large as anyone else's.

As I say, I offer this as a protest against the addition of staff personnel without at least giving us a chance to vote on it. I do not think this kind of procedure helps our image any, to slip in a new employee here and there and then come back to the House later to appropriate money in an appropriation bill to take care of it.

What my amendment does is simply strike the allowance for the additional, 16th employee for the 290 Members who have already hired the 16th person authorized last year.

The $7,800 authorized per employee when multiplied by 290 comes to $2,262,000. When we strike that amount from the bill, we get a nice round figure of $61 million for clerk hire appropriations.

Mr. Chairman, I urge the adoption of my amendment.

Mr. CASEY of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to point out that the sum in this bill is not the maximum that would be required if all Members utilized their entire allowance. Rather it is an estimate of how much money will be spent based on past experience and recent projections. Some of the Members do not use all the clerk hire allowance to which they are entitled. I think the purpose of this amendment is just a way to try to restrict Members clerk hire allowances. I do not know how we would allocate the reduction.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, I agree with the Chairman. I oppose the suggested cut. Not only is it true what the Chairman said, but at this time we are trying to provide ourselves within our own congressional offices, the means by which we can better accomplish our functions as Members of Congress.

It is true that some Members need more staff and some need less. I do not think this is a way in which we can efficiently address ourselves to the question.

I hope we vote the amendment down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The amendment was rejected.

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

Mr. Chairman, I was disappointed that the gentleman from Ohio (Mr. HAYS) made a point of order against the language found on page 3 of the bill with regard to the House library document room, which is found in the basement of the Cannon Office Building. I would refer the membership to page 8 of the report.

This indicates this library is entirely duplicatory of the function of the Library of Congress. For salaries alone, it is costing $102,177 in fiscal year 1974. I could have offered an amendment which would have stricken funds for this purpose and I could have avoided the point of order previously sustained. However, after consulting with the gentleman from Ohio, I have decided not to do so, in that he has assured me he and his committee will give some attention to this particular problem.

Mr. CASEY of Texas. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURPHY of New York, 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. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. CASEY of Texas. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. Pursuant to the unanimous-consent agreements of Thursday, April 12, and Monday, April 16, further proceedings on this bill will be postponed until tomorrow.

## GENERAL LEAVE

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that I may revise and extend my own remarks on the bill just considered, and include extraneous matter, and that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just considered.

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

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 496) entitled "Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. PROXMIRE, Mr. MONTOYA, Mr. YOUNG, Mr. HRUSKA, and Mr. COTTON to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 398) entitled "An act to extend and amend the Economic Stabilization Act of 1970," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. PACKWOOD to be the conferees on the part of the Senate.

## APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION, 496, SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 496) making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, 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, BOLAND, NATCHER, FLOOD, SMITH of Iowa, PATTEN, CASEY of Texas, OBEY, Mrs. GREEN of Oregon, Messrs. CEDERBERG, MICHEL, CONTE, SHRIVER, MCDADE, and ROBINSON of Virginia.

## PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 496, SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the joint resolution (H.J. Res. 496) making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93–146)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H.J. Res. 496) "making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans Administration, 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 amendment numbered 1.

The committee of conference report in disagreement amendment numbered 2.

GEORGE MAHON,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
NEAL SMITH,
EDWARD J. PATTEN,
BOB CASEY,
DAVID OBEY,
EDITH GREEN,
E. A. CEDERBERG,
ROBERT H. MICHEL,
SILVIO O. CONTE,
GARNER E. SHRIVER,
JOSEPH M. McDADE,
J. K. ROBINSON,
*Managers on the Part of the House.*

JOHN L. McCLELLAN,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
*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 of the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 496) making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans Administration, 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:

HIGHER EDUCATION

Amendment No. 1: Appropriates $872,000,000 for student assistance programs as proposed by both the House and the Senate, including the following amounts as proposed by the House: $122,100,000 for basic opportunity grants; $210,300,000 for supplementary educational opportunity grants; $270,200,000 for college work-study; and $269,400,000 for national defense student loans; instead of the following amounts as proposed by the Senate: $385,000,000 for basic opportunity grants; $210,300,000 for supplemen- educational opportunity grants; $237,400,000 for college work-study; and $120,000,000 for national defense student loans.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which provides that none of the funds made available by the Continuing Resolution as amended (Public Law 92–334, Public Law 93–9) for carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), shall be available to pay any local educational agency in excess of 54 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of said title I and none of the funds shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

The conferees are concerned over the current situation at the Douglas school system in South Dakota. The closing down of schools for any reason is certainly a tragic event. However, payments to this school system for impacted area aid have already been made to the full extent possible, and the conferees agree that no additional payments may be made unless changes are made to existing provisions of the law.

GEORGE MAHON,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
NEAL SMITH,
EDWARD J. PATTEN,
BOB CASEY,
DAVID OBEY,
EDITH GREEN,
E. A. CEDERBERG,
ROBERT H. MICHEL,
SILVIO O. CONTE,
GARNER E. SHRIVER,
JOSEPH M. McDADE,
J. K. ROBINSON.
*Managers on the Part of the House.*

JOHN L. McCLELLAN,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
NORRIS COTTON,
*Managers on the Part of the Senate.*

---

## FEDERAL AID HIGHWAY ACT OF 1973

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 356 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 356

*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 (S. 502) to authorize appropriations for the 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. It shall also be in order to consider without the intervention of any point of order as an amendment to section 123 of the committee amendment in the nature of a substitute the text of the proposed amendment as set forth on pages 125 and 126 of the minority views accompanying House Report 93–118. At the conclusion of the consideration of the bill (S. 502) for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour.

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

Mr. Speaker, I want to commend the Public Works Committee of the House of Representatives for holding hearings and reporting out this much needed legislation to meet the congested highway traffic over the Nation and especially for providing part of the funds to be applied to the cost of relieving critical automobile and truck congestion in the urban areas. This legislation should have been enacted last year before the adjournment of the 92d Congress. The Public Works Committee devoted many weeks in 1972 on hearings and executive meetings to produce the highway bill that should have been enacted before adjournment last November. The corridors of the Capitol and Senate and the House Office Building during the last few months have been congested with high powered and highly financed lobbies representing special interest groups in order to deny any of this dormant highway fund money from being diverted into the metropolitan areas where the Nation's real highway traffic congestion exists.

The 1970 Highway Act authorized a Federal aid program for streets and highways carrying the major portion of city traffic; this year's bill extends and strengthens this provision together with an increase in funding to relieve the critical highway congestion in our cities.

We must remember that over the last 20 years the population of the cities of the metropolitan areas of this Nation has multiplied and according to the recent census approximately 72 percent of our 206 million people reside in urban areas.

Surveys show that 97 percent of all traffic movement of individuals within the cities is performed by highways, roads, and streets; 94 percent is carried by automobiles and trucks within our urban areas.

In the Nation today there are approximately 13 million automotive vehicles. Last year the automobile and truck transportation vehicles took the lives of more people than any other cause of

violent death. Over 55,000 Americans were killed last year by vehicular traffic and most of these deaths occurred in the congested areas of our cities throughout the Nation. Trucks carrying freight both local and intrastate and interstate vehicles depend almost 100 percent on the availability of an urban street and highway network. It is estimated that the miles of traffic of trucks and automobiles on highway and street needs are about evenly divided between urban and rural areas so the fund authorizations should be provided in equal amounts for these two areas. Tax collections into the highway trust fund are about evenly divided between taxpayers living in rural and urban areas so that this highway bill under consideration today balances these factors.

This legislation provides: $3.5 billion annually for completion of the Interstate System; $1.1 billion a year for urban roads—$700 million of this for urban highways and $400 million for primary and secondary improvements in urban areas; $1.1 billion a year for primary and secondary work in rural areas—$700 million of this for primary and $400 million for secondary); $100 million a year for urban high-density routes; $150 million a year for economic growth center highways to serve medium-sized cities; $300 million for priority primary system—where growth of traffic forecasts need for upgraded design.

The powerful lobbies who have been pressuring Members of Congress to ignore the deplorable and congested traffic congestion of our metropolitan cities are ignoring the urban taxpayers of this Nation who have contributed billions to the highway trust fund.

The homeowners and citizens of the urban areas are overburdened with property taxation, sales taxes, license taxes—city, county, and State, and so forth. They should not be denied the opportunity to share in this multibillion-dollar highway trust fund to which they have contributed and over the years been denied any returns for their local communities.

Every metropolitan city in the United States is undergoing similar bumper-to-bumper truck and automobile congestion and with insufficient funds to even initiate a program of curtailing this devastating problem of traffic congestion.

Mr. Speaker, House Resolution 356 provides for an open rule with 2 hours of general debate on S. 502, which is a bill to provide authorizations for certain Federal-aid highway programs in fiscal years 1974, 1975, and 1976.

House Resolution 356 provides that it shall be in order to consider the amendment in the nature of a committee substitute now printed in the bill as an original bill for the purpose of amendment.

All points of order against said substitute for failure to comply with the provisions of clause 16(c), rule XI, which prohibits a bill providing general legislation in relation to roads to contain any provision for any specific road, and clause 4, rule XXI, which prohibits appropriation language in an authorization bill, are hereby waived.

It shall also be in order to consider without the intervention of any point of order as an amendment to section 123 of the committee amendment in the nature of a substitute the text of the proposed amendment as set forth on pages 125 and 126 of the minority views accompanying House Report No. 93–118.

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

Mr. Speaker, House Resolution 356, the rule on S. 502, the Federal-Aid Highway Act of 1973, is an open rule with 2 hours of general debate. It also provides that the committee substitute be made in order as an original bill for the purpose of amendment, and that the bill be read by titles instead of by sections. There are two waivers of points of order. The first is a waiver of points of order against the substitute for failure to comply with the provisions of clause 16(c) of rule XI—specific road prohibition—and the second is a waiver for failure to comply with clause 4 of rule XXI—appropriation in a legislative bill. House Resolution 356 also makes it in order to consider as an amendment to section 123 of the committee substitute, the text of the proposed amendment as set forth on pages 125 and 126 of the minority views in House Report 93–118. This is an amendment diverting trust funds from the Federal-aid urban system commonly known as D money, for the purchase of mass transit—including fixed rail—facilities, at the discretion of local officials.

Mr. Speaker, I am opposed to this amendment for several reasons. First, there is a large backlog of new highway needs. In 1972, the Department of Transportation published a needs report which concluded that between now and 1990 the foreseeable needs for highways are going to amount to $592,000,000,000. For mass transit the need during the same period is anticipated to be $63,000,000,000. The highway trust fund brings in about $5,700,000,000 per year. It is obvious that there is not enough money in the highway trust fund to meet highway needs. If you divert money from the highway trust fund for mass transit, there will be even less money remaining in the trust fund for highway purposes. Therefore, while this proposed amendment does not directly affect, for example, interstate funds, the end result could be that interstate funds, along with all other highway funds, would be lessened.

Mr. Speaker, Federal-aid highway legislation was considered in the 92d Congress, but action was not completed before adjournment, even though hearings, floor debate, and conference with the Senate had been completed, and the conference report was on the floor at the time of adjournment sine die.

Mr. Speaker, I have no objection of the rule—the matter should be fully debated and the diversion amendment defeated.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WRIGHT. 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 (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

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

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 S. 502, 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 Texas (Mr. WRIGHT) 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 Texas.

Mr. WRIGHT. Mr. Chairman, this is one of the big bills to come before this Congress this year. To appreciate the importance of the highway program to the Nation, it may be necessary for us to realize that the highways of this country are used by more Americans more often than any other service that society provides—93 percent of all intercity movement of persons in the United States is accomplished by means of highways. Within the cities the dependence upon the highways and roads and streets is even greater—98 percent of the movement of all people within the cities is accomplished by the highways, the streets, and the roads, and 94 percent of that is accomplished by movements in private vehicles.

We have tried to bring to the House a bill that recognizes the imperatives of highway construction and the imperative of the cities of the United States both for highway construction and for development of rapid mass-transit programs.

When the interstate program was initially authorized in 1956, there were some 63 million automotive vehicles trying to crowd onto a road structure that had been designed for only about half that number. The result, of course, was overcrowding, accidents, and an inordinately high death rate.

Since the beginning of the interstate system, financed along with the other Federal-aid systems under the highway trust fund, we have made substantial progress. We have demonstrated, for example, that modern, well-engineered highways definitely do save lives. The death rate on the interstate when measured in millions of passenger-miles traveled, is less than half what it is on the rest of the road-and-streets network of the United States.

Yet we still have a problem. We have only barely been able to keep pace with the fantastic growth in numbers of automotive vehicles in the United States. Today rather than there being some 63 million automotive vehicles, we have 113 million automotive vehicles in a nation of some 200 million people. This means

there is more than one automobile for every two persons, man, woman or child.

Naturally it is a matter of imperative necessity to the United States that we complete this bill as expeditiously as possible. Many of the States have been frustrated in the orderly construction of their highway programs by the inability of the House and the Senate to make an agreement until the final day of the last session of the last Congress.

HIGHWAY CONSTRUCTION

Let me just briefly describe what is in the bill. For conventional highway construction the bill contains the following programs:

First, there is $3.5 billion a year for the construction of the Interstate System. We have stretched out the date of anticipated completion for that system from 1976 to 1979.

Second, we provide $1.1 billion for highways in the urban areas of our country. This is exactly half the regular primary and secondary fund money. Within the cities we divide that $1.1 billion thusly: $700 million of this is earmarked for urban highways. These primarily are expressways that exist within the city itself; $400 million is set aside for primary and secondary highway extensions inside the cities.

Third, we provide precisely the same total amount, $1.1 billion for work on the highways outside the urban areas, and this is divided: $700 million for primary system work; $400 million for secondary system work.

Fourth, we have created this year an entirely new program also as an express benefit to the cities of this Nation. We have authorized $100 million a year for urban high density routes. An additional $150 million annually is set aside for economic growth center highways, primarily to serve medium-sized cities and to make possible the development of other areas as an absorption point for this phenomenal growth that has been taking place in the few big cities of the country.

Additionally $300 million is earmarked for priority primary systems where the growth of traffic forecasts the need for upgraded design. We have $170 million for forest roads to help us reach and harvest the Nation's timber crop.

There are other sections involving smaller amounts for highway construction, but this basically covers the regular highway programs.

MASS TRANSIT

Let us look now to what is in the bill for local mass transit systems. We have done far more than any Congress has ever done before to try to accommodate the needs of the cities for mass-transit development.

First, the bill provides $3 billion, or $1 billion a year if we look at it as a 3-year authorization to use in grants to cities of the United States, and this money is to be available for those cities to use in any way they desire with respect to mass transit so long as it involves capital investment in systems to serve those cities.

Secondly, we have provided in the committee bill a new system of flexibility in order that a city which wishes to use some of its urban highway money for mass transit instead may do so. The city may substitute a mass-transit program, either fixed rail or purchase of rolling stock for rail or bus facilities, for any portion of its urban highway money, and it will get that money in advance obligational authority from the Secretary of Transportation. This would be in addition to what the city could receive under the $3 billion UMTA authorization.

This money would be made available immediately to that city upon its decision to forego that particular highway program, or a commensurate part of it. The only difference between that bill and the bill passed in the other body, or the amendment which is to be offered tomorrow, I believe, by the gentleman from California (Mr. ANDERSON) is that under the committee bill the money for mass transit, when substituted in addition to their mass-transit program for a part of their highway program, will come in advance obligational authority out of the general revenues.

Under the amendment which will be offered, it would come directly out of the Trust Fund and would be gone to the Trust Fund upon expenditure. Under the committee bill, funds released by this procedure would go back into the Trust Fund and be available for redistribution to all the other cities and States of the country that have unmet highway needs.

It seems clear to me that actually we do more for both highway and urban mass-transit in the committee bill than would be done under the amendment which will be offered by the gentleman from California.

In the third place, a further provision is contained in the committee bill to make this same form of flexibility available not only through those moneys coming in the urban system's fund, but through those moneys coming in the interstate fund.

If a city determines that it does not wish to build a segment for the interstate system which lies wholly within its boundaries, it need not do so if it can be determined that that segment is not necessary to the interstate system throughout the United States. It would be free under the circumstances to substitute a like amount for mass transit if this is what the city desires.

The CHAIRMAN. The gentleman has consumed 10 minutes.

Mr. WRIGHT. Mr. Chairman, I yield myself 5 additional minutes.

Let us bear in mind that dollarwise this is a far more significant section than the section which I just mentioned, in terms of total amount of money available to cities. Approximately two-thirds of our remaining interstate money is earmarked for projects within the cities. That is $3½ billion per year. This is a sum certainly not to be regarded as insignificant.

In the fourth place, we have striven to provide a workable means to help cities to convert these daily automobile commuters into users of their mass transit systems. We provide in the committee bill that any money authorized under any system, whether it be urban, primary, secondary, or interstate, may be used wherever the need exists for one of two things: either to build an express bus lane such as the one we see here in the Washington area on the Shirley Highway; or to construct fringe parking facilities to make it more attractive for people to leave their cars at a convenient place at the terminus of the mass transit to catch the mass transit system, ride it downtown, transact their business, return, pick up their cars, and go home.

I would simply like to point out that this experiment which we have been conducting on the Shirley Highway has had some fairly significant results. During the 2 years of its operation, the Department of Transportation indicates that it has increased the ridership on the mass transit program by some 40 percent over that route. It has reduced the number of cars coming over that corridor into Washington by some 8,000 cars a day. When you contemplate that almost every other urban corridor in every city of this Nation is increasing in the volume of traffic, a reduction of 8,000 daily is truly very significant.

In a further attempt to assist the cities in the development of mass transit systems, the bill authorizes the free use of land in highway median strips and rights-of-way by local public transit authorities for the establishment fixed rail or elevated facilities.

In addition, the bill provides $75 million for completion of a long-needed national study of mass transit needs, including methods of financing, fare structures, and possible means of operating subsidization.

WHAT'S FOR CITIES

Then let us sum up. What is in the bill for cities? Clearly the lion's share of this bill is directed to the cities of the United States. Considering the preponderance of the remaining work on the interstate which is earmarked for urban use, the setting aside of exactly one-half of the regular 70/30 money for use within the cities, and the creation of the new urban high density system it is clear that approximately two-thirds of all the moneys coming out of the trust fund under the committee bill will go to the urban areas of the Nation.

When we add the moneys that are authorized out of the general fund approximately third-fourth—please understand this—approximately third-fourth of all the authorizations in the bill go to the urban areas of this country. I do not see how by any stretch of the imagination anybody could conclude that this committee has not been more than amply fair with the cities of this land.

I should like to say one or two words about highway safety.

Mr. ANDERSON of Illinois. Mr. Chairman, would the gentleman prefer to yield at the conclusion of his statement, or will the gentleman yield at this time?

Mr. WRIGHT. I shall be happy to yield at this time to my friend from Illinois.

Mr. ANDERSON of Illinois. I rise to my feet because the gentleman just expressed a belief that surely no one could believe that the great Committee on Public Works of the House could be less than fair with the cities of this country because of the mass transit provisions he has just described.

I wonder if the gentleman really wants this House to believe that we are doing

the same thing for the cities of this country if we give them advance obligational authority or contract authority subject to appropriations from the general fund of the U.S. Treasury, if doing that constitutes the same thing as telling them that the $700 million which is available here and now——

The CHAIRMAN. The time yielded by the gentleman from Texas has expired.

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

The CHAIRMAN. The Chair will count.

Mr. WRIGHT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. 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 (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, had come to no resolution thereon.

## COMPETITION IN GASOLINE RATIONING

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

Mr. CONTE. Mr. Speaker, I bring to the attention of my colleagues another instance of monopolistic practices by the major oil companies.

The major oil companies are moving into the discount gasoline business at the same time they are forcing the independents out. It appears that the majors are taking unconscionable advantage of the current gasoline shortage.

This disturbing trend deserves the close attention of the Antitrust Division of the Department of Justice and the Federal Trade Commission.

Independent gasoline stations offer the only real competition in the oil industry because they offer lower prices.

But now the major oil companies, claiming they do not have enough gasoline, are cutting off supply contracts to many independents. At the same time, the majors are building new discount stations of their own—in direct competition with the same people they are putting out of business.

This type of double-barreled tactic must be stopped immediately.

As the ranking minority member, I am asking the Select Committee on Small Business to investigate this monopolistic trend as part of its continuing study of the oil industry.

Monday's Washington Post carried an excellent news story on the current gasoline shortage, and it highlighted the disturbing development in the discount gasoline business. I include this article in the RECORD:

[From the Washington Post April 16, 1973]

GASOLINE RUNS SHORT THROUGHOUT THE UNITED STATES

(By Thomas O'Toole)

**What began 10 days ago as spot scarcities of gasoline in a handful of states has now blossomed into a coast-to-coast shortage.**

It is not so bad that motorists can't buy gasoline, but it is serious enough to have forced the closing of hundreds of discount and off-brand gas stations whose supplies have been cut off by the major oil companies. It is also bad enough to have closed major-brand stations in states like Minnesota and Florida that are at the end of the gasoline distribution network.

"These are the states that are on the drag end of the pipeline system," said an official of Gulf Oil Corp. "Things are very tight right now in Florida, where there isn't even a refinery to help things out."

The Middle West has been hit hardest by the shortage. Metro 500 of Minneapolis has closed 21 of its 2? stations. All last week, gas stations in northern Illinois found themselves out of either regular or premium gasoline. Gas stations throughout Iowa were being rationed to between 70 and 90 per cent of what they got last year, even though demand was running 10 per cent ahead of last year's pace.

Oil jobbers (wholesale distributors) insisted it would get worse in the Middle West. Over the weekend, a refining subsidiary of Kerr-McGee Oil Co. named Triangle Petroleum closed its storage terminals in Des Moines, Kansas City, Chicago and Madison, Wis., a move that cut off independent distributors in a four-state region from a 25 million gallon gasoline supply.

"There's no question it's going to close a lot of independents," said William Deutsch, who represents all the independent marketers in Illinois. "It will even put some of the branded stations in trouble."

Things were almost as bad in New England, where an average of five stations were closed in both Connecticut and Massachusetts each day of last week.

Sure Oil Co. was forced to close 12 of the 50 stations it runs in Massachusetts and Connecticut. Sure said it had been getting 40 tank-loads of gasoline per week, was cut back to 20 two weeks ago and has been told it will be down to 10 in another two weeks.

Rural Connecticut has been hit especially hard. Sure closed three Save-Way stations selling the only discount gas in the farm country of eastern Connecticut. Several distributors of bulk gasoline in the same region of the state have been told they will get no gas next month, which means that the farmers they serve exclusively will have trouble getting gas for their tractors.

Further south, things aren't that bad but neither are they very good. The Greenbelt Consumers Services, Inc., which runs a chain of 10 stations that discount BP gasoline in the Washington area, has just been told that the 9 million gallons that BP supplies it with every year will not be forthcoming after July 9.

"They've cut us off from the only supply of gasoline we've had for the last 10 years," said Eric Waldbaum, president of Greenbelt Consumers Services. "We've gone to other suppliers, who have all told us they don't have enough to service us or any other new customer that might come along."

One of the ironies of the sudden shortage of discount gas is that the major oil companies are getting into the discount business at the same time that the independents are being forced out of it.

Exxon is now marketing discount gas under the brand name Alert at 16 stations in four states. Gulf discounts gas under two labels, Economy and Bulko. Shell markets it under the brand name Ride, Mobil under the name Cello. Phillips Petroleum discounts Blue Goose and Red Dot gas.

The emergence of the big discounters come at a time when major oil companies are closing their unprofitable brand name stations all over the U.S.—stations that are more than 300 miles from a refinery, have only a few pumps and do auto repair.

Exxon is in the process of closing 150 of its 400 retail stations in Illinois, Michigan, Wisconsin and Indiana. Gulf has put up for sale 3,500 stations in 21 states, from Illinois across the country to California and Washington State. BP has already pulled out of the Northeast, and Sun Oil Co. has withdrawn from Tennessee and most of the upper Midwest. Cities Services, Atlantic Richfield and Phillips Petroleum are also closing stations.

The oil companies insist that the big reasons for the gas shortage are a worldwide shortage of "sweet" (low sulfur) crude oil and a nationwide shortage of refinery capacity. They claim they need five new refineries a year to keep up with demand. They point out that not one new refinery is being built in the U.S. today.

The refinery shortage is so acute that the independent refineries find themselves being courted with more fervor than at any time in memory. An aide to Rep. Robert H. Steele (R—Conn.) claims that the competition for refined products like gasoline is one reason Sure Oil has had to close some of its Connecticut stations.

"The company was about to negotiate a contract with a Canadian refinery," the aide said, "when a major oil company offered to buy the refinery's product at the same prices Sure offered but won the contract when it guaranteed to supply the refinery with crude oil."

The head-to-head combat between the major oil suppliers and the independent distributors is bound to get worse as the gasoline shortage gets worse.

Greenbelt Consumer Services has filed a formal complaint with the Federal Trade Commission protesting the move by BP that will cut them off from gasoline, and in the only known court action so far a federal judge in Phoenix ordered Phillips Petroleum to restore gasoline sales to a discount chain it tried to cut off.

Meanwhile, the gasoline shortage itself promises to get worse as motorists take advantage of the improving weather. Last week, Detroit, Indianapolis and Boston reported that they did not receive a single bid for contracts to fuel city vehicles. For the first time in history, they faced the prospect of being unable to run police cars and fire trucks because of the gasoline shortage.

## THE TAXING OF LAPSED OPTIONS—CONFORMITY FOR TAX-EXEMPT ORGANIZATIONS

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

Mr. ROSTENKOWSKI. Mr. Speaker, I am today introducing legislation which would amend the Internal Revenue Code in order to rectify an inconsistency which presently exists in the tax laws in regard to the treatment of tax-exempt organizations.

The purpose of my legislation is to eliminate an anomoly in the application of the unrelated business income tax to exempt organizations. Such organizations, including educational institutions, may seek to augment their investment income by granting options to purchase securities held in their portfolios.

If an option of this type is exercised, thus requiring the organization to sell the security, the premium received for the option is treated as part of the proceeds on the sale of the security itself. Any gain on such a sale is not subject to the unrelated business income tax, because that tax does not apply to investment income such as dividends, interest, and capital gains.

If, on the other hand, the option is permitted to lapse, the organization retains the income it received for the option. Yet, although such income also is derived from the investment activities of the organization, the Internal Revenue Service holds that it is subject to the unrelated business income tax.

There is no rational basis for continuing this disparate treatment. The unrelated business income tax is intended to discourage exempt organizations from competing with taxable businesses. Given this purpose, there is no more reason for taxing the income derived from the lapse of options than there is for taxing the capital gains of exempt organizations. No competition with taxable businesses is involved in the production of either type of income.

The Internal Revenue Service's present position results from an historical fortuity. Under the Internal Revenue Code of 1939, income from the lapse of an option was considered short term capital gain, and, as such, was exempt from the unrelated business income tax. For reasons wholly unrelated to the present issue, such income was reclassified as ordinary income in the Internal Revenue Code of 1954. Although the 1954 change was directed at nonexempt taxpayers, it had the effect, apparently unintended, of subjecting such income in the hands of exempt organizations to the tax on unrelated business income.

During consideration of the Tax Reform Act of 1969, and again in August 1970, the Treasury Department indicated it would not oppose an amendment which would restore the pre-1954 code tax status. It did so after considering the legislative history of section 512 and the practice of exempt organizations with regard to the granting of options.

Enactment of the amendment at this time is particularly appropriate. As explained in the Wall Street Journal article reprinted below, the Chicago Board of Trade has organized the Chicago Board Options Exchange as the first national securities exchange to offer trading in options. Trading on the new exchange is scheduled to begin within the next month. Its success depends in no small part on the participation of exempt organizations such as educational institutions. Their participation will be unnecessarily discouraged by the present tax treatment of the income from lapsed options.

Moreover, in view of current budgetary and fiscal restrictions, educational institutions, particularly our major universities, have an unusual and immediate need to supplement their investment income. The proposed provision would permit such institutions to realize the maximum return from their portfolio holdings without subjecting those holdings to any unusual investment risk.

The revenue loss which would result from this legislation is at most minimal. Educational institutions and other tax-exempt organizations are at present reluctant to engage in the writing of options because of the present restrictions of the unrelated business income tax on options that are not exercised.

At this point in the Record, I would like to insert the article from the Wall Street Journal which accurately describes the current trends in marketing options:

EXCHANGE SPECIALIZING IN TRADING PUTS, CALLS IS TO OPEN IN CHICAGO

(By Jonathan R. Laing)

CHICAGO.—Puts and calls are among the more esoteric of stock instruments. Though they have been actively traded for years, they average a miniscule 1% of the annual volume of the New York Stock Exchange. Only a smattering of the nation's estimated 30 million investors have ever dealt in them.

They soon may emerge from their obscurity, however. Late this month, the Chicago Board of Trade, the world's biggest commodity futures market, plans to open a central exchange in puts and calls, or stock options. The Chicago Board Options Exchange, as the new market has been named, initially will list call options in 16 actively traded New York Stock Exchange stocks. By year-end, officials of the Chicago options exchange expects to expand their offerings to calls in about 100 active Big Board stocks and perhaps start trading "put" options as well. Eventually, the exchange hopes to offer options in 200 listed stocks.

The Big Board and American Stock Exchange, spurred by the Board of Trade's efforts, recently disclosed that they are considering starting option markets of their own. "If the Chicago market does well, and we think it will, you can bet we'll follow," says James J. Needham, chairman of the New York Stock Exchange.

The PBW Stock Exchange, formerly the Philadelphia-Baltimore-Washington Stock Exchange, also says it will start a market in options in the next few months, though the form of the exchange hasn't been decided on.

HOW BIG A MOUSETRAP MARKET?

For the moment, attention is centered on the Chicago exchange, which has taken four years and nearly $2 million to develop. Whether it will succeed remains to be seen. Just to break even, officials say that the exchange must attract more volume in its 100 stocks than is presently done in the options market in all stocks.

Some observers doubt that it can. "The options market just isn't big enough to pay its freight," declares Berton Godnick, head of options trading at Colin Hochstin Co., a New York brokerage house, and former chairman of Godnick & Son, a leading options broker-dealer concern. "They may have developed a better mousetrap, but they've forgotten that the mousetrap market isn't that large."

But many experts feel that the Chicago exchange's chances for success are excellent. "It should vastly increase options trading by making it much cheaper and easier to do and by giving options the public exposure and respectability they have always lacked," says University of Chicago Prof. James H. Lorie, director of the university's Center for Research in Security Prices. "The market's potential is truly enormous."

If the options exchange meets such expectations, the implications would be significant. For one thing, it could revolutionize the portfolio management techniques of institutional investors such as pension funds, insurance companies, banks and mutual funds, affording them new ways to both hedge and improve the market performance of their massive stock portfolios. Also, the exchange could become the focus of much of the short-term speculation in Big Board stocks. (Options-exchange officials are privately claiming that the exchange may one day rival the Big Board in volume.)

A LONG-TIME FAVORITE

Options have long been a favorite tool of speculators wanting to capitalize on expected major price moves in a stock, for they offer almost unlimited potential profit on relatively modest cash outlays.

With a call option, the most common type, a trader acquires the right to buy 100 shares of a stock within a specific period at an agreed-upon price, which is usually the market price, of the stock at the time of the option purchase. A put option, on the other hand, gives its holder the right to sell 100 shares of a stock at a specified price—again usually at the then-current market price—during a certain time period.

The cost of a put or a call, the "premium", typically rangest from 7% to 20% of what the option purchaser would have to pay to buy the 100 shares outright. The typical option period is six months and 10 days, though 30-, 60-, and 90-day options and occasionally one-year options are also available.

Several examples illustrate how options work in practice.

Say an investor became convinced that a Big Board stock selling at $50 a share was about to move up sharply. Instead of purchasing 100 shares for $5,065 with commission, he could buy a six-month, 10-day call for, say, $500, or 10% of the value of the stock, giving him the right to buy the stock anytime during the option period at $50 a share. If during that period the stock were to rise to $65 a share, the holder could then exercise the option by purchasing the shares at $50 a share and then promptly resell them at the $65-a-share market price.

A 173-PERCENT GAIN

His profit on the transaction would be $1,500, minus the $500 cost of the call and $133.48 in the commissions and fees, or $866.52. Of course, the investor would have made $1,366.52 on the transaction had he bought the shares outright, but the return on his $5,065 initial outlay would have been only 27% compared with a 173% gain on his $500 call.

Say the same investor decided that another listed stock selling at $50 a share was overpriced and likely to drop sharply in price. He then could buy a six-month, 10-day put option on 100 shares for, say, $500 again, giving him the right to sell the stock for $50 a share during the option period. If the stock then declined to $35 a share during the six months, the put holder could profit by purchasing 100 shares of the stock in the open market for $3,553.50 and then immediately reselling them under his contract for $5,068.35, clearing a handsome profit of $1,014.85 on his $500 put.

Probably fewer than 20% of all options are ultimately profitable; it takes a sizable short-term move in the price of the underlying stock for an investor just to recoup his premium and transaction costs, let alone make a profit. In the majority of cases, option buyers merely let their options expire without exercising them, thus losing their entire premium.

The sellers of options are generally wealthy individuals or, increasingly, institutions with large stock portfolios and substantial capital. Their incentive for selling options is the premium income they receive. They can profit handsomely if the market's performance discourages option holders from exercising their rights. For example, one Southwestern life insurance company claims it has averaged 17% a year in return on its investment in option writing since 1960.

Currently the bulk of options trading is handled by some 20 option specialty firms that act as middleman between option buyers and sellers. Mostly in New York, they include Thomas, Haab & Botts and Filer, Schmidt & Co. However, in recent years an increasing chunk of the options business (some say as much as 40%) is being done by New York Stock Exchange member firms. Among the 75 member firms with options departments are Merrill Lynch, Pierce, Fenner & Smith Inc., Reynolds & Co. and Donaldson, Lufkin & Jenrette Inc.

The existing options market has a number of defects that have hampered its growth, experts say. First, option transactions are

costly. Option dealers typically take a 10% to 15% cut of the premiums they receive from option buyers before passing them on to option sellers. Also, a holder exercising an option must pay a minimum of two stock commissions to take a profit, and frequently option transactions result in even more commissions. These expenses can boost the cost of trading by as much as 40% over the price of the premium.

The market's transaction process currently is cumbersome and inefficient. Trades sometimes take days to negotiate. Large-volume trades often can't be made.

HARD TO GET OUT

Finally, options buyers and sellers now can't always get out of option contracts when they want to—at least not at a fair price. The option seller, in effect, is locked into his contract until either the buyer of the options decides to exercise or the option expires. The buyer wanting to sell his option before its expiration generally gets nothing for the unexpired time left on the option even though it has some value.

The option exchange should change much of this and in the process attract far greater volume, exchange officials say. By centralizing trading and standardizing option contracts, it will streamline trading, better accommodate big-volume transactions and give buyers and sellers the opportunity to unload their positions at any time, they say. Moreover, trading costs should be sharply lower, because traders closing out positions on the exchange will be permitted to do so without incurring any of the stock commissions required in the present market.

Exchange officials concede that it's tough to predict how the new market will do, but they note that the performance of stock warrants on the Big Board and American Exchange perhaps provides an answer. "Warrants, which are really nothing more than call options issued by companies on their own stock, typically attract between 50% to 100% of the volume of the stock itself, and we see no reason why our call options won't do as well," says one options exchange official. "When you consider that we will eventually list calls on several hundred of the Big Board's most active stocks, our market's potential is large indeed."

Some observers, however, doubt that the exchange options will quite fulfill such hopes. "Trading on the Chicago Board Options Exchange will be much risker even than investing in most warrants, because generally the calls will have such a short life," says Martin Zweig, assistant professor of economics and finance at City University of New York, who has written extensively on options. "While most warrants have a life of at least three to five years, the longest option periods on the exchange will be nine months. It's hard to tell how many investors will be willing to make such short-term speculations—especially when they stand to lose everything they put up if the underlying stock fails to rise."

A VISIBILITY PROBLEM

Another problem the exchange will face, at least in the beginning, is that of visibility. Exchange officials concede that wide reporting of its prices is essential for stimulating interest in the market. Yet no major newspapers plan on carrying quotations at the start of trading, though price quotes will be available to most brokers through the various electronic quote systems. An official of The Wall Street Journal says, "We'll wait and see how the market does for a while before we decide whether there's enough volume to warrant carrying the quotes."

Crucial to the market's survival will be its ability to attract institutional investors. In the past, institutions have made scant use of options because of the market's small size, but many observers predict that this will change.

"Judging by the number of inquiries we've gotten from institutions, their interest in the market is considerable," says Robert Rubin, a partner involved in the arbitrage and options operations of Goldman, Sachs & Co. "It may take a while, but I think that institutions will be very active in the options exchange."

The attractions of options to institutions are many. By selling call options on stocks held in their portfolios, institutions can both increase their portfolio income and partially hedge holdings against a drop in market price. Aggressive institutions such as hedge funds, anticipating a major move in a stock can maximize leverage on their money by purchasing calls on a stock rather than buying the stock outright. Options can also be used by institutions wanting to establish a position in a stock in advance of an expected inflow of money or to hedge a large block that they are in the process of selling off to protect against market weakness.

A number of obstacles still exist to deter some institutions from entering the options market. Many state insurance commissions frown on insurance companies they regulate dealing in options. Many bank trust departments shy away from options because of concern over state "prudent-man" investment rules. Such tax-exempt institutions as pension and endowment funds are reluctant to deal in options until they can win tax-exempt treatment for profits reaped from options trading. Legislation is expected to be introduced in the current session of Congress to do just that.

---

## WHOSE OX IS GORED: PEOPLE OR DEFENSE CONTRACTORS

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

Mr. MELCHER. Mr. Speaker, my attention has been called to a direct quote from Mr. Roy Ash, the unconfirmed director of the Office of Management and Budget, which Members of Congress should have printed in large type and hang in their offices to remember for a while.

Mr. Ash is quoted in the Wall Street Journal of April 6, in defense of the Nixon administration's termination of rural sewer and water grants, that it is not "the role of the Federal Government to overcome everybody's error in judgment as to where he lives."

Let that wisecrack be remembered when Litton Industries comes up with its claim for hundreds of millions because of Litton's errors in judgment in the making and execution of contracts with the Defense Department for an amphibious assault ship for the Marines, a series of Navy destroyers and other defense items.

Certainly, if it is not the role of government to help rural community residents because they erred in living in rural communities, it is not the Government's role to bail out Litton for its lousy judgment and management during Mr. Ash's presidency there.

NIXON VETOES BILL TO FREE MONEY FOR RURAL SEWERS—PRESIDENT SUGGESTS HE MIGHT REFUSE TO OBEY THE ORDER IF CONGRESS OVERRIDES HIM—MEASURE'S FUTURE UNCERTAIN

WASHINGTON.—President Nixon drew the lines for a second spending show-down with Congress by vetoing a bill that would have forced him to release money for a rural water and sewer grant program.

Mr. Nixon also suggested that if his veto is overidden, he might refuse to obey the spending order because it "conflicts with the allocation of executive power to the President" as prescribed by the Constitution.

The dollar amount at stake in the current fiscal year is relatively small—$120 million frozen by the administration out of a total appropriation of $150 million for the year ending June 30. But the bill is second of two selected by Congress' Democratic leadership as spearheads in the confrontation with the President, and a House vote on whether to override the veto is scheduled for Tuesday.

Mr. Nixon won the first test earlier this week, when the Senate to override his veto of a three-year, $2.6 billion program of vocational aid to the handicapped.

SEWER-GRANT OUTCOME UNCERTAIN

But the outcome on the sewer-grant bill is uncertain, as it combines a popular program with the congressional drive to challenge the President's authority to refuse to spend appropriated funds.

* * * * *

mandatory spending bill mustered only 54 voters, or far fewer than the White House undoubtedly will need if the veto is to be sustained. The small initial vote against the bill reflects the program's popularity among lawmakers from the South and other heavily rural regions, where the government often is the only source of financing for such capital needs.

The second test is expected to attract more support for the President, and Capitol Hill sources predict the House override vote will be close. A House vote to override would influence the Senate, but still a Senate vote would probably be tight. A two-thirds vote of both Houses is required to override a veto.

The grant program was established eight years ago to aid rural communities where the population or the property values were too low to make normal long-term financing economical. The Farmers Home Administration estimates that grant money financed about 30% of a typical project's cost, with 5% Farmers Home long-term loans supplying the rest. About a third of all rural communities helped by the Agriculture Department agency qualified for grants.

In his veto message, Mr. Nixon said the grant program "forced the federal taxpayer to pay for services that should be locally financed, and it did so in a most uneven and questionable way." Resurrection of the rural program would only "undercut the tradition" of local self-reliance in building water and sewer facilities, "shoving aside local authorities for the increasingly powerful federal government," the President asserted,

By allowing as much as $300 million anually in grants for the 1973–75 fiscal years, Mr. Nixon added, the vetoed bill "would represent a dangerous crack in the fiscal ram."

The President, who issued his veto message at the Western White House in San Clemente, Calif., also termed the challenge to his executive powers in the legislation "a grave constitutional question." But at a news briefing here, Roy Ash, Director of the Office of Management and Budget, declined to say what the President would do in the event of an override. "In fact, we expect to be sustained," Mr. Ash said.

NIXON NOTES ALTERNATIVES

The Nixon message noted that affected rural communities can seek money for sewage-treatment construction under a much larger Environmental Protection Agency program. Rural development loans at 5% interest will be available to supplement the EPA grants as well as to replace the Farmers Home water loans starting with the fiscal year that begins on July 1, the President promised.

Although the Farmers Home Administration currently has on file some 1,500 applications seeking $250 million in grants. Mr. Ash predicted nearly all of these rural communities ultimately would carry out their projects with the alternative financing. He

acknowledged that a few communities might be too small to quality for 100% financing, but said it isn't "the role of the federal government to overcome everybody's error of judgment as to where he lives."

## A CANADIAN ROUTE FOR ALASKAN OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, committees of both Houses of Congress are currently considering legislation to grant rights-of-way across Federal lands. The outcome of this legislation will determine the fate of the proposed oil pipeline from Alaska.

The Supreme Court, on April 2, 1973, ruled unanimously to let stand a court of appeals decision not to permit construction of the 789-mile oil pipeline from Prudhoe Bay to the port of Valdez because the line's requirement of a 146-foot right-of-way would violate the 54-foot limitation of the 1920 Mineral Lands Leasing Act. The decision is now where it ought to be—in the hands of Congress.

My colleague from Wisconsin, Representative LES ASPIN, has introduced legislation, H.R. 6694, which I am cosponsoring along with 21 other Members of the House. My colleague from Minnesota, Senator WALTER F. MONDALE, has introduced identical legislation in the Senate, S. 993. This bill would authorize the Secretary of the Interior to issue the rights-of-way and special land-use permits needed to construct, operate, and maintain pipelines for the development of the oil and natural gas resources on Alaska's North Slope, but only along the shortest feasible route through Alaska and Canada to the United States. The bill would also direct the Secretary of the Interior to initiate intensive investigation of the feasibility of this route within 60 days of passage of this act, in full accordance with the provisions of the National Environmental Policy Act of 1969.

The question is not whether North Slope oil should come to American markets, but in what manner and under what conditions. For economic, national security, and environmental reasons, an all-land route across Canada is much to be preferred to the trans-Alaskan-pipeline-tanker system, which the Department of the Interior approved last May. Fortunately, it remains for Congress to decide which route will be chosen.

The Midwestern and Eastern United States have no reliable source of oil. A pipeline from Alaska's North Slope across Canada to Chicago is the only permanent, down-the-road answer to the problem of oil supply for these regions.

The Minnesota Civil Defense Division's latest reports on the fuel situation state that 93 independent gasoline stations have suspended operations because of lack of supply and that another 200 are in jeopardy. Five oil companies—Gulf, Sun Clark, Bell, and Triangle Refineries—have either discontinued operations or marketing in Minnesota, or are about to do so. There is a strong probability of a critical shortage of gasoline in the next few months. Heating oil remains in short supply, and expanded air service to Duluth is threatened because of lack of jet fuel.

The geographic location of the Middle West makes its supply problem difficult to solve. Mr. Speaker, I ask permission to include in the RECORD, at the close of my remarks, a letter from Mr. F. James Erchul, Minnesota Civil Defense Director, stating the need of the Midwest for the proposed Alaskan oil pipeline across Canada.

It is not certain that a trans-Canadian pipeline would, overall, cost more than one from Prudhoe Bay to Valdez. Some early estimates by the oil companies had costs almost equal. At most, according to a 1972 study prepared by Charles Cichetti for Resources for the Future, the Canadian route would cost about $1 billion more than the Alaskan-tanker system, if both were constructed at the same time. In any case, a pipeline will have to be built for the North Slope's natural gas resources, since shipping gas by tanker would be prohibitively expensive. If we consider the cost differential between construction of an Alaskan pipeline-tanker system, plus a gas pipeline across Canada and the cost of a single oil-gas pipeline corridor across Canada, the difference is much less—somewhere around $250 million, according to an Interior Department memo of March 27, 1972.

Weighing west coast needs against those of the Midwest and the East, the needs of the latter two regions clearly prevail. The west coast has its own sources of oil. The Midwest and East do not.

At 1972 prices, oil in Chicago costs roughly 60 cents more per barrel than equivalent oil in Los Angeles. A convincing case has been made that if market forces were allowed free play and the price of oil in Los Angeles were allowed to rise, proved reserves in California would rise correspondingly. "Proved reserves," as you know, are the portion of the natural resource which can be produced economically with existing technology at current prices. "Oil in place" may be much greater; that is, oil already discovered, but which is not economical to produce at current prices.

As to the cost of delays in switching now to an all-land trans-Canadian route, even were Congress to amend the 1920 Mineral Lands Leasing Act to permit construction of the trans-Alaskan pipeline-tanker system, the courts would still have to decide whether the Department of Interior's environmental impact statement on the pipeline project has fulfilled the requirements of the National Environmental Policy Act. How much delay this would mean is a matter for conjecture.

On the other hand, two of the routes considered across Canada follow the proposed trans-Alaskan route for two-thirds of its length. New United States environmental studies for a trans-Canadian route would involve a much shorter distance than that of the original study. As far as the Canadian portion of the pipeline is concerned, the Canadian Government has completed detailed studies of a Mackenzie Valley route. Canadian Energy Minister, Donald MacDonald, stated in the Canadian Parliament on February 4 of this year:

> At that time we put before the United States Government [in a letter of May 4, 1972] the information we had available with regard to a Mackenzie Valley oil pipeline as opposed to a gas pipeline. Since that time we have completed a great many studies with regard to environmental, ecological and other impacts of a pipeline on the Mackenzie Valley, and the Mackenzie Valley oil pipeline research group has made available its studies in this regard to the American authorities. Of course, we will be interested in hearing from the United States Administration in this regard, but at present we do not plan to take any fresh initiative.

In the letter of May 4, 1972, referred to in this statment, Minister MacDonald wrote to Secretary Morton in the following vein:

> At the time of our conversation [March 30, 1972], you suggested that you would like to have more insight and information into the Canadian interest in having such an oil pipeline constructed through Canada from Prudhoe Bay. I undertook to write this letter to you to expand on our current position regarding a possible Canadian project and, in particular, to comment on matters related to the environment, financing and timing.
>
> There would be many advantages arising from the use of a Canadian pipeline route. . . . A result of detailed consideration would lead in our view to an improved appreciation of the advantages in an environmental sense of the Canadian alternative. . . . I would confirm to you my comments in Washington on March 30th last that in the opinion of our technical advisers there should be no reason why regulatory and governmental considerations could not be given in an expeditious manner commencing with an application filed by the end of this year.

Canada's Secretary of State for External Affairs, Mitchell Sharp, at a press conference on April 3, 1973, stated that Canada viewed the environmental problems of an oil tanker route along the Pacific coast as less controllable and therefore more dangerous than the environmental problems of a pipeline through Canada. He also said that Canadian authorities would be "prepared to hear and to listen" and "to give serious consideration" to a request for an oil pipeline across Canada.

It seems apparent from these recent statements by the Canadian Energy Minister and Secretary for External Affairs that Canada would be willing to cooperate with us in this important joint venture, and to consider favorably an application for a trans-Canadian route.

We come now to the national security argument advanced by the administration—that it would be better to have Alaskan oil totally under our own control. This might be true if Alaskan oil could make up our projected shortfall, so that we would not have to depend to any large extent on politically sensitive, middle eastern supplies. But administration projections show that even with the Alaskan pipeline in full operation, we will have to import 47 percent of our oil by 1980.

Construction of a pipeline across Canada would encourage exploration and development of Canada's own arctic oil resources. The President's 1970 task force estimated that oil output from the North Slope in 1980 would be 3 million barrels per day, if prices do not fall below the

1970 level. Since the proposed pipeline's maximum carrying capacity is 2 million barrels per day, it appears likely—almost certain—that more than one pipeline will be built. To encourage, in this way, development of Canadian sources of oil upon which we could draw, instead of Middle Eastern, is clearly in our national interest. National security considerations, therefore, should mandate choice of an all-land Canadian route.

Secretary of the Interior, Rogers C. B. Morton, circulated a letter to Members of Congress on April 4 urging construction of the Alaskan oil pipeline-tanker system. In yesterday's Washington Post, another letter from Secretary Morton appeared reiterating the administration's position. Secretary Morton's principal arguments appear to be: one, the Canadian route is not environmentally superior since it is longer and would therefore be more disruptive of the environment. Two, the U.S. west coast will be able to consume all the oil available from Alaska by 1980. Three, Canada has no exploitable northern oil resources of its own. Four, Canada has not indicated willingness to cooperate on a pipeline. And five, on national security grounds our choice should be the Alaskan pipeline-tanker system.

Let me say that I disagree with each and every one of these statements. And there are many who share my views. On both economic and national security grounds the Canadian route is preferable to the trans-Alaskan pipeline-tanker route. On environmental grounds, the evidence is equally clear that the trans-Canadian route is to be preferred. The Canadian route would avoid the earthquake-prone southern portion of the trans-Alaskan route as well as the danger of oil spills at sea. Moreover, an oil pipeline across Canada would parallel the gas pipeline corridor that must be constructed in any case, so that by choosing one route rather than two, total damage to the environment would be kept at a minimum. In comparing the Alaskan route with Canadian alternatives, the Department of Interior's environmental impact statement strongly indicates that there would be less overall environmental damage from the Canadian route.

Only one point in Secretary Morton's April 4 letter to Members of Congress do I find difficult to answer, and that is:

> The companies who own the North Slope oil have not indicated a desire to build through Canada.

It might be interesting in this regard to quote Mr. David Barrett, the Premier of British Columbia, who recently proposed a rail line across Canada for Alaska's oil. Responding to whether he had sounded out the oil companies on his proposal, Mr. Barrett said:

> We're not dealing with the oil companies. We're the government, they're not. I don't know how it is here [Washington].

This decision which is so vital to our national interest now rests clearly with the legislative branch of our Government. I am convinced that a trans-Canadian pipeline is superior to the proposed trans-Alaskan pipeline-tanker system on economic, national security, and environmental grounds. Secretary Morton appears equally convinced of his view of the situation. The bill I am proposing would require an intensive investigation of all these questions. It would also require initiation on our part of actual negotiations with the Canadian Government. This study and negotiations would, I believe, confirm the feasibility and the superiority of the Canadian route. I urge strongly that this House approve the legislation needed for use to get to work to make an all-land, trans-Canadian pipeline route for Alaskan North Slope oil a reality.

I include the following:

STATE OF MINNESOTA,
*St. Paul, Minn., April 6, 1973.*

Hon. DONALD M. FRASER,
*Representative, Minnesota Fifth District, Washington, D.C.*

DEAR CONGRESSMAN FRASER: The discovery of oil on Alaska's North Slope and the subsequent debates over the utilization of that discovery will be prime discussion topics for years to come. In order to tap those new found reserves, some major engineering challenges must be overcome. Profound ecological considerations must be dealt with. At this time the economic aspect looms largest, however, and it is this decision that will truly have the greatest impact on the future growth and development of this country.

The Mackenzie Valley route for the proposed Alaskan pipeline has many economic advantages that would far outweigh any disadvantages, environmental or other. In order to best serve America's petroleum needs at this time it is imperative that a supply be channeled into the upper midwestern states, an area which is now at the furtherest end of current supply lines, and an area that is currently hard hit by a severe shortage of petroleum products.

It is most necessary that in planning the maximum utilization of the North Slope production careful consideration be allotted this country's security and defense posture. An inland pipeline system would be less vulnerable to enemy sabotage or outright attack.

World wide supply and demand imbalances must play an important part in the planned development of the North Slope reserves. If the crude product is brought into the Midwest it will mean total utilization within this country. If it is brought into a coastal region there will be a temptation to dump excess production and by-products on foreign nations rather than making them available to the open market operators in this country. The open market has traditionally been a rein on higher prices in the domestic market. At the present time the open market has all but disappeared as producers are using all of their products themselves. It is important that an open market be allowed to flourish in open competition as an important contributor to a healthy economy. (In Minnesota it has been estimated that 30% of the gasoline is sold on the open market.)

Finally, the long term employment impact of the North Slope reserves will be most meaningful. At the outset would be a brief construction boom of three to five years. This would be followed by long term employment for a great number of people. If a significant portion of this long term employment could be centered in the midwest it would go a long way in dispelling the economic woes that have befallen some portions of the area.

Sincerely,

R. JAMES ERCHUL, *Director.*

---

## GREAT LAKES PILOTAGE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MOSHER) is recognized for 15 minutes.

Mr. MOSHER. Mr. Speaker, on March 28, I introduced H.R. 6262, a bill to increase the penalties for violation of the Great Lakes Pilotage Act and to strengthen that act in a number of other respects.

The navigation of ships on the Great Lakes is an art requiring great skill. There are many restricted waterways connecting the lakes and an intimate knowledge of the channels and currents is essential to the safe navigation of a ship.

The Great Lakes Pilotage Act of 1960 was enacted in recognition of the need for experienced pilots on board ships trading in the Great Lakes, particularly those ships entering the lakes through the St. Lawrence Seaway from abroad, whose officers may not have knowledge and experience comparable to that found on ships trading exclusively in the Great Lakes.

Mr. Speaker, a recent very damaging collision has highlighted certain weaknesses in the Great Lakes Pilotage Act which H.R. 6262 should remedy. On October 5, 1972, a Greek-flag ship, the *Nav Shipper*, collided with a Great Lakes ore carrier, the *A.B. Homer*, in the Detroit River.

Apparently, the foreign-flag ship failed to stay in its proper lane. There was no pilot on board this ship. A pilot should have been picked up in Toledo; however, due to a strike on the pier in Toledo, the pilot, refusing to cross a picket line, would not board the ship.

The Great Lakes Pilotage Act as presently worded contains an ambiguous waiver provision to the effect that a ship may be navigated without a pilot when the Coast Guard notifies the master that a pilot is not available. There is no indication in this section of the act as to the circumstances under which such notification might come about. Presumably, the master or agent for the ship informs the Coast Guard that he has been unable to secure a pilot and the Coast Guard officially confirms this fact.

I urgently suggest that the vague responsibilities of the Coast Guard and the implicit burden on the master, as set forth in section 8 of the act, must be clarified, since any waiver of the act constitutes a serious threat to the safety of all ships navigating on the Great Lakes.

The legislation I have introduced (H.R. 6262), therefore, rewrites section 8 of the act expressly to condition any waiver, based upon the nonavailability of a pilot, upon a communication from the ship's master to the Coast Guard asserting such nonavailability which must then be verified by the Coast Guard. If the Coast Guard determines that a pilot will not be available within a reasonable period of time, it may grant a waiver for the ship to sail without a pilot, subject to whatever terms and conditions it determines necessary from the standpoint of marine safety and the public interest.

For example, the Coast Guard could permit the ship to sail but only to the nearest port where a pilot may be picked up; or might stipulate that the ship could not enter certain restricted waters.

In addition to clarifying the waiver issue, the legislation which I have introduced increases the maximum civil pen-

alty from the existing nominal $500, to $5,000. The legislation also introduces a criminal penalty of a maximum of $5,000, or up to 1 year imprisonment, or both, when the owner, master, or person in charge of a vessel knowingly violates the act or the conditions of any waiver granted by the Coast Guard. While this criminal sanction would in all probability be imposed only in cases of flagrant violations of the act, its presence in the law should have a salutary impact upon those who might choose to disregard the pilotage requirement, since a civil fine may seem unimportant in relation to the overall operating costs of the ship. In other words, a civil penalty may be treated as simply the cost of doing business in a given instance.

Mr. Speaker, there are over 6,000 American seamen employed on the Great Lakes. While no lives were lost in the collision I mentioned previously, there is no guarantee that the crews of other ships may be so fortunate.

We cannot afford to have legislation on the books which gives an erroneous illusion of maritime safety. I believe that the amendments I am proposing will give genuine substance to the Great Lakes Pilotage Act.

I intend to seek an early hearing on this legislation and welcome the support of my colleagues from the Great Lakes States in securing prompt enactment of this legislation.

---

## KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, on behalf of myself, Mr. ADAMS and Mr. PRITCHARD, I am introducing today legislation to create a Klondike Gold Rush National Historical Park. This is a unique concept. Portions of the park will be in Alaska and other portions will be in the State of Washington. It is eventually hoped that portions of the park will become international and will cross into Canada from Alaska.

This bill is a joint effort by the Alaska and Washington Delegations in the Senate and the House. It will mean a great deal to both States and will also affect British Columbia and the Yukon Territory in Canada. It will provide an on-the-spot education to people from all over the world who are interested in the Klondike Gold Rush of 1896.

I include a summary of the legislation in the CONGRESSIONAL RECORD at this point, followed by the bill itself:

SUMMARY OF PROPOSED KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

The proposed Klondike Gold Rush National Historical Park will consist of a Seattle Unit, located in the Pioneer Square Historic District in Seattle, Washington; a Skagway Unit, located in Skagway, Alaska; a White Pass Trail Unit, located near Skagway on the upper reaches of the Skagway River; and a Chilkoot Trail Unit, located near Skagway in the Taiya River Valley. The total area of the four units combined is less than 12,000 acres.

SEATTLE UNIT

The Seattle Unit will consist of a site located in the Pioneer Square Historic District. The square is entered on the National Register of Historic Places and is specially zoned as a historic district under a municipal ordinance. The site will be selected by the Secretary of the Interior after the proposed park is authorized by Congress. The site will be in leased space within one of the historical buildings in the district. It will have approximately 3,000 square feet and contain an exhibit room, a small theater, and administrative quarters. The exhibits will consist of photographic murals and other photographic displays, artifacts, models, and other materials illustrating the effect of the gold rush on Seattle and the outside and illustrating the story of transportation to and from the North. The theater will be used for films and slide shows about the gold rush and about the historical park. It will also be used from time to time for live performances of the historic period.

The Park Service plans to enter into a lease agreement for five years, renewable for another five. Under the lease, the lessor will rehabilitate the leased space for occupancy and recover his costs over the period of the lease. In this way, no substantial Federal investment is required to initiate the project. Costs will be handled out of annual operating programs.

SKAGWAY UNIT

The Skagway Unit is located in Skagway, Alaska, and includes 55 wooden, one- and two-story business houses and residences, some partially vacated, which are the remaining evidence of the gold rush town of Skagway. The unit is located along Broadway and its side streets between First and Seventh Avenues, largely coinciding with the Skagway Historical District (city ordinance adopted in October 1972). The unit is the focal point of the Skagway business district, is a major tourist attraction, and is listed in the National Register of Historic Places.

The purpose of the Skagway Unit is to preserve and, where necessary, restore historic structures and to provide interpretation and interpretive displays therein so as to provide a comprehensive living history program. To achieve this purpose, up to 22 structures would be acquired for renovation and adaptive restoration. Insofar as private capital is utilized for the same purpose, the Federal program would be reduced proportionately. Most of the refurbished structures will be sold or leased back for private businesses, which will serve resident and visitor uses. For interpretive programs, up to eight of the structures would be retained by the government. However, if cooperative agreements can be reached with private parties to achieve the same purpose, several of these structures would also be sold or leased back. At least one structure, and perhaps two, would have to be retained to provide a visitor center, museum, and theater.

Restoration work undertaken at Skagway will be accomplished by Park Service employees. It is not feasible to contract for this work. It will be done over a period of years and will not require large appropriations in any single year for acquisition and development. The construction of modest maintenance and shop facilities will probably be by contract.

CHILKOOT TRAIL UNIT

The Chilkoot Trail Unit consists of a corridor of park land approximately one mile in width and 16 miles in length paralleling the entire length of the Chilkoot Trail within the United States. It lies principally in a north-south direction, with the south boundary including the historic townsite of Dyea about three miles (eight, by road) northwest of Skagway. The park unit includes the "slide" cemetery, the Chilkoot Trail, and all related historic sites and artifacts found along the trail. The north boundary of the corridor is Chilkoot Pass on the international boundary.

The National Park Service intends to restore the Chilkoot Trail to its most representative location, protect structural ruins along the trail, record and protect all artifacts in the corridor, and provide modest camping facilities for the public hiking the trail. Interpretation of this portion of the gold rush story will primarily be through graphics. A trail and two log shelters already exist in the corridor.

Almost all of the work to be undertaken in the Chilkoot Trail Unit will be accomplished by Park Service employees. Full development of modest camping and attendant facilities in the Dyea vicinity in the future will be by contract. The costs in any single year should be relatively small.

WHITE PASS TRAIL UNIT

The White Pass Trail Unit consists of a corridor of park land approximately one mile in width and five miles in length paralleling important remnants of the White Pass Trail. The unit lies in a north-south direction, the south boundary beginning eight miles northeast of Skagway. It includes remnants of the White Pass Trail and the ruins of White Pass City. The north boundary of the unit is White Pass on the international boundary. The National Park Service intends to restore a portion of the White Pass Trail, stabilize ruins, record and protect all artifacts within the park, and provide modest camping facilities for the public as needed. Interpretation of the White Pass Trail will be accomplished through means of signs along the trail, overlooks beside the Skagway-Carcross Highway, and interpretive talks on the White Pass and Yukon Route. The White Pass is listed in the National Register of Historic Places.

All of the work to be undertaken in the White Pass Trail Unit during the first five to ten years will be by Park Service employees. The annual costs should be modest. At some time in the future, an overnight facility in the vicinity of the White Pass could be developed if demand warrants. Such a facility would require contracting.

INTERNATIONAL HISTORIC PARK

In British Columbia and the Yukon, the National and Historic Parks Branch of Canada is planning park units based on the Klondike Gold Rush similar to the proposed American park. Preliminary arrangements have been made for the two proposed parks to be designated as the Klondike Gold Rush International Historic Park. Because the respective Chilkoot Trail Units join together and hikers will travel through both countries, preliminary arrangements have been made for integrated management of the Chilkoot Trail. Preliminary arrangements have also been made for developing an integrated interpretive program so that interpretation at the units in each country will complement that in the other.

Canadian preservation and restoration work is already underway. Substantial funds have already been invested in restoration of historic buildings in Dawson and additional work is underway and programmed at Dawson, on the Klondike, and on the Chilkoot Trail.

INTERGOVERNMENTAL COOPERATION

The National Park Service and the National and Historic Parks Branch have developed the park plans in cooperation with the State, Provincial, Territorial, and municipal governments involved. An international working committee composed of officials from the United States, Canada, Alaska, British Columbia, and the Yukon Territory oversees the planning and develops arrangements for international and intergovernmental cooperation. Additionally, the Na-

tional Park Service has made preliminary arrangements for cooperative management agreements with Skagway, the State of Alaska, and the Forest Service in relation to the park units in and near Skagway.

H.R. 7121

A Bill to authorize the Secretary of the Interior to Establish the Klondike Gold Rush National Historical Park in the States of Alaska and Washington, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That (a) in order to preserve in public ownership for the benefit and inspiration of the people of the United States, historic structures and trails associated with the Klondike Gold Rush of 1898, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Klondike Gold Rush National Historical Park (hereinafter referred to as the "park"), consisting of a Seattle Unit, a Skagway Unit, a Chilkoot Trail Unit, and a White Pass Trail Unit. The boundaries of the Skagway Unit, the Chilkoot Trail Unit, and the White Pass Trail Unit shall be as generally depicted on a drawing consisting of two sheets entitled "Boundary Map, Klondike Gold Rush National Historical Park," numbered NHP–KGR–20, 002B, dated October 1971, and NHP–KGR . . . (to be supplied, dated . . . 1972), which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Within the Pioneer Square Historic District in Seattle as depicted on a drawing entitled "Pioneer Square Historic District," numbered NHP–KGR– (to be supplied), the Secretary will select a suitable site for the Seattle Unit and publish a description of the site in the Federal Register. So long as the Federal Government has not acquired the fee, the Secretary may relocate the site of the Seattle Unit, provided that it shall be within the Pioneer Square Historic District. The Secretary may revise the boundaries of the park from time to time, by publication of a revised map or other boundary description in the Federal Register, but the total area of the park may not exceed 12,000 acres. Upon final location of the Skagway-Carcross highway, the Secretary shall revise the boundary of the White Pass Trail Unit so that the unit's boundary in the vicinity of the highway will be the easterly right-of-way line of the highway.

(b) (1) The Secretary may acquire lands, waters, and interests therein within the park by donation, purchase, lease, exchange, or transfer from another Federal agency. Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of any Federal agency may, with the concurrence of the head thereof, be transferred without consideration to the Secretary for the purposes of the park.

(2) The Secretary is authorized to acquire, by any of the above methods, not to exceed fifteen acres of land or interests therein located in, or in the vicinity of, the City of Skagway, Alaska, for an administrative site; and to acquire by any of the above methods, up to ten historic structures or interests in such structures located in the City of Skagway but outside the Skagway Unit for relocation within such Unit as the Secretary deems essential for adequate preservation and interpretation of the National Historical Park. Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of any Federal agency may, with the concurrence of the head thereof, be transferred without consideration to the Secretary for the purposes of the park.

SEC. 2. (a) The Secretary shall establish the park by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands, waters, and interests therein have been acquired for administration in accordance with the purposes of this Act. Pending such establishment and thereafter, the Secretary shall administer lands, waters, and interests therein acquired for the park in accordance with the provisions of the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666), as amended.

(b) The Secretary is authorized to cooperate and enter into agreements with other Federal agencies, State and local public bodies, and private interests, relating to planning, development, use, acquisition or disposal (including as provided in Sec. 5 of the Act of July 1, 1968 [82 Stat. 356] [16 U.S.C. 460l–22] of lands, structures and waters in or adjacent to the park or otherwise affecting the administration, use, and enjoyment thereof, in order to contribute to the development and management of such lands in a manner compatible with the purposes of the park. Such agreements, acquisitions, dispositions, development or use and land-use plans shall provide for the preservation of historical sites and scenic areas, recreation and visitor enjoyment to the fullest extent that is compatible with the development of the Yukon-Taiya Power Project and facilities necessary to retain the area as a major port.

(c) Notwithstanding any other provision of this Act, the Congress may authorize the construction of the Yukon-Taiya Power Project and the use of such lands and waters within the park as may be required for construction and operation of the project, including the transmission of power.

SEC. 3(a). The Secretary, in cooperation with the Secretary of State, is authorized to consult and cooperate with appropriate officials of the Government of Canada and Provincial or Territorial officials regarding planning and development of the park, and an international historical park. At such time as, the Secretary, shall advise the President of the United States that planning, development, and protection of the adjacent or related historic and scenic resources in Canada have been accomplished by the Government of Canada in a manner consistent with the purposes for which the park was established, and upon enactment of a provision similar to this section by the proper authority of the Canadian Government, the President is authorized to issue a proclamation designating and including the park as part of an international historical park to be known as Klondike Gold Rush International Historic Park.

(b) For purposes of administration, promotion, development, and support by appropriations, that part of the Klondike Gold Rush International Historic Park within the territory of the United States shall continue to be designated as the Klondike Gold Rush National Historical Park.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

## ECONOMIC STABILIZATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MITCHELL), is recognized for 5 minutes.

Mr. MITCHELL of New York. Mr. Speaker, yesterday the House, by a substantial margin of 293 to 114, approved a 1-year extension of the Economic Stabilization Act of 1970.

Had the outcome of this measure been in the least bit of doubt, I would have been present to vote in favor of the extension. However, since it was clear to me that the House would respond favorably to the obvious need for an extension of the fact, I fulfilled an important commitment to the people of my district by journeying to New York City for a high-level conference with key decisionmakers in the Regional Office of the Department of Housing and Urban Development. The topic of our lengthy discussions was the pending applications from several communities in my district for millions of dollars in Federal aid for important local development projects.

I considered it essential to put forth that extra effort by personally traveling to the Regional HUD Office in New York City to advance the cause for the various projects in my district. I could have used the mail or the telephone to plead the case for our important development projects and perhaps that would have done the job. However, in reviewing the situation, I concluded that a great deal was at stake and it would be far better to evidence the depth of my commitment in person than to depend upon long-distance communication.

While the vast majority of the House was agreeing to extend the Economic Stabilization Act, I was reviewing in detail with HUD Regional Administrator William Green and his staff pending applications for millions of dollars of urgently needed assistance for urban renewal projects and housing programs in Rome, Utica, Ilion, Little Falls, St. Johnsville, and Gloversville. We went from one end of my district to the other to discuss the status of projects in support of our continuing effort to improve the economy of our area and the quality of life for our people. It was a most productive session.

It is apparent that the House session yesterday also was most productive. The action to extend the Economic Stabilization Act was both responsive and responsible. It gives to the President, for another year, the immediate response capability he needs to deal with emergency situations as they arise.

The people of the 31st District are well aware of my position on this vital issue because I made public my views some time ago. I have stressed my opposition to permanent economic controls by the Government but I have recognized the need, in rare instances, for temporary controls to restrain damaging inflation.

Of course, there must be fair and equitable administration and application of any controls initiated to make certain that any burden imposed is shared equally by all. Most of us recognize and accept the fact that we have special responsibilities in special circumstances. We are willing to fulfill them, but we want the other fellow to do likewise.

Our common objective is to curb inflation, minimize the possibility of another devaluation of the dollar, avoid a tax increase, and get the Nation's fiscal house in order. The House action yesterday, an action that I fully support, is consistent with that common objective.

## AMENDMENT TO CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MARTIN) is recognized for 5 minutes.

Mr. MARTIN of North Carolina. Mr.

Speaker, I am today introducing a joint resolution proposing an amendment to the Constitution which, I feel will accomplish—if it is proposed by the Congress and then ratified—two purposes. First, it will prevent de jure segregation in public education, and second, it will prevent the imposition of desegregation plans which determine school assignments on a racial basis and require wholesale transportation of pupils to schools distant from their homes.

My proposal is more than an antibusing amendment. It is an amendment that would require that all institutions of government be totally colorblind in making educational assignments. The language of the proposed amendment is as follows:

No governmental or judicial authority shall henceforth, in any way or for any purpose, prescribe or require any attendance assignments in public schools on the basis of race or color.

Congress shall have the power to enforce this article by appropriate legislation.

I am being joined in support of this proposal by 13 other Members of this House, Representatives BRAY of Indiana, BURGENER of California, COLLINS of Texas, DANIEL of Virginia, DEVINE of Ohio, FISHER of Texas, HOLT of Maryland, HUBER of Michigan, LOTT of Mississippi, MOORHEAD of California, RUTH of North Carolina, TREEN of Louisiana, and YOUNG of South Carolina. This is a bipartisan group drawn from every part of the country.

I am very reluctant to join in efforts to add amendments to our Constitution. It is not desirable to do so except as a last resort and for reasons of great consequence to the Nation as a whole. Our Constitution should not become a catchall of minute detail. This has been avoided in the past. Amendments—to my way of thinking—should be considered only when they are supported overwhelmingly by the people and when there is no other recourse. That is the situation in the present case. We face a problem, generally referred to as "busing," which has come to trouble every part of the country. Public opinion surveys throughout America demonstrate strong opposition to the transportation of students to distant schools for the purpose of equalizing the racial composition of schools in a given jurisdiction. Equally strong is the feeling that Government should not enforce a segregated system. The Supreme Court has allowed "busing" orders of district courts to stand and there is, therefore, no recourse but to amending the Constitution.

My own district has been a focal point in the controversy over judicially imposed racial balance. The landmark case of Swann against Board of Education arose in Charlotte, the principal city of the Ninth District of North Carolina. The decision in the Swann case requires extensive crosstown busing of students and has resulted in tremendous costs, both financial and spiritual, to the people of a city and county well known for their moderate position on matters of concern to minorities and also well known for their forward-looking approach to education.

Since Swann, courts have required pupil transportation for the purpose of racial balancing across jurisdictional lines involving three school systems in one State. Following this, there is the question of what will occur in other multijurisdictional metropolitan areas and even multi-State metro areas.

This is certainly not the first amendment proposed to deal with this critical issue. But, it does differ from those which have gone before, and it does so in significant ways. I would like to discuss the wording and the concerns which give rise to that wording.

If an amendment is adopted it will, naturally, be subject to interpretation by the judiciary. Our objective ought to be language which is clear, precise, and effective. It must provide no "outs" allowing its purposes to be thwarted. The language here presented is the product of those who have lived with the Swann case and the Charlotte-Mecklenburg situation.

The purpose of the amendment is to prevent race being a consideration in school assignments, prohibiting assignment of pupils either to create artificial racial balance or to enforce racial segregation.

It uses the term, "governmental or judicial authority" in indicating who is prohibited from making assignments based on race. This term is one not in general statutory use. It is broad and self-definitive. It is all-inclusive and applies to legislative, executive, and judicial authority and to all levels of government, Federal, State, local, single purpose, and general purpose.

It uses the term, "any attendance assignments in public schools," rather than the language used in other proposals because there is a fear on the part of some that language referring to "particular schools" would open the door to governmental direction that a given pupil be given the choice of attending one of two or more distant schools, attendance at any of which would be for the purpose of furthering an artificial racial balance.

The use of the words, "race or color," is a departure from the normal triology of race, creed, or color. Creed or religion is not germane and adds no real dimension to the solution of the problem. What we seek to correct is a situation in which the courts impose requirements for an artificial racial balance. Religion is not now, nor has it ever been, a part of the problem.

I believe this proposal will accomplish—if adopted—the goal of barring school assignments made on the basis of a pupil's race. It will apply quality to a court or administrative agency seeking to bus children hither and yon in quest of a utopian mathematical balance and to some other body possibly seeking to restore de jure segregation.

---

## AN EFFECTIVE TAX TO ELIMINATE SULFUR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, today I join my colleague, the Honorable LES ASPIN, in reintroducing the sulfur tax bill identical to the measure we proposed in the 92d Congress.

Events of the past several months have confirmed the urgent need for this legislation. Court orders, bureaucratic indecision and delays, compounded with budget cutbacks have all severely jeopardized the intent of the Clean Air Act of 1970. Recent newspaper accounts indicate major efforts are underway to delay or even sabotage the 1970 Clean Air Act. It is expected that the administration itself will propose a 3-year delay in the implementation of major portions of the Clean Air Act.

Air pollution control enforcement difficulties at both the State and Federal level demand the simplicity of the sulfur tax approach—an approach which will encourage the installation of air pollution control devices and reward those who make the effort to use low-sulfur fuels.

These problems of enforcement were described about a year ago by Mr. Richard Ayers of the National Resources Defense Council in testimony before the Subcommittee on Air and Water Pollution of the Senate Public Works Committee. Mr. Ayers and his staff had systematically studied 26 State plans submitted to the Federal Environmental Protection Agency, detailing the State proposals for implementation of the Federal air quality regulations mandated by the Clean Air Act of 1970. State plans were characterized by numerous serious deficiencies.

Mr. Ayers cited several of these weaknesses. He found that many plans do not even specify attainment dates for achieving the primary air quality standards, and only a few plans contain source-by-source compliance schedules. Few State plans require mandatory self-monitoring by polluters and the majority do not require recordkeeping. In general, public access to information is poor. Eighteen of the 26 plans have time-consuming multistep enforcement procedures. None of the studied plans contained provisions designed to deal with future growth of polluting industries. Even if States initially achieve the standards, there exists a real question as to their capability of maintaining them.

Mr. Ayers recently told my staff that the problem of effective enforcement on both the State and Federal level has actually gotten worse since last year. He also states that there is not much hope that the Federal Government will effectively compensate for the inadequacies of State efforts.

Even if the Environmental Protection Agency was not "tied up" by the resistance of other agencies, White House inspired delays in the law, and the lobbying efforts of economic special interests, the Agency does not presently possess the resources to enforce the Clean Air Act effectively. In 1970 the administration testified before the Senate Public Works Committee that by fiscal year 1973, implementation of the Clean Air Act would require $320 million, but the fiscal year 1973 request contained only $171.5 million for this purpose. It should be clear from these facts that without further legislative action, the Clean Air Act will not be effectively enforced by either the Federal or State governments.

Under the present circumstances, the effluent tax approach can be an especially valuable enforcement tool in meeting and maintaining the air quality standards established by the Clean Air Act. It is a perfect complement to the Clean Air Act because it cannot be undermined by the factors which are presently hindering the implementation of that legislation.

The collection of the sulfur tax is in no way dependent upon the enthusiasm or the effectiveness of State air pollution control agencies. In fact, because the nationally uniform tax rate is set by the Congress and is administratively simple, and because monitoring of sulfur pollution is relatively easy, administrative discretion is minimal, even at the Federal level. Nor is the effectiveness of effluent taxes dependent on massive budget increases for either EPA or State air pollution control agencies. Effluent taxes usually create net budget surpluses—an extremely important factor in light of the prospects of continuing tight budgets at both the Federal and State levels.

It is also important that the effluent tax constitutes a continuing financial incentive to the polluter to reduce the total quantity of emissions.

The tax approach is consistent with the requirement for improved abatement performance to compensate for total future growth. It would be of great assistance in maintaining air quality standards which are demanded in existing legislation.

Just as the enforcement problems of the Clean Air Act have confirmed the need for the effluent charge approach, recent scientific data has reconfirmed sulfur pollution as being extremely dangerous to the health of our citizens. The recent CHESS report by EPA has indicated that sulfur pollution can have significantly damaging effects on our health, even at levels well below those established by EPA's primary standards. An earlier EPA study had estimated the annual damage done by sulfur pollution to be over $8 billion. This study considered excess deaths caused by sulfur pollution. It did not estimate the costs of increased illness and lost work days. The CHESS data conservatively estimated this figure as an additional $1 billion to $3 billion annually. These results strongly reemphasize the extremely toxic and destructive nature of sulfur pollution and the very high priority which should be given to control this major national health hazard.

It is not surprising that with this new data the administration has strengthened its version of the sulfur tax. In his recent environmental message, President Nixon indicated that his new proposal would increase the tax rate to 20 cents per pound of sulfur emitted, 5 cents per pound above the rate proposed by the administration last year, and the maximum rate imposed by the congressional bill which we sponsored last year. The new administration bill would establish a 20-cent-per-pound emission tax in those regions where pollution exceeds the secondary standards as well as those areas where sulfur levels are above the primary standards. This change moves the administration proposal significantly closer to the concept of the uniform national rate embodied by the congressional proposal. The uniform rate is essential both in terms of administrative simplicity and to avoid the creation of havens for polluters.

It is heartening that the new Executive proposal indicates a growing recognition of the fundamental soundness of the bill we are introducing today—a bill which imposes the 20-cents-per-pound tax uniformly, across the Nation.

This tax is not intended as a proposal to raise revenue for the Federal Treasury. It is my hope that as soon as sulfur pollution is eliminated to the degree where it is no longer dangerous to the American people, the tax would be eliminated. It is intended as a short-term measure—but a measure designed to protect the long-term health of the country.

The strengthening of the administration proposal raises hope that the President intends to vigorously work for enactment of the sulfur tax. Certainly the evidence is now clear that this legislation is urgently needed. I will strongly urge my colleagues on the tax writing committees of the Congress to give the highest priority to the prompt and thorough study of this proposal.

## ONE-YEAR EXTENSION OF THE MATERNITY AND INFANT CARE PROJECTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I am very pleased today to be able to join Chairman MILLS in introducing legislation to extend the special project grants for maternal and child health under title V of the Social Security Act for 1 year.

Our legislation would extend the provisions of title V which provide that 40 per for maternal and child health under the maternal and child health program are to be used specifically for special projects in this area.

Under present law, the funds formerly allocated for special projects would be added to the funds distributed to the States under formula grants after July 1, 1973. At the same time, each State would be expected to include within its State plan for maternal and child health at least one special project for maternity and infant care, children and youth, regional newborn intensive care, dental care projects for children, and a family planning project.

However, the Comptroller General has found that many States do not have funds now, nor do they anticipate having sufficient funds in the future, to continue these highly successful projects. It was also found that neither HEW nor the States had made adequate plans for transition to the State run projects.

Accordingly, we have introduced this legislation for a 1-year extension of title V so that these excellent projects may continue operating and serving over 1 million mothers and children of lower socioeconomic families in central cities and rural areas throughout the country.

I would like to stress that the administration has recognized that the Federal dollar has been wisely spent for these programs. Maternal and child health is fully supported in the budget. However, it is necessary that the formula not be changed this year, in that it would cause significant dislocations in the program. Furthermore, it is clear that States are not prepared to assume the responsibility.

Mr. Speaker, any discussion of the past success of these programs in the inner cities would not be complete without mention of my good friend from New York (Mr. KOCH). He has certainly been the program's staunchest advocate in the Congress. In the last session, he was instrumental in providing the support necessary to secure passage for my bill which extended the life of the program through the end of the current fiscal year. As Chairman MILLS stated upon passage of that extension in reference to Mr. KOCH:

> There are mothers-to-be and children yet unborn who will owe him a debt of gratitude.

I share the chairman's sentiments and his general concern for the future of the program. I hope that we will be able to secure speedy passage of this legislation in order that the work of the dedicated people who staff these projects may continue. These projects are indeed vivid examples of how Government programs can work to alleviate unnecessary suffering through advanced planning and effective preventive health care.

## SPEAKER'S ADDRESS AT ANNIVERSARY DINNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 5 minutes.

Mr. MCFALL. Mr. Speaker, our own eminent Speaker of the House, CARL ALBERT, gave a superb speech at the Time Inc.'s 50th anniversary dinner in Washington, D.C., this past January. He speaks with cogency of the importance of the legislature in our democracy; he offers insights on the operation of the Congress; he describes the recent reforms instituted by the House of Representatives. I recommend his remarks highly, and am proud to insert them in the RECORD today.

The remarks follow:

> Our next speaker, Carl Albert, is the 46th Speaker of the House of Representatives and surely one of the great parliamentary officers of the world.
>
> Time has done many stories about him, invariably noting that Carl Albert went to grade school in Bug Tussle, Okla. Time also notes that he is a graduate, of course, of the University of Oklahoma and of Oxford.
>
> He is serving his 14th term in the House and second term as Speaker. In one of Time's cover stories about the Speaker, we quoted him as saying "The legislature in a country like ours more than either the Executive or the Judiciary has the power to effectuate new policy in a democracy. Its consensus is more of a national consensus than any other and this very fact causes the legislature to be the real cornerstone of a democracy."
>
> Speaker ALBERT. Thank you, Mr. Donovan and Senator Scott, for the remarks that you have made. I congratulate Time for the energy and effort it is putting into the business

of the relationship between the Executive and the Legislative Branches of our Government and particularly the emphasis that it is trying to place upon the Congress.

In the very first paragraph of the very first issue of Time magazine, March 1923, that now-illustrious periodical said:

"The man who was elected President by the largest plurality in history has been reproved by a Congress controlled by his own party."

This observation made on the birth date of Time magazine points up, perhaps, that the differences presently separating Congress and the President are not new but are a part of our sustained experiment in self-government.

The historic separation of powers between the Executive and the Legislative Branches of Government is being tested on many fronts and on four principal issues.

Out of the tragic lessons of Viet Nam, we have been brought to realize that despite the apparent imperatives of the cold war, this country can never again accept without question the paternalistic dogma that "the White House knows best," as applied to war and peace.

Also at issue is the question of Executive privilege and the power of the President to reorganize the Excutive departments even though Congress has refused to do so.

The central issue, however, referring to remarks previously made, at the present time grows out of the impoundment of congressionally appropriated funds.

It seems that the question confronting us today is, as it has always been, just where does congressional power begin or end, and just where does the opposite take place with respect to the Executive?

No series of acts strikes more directly at Congress' fundamental power over the purse, perhaps, than what appears to be the usurpation of that power by the President's impoundment of appropriated funds, particularly as they took place in the last months of 1972 and since that time.

Now, may it not be argued, have not other presidents done this also? Well, of course, up to a point, the answer is yes.

Impoundment of small sums, of reasonable sums, funds that become unnecessary before expended goes back at least to Jefferson. But the President, for all practical purposes, at the present time appears set by the use of the impoundment of funds to imprint on the pages of history during his second term his philosophy of government, regardless of what the Congress might think about it.

The Federal Water Pollution Control Act amendments adopted in 1972, were passed and re-passed over a presidential veto, yet the President has impounded these funds, ultimately releasing less than one half of the money provided to cope with a critical problem over the next two years. All power to legislate, if I understand Section 1 of Article I of the Constitution, and the language is very simple and very plain, is granted to Congress by the Constitution, and to no one else.

The Congress has denied Presidents the item veto, the equivalent of legislative authority, for more than one hundred years. It is obvious that what Congress has refused him, the President nevertheless undertakes to seize. What Congress has decreed, the President has circumvented.

Now the issue here is not whether we should have a tax raise or not, although as a member of Congress I don't vote for tax raises happily. The issue is not whether we can afford inflation or not, although everyone knows that inflation eats at the heart of the average American's pocketbook. The issue here is, where do we draw constitutional lines and do we believe what we say when we say that we will support and defend the Constitution of the U.S.? That is the overriding issue.

Now the President, if I understand his Inaugural Address, has interpreted his re-election as a mandate to strike down the domestic programs passed by Congress over the past 30 years. How such a mandate, if it is a mandate, can be carried out in the Democratic 93rd Congress, fresh from the people, is a puzzle to me.

Congress has received its own mandate, a mandate which our large and, I think, able majority will meet by safeguarding and using our constitutional and exclusive power to legislate on behalf of the American people.

Are we equipped for this task? I see Congresswoman Green here. I had a letter from her, I think yesterday, saying, why doesn't somebody write a book telling what is right with Congress? There is no fun in doing that, but I think she asked an intelligent question.

Let's make a few observations.

The quality of members of Congress today on both sides of the aisle and in both Houses is in my opinion as high as it has ever been in the history of this Republic.

We are neither mired in tradition nor doomed by hardening of the organizational and procedural arteries.

All of us are acutely aware that in order to maintain its strength and vitality, Congress must continually, as must every other institution, retool and reorganize as conditions and problems change. All too often, however, our achievements in this direction are overshadowed, particularly in the press, by more dramatic events, such as the progress of the President's legislative programs, or the appearance of the President or of one of his closest advisers, or the fall from grace of an individual member of Congress.

Modification of the seniority system, alluded to by Senator Scott, actually has been underway in recent years in both houses, maybe not as much as to suit some people and maybe too much to suit many others.

In the House of Representatives we have limited the number of the subcommittees senior members may chair, and we have distributed these positions of influence among newer members of the House. I think we have 107 subcommittee chairmen in the House of Representatives today. We are electing in party caucuses today committee chairmen and ranking minority members.

Similarly in a continuing process of adaptation, we have revitalized the caucus and strengthened the party leadership. We have opened up committee and voting procedures to provide for greater accountability. We have established just a very few years ago, a Committee on Standards of Official Conduct and we have reformed our election reporting laws.

We have expanded our information resources, augmented our professional staff, perhaps not enough, but we have expanded them more than we have room to take care of them in the existing facilities of the House of Representatives. We have strengthened existing congressional research agencies, authorized and funded a Joint Committee on Congressional Operations, and created a new Office of Technology Assessment.

The Joint Committee on Congressional Operations, in consultation with my office, has commissioned work on a major study of congressional communication techniques and potential.

The place of change, the tempo of our attempts to find more effective, more open and more democratic ways to meet our responsibilities has increased steadily over the past two years.

Remember efficiency, perfection, are not the only goals of a democracy. You can't have a free press without a free Congress. You can't have a free Congress without a free press.

You can't have a democratic Congress without recognizing the rights of all of the members even though you do so sometimes at the expense of a more efficient form of government that we might have under a benevolent monarch.

This momentum of change will be sustained during the 93rd Congress.

A new Joint Committee on Budgetary Control is considering methods for strengthening congressional control over the amount and direction of federal expenditures. Meanwhile, Senator Mansfield and I are planning regular joint leadership meetings throughout the session to maintain a check on the pace of the Congress and to consider changes in the legislative program that may seem desirable. We had a breakfast with the entire leadership just yesterday morning; the two Houses on both sides of the aisle, and we have the responsibility for leadership.

In another area of particular concern, I have asked a select committee, headed by Representative Richard Bolling, who is an author of books on Congress, to study the committee structure in order to ensure that our committees do not work at cross purposes, that there is a minimum of duplicated effort, that some committees are not idle while other committees are overworked, and that all have the space in which to do this work. This is the first study of the structure of House committees to be carried out since 1946.

I wish you would examine the biographies of the members of that committee, which Gerald Ford and I put together, and determine for yourselves whether we have chosen a cross-section of members of Congress with extraordinary academic preparation. They compare favorably with 90% of the men that have held the office of President of the U.S. throughout history.

Organizational, housekeeping, and other problems created by the tragic loss of Hale Boggs, the Majority Leader, in the closing days of the last session brought graphically home to me the congressional hiatus that always exists between election day and the day that Congress convenes. This is no reason why we should not do for ourselves what we have done for presidents over and over again in the transition period.

Nixon was elected in November. We gave him the money to make his transition, even when he himself was in control all of the time between election day and his Inauguration on January 20th. There is no reason why we should not authorize and fund a program that would enable the party caucuses to meet in the weeks after the election, nominate candidates for leadership and committee positions, and thus have this organizational work done when the new Congress assembles.

We should be prepared to begin our substantive work in January or February, and not in March or April, as we have done in nearly every first session of every Congress since I have been a member. It is my hope that this is a matter to which we will devote some attention.

As important as continued improvement in our work ways may be, this alone will not check the accelerating usurpation of power by the Executive Branch.

What the President is doing, it seems to me, is creating a crisis that goes to the very heart of our constitutional system, although he may be doing it for a purpose that, in his own mind, is entirely worthwhile. This is the action that must be challenged by the other coequal branches.

The courts should speak to the issue that is presented to them. The Congress should speak to the issue. The American people should insist that the balance of powers stipulated in the Constitution should be respected.

This is an issue to which committees in both bodies of Congress are addressing themselves. I see here one of the greatest constitutional lawyers in America, Senator Ervin of North Carolina, respected for his knowledge and defense of the Bill of Rights, and the body of the Constitution itself. He is already addressing himself to this subject in these very early days of the first session of the 93rd congress. On our side, we are calling upon appropriate committees and eminent constitutional authorities to give us such insight as they have on this subject. Several

bills already have been introduced dealing with these matters.

Our aim is positive in that we seek to retain the constitutional prerogatives of our branch of Government. Our aim is not to diminish the presidency or to attack the President. We need a strong President. Our aim is to command the respect of the Executive for the functions of the Congress as representatives of the people.

Our aim is to protect the people's branch of the Government. We need a strong people's branch and I think we have one. Of course, the people will ultimately decide on how this issue will be resolved. They always have and they always will unless we completely change the form of government under which we operate.

I call to mind a succinct and still meaningful answer given us by Woodrow Wilson when he said: "Democracy flourishes only as it is nurtured from its roots. A people shall be saved by the power that sleeps in its own deep bosom or by none. The flower does not bear the root, but the root the flower."

Thank you.

## SPEAKER JOHN W. McCORMACK HONORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, on Saturday evening, April 7, the Congressional Staff Club held its 38th annual dinner at the Shoreham Hotel. Traditionally, the club awards its Man—or Woman—of the Year award, and this year the award went to one of the most outstanding Members of Congress of all history, former Speaker John W. McCormack. Mrs. Burke and I were honored to attend.

As Sid Yudain, the editor of Roll Call, remarked during the program, this was the first time that the Staff Club's annual dinner was conducted in stereo—"two Speakers in the same hall"—because Speaker of the House CARL ALBERT was present and participated in the program.

The president of the Congressional Staff Club, Barbara McMahon of Representative BOB PRICE's staff, presented the award to Speaker McCormack. The Speaker responded with a rousing speech which centered on the vital role played by congressional staffs in the legislative life of Congress.

The chairman of the event and the club's first vice president, Fowler West of the House Agriculture Committee, then introduced Speaker ALBERT, who spoke eloquently of his long and close association with his predecessor, Speaker McCormack.

Afterward, Sid Yudain, the editor of Roll Call, presented his traditional Secretary of the Year award. This year's designee was Don Zahn of Representative JOHN PAUL HAMMERSCHMIDT'S staff. Don is a former president of the Congressional Staff Club.

Entertainment was then provided by the well-known political satirist Mark Russell.

Speaker McCormack's remarks were filled with praise for congressional staffers. He emphasized how he as Speaker had relied heavily on the staffs of both Members and committees. While he served as Speaker, he worked closely with the Congressional Staff Club in its activities.

Following is a description of the Congressional Staff Club's activities along with a bit of its history:

THE CONGRESSIONAL STAFF CLUB

HISTORY AND FUNCTIONS

On April 7, 1973, the CSC celebrated its 38th year on Capitol Hill.

From its origins in 1935 until the present time, the Congressional Staff Club has endeavored to meet the professional, cultural, social, and recreational needs of its members. It is, in fact, the "Voice of Capitol Hill" that speaks in behalf of Congressional Staff members.

When the Club was organized over a third of a century ago, it had a total membership of 30. Today it has grown to almost 3,000 secretarial, clerical, administrative, professional, and supervisory employees of Congress—or an average of four members for every Congressional office, both House and Senate.

The purposes of the Club are set forth in the constitution as follows:

To work toward the solution of problems common to all Congressional offices;

To promote cooperation between Congressional offices and between Congressional offices and Government agencies;

To promote the general welfare of Congressional secretaries, Committee personnel, and other Capitol Hill employees;

To provide a program of social activities for the entertainment, enlightenment, and relaxation of Club members.

In striving to meet these purposes, the Club operates under a carefully drawn constitution and is a non-profit, non-political, charitable, civilian organization. The Club is governed by an Executive Board consisting of five officers and six directors, with the immediate Past President in a consulting capacity, making a total of twelve members.

Each year both the Presidency and the First Vice Presidency must alternate between a member of the Republican and Democratic Parties. In addition, no more than six members of the Executive Board can be of the same political party.

Through the years the Club has never lost sight of its basic purposes. The Coordinator of Information, which office was abolished in the 90th Congress (Public Law 90-57), the Daily Digest of the Congressional Record, expanded parking facilities, improved cafeteria service, employee I.D. Cards, Congressional staff automobile tags, better police protection, an employee blood bank, an employee credit union, and a group income protection and accident insurance programs are but a few example of the many staff improvements sponsored or supported by the Club.

On the social and recreational side, the Club annually sponsors three parties (Installation, Election, and Adjournment), a family picnic, the Club banquet, a bowling league, men's and ladies' softball teams, a basketball team, a choral group, and golf activities.

In addition, the Club sponsors various low cost vacation trips both within and outside the United States.

The Club also sponsors from time to time, various charitable activities, theatrical productions, art classes, fashion shows, health programs, and foreign language classes. The Club also periodically publishes an official CSC Handbook.

Mr. Speaker, I feel that former Speaker McCormack's acceptance speech that night was outstanding and that it clearly stated what many of us feel about our staffs. I regret the Speaker had no prepared remarks for insertion in the RECORD, as he spoke to us from his heart.

## A SERVANT OF THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Illinois. Mr. Speaker, a resident of my district, Daniel J. Shannon, recently resigned his position as president of the Chicago Park District due to increased responsibilities as administrator of the Central States, Southeast and Southwest Areas Health, Welfare, and Pension Funds.

During his tenure of office at the Park District, Mr. Shannon displayed aggressive and innovative leadership, a real concern for improving the environment and a true grasp of what it means to be a servant of the people. Ninety-one new parks were established during his years in office alone.

But Dan Shannon did not measure his success by the number of parks Chicago could build. He had more challenging projects in mind.

He made indoor/outdoor ice skating and tennis available in a sports complex built under his direction. Three thousand Chicagoans were introduced to yoga lessons and the 1972 Olympic swimming trials were held in Chicago's Portage Park.

Thousands of underprivileged youth were exposed to a boxing program organized by professional boxers and well-known Soldier Field was given a new lease on life through extensive renovation.

The Park District combined the financial resources of museums located on park property and through a program of matching grants, the Lincoln Park Zoo, Adler Planetarium and the like benefited tremendously.

The Lincoln Park Zoo in particular underwent a substantial facelift under Dan Shannon's direction. There is now a minimum of cages and an emphasis on the natural habitat of the animals.

Dan Shannon included groups of people in his park plans who had been excluded in previous years. He hired professionals to build a garden for the blind with braille markers and grated ramps. He was personally instrumental in establishing physical fitness programs for mentally retarded youngsters which later became the Mentally Retarded Special Olympics.

I wish Dan Shannon well, knowing that he will bring the same dedication and expertise to his new position. It is my hope that the Chicago Park Distrct will continue the programs Dan Shannon so ably began.

## ENVIRONMENTAL EDUCATION HEARINGS

The SPEAKER pro tempore. Under a order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, this morning a distinguished American radio and television personality, Arthur Godfrey, presented an eloquent statement before the Select Subcommittee on Education, which I have the honor to chair,

in support of continuing the Environmental Education Act.

Indeed, he suggested that continuation of the act "indefinitely," and not just for 3 years, "should be an academic matter."

For, said Mr. Godfrey:

America needs more than an environmental program or even an environmental ethic. It needs a "nature ethic" by which students can be taught less about man-oriented values and more about nature-oriented values.

And to indicate his own outrage, Mr. Speaker, at the pollution we have visited upon our environment, Mr. Godfrey told my subcommittee that he had severed his advertising relationship with an automobile company because, he said:

The only automobile I could now sell, in good conscience, is an electric car I have been driving on and off for the past two years in Detroit.

Concluded Mr. Godfrey with a smile:

The Environmental Education Act should be the place where Congress should write a blank check.

ADMINISTRATION POSITION

Yet in spite of the testimony of this leading American, as well as that of educators and environmentalists who appeared before my subcommittee today, in support of the Environmental Education Act, President Nixon's 1974 budget proposes that we kill this modest program which has proven so effective in the past 3 years.

Indeed, Mr. Speaker, this latest proposal by the President continues this administration's long history of hostility toward this measure.

The second annual report of the Advisory Council on Environmental Education, issued just last month, perhaps sums up the administration's attitude most tellingly.

Says the report:

Environmental education has received little more than lip service from the Executive Branch. We are nearly as far from achievement of its goals as we were at the time of the passage of the original legislation three years ago.

And the Advisory Council is echoing with that statement, Mr. Speaker, the words of our distinguished former colleague, who also served for a time as the Secretary of Interior, Stewart Udall, before my subcommittee on October 28, 1971.

Said Mr. Udall with regard to the administration's attitude toward environmental education:

The music is good, but the footwork is slow.

HEARINGS TO CONTINUE THURSDAY

Mr. Speaker, on Thursday, April 19, we will continue our hearings on H.R. 3927, a measure cosponsored by myself and my distinguished colleagues, the gentleman from Idaho (Mr. HANSEN), the gentlelady from Hawaii (Mrs. MINK), and the gentleman from New York (Mr. PEYSER).

On Thursday we will hear administration witnesses testify as to their views on continuing the Environmental Education Act.

Scheduled to testify are the Honorable Sidney P. Marland, Jr., Assistant Secretary for Education, Department of Health, Education, and Welfare; accompanied by Walter Bogan, Director of the Office of Environmental Education.

We will hear, in addition, from two former members of the Advisory Council on Environmental Education, Richard Myshak, executive director of the Minnesota Environmental Sciences Foundation, Inc.; and Edward Weidner, chancellor of the University of Wisconsin at Green Bay.

Tony Mazzocchi of the Oil, Chemical, and Atomic Workers International Union of the AFL–CIO, and our distinguished colleague from Minnesota, BILL FRENZEL, are also scheduled to testify on Thursday.

Mr. Speaker, I insert in the RECORD at this point excerpts from the second annual report of the Advisory Council on Environmental Education:

OFFICE OF EDUCATION, ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION,
*Washington, D.C., March 1, 1973.*

Dr. JOHN OTTINA,
*Acting Commissioner, U.S. Office of Education, Washington, D.C.*

DEAR COMMISSIONER OTTINA: The Advisory Council on Environmental Education has recently completed a year of diligent service as representatives in advising and assisting the implementation of the Environmental Education Act of 1970 (P.L. 91–516).

Representing a wide variety of backgrounds and interests, the Council has attempted to carry out its mandated responsibilities.

As the report indicates, the Council has continued to operate under a limited budget and without formal staffing, thereby frustrating our efforts to produce more comprehensive results.

The Office of Environmental Education has also suffered from inadequate funding and staffing. This has hampered overall administration of the Act.

Bearing these constraints in mind, the Council questions that real progress in environmental education can be achieved unless and until there is significantly greater commitment by the Department and the Administration.

We urge your careful review and consideration in responding to the critical problems outlined in this Report.

Sincerely,

ELLA MAE TURNER,
*Chairman.*

---

SECOND ANNUAL REPORT

I. FOREWORD

In the year since the First Annual Report of the Advisory Council on Environmental Education, the most compelling problems confronting the people of the world remain peace, poverty, population and pollution. Although peace appears to be somewhat closer at long last, progress in the other areas of critical concern to society is less evident. Most Americans are aware of the deterioration of the quality of the environment and genuinely desire to reverse that trend, but governments and institutions have been slow to respond effectively.

Since it is now widely accepted that the survival of human-kind depends upon coexistence with each other and the limited earth resources which support our fragile ecosystem, we must provide the contingent education for sound resource management and environmental planning. It has also become clear that the entire educational system must be revised and revitalized to meet these needs which the Environmental Education Act of 1970 defines as ". . . man's relationship with his natural and manmade surroundings, and includes the relation of population, pollution, resource allocation and depletion, conservation, transportation, technology, and urban and rural planning to the total human environment."

That Act (Public Law 91–516) was created to encourage the development of programs dealing with the process of relating man to his environment. Specifically, the legislation provided for Federal grants to a variety of public and private agencies, and a public and technical information responsibility in the U.S. Office of Education. Within that office, an Office of Environmental Education, as stipulated in the law, was designated in late 1971 to implement these functions.

The Act also provided for the establishment of an Advisory Council on Environmental Education composed of 21 representative citizens to review and report on the development and progress of environmental education programs. Bogged down in bureaucratic delays, the Council finally became an operating unit in December of 1971, with 19 appointees. It continues to be severely handicapped by the lack of adequate funding, lack of any staff personnel and lack of the full number of authorized appointments.

As noted in the Council's First Report, if it is to achieve its Congressional mandate to represent the environmental education needs and interests of the people of the United States, the Council should have been involved in the following activities:

Participation in the planning process for programs under the Environmental Education Act;

Program review during the developmental stages;

Recommendation of changes and modifications as appropriate;

Identification of problems beyond the scope of the Council to be channeled to the proper offices and officials; and

Dissemination of information for general public awareness and for technical assistance to new or continuing programs throughout the country.

Despite the acute limitations indicated, the Council's three Standing Committees have carefully analyzed the status of the Environmental Education Act and the Office of Environmental Education from these perspectives. The following report details the Council's findings and recommendations.

II. SUMMARY RECOMMENDATIONS

After reviewing the serious handicaps in the implementation of the Environmental Education Act, the Advisory Council recommends:

1. Extension of the Environmental Education Act.
2. Possible relocation of the Office of Environmental Education.
3. Evaluation of the environmental education grants program.
4. Creation of an interagency coordination committee for environmental education.
5. Restructuring the Advisory Council on Environmental Education.
6. Full staffing for the Office of Environmental Education.

III. DETAILED FINDINGS AND RECOMMENDATIONS

1. Extension of the Environmental Education Act: The Environmental Education Act of 1970 (P.L. 91–516) was passed as a result of Congressional initiative supported at the grass roots by educators, community action groups, conservationists and private citizens. The Act authorized a three year program of $5 million for fiscal year 1971, $15 million for fiscal 1972, and $25 million for fiscal 1973.

Appropriations never even approximated authorizations. Actual program funding totalled only $1.7 million in 1971 and $3 million in 1972, permitting the award of only 236 grants out of 3500 applications received. In those two years, staff and program support also came out of the line-item appropriation. The estimated program funding for fiscal 1973 is $3.1 million with staff and program support costs borne by the overall Office of Education budget for the first time. Despite these limitations, public interest has re-

mained high and fiscal 1973 applications are expected to reach earlier levels.

The importance of environmental education has been underlined by numerous governmental agencies, advisory committees and private groups. In its 1972 report to the President, for example, the Citizens' Advisory Committee on Environmental Quality stated that ". . . the quality and accessibility of environmental education in this country . . . must reach citizens of all ages, encompass numerous academic and technical disciplines, and utilize the broadest possible range of formal and informal educational settings. . . ."

Due to the failure of the Office of Education to provide the Office of Environmental Education with staff, physical facilities and administrative support, the beginning of the program was delayed for nearly a year after its enactment. In the course of its discussions with recipients, examination of project reports and personal visits to on-going projects, the Council finds that although there are many outstanding projects underway, these first three years cannot be considered a fair trial of the Congressional mandate. It is unrealistic to think that an environmentally aware public or an environmentally sensitized student population can be achieved in three years (or even six) with only $7. million (estimated) in direct funding. The need is too great and public interest too high to abandon the effort now. The program should be continued.

2. Possible relocation of the Office of Environmental Education: In recommending the extension of Public Law 91–516, the Council does not necessarily recommend a continuation of the present bureaucratic location of the environmental education program. From the passage of the Act, Office of Education and Department of Health, Education and Welfare officials have been virtually silent on the subject of environmental education despite President Nixon's own support for the concept. In his February 8, 1971 Message to the Congress, the President said:

"The building of a better environment will require in the long term a citizenry that is both deeply concerned and fully informed. Thus, I believe that our educational system, at all levels, has a critical role to play."

Throughout its bureaucratic life, the Office of Environmental Education has been subject to considerable harassment including several office moves, inability to hire its full staff complement, delays in clearing documents and abrupt changes in deadlines.

If the Assistant Secretary for Education and the Commissioner of Education cannot assure the Congress that it will give priority to environmental education programs, as the present law provides, then any new or extended program should be located in more hospitable surroundings.

In view of the large number of pending governmental reorganizations, the Council does not have a specific recommendation at this time, but it hopes that the Congress will insist on this point in any consideration of new legislation.

3. Evaluation of the environmental education grants program: It is critically important that a careful and thorough review and analysis of the programs funded under P.L. 91–516 be undertaken. Such a review may enable the development of guidelines and model programs of national scope and significance for implementation throughout the United States.

The evaluation should be undertaken in the context of the criteria developed by the Council pursuant to Section 3(c)(2) of the Act and incorporated in the guidelines sent to potential applicants by the Office of Education.

It would be a violation of the public trust to deny to educational institutions and citizens groups the benefits of both the successes and failures of the efforts to date.

4. Creation of an Interagency Coordination Committee for Environmental Education: Although the legislative history of the Environmental Education Act indicates that environmental education programs were to be "synergistic" in that they would draw not only on resources provided by the Act but also on those of other educational programs such as Titles I and III of the Elementary and Secondary Education Act, vocational education, cooperative education and the like, there is some confusion as to the extent to which this mandate has been carried out. In April 1972, the Deputy Commissioner of Education for Renewal told the House Select Subcommittee on Education that $11.5 million would be made available through this means in fiscal year 1972. There exists, however, at least for the record, no document indicating whether or not this was done, or whether or not programs called "synergistic" in fact served an environmental education need.

However a new or extended environmental education bill is structured, the Council recommends that a federal interagency coordinating committee on environmental education synergy be created under the aegis of the Council on Environmental Quality. The committee should be chaired by the Director of the Office of Environmental Education and include provision for the inclusion of advisory representatives of states and national private agencies.

The coordinating commitee should be a working group sharing information and experience in an effort to maximize the effectiveness of the national environmental education effort. It should prepare a summary of its activities and recommendations for inclusion in the annual report of the Council on Environmental Quality to the Congress pursuant to the National Environmental Policy Act of 1970.

5. Restructuring the Advisory Council on Environmental Education: An advisory council can be no more effective than the program it serves and it, too, must have adequate resources and sufficient support within its agency to meet its objectives. Like the Office of Environmental Education, the Advisory Council has been beset with delays. Created more than a year after the passage of the Act, the Council was naturally unable to participate fully in the first year of grant awards. It has never had its full complement of 21 members as called for in the law.

Nevertheless, the Council has sought to do its job as effectively as possible and in all instances has received excellent cooperation from the Office of Environmental Education staff. As a result of its 16 months experience, the Council does have specific recommendations we believe could make it a more effective part of the overall environmental education effort:

1. Reduction in membership from 21 to 15;

2. Election of the Chairman by the members of the Council;

3. The provision of regular professional staff.

6. Full staffing for the Office of Environmental Education; the Office of Environmental Education has never had sufficient staff and for the past year has not even had the full complement of staff positions assigned to it. Through personal observation of Office activities, the Council finds that it is literally impossible for the staff to keep up with the daily demands on their time and resources despite the dedication of personnel willing to devote evenings and weekends to getting the job done.

In addition to its own considerable workload, the staff has also had to service the needs of the Council. Although members have been willing to make their own travel and meeting arrangements and cooperate in any possible way, in the absence of regular professional staff it has been seriously hampered in fulfilling its own legislative mandate.

IV. CONCLUSION

In three State of the Union Messages and three Special Messages on the Environment, President Nixon has spoken of the need for environmental literacy, new values and attitudes, and environmental awakening. At the time of the Third Annual Report of the Council on Environmental Quality in 1972, the President stressed the importance of both formal and informal education to prevent the environmental movement from becoming elitist.

The Environmental Education Act, signed into law October 30, 1970, was intended by the Congress to address the environmental needs of all citizens. It was widely believed that the Environmental Education Act and the National Environmental Policy Act of 1970 were mutually supportive laws, which read together provided a strategy for environmental protection involving standards, monitoring, enforcement, evaluation and dissemination in keeping with the mandate of P.L. 91–516 ". . . to encourage understanding of policies, and support of activities designed to enhance environmental quality and maintain ecological balance . . ."

Environmental education has received little more than lip service from the Executive Branch. We are nearly as far from achievement of its goals as we were at the time of the passage of the original legislation three years ago. In part through the efforts of the Office of Environmental Education, the needs are now more clearly articulated and there is stronger public support for an educational effort to enhance respect for the quality of life and to provide the practical tools for environmental problem-solving. Although the President has not requested additional funding for environmental education due to the potential expiration of the Environmental Education Act on June 30, 1973, it is the hope of this Council that the Congress which gave the Act life will let it continue to grow and assign it to an Agency which will conscientiously and creatively administer it.

The continued existence of the environmental education program will put us to the ultimate test: Are we sufficiently committed to environmental quality to match our resources with our rhetoric?

## PATENT REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 30 minutes.

Mr. OWENS. Mr. Speaker, on behalf of Mr. MEZVINSKY and myself, I am today introducing the Patent Reform Act of 1973.

For at least the past 6 years, the Congress has been considering patent reform. In April 1965, President Johnson established the President's Commission on the Patent System to do a comprehensive survey and recommend improvements. In November 1966, the President's Commission released its report, with 35 recommendations. In February 1967, the administration introduced H.R. 5924, the Patent Reform Act of 1967, which largely embodied the recommendations of the President's Commission. This and various substitute bills were the subject of extensive hearings in both Houses, causing further redrafting of the proposed revisions to the Patent Code.

The House Subcommitte No. 3 of the Judiciary Committee held extensive hearings and then awaited hearings and other action from the Senate. The Patents, Trademarks, and Copyrights Subcommittee of the Senate finally reported a bill (S. 643) in October 1971. S. 643,

as reported, represented a compromise. The more controversial of the Presidential Commission's recommendations—such as the first-to-file concept and elimination of the 1-year grace period—were deleted, with only 14 of the original 35 recommendations left. Early publication of the patent application, prevention of abuse in continuation and reissue applications, deferred examination, effective court review—to name but a few more—were deleted.

In his March 1972 technology message to Congress, the President called a "strong and reliable patent system" an important predicate to U.S. technological progress and industrial strength. But—to date—there has been no patent reform.

Elimination of most of the reform measures recommended by the Presidential Commission has been due to massive resistance to change by the organized patent bar. Indeed, even the modest reforms embodied in S. 643 caused such a hue and cry from the private patent bar as to prevent further action in the 92d Congress. Whatever proposals for change that have been made by the organized patent bar have been retrogressive, seeking to lower the standard of invention and create barriers to effective evaluation and elimination of improper or fraudulently procured patents.

The needs of the public and American industry, however, dictate that patent reform should not stop. The whole patent system now discriminates in terms of time, cost, and effect against the individual inventor and small entrepreneurs. It is geared to the major corporation, which uses and may abuse the system. Its constitutionally based objective is not being carried out, it is impeding—rather than promoting—effective competition with foreign firms, and is viewed with hostility by the public, judiciary, and legislature.

The patent system is tediously slow—beset by internal paralysis through archaic procedures. Legitimate inventions are denied prompt disposition, and non-inventions and fraudulently procured patents slip through gaping procedural loopholes. Corporations seek and obtain patents and then never commercially work them, further clogging the system and proliferating needless monopolies, but blocking legitimate endeavors and significantly impeding the flow of commerce. Adequate disclosure is the exception in the patent system, rather than the rule; and the public consequently does not receive what it bargained for in return for the grant of the privilege accorded by the private patent monopoly.

The patent system is very sick and perhaps failing, and the results are clear to see. Fully 72 percent of the patents litigated in the Federal courts of appeals are held invalid, and fewer than 20 percent of the litigated patents are upheld as valid and infringed.[1] This represents an increase from a rate of 57 percent invalidity for the period 1953–63. Such a high rate of invalidity means that many more patents issue than are warranted. Simply put, this means that the Patent Office has not been doing its job of weeding out bad and unjustified patents.

This high rate of invalidity arises, because the standards applied by and techniques available to the Patent Office are inadequate. The Supreme Court itself has pointed out there exists "a notorious difference between the standards applied by the Patent Office and by the courts."[2]

This discrepancy in legal standards has resulted in indiscriminate granting of patent monopolies, without limiting them to true "discoveries." This is contrary to what the Constitution requires. As a Federal District Court judge from New York recently put it:

> To be honest, this Court is rather amazed to find that a patent as flimsy and as spurious as this one [in suit] has been granted by the Patent Office. Clearly, the Patent Office is still not applying the strict constitutional standard required in all patent cases.[3]

For the Patent Office to issue so many spurious or dubious patent monopolies, the validity of which Federal courts must then adjudicate, is an improper burden on the courts. It is also against the best interests of the public, the investor, and the legitimate inventor:

> To await litigation is—for all practical purposes—to debilitate the patent system.[4]

The legitimate inventor may find research and development fenced off by a plethora of invalid or questionable patents, blocking legitimate areas of inquiry. Or, the legitimate inventor—or the company to which the patent is assigned—may think he has legitimate monopoly power he can rely upon, when, whether because of improper Patent Office standards, or because the applicant's patent attorney improperly cut corners, the patent may in fact be worthless or even a source of risk and expense. As a consequence, the public could invest great sums of money in a company, because of a seemingly valuable patent that later turns out to be spurious and invalid.[5]

On the other hand, an unscrupulous inventor, or a company indifferent to a patent's validity, may use a weak patent to exact monopoly tribute—royalties—from competitors and the public. Rather than challenge the patent's validity, which may cost more than $1 million in legal fees alone, a competitor might find it simpler to pass the monopoly charges on to consumers in higher prices.

This illegal monopoly exaction from the public can often be of great magnitude, as witnessed by the invalid tetracycline antibiotic patent issued as a result of fraud on the Patent Office. One witness estimated that the $100 million plus damage settlement offered by the tetracycline offenders represents only 10 cents on the dollar of the damage done to the public that bought and used this important drug. That $100 million alone—the minimum damage caused the public by just one invalid patent—is nearly double the annual appropriation of the U.S. Patent Office.

All of these effects coalesce into one additional and substantial harm: The patent system falls into disrepute with the consumer, the businessman, the judge, and the legislator; and its legitimate purposes become more and more difficult to accomplish.

One reason for this poor job in issuing patents is the number of operational weaknesses surrounding the present system of patent examination. As Mr. Justice Fortas put it recently:

> A patent monopoly is typically granted in a secret, ex parte proceeding before a minor bureaucrat called a patent examiner.[6]

Or as Federal District Court Judge Hubert L. Will from Illinois, complained 3 years ago:

> [Obtaining a patent] is one of the few areas in which there are not adversary proceedings in which there is substantial economic benefits to be gained. . . . This is one of the very few governmentally conferred economic privileges, monopolies, in which there is no public hearing.[7]

Because the patent prosecution is generally an ex parte proceeding, the Patent Office is at a disadvantage, for it must rely upon the representations of the applicant and his patent attorney. The Office has no facilities for performing its own tests or referring matters to other Government agencies that have such facilities. The Patent Office also has no subpena power and no contempt power. As the Supreme Court said:

> The Patent Office is often obliged to reach its decision in an *ex parte* proceeding, without the aid of the arguments which could be advanced by parties interested in proving patent invalidity.[8]

Unfortunately, the candor and good faith of the applicants and their counsel are not always all they should be.

Lacking adversary procedures, and the benefit of conflicting arguments, patent examiners—often young, inexperienced, and lacking adequate research tools—simply are not able to research adequately all the prior art nor to ferret out any false and erroneous statements. Moreover, the workload is so great that an adequate amount of time cannot be spent on each patent application. The average Office action receives about 5 or 6 hours review, and the average patent receives a total of about 15 hours review.

The patent lawyer representing the applicant knows the handicaps the examiner faces and, all too often, may take advantage of them. Although he may complain of the Patent Office backlog and of the 2 to 3 years it takes for a patent to issue, the lawyer nonetheless may make the Office's job as difficult as possible. He often treats the Office as his adversary, disclosing no more than he is compelled to, answering no questions until asked, and giving answers based on the most narrow and precise constructions as he can imagine. As a result, the patent examination process is, in the words of Judge Will, "a game of semantics, hide and seek with the Examiner."[9] Or, in the words of Federal District Court Judge Miles W. Lord from Minnesota:

> [The Patent Office] has got to be the sickest institution that our Government has ever invented. It is just as far as I can see an attritional war between the patent applicant and the patent examiner who apparently got paid on the piece work for how many patents they could put out.[10]

But not only are the proceedings ex parte, they are secret. There is no transcript or recording made of the various meetings held at the Patent Office.

And, not surprisingly, in light of the

Footnotes at end of speech.

way the Patent Office works, a large number of recent decisions in the Federal courts have held patents invalid or unenforceable against alleged infringers because of "unclean hands," "fraud," "material misrepresentations," or an "intentional failure to state material facts" in dealing with the U.S. Patent Office. The deceptive or fraudulent acts have included, among others, patenting the invention of another as one's own,[11] deliberate withholding of relevant prior art,[12] deliberate suppression of relevant test or other factual material,[13] and conspiracy to prevent prior art from coming to the attention of the Patent Office.[14] Considering the facts that the governmentally protected monopoly the Patent Office grants can be worth hundreds of millions of dollars, it is no wonder that without safeguards this happens.

Another reason for the high rate of invalidity of patents centers about the Court of Customs and Patent Appeals—partly as a result of the structure of this special interest court and partly as a result of its interpretations of the Patent Code.

As a general rule, the CCPA reviews Patent Office denials of patents. It does not review decisions to grant a patent. So, unless the CCPA were to decide every case in favor of the Patent Office—which, of course, it should hardly do, and it does not do so—it can only create precedent for granting more patents.

Furthermore, in proceedings before the CCPA, the Patent Office argues to uphold the denial of the monopoly grant sought, using only the record developed in the Patent Office. This has the effect of limiting the CCPA to the same ex parte record that was developed before the Patent Office. As a result, the CCPA, as well, is denied the benefits of discovery against the applicant under the Federal Rules of Civil Procedure and evidence from third parties opposing the issuance of the patent.

Unlike the rest of the Federal judiciary, CCPA judges are not exposed to the general trend of the law and the cross-currents of policies constantly being argued and adjudicated there. It is not surprising, therefore, that the CCPA has been deciding more and more important cases in favor of the applicants and weakening even more whatever standards of patentability the Patent Office had. This attitude is well demonstrated by the recent decision of the CCPA in *In re Mixon and Wahl*, decided January 18, 1973. Chief Judge Worley—a former member of Congress—in his last opinion before retirement, took the opportunity to make "a few personal observations":

> During that time [as a member of the C.C.P.A. for the past twenty-two years] I have resolved reasonable doubt on questions of patentability in favor of the inventor, never sure whether I was helping or harming him, the public or the patent system. . . .
>
> However, with the passage of time, it seems that we are now the only court in our judicial system which has continued to follow the policy—and it is nothing more—of resolving doubt in favor of applicants for patents. The question arises in my mind whether this court should pursue its lonely course—. . . . Nor does it make sense to accord a duly issued patent a presumption of validity when its issuance is dependent on resolving an admitted doubt as to the very issue of validity in the applicant's favor. I cannot believe Congress ever contemplated that the granting of a patent monopoly would turn on a resolution of doubt.

As indicated above by Chief Worley, the CCPA has consistently construed the Patent Code to require the Patent Office to grant a patent, in all cases no matter how frivolous, unless the Office can find some specific reason not to do so. No other Government agency has such a burden to overcome in performing its administrative function. As Thomas Jefferson recognized, and as the Supreme Court has also said, a patent is not a matter of natural right. As any other applicant would in petitioning for a special economic privilege—such as an airline route or a radio frequency—the would-be patent monopolist should bear "the burden of persuading the Patent Office" as the President's Commission recommended.

In addition to being anomalous, this practice discourages disclosure and impedes the examination process. As the CCPA interprets the Patent Code, it is to the advantage of the applicant not to disclose his case, for the Office may make a mistake and grant more of a monopoly, first, than it realizes because of broad or deliberately ambiguous language or, second, than the applicant can justify, if required to explain the scope and outer boundaries of the monopoly he seeks. Judge Will discussed this problem succinctly:

> It is idiotic that [the Patent Office] should be playing hide and seek with applicants and their counsel. . . .[15]
>
> It is [now] the government's job to find out and establish the nonpatentability [of a patent] beyond a reasonable doubt, but [the patent applicant and his attorney] don't tell them anything to help them find out whether or not this is a new idea, an invention, whether it has been thought of before. . . .
>
> The whole thing is geared to a low standard of conduct. It imposes no obligation on the counsel or the applicant to tell the Patent Office what he undoubtedly knows with respect to prior art.[16]

One tragic result of these operational defects in the Patent Office, as reinforced by the CCPA, is that the public and the Federal judiciary have gradually lost their respect for patents and the patent system. As Mr. Justice Fortas said:

> Most judges, rightly or wrongly, are inclined to think that a strong, well-financed applicant has a pretty good chance of getting at least some patent claims allowed somewhere along the line, and they don't have much confidence in the process or respect for the result.[17]

In addition to the comments cited above, various sitting judges have even made more sweeping condemnations of the patent system. No doubt, and quite naturally, their experience gained in learning how flimsy and spurious some patents are, and how low the standards of the Patent Office and those appearing before it were in those specific cases, carries over into their consideration of how the Patent Office works generally.

To quote them:

> I think the WPA was a cheap operation compared to the Patent Bar, if you want to know what I think about patent lawyers. Let me make it very clear to you that they do not rank among my highest practitioners of law.[18]
>
> [The Patent Office] has got to be the weakest link in the competitive system in America.[19]
>
> The presumption of validity of an issued patent, as far as I am concerned, is a myth.[20]
>
> [T]he volume of patent applications processed by the Patent Office and the ex parte nature of the proceedings further undermines any presumption given the [patent in suit].[21]

Judge Will put it best, I think, when he said:

> [T]here is something wrong with a system which doesn't have built into it some sort of normal safeguard against abuse where the stakes can be as high.[22]

The United States alone has failed to recognize the change in the role of patents and the existing patent examination system—from its inception in 1836—to the corporate, economic, social, and technological environment of the 20th century. The 1952 act represented a codification of prior practice and case law, but did not update the system. Virtually every other industrialized nation within the past 20 years has adopted a patent system more in conformity with modern day realities, which concepts in part have been incorporated in the Patent Reform Act of 1973, which I am today introducing.

The individual inventor has given way to massive corporate and organized research; only 20 percent of patents issued are individually owned. The expense and complexity of technology has increased exponentially; over 100,000 patent applications were filed last year. Foreign skills have begun to catch up to ours, and international competition in technological development has increased dramatically; 25 percent of the patent applications filed in the United States—over 25,000 of them in any year—are filed by foreigners.

With the U.S. technological leadership position being increasingly challenged, and with substantial worldwide competition from nations of increasing economic strength, it is time for the Congress to assert its leadership role in reforming the patent system to make it compatible with the economic realities of today. Even the English patent system—the forerunner of our system—back in 1623, in the Statute of Monopolies, recognized that limitations were necessary to the proper maintenance of a patent system. Patents were authorized when not "mischievous to the State, by raising of the prices of commodities at home, or hurt of trade, or generally inconvenient."

If the patent system does not modernize itself, and strengthen its procedures, it will continue in disrepute and will not and cannot perform its constitutional objective of promoting the progress of science and the useful arts. Indeed, it may now be said that the patent system represents a major stumbling block to such progress. If ever there was a time to attain these objectives, as the patent system is supposed to, Mr. Speaker, it is now. I urge that the Patent Reform Act of 1973 be given priority consideration by the 93d Congress.

Some will say that this represents yet another attack on a venerable and worthy institution. To them I say, unless

---

Footnotes at end of speech.

this venerable institution is reformed, it will soon die of old age.

Allow me briefly to outline the main provisions of the Patent Reform Act.

The Patent Reform Act of 1973 basically adds the principles embodied in the Presidential Commission's recommendations to the reforms of the 1971 Senate subcommittee print. Reforms that have worked well abroad have also been added, but the act preserves the particularly American interest in protecting the individual inventor and small businessman. Other substantial refinements have been added to implement these basic principles and otherwise to raise and improve the required standard of invention.

The act's overriding dual objectives are: First, to restore confidence in the patent system by increasing and strengthening the quality and reliability of the U.S. patent grant, and second, to enable individual inventors and entrepreneurs more readily and expeditously to obtain and utilize a patent in keeping with the constitutional intent.

The Patent Office is made an independent agency charged with a singular responsibility of carrying out the provisions of this act. Such divorcement from the Commerce Department and its other activities on behalf of business should remove sometimes conflicting objectives and motivations underlying Patent Office efforts. The Commissioner of Patents is made the chief administrative officer of the Patent Office, and neither he nor other Patent Office employees are subordinated to the Secretary of Commerce or the Department's general counsel, as required by a January 8, 1973, Department of Commerce reorganization order. The Patent Office is also given independent subpena and investigation powers in accordance with the Federal Rules of Civil Procedure, so it can perform better in carrying out the provisions of this act.

The examination of patent applications is strengthened—first, by permitting open, public, and adversary proceedings, instead of closed, secret, ex parte interviews; second, by creating a public counsel within the Patent Office to participate in Office proceedings to protect the public interest and assure full adversary hearings; third, by giving the primary examiner a more judicial function; and fourth, by providing all parties with access to full and adequate discovery under the Federal Rules of Civil Procedure. A patent application is made available to adversely affected persons shortly after the application is filed, in order to permit them to participate in Office proceedings. They may then notify the Patent Office of any information bearing on the patent ability of the application or may otherwise participate in the examination proceeding in order to assess the validity of patent applications before—rather than after—issuance.

The level of disclosure before the Patent Office is materially raised by the dual requirements of a strengthened oath of invention and a patentability brief. This should help the Patent Office make a more thorough, rigorous, and expeditious examination of patent applications. It should also help resolve what Commissioner Gottschalk has referred to as "fraud by omission":

> In a typical situation, the litigant attacking the patent contends that the patentee misled the Patent Office because he failed to call to its attention a prior use or prior art.
>
> Another kind of 'omission' occurs when an applicant presents test evidence or other data tending to support patentability, but fails to call attention to additional tests or data which do not help his case and may run counter to it.[23]

As a solution to the second kind of fraud, but not the first, in March 1972, the Patent Office proposed to amend its rules to require the person submitting certain kinds of affidavits to include in such affidavit:

> A statement to the effect that no facts, data, or test results are known which are inconsistent with those in the affidavit or declaration or which would tend to give an impression different from that conveyed by the affidavit. A similar statement would also be required in the application oath or declaration in cases in which the specifications refer to test results.[24]

Although this represented a preliminary first step, it is clearly insufficient. The proposal deals only with one kind of fraud is limited in scope, and ignores the larger problem that he refers to as the "typical situation." In addition, there is no guarantee that this proposal, as so many other abortive attempts to raise the standard of conduct, will ever be implemented or will remain in force. It is now 1 year later, and the rule has not yet been adopted.

Recognizing the secret, ex parte nature of the patient examination process. Federal courts have held, in the course of infringement and other litigation, that an applicant had a duty to disclose to the Patent Office information harmful to his position, such as prior knowledge, sale, publication, or a prior published description of the alleged invention claimed. This duty of honesty and forthrightness has been phrased in straightforward and strong terms by the U.S. Supreme Court—all those appearing before the Patent Office have an uncompromising duty to act with the highest degree of candor and good faith toward the Patent Office. This requires bringing to the attention of the Patent Office all facts concerning possible fraud or inequitableness underlying the application. This further includes the positive duty, as one has in formulating a prospectus for the sale of securities to investors, not only to make one's statements truthful, but also to disclose the whole truth.

This is the standard by which the Federal courts judge patent validity. The Patent Office, however, does not require that the applicant or his attorney meet all these standards. It provides neither sanctions against conduct the courts condemn, nor safeguards to insure that all these standards are complied with.

Instead, what the Patent Office presently requires, when an application is filed, is only for the inventor to file an oath that he believes himself to be the original and first inventor and that the application meets all the various criteria for novelty required by section 102, such as no prior knowledge, use, sale, or publication. This does not require honesty and forthrightness as to all evidence or material the applicant submits, and it does not bind all those who appear on the applicant's behalf.

The act strengthens the oath of invention and implements these judicially applied standards in concrete form. This is to raise the standard of conduct at the Patent Office at the time the patent application is under consideration and not just after the fact in litigation. In accord with recent court decisions, the oath provisions specifically place upon each party a continuing obligation to bring to the attention of the Patent Office all material information known to him which would adversely affect the issuance of the patent. The provision also would require such a person to attest that he has been forthright with the Patent Office.

The Patent Office, through its rulemaking authority, is empowered to implement the details of this oath and provide definitions and procedures for complying with it. This oath will not place any additional burden on the person signing it, for, as with any oath, it is applicable only to the information already known to the affiant.

As an additional safeguard, this act requires a patentability brief. Such a brief will explain the scope of the patent monopoly sought. It will assure more complete disclosure and will help the examiner in evaluating the application. It gives him, as a starting point, the relevant prior art known to the applicant—or his patent lawyer.

In effect, as in any other proceeding before the Government to obtain a monopoly privilege, this patentability brief would amount to each applicant's argument as to why he deserves a patent. Not only will the applicant submit an application claiming what he alleges he is entitled to, as at present; but also he will have to submit a brief memorandum explaining the true scope of what he really claims, in light of the prior art known to him.

Some persons opposed to the implementation of these higher standards of honesty and forthrightness before the Patent Office have said that his provision would result in a deluge of information "flooding" the Patent Office and preventing it from carrying out the examination process. These persons see no middle ground possible between "flooding" or "snowing" the Office with irrelevant data and withholding material information in order to mislead the Office into granting a spurious monopoly. But under this section, the Commissioner will retain the power to prescribe reasonable rules and regulations to effectuate this provision of the law and prevent its misuse by applicants who might otherwise try to flood the Office with irrelevant and immaterial information. The Commissioner may, for example, require applicants to group references in terms of their type of relevance or approximate order of pertinency.

This patentability brief is a concept that has been developing within the Patent Office. In the fall of 1963, the Patent Office proposed the mandatory

Footnotes at end of speech.

citation of published prior art believed by the applicant to be significantly pertinent to the claimed invention.[25] This proposal met the violent opposition of the private patent bar, and it died.

In 1969, the Patent Office, under the direction of former Commissioner Schuyler, tried again, with a proposed rule that required the submission of all prior art specifically considered in preparing the application and of a patentability brief containing argument explaining why the claims were deemed patentable over the art identified.[26]

The private patent bar, then, as now, resisted this latest effort. As former Commissioner Schuyler said, in October 1969:

> The response we have had to the publication of the proposed rule has been mostly negative. The patent bar is resisting change.[27]

In discussing this same kind of disclosure, Judge Will put it more pointedly:

> I don't have any surprise at all . . . that the organized Patent Bar opposed broadening the standard of disclosure required of applicants or their counsel, any more than I am surprised that they are opposed to making the Patent Office function effectively. . . .[28]

Other provisions of the proposed act are modeled on European law and are designed to assist the individual inventor and to remove unnecessary blocks on commerce. The latter is necessary because, as one study abroad has shown, only about 2 to 5 percent of patents issued in foreign industrialized nations are commercially worked—although other estimates would increase that figure to as high as 10 percent.[29]

The deferred examination and mechanization and automation provisions in the act should facilitate a prompt, accurate, and less expensive disposition of patent applications. The deferred examination system permits an applicant to defer examination of his patent application for up to 5 years from the date of filing, without losing patent protection. The patent grant would be for a period of 12 years from filing, plus whatever time elapsed while the examination was deferred. The expense of the examination process could thus be deferred on inventions whose commercial utility has not yet been established without the loss of patent protection. This also should free up the Patent Office to promptly and carefully examine other applications which may have more immediate commercial utility. Under the deferred system of examination in Holland, for example, it is estimated at the end of the deferred examination period some 59 percent of patent applicants chose not to have their applications examined at all, but rather to allow it to lapse.[30]

The inventor also would benefit from a maintenance fee system for recovering Patent Office costs. Instead of a uniform and high initial fee, a small initial fee would be charged, with higher maintenance fees commencing several years after issuance of the patent. Payment of all but nominal fees could be deferred for a period of 8 years or more from the date of filing, with a provision being made for further exemption or postponement for individual inventors and small businessmen. In this manner, the necessary Patent Office costs could be recovered after commercialization of an invention.

In addition, such maintenance fees act to free commerce of unneeded and uncommercialized patents, which are only being kept as a block to prevent other people from engaging in inventive activity. The 1958 study of the Subcommittee on Patents, Trademarks, and Copyrights—study No. 17—demonstrates that in other countries which utilize a maintenance fee system, unneeded and uncommercialized patents are allowed to lapse rather than incur continued maintenance fees. The statistics there cited varied; but by the fifth or sixth year after issuance, from one-half to two-thirds of the patents issued in these countries had been allowed to lapse.

The proposed act also provides that benefits to employee-inventors from successful utilization of their inventions, prevalent in Europe, also should benefit the United States patent system. The first to invent principle is also retained but a 1-year grace period should limit the number of interferences and simplify Office procedures.

In total, the Patent Reform Act of 1973 should give us the benefits of an economically and socially viable patent system, one designed to reward true inventions, and to promote legitimate progress in science and the useful arts. At the least, it should reduce or eliminate the widespread abuses of the present system.

FOOTNOTES

[1] On May 2, 1969, the Honorable John L. McClellan, Chairman of Patents, Trademarks, and Copyrights Subcommittee, stated during the Nomination Hearings for William E. Schuyler, Jr., to be Commissioner of Patents, that: "The staff has informed me that on a national basis, 72 percent of the patents litigated in the courts of appeals have been found invalid." Professor Irving Kayton, in *The Crisis of Law in Patents*, (1970), reported that for a recent time period, 19.0% of the patents litigated in the courts of appeals had been upheld as valid and infringed.

[2] *Graham* v. *John Deere Co.*, 383 U.S. 1, 18 (1966).

[3] *Ken Wire Products* v. *C.B.S.*, 172 U.S.P.Q. 632, 636 (S.D.N.Y. 1971).

[4] *Graham* v. *John Deere Co.*, 383 U.S. 1, 18 (1966).

[5] *United States* v. *Saf-T-Boom*, 164 U.S.P.Q. 283 (E.D. Ark. 1970), aff'd 167 U.S.P.Q. 195 (8th Cir. 1970).

[6] Fortas, "The Patent System in Distress," 14 IDEA 571, 576 (1971).

[7] Judge Hubert L. Will, April 7, 1970, *Technograph* v. *Methode*, C.A. No. 62 C 1761 (N.D. Ill.), transcript at p. 1432.

[8] *Lear, Inc.* v. *Adkins*, 395 U.S. 653, 670 (1969).

[9] Judge Will, *op. cit.*, at p. 1429.

[10] Judge Miles W. Lord, September 8, 1971, *United States v. Charles Pfizer & Co., Inc., et al.* (Tetracycline civil damage suit), 4–71 Civ. 435 (D. Minn.).

[11] *Shelco, Inc.* v. *Dow Chemical Co.*, 168 U.S.P.Q. 395 (N.D. Ill. 1970), aff'd F.2d (7th Cir. 1972).

[12] *Beckman Instruments, Inc.* v. *Chemtronics, Inc.*, 428 F.2d 955 (5th Cir. 1970); *Armour & Co.* v. *Swift & Co.*, 168 U.S.P.Q. 269 (N.D. Ill. 1970).

[13] *Monsanto Co.* v. *Rohm & Haas Co.*, 164 U.S.P.Q. 556 (E.D. Pa. 1970); see *American Cyanamid Co.* v. *F.T.C.* (tetracycline case), 363 F.2d 757 (6th Cir. 1966).

[14] *United States* v. *Singer Mfg. Co.*, 374 U.S. 174 (1963).

[15] Judge Will, *op. cit.*, at p. 1419.

[16] *Id.*, at p. 1422.

[17] Fortas, *op, cit.*

[18] Judge Will, March 25, 1970, *op. cit.*, at pp. 115–116.

[19] Judge Lord, *op. cit.*, at p. 69.

[20] Judge Will, April 7, 1970, *op. cit.*, at p. 1373.

[21] *Ken Wire Products* v. *C.B.S.*, 172 U.S.P.Q. 632, 636 (S.D. N.Y. 1971).

[22] Judge Will, *op. cit.*, at p. 1433.

[23] Gottschalk, "The Patent Office in a Changing World," *Congressional Record*, vol. 118, pt. 7, p. 8876.

[24] *Ibid.*

[25] 28 F.R. 7513 (July 24, 1963), 793 O.G. 172.

[26] 34 F.R. 12,532 (July 31, 1969); see also, 34 F.R. 14,176 (September 9, 1969).

[27] *American Pat. L. Assn. Bulletin*, Oct.–Nov., 1969, p. 575.

[28] Judge Will, March 25, 1970, *op. cit.*, at p. 115.

[29] *Industrial Property*, May 1968, p. 157.

[30] *American Pat. L. Assn. Bulletin*, Oct.–Nov., 1972, p. 630.

---

## GATEWAY AND GREAT KILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, interest on the part of Staten Island, N.Y., housing developers in Great Kills Park, currently held by the city of New York, clearly and definitely conflict with plans for the Gateway National Recreation Area created last year by act of Congress and currently being assembled by the National Park Service. In authorizing Gateway, the Congress was quite specific in its intent that become part of Gateway.

Otherwise well-meaning legislation sponsored by State Senator John Marchi and currently pending before the New York State legislature would create a so-called South Richmond Development Corp. with planning and acquisition authority over, among other areas, Great Kills.

This conflict can and should be resolved here and now by prompt turnover of Great Kills to the Park Service for inclusion in Gateway as Congress clearly intended. With that in mind, I have written to Mr. Ronald Walker, Director of the National Park Service, urging the Park Service to request formally of the city of New York that immediate action be taken by the city with respect to all city-held properties designated by Congress for inclusion in Gateway to transfer them to Federal ownership as soon as possible rather than according to the phased acquisition plan now contemplated. Phased acquisition of the city-held parcels greatly increases the possibility that key parcels may be diverted to other purposes and never become part of Gateway, as the Marchi bill illustrates with respect to Great Kills.

Mr. Speaker, Mayor Lindsay has stated publicly in several instances that he sees no conflict between the Marchi bill and Gateway. If that is so, then both the Mayor and Senator Marchi should not hesitate to take concrete steps to turn

over the properties designated for Gateway regardless of the status of the Marchi bill. In specific, legislation introduced by Assemblyman Edward Amman which would authorize the city to turn over Great Kills and the other properties designated by Congress for inclusion in Gateway, subject to City Planning Commission and Board of Estimate approval, should be promptly and favoraly acted upon, and the Mayor should begin now to take every possible measure to assure ultimate Planning Commission and Board of Estimate approval.

Mr. Speaker, the House Appropriations Committee is currently working on the Interior Department appropriations bill for fiscal year 1974, which includes an administration request of $6.2 million for first-year operations at Gateway. It is going to be most difficult for the Congress to approve these funds while its directives creating Gateway and the past promises of State and local officials that they would turn over Great Kills and other city-held properties included in Gateway are being frustrated and ignored for no justifiable reason, and I call upon all New York officials to put aside narrow interests and disagreements for the implementation of the Gateway project as they did in seeking the congressional authorization for this valuable public facility.

The text of my letter to Park Service Director Walker follows:

APRIL 16, 1973.

Mr. RONALD H. WALKER,
*Director, National Park Service, Department of the Interior, Washington, D.C.*

DEAR MR. WALKER: As the New York Member of the House Committee on Interior and Insular Affairs, I am deeply concerned over the Park Service's Master Plan to acquire and commence operating on a phased and piecemeal basis the various properties held by the City of New York which have been designated by Congress for inclusion in the Gateway National Recreation Area. While it may make sense in view of limited operating funds to undertake operations of the various segments of the Recreation Area on a phased basis, phased acquisition of the City-held parcels greatly increases the possibility that key parcels may be diverted to other purposes and never become part of Gateway. Otherwise well-meaning legislation currently pending before the New York State Legislature, for example, threatens such a diversion with respect to the Great Kills park.

With this in mind, I want to urge you to request formally of the City of New York that immediate action be taken by the City with respect to all City-held properties designated by Congress for inclusion in Gateway to transfer them to Federal ownership as soon as possible rather than according to the phased acquisition plan now contemplated. In view of the Park Service's long experience and well deserved reputation as administrators of the National Capital Park System, the oldest and largest urban park system in the world, I have complete confidence that the Park Service will have no difficulty undertaking this added responsibility. More importantly, such a full scale acquisition plan will better assure that Congress' intent that Gateway include each an devery parcel specified by Congress will be successfully carried out.

Once you have filed such a request, I will certainly do everything possible, in cooperation with other members of the New York delegation, to see that State and local officials respond favorably.

Sincerely,

JONATHAN B. BINGHAM.

## INTRODUCTION OF TRAVEL BILL

(Mr. HUTCHINSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUTCHINSON. Mr. Speaker, Messrs. MCCLORY, SANDMAN, RAILSBACK, HOGAN, MOORHEAD of California, LOTT, and BEARD joined me yesterday, April 16, in the introduction of proposed legislation drafted by the Department of Justice designed to promote the foreign policy of the United States by prohibiting travel in restricted areas.

The purpose of the bill is to fill a gap in existing law. In the past, Congress has authorized administrative action intended to limit travel to restricted countries and areas, when our foreign policy and national security warranted, by means of restricting passports. However, the Congress has not made travel to restricted areas a crime.

The result of this omission has been that U.S. citizens have been able to travel without hindrance to countries whose military forces are in conflict with the United States—thereby giving aid and comfort to our enemies, prolonging the conflict, undermining our foreign policy and endangering our national security.

I am confident that the great majority of Americans have been enraged at such conduct which I view as bordering upon treason. The bill introduced today, when enacted into law, will make it a crime to travel to countries at war with the United States. This should put a stop to the sorry spectacle of Americans consorting with and giving aid to our enemies.

The Attorney General, in transmitting the proposed bill, has explained the present state of law regarding restrictions upon travel of U.S. citizens, and the justification for the legislation as follows:

The Supreme Court has sustained the authority of the Secretary of State to endorse passports as invalid for travel to specified areas. Existing criminal statutes do not make it a crime to travel to a restricted area, even though a passport is not valid for such travel. If the person actually uses his passport to enter the restricted area, he may be subject to criminal prosecution under 18 U.S.C. 1544, for use of a passport in violation of the restrictions contained therein. As a practical matter, it is virtually impossible to obtain sufficient evidence that a person has used his passport in violation of the area restrictions in order to sustain a prosecution under that law. The only remaining action which the Secretary may possibly take is to deny or revoke a passport when the sole travel intended is to a restricted area. (See *Lynd* v. *Rusk*, 389 F.2d 940 (1967)). The narrow scope of this possible action is inadequate to deter travel to restricted areas by persons who are so inclined. As a result, area restrictions are ineffective since the Secretary has no realistic means of enforcing them.

This legislative proposal would add a new section to the United States Criminal Code, authorizing the Secretary of State, subject to policy prescribed by the President, to restrict travel by United States citizens and nationals to a foreign area if he determines that area is either: (1) at war; (2) experiencing insurrection or armed hostilities; (3) engaged in armed conflict with the United States; (4) one to which travel would impair United States foreign policy. Area restrictions would have to be published in the Federal Register and would be subject to at least annual review. The Secretary would be empowered to authorize a particular individual to travel to a restricted area in the national interest. Criminal penalties of fines up to $1,000 or one year imprisonment, or both, would be available against willful violators of restrictions.

This legislative proposal removes the present weakness in the Secretary's authority to restrict travel to specified areas by creating criminal penalties for unauthorized travel to these areas. At the same time it takes full account of the constitutional liberties of United States citizens by authorizing the designation of a restricted area only when there is a compelling national interest. Moreover, it continues to permit the Secretary to authorize travel to restricted areas in the national interest.

The Department of State joins the Department of Justice in sponsoring this legislation.

The Office of Management and Budget has advised that enactment of this proposed legislation would be consistent with the Administration's objectives.

The text of the bill is as follows:

H.R. 7060

A bill to promote the foreign policy of the United States by prohibiting travel in a restricted area.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Chapter 45 of title 18 of the United States Code is amended by adding the following section:

"§ 970. Travel in a restricted area.

(a) Subject to such policy as the President may prescribe, the Secretary of State may restrict travel into or through a foreign area by citizens and nationals of the United States if he determines that it is an area:

(1) which is at war,

(2) where insurrection or armed hostilities are in progress,

(3) whose military forces are engaged in armed conflict with forces of the United States, or

(4) to which travel would seriously impair the conduct of United States foreign policy.

(b) An area restriction shall be announced by publication in the *Federal Register* and shall state the grounds for imposing the restriction. The restriction shall expire one year from the effective date of the restriction unless sooner revoked by the Secretary. The Secretary may extend a restriction for periods not to exceed one year at a time by publication in the *Federal Register*.

(c) The Secretary may authorize travel to a restricted area by a citizen or national of the United States if the Secretary deems such travel to be not inconsistent with the national interest.

(d) Whoever willfully enters or travels in or through a restricted area without authorization from the Secretary shall be fined not more than $1,000, imprisoned not more than one year, or both."

SEC. 2. The analysis of chapter 45 is amended by adding at the end the following new item:

"970. Travel in a restricted area."

---

## A NATION WITHOUT POWER AND EXTINCTION FOR THE FOSSIL FUEL AGE?

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I would like to invite my colleagues' attention to two additional recent articles on energy by Mr. Joseph Alsop. The first of these was published in the Friday, April 13, Washington Post, and the second was published in the same newspaper on Monday, April 16. The articles were entitled "A Nation Without Power" and

"Extinction for the Fossil Fuel Age?" respectively.

Without objection, I would like to include at the conclusion of my remarks these two articles by Mr. Alsop for the information of my colleagues.

In "A Nation Without Power," Mr. Alsop invites attention to a fact that we must face concerning the continuing predictions of our multibillion-dollar purchase of imported oil. Quite glibly, many are saying we will simply spend the billions required for this oil that we need. Mr. Alsop, on the other hand, invites our attention to a fact we must consider when he says:

> No one is going to give us such huge amounts of credit every year, and year after year, when we cannot possibly pay the money back.

He also highlights the activities of the Soviets relative to the access of the Persian Gulf. With this respect, I would like particularly to invite your attention to his comments concerning the potential vulnerability of, as Mr. Alsop puts it:

> The oil-jugulars of the United States, and of Western Europe and of Japan.

The second article, "Extinction for the Fossil Fuel Age?" contains several of his impressions after his exposure to the general energy information which has been assembled by the Joint Committee on Atomic Energy. In the data we have gathered, and the display system we have developed, we have evaluated a number of actions which could be taken to ameliorate our enormous energy dilemma. Those of you who have seen this material know that we are in no way making specific proposals or recommendations, but have primarily taken existing data and displayed potential actions to ameliorate the severity of the problem in a manner which permits a rapid grasp of the magnitude and complexity of our energy dilemma.

Someone did drop a zero in the printed article in that the usual "equivalent nuclear powerplant" is made up of 1,000 megawatts and not 100 megawatts. Present day 1,000 megawatt plants are approaching a cost of $1 billion each.

It is my opinion that Mr. Alsop has emphasized very well that we will have to:

> Stop trying to have our cake and eat it, too, and we can begin to worry about trade-offs.

These two recent articles by Mr. Alsop continue a series on the enormous problem of energy that this Nation and many nations of the world face. I have placed the two preceding articles in the CONGRESSIONAL RECORD of April 10 (p. 11714) and April 11 (p. 11825):

A NATION WITHOUT POWER

(By Joseph Alsop)

What people so cheerily call the "energy crisis" is really like a viciously poisonous onion. Peel off the energy layer, and you find the U.S. dollar rapidly losing value, year by year. Peel off the money layer, and you find the end of the U.S. as a great power.

It is a truism, of course, that no bankrupt nation can play the role of a great power in the world. In and of itself therefore, the threat to the value of the U.S. dollar is also a threat to the U.S. as a world power.

As previously reported, present projections show this country using $24 billion of imported oil in 1980, and more than $30 billion of imported oil in 1985. These are the lowest sensible estimates, but they are also nonsense-figures. Bankruptcy, or something very like it, will come before 1980 unless we change our ways. No one is going to give us such huge amounts of credit every year, and year after year, when we cannot possibly pay the money back.

Right here, is the greatest single difficulty of exploring this ghastly, suddenly urgent American problem. Even the most solidly based present projections cannot possibly come true in the end, simply because something will give way somewhere, and with a rending crash, long before the fantastic situations finally arise that even the optimistic analysts now foretell.

There is one thing that cannot and will not give way, however, which also has much to do with the American role as a great power. In brief, the Persian Gulf will be the main place, for a long time to come, where all the world but China and the Soviet Union must go to cover most of the world's enormous and swiftly increasing energy-deficit.

To get a crude measure of what this means, it is only necessary to return to the present projections, which come from the briefings of the congressional Joint Committee on Atomic Energy. By these projections, the Persian Gulf states—Iran, Saudi Arabia, Kuweit, Iraq, Abu Dhabi and other little sheikhdoms—will have an oil revenue of at least $16 billion in 1975, and without any further increases in the oil price! On the same highly optimistic assumption, the same states will have an oil revenue in 1980 of about $58 billion!

Once again, these are certain to be nonsense-figures in the end. Except for Iran, none of these oil-rich states has the ghost of a serious national defense. With one or two other exceptions, none of these states has a stable political system. Most have tiny populations in proportion to their vast riches.

History is a harsh process, and history will not permit this lunatic situation to endure indefinitely. The Soviet Union, for example, is already prepared to give history a helping hand. By huge efforts and investments, and by shocking American negligence, the Soviets have established naval predominance in the Indian Ocean. Again by heavy investments, they have also established predominance in the snakepit politics of Iraq.

This means that the Soviets effectively stand astride of both ends of the Persian Gulf. If they move boldly, they can easily cut the oil-jugulars of the United States, and of Western Europe and of Japan. The Soviets are unlikely to do this, to be sure, unless we in the United States continue to neglect our national defense. But the U.S. Senate appears hell bent on just that kind of neglect.

If the Soviets remain passive, moreover, something else will surely happen to change the situation in the Persian Gulf. There are the local Palestinian refugees, for instance, so numerous, so energetic, so bitter against Israel, and such easy targets for the KGB. In any case, such inconceivable wealth cannot pile up indefinitely in such weak hands, without stronger hands reaching out from somewhere to take the wealth away.

Meanwhile, it is another truism that no nation can continue as a great power when its jugular is overseas, and is also at the mercy of anyone who comes along with a sharp knife. When Britain was a great power and oil was first becoming important, Britain therefore moved to establish political control of the Persian Gulf. At the same time, Winston Churchill also made the British government the largest single stockholder of the British Petroleum Co., still second in rank of the huge international oil companies, but now without political protection like all the rest.

All that ended with a whimper, in fact, in the Suez campaign of 1956. Today, it is the great power role of the U.S. that is endangered by an exposed jugular overseas. And today, half the nations of the world conspicuously including Israel—and even Mainland China, in some measure, because of the Soviet threat—live in independence and go their own ways in relative peace precisely because the U.S. is still a great power. But maybe not for long!

---

EXTINCTION FOR THE FOSSIL FUEL AGE?

(By Joseph Alsop)

"We are in the deepening twilight of the fossil fuel age." Such is the message now going to all senators and representatives from the congressional Joint Committee on Atomic Energy.

It is a ghastly message. From our jobs to our price structure, just about every aspect of every American's daily life squarely depends on lavish expenditures of inexpensive fossil fuels. The immediate sign of this twilight we are entering, because this kind of lavish, cheap expenditure is beginning to be impossible, is what is misleadingly called "the energy crisis."

The phrase is not misleading because there is no energy crisis. It is misleading only because the crisis involves so much more than mere high gas prices and rationing of automotive gasoline. It involves unending inflation, because of continuous loss of value of the U.S. dollars. It even involves the end of the U.S. as a great power in the world.

These are the unavoidable penalities of vast, annually increasing imports of foreign oil, to cover our vast, annually increasing energy deficit. What, then, can be done about it? The answer, again, is ghastly. Here is a short list of measures that it is now urgent to take.

*Item:* To increase domestic oil production, open the entire continental shelf to oil production, including the whole of the Atlantic coast, the Gulf of Mexico, and the Santa Barbara Channel. Also double the present use of federal lands for oil production.

*Item:* To get more natural gas, remove all controls on natural gas prices, especially at the well-head—thereby giving the needed incentives for drilling much deeper and more costly wells.

*Item:* Invest something like 15 billion dollars to increase output of geothermal and hydroelectric energy by the approximate equivalent of 100 Hoover dams. For this, bite the ugly bullet, too, that the needed big increase in hydroelectric energy will call for big dams in national parks, wilderness areas, and even the Grand Canyon.

*Item:* Make enormous investments in oil production from our invaluable oil shale reserves. But again, bite the ugly bullet that large scale exploitation of oil shale will make horribly heavy calls upon scarce water resources, and will also necessitate digging up vast areas of western landscape—although some of the possible processes permit the landscape to be put back again later on.

*Item:* Get the equivalent of 50 Hoover Dams from solar energy exploitation—and require almost all home heating and cooling in the sunny southwest to be converted to solar energy.

*Item:* Then build 1,000 nuclear power plants of 100 megawatts each between 1980 and the year 2000—with plants going in at a rate of more than one a week after 1985. As of now, a single 100 megawatt plant costs about $1 billion. Yet we have to go from the baseline of today, when our nuclear power production equals the national output of energy from firewood, to a new stage where a very large share of the total energy we consume will be nuclear in origin.

"Ghastly," then, is a modest word for the kind of steps the joint congressional committee is listing for its horrified audience on Capitol Hill. But just consider the present, quite natural fury over high prices and inflation. Even food prices would be drastically lower today, if we had not already been forced to devalue our dollar so often. The devaluations were forced upon us, in turn, because we were buying abroad far more than

we could sell. In short, our payments were unbalanced.

So consider the following trade-offs. First, if the Alaska pipeline had been promptly built when the great Alaska oil field was found, we should today be saving over $2 billion a year on the balance of payments. Second, if exploitation of the Santa Barbara Channel had been pressed forward despite the famous oil slick, we should again be saving about $2 billion on the balance of payments. Third, removing tetra-ethyl lead from gasoline and otherwise cleaning up automobile exhausts, is already costing about $1.5 billion on the balance of payments.

So there you have some of the price of increasing oil imports. We can have non-stop inflation because of permanently recurring dollar devaluation—which is now the prospect. Or we can stop trying to have our cake and eat it, too, and we can begin to worry about trade-offs. This can mean a lot of other unpalatable things, such as putting refineries and deep water ports where they are unwelcome. Yet we cannot have it both ways.

We are lucky, nonetheless, for the long pull, we have a better chance of getting on top of the energy problem than the western Europeans or the Japanese. But for the moment, this seems a thin consolation.

## SOUTHERN RAILROAD

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, we are proud of the progressive Southern Railway System and its dynamic President Graham Claytor. The Southern is a classic example of free enterprise at its best. I commend to the attention of my colleagues and to the people of our country the following article which recently appeared in the Washington Post.

OUTSIDE NORTHEAST, RAILROADS PROSPER

(By William H. Jones)

It would be a bad mistake to conclude from the Northeast railroad crisis—where half a dozen companies are bankrupt—that the entire industry is on the ropes.

While there are national problems of too much regulation and too little imagination, railroads in the West and South generally are quite healthy. Of the ten largest railroad transportation companies in the nation, nine are making profits for their stockholders (the exception is the Penn Central).

Even in the Northeast, the Interstate Commerce Commission asserted over the weekend, some railroad spokesmen are incorrectly trying to convince Congress "that the situation is hopeless, and that there is no possible solution short of massive cessation of service," when in fact, the ICC said, "The truth of the matter is that things have been looking at least a little better . . ."

Nationwide, railroad profits rose substantially in recent months, freight car loadings in January were up 8.3 per cent from the same month in 1972 and railroads West of the Mississippi posted a huge 13.5 per cent gain in business—reflecting grain shipments to the Soviet Union and leading to a severe shortage of freight cars.

When railroad industry leaders and Wall Street analysis are asked to give an example of the encouraging things in railroading today, they most often point to Washington—not to any government plan but to the headquarters building of the Southern Railway System at 15th and K streets NW, and to its president, former Washington lawyer W. Graham Claytor Jr.

NEW SPUR OPENED

Perhaps symbolic of Southern—which currently holds the distinction of being the most profitable railroad in the United States, in terms of investors' return—was a ceremony 10 days ago in Heard County, Ga. While Northeast railroads struggled with branch lines they want to rip up, Southern opened a new seven-mile spur to serve power companies, bringing the first railroad ever to the Georgia county.

Southern "serves the South," as its slogan says, with lines extending 10,000 miles from Washington to Atlanta, Charleston, Savannah and Jacksonville along the Atlantic coast, and west to New Orleans and Mobile through Birmingham. Other lines connect Atlanta to western gateways at St. Louis, Memphis and Louisville.

In 1972, the Washington-based railroad took in $724 million from its operations, up 12 percent from 1971, and profits before income taxes topped $100 million, a gain of nearly 9 percent from the previous year. It was the seventh consecutive year of record profits, and the nation suffered a recession in two of those years.

FACTORS IN SUCCESS

Why is Southern so successful? In an interview last week, Claytor cited several factors:

A determination, not always appreciated by growth-oriented stock market analysts, to continually pour money back into the company—purchasing new equipment, improving tracks and yards, adding new services, designing better freight cars, and buying real estate that can be turned into industrial and commercial developments—providing a base for future railroad growth, since such new developments would be served by Southern. In 1972, Southern spent $112.4 million on these improvements and in 1973 the figure is projected to top $150 million.

"More sophisticated analysis of customers' needs for rail freight services," reflected in recent rate increases. Northeastern railroads, he said, raised rates too high too quickly in the 1960s, which caused a lot of business to look elsewhere for transportation.

A willingness to try new ideas, demonstrated by a series of Southern "firsts" since World War II: it has designed more new freight cars than any other line, it was the first major American railroad to switch completely to diesel locomotives, the first to mechanize its right-of-way repair system and the first to build an extensive microwave communication network along its main lines to keep in contact with all moving trains.

In addition, Southern has what many railroads lack—a good "image" in the region it serves. Its marketing staff, described by competitors as the best in the industry, constantly keeps abreast of customers' needs and potential future needs; the firm's employee relations are considered enlightened (including a stock purchase plan); and it runs a booming business in the summer operating steam train excursions.

Fine passenger trains still run on the Southern, too, an example of the company's individuality. While most other railroads happily turned over passenger trains to Amtrack. Claytor determined it was in his firm's best interests to keep running its own few intercity passenger operations (the Washington to New Orleans "Southern Crescent" is the main train).

"We need to emphasize that railways are not dying," said Claytor. "The enormous public attention has been focused by the press on the Northeast, and that pointed out problems that need solving, but the industry's not busted."

## EMERGENCY EMPLOYMENT ACT

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, this morning the House Rules Committee granted on open rule with 2 hours of debate on H.R. 4204, a bill which I sponsored to extend the Emergency Employment Act, due to expire on June 30, 1973, for 2 additional years.

The distinguished gentleman from Michigan (Mr. ESCH), who is the ranking minority member on the Select Subcommittee on Labor, of which I am chairman, asked the Rules Committee for a waiver to permit his comprehensive manpower bill, H.R. 6710, which is a nongermane amendment, to be offered as a substitute bill. His request was denied.

Mr. Speaker, I am not opposed to comprehensive manpower reform, but I do believe that any comprehensive bill must receive careful consideration. It is essential that every provision of such a bill be evaluated and its impact on local communities assessed. The Committee on Education and Labor has been supplied with no information as to how the fund distribution formula in Mr. ESCH's bill would work, and any new fund distribution is likely to result in large program decreases in certain communities.

Furthermore, the administration has opposed comprehensive manpower reform legislation in this Congress and testified before the Select Subcommittee on Labor that the only legislation it supported was some technical amendments to the Manpower Development and Training Act.

I believe it is essential that the Congress act rapidly to keep the highly successful Emergency Employment Act in operation. I do not believe it is possible to act this quickly on a comprehensive bill whose full implictaions have not been explored through hearings or committee deliberations.

Mr. Speaker, H.R. 4204 is scheduled for action on the House floor tomorrow, April 18. In the event that my colleague (Mr. ESCH) moves to amend the rule on H.R. 4204 to permit his bill, H.R. 6710, to be offered in the nature of a substitute, I think it is most urgent and important that the Members of his House have the opportunity beforehand to study a number of major technical deficiencies in H.R. 6710.

I herewith submit a list of these technical deficiencies and urge all my colleagues to study it carefully:

TECHNICAL DEFICENCIES IN THE ESCH BILL (H.R. 6710)

1. FAILURE TO DECATEGORIZE

Apparently H.R. 6710 is intended to decategorize manpower programs, but it would appear to establish more categories than currently exist. Section 101(a) authorizes the Secretary to provide assistance to states to provide needed manpower services for the unemployed and underemployed, for veterans and those about to be released from the service, for those in public service jobs, and for those in correctional institutions. However, it then goes on to list 26 specific programs and services, each of which has its own eligibility criteria.

For example, Section 101(a)(1) provides for referral services, but only for the unemployed and the underemployed and thus excludes those in public service jobs, as well as those in correctional institutions who are technically classified as not in the labor force. Furthermore, it also excludes those in the military service who have not yet been released.

Section 101(a)(2) provides for testing and counseling, but only for those unemployed

and underemployed who cannot be expected to secure appropriate full-time employment without training. Accordingly, the state would have to first determine that a person could not secure employment *before* it provided testing or counseling services.

On the other hand, paragraph 9 authorizes part-time training for employed persons, and it is not clear how these employed persons fit into the basic eligibility criteria. Similar problems can be found in practically every one of the 26 specific programs listed in Section 101(a).

2. CONDITIONS OF ASSISTANCE

The bill provides for grants to states, which then make sub-grants to certain units of local government. Section 105(a) and Section 108 (Special Conditions) provide conditions for furnishing assistance *by* a state, but they do not impose similar conditions on assistance *to* a state. Accordingly, the conditions for financial assistance specified in Section 105 are applicable to programs run by a city under a sub-grant, but they are not applicable to programs run by a state in areas not served by a local sponsor.

For example, under Section 108, a state cannot provide financial assistance to a city unless the city's program provides appropriate standards for health and safety and unless the city provides workmen's compensation for participants. However, there is nothing in the bill that prohibits the Secretary from providing financial assistance to a state which does not meet these conditions.

Also, under Section 108(4), a state cannot provide financial assistance to a city if a program involves political activity, but there is no prohibition on the Secretary's providing financial assistance to a state if its program does involve political activity.

3. INTERFERENCE WITH STATE GOVERNMENTAL STRUCTURE

Section 103(b) provides, as a condition of financial assistance, that the state submit a comprehensive manpower plan which provides for "the formulation *and* administration of the state plan" by a state Manpower Services Council and that that Council must be representative of a series of groups listed in Section 102(b)(2). In other words, it requires that the state manpower program be administered by a Council having many members and would prohibit administration by a traditional state agency headed by a State Labor Commissioner or Employment Security Administrator or similar official.

This raises a whole series of problems:

(1) The state Manpower Services Council, which administers the program, must include representatives of at least 16 designated groups, and it is very doubtful that a 16-member (or larger) Council is an appropriate body to administer manpower programs. While multi-member councils are often considered useful for planning purposes, it is generally considered that an agency with a single head is best suited for administering a program. It is difficult to see how such a large body will be able to make all the many decisions involved in administering a complex manpower program without undue delay and constant disagreement among the different groups represented.

(2) Most states would require authorizing legislation in order to vest administration of manpower programs in such a state Manpower Services Council. It is impossible for most states to act on such legislation before July 1, 1973, when the bill would take effect. Many states would also have difficulty in acting on such legislation before July 1, 1974, either because their legislatures are not in session in even-numbered years, or because such sessions are limited to budget matters. It is also likely there would be substantial opposition to such legislation in many states, both because such a multi-member administrative body would be opposed on grounds of public policy and because the legislation would require the transfer of the authority of existing state agencies.

(3) If the state does not have a state Manpower Services Council, it does not qualify for financial assistance under H.R. 6710. Furthermore, as local prime sponsors must be designated pursuant to a state-approved plan, no local prime sponsors will be able to qualify as long as the state does not. The effect of the bill, therefore, will be to leave all power in the Secretary of Labor pursuant to Section 104. In other words, the practical effect of the bill would be to centralize authority in the Secretary of Labor instead of decentralizing it to state and local prime sponsors.

4. ALLOCATION FORMULA

The formula governing the distribution of funds is of critical importance in any bloc grant program. Under Section 404(a), 75% of the funds appropriated for the act (less $450 million set-aside for youth programs under Section 306(c)) are allocated among the states in accordance with a four-part formula. Three parts of the formula relate to the labor force, the number of unemployed, and the youth population; and the fourth part relates to the "manpower allotment" made to the state in the previous Fiscal Year.

Presumably the purpose of this is to prevent excessive increases or reductions in a state's manpower funds from one year to the next. However, the provision is defective because "manpower allotment" is defined as including only funds available under the Manpower Development and Training Act and the Economic Opportunity Act. Therefore, funds that were available under the Emergency Employment Act are not counted, and states and cities with large allotments under the Emergency Employment Act could suffer large decreases in funds available to them under this bill.

The formula also takes into account the proportion of unemployed in a particular state compared to the unemployed in all states, but "unemployed" is defined in Section 405 to include not only those traditionally counted as unemployed but also certain adults receiving public assistance under Titles 1, 4, 10 and 16 (aid to the aged, blind and disabled, and aid to families with dependent children) of the Social Security Act. This raises two problems:

(1) There are procedures for counting the unemployed and for counting the public assistance recipients, but there is no way of determining how many of the same individuals are included in both counts.

(2) Titles 1, 10 and 16 of the Social Security Act will be supplanted as of January 1974 by the supplemental security income provisions of the Social Security Amendments adopted in the last Congress, and it is clear that H.R. 6710 was written without awareness of the provisions of current law.

---

## OUR UNTAPPED HUMAN RESOURCES—GIFTED AND TALENTED CHILDREN

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, today, I am introducing a bill to amend the Elementary and Secondary Education Act creating "The Gifted and Talented Children's Educational Assistance Act."

Gifted and talented youth are a unique population in this country differing markedly from their age peers in abilities, talents, interests, and psychological maturity and therefore it is wrong to assume that equal opportunities for them means identical education. These children need a special education, not because of mental or physical handicaps but because their ability to learn under conventional conditions has been impaired.

Conservation as a social priority includes human conservation. With proper encouragement and guidance these children could represent one of the greatest sources of potential creativity the United States has. Studies reveal, however, that gifted children are the most numerous underachievers in our schools. This need not be the case, if their intellectual and creative talent are not faced with educational neglect.

In reply to the frequently repeated fears of an intellectual elite, one must recognize that a democratic society is constantly selecting individuals for all kinds of special purposes: Band, school papers, football teams, choral groups. We want the best for these activities, but we hesitate to prepare the able for more important life positions.

The gifted who comprise 3 to 5 percent, 1.5 to 2.5 million, of the school population may live in urban and suburban slums, desolate rural wastes or in kinder physical surroundings in middle and upper economic level families. The problems of singling these children out stem from inappropriate and costly means of testing as well as apathy and even hostility among teachers, administrators, guidance counselors, and psychologists.

Gifted and talented children are more able than most to adapt learning to various situations somewhat unrelated in orientation, to reason out more problems since they recognize relationships and comprehend meanings. They are not easily discouraged by failures, are more versatile and have more emotional stability.

My bill will provide for the establishment within the Office of Education of a national clearinghouse for the dissemination of information on the education of the gifted and talented. This will allow local school districts to recognize their wealth of talented children and to provide them with the most effective means of stimulating and fulfilling their potential.

Grants made available by the Commissioner will be given to the States for the initiation, expansion, and improvement of programs and projects for the education of the gifted at the preschool, elementary and secondary school level. Many authorities feel that gifted children who are reached at an early age have a much better chance of excelling and of avoiding a later disillusionment with school.

Fifteen percent of the appropriated funds would be reserved for the establishment of model programs for the education of the gifted and talented. Moneys would also be made available for the training of teachers for these children, a matter of vital importance according to the U.S. Office of Education report, "Education of the Gifted and Talented." Institutions of higher learning will be awarded funds for the training of leadership personnel thereby acknowledging the importance of educated and aware school administrators in insuring the success of a program within the school.

Finally, the Commissioner would be authorized to conduct research concerning the education of these children. Much

has yet to be learned in fields relating to the expansion of these intriguing minds.

I include the following:

SECTION-BY-SECTION ANALYSIS OF THE GIFTED AND TALENTED CHILDREN'S EDUCATIONAL ASSISTANCE ACT

To amend the Elementary and Secondary Education Act of 1965 to provide a program for gifted and talented children (by redesignating Title VIII and references thereto as Title X, and by inserting after Title VII thereof a new Title:)

PART A—GENERAL PROVISIONS

801 Title—Title may be cited as the "Gifted and Talented Children's Educational Assistance Act."

802 Purpose—To develop special educational programs for gifted and talented children and talented children and youth.

PART B—ADMINISTRATION AND INFORMATION

811 Designates an administrative unit within the Office of Education to administer all programs for gifted and talented children.

812 National Clearinghouse on Gifted and Talented Children and Youth.

(a) Provides that the Commissioner shall establish a National Clearinghouse on Gifted and Talented Children and Youth to gather and disseminate relevant information. The Commissioner is authorized to contract with public or private organizations.

(b) This section authorizes the appropriation of $1 million for FY 1974 and for each of the 2 succeeding 2 FY's.

PART C—ASSISTANCE TO STATES FOR EDUCATION OF GIFTED AND TALENTED CHILDREN AND YOUTH

821 Provides for grants to states for programs and projects (a) for the education of gifted and talented children and youth at the pre-school, elementary and secondary school levels; (b) For grants under this part there is authorized to be appropriated $50 million for FY 1974 and $60 million for FY 1975 and FY 1976.

822 Allocation of funds

(a1) From the 85% of the amount appropriated under Section 821, for any fiscal year, the Commissioner (after reserving up to 3%) shall make an allotment to the States based on the relative number of children 3–18 years of age.

(a2) 3% of the 85% shall be allotted among Puerto Rico, Guam, American Samoa, the Virgin Islands or the Trust Territory of the Pacific Islands.

(b) The number of children ages 3–18 shall be determined by the Commissioner.

(c) Provides for reallotment. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(d) 15% of the funds appropriated under Section 821 may be used by the Commissioner for grants for model projects.

823 State Plan

(1) To obtain a grant a State must submit through its State Agency a State plan which: Provides satisfactory assurances that funds expended will be expended directly or through local education agencies (A) to meet special educational needs of gifted and talented children, (B) are of sufficient scope toward meeting those needs, (C) may include the acquisition of equipment. Also provides that 2 or more local educational agencies may jointly operate projects under this part.

(2) Provides for efficient State administration, planning on the State and local level and provides for a full-time administrator.

(3) Provides satisfactory assurance concerning control of funds and title to property and that a public agency will administer such funds and property.

(4) Provide to the extent practical that Federal funds will increase the level of local, and private funds used. (and in no case supplant State, local and private funds).

(5) Provides procedures for effective evaluation.

(6) Provides that the State educational agency will be the sole agency for administering or supervising the plan.

(7) Provides for making such reports as the Commissioner may find necessary.

(8) Provides satisfactory assurance of final accounting procedures.

(9) Provides for satisfactory assurances for disseminating of information.

(10) Proves satisfactory assurance that children in private elementary and secondary schools will participate. (b) The Commissioner shall not approve a State plan or a modification of a State plan under this part unless the plan meets the requirement of subsection (a) of this section.

824 Payments

The Commissioner shall only apply to a State a sum expended by a State.

825(a) The Commissioner shall not disapprove a State plan or modification without first affording the State Agency administering the plan notice and opportunity for a hearing.

(b) When the Commissioner finds (1) that the State plan has been so changed that it no longer complies with provisions of Section 823 or (2) that in administration of the plan there is a failure to comply substantially with any provision, he will terminate that State's eligibility.

826(a) Provides for Judicial Review if a State is dissatisfied with the Commissioner's action under Section 823(b) or 825(b).

(b) Provides finding of fact by the Commissioner if supported by substantial evidence.

(c) Provides for review by the Federal Courts.

PART D—TRAINING OF PERSONNEL FOR THE EDUCATION OF GIFTED AND TALENTED CHILDREN AND YOUTH TRAINING GRANTS

831 Authorizes the Commissioner to make grants to public and private institutions of higher learning for training personnel.

832 Leadership Personnel Training.

Authorizes the Commissioner to make grants to public or other non-profit institutions of higher learning and other appropriate non-profit institutions or agencies to provide training to leadership personnel.

833 For the purposes of part D:

$15 million is appropriated for FY 1974.

$20 million is appropriated for FY 1975.

$25 million is appropriated for FY 1976.

At least 50% but no more than 75% of the annual appropriation for this part shall be expended for Section 831 for each fiscal year.

PART E—RESEARCH AND DEMONSTRATION PROJECTS FOR THE EDUCATION OF GIFTED AND TALENTED CHILDREN AND YOUTH

841(a) The National Institute of Education is authorized to conduct research, make grants and contracts with the states, state or local educational agencies, public and private institutions of higher learning and other public or private educational or research agencies and organizations.

(b) Defines the term "research."

842 Authorized for the National Institute of Education $14 million for FY 1974; $16 million for FY 1975 and $18 million for FY 1976.

## TAX CREDITS FOR EDUCATION

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, on March 21, the U.S. Supreme Court handed down a decision with massive implications for the public elementary and secondary schools of this land. Ruling in a case from the State of Texas, the High Court held that the Texas system of local financing of public schools is constitutional, even though it relies on local property taxes, and results in widely varying amounts of revenue available to support public education in the various districts of the State. The system, ruled the majority of five Justices, does not violate equal protection guarantees of the 14th amendment to the U.S. Constitution.

Just 2 weeks later the supreme court of our own State of New Jersey handed down another decision which once again changed the picture in the field of school finance. Ruling in the case of Robinson against Cahill, the court held that the system of public school finance in force in New Jersey, while it does not violate the Federal constitution, does violate the constitution of the State of New Jersey, which guarantees to every New Jersey child the right to a thorough and efficient education.

These wide-ranging court decisions in the field of public school finance have dominated the headlines recently, but they should not be allowed to obscure the very real crisis which is currently facing the nonpublic as well as the public schools. In fact, the financial problems of the public schools which underlie these legal challenges make it doubly important that the Nation heed the financial difficulties of its public and its nonpublic schools, and for one simple reason. It is going to cost money for the State of New Jersey, and the Nation as a whole, to bring their public school financial arrangements into compliance with the mandates of quality and equality in education. At a time when such heavy financial burdens are being placed on the public schools, they can ill afford to support yet another burden, the burden of educating the large number of children who now attend nonpublic elementary and secondary schools. And yet, unless something is done soon to stem the tide in the nonpublic schools, that is exactly what the public schools will have to do. Because, without financial aid in some form, the nonpublic schools cannot function very much longer.

Today, America's nonpublic elementary and secondary schools—the vast majority of which are Catholic schools—enroll over 5 million youngsters. In the State of New Jersey, almost 300,000 boys and girls attend nonpublic schools. This accounts for nearly 17 percent of the children enrolled in schools in New Jersey. The cost of public education in the State of New Jersey in 1971–72 amounted to more than $2 billion. In the Nation as a whole, public education cost upward of $50 billion. The nonpublic schools cost the State nothing, yet they fulfill 100 percent the educational tasks of public education. In 1970–71, Catholic schools alone spent $1.3 billion—$1.3 billion of purely private resources for education. The savings to the public schools exceeded even that hefty figure, because the public schools have always proven far more expensive than the Catholic schools. In Philadelphia, for example, public schools cost $1,027 per pupil in 1971–72, while Catholic schools are expected to cost only $478 per pupil in 1975—2 years from now. These substantial savings for the public sector, resulting from an ongoing investment of pri-

vate funds in education, are vital to the Nation. The public schools cannot afford the costs of absorbing 5 million nonpublic-school children.

The value of the nonpublic schools to the Nation is clear. So, however, is the financial crisis confronting them—especially the Catholic schools, which represent such an important component of American nonpublic education. Every day, somewhere in the United States, a Catholic school closes its doors. In 1965, there were almost 11,000 Catholic elementary schools in the United States; today, there are only 9,000. Enrollments, too, have fallen. Although there are still 4 million children in Catholic schools, this represents a substantial drop over the last 10 years. In 1962, there were 4,609,000 children in Catholic elementary schools; today there are only 3 million. Behind these statistics lie a lot of unhappiness and, perhaps, despair. Some parents have no doubt chosen to remove their children from Catholic schools voluntarily. Others have done so only because they felt they had to—some, because they feared the school might close and interrupt their children's education in midstream; some, because their schools did close, or because they moved to a neighborhood where there was no Catholic school. As Cardinal Cooke of New York said to the House Committee on Ways and Means in September of last year:

I know from personal experience in the Archdiocese of New York, when a school has to close, that it is one of the most difficult assignments a person can have. If you happen to be the Archbishop, it would be a good day to be in Alaska. The feeling of the people is very strong.

Much of the crisis besetting Catholic education is financial. It is a crisis which hits both the schools and the parents who support the schools. Costs of education in Catholic schools have been rising, faster than even the escalating costs of public education. There are fewer religious teachers available, and that means more and more costly lay teachers. The qualifications of all teachers, both lay and religious, have been substantially raised—and that means higher salaries. Meanwhile the Catholic schools have invested in better equipment and facilities in order to assure that the quality of a Catholic education meets in all respects the quality of education available in the local public schools. All of this has meant that, in the 4 years from 1967–68 to 1970–71, costs per pupil rose 66 percent in Catholic elementary schools and 42 percent in secondary schools.

The price of all these changes must, of course, be met, and the resources of the schools have been sorely taxed in the effort. Tuitions in elementary and secondary schools across the Nation have been rising, and rising fast. The reason is simple: the schools have virtually exhausted other sources of revenue, including the general parish revenues which have traditionally financed the majority of elementary schools costs and a large part of secondary school costs. They have only one place to turn—the parents of the children in the schools. Average tuitions in Catholic elementary schools jumped 17.5 percent between 1969–70 and 1970–71. They are predicted to rise 30 percent in 1971–72. The tuitions in Catholic secondary schools, which have traditionally been higher, have been rising nearly as fast.

The time has come for the Government to accept its responsibility for the education of every American child. In the current crisis, the good will and the real effort of Catholic and other nonpublic school parents are no longer enough. Rising tuitions are bound to drive parents from nonpublic schools in increasing numbers, and yet those rising tuitions may not be enough to provide the revenues desperately needed by the schools. A relatively small Government investment in nonpublic schools could assure the continued investment of substantial private funds and the continuation of a viable alternative to the public schools for the large number of Americans who have demonstrated a desire for such an alternative. That same small investment may well spare the public schools a deluge they can ill afford amidst their own fiscal crisis. That investment of public funds must be made.

Of course, the courts have already had a lot to say on the subject of Government aid to nonpublic schools. Many forms of aid have been tried, and ruled unconstitutional. One form of aid has not yet been tried, though, and preliminary indications suggest that its chances of being found constitutional are excellent. That form of aid is the credit against the individual Federal income tax. H.R. 5674 which I introduced and H.R. 49, introduced in the House by my colleague, Mr. BURKE of Massachusetts, would allow a credit of up to $200 per child against an individual's Federal income tax liability. Such a credit would grant much-needed relief to the parents of nonpublic schoolchildren, and it would permit schools to realize additional revenues without increased burdens on parents. The cost to the Federal Treasury would be modest. I shall work for passage of this bill. With your support, we will make it law.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BOGGS (at the request of Mr. O'NEILL), from 2:45 p.m. today until 3 p.m. on Wednesday, April 18, 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:

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

Mr. MOSHER, for 15 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. MITCHELL of New York, for 5 minutes, today.

Mr. ROBISON of New York, for 15 minutes, April 18.

Mr. MARTIN of North Carolina, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

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

Mr. VANIK, for 15 minutes, today.

Mr. ASPIN, for 15 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. MCFALL, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. MURPHY of Illinois, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. OWENS, for 30 minutes, today.

Mr. BINGHAM, for 5 minutes, today.

Mr. MEZVINSKY, for 60 minutes, April 18.

Miss JORDAN, for 60 minutes, April 18.

Mr. OWENS, for 60 minutes, April 18.

Mr. BREAUX, for 60 minutes, April 18.

Mr. LONG of Louisiana, for 60 minutes, April 18.

## EXTENSION OF REMARKS

By unanimous consent permission to revise and extend remarks was granted to:

Mr. DAVIS of Georgia, to extend his remarks, following the remarks of Mr. CASEY of Texas.

Mr. SYMMS to follow the remarks of Mr. RONCALIO of Wyoming in the Committee of the Whole today.

Mr. ROUSH to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 6691.

(The following Members (at the request of Mr. COCHRAN) and to revise and extend their remarks:)

Mr. DICKINSON.

Mr. KEATING.

Mr. QUIE.

Mr. THOMSON of Wisconsin.

Mr. GROVER.

Mr. ESHLEMAN.

Mr. FROEHLICH in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. HUBER.

Mr. FINDLEY.

Mr. STEIGER of Arizona.

Mr. MICHEL in five instances.

Mr. ZWACH.

Mr. MITCHELL of New York.

Mr. TAYLOR of Missouri in two instances.

Mr. SYMMS.

Mr. BOB WILSON in six instances.

Mr. KEMP in two instances.

Mr. BUCHANAN.

Mr. ESCH.

Mr. HOGAN in two instances.

Mr. HAMMERSCHMIDT.

Mr. BROYHILL of Virginia.

Mr. CARTER.

Mr. TOWELL of Nevada.

Mr. STEIGER of Wisconsin.

Mr. RAILSBACK.

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

Mr. BADILLO.

Mr. WON PAT.

Mr. FAUNTROY in 10 instances.

Mr. WALDIE in four instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.
Mr. VANIK in three instances.
Mr. DAVIS of Georgia in five instances.
Mr. EVINS of Tennessee in six instances.
Mr. DULSKI in six instances.
Mr. HOWARD.
Mr. HARRINGTON in two instances.
Mr. MURPHY of Illinois in five instances.
Mr. RODINO.
Mr. ULLMAN in three instances.
Mr. ROONEY of New York, to extend his own remarks with regard to Giovanni Da Verrazano.
Mr. DRINAN in two instances.
Mr. BRASCO in five instances.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1493. An act to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status.

## JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on April 16, 1973, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 303. Joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising.

## ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 18, 1973, 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:

774. A letter from the Secretary of the Army, transmitting a report on the facts and the justification for the proposed closure of various Army installations in the United States, pursuant to section 613 of Public Law 89-568; to the Committee on Armed Services.

775. A letter from the Secretary of the Air Force, transmitting a report on the facts and the justification for the proposed closure of various Air Force installations in the United States, pursuant to section 613 of Public Law 89-568; to the Committee on Armed Services.

776. A letter from the Under Secretary of the Navy, transmitting a report on the proposed realinement of various Navy shore establishments, pursuant to section 613 of Public Law 89-568; to the Committee on Armed Services.

777. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on an investigation of youth camp safety, pursuant to section 602 of Public Law 92-318; to the Committee on Education and Labor.

778. A letter from the Secretary of Transportation, transmitting a report on activities under the High Speed Ground Transportation Act of 1965, as amended, during the year ended September 30, 1972, pursuant to section 10(a) of the act; to the Committee on Interstate and Foreign Commerce.

779. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners; to the Committee on the Judiciary.

## 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. MAHON: Committee of Conference. A conference report to accompany House Joint Resolution 496; (Rept. No. 93-146). Ordered to be printed.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 360. Resolution providing for the consideration of H.R. 4204. A bill to provide for funding the Emergency Employment Act of 1971 for 2 additional years, and for other purposes; (Rept. No. 93-143). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 361. Resolution providing for the consideration of H.R. 6768. A bill to provide for participation by the United States in the United Nations environment program; (Rept. No. 93-144). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 6883. A bill to amend the Agricultural Adjustment Act of 1938 with respect to rice and peanuts; with amendment (Rept. No. 93-145). Referred to the Committee on the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERGLAND (for himself, Mr. ALEXANDER, Mr. RARICK, Mr. DENHOLM, Mr. BROWN of California, Mr. OBEY, and Mr. BURLISON of Missouri):

H.R. 7090. A bill to amend the Federal Crop Insurance Act to extend insurance coverage under such act to all areas of the United States and to all agricultural commodities; to the Committee on Agriculture.

By Mr. BIAGGI (for himself, Mr. BOLAND, Mr. BROWN of California, Ms. CHISHOLM, Mr. CLARK, Mr. CONYERS, Mr. CRONIN, Mr. DENHOLM, Mr. DIGGS, Mr. FASCELL, Mr. GAYDOS, Mr. HAWKINS, Mr. HELSTOSKI, Mr. LEHMAN, Mr. LENT, Mr. MOAKLEY, Mr. MURPHY of Illinois, Mr. NIX, Mr. PODELL, Mr. PRICE of Illinois, Mr. ROSENTHAL, Mr. STARK, Mr. WILLIAMS, Mr. CHARLES H. WILSON of California, and Mr. YOUNG of Alaska):

H.R. 7091. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. ADDABBO, Mr. BOLAND, Mr. BROWN of California, Mr. CLARK, Mr. CONYERS, Mr. CRONIN, Mr. DERWINSKI, Mr. DIGGS, Mr. FASCELL, Mr. FROEHLICH, Mr. GAYDOS, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HUBER, Mr. LEHMAN, Mr. MOAKLEY, Mr. NIX, Mr. PODELL, Mr. PRICE of Illinois, Mr. ROSENTHAL, Mr. STARK, Mr. CHARLES H. WILSON of California, and Mr. YOUNG of Alaska):

H.R. 7092. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. BOLAND, Mr. BROWN of California, Ms. CHISHOLM, Mr. CLARK, Mr. CONYERS, Mr. CRONIN, Mr. DERWINSKI, Mr. DIGGS, Mr. FASCELL, Mr. GAYDOS, Mr. HAWKINS, Mr. MAYNE, Mr. MOAKLEY, Mr. MURPHY of Illinois, Mr. NIX, Mr. PODELL, Mr. PRICE of Illinois, Mr. ROSENTHAL, Mr. WILLIAMS, Mr. CHARLES H. WILSON of California, and Mr. YOUNG of Alaska):

H.R. 7093. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. BOLAND, Mr. BROWN of California, Mr. CLARK, Mr. CONYERS, Mr. CRONIN, Mr. DIGGS, Mr. FASCELL, Mr. GAYDOS, Mr. HAWKINS, Mr. MOAKLEY, Mr. NIX, Mr. PODELL, Mr. PRICE of Illinois, Mr. ROSENTHAL, Mr. STARK, Mr. CHARLES H. WILSON of California, and Mr. YOUNG of Alaska):

H.R. 7094. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. BOLAND, Mr. BROWN of California, Ms. CHISHOLM, Mr. CLARK, Mr. CONYERS, Mr. CRONIN, Mr. DERWINSKI, Mr. DIGGS, Mr. FASCELL, Mr. GAYDOS, Mr. HAWKINS, Mr. HINSHAW, Mr. MAYNE, Mr. MOAKLEY, Mr. NIX, Mr. PODELL, Mr. PRICE of Illinois, Mr. ROSENTHAL, Mr. STARK, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Alaska):

H.R. 7095. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. BOLAND, Mr. BROWN of California, Mr. CLARK, Mr. CONYERS, Mr. CRONIN, Mr. DIGGS, Mr. FASCELL, Mr. GAYDOS, Mr. HAWKINS, Mr. MOAKLEY, Mr. MURPHY of Illinois, Mr. NIX, Mr. PODELL, Mr. PRICE of Illinois, Mr. ROSENTHAL, Mr. STARK, Mr. CHARLES H. WILSON of California and Mr. YOUNG of Alaska):

H.R. 7096. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. BOLAND, Mr. BROWN of California, Mrs. CHISHOLM, Mr. CLARK, Mr. CONYERS, Mr. CRONIN, Mr. DIGGS, Mr. FASCELL, Mr. GAYDOS, Mr. HAWKINS, Mr. HINSHAW, Mr. MOAKLEY, Mr. MURPHY of Illinois, Mr. NIX, Mr. PODELL, Mr. PRICE of Illinois, Mr. ROSENTHAL, Mr. CHARLES H. WILSON of California, and Mr. YOUNG of Alaska):

H.R. 7097. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. BROWN of Michigan:

H.R. 7098. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 7099. A bill to amend the Internal Revenue Code of 1954 to allow a medical deduction for certain expenses incurred in connection with the birth of a child adopted by the taxpayer; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS (for himself, Mr. DENT, Mr. BURTON, Ms. GRASSO, and Mr. BADILLO):

H.R. 7100. A bill to amend the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. DE LUGO (for himself, Mr. BURTON, Mr. FOLEY, Mr. KASTENMEIER, Ms. MINK, Mr. MEEDS, Mr. STEPHENS, Mr. VIGORITO, Mr. RONCALIO of Wyoming, Mr. SEIBERLING, Ms. BURKE of California, Mr. WON PAT, Mr. JONES of Oklahoma, Mr. LUJAN, Mr. SEBELIUS, and Mr. CRONIN):

H.R. 7101. A bill authorizing the transfer to the Government of the Virgin Islands of title to Water Island, Saint Thomas, Virgin Islands, and the acquisition of some of the outstanding leasehold interests in such island, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DEVINE:

H.R. 7102. A bill to amend the Federal Food, Drug, and Cosmetic Act to repeal the regulatory authority under that act respecting effectiveness of drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. DORN (by request):

H.R. 7103. A bill to incorporate the National Association of State Directors of Veterans Affairs, Inc.; to the Committee on the Judiciary.

By Mr. DORN:

H.R. 7104. A bill to amend title 38 of the United States Code relating to basic provisions of the loan guaranty program for veterans; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of Alabama:

H.R. 7105. A bill to amend title I of the Elementary and Secondary Education Act of 1965 to make children of migratory seasonal fishermen eligible for the same programs now afforded to children of migratory agricultural workers; to the Committee on Education and Labor.

By Mr. FULTON:

H.R. 7106. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7107. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. FULTON (for himself, Mr. BROYHILL of Virginia, Mr. ALEXANDER, Mr. DEL CLAWSON, Mr. DAVIS of Georgia, Mr. EVINS of Tennessee, Mr. HINSHAW, Mrs. HOLT, Mr. MATHIAS of California, Mr. SHIPLEY, Mr. SIKES, Mr. SYMMS, Mr. TALCOTT, Mr. TIERNAN, Mr. WALSH, and Mr. WIGGINS):

H.R. 7108. A bill to amend the Social Security Act to provide for medical, hospital and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. BADILLO, Ms. CHISHOLM, Mr. DIGGS, Mr. EILBERG, Mr. FAUNTROY, Mr. KOCH, Mr. MOORHEAD of Pennsylvania, Mr. MOSS, Mr. NIX, Mr. ROSENTHAL, Mr. STUDDS, and Mr. WALDIE):

H.R. 7109. A bill to require the President to notify the Congress of any impoundment of funds ordered, authorized, or approved by the Executive, to provide a procedure for congressional review of the President's action, and to establish an expenditure ceiling for the fiscal year 1974; to the Committee on Rules.

By Mr. KOCH (for himself, Ms. ABZUG, Mr. HARRINGTON, Mr. MCCLOSKEY, and Mr. STARK):

H.R. 7110. A bill to provide for family visitation furloughs for Federal prisoners; to the Commission on the Judiciary.

By Mr. OWENS (for himself and Mr. MEZVINSKY):

H.R. 7111. A bill for the general reform and revision of the Patent Laws, title 35 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 7112. A bill to provide that in the District of Columbia any person who has attained the age of 18 years shall be held and considered to be a person of full legal age; to the Committee on the District of Columbia.

By Mr. ROSTENKOWSKI:

H.R. 7113. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of unrelated business income; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself and Mr. MILLS of Arkansas):

H.R. 7114. A bill to amend title V of the Social Security Act to extend for 1 year (until June 30, 1974) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. STEELE (for himself and Mr. MURPHY of Illinois):

H.R. 7115. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 18 of the United States Code to further control the illicit traffic in narcotic drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. WAGGONNER (for himself, Mr. FLOOD, Mr. CRANE, and Mr. SNYDER):

H.R. 7116. A bill to provide authorizations for the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOB WILSON (for himself, Mr. YATRON, Mr. DAVIS of Georgia, Mr. KETCHUM, Mr. BURGENER, Mr. CLEVELAND, Mr. LUJAN, Mr. DON H. CLAUSEN, Mr. YOUNG of Alaska, Mr. CONLAN, Mr. COLLINS, and Mr. ZWACH):

H.R. 7117. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize the establishment of a class of commuter air carrier, to provide for issuance of certificates of public convenience and necessity to members of that class who may apply therefor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES WILSON of Texas:

H.R. 7118. A bill to provide that members of the Armed Forces and Federal employees who were prisoners of war or missing in action for any period during the Vietnam conflict may receive double credit for such period for retirement purposes; to the Committee on Armed Services.

By Mr. CHARLES H. WILSON of California (for himself and Mr. HAWKINS):

H.R. 7119. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WYDLER:

H.R. 7120. A bill to establish study and research programs to insure that the extraction and transportation of offshore oil shall not endanger the marine environment, to amend the Internal Reveue Code of 1954 to provide for an offshore oil extraction excise tax, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. ADAMS, and Mr. PRITCHARD):

H.R. 7121. A bill to authorize the Secretary of the Interior to establish the Klondike Gold Rush National Historical Park in the States of Alaska and Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ZWACH:

H.R. 7122. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. ASPIN (for himself and Mr. VANIK):

H.R. 7123. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 7124. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for homeowners; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 7125. A bill to amend the Federal Aviation Act of 1958 to require the installation of air borne, cooperative collision avoidance systems on certain civil and military aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 7126. A bill to amend the Internal Revenue Code of 1954 to revise certain provisions concerning the minimum tax for tax preferences, the taxation of capital gains, and the deductibility of certain amounts for interest, depletion, and State and local income taxes; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina (for himself and Mr. JOHNSON of California):

H.R. 7127. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historical properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARRETT (for himself and Mr. WIDNALL):

H.J. Res. 512. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes; to the Committee on Banking Currency.

By Mr. MARTIN of North Carolina (for himself (Mr. BRAY, Mr. BURGENER, Mr. COLLINS, Mr. DAN DANIEL, Mr. DEVINE, Mr. FISHER, Mrs. HOLT, Mr. HUBER, Mr. LOTT, Mr. MOORHEAD of California, Mr. RUTH, Mr. TREEN, and Mr. YOUNG of South Carolina):

H.J. Res. 513. Joint resolution proposing an amendment to the Constitution of the United States relative to nondiscrimination in public education; to the Committee on the Judiciary.

By Mr. YOUNG of Texas:

H. Res. 360. Resolution providing for the consideration of the bill (H.R. 4204) to provide for funding the Emergency Employment Act of 1971 for 2 additional years, and for other purposes; House Calendar No. 80.

By Mr. MATSUNAGA:

H. Res. 361. Resolution providing for the consideration of the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program; House Calendar No. 81.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOGGS:

H.R. 7128. A bill for the relief of Rita Petermann Brown; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 7129. A bill for the relief of Mrs. Ruth G. Palmer; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## MAIN STREET, U.S.A.

### HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 17, 1973*

Mr. FROEHLICH. Mr. Speaker I insert into the RECORD an article which has appeared in the nationally syndicated column "Main Street, U.S.A.," by Bert Mills.

His article focuses on the city of DePere, Wis., and the outstanding voting record that it has maintained over the past 20 years.

In recognition of their outstanding achievement, Senator NELSON and I have introduced a concurrent resolution before Congress to designate DePere as "America's Votingest Small City." I insert this article as a testimonial to DePere and urge by colleagues to support this resolution:

[From the West Branch (Mich.) Ogemaw County Herald, Apr. 12, 1973]

MAIN STREET, U.S.A.

(By Bert Mills)

WASHINGTON, D.C.—DePere, Wisconsin, where at least 95 percent of registered voters cast their ballot in Presidential elections, claims to be "America's Votingest Small City" and all 11 members of Congress from Wisconsin have joined in co-sponsoring a Joint Resolution to so designate DePere.

Actually, DePere's voting record in 1972 was 98.05 percent. There were 6,479 registered and 6,353 did vote. That was not a record for DePere. Twice before in the past 20 years, DePere has topped the 99 percent mark. Its worst record in six elections has been 95.9 percent, back in 1956.

These records, if such they be, did not just happen. Since 1952, DePere has had a goal of a 100 percent turnout of registered voters in Presidential elections. The quadrennial crusade is directed by a 100 Percent Vote Committee which has the assistance of four service clubs, the city government, local media, schools, churches, and the business community.

The committee obtained lists of all registered voters. The Kiwanis took one ward, the Lions another, Rotary a third, and the Optimists the other. Every registered voter was telephoned. Those away from home, at school or in the service, were contacted and sent absentee ballots.

Disabled and elderly citizens unable to make it to the polls, even with a free ride, also received an absentee ballot.

YOUTHS DID VOTE 100%

1972 was the first national election in which most under-21 youths were eligible to vote. DePere made sure they did, and chalked up a 100 percent record in that age bracket. The few defections were among their elders, some with valid excuses such as a broken arm, the flu, or a newborn baby.

DePere is not some isolated community out in the boondocks which happens to be hipped on voting. It is a close-in suburb of Green Bay, Wisconsin. Like many suburban communities, it has enjoyed a phenomenal growth. In 1940, its population was 6,373. By 1970, it had more than doubled to 13,309.

DePere boasts a college, St. Norbert, which makes the sports pages regularly each summer because the Green Bay Packers hold their pre-season practices there. DePere is also the home town of Miss America, Terry Anne Meeuwsen. She is the brown-eyed beauty who sang "He Touched Me" for a national TV audience last fall, and will earn $125,000 as a result before her year ends next September.

DePere was discovered by a French explorer in 1671 and was named "Rapides des Peres," meaning "Rapids of the Fathers." Over the years the name was simplified to DePere.

FRESHMAN BOOSTS COMMUNITY

DePere is represented in Congress by a freshman Republican, Harold V. Froehlich, from Appleton, Wisconsin. He is a 40-year-old attorney, certified public accountant, and real estate broker. He served 10 years in the Wisconsin legislature and was Assembly leader when elected to Congress last November.

Froehlich is confident DePere is "America's Votingest Small City" and he hopes Congress will make it official by adopting H. Con. Res. 162, or S. Con. Res. 17, the Senate counterpart. He realizes the title will last only until the next election in 1976, when DePere will have to earn it all over again.

However, the Congressman has made a public pledge that if any comparable small city can beat DePere, he will co-sponsor another resolution to transfer the crown to the winning city. He doubts that will be necessary. He also appears confident he will still be in Congress four years hence.

## OPPOSITION TO "NO FAULT" INSURANCE

### HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Tuesday, April 17, 1973*

Mr. THURMOND. Mr. President, on behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I bring to the attention of the Senate a concurrent resolution passed by the South Carolina general assembly.

On March 30, 1973, the South Carolina general assembly passed a concurrent resolution memorializing the Congress to desist from enacting legislation relating to "No-Fault" Insurance. Senator HOLLINGS and I jointly endorse this concurrent resolution.

Mr. President, on behalf of Senator HOLLINGS and myself I ask unanimous consent that the concurrent resolution be printed in the Extensions of Remarks.

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

A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO DESIST FROM ENACTING LEGISLATION RELATING TO "NO-FAULT" INSURANCE

Whereas, the United States is comprised of a union of sovereign states to which powers not delegated by the Constitution of the United States are reserved; and

Whereas, historically, matters governing the insurance industry have been dealt with by the states; and

Whereas, state control of insurance matters has proven beneficial as appropriate measures have been enacted to provide for conditions peculiar to local circumstances; and

Whereas, in recent times much attention has been given to various "no-fault" schemes to replace automobile liability coverage now available in many states and in this State; and

Whereas, in determining if South Carolina should require such "no-fault" insurance, it would seem best that such determination and the particulars related thereto would most properly be left to this General Assembly and all other State Legislatures.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That this General Assembly does hereby memorialize the Congress of the United States to desist from enacting "no-fault" insurance legislation thereby preserving the power of the States to supervise insurance activities.

## AMERICA'S FUTURE LIES IN THE HANDS OF YOUNG FARMERS

### HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 17, 1973*

Mr. TAYLOR of Missouri. Mr. Speaker, the future of America lies in the hands of the young farmer of today. If we are to maintain our high standard of living, which includes food in abundance at an equitable price, our young farmers must be encouraged to stay on the land and not forced to seek a better life elsewhere.

We cannot encourage a food boycott, and then expect to have food readily available when we want it. We cannot afford to support inflationary measures on one hand, while denying the farmer the right to an equal share of the free marketplace on the other.

Instead of condemning the farmers for the high cost of living we should commend them for providing so much, for so many, at the lowest cost of any nation in the world.

To that end I offer the following letter from Jim Powell, Secretary of the Carthage, Mo., Young Farmers Association:

CARTHAGE YOUNG FARMER'S ASSOCIATION,
*Reeds, Mo., April 14, 1973.*

Congressman GENE TAYLOR,
*House Office Building,*
*Washington, D.C.*

CONGRESSMAN TAYLOR: At the last regular meeting of the Carthage Young Farmers Association, a lengthy discussion was held about the recent meat boycott and the future of the farmer in our economic system. This meeting was attended by over sixty young farmers and their wives.

The group voted unanimously for the secretary to write you expressing some of the major points brought forth in our discussion.