The motion was agreed to; and at 5:26 p.m., the Senate adjourned until Monday, April 30, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 18, 1973:

DEPARTMENT OF LABOR

Richard F. Schubert, of Pennsylvania, to be Under Secretary of Labor, vice Laurence H. Silberman, resigned.

DEPARTMENT OF JUSTICE

Paul J. Curran, of New York, to be U.S. attorney for the southern district of New York for the term of 4 years vice Whitney North Seymour, Jr., resigning.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 18, 1973:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be ensigns

Kenneth R. Anderson	Roger W. Mercer
Stephen J. Kott	Alan H. Yanaway
Earl W. Fenstermacher	Kenneth F. VanTrain
Peter E. Gadd	George J. Hauser, Jr.
Alan D. Anderson	Garth W. Stroble
Richard H. West	Edward Gastaldo
David C. McConaghy	Andrew M. Snella
Joseph J. Kapler	Robert J. Pawlowski
Kevin T. Mahoney	Thomas L. Meyer
Thomas A. Bergner	Dennis M. Kuhl
John A. Murphy	Larry E. Gholson
Edward E. Seymour	Chris J. Nelson
Kevin P. Regan	John B. Nelson
Kent J. Stong	Kenneth M. Holden II
Michael H. Allen	David L. Rogers
John J. Kineman	Donald D. Winter
Paul B. Loiseau, Jr.	Dennis J. Sigrist
John L. Oswald	

To be lieutenant (junior grade)

Bradford B. Meyers

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The following-named persons to be members of the Board of Regents of the Uniformed Services University of the Health Sciences for the terms indicated:

For a term of 2 years

David Packard, of California.

Lt. Gen. Leonard D. Heaton, U.S. Army, retired.

Malcolm C. Todd, of California.

For a term of 4 years

Anthony R. Curreri, of Wisconsin.

For a term of 6 years

H. Ashton Thomas, of Louisiana.

Durward G. Hall, of Missouri.

U.S. AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be general

Lt. Gen. George J. Eade, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

David Luke Norman, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years.

HOUSE OF REPRESENTATIVES—*Wednesday, April 18, 1973*

The House met at 12 o'clock noon.

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

Let us not be weary in well doing; for in due season we shall reap, if we faint not.—Galatians 6: 9.

Almighty God, from whom all thoughts of truth and love proceed, kindle, we pray Thee, in the hearts of all people a true love for peace and for justice. Guide with Thy wisdom the leaders of our Nation and of all nations that quietly and sincerely Thy kingdom may go forward, Thy will be done, and men learn to live together with respect and good will.

By the might of Thy spirit quench the pride, the prejudice, and the pettiness which cause men to strive against men and people against people. Lead our country and all countries into the ways of justice and truth and establish among us all the enduring peace which is the fruit of righteousness. Thus may we be led into the stream of Thy creative purpose for all mankind.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on April 14, 1973, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 437. Joint resolution to authorize the President to designate the period beginning April 15, 1973, as "National Clean Water Week."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 93. Joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity; and

S. Con. Res. 22. Concurrent resolution providing for adjournment of the Senate from Wednesday, April 18, 1973, to Monday, April 30, 1973.

CHANGES IN ALLOWANCES FOR MEMBERS

(Mr. THOMPSON of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 457, 92d Congress, provided the Committee on House Administration the authority to fix and adjust from time to time various allowances of Members of the House of Representatives. Pursuant to this authority the committee has issued orders No. 5 and 6, both of which are effective May 1, 1973.

COMMITTEE ORDER NO. 5

Resolved, That effective May 1, 1973, until otherwise provided by order of the Committee on House Administration, upon written request to the Committee on House Administration, a Member, the Resident Commissioner from Puerto Rico, or a Delegate to the House of Representatives may employ in lieu of 1 of the 16 clerks allowed under his clerk hire allowance, a research assistant at such salary as the Member may designate. The Member's annual clerk hire allowance will then be increased at the rate of $20,000.

There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this order until otherwise provided by law.

COMMITTEE ORDER NO. 6

Resolved, That effective May 1, 1973, until otherwise provided by order of the Committee on House Administration, upon written request to the Committee on House Administration, a Member, the Resident Commissioner from Puerto Rico or a Delegate to the House of Representatives may allocate up to $250 a month of any unused portion of his clerk hire allowance for the leasing of equipment necessary for the conduct of his office.

There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this order until otherwise provided by law.

PAYMENT OF EXPENSES OF HOUSE DEMOCRATIC STEERING COMMITTEE AND HOUSE REPUBLICAN CONFERENCE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 283 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 283

Resolved, That that part of the amount appropriated for the fiscal year ending June 30, 1973, under the heading "HOUSE OF REPRESENTATIVES" and the caption "SPECIAL AND MINORITY EMPLOYEES" for the House Democratic Steering Committee, and of the amount for the House Republican Conference, in the Legislative Branch Appropriation Act, 1973 (86 Stat. 437; Public Law 92-342), which is not used to pay the salary of the Clerk and of the Assistant Clerk of the House Democratic Steering Committee, or the salary of the Executive Director and of the Research Director of the House Republican Conference, as the case may be, may be used, without limitation, by the House Democratic Steering Committee, or by the House Republican Conference, as applicable, for the payment of all its necessary expenses in such fiscal year. Until otherwise provided by law, that part of the amount appropriated for the fiscal year ending June 30, 1974, for the House Democratic Steering Committee and of the amount for the House Republican Conference for such fiscal year, which is not used to pay the salaries of its employees re-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ferred to above, as applicable, may be used by the organization concerned, without limitation, for the payment of all its necessary expenses in such fiscal year.

SEC. 2. (a) Until otherwise provided by law, effective with respect to each fiscal year beginning after June 30, 1974, there are authorized to be appropriated such sums as may be necessary for the payment of all necessary expenses of the House Democratic Steering Committee and of the House Republican Conference.

(b) As of the date of enactment of this resolution as permanent law, H. Res. 661, Eighty-ninth Congress, enacted as permanent law by section 103 of the Legislative Branch Appropriation Act, 1967 (80 Stat. 369; Public Law 89-545), is repealed.

Mr. HAYS. Mr. Speaker, this is a resolution, if I may take a few seconds in explanation, which is sponsored jointly by Mr. TEAGUE of Texas and Mr. ANDERSON of Illinois for the Democratic steering committee and the House Republican conference, respectively, allowing them to expend any unexpended balance of the money which has been appropriated for the steering committee for the salaries of the directors of the conference and the steering committee. It will not cost anything additional. It is simply clarifying legislation to say what can be paid out of these two funds.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR JOINT COMMITTEE ON BUDGET CONTROL TO FILE REPORT

Mr. ULLMAN. Mr. Speaker, I present a report from the Joint Committee on Budget Control and unanimous consent that it may be printed as a Government document.

The SPEAKER. The report will be printed.

CALL OF THE HOUSE

Mr. HUNT. 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. 101]

Archer	Griffiths	Podell
Badillo	Hanna	Rodino
Biaggi	Harvey	Rooney, N.Y.
Blatnik	Hébert	Rosenthal
Boggs	Heckler, Mass.	Ryan
Boland	Hillis	Satterfield
Chisholm	Jones, Ala.	Smith, N.Y.
Clark	King	Stanton, James V.
Corman	Lent	Talcott
Daniel, Robert W., Jr.	McKinney	Teague, Tex.
Dulski	Macdonald	Thornton
Edwards, Ala.	Maraziti	Treen
Frelinghuysen	Mathias, Calif.	Waldie
Gibbons	Morgan	
Gray	Passman	
	Pepper	

The SPEAKER. On this rollcall 389 Members have recorded their presence by electronic device, a quorum.

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

RICE ALLOTMENT TRANSFER

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6883) to amend the Agricultural Adjustment Act of 1938 with respect to rice and peanuts.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 6883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 353 of the Agricultural Adjustment Act of 1938 be amended by adding a new subsection (g) to read as follows:

"(g) Notwithstanding any other provision of this Act, if the Secretary determines for 1973 that because of a natural disaster a portion of the farm rice acreage allotments in a county cannot be timely planted or replanted in such year, he may authorize for such year the transfer of all or a part of the rice acreage allotment for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made wil be engaged in the production of rice and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Any farm allotment transferred under this subsection shall be deemed to be released acreage for the purpose of acreage history credits under subsection (e) of this section and section 377 of this Act: *Provided,* That, notwithstanding the provisions of subsection (e) of this section, the transfer of any farm allotment under this subsection shall operate to make the farm from which the allotment was transferred eligible for an allotment as having rice planted thereon during the five-year base period."

SEC. 2. Section 358 of the Agricultural Adjustment Act of 1938 is amended by adding a new subsection (j) to read as follows:

"(j) Notwithstanding any other provision of this Act, if the Secretary determines for 1973 that because of a natural disaster a portion of the farm peanut acreage allotments in a country cannot be timely planted or replanted in such year, he may authorize for such year the transfer of all or a part of the peanut acreage allotment for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of peanuts and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Any farm allotment transferred under this subsection shall be deemed to be released acreage for the purpose of acreage history credits under subsection (g) of this section and section 377 of this Act: *Provided,* That notwithstanding the provisions of subsection (g) of this section, the transfer of any farm allotment under this subsection shall operate to make the farm from which the allotment was transferred eligible for an allotment as having peanuts planted thereon during the three year base period."

With the following committee amendment:

Page 2, line 17, strike section 2.

The committee amendment was agreed to.

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

The title was amended so as to read: "A bill to amend the Agricultural Adjustment Act of 1938 with respect to rice."

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 398, TO EXTEND AND AMEND THE ECONOMIC STABILIZATION ACT OF 1970

Mr. PATMAN submitted the following conference report and statement on the Senate bill (S. 398) to extend and amend the Economic Stabilization Act of 1970:

CONFERENCE REPORT (H. REPT. No. 93-148)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Economic Stabilization Act Amendments of 1973".

AUTHORITY TO ALLOCATE PETROLEUM PRODUCTS

SEC. 2. (a) The first sentence of section 202 of the Economic Stabilization Act of 1970 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", and that in order to maintain and promote competition in the petroleum industry and assure sufficient supplies of petroleum products to meet the essential needs of various sections of the Nation, it is necessary to provide for the rational and equitable distribution of those products."

(b) The first sentence of section 203(a) of such Act is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof a new clause as follows:

"(3) provide after public hearing, conducted with such notice, under such regulations and subject to such review as the exigencies of the case may, in his judgment, make appropriate for the establishment of priorities of use and for systematic allocation of supplies of petroleum products including crude oil in order to meet the essential needs of various sections of the Nation and to prevent anticompetitive effects resulting from shortages of such products."

DEFINITION OF SUBSTANDARD EARNINGS

SEC. 3. Section 203(d) of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new sentence: "The President shall prescribe regulations defining for the purposes of this subsection the term 'substandard earnings', but in no case shall such term be defined to mean earnings less than those resulting from a wage or salary rate which yields $3.50 per hour or less."

CLARIFICATION OF AUTHORITY CONFERRED BY ACT

SEC. 4. Section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(j) Nothing in this title may be construed to authorize or require the witholding or

reservation of any obligational authority provided by law or of any funds appropriated under such authority."

DEFINITION OF WAGES AND SALARIES

SEC. 5. Section 203(g) of the Economic Stabilization Act of 1970 is amended to read as follows:

"(g) For the purposes of this title, the term 'wages' and 'salaries' do not include reasonable contributions by any employer pursuant to a compensation adjustment for—

"(1) any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

"(2) any group insurance plan; or

"(3) any disability and health plan;

unless the President determines that the contributions for such purposes made by any such employer are unreasonably inconsistent with the standards for wage, salary, and price increases issued under subsection (b) or under any other provision of this title. Employees in all industries subject to controls under this title shall be treated equally for purposes of this title."

PUBLIC DISCLOSURE

SEC. 6. Section 205 of the Economic Stabilization Act of 1970 is amended—

(1) by striking "All" and inserting in lieu thereof "(a) Except as provided in subsection (b), all"; and

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

"(b)(1) Any business enterprise subject to the reporting requirements under section 130.21(b) of the regulations of the Cost of Living Council in effect on January 11, 1973, shall make public any report (except for matter excluded in accordance with paragraph (2)) so required which covers a period during which that business enterprise charges a price for a substantial product which exceeds by more than 1.5 per centum the price lawfully in effect for such product on January 10, 1973, or on the date twelve months preceding the end of such period, whichever is later. As used in this subsection, the term 'substantial product' means any single product or service which accounted for 5 per centum or more of the gross sales or revenues of a business enterprise in its most recent full fiscal year.

"(2) A business enterprise may exclude from any report made public pursuant to paragraph 1 any information or data reported to the Cost of Living Council, proprietary in nature, which concerns or relates to the amount or sources of its income, profits, losses, costs, or expenditures but may not exclude from such report, data, or information, so reported, which concerns or relates to its prices for goods and services.

"(3) Immediately upon enactment of this subsection, the President or his delegate shall issue regulations defining for the purpose of this subsection what information or data are proprietary in nature and therefore excludable under paragraph (2), except that such regulations may not define as excludable any information or data which cannot currently be excluded from public annual reports to the Securities and Exchange Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 by a business enterprise exclusively engaged in the manufacture or sale of a substantial product as defined in paragraph (1). Such regulations shall define as excludable any information or data which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus of the business enterprise."

AGENCY HEARINGS

SEC. 7. Section 207(b) of the Economic Stabilization Act of 1970 is amended by striking out the period at the end thereof and inserting the following in lieu thereof: ": *Provided*, That such agency shall issue no order which has the effect of reducing wages, or salaries in effect, or proposed to be put into effect, in an appropriate employee unit unless such order is made on the record after opportunity for a hearing. Not less than thirty days after issuance of such an order a statement of explanation shall be directed to the affected parties and made available to the public. Such statement shall include a full explanation of the reasons why the existing wage or salary, or proposed wage or salary adjustment, does not meet the requirements of or the standards established by the regulations prescribed by the agency."

EXTENSION OF ACT

SEC. 8. Section 218 of the Economic Stabilization Act of 1970 is amended by striking out "April 30, 1973" and "May 1, 1973" and inserting in lieu thereof "April 30, 1974" and "May 1, 1974", respectively.

And the House agree to the same.

WRIGHT PATMAN,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
FERNAND J. ST GERMAIN,
FRANK ANNUNZIO,
THOMAS M. REES,
WILLIAM R. COTTER,
PARREN MITCHELL,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON A. WILLIAMS, Jr.,
THOMAS MCINTYRE,
BOB PACKWOOD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for clarifying clerical, and conforming changes, the differences are noted below:

The House amendment did not contain a short title. The Senate bill contained a short title and the conferees agreed to accept the Senate short title.

The Senate bill authorized the President to set priorities of use and systematic allocation of petroleum products. There was no comparable provision in the House amendment. The conferees accepted the Senate provision.

The Senate bill contained a provision establishing an unemployment goal of 4 percent by April 30, 1974, and declared it the sense of the Congress that the Congress and the President should pursue policies to attain this result. There was no comparable provision in the House amendment. The Senate receded to the House.

The Senate bill defined "substandard earnings", for purposes of the title, as earnings of $3.50 an hour or less. There was no comparable provision in the House bill. The House receded to the Senate.

The Senate bill contained a provision stating that nothing in this title authorizes or requires the withholding or reservation of any obligational authority provided by law or of any funds appopriated under such authority. No comparable provision was included in the House amendment. The conferees accepted the Senate provision.

The Senate bill imposed rent control on residential units in standard metropolitan statistical areas where vacancy rates are less than 5.5 percent among low and moderately-priced rental units. The House amendment contained no comparable provision. The Senate conferees receded to the House.

The Senate bill required businesses making periodic reports to the Cost of Living Council to make such reports public if the price of a substantial product increased by more than 1.5 percent over the price lawfully in effect for such product on January 10, 1973. It also provided for the exclusion from disclosure for certain information proprietary in nature. No comparable provision was included in the House amendment. The House agreed to accept the Senate provision with an amendment which would prohibit the disclosure of trade secrets.

The Senate bill directed the President to transmit quarterly reports to Congress on food prices. The House amendment contained no comparable provision. The Senate receded to the House.

The Senate bill directed the President to transmit quarterly reports to Congress on health insurance prices. The House bill contained no such provision. The Senate receded to the House.

The House amendment required the opportunity for a hearing before any agency issued an order reducing wages in effect or proposed to be put into effect with respect to an employee unit. The Senate bill contained no comparable provision. The conferees agreed to the House provision.

The House amendment amended the definition of "wages and salaries" to insure that reasonable employer contributions to legitimate fringe benefit plans were not considered wages or salaries under the title. The Senate bill contained no such provision. The Senate agreed to accept the House provision with a clarifying amendment.

LEONOR K. SULLIVAN,
HENRY S. REUSS,
FERNAND J. ST GERMAIN,
FRANK ANNUNZIO,
THOMAS M. REES,
WILLIAM R. COTTER,
PARREN MITCHELL,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON A. WILLIAMS, Jr.,
THOMAS MCINTYRE,
BOB PACKWOOD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 496, SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the 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?

Mr. GROSS. Mr. Speaker, reserving the right to object since this is an unusual procedure, I wonder if the gentleman from Texas would state whether all amendments which were adopted in the conference are germane to the bill?

Mr. MAHON. Mr. Speaker, if the gentleman will yield, let me explain.

The House passed an urgent supplemental specifically for the purpose of making it possible for veterans who get readjustment benefits for education and other purposes, to get their checks about the first of the month. It was required

that action be taken before the recess if we were to make possible these payments to the veterans. So we passed this urgent supplemental providing $468 million for this purpose.

This was required entirely as a result of a law passed last October. Then, we added to it $26.8 million to pay for additional subsidies for small airlines.

Both of these items were of an emergency nature. The readjustment benefits supplemental was required to make the big monthly payment due at the end of this month. The Civil Aeronautics Board supplemental provided for nine airlines which are not receiving payments under the feeder airline subsidy program. The CAB has been out of money since last month and these are valid obligations of the Government.

When this emergency resolution was considered on the floor, there was an appropriation of $872 million added to the measure for various student assistance programs in the higher educational field.

There was also a sum of $1.8 million added for the national industrial equipment reserve program.

I would then say to my friend, the gentleman from Iowa, that when this joint resolution went to the other body, there were two amendments agreed to on the floor. The distribution of funds under the higher education item was changed by the Senate to provide a substantially larger sum for basic opportunity grants. The appropriation total was left the same but the Senate changed the allocation of funds within the appropriation total.

In conference the Senate receded and we bring back to you today the original House-passed version for this higher education item.

The only change between the bill as agreed to in conference and the bill as it passed the House is that an amendment involving no money was added involving impacted aid to schools. It relates to impacted aid for category "A" students.

Mr. GROSS. Does this deal with the impounded funds which were released a few days ago by the President?

Mr. MAHON. The President has, as the gentleman knows, impounded funds appropriated by the Congress totaling over a half billion dollars for impacted aid. He announced release of some $415 million of that money in the past few days.

In conference language was added to the bill making it possible for the administration to distribute funds under the impacted aid school program for the so-called class "A" students in school districts which have 25 percent or more of the total number of students in the so-called "A" category.

I have been advised that a couple of schools had to close because of a failure to have the "A" category support.

As I stated, the administration announced on April 13 that some $415 million in impacted aid funds were to be released; it was proposed that this money would cover 54 percent of the "B" students and 54 percent of the "A" students. The Senate amendment would simply allow a greater allocation of already appropriated funds to the heavily impacted "A" student school districts. The amendment does not appropriate additional money. In order to implement the language additional funds over and above the $415 million would have to be released by the administration.

The bill has been changed in a very minor degree, really.

Mr. GROSS. This does not provide for additional funding for impacted school aid for fiscal year 1974; is that correct?

Mr. MAHON. It does not. The funds released for impacted school aid are still tens of millions of dollars below the appropriation which was provided.

Mr. GROSS. If impacted school aid funds are made available for fiscal year 1974 it will have to be in a later appropriation?

Mr. MAHON. It would have to be in a later HEW appropriation bill, which will be handled by the gentleman from Pennsylvania (Mr. FLOOD), the gentleman from Illinois (Mr. MICHEL), and others on that subcommittee.

I would say further that the conference agreement which we bring back today is not one nickel in appropriations over the figure approved by the House last Thursday.

Mr. GROSS. I thank the distinguished gentleman from Texas for his explanation.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 17, 1973.)

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

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

There was no objection.

Mr. FLOOD. Mr. Speaker, I do not intend to speak at length, but I believe that it is necessary to explain briefly the agreement reached by your conferees last night. First, with respect to the student assistance programs, the Senate conferees receded to the House. The conference report incorporates the House bill, without change, it provides $269,400,000 for national defense student loans. Together with $23,600,000 already available, this makes a total of $293,000,000 in Federal funds available for these loans in the 1973–74 academic year.

The bill also provides $270,200,000 for college work-study programs, and $210,300,000 for supplementary educational opportunity grants. These are the same amounts as are available to these programs in the current school year. In addition, the bill provides $122,100,000 for the new basic opportunity grant program. As I said when this bill was under consideration in the House, if it turns out that it is already too late to put this new program into effect for the 1973–74 school year, the bill will permit the entire amount earmarked for basic opportunity grants to be added to the $210,300,000 available for the supplementary educational opportunity grants. It is still the definite intent of the committee that these funds should be so used.

Both the Senate and the House bills provided the same total for the student aid programs—$872,000,000, which was also the amount of the budget request. The Senate Appropriations Committee recommended adoption of the House bill without change. However, an amendment adopted on the Senate floor, while agreeing to the total of $872,000,000, changed the distribution of this amount among the various programs. The Senate bill, as amended, provided $385,000,000 for basic opportunity grants, $130,100,000 for supplementary educational opportunity grants, $237,400,000 for college work-study, and $120,000,000 for national defense student loans. Thus, the Senate bill would increase the funding of the new basic opportunity grants at the expense of the existing student aid programs. We knew that this proposal would be totally unacceptable to the House, which passed this bill unanimously by a rollcall vote of 367 to 0, and so we insisted on the House bill.

The other Senate amendment to the bill relates to our old friend, impacted area aid.

The continuing resolution for fiscal year 1973 provides a total of $635,495,000 for this program. A few days ago, the Department of Health, Education, and Welfare announced that they intend to allocate only $415 million of this amount for the regular impacted area aid program. Under the law, the money must be prorated equally among the "A" and "B" children. For anyone who does not know, the "A" children are those whose parents live on Federal property, and the "B" children are those whose parents do not live on Federal property. The amount that HEW plans to allocate would provide 54 percent of full entitlement for both A's and B's. The Senate amendment would simply permit the payments on behalf of "A" children to be made at 90 percent of full entitlement or at 100 percent of full entitlement in school districts where they constitute 25 percent or more of the total enrollment. The payments for the "B" children would be at 54 percent of full entitlement, which is the level proposed in HEW's spending plan. The Senate amendment does not appropriate any additional money, but in order to fund the higher percentages of entitlement for the "A" children, it will be necessary for the administration to release approximately $85 million over and above their current spending plan.

Mr. Speaker, the House conferees agreed to the Senate amendment. It is consistent with language which has been approved by the House on numerous occasions in the past, and it seems eminently reasonable under present circumstances. It may also keep some schools open which might otherwise have to close early.

Mr. Speaker, I urge the adoption of the conference report.

Mr. DELLENBACK. Mr. Speaker,

apart from being very dissappointed with the dollar figures the conference report has for the new basic education opportunity grant program, I would like to point out a technical legal problem with the amount provided for the new supplemental education opportunity grant program. Basically, the conference report exceeds the authorization ceiling of $200 million for initial year spending under the SEOG. Some background to last year's Education Amendments of 1972 (Public Law 92-318) will explain the problem. I hope the Office of Education will study carefully the legislative history of the Education Amendments of 1972, including both the House-passed bill and the Senate-passed bill in relation to the final conference report.

The House bill made important changes in the old EOG program. The EOG as amended was the only student aid grant program in the House bill. The Senate bill created a new basic grant—BEOG—program and extended with only minor amendments the old EOG, but gave it the new title of supplemental education opportunity grant—SEOG. The conference accepted some provisions from each bill. The result was a new SEOG program and some confusion about "initial year" and "continuing" grants.

Under the old law, there were two authorizations for EOG grants—one for initial year and one for renewals. The "duration" of the EOG was the period required for completion of undergraduate study. In practice, this meant a freshman who got an EOG had a right to "first call" an available money the next 3 years. Appropriations always met all these "renewal grants" first, before any EOG could be given to those who had never received one. This provision was changed in the House bill and adopted by the conference so that the "duration" of a grant under the new SEOG program is now 1 year. All students—whether previous recipients or not—must apply and be considered as one applicant group by the institution awarding the grants.

The fact that the conference also adopted the Senate continuation of the old two-authorization approach is confusing. To be consistent with the major House change it adopted, the conference should also have adopted the House provision for a single authorization. The two went together. But the conference procedure of discussing each item of difference separately resulted in what looks to be—but technically is not—inconsistent provision.

If the Congress appropriates more than the statutory ceiling of $200 million for SEOG it is making the assumption there is a need for continuing grants next fall. But there can be no continuing SEOG grants until there are first some initial year SEOG's.

Would a $200 million-plus appropriation imply there are continuing needs for old EOG recipients? The House bill provided a grandfather clause to treat the old EOG recipients under the old law until they graduated. This was dropped in conference because all students are now eligible for the basic grant as well. To protect the old EOG students at their previous levels of grant aid and give them their entitlement under BOG would have been unfair and might have violated the limitations in the law as to how much Federal grant money a student can receive in 1 year. So the grandfather clause was dropped.

Thus, not only will there not be continuing SEOG grants in the fall of 1973 under the new SEOG program, but the law does not provide for continuing grants under the old program either. All 1973 appropriations for SEOG will therefore be for initial year awards.

Finally, Congress could technically appropriate funds under the two authorizations next year if it decides to do so. Although it might appropriate money under the separate provision for continuing grants after the first year, institutions and students no longer have the right to first call on funds to meet all requests of students previously on SEOG before meeting the needs of students never before on SEOG.

The conference report we are now considering appears to violate the provisions of Public Law 92-318 in another way. Section 413A(b)(1) reads as follows:

> Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (2).

Translated, that says that any funds appropriated for the initial year of this supplemental grant program—for which the $200 million authorization ceiling applies—must be separate from any funds appropriated for the continuing grants. On the latter, such sums as may be necessary are authorized.

So, Mr. Speaker, I do not know how the Office of Education can legally spend more than $200 next fall for supplemental education opportunity grants. If impoundment of the excess funds is necessary, then surely we will have to bear the burden of causing that kind of action.

Mr. HAMMERSCHMIDT. Mr. Speaker, due to a visit to Arkansas with Vice President AGNEW, I was not on the floor of the House on April 12 to support House Joint Resolution 496, making supplemental appropriations for fiscal year 1973. I had been in touch with the Appropriations Committee, urging favorable report of the measure and would have voted for the bill had I been present.

I was most gratified by final congressional approval of the measure today. The bill contains $468 million in emergency funds needed to pay veteran students monthly educational allowances. As ranking minority member on the Veterans' Affairs Committee, I had been informed that the VA would be unable to make payments due on May 1 to veterans in school under the GI bill, unless the additional funds were appropriated.

The increased alowances for veterans in school approved late last year resulted in a higher veteran enrollment than anticipated. I am deeply pleased by the expeditious action by both Houses of Congress to insure no interruption in the monthly allowances so desperately needed by veterans in school.

Also of importance in this conference agreement on the supplemental appropriations bill is an allocation to continue the national industrial equipment reserve program (NEIR). I was cosponsor on legislation introduced by Congressman ANDERSON to provide an emergency appropriation to revive this fine program which allows for loaning of Government machine tools to schools for vocational training.

The $1.8 million appropriated is an investment which yields a considerable return to our education system throughout the Nation. In 44 States, some 35,000 youths and disadvantaged persons taking vocational training will utilize this equipment to learn new skills. The potential contribution that this program can make to the national economy is sound justification for continuing the program. In the State of Arkansas alone, we have over $1.9 million worth of NIER's equipment on loan for training purposes in 25 public and vocational schools. Since Congress failed to appropriate funds for fiscal 1973 in the prior session, the program was in danger of extinction. I am deeply grateful to my colleagues for taking this corrective action.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment No. 2: Page 2, after line 17, insert:

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"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."

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tables and extraneous matter on the conference report on the joint resolution and on the amendment thereto, just agreed to.

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

There was no objection.

ADJOURNMENT OVER TO MONDAY, APRIL 30, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 22) providing that when the Senate adjourns on Wednesday, April 18, 1973, it stand adjourned until 12 o'clock meridian Monday, April 30, 1973.

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

There was no objection.

The Clerk read the Senate Concurrent Resolution as follows:

S. CON. RES. 22

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Wednesday, April 18, 1973, it stand adjourned until 12 o'clock meridian, Monday, April 30, 1973.

AMENDMENT OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'NEILL: Strike out the period at the end of the Senate concurrent resolution, insert a comma and the following clause: "and that when the House adjourns on Thursday, April 19, 1973, it stand adjourned until 12 o'clock meridian, Monday, April 30, 1973."

The amendment was agreed to.

The Senate concurrent resolution as amended was concurred in.

The title was amended so as to read: "Concurrent resolution providing for the adjournment of the Senate from April 18, 1973 to April 30, 1973, and the adjournment of the House from April 19, to April 30, 1973."

A motion to reconsider was laid on the table.

PROVIDING FOR MOTIONS TO SUSPEND THE RULES AND CALL OF CONSENT CALENDAR ON MONDAY, APRIL 30, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that on Monday, April 30, 1973, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII, and that it shall also be in order to consider business under clause 4, rule XIII, the Consent Calendar rule.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman from Massachusetts (Mr. O'NEILL) explain this request a little further?

Mr. O'NEILL. Mr. Speaker, it is proposed that on April 30, it being the fifth Monday of the month, it would be in order to call the Consent Calendar. The request is for the Consent Calendar; consequently in case there is any emergency that would arise between now and April 30, we would want that privilege.

Mr. GROSS. Which is it, the Consent Calendar or suspensions?

Mr. O'NEILL. Both.

Mr. GROSS. Could the gentleman give us any idea as to what he might have in mind for that day?

Mr. O'NEILL. We have no idea or knowledge of any legislation that is pending or would be pending. We just want this in case there is an emergency. There is no legislation pending at the present time.

Mr. GROSS. Mr. Speaker, I am not going to object to the request in this case, but I thought that when the rules were changed to provide 4 days a month for suspensions instead of 2, that you were doing pretty well. I hope the gentleman will not present this request on every occasion of this kind.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS, 1974

The SPEAKER. The unfinished business is the question on the passage of the bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

The Clerk read the title of the bill.

MOTION TO RECOMMIT OFFERED BY MR. BELL

Mr. BELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BELL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BELL moves to recommit the bill H.R. 6691 to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment: "On page 17, strike out lines 14 through 22."

The SPEAKER. The gentleman from California (Mr. BELL), is recognized for 5 minutes on the motion to recommit.

Mr. BELL. Mr. Speaker, the motion to recommit is on the so-called Roybal amendment.

What it simply does is to strike out the appropriation of $58 million involving the expenditure for the extension of the Capitol.

My colleagues, I think that we have our priorities askew or mixed up. We are telling our people in America to tighten their belts, to economize, so that we can fight inflation, and can avoid a tax increase. Yet on the first appropriation bill of this year we are spending $60 million for what amounts to our convenience in the extension of the Capitol.

Mr. Speaker, I hold that the priorities are not only wrong, but the timing is wrong also. We are saying to our people in effect that we must cut back programs such as aid to the handicapped.

We must have cuts in aid to unemployment; we must have cuts in aid to fight poverty; we must have cuts in compensatory compensation; we must have cuts in medicare. But we must and we can add the additional space to the Capitol at a cost of $60 million.

My friends, I think there is something else we must consider in this situation. In all modesty, I must say I think we are representatives of the people here and we represent to some extent the leadership in this Nation of ours. We represent a leadership cause. Therefore, I hold it is our duty to set a pattern as to what our Nation should do, and the direction in which our Nation should go. We set the pattern.

It is not so much the exact expenditure as it is the pattern we are laying out for the American public to accept or to follow. We say we must economize because we have to fight these things such as inflation and we have to cut down on other things, but we are spending money here on something that helps us. I do not think the American people will buy it.

Mr. YATES. Will the gentleman yield?

Mr. BELL. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I understood the distinguished Speaker of the House, the majority leader, and the minority leader yesterday to give the impression that the Architect of the Capitol, was wholeheartedly in support of the extension. He is not wholeheartedly in support of the extension. Let me read from page 716 of the hearings the testimony of Mr. White, the Architect of the Capitol:

Mr. WHITE. I would like, if I may, to say another thing.

As a personal matter, I, as do most architects, strongly support the basic principles of preservation and restoration of our historic buildings. They are the physical heritage that we have. I support those as a personal matter. This particular matter is not a simple decision to make. 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. Speaker, that is Mr. White's testimony. The fact is that the wall can be restored at a third of the cost that will have to be spent for the extension of the Capitol.

I agree with the motion of the gentleman from California and hope that the House will support it.

Mr. CEDERBERG. Will the gentleman yield?

Mr. BELL. I yield to the gentleman.

Mr. CEDERBERG. The Architect of the Capitol called me this morning to assure me of his concern about what was going to take place today. He is 100 percent behind the committee action.

Mr. BELL. Mr. Speaker, I cease to yield to the gentleman from Michigan, and I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I thank the gentleman for yielding. I support the gentleman from California.

This is the first opportunity this House has to vote on the 1974 budget. We have been talking about holding the line and accepting the President's spending ceiling, but to do that we are going to have to save money so that we can give more money to the people who need it. And yet here we are, in the very first action being asked to spend $58 million that we do not need to spend. I believe we must support the motion to recommit with instructions to delete this unnecessary $58 million.

Mr. BELL. Mr. Speaker, I urge the defeat of this legislation.

Mr. CASEY of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, this is a head-on decision. What are we going to do with the west front? Something has to be done. Many have said, as the gentleman from California has, that we cannot afford the cost of extension. I think the people of this country want this Capitol to look as nice as any capitol in the world, and it will not look any better after you punch it full of holes and force grouting into it and then give it a new coat of paint.

The gentleman from California who just spoke is worried about all the construction that is going on in our Nation's Capitol. Let me tell him that there is $100 million worth of Federal construction going on in the State of California right now. Maybe he would like to stop the construction of public buildings in his State.

I think it is good economics to improve our Nation's Capitol so that it will be a beautiful edifice.

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

Mr. CASEY of Texas. I will be happy to yield to the distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I hesitate to take this time, and I hesitate to say what I am going to say, but three Members of this House have come to me this morning and said that their offices received calls purportedly from my office saying that I was not interested in their maintaining the positions they expressed in their votes for the extension of the west front yesterday. That statement is absolutely untrue. I cannot imagine who would have made such calls to these Members. It certainly was not my office, and it certainly was not me.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I will be glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I wish to make two points. Point No. 1, I will lay my record on the line in this House this year or any year in being in favor of holding the line on Federal expenditures. Despite the controversy I believe that this project is needed, and it is needed now.

Let me add this: If we appropriate the amount of money in the bill hardly any of it will be spent in fiscal year 1974. The funds will be spent over a period of 4 years. There will not be an immediate drain on the Treasury if you approve the extension of the west front.

The second point, Mr. Speaker: I am amazed that anybody would indicate that the Architect of the Capitol, Mr. George White, is not in favor of the extension of the west front. I have a copy of a letter in my hand written by Mr. Elmer Botsai to one of our colleagues, the Honorable HAROLD T. JOHNSON, dated March 12, 1973. Mr. Botsai is the treasurer of the American Institute of Architects. And in this letter Mr. Botsai endorses the extension of the west front, and he says that he agrees with the Architect of the Capitol, who agrees that we ought to extend the west front.

Members of the House, this is an important item, if you want our Capitol to be the kind of Capitol that we need in Washington, D.C.

Mr. CASEY of Texas. Mr. Speaker, I thank the distinguished minority leader.

Mr. Speaker, there is no question but what the distinguished minority leader said with reference to the American Institute of Architects is correct. The last time they were not in agreement was in 1966 at their annual convention when a resolution was brought forth to oppose the extension of the west front. It was debated, and the debate became so hot that the resolution was tabled without any action being taken. So I do not think we can say that the American Institute of Architects has a record for opposing the extension of the west front.

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

Mr. CASEY of Texas. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, I would like to make the observation that Members of the House should not be misled by the fiscal argument here, because money appropriated for extension of the west front is a prudent investment that will be used for a constructive purpose, where money appropriated for restoration is a complete waste. We ought not to throw away $20 million in this manner.

We should also remember with reference to the historical argument that a wall shot through with 5,700 holes is, like a cheese grate or a sieve, no longer the same historical edifice.

The only correct course for us to take this day is to vote for the extension of the west front, which will provide 270,000 square feet of additional space, space that is critically needed in the National Capitol, which is the premium real estate and the vital working center of the United States of America.

Mr. CASEY of Texas. Mr. Speaker, the gentleman from New Hampshire is correct, The additional space that will be secured through extension will be beautiful space, and it will be useful space. If we restore the west wall, that old wall will continue to be the color of the gray paint we have had for years and paint that will have to be replaced every 2 or 3 years.

We would still have the space problem that is so desperate now if we go ahead with merely the so-called restoration. After restoration our constituents would come to our Capitol and they would say what has happened that we still have such an old gray painted wall on the west side of the building?

Mr. LONG of Maryland. Mr. Speaker, if the gentleman would yield, I would say that if we go ahead and complete the restoration of that wall that then I would like to call it the Architect's wailing wall.

The SPEAKER. The time of the gentleman has expired.

Mr. CASEY of Texas. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York will state his parliamentary inquiry.

Mr. STRATTON. Mr. Speaker, my parliamentary inquiry is this: If a Member is opposed to the extension of the west front, would he then vote "yea" on the motion to recommit?

The SPEAKER. The Chair will state that the gentleman from New York is correct.

Mr. STRATTON. I thank the Speaker.

The SPEAKER. The question is on the motion to recommit.

Mr. STRATTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—ayes 185, nays 215, answered "present" 2, not voting 31, as follows:

[Roll No. 102]

YEAS—185

Abdnor	Fraser	Mills, Md.
Abzug	Frelinghuysen	Minish
Adams	Frey	Mink
Anderson, Calif.	Froehlich	Mitchell, N.Y.
Anderson, Ill.	Fuqua	Moakley
Andrews, N.C.	Gettys	Montgomery
Archer	Giaimo	Moorhead, Calif.
Armstrong	Ginn	Mosher
Ashbrook	Goodling	Nedzi
Ashley	Grasso	Nelsen
Aspin	Green, Pa.	Nichols
Bafalis	Gross	O'Brien
Baker	Grover	Parris
Beard	Gubser	Pettis
Bell	Gude	Peyser
Bennett	Gunter	Pike
Biester	Guyer	Preyer
Bingham	Haley	Pritchard
Blatnik	Hamilton	Quie
Breckinridge	Hammer-schmidt	Railsback
Brinkley	Hanley	Randall
Brotzman	Hanrahan	Rarick
Brown, Mich.	Hansen, Idaho	Rees
Broyhill, N.C.	Hébert	Regula
Burgener	Hechler, W. Va.	Reid
Burke, Fla.	Heckler, Mass.	Reuss
Butler	Heinz	Riegle
Byron	Hicks	Rinaldo
Carter	Holt	Robison, N.Y.
Chisholm	Holtzman	Rodino
Clancy	Howard	Roncalio, Wyo.
Clawson, Del	Huber	Roncalio, N.Y.
Cleveland	Hudnut	Roush
Cochran	Hunt	Roybal
Cohen	Johnson, Colo.	St Germain
Collier	Jordan	Sarasin
Collins	Keating	Sarbanes
Conlan	Kemp	Satterfield
Conyers	Ketchum	Scherle
Crane	Koch	Schneebeli
Cronin	Landgrebe	Schroeder
Daniel, Dan	Lott	Skubitz
Davis, S.C.	Lujan	Spence
Dennis	McCloskey	Steele
Devine	McDade	Steelman
Dorn	Macdonald	Steiger, Ariz.
Drinan	Mallary	Steiger, Wis.
Duncan	Mann	Stratton
du Pont	Martin, N.C.	Studds
Edwards, Ala.	Mathis, Ga.	Symms
Fish	Mayne	Taylor, Mo.
Flowers	Mazzoli	Teague, Calif.
Flynt	Mezvinsky	Thompson, N.J.
Fountain	Miller	Thone

Towell, Nev.	Ware	Yates
Udall	Whalen	Young, Alaska
Van Deerlin	Whitehurst	Young, Fla.
Vander Jagt	Widnall	Young, Ga.
Vanik	Wilson, Charles, Tex.	Young, Ill.
Waggonner	Winn	Young, S.C.
Walsh	Wylie	Zion
Wampler		Zwach

NAYS—215

Addabbo	Fulton	O'Hara
Alexander	Gaydos	O'Neill
Andrews, N. Dak.	Gilman	Owens
Annunzio	Goldwater	Patman
Arends	Gonzalez	Patten
Barrett	Gray	Pepper
Bergland	Green, Oreg.	Perkins
Bevill	Hanna	Pickle
Blackburn	Hansen, Wash.	Poage
Boland	Harrington	Powell, Ohio
Bolling	Harsha	Price, Ill.
Bowen	Hastings	Price, Tex.
Brademas	Hawkins	Quillen
Brasco	Hays	Rangel
Breaux	Helstoski	Rhodes
Brooks	Henderson	Roberts
Broomfield	Hinshaw	Robinson, Va.
Brown, Calif.	Hogan	Roe
Brown, Ohio	Holifield	Rogers
Broyhill, Va.	Horton	Rooney, Pa.
Buchanan	Hosmer	Rose
Burke, Calif.	Hungate	Rosenthal
Burke, Mass.	Hutchinson	Rostenkowski
Burleson, Tex.	Ichord	Rousselot
Burlison, Mo.	Jarman	Roy
Burton	Johnson, Calif.	Runnels
Camp	Johnson, Pa.	Ruppe
Carey, N.Y.	Jones, N.C.	Ruth
Carney, Ohio	Jones, Okla.	Sandman
Casey, Tex.	Karth	Saylor
Cederberg	Kastenmeier	Sebelius
Chamberlain	Kazen	Seiberling
Chappell	Kluczynski	Shipley
Clausen, Don H.	Kuykendall	Shriver
Clay	Kyros	Shuster
Conable	Landrum	Sikes
Cotter	Latta	Sisk
Coughlin	Leggett	Slack
Culver	Lehman	Smith, Iowa
Daniels, Dominick V.	Lent	Smith, N.Y.
Danielson	Litton	Snyder
Davis, Ga.	Long, La.	Staggers
Davis, Wis.	Long, Md.	Stanton, J. William
Delaney	McClory	Stark
Dellenback	McCollister	Steed
Dellums	McCormack	Stephens
Denholm	McEwen	Stokes
Dent	McFall	Stubblefield
Derwinski	McKay	Stuckey
Dickinson	McSpadden	Sullivan
Diggs	Madden	Symington
Dingell	Madigan	Taylor, N.C.
Donohue	Mahon	Thomson, Wis.
Downing	Mailliard	Tiernan
Eckhardt	Martin, Nebr.	Ullman
Eilberg	Matsunaga	Veysey
Erlenborn	Meeds	Vigorito
Esch	Melcher	White
Eshleman	Metcalfe	Whitten
Evans, Colo.	Michel	Wiggins
Evins, Tenn.	Milford	Williams
Fascell	Mills, Ark.	Wilson, Bob
Findley	Minshall, Ohio	Wilson, Charles H., Calif.
Fisher	Mitchell, Md.	Wolff
Flood	Mollohan	Wright
Foley	Moorhead, Pa.	Wyatt
Ford, Gerald R.	Moss	Wydler
Ford, William D.	Murphy, Ill.	Wyman
Forsythe	Murphy, N.Y.	Yatron
Frenzel	Myers	Young, Tex.
	Natcher	Zablocki
	Nix	
	Obey	

ANSWERED PRESENT—2

Conte	Edwards, Calif.

NOT VOTING—31

Badillo	Griffiths	Podell
Biaggi	Harvey	Rooney, N.Y.
Boggs	Hillis	Ryan
Bray	Jones, Ala.	Shoup
Clark	Jones, Tenn.	Stanton, James V.
Corman	King	Talcott
Daniel, Robert W., Jr.	McKinney	Teague, Tex.
de la Garza	Maraziti	Thornton
Duiski	Mathias, Calif.	Treen
Gibbons	Morgan	Waldie
	Passman	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Conte for, with Mr. Talcott against.

Mr. Edwards of California for, with Mr. Waldie against.

Mr. Bray for, with Mr. Morgan against.

Mr. Robert W. Daniel, Jr. for, with Mr. Podell against.

Mr. de la Garza for, with Mr. Clark against.

Mr. Jones of Tennessee for, with Mr. Passman against.

Mr. Thornton for, with Mrs. Griffiths against.

Until further notice:

Mr. Biaggi with Mr. King.

Mrs. Boggs with Mr. Hillis.

Mr. Jones of Alabama with Mr. Mathias of California.

Mr. Rooney of New York with Mr. Maraziti.

Mr. Dulski with Mr. McKinney.

Mr. Gibbons with Mr. Shoup.

Mr. Ryan with Mr. Treen.

Mr. Teague of Texas with Mr. James V. Stanton.

Mr. Corman with Mr. Badillo.

Mr. CONTE. Mr. Speaker, I have a live pair with the gentleman from California (Mr. TALCOTT). If he had been present he would have voted "nay." I would have voted "yea." Therefore, I vote "present."

Mr. EDWARDS of California. Mr. Speaker, I have a live pair with the gentleman from California (Mr. WALDIE). If he had been present he would have voted "nay." I would have voted "yea." Therefore I vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

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

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. A quorum has been established by the rollcall, and there has been no intervening business.

Mr. DELLENBACK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. TIERNAN. Mr. Speaker, yesterday here, on rollcall No. 100, the vote on the Roybal amendment to strike out the funds for the extension of the west front of the Capitol, I voted "no."

Mr. Speaker, I placed my card in the box. It registered "no." I actually took the card back out and put it back in, and it showed a red "no" again.

Last night, to my chagrin, I was told that I was not recorded as voting. I was here. Other Members of the House were present with me and saw me vote and record my vote as "no."

I hope that the House committee which is in charge of this electronic voting system will check that out, because there is no question of it.

The SPEAKER. The Chair hopes the same thing.

Mr. TIERNAN. Apparently there is no way of correcting the RECORD at this time.

The SPEAKER. Not under the procedure which has been adopted. The Chair is powerless to act.

ENERGY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–85

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

At home and abroad, America is in a time of transition. Old problems are yielding to new initiatives, but in their place new problems are arising which once again challenge our ingenuity and require vigorous action. Nowhere is this more clearly true than in the field of energy.

As America has become more prosperous and more heavily industrialized, our demands for energy have soared. Today, with 6 percent of the world's population, we consume almost a third of all the energy used in the world. Our energy demands have grown so rapidly that they now outstrip our available supplies, and at our present rate of growth, our energy needs a dozen years from now will be nearly double what they were in 1970.

In the years immediately ahead, we must face up to the possibility of occasional energy shortages and some increase in energy prices.

Clearly, we are facing a vitally important energy challenge. If present trends continue unchecked, we could face a genuine energy crisis. But that crisis can and should be averted, for we have the capacity and the resources to meet our energy needs if only we take the proper steps—and take them now.

More than half of the world's total reserves of coal are located within the United States. This resource alone would be enough to provide for our energy needs for well over a century. We have potential resources of billions of barrels of recoverable oil, similar quantities of shale oil and more than 2,000 trillion cubic feet of natural gas. Properly managed, and with more attention on the part of consumers to the conservation of energy, these supplies can last for as long as our economy depends on conventional fuels.

In addition to natural fuels, we can draw upon hydroelectric plants and increasing numbers of nuclear powered facilities. Moreover, long before our present energy sources are exhausted, America's vast capabilities in research and development can provide us with new, clean and virtually unlimited sources of power.

Thus we should not be mislead into pessimistic predictions of an energy disaster. But neither should we be lulled into a false sense of security. We must examine our circumstances realistically, carefully weigh the alternatives—and then move forward decisively.

WEIGHING THE ALTERNATIVES

Over 90 percent of the energy we consume today in the United States comes from three sources: natural gas, coal and

petroleum. Each source presents us with a different set of problems.

Natural gas is our cleanest fuel and is most preferred in order to protect our environment, but ill-considered regulations of natural gas prices by the Federal Government have produced a serious and increasing scarcity of this fuel.

We have vast quantities of coal, but the extraction and use of coal have presented such persistent environmental problems that, today, less than 20 percent of our energy needs are met by coal and the health of the entire coal industry is seriously threatened.

Our third conventional resource is oil, but domestic production of available oil is no longer able to keep pace with demands.

In determining how we should expand and develop these resources, along with others such as nuclear power, we must take into account not only our economic goals, but also our environmental goals and our national security goals. Each of these areas is profoundly affected by our decisions concerning energy.

If we are to maintain the vigor of our economy, the health of our environment, and the security of our energy resources, it is essential that we strike the right balance among these priorities.

The choices are difficult, but we cannot refuse to act because of this. We cannot stand still simply because it is difficult to go forward. That is the one choice Americans must never make.

The energy challenge is one of the great opportunities of our time. We have already begun to meet that challenge, and realize its opportunities.

NATIONAL ENERGY POLICY

In 1971, I sent to the Congress the first message on energy policies ever submitted by an American President. In that message I proposed a number of specific steps to meet our projected needs by increasing our supply of clean energy in America.

Those steps included expanded research and development to obtain more clean energy, increased availability of energy resources located on Federal lands, increased efforts in the development of nuclear power, and a new Federal organization to plan and manage our energy programs.

In the twenty-two months since I submitted that message, America's energy research and development efforts have been expanded by 50 percent.

In order to increase domestic production of conventional fuels, sales of oil and gas leases on the Outer Continental Shelf have been increased. Federal and State standards to protect the marine environment in which these leases are located are being tightened. We have developed a more rigorous surveillance capability and an improved ability to prevent and clean up oil spills.

We are planning to proceed with the development of oil shale and geothermal energy sources on Federal lands, so long as an evaluation now underway shows that our environment can be adequately protected.

We have also taken new steps to expand our uranium enrichment capacity for the production of fuels for nuclear power plants, to standardize nuclear power plant designs, and to ensure the continuation of an already enviable safety record.

We have issued new standards and guidelines, and have taken other actions to increase and encourage better conservation of energy.

In short, we have made a strong beginning in our effort to ensure that America will always have the power needed to fuel its prosperity. But what we have accomplished is only a beginning.

Now we must build on our increased knowledge, and on the accomplishments of the past twenty-two months, to develop a more comprehensive, integrated national energy policy. To carry out this policy we must:

—increase domestic production of all forms of energy;

—act to conserve energy more effectively;

—strive to meet our energy needs at the lowest cost consistent with the protection of both our national security and our national environment;

—reduce excessive regulatory and administrative impediments which have delayed or prevented construction of energy-producing facilities;

—act in concert with other nations to conduct research in the energy field and to find ways to prevent serious shortages; and

—apply our vast scientific and technological capacities—both public and private—so we can utilize our current energy resources more wisely and develop new sources and new forms of energy.

The actions I am announcing today and the proposals I am submitting to the Congress are designed to achieve these objectives. They reflect the fact that we are in a period of transition, in which we must work to avoid or at least minimize short-term supply shortages, while we act to expand and develop our domestic supplies in order to meet long-term energy needs.

We should not suppose this transition period will be easy. The task ahead will require the concerted and cooperative efforts of consumers, industry, and government.

DEVELOPING OUR DOMESTIC ENERGY RESOURCES

The effort to increase domestic energy production in a manner consistent with our economic, environmental and security interests should focus on the following areas:

NATURAL GAS

Natural gas is America's premium fuel. It is clean-burning and thus has the least detrimental effect on our environment.

Since 1966, our consumption of natural gas has increased by over one-third, so that today natural gas comprises 32 percent of the total energy we consume from all sources. During this same period, our proven and available reserves of natural gas have decreased by a fifth. Unless we act responsibly, we will soon encounter increasing shortages of this vital fuel.

Yet the problem of shortages results less from inadequate resources than from ill-conceived regulation. Natural gas is the fuel most heavily regulated by the Federal Government—through the Federal Power Commission. Not only are the operations of interstate natural gas pipelines regulated, as was originally and properly intended by the Congress, but the price of the natural gas supplied to these pipelines by thousands of independent producers has also been regulated.

For more than a decade the prices of natural gas supplied to pipelines under this extended regulation have been kept artificially low. As a result, demand has been artificially stimulated, but the exploration and development required to provide new supplies to satisfy this increasing demand have been allowed to wither. This form of government regulation has contributed heavily to the shortages we have experienced, and to the greater scarcity we now anticipate.

As a result of its low regulated price, more than 50 percent of our natural gas is consumed by industrial users and utilities, many of which might otherwise be using coal or oil. While homeowners are being forced to turn away from natural gas and toward more expensive fuels, unnecessarily large quantities of natural gas are being used by industry.

Furthermore, because prices within producing States are often higher than the interstate prices established by the Federal Power Commission, most newly discovered and newly produced natural gas does not enter interstate pipelines. Potential consumers in non-producing States thus suffer the worst shortages. While the Federal Power Commission has tried to alleviate these problems, the regulatory framework and attendant judicial constraints inhibit the ability of the Commission to respond adequately.

It is clear that the price paid to producers for natural gas in interstate trade must increase if there is to be the needed incentive for increasing supply and reducing inefficient usage. Some have suggested additional regulation to provide new incentives, but we have already seen the pitfalls in this approach. We must regulate less, not more. At the same time, we cannot remove all natural gas regulations without greatly inflating the price of gas currently in production and generating windfall profits.

To resolve this issue, I am proposing that gas from new wells, gas newly-dedicated to interstate markets, and the continuing production of natural gas from expired contracts should no longer be subject to price regulation at the wellhead. Enactment of this legislation should stimulate new exploration and development. At the same time, because increased prices on new unregulated gas would be averaged in with the prices for gas that is still regulated, the consumer should be protected against precipitous cost increases.

To add further consumer protection against unjustified price increases, I propose that the Secretary of the Interior be given authority to impose a ceiling on the price of new natural gas when circumstances warrant. Before exercising this power, the Secretary would consider the cost of alternative domestic fuels, taking into account the superiority of natural gas from an environmental standpoint. He would also consider the

importance of encouraging production and more efficient use of natural gas.

OUTER CONTINENTAL SHELF

Approximately half of the oil and gas resources in this country are located on public lands, primarily on the Outer Continental Shelf (OCS). The speed at which we can increase our domestic energy production will depend in large measure on how rapidly these resources can be developed.

Since 1954, the Department of the Interior has leased to private developers almost 8 million acres on the Outer Continental Shelf. But this is only a small percentage of these potentially productive areas. At a time when we are being forced to obtain almost 30 percent of our oil from foreign sources, this level of development is not adequate.

I am therefore directing the Secretary of the Interior to take steps which would triple the annual acreage leased on the Outer Continental Shelf by 1979, beginning with expanded sales in 1974 in the Gulf of Mexico and including areas beyond 200 meters in depth under conditions consistent with my oceans policy statement of May, 1970. By 1985, this accelerated leasing rate could increase annual energy production by an estimated 1.5 billion barrels of oil (approximately 16 percent of our projected oil requirements in that year), and 5 trillion cubic feet of natural gas (approximately 20 percent of expected demand for natural gas that year).

In the past, a central concern in bringing these particular resources into production has been the threat of environmental damage. Today, new techniques, new regulations and standards, and new surveillance capabilities enable us to reduce and control environmental dangers substantially. We should now take advantage of this progress. The resources under the Shelf, and on all our public lands, belong to all Americans, and the critical needs of all Americans for new energy supplies require that we develop them.

If at any time it is determined that exploration and development of a specific shelf area can only proceed with inadequate protection of the environment, we will not commence or continue operations. This policy was reflected in the suspension of 35 leases in the Santa Barbara Channel in 1971. We are continuing the Santa Barbara suspensions, and I again request that the Congress pass legislation that would provide for appropriate settlement for those who are forced to relinquish their leases in the area.

At the same time, I am directing the Secretary of the Interior to proceed with leasing the Outer Continental Shelf beyond the Channel Islands of California if the reviews now underway show that the environmental risks are acceptable.

I am also asking the Chairman of the Council on Environmental Quality to work with the Environmental Protection Agency, in consultation with the National Academy of Sciences and appropriate Federal agencies, to study the environmental impact of oil and gas production on the Atlantic Outer Continental Shelf and in the Gulf of Alaska. No drilling will be undertaken in these areas until its environmental impact is determined. Governors, legislators and citizens of these areas will be consulted in this process.

Finally, I am asking the Secretary of the Interior to develop a long-term leasing program for *all* energy resources on public lands, based on a thorough analysis of the Nation's energy, environmental, and economic objectives.

ALASKAN PIPELINE

Another important source of domestic oil exists on the North Slope of Alaska. Although private industry stands ready to develop these reserves and the Federal Government has spent large sums on environmental analyses, this project is still being delayed. This delay is not related to any adverse judicial findings concerning environmental impact, but rather to an outmoded legal restriction regarding the width of the right of way for the proposed pipeline.

At a time when we are importing growing quantities of oil at great detriment to our balance of payments, and at a time when we are also experiencing significant oil shortages, we clearly need the two million barrels a day which the North Slope could provide—a supply equal to fully one-third of our present import levels.

In recent weeks I have proposed legislation to the Congress which would remove the present restriction on the pipeline. I appeal to the Congress to act swiftly on this matter so that we can begin construction of the pipeline with all possible speed.

I oppose any further delay in order to restudy the advisability of building the pipeline through Canada. Our interest in rapidly increasing our supply of oil is best served by an Alaskan pipeline. It could be completed much more quickly than a Canadian pipeline; its entire capacity would be used to carry domestically owned oil to American markets where it is needed; and construction of an Alaskan pipeline would create a significant number of American jobs both in Alaska and in the maritime industry.

SHALE OIL

Recoverable deposits of shale oil in the continental United States are estimated at some 600 billion barrels, 80 billion of which are considered easily accessible.

At the time of my Energy Message of 1971, I requested the Secretary of the Interior to develop an oil shale leasing program on a pilot basis and to provide me with a thorough evaluation of the environmental impact of such a program. The Secretary has prepared this pilot project and expects to have a final environmental impact statement soon. If the environmental risks are acceptable, we will proceed with the program.

To date there has been no commercial production of shale oil in the United States. Our pilot program will provide us with valuable experience in using various operational techniques and acting under various environmental conditions. Under the proposed program, the costs both of development and environmental protection would be borne by the private lessee.

GEOTHERMAL LEASES

At the time of my earlier Energy Message, I also directed the Department of the Interior to prepare a leasing program for the development of geothermal energy on Federal lands. The regulations and final environmental analysis for such a program should be completed by late spring of this year.

If the analysis indicates that we can proceed in an environmentally acceptable manner, I expect leasing of geothermal fields on Federal lands to being soon thereafter.

The use of geothermal energy could be of significant importance to many of our western areas, and by supplying a part of the western energy demand, could release other energy resources that would otherwise have to be used. Today, for instance, power from the Geysers geothermal field in California furnishes about one-third of the electric power of the city of San Francisco.

New technologies in locating and producing geothermal energy are now under development. During the coming fiscal year, the National Science Foundation and the Geological Survey will intensify their research and development efforts in this field.

COAL

Coal is our most abundant and least costly domestic source of energy. Nevertheless, at a time when energy shortages loom on the horizon, coal provides less than 20 percent of our energy demands, and there is serious danger that its use will be reduced even further. If this reduction occurs, we would have to increase our oil imports rapidly, with all the trade and security problems this would entail.

Production of coal has been limited not only by competition from natural gas—a competition which has been artificially induced by Federal price regulation—but also by emerging environmental concerns and mine health and safety requirements. In order to meet environmental standards, utilities have shifted to natural gas and imported low-sulphur fuel oil. The problem is compounded by the fact that some low-sulphur coal resources are not being developed because of uncertainty about Federal and State mining regulations.

I urge that highest national priority be given to expanded development and utilization of our coal resources. Present and potential users who are able to choose among energy sources should consider the national interest as they make their choice. Each decision against coal increases petroleum or gas consumption, compromising our national self-sufficiency and raising the cost of meeting our energy needs.

In my State of the Union Message on Natural Resources and the Environment earlier this year, I called for strong legislation to protect the environment from abuse caused by mining. I now repeat that call. Until the coal industry knows the mining rules under which it will have to operate, our vast reserves of low-sulphur coal will not be developed as rapidly as they should be and the under-utilization of such coal will persist.

The Clean Air Act of 1970, as amended, requires that primary air quality standards—those related to health—must be met by 1975, while more stringent secondary standards—those related to the "general welfare"—must be met within a reasonable period. The States are moving very effectively to meet primary standards established by the Clean Air Act, and I am encouraged by their efforts.

At the same time, our concern for the "general welfare" or national interest should take into account considerations of national security and economic prosperity, as well as our environment.

If we insisted upon meeting both primary and secondary clean air standards by 1975, we could prevent the use of up to 155 million tons of coal per year. This would force an increase in demand for oil of 1.6 million barrels per day. This oil would have to be imported, with an adverse effect on our balance of payments of some $1.5 billion or more a year. Such a development would also threaten the loss of an estimated 26,000 coal mining jobs.

If, on the other hand, we carry out the provisions of the Clean Air Act in a judicious manner, carefully meeting the primary, health-related standards, but not moving in a precipitous way toward meeting the secondary standards, then we should be able to use virtually all of that coal which would otherwise go unused.

The Environmental Protection Agency has indicated that the reasonable time allowed by the Clean Air Act for meeting secondary standards could extend beyond 1975. Last year, the Administrator of the Environmental Protection Agency sent to all State governors a letter explaining that during the current period of shortages in low-sulphur fuel, the States should not require the burning of such fuels except where necessary to meet the primary standards for the protection of health. This action by the States should permit the desirable substitution of coal for low-sulphur fuel in many instances. I strongly support this policy.

Many State regulatory commissions permit their State utilities to pass on increased fuel costs to the consumer in the form of higher rates, but there are sometimes lags in allowing the costs of environmental control equipment to be passed on in a similar way. Such lags discourage the use of environmental control technology and encourage the use of low-sulphur fuels, most of which are imported.

To increase the incentive for using new environmental technology, I urge all State utility commissions to ensure that utilities receive a rapid and fair return on pollution control equipment, including stack gas cleaning devices and coal gasification processes.

As an additional measure to increase the production and use of coal, I am directing that a new reporting system on national coal production be instituted within the Department of the Interior, and I am asking the Federal Power Commission for regular reports on the use of coal by utilities.

I am also stepping up our spending for research and development in coal, with special emphasis on technology for sulphur removal and the development of low-cost, clean-burning forms of coal.

NUCLEAR ENERGY

Although our greatest dependence for energy until now has been on fossil fuels such as coal and oil, we must not and we need not continue this heavy reliance in the future. The major alternative to fossil fuel energy for the remainder of this century is nuclear energy.

Our well-established nuclear technology already represents an indispensable source of energy for meeting present needs. At present there are 30 nuclear power plants in operation in the United States; of the new electrical generator capacity contracted for during 1972, 70 percent will be nuclear powered. By 1980, the amount of electricity generated by nuclear reactors will be equivalent to 1.25 billion barrels of oil, or 8 trillion cubic feet of gas. It is estimated that nuclear power will provide more than one-quarter of this country's electrical production by 1985, and over half by the year 2000.

Most nuclear power plants now in operation utilize light water reactors. In the near future, some will use high temperature gas-cooled reactors. These techniques will be supplemented during the next decade by the fast breeder reactor, which will bring about a 30-fold increase in the efficiency with which we utilize our domestic uranium resources. At present, development of the liquid metal fast breeder reactor is our highest priority target for nuclear research and development.

Nuclear power generation has an extraordinary safety record. There has never been a nuclear-related fatality in our civilian atomic energy program. We intend to maintain that record by increasing research and development in reactor safety.

The process of determining the safety and environmental acceptability of nuclear power plants is more vigorous and more open to public participation than for any comparable industrial enterprise. Every effort must be made by the Government and industry to protect public health and safety and to provide satisfactory answers to those with honest concerns about this source of power.

At the same time, we must seek to avoid unreasonable delays in developing nuclear power. They serve only to impose unnecessary costs and aggravate our energy shortages. It is discouraging to know that nuclear facilities capable of generating 27,000 megawatts of electric power which were expected to be operational by 1972 were not completed. To replace that generating capacity we would have to use the equivalent of one-third of the natural gas the country used for generating electricity in 1972. This situation must not continue.

In my first Energy Special Message in 1971, I proposed that utilities prepare and publish long-range plans for the siting of nuclear power plants and transmission lines. This legislation would provide a Federal-State framework for licensing individual plants on the basis of a full and balanced consideration of both environmental and energy needs. The Congress has not acted on that proposal. I am resubmitting that legislation this year with a number of new provisions to simplify licensing, including one to require that the Government act on all completed license applications within 18 months after they are received.

I would also emphasize that the private sector's role in future nuclear development must continue to grow. The Atomic Energy Commission is presently taking steps to provide greater amounts of enriched uranium fuel for the Nation's nuclear power plants. However, this expansion will not fully meet our needs in the 1980's; the Government now looks to private industry to provide the additional capacity that will be required.

Our nuclear technology is a national asset of inestimable value. It is essential that we press forward with its development.

The increasing occurrence of unnecessary delays in the development of energy facilities must be ended if we are to meet our energy needs. To be sure, reasonable safeguards must be vigorously maintained for protection of the public and of our environment. Full public participation and questioning must also be allowed as we decide where new energy facilities are to be built. We need to streamline our governmental procedures for licensing and inspections, reduce overlapping jurisdictions and eliminate confusion generated by the government.

To achieve these ends I am taking several steps. During the coming year we will examine various possibilities to assure that all public and private interests are impartially and expeditiously weighed in all government proceedings for permits, licensing and inspections.

I am again proposing siting legislation to the Congress for electric facilities and for the first time, for deepwater ports. All of my new siting legislation includes provision for simplified licensing at both Federal and State levels. It is vital that the Congress take prompt and favorable action on these proposals.

ENCOURAGING DOMESTIC EXPLORATION

Our tax system now provides needed incentives for mineral exploration in the form of percentage depletion allowances and deductions for certain drilling expenses. These provisions do not, however, distinguish between exploration for new reserves and development of existing reserves.

In order to encourage increased exploration, I ask the Congress to extend the investment credit provisions of our present tax law so that a credit will be provided for all exploratory drilling for new oil and gas fields. Under this proposal, a somewhat higher credit would apply for successful exploratory wells than for unsuccessful ones, in order to put an additional premium on results.

The investment credit has proven itself a powerful stimulus to industrial activity. I expect it to be equally effective in the search for new reserves.

IMPORTING TO MEET OUR ENERGY NEEDS

OIL IMPORTS

In order to avert a short-term fuel shortage and to keep fuel costs as low as possible, it will be necessary for us to increase fuel imports. At the same time, in order to reduce our long-term reliance on imports, we must encourage the ex-

ploration and development of our domestic oil and the construction of refineries to process it.

The present quota system for oil imports—the Mandatory Oil Import Program—was established at a time when we could produce more oil at home than we were using. By imposing quantitative restrictions on imports, the quota system restricted imports of foreign oil. It also encouraged the development of our domestic petroleum industry in the interest of national security.

Today, however, we are not producing as much oil as we are using, and we must import ever larger amounts to meet our needs.

As a result, the current Mandatory Oil Import Program is of virtually no benefit any longer. Instead, it has the very real potential of aggravating our supply problems, and it denies us the flexibility we need to deal quickly and efficiently with our import requirements. General dissatisfaction with the program and the apparent need for change has led to uncertainty. Under these conditions, there can be little long-range investment planning for new drilling and refinery construction.

Effective today, I am removing by proclamation all existing tariffs on imported crude oil and products. Holders of import licenses will be able to import petroleum duty free. This action will help hold down the cost of energy to the American consumer.

Effective today, I am also suspending direct control over the quantity of crude oil and refined products which can be imported. In place of these controls, I am substituting a license-fee quota system.

Under the new system, present holders of import licenses may import petroleum exempt from fees up to the level of their 1973 quota allocations. For imports in excess of the 1973 level, a fee must be paid by the importer.

This system should achieve several objectives.

First, it should help to meet our immediate energy needs by encouraging importation of foreign oil at the lowest cost to consumers, while also providing incentives for exploration and development of our domestic resources to meet our long-term needs. There will be little paid in fees this year, although all exemptions from fees will be phased out over several years. By gradually increasing fees over the next two and one-half years to a maximum level of one-half cent per gallon for crude oil and one and one-half cents per gallon for all refined products, we should continue to meet our energy needs while encouraging industry to increase its domestic production.

Second, this system should encourage refinery construction in the United States, because the fees are higher for refined products than for crude oil. As an added incentive, crude oil in amounts up to three-fourths of new refining capacity may be imported without being subject to any fees. This special allowance will be available to an oil company during the first five years after it builds or expands its refining capacity.

Third, this system should provide the flexibility we must have to meet short and long-term needs efficiently. We will review the fee level periodically to insure that we are imposing the lowest fees consistent with our intention to increase domestic production while keeping costs to the consumer at the lowest possible level. We will also make full use of the Oil Import Appeals Board to ensure that the needs of all elements of the petroleum industry are met, particularly those of independent operators who help to maintain market competition.

Fourth, the new system should contribute to our national security. Increased domestic production will leave us less dependent on foreign supplies. At the same time, we will adjust the fees in a manner designed to encourage, to the extent possible, the security of our foreign supplies. Finally, I am directing the Oil Policy Committee to examine incentives aimed at increasing our domestic storage capacity or shut-in production. In this way we will provide buffer stocks to insulate ourselves against a temporary loss of foreign supplies.

DEEPWATER PORTS

It is clear that in the foreseeable future, we will have to import oil in large quantities. We should do this as cheaply as we can with minimal damage to the environment. Unfortunately, our present capabilities are inadequate for these purposes.

The answer to this problem lies in deepwater ports which can accommodate those larger ships, providing important economic advantages while reducing the risks of collision and grounding. Recent studies by the Council on Environmental Quality demonstrate that we can expect considerably less pollution if we use fewer but larger tankers and deepwater facilities, as opposed to the many small tankers and conventional facilities which we would otherwise need.

If we do not enlarge our deepwater port capacity it is clear that both American and foreign companies will expand oil transshipment terminals in the Bahamas and the Canadian Maritime Provinces. From these terminals, oil will be brought to our conventional ports by growing numbers of small and medium size transshipment vessels, thereby increasing the risks of pollution from shipping operations and accidents. At the same time, the United States will lose the jobs and capital that those foreign facilities provide.

Given these considerations, I believe we must move forward with an ambitious program to create new deepwater ports for receiving petroleum imports.

The development of ports has usually been a responsibility of State and local governments and the private sector. However, States cannot issue licenses beyond the three-mile limit. I am therefore proposing legislation to permit the Department of the Interior to issue such licenses. Licensing would be contingent upon full and proper evaluation of environmental impact, and would provide for strict navigation and safety, as well as proper land use requirements. The proposed legislation specifically provides for Federal cooperation with State and local authorities.

CONSERVING ENERGY

The abundance of America's natural resources has been one of our greatest advantages in the past. But if this abundance encourages us to take our resources for granted, then it may well be a detriment to our future.

Common sense clearly dictates that as we expand the types and sources of energy available to us for the future, we must direct equal attention to conserving the energy available to us today, and we must explore means to limit future growth in energy demand.

We as a nation must develop a national energy conservation ethic. Industry can help by designing products which conserve energy and by using energy more efficiently. All workers and consumers can help by continually saving energy in their day-to-day activities: by turning out lights, tuning up automobiles, reducing the use of air conditioning and heating, and purchasing products which use energy efficiently.

Government at all levels also has an important role to play, both by conserving energy directly, and by providing leadership in energy conservation efforts.

I am directing today that an Office of Energy Conservation be established in the Department of the Interior to coordinate the energy conservation programs which are presently scattered throughout the Federal establishment. This office will conduct research and work with consumer and environmental groups in their efforts to educate consumers on ways to get the greatest return on their energy dollar.

To provide consumers with further information, I am directing the Department of Commerce, working with the Council on Environmental Quality and the Environmental Protection Agency, to develop a voluntary system of energy efficiency labels for major home appliances. These labels should provide data on energy use as well as a rating comparing the product's efficiency to other similar products. In addition, the Environmental Protection Agency will soon release the results of its tests of fuel efficiency in automobiles.

There are other ways, too, in which government can exercise leadership in this field. I urge again, for example, that we allow local officials to use money from Highway Trust Fund for mass transit purposes. Greater reliance on mass transit can do a great deal to help us conserve gasoline.

The Federal Government can also lead by example. The General Services Administration, for instance, is constructing a new Federal office building using advanced energy conservation techniques, with a goal of reducing energy use by 20 percent over typical buildings of the same size. At the same time, the National Bureau of Standards is evaluating energy use in a full-size house within its laboratories. When this evaluation is complete, analytical techniques will be available to help predict energy use for new dwellings. This information, together with the experience gained in the construction and operation of the demonstration Federal building, will assist architects and contractors to design and construct energy-efficient buildings.

Significant steps to upgrade insulation standards on single and multi-family dwellings were taken at my direction in 1971 and 1972, helping to reduce heat loss and otherwise conserve energy in

the residential sector. As soon as the results of these important demonstration projects are available, I will direct the Federal Housing Administration to update its insulation standards in light of what we have learned and to consider their possible extension to mobile homes.

Finally, we should recognize that the single most effective means of encouraging energy conservation is to insure that energy prices reflect their true costs. By eliminating regulations such as the current ceiling on natural gas prices and by insuring that the costs of adequate environmental controls are equitably allocated, we can move toward more efficient distribution of our resources.

Energy conservation is a national necessity, but I believe that it can be undertaken most effectively on a voluntary basis. If the challenge is ignored, the result will be a danger of increased shortages, increased prices, damage to the environment and the increased possibility that conservation will have to be undertaken by compulsory means in the future. There should be no need for a Nation which has always been rich in energy to have to turn to energy rationing. This is a part of the energy challenge which every American can help to meet, and I call upon every American to do his or her part.

RESEARCH AND DEVELOPMENT

If we are to be certain that the forward thrust of our economy will not be hampered by insufficient energy supplies or by energy supplies that are prohibitively expensive, then we must not continue to be dependent on conventional forms of energy. We must instead make every useful effort through research and development to provide both alternative sources of energy and new technologies for producing and utilizing this energy.

For the short-term future, our research and development strategy will provide technologies to extract and utilize our existing fossil fuels in a manner most compatible with a healthy environment.

In the longer run, from 1985 to the beginning of the next century, we will have more sophisticated development of our fossil fuel resources and on the full development of the Liquid Metal Fast Breeder Reactor. Our efforts for the distant future center on the development of technologies—such as nuclear fusion and solar power—that can provide us with a virtually limitless supply of clean energy.

In my 1971 Energy Special Message to the Congress I outlined a broadly based research and development program. I proposed the expansion of cooperative Government-industry efforts to develop the Liquid Metal Fast Breeder Reactor, coal gasification, and stack gas cleaning systems at the demonstration level. These programs are all progressing well.

My budget for fiscal year 1974 provides for an increase in energy research and development funding of 20 percent over the level of 1973.

My 1974 budget provides for creation of a new central energy fund in the Interior Department to provide additional money for non-nuclear research and development, with the greatest part designated for coal research. This central fund is designed to give us the flexibility we need for rapid exploitation of new, especially promising energy technologies with near-term payoffs.

One of the most promising programs that will be receiving increased funding in fiscal year 1974 is the solvent refined coal process which will produce low-ash, low-sulphur fuels from coal. Altogether, coal research and development and proposed funding is increased by 27 percent.

In addition to increased funding for the Liquid Metal Fast Breeder Reactor, I am asking for greater research and development on reactor safety and radioactive waste disposal, and the production of nuclear fuel.

The waters of the world contain potential fuel—in the form of a special isotope of hydrogen—sufficient to power fusion reactors for thousands of years. Scientists at the Atomic Energy Commission now predict with increasing confidence that we can demonstrate laboratory feasibility of controlled thermonuclear fusion by magnetic confinement in the near future. We have also advanced to the point where some scientists believe the feasibility of laser fusion could be demonstrated within the next several years. I have proposed in my 1974 budget a 35 percent increase in funding for our total fusion research and development effort to accelerate experimental programs and to initiate preliminary reactor design studies.

While we look to breeder reactors to meet our mid-term energy needs, today's commercial power reactors will continue to provide most of our nuclear generating capacity for the balance of this century. Although nuclear reactors have had a remarkable safety record, my 1974 budget provides additional funds to assure that our rapidly growing reliance on nuclear power will not compromise public health and safety. This includes work on systems for safe storage of the radioactive waste which nuclear reactors produce. The Atomic Energy Commission is working on additional improvements in surface storage and will continue to explore the possibility of underground burial for long-term containment of these wastes.

Solar energy holds great promise as a potentially limitless source of clean energy. My new budget triples our solar energy research and development effort to a level of $12 million. A major portion of these funds would be devoted to accelerating the development of commercial systems for heating and cooling buildings.

Research and development funds relating to environmental control technologies would be increased 24 percent in my 1974 budget. This research includes a variety of projects related to stack gas cleaning and includes the construction of a demonstration sulphur dioxide removal plant. In addition, the Atomic Energy Commission and the Environmental Protection Agency will continue to conduct research on the thermal effects of power plants.

While the Federal Government is significantly increasing its commitment to energy research and development, a large share of such research is and should be conducted by the private sector.

I am especially pleased that the electric utilities have recognized the importance of research in meeting the rapidly escalating demand for electrical energy. The recent establishment of the Electric Power Research Institute, which will have a budget in 1974 in excess of $100 million, can help develop technology to meet both load demands and environmental regulations currently challenging the industry.

Historically the electric power industry has allocated a smaller portion of its revenues to research than have most other technology-dependent industries. This pattern has been partly attributable to the reluctance of some State utility commissions to include increased research and development expenditures in utility rate bases. Recently the Federal Power Commission instituted a national rule to allow the recovery of research and development expenditures in rates. State regulatory agencies have followed the FPC's lead and are liberalizing their treatment of research and development expenditures consistent with our changing national energy demands.

I am hopeful that this trend will continue and I urge all State utility commissions to review their regulations regarding research and development expenditures to ensure that the electric utility industry can fully cooperate in a national energy research and development effort.

It is foolish and self-defeating to allocate funds more rapidly than they can be effectively spent. At the same time, we must carefully monitor our progress and our needs to ensure that our funding is adequate. When additional funds are found to be essential, I shall do everything I can to see that they are provided.

INTERNATIONAL COOPERATION

The energy challenge confronts every nation. Where there is such a community of interest, there is both a cause and a basis for cooperative action.

Today, the United States is involved in a number of cooperative, international efforts. We have joined with the other 22 member-nations of the Organization for Economic Cooperation and Development to produce a comprehensive report on long-term problems and to develop an agreement for sharing oil in times of acute shortages. The European Economic Community has already discussed the need for cooperative efforts and is preparing recommendations for a Community energy policy. We have expressed a desire to work together with them in this effort.

We have also agreed with the Soviet Union to pursue joint research in magnetohydrodynamics (MHD), a highly efficient process for generating electricity, and to exchange information on fusion fission, the generation of electricity transmission and pollution control technology. These efforts should be a model for joint research efforts with other countries. Additionally, American companies are looking into the possibility of joint projects with the Soviet Union to develop natural resources for the benefit of both nations.

I have also instructed the Department of State, in coordination with the Atomic Energy Commission, other appropriate Government agencies, and the Congress to move rapidly in developing a program of international cooperation in research and development on new forms of energy and in developing international mechanisms for dealing with energy questions in times of critical shortages.

I believe the energy challenge provides an important opportunity for nations to pursue vital objectives through peaceful cooperation. No chance should be lost to strengthen the structure of peace we are seeking to build in the world, and few issues provide us with as good an opportunity to demonstrate that there is more to be gained in pursuing our national interests through mutual cooperation than through destructive competition or dangerous confrontation.

FEDERAL ENERGY ORGANIZATION

If we are to meet the energy challenge, the current fragmented organization of energy-related activities in the executive branch of the Government must be overhauled.

In 1971, I proposed legislation to consolidate Federal energy-related activities within a new Department of Natural Resources. The 92nd Congress did not act on this proposal. In the interim I have created a new post of Counsellor to the President on Natural Resources to assist in the policy coordination in the national resources field.

Today I am taking executive action specifically to improve the Federal organization of energy activities.

I have directed the Secretary of the Interior to strengthen his Department's organization of energy activities in several ways.

—The responsibilities of the new Assistant Secretary for Energy and Minerals will be expanded to incorporate all departmental energy activities;

—The Department is to develop a capacity for gathering and analysis of energy data;

—An Office of Energy Conservation is being created to seek means for reducing demands for energy;

—The Department of the Interior has also strengthened its capabilities for overseeing and coordinating a broader range of energy research and development.

By Executive order, I have placed authority in the Department of the Treasury for directing the Oil Policy Committee. That Committee coordinates the oil import program and makes recommendations to me for changes in that program. The Deputy Secretary of the Treasury has been designated Chairman of that Committee.

Through a second Executive order, effective today, I am strengthening the capabilities of the Executive Office of the President to deal with top level energy policy matters by establishing a special energy committee composed of three of my principal advisors. The order also reaffirms the appointment of a Special Consultant, who heads an energy staff in the Office of the President.

Additionally, a new division of Energy and Science is being established within the Office of Management and Budget.

While these executive actions will help, more fundamental reorganization is needed. To meet this need, I shall propose legislation to establish a Department of Energy and Natural Resources (DENR) building on the legislation I submitted in 1971, with heightened emphasis on energy programs.

This new Department would provide leadership across the entire range of national energy. It would, in short, be responsible for administering the national energy policy detailed in this message.

CONCLUSION

Nations succeed only as they are able to respond to challenge, and to change when circumstances and opportunities require change.

When the first settlers came to America, they found a land of untold natural wealth, and this became the cornerstone of the most prosperous nation in the world. As we have grown in population, in prosperity, in industrial capacity, in all those indices that reflect the constant upward thrust in the American standard of living, the demands on our natural resources have also grown.

Today, the energy resources which have fueled so much of our national growth are not sufficiently developed to meet the constantly increasing demands which have been placed upon them. The time has come to change the way we meet these demands. The challenge facing us represents one of the great opportunities of our time—an opportunity to create an even stronger domestic economy, a cleaner environment, and a better life for all our people.

The proposals I am submitting and the actions I will take can give us the tools to do this important job.

The need for action is urgent. I hope the Congress will act with dispatch on the proposals I am submitting. But in the final analysis, the ultimate responsibility does not rest merely with the Congress or with this Administration. It rests with all of us—with government, with industry and with the individual citizen.

Whenever we have been confronted with great national challenges in the past, the American people have done their duty. I am confident we shall do so now.

RICHARD NIXON.

THE WHITE HOUSE, *April 18, 1973.*

THE PRESIDENT'S MESSAGE ON ENERGY

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, I commend the President for his far-reaching message on energy, transmitted to the Congress today.

The administration has done a most thorough job of exploring every feasible way out of the energy crisis.

It is now up to the Congress to accept the challenge posed by the President's recommendations and to consider them most carefully and with the greatest of urgency.

The President has outlined a number of steps that might be taken to resolve our energy problems. Each of his recommendations deserves the most meticulous study. The Congress has its work cut out for it.

There is no question that the already evident shortage of energy in the United States is one of the most critical challenges facing the Congress. We must deal with it on the basis of highest priority. The President's recommendations will be most helpful as we tackle this task.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it stand adjourned to meet at 10 a.m. tomorrow.

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

There was no objection.

TRIBUTE TO THE LATE WILLIAM CULLERTON

(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, throughout the years in the city of Chicago, the name Cullerton has become synonomous with public service. The Cullerton family has been active in governmental affairs for decades. But, with the recent passing of Alderman William Cullerton, the Chicago City Council has lost one of its strongest voices, and I have lost a true friend.

Although short in stature, William Cullerton was long on the things that truly counted in life: Concern, compassion, and heart. Coming from a large, close-knit family on the Northwest Side of our city, his contributions to his community, and to organized labor in particular, shall indeed stand as his legacy.

The 38th ward shall miss its alderman, the city government shall miss one of its hardest workers, but most of all, the community shall miss his boundless energy and his strong spirit. On behalf of my wife, Laverne, I would at this time, like to offer our condolences to Alderman Cullerton's wife, Martha, his daughter, Betty, and to all the other members of the Cullerton family.

FRESHMAN DEMOCRATIC CAUCUS

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

Mr. MILFORD. Mr. Speaker, this afternoon a number of my Democratic freshman colleagues will take the floor in an effort to bring public attention to some issues facing this Nation. I commend them for their efforts, but I will not be among them.

I am a member of the informal fresh-

man Democratic caucus. I was present when this special order was proposed as a means of discussing the budget control problem, and I supported this concept. Since then the proposition has exploded in all directions, and has been labeled in the press as "antiadministration" and "antileadership." One caucus memorandum calls it the "special order on constitutional crisis." This is not what I signed up for, and I have, therefore, withdrawn.

There seems to be so much smoke of battle around here this year that it is hard to see the real issues. Important bills have come before this House, and the final outcome has been labeled as "victory" for the administration or "victory" for the Congress. The effect of the legislation on the American people gets lost in this rhetoric.

I believe I was elected to assess legislation on the basis of its effect on my district and the Nation, not as a skirmish between feuding elements of government.

Too many battlelines are already drawn, and the media, at least, is looking at today's exercise as another battle. I did not come here to fight that kind of battle, and that is why I have respectfully withdrawn.

CALL OF THE HOUSE

Mr. DAVIS of South Carolina. Mr. Speaker, I made the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MADDEN. 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. 103]

Archer	Griffiths	O'Neill
Badillo	Hanrahan	Passman
Biaggi	Harsha	Pepper
Blatnik	Harvey	Peyser
Boggs	Hays	Podell
Bowen	Hébert	Price, Ill.
Bray	Johnson, Colo.	Rees
Brown, Mich.	Jones, Ala.	Reid
Buchanan	Jones, N.C.	Rodino
Carney, Ohio	Kemp	Rooney, N.Y.
Cederberg	King	Rostenkowski
Clark	Leggett	Ryan
Corman	McKinney	Symington
Daniel, Robert W., Jr.	Madigan	Talcott
	Maraziti	Teague, Tex.
Davis, Ga.	Martin, Nebr.	Thornton
Dulski	Mathias, Calif.	Treen
Erlenborn	Metcalfe	Waldie
Fish	Moorhead, Pa.	Widnall
Giaimo	Morgan	Wilson, Bob
Gibbons	Murphy, Ill.	

The SPEAKER. On this rollcall 372 Members have recorded their presence by electronic device, a quorum.

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

ENERGY CRISIS IS AN IMMEDIATE AND PRESSING PROBLEM

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

Mr. CARTER. Mr. Speaker, the energy crisis in our Nation is an immediate and pressing problem. Independent gasoline dealers, in many cases, have had their supplies completely and suddenly terminated. Greatly limited sources of fuel supplies are apparent throughout the country.

It appears to me that we have been laggard in developing new energy sources. One area that we should more closely examine is the production of high-grade crude oil from the vast resources of oil shale in the western section of our country.

Also, the huge deposits of low-sulfur coal in our Western States could be used as a source of energy. Coal can be converted by a process of hydrogenation into a usable form of gas. This process has been used in Germany, and it was used by the city of Toronto until natural gas became cheap and abundant.

Positive action in these areas should have been taken some years ago. Whatever we do now, we shall certainly feel the fuel shortage this summer and winter, but we must take immediate action in these and similar directions in order to insure that our country will have adequate energy supplies.

SENATE ACTION ON CONFERENCE REPORT ON ECONOMIC STABILIZATION ACT

Mr. WYLIE. Mr. Speaker, the other body has just voted 31 to 35 not to recommit the conference report on economic stabilization. I think we should make every effort to sustain the House position on this conference report.

The proceedings on the Economic Stabilization Act have represented the grossest of raw politics I have seen since I have been in Congress. It is one thing to have an opinion and yet another to force it on someone else to the point of stifling a dissenting view. Anyone considering himself the expert on how to stop inflation and stabilize the economy is deluding himself. The solution requires the application of many principles and much flexibility.

The Committee on Banking and Currency in an obvious attempt to put politics above principle, first voted a rollback of prices to May 2, 1972. Overnight members of the majority party on the committee realized that this would bring them nothing but ridicule, so they changed it to January 10, 1973. Through a series of five motions, during which no member of the minority on the committee was recognized, the bill was sent to the Committee on Rules, where it was obvious there was much divisiveness even among the members of the majority party as to the correct approach. So overnight the members of the majority party saw the light and voted the rule that the House rejected.

Yesterday we went to conference. Senator TOWER suggested that the Senate recede and concur and accept the House position. The chairman of the Committee on Banking and Currency and the chairman of the conference objected. He proceeded to recognize Mr. REUSS who moved that the House recede and concur in the first of several Senate amendments. The Chairman then recognized one majority Member of the House after another who offered similar motions.

About half way through the proceedings Senator SPARKMAN again suggested that in view of the April 30 deadline and the urgency of extending the Economic Stabilization Act he felt it would be the best procedure just to accept the House bill. Again the chairman of the House Committee on Banking and Currency objected.

It was my impression, Mr. Speaker, that the House conferees are supposed to make at least a feeble effort to maintain the position of the House. At no time except on two House amendments, which sort of clutter up the bill anyhow, was this done. I guess the theory is when you have the horses, stampede.

PROVIDING FOR CONSIDERATION OF H.R. 4204, EMERGENCY EMPLOYMENT AMENDMENTS OF 1973

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 360 and ask for its immediate considerations.

The Clerk read the resolution as follows:

H. RES. 360

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d) (4) of rule XI to the contrary notwithstanding, 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. 4204) to provide for funding the Emergency Employment Act of 1971 for two additional years, 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 Education and Labor, 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 Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of H.R. 4204 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 except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I reserve the balance of my time.

Mr. Speaker, this House Resolution 360 provides for an open rule with 2 hours of general debate on H.R. 4204, which extends for another 2 years the Employment Act of 1971.

This legislation is a continuation of the bill Congress passed at that time. The employment situation is more critical today than it was 2 years ago. By the extending of this act it will avert the necessity of the Congress reinstating it later on this summer.

There are still over 5 million workers that are unemployed. There are about 300,000 unemployed Vietnam workers in the country today, which we did not have 2 years ago. Even these figures do not represent the full extent of the unemployment problem, because they do not include millions of others for whom the present economy is not providing full employment.

In addition to the national figures, they do not show the crisis situation of certain minority groups in areas throughout the country. There are more than 800 areas of persistent and substantial unemployment over the country. It is a well-known fact that unemployment rates in the ghettos of our large cities and our rural areas are many times more than the national rate.

In circumstances such as these one cannot say that the unemployment and the emergency has ended. In the slightly over 18 months of experience which we have had under the Emergency Employment Act, approximately 300,000 persons have received jobs under this act. These jobs have been created throughout the Nation, and they have benefited all sections of the unemployed.

In slightly over 18 months of experience that we have had, millions of families over the Nation have been affected by this legislation. The jobs that have been created in this act have been real jobs; not dead-end, leaf-raking jobs, but jobs providing real needed public services.

The public employment program has been more closely evaluated than any other manpower program, and the testimony to its effectiveness is overwhelming. The administration in the Manpower Report of the President states:

> The jobs created under the program are perceived as useful rather than make work both by persons holding them and persons they serve.

Now, those endorsements comes from the administration's department in charge of this program.

The General Accounting Office found that agents generally made genuine efforts to meet the requirements of the act and to provide advantageous job opportunities to emergency employment participants.

This comes from the Deputy Assistant Secretary of Manpower. He is the official spokesman for the administration. He described the program as "very effective" in his testimony before the subcommittee.

Similarly, a study of the North Carolina program shows that jobs created have been real rather than make-work, providing useful if not particularly creative public service.

Most employment agencies feel that they would suffer if this program were not continued.

In California the officials of the Department of Human Resources view this program as far superior to such other programs as NYC, NAB, and MTTA, institutional camps, and so forth.

We were told repeatedly by knowledgeable administrators that this program has come closer to achieving its goals than any of the previous manpower programs.

A final clear indication of the value of the program is that the administration has requested and the Congress has passed the appropriation for the full amount of the authorization for the 2-year program.

Mr. Speaker, House Resolution 360 provides for an open rule with 2 hours of general debate on H.R. 4204 extends for 2 years and all points of order against clause 27(d)(4) of rule XI of the Rules of the House of Representatives, the 3-day rule, are waived. The rule also makes it in order to consider the committee substitute as an original bill.

H.R. 4204 extends for 2 additional years the public employment program authorized by the Emergency Employment Act of 1971. The public employment program includes both a national program which operates when unemployment is 4.5 percent or more and a special assistance program for local areas with unemployment rates of 6 percent or more.

The total appropriation for H.R. 4204 is $4,500,000,000. Of this total, $2,000,000,000 is for fiscal year 1974 and the remaining $2,500,000,000 is for fiscal year 1975.

This program was instituted in order to provide jobs for the unemployed and to enable State and local governments to provide needed public services. This is not the time to terminate this successful job-creation program which has employed over 150,000 persons since its inception just 2 years ago.

Mr. Speaker, an unemployment emergency still exists and we must continue this highly effective program. I urge adoption of House Resolution 360 in order that we may discuss and debate H.R. 4204.

Mr. LATTA. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, let me say that I oppose this rule, and I hope the House will vote down the previous question in order that the gentleman from Michigan (Mr. ESCH) may have the opportunity of offering his bill as a substitute for the bill that was reported by the committee.

For reasons unknown to me the Committee on Rules decided on yesterday not to give the gentleman from Michigan this opportunity. I believe, in view of the fact that he has a substitute worthy of consideration by this House, he should be given an opportunity to present it. The only way he could do that is for this House to vote down the previous question, because his bill would not be in order under the rules of the House.

Mr. Speaker, the bill that we have under consideration today is really only a drop in the bucket when it comes to helping the unemployment situation in this country. We have had this legislation on the books for 2 years and has required $2,250 million of taxpayers' funds. However, there are only 134,000 people employed under the program. If we are talking about helping the unemployment situation in this country, we should not be looking in the direction of this program.

We cannot help the record of employment under this program by extending the identical legislation.

The Committee on Labor and Education proposes only to double the authorization and spend not $2,250,000,000 of taxpayers' money for this little program, but $4,500,000 over the next 2 years.

What has been happening during the time this legislation has been in effect? At the time it was presented to the House for fiscal year 1971, we had an unemployment rate in this country of 6 percent, today that figure is down to 5 percent. With economy moving up as rapidly as it is, and considering our budgetary restrictions, it seem to me that the economy could use these 134,000 people in the private sector.

If the Members will just look at the committee report and consider the few people in their districts who have been employed under this program, I think they will vote down the previous question and give the gentleman an opportunity to offer a substitute for this bill.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, I concur fully with the gentleman's opposition to the rule.

Here we have what seems to be the identical situation we had when the Committee on Rules brought out the rule on the REA, the rural electrification bill. It is a half-open, half-closed rule, and once more I would hope that Ralph Nader and Common Cause and the League of Women Voters and those who have been crying loud and clear for congressional reform and open rules would take note of this fact.

Mr. Speaker, to me this is an inexcusable rule and one which should be defeated.

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

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

Mr. LATTA. I will yield to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Speaker, along these lines, I would like to relate an incident which I think has some significance.

One of the communities in my district, namely, Maywood, Ill., had 11 employees under this program at a cost of about $81,000 a year. They now suggest that they will have to discontinue the program. Yet this same community will get $315,324 under revenue sharing.

I suggested to the mayor that they take the $81,000 or $82,000 out of the $315,000 and continue the program in that way if it is an essential program.

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

Mr. LATTA. I would be happy to yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I wonder if this session is going to end before the House gets one rule that does not do violence to the proper consideration of legislation in the House. I wonder if we will ever get a truly open rule from the Committee on Rules in this session of Congress?

The SPEAKER. The time of the gentleman from Ohio (Mr. LATTA) has expired.

Mr. LATTA. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, I might say to the gentleman from Iowa (Mr. GROSS) they have been few and far between. If we had had sufficient votes in Rules Committee, we would have given the gentleman an opportunity to offer his amendment. The gentleman will notice we are waiving the 3-day rule in order that we can have legislation to consider today.

I think probably a more orderly scheduling of bills in the House would eliminate the need for waiving this 3-day rule.

Mr. GROSS. Mr. Speaker, if this is the result of all this reformation that has been taking place, the Lord knows we do not need any further reformation.

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. MADDEN. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, the first thing I want to state is that if we fail to adopt the previous question on this rule and make in order a comprehensive manpower program as a substitute, it will take, in my judgment, at least several months before we can come in here with a comprehensive manpower program to recommend what programs could be consolidated at the State level, if any, by this committee and by the House of Representatives. So, to my way of thinking the comprehensive manpower program that the gentleman from Michigan (Mr. ESCH) wants to offer as a substitute is entirely extraneous to the employment issue involved here today.

It is no exaggeration to say that the Emergency Employment Act and the public employment program—known as "PEP"—which it authorized is the most popular legislation our committee has produced in many years. We have been swamped with support for this program from practically every public official in the country. Mayors, Governors, and county officials all agree that this has been an extremely beneficial program for them and a real model of the way they would like to see a Federal program run. Even my good friends in the minority begin their minority views on this bill with the statement that "transitional public service employment should be one of the tools available to State and local government."

No public witness appearing before the committee raised any question of the need for the program or its effectiveness, and I know the minority members will agree that they were given every opportunity to call their own witnesses. The only people who testified against the bill were the representatives of the Labor Department. They argued that the legislation was no longer needed because the unemployment situation was improving and that the private sector would create the necessary jobs.

I do not share their official optimism. I do not accept the proposition that unemployment is no longer a serious problem when between 4½ and 5 million people are still unemployed. They also say that only one-third of the people hired under the PEP program are really disadvantaged. Let me say that this statement is false. It is not true in my area, and I will wager that it is not true in any other district.

In order to be hired under this program you have got to be unemployed. Now if a man who is unemployed is not "disadvantaged" then how would you describe him? Well off? These critics also miss the point of this program. It is not a program designed exclusively for the so-called hard core poor. It is a program designed for all of our citizens whose lives are disrupted by the economic conditions of today and the massive unemployment that has resulted.

I would also point out to my colleagues that this bill has built into it a trigger mechanism that would terminate the nationwide PEP program as soon as the national aggregate unemployment rate goes below 4.5 percent for 3 consecutive months. If the administration is really confident that things will get better, they should not have any problem with this bill. If they will just get the national unemployment rate below 4.5 percent the national PEP program will self-destruct. And, I say, that 4.5 percent is still very high unemployment—at least 4 million people.

Now you will hear a lot about the cost of this program and about the fact that we have doubled the authorization in the face of lower unemployment rates. Let me address those points. First, the major increases in authorizations occur in section 6 of the act. This section channels additional PEP money into pockets of high, long-term unemployment—such as central cities and depressed rural areas—where the local unemployment rate is at least 6 percent or more. These areas are the ones that have chronic unemployment problems, even when the national aggregate unemployment rate is good. We have seen the truth of this during the 1960's when the national rate was down to 3.5 percent, yet in areas such as the one I represent, local unemployment was as high as 15 and 20 percent. So we are truly putting the money where it is most needed.

Now as to the costs of this type of program, you do not have to have more than a small amount of commonsense about you to understand this is the least costly way the Government can deal with unemployment. A dollar spent in this program goes right into salary for an employee. Under the old system of more Federal spending in general or tax cuts, the direct and immediate benefit to employment does not exist, and you are lucky if 30 cents on the dollar eventually goes toward employing someone.

Hear what these distinguished economists have to say about it:

Prof. V. Lewis Bassie, director of the bureau of economic and business research at the University of Illinois, put it this way:

> Direct employment of workers as in your proposal is the most efficient method of dealing with the unemployment problem. For any given number of new jobs, trickle-down procedures are more costly—whether by tax relief, subsidies, or expenditures on sophisticated programs such as military-space hardware. With the federal deficit running at a rate of over $30 billion, efficiency in job creation becomes increasingly important.

Prof. Richard A. Gordon of the University of California at Berkeley, and probably the leading expert in the country on problems of unemployment, had this to say:

> This direct and immediate hiring contrasts with the employment effects generated either by Federal purchases of goods and services or by increased private expenditures resulting from a tax cut. Private employers do not necessarily and immediately respond to increased spending by increasing employment. . . . In contrast, for the same amount of government expenditure, public service employment would put a larger number of people to work considerably more promptly. Public service vacancies bid directly for the unemployed, for labor which by definition is in surplus. A general increase in spending, in contrast, bids across the board for all kinds of labor and also for capital. Skilled labor is likely to become scarce while unskilled labor is still in surplus. . . . Thus, it is the best way to achieve low levels of unemployment with minimum inflation.

So with both commonsense and the economic experts telling us that this program is the least costly, least inflationary way to deal with unemployment, it is ridiculous to argue that the program is too costly.

The argument was also advanced by my friends in the minority that this program has had only a small impact on the general unemployment picture because it has created only roughly 300,000 jobs. Let me respond in two ways. First, that is why we propose to double the size of the program. We have asked virtually every economist who works in this area of policy whether the program should or should not be expanded. And we asked the same of some younger economists who have studied the PEP program in detail. Not one of them advocated anything less than a doubling of the present program, and many of them wanted to see it expanded far beyond that. Second, the 300,000 figure does not really tell us the whole tale. The most conservative estimates indicate that for every 10 PEP jobs that are created, 4 additional jobs in the private labor market are generated by the increased demand for goods and services. So there is a definite multiplier effect to this program.

In summary, the conditions which gave rise to the Emergency Employment Act in 1971 still persist today. The unemployment rate remains high; there are more than 4½ million people unemployed. We know now that this type of approach is successful and well-received. The jobs have not been leaf-raking or dead end. They have been real and productive, providing needed public services. Every evaluation of this program, and there have been many, has given it high marks. It is, by all accounts, the least costly, least inflationary way to deal with persistent unemployment. I can think of no valid reason to oppose this bill. It is the most sensible, successful legislation the House has passed in recent memory.

We should not jeopardize this vital

legislation by confusing the issues with a manpower bill that has not been studied by the Committee on Education and Labor, because it was only introduced last week. It would be utter chaos to try to write a comprehensive manpower bill on this floor.

I hope the previous question is adopted.

Mr. WYDLER. Mr. Speaker, regular order.

Is the gentleman from Indiana speaking on someone's time, or what?

POINT OF ORDER

Mr. Speaker, a point of order. Is the gentleman from Indiana speaking on someone's allotted time?

The SPEAKER. The Chair will state to the gentleman from New York that the Chair is unable to hear the statement made by the gentleman from New York.

Evidently the gentleman from New York has made a point of order that the Chair did not hear.

Mr. WYDLER. Mr. Speaker, my point of order is that I do not understand if the gentleman from Indiana is speaking on someone else's allotted time. I did not hear the gentleman allot time to anyone.

The SPEAKER. The Chair will state the gentleman from Indiana has control of all the time.

The gentleman from Indiana has been recognized for 30 minutes.

Mr. WYDLER. I thank the Speaker.

Mr. MADDEN. Further, Mr. Speaker, I know that it is difficult to justify some of the statements regarding the effort to abandon a program that will provide employment for the next 2 years, and has provided work for the last 2 years, for over 300,000 unemployed in this country. The Deputy Assistant Secretary of Manpower says it is a very effective program, one of the best. The National Manpower Task Force says it is a great program for the unemployed, one of the best, and they put it ahead of three other programs. The manager in charge of the program in North Carolina stated, most importantly:

I just feel that they would suffer if this program were now not extended.

In California the officials of the department of human resources backs this program as far superior to anything they ever had in California.

It is no wonder, my friends on the other side of the aisle, when I see such actions as the veto of rehabilitation for the handicapped and when I see Presidential vetoes on legislation to help the elderly.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. The distinguished chairman made a reference to a town in Ohio, and obviously he was as inaccurate in establishing the geographical location in his comments as he was in interpreting the point of my earlier remarks.

I clearly stated that in a town in Illinois in my district—where I focus most of my attention, gets $315,000 in revenue-sharing funds annually. I merely suggested that the program could continue just as it has in the past with the employees paid the sum of $81,000 out of the proceeds of revenue sharing. This would not end the program but it would save a little money which is just what we should be doing.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I take this time to correct the RECORD. I had hoped that the gentleman from Kentucky, the chairman of the committee (Mr. PERKINS), would correct his statement that there were 300,000 people presently employed in this program. His committee report disputes this statement. Page 20 of the committee report reads as follows:

Employment, February, 1973, the national total: 134,356. Cumulative persons hired between August, 1971, and February, 1973: 298,911.

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

Mr. LATTA. I yield to the gentleman from Kentucky.

Mr. PERKINS. Perhaps I did not make myself clear. The record is that the 300,000 is the cumulative figure.

Mr. LATTA. I hope the gentleman will correct the record.

Mr. PERKINS. The record will be corrected. There have been 300,000 people employed under this program since the program started.

Mr. LATTA. I thank the gentleman.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I think it is first important to see where we are in this area of legislation pertaining to job training. The Rules Committee has asked us to act on a bill today that most of us have not even seen the report on, that report not being available until late yesterday afternoon. They are asking us to extend one category in the job training effort for 2 years.

POINT OF ORDER

Mr. MADDEN. Mr. Speaker, a point of order. The gentleman is talking about job training. This is employment we are talking about, not job training or apprenticeship.

The SPEAKER. The gentleman will proceed in order.

Mr. ESCH. I thank the Speaker.

The Rules Committee and the majority party in this House are asking us to extend one categorical program at a cost of $4.5 billion. Then they are going to say that somehow sometime in the future we are then going to combine into a comprehensive job-training package.

Let us go back 2 years and see where we were 2 years ago. They asked us then to provide funds for the so-called Emergency Employment Act, some almost $2.5 billion.

What have those $2.5 billion accomplished or effected? Well, about 134,000 people are employed under that at a cost of more than $2 billion.

What has happened during those 2 years? The total number employed in 1971 when this act went into effect was 79 million people. Today there are 83.7 million people employed, 4.7 million more people employed, but remember that this $2 billion-plus accomplished the hiring on a part-time give-and-take basis of less than 300,000 of those more than 4.7 million.

What is the better part of wisdom? The better part of wisdom today is to vote down the previous question to allow this House once and for all to get to work on comprehensive manpower legislation. Witness after witness in our committee, be it the mayor, be it the Governor, be it the county official has stated that he wants a total package. The legislation we hope to get before the House allows for a comprehensive approach to the job training effort. Right now it is categorized and centralized into program after program after program without an effective way of getting funds out to where they belong, to the local areas where we can begin to train people to put them to work. Our legislation provides that if the local officials want to use those funds for public employment they may do so but it is at the discretion again of the local official.

Where do we stand from the standpoint then of this bill? We are asking Members to vote down the previous question to allow our bill to be put in order, and if that fails the better part of wisdom would be to vote against the rule. This act has 2 months before expiration and it will be September to October before the funds presently obligated and appropriated can be used, and I would suggest in that time certainly the Committee on Education and Labor can come up with a more effective bill than just beginning to extend one more category.

We have heard assurances from the subcommittee chairman and I have great respect for him and from the chairman for the last 3 years that as soon as we pass an Emergency Employment Act we are then going to have a comprehensive manpower reform.

I say that it is time to stop extending one more categorical program. Let us begin to reform the total manpower problem now. We do that by voting down the previous question.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I appreciate the opportunity to stand before my colleagues and explain my support of H.R. 6170, the comprehensive manpower reform bill, offered as a substitute for H.R. 4204, which would extend the Emergency Employment Act for 2 years and increase authorizations to $2.5 billion by fiscal year 1975.

The substitute manpower reform package would authorize $2.5 billion for each of fiscal years 1974, 1975, and 1976, for comprehensive manpower programs, including an optional public employment component. This total, to be apportioned among the States by formula, is almost 50 percent more than the total outlay proposed by the administration for fiscal year 1975—$1.74 billion—and would restore overall manpower spending levels to their current level.

My point of difference in urging the support of my colleagues for the substitute reform bill is not over the concept of

a public employment program. In the almost 2 years of its existence, the PEP program has been beneficial from several points of view. As a temporary public employment program, PEP served to take up the slack when national unemployment rates were unacceptably high in 1971 and 1972. PEP jobs provided much-needed sources of income and self-respect for many workers in areas of high unemployment who were unable to find any other employment. Finally, PEP funds allowed State and local governments to provide additional public services with the created job slots.

Yet there are a number of compelling reasons for my position that these benefits are no longer realizable under existing economic conditions. First, State and local governments no longer lack the resources to meet public sector service demands. We have seen a sharp rise in their fiscal capability in the last 2 years. During the fourth quarter of 1970, the State and local budgetary surplus, as measured by the national income accounts, was $0.9 billion at an annualized rate. This figure is well within the $2 billion deficit to $2 billion surplus range that has prevailed in this sector for most of the postwar period. But by the second quarter of 1972, this normal slight surplus had enlarged to a $15 billion annual rate. A recent study published by the American Enterprise Institute suggests that this surplus could continue to grow to more than $23 billion by 1975 even if no new Federal aid program is added beyond those already included in the fiscal year 1973 budget. To be sure, this is an aggregate trend which is by no means applicable to every State or political subdivision within the States. Nevertheless, these figures suggest that State and local budgets as a whole are now suddenly in far better fiscal health than is the Federal budget. A recent article in the New York Times indicated that California would run a $500 million surplus during the current fiscal year, Florida a $300 million surplus, and even New York State would show up in the black with between a $250 and $300 million surplus.

Figures for total employment in the State and local public sectors also cast doubt on the thesis of a starved public sector. State and local public employment has actually grown nearly three times faster than nonagricultural employment as a whole. The State and local share of total nonagricultural employment has steadily increased from about 8.2 percent at the end of World War II to almost 15 percent at present. In light of this steady growth in the State and local work force and the accumulation of sizable budgetary surpluses at the State and local levels, the argument of a starved public sector seems to have fallen on rather lean times.

It is just as doubtful whether the benefits of a large public employment program can be felt at a time of rising employment in the private sector, as our economy picks up steam during 1973. The latest BLS figures for unemployment show that 5 percent of the labor force is currently unemployed—a figure the administration expects to decline to about 4.5 percent by the year's end. As the economy approaches full employment, the unemployed labor pool shifts notably away from prime-age workseekers. For example, in 1968, the last full-employment year, the unemployment rate for males aged 22 to 45 was a mere 2.4 percent—a figure well below the aggregate unemployment rate of 3.6 percent. On top of this is the fact, well known by now. I trust, that fully 51 percent of those employed in the current public employment program, as of October 1972, were in this prime employment category—males aged 22 to 45. Now these two trends suggest what is important for our consideration today. If the PEP program were funded at a level of $2.5 billion in 1975, as the committee proposes, it can be projected, on the basis of past PEP enrollment figures, that over 168,000 of its total of enrollees would be males aged 22 to 45. The rate of unemployment of this highly sought after segment of the labor force would fall below 2 percent and the total of unemployed to just over 550,000 out of a total of 83 million workers. And if PEP were funded at a $5 billion level, as some advocates have proposed, the resulting unemployment figure for this segment would be pushed down to 1.3 percent. This competitive bidding among public and private employers for these high quality workers sets off severe inflationary pressures from the wage side that would endanger the administration's efforts to bring under control the inflation of the last 7 or 8 years.

The bill before us to extend and enlarge the public employment program should be tabled not only because it fails on the points I have just cited. It will contribute to inflationary pressures not merely by exerting excess demand on the most employable segment of our labor pool, the 22- to 45-year-old male workers, but its cost in doing so is prohibitive.

The committee bill will increase the cost of the public employment program by 150 percent in just 3 years, from an actual 1972 level of $1 billion to a projected level of $2.5 billion by 1975. I need not belabor the point here about the overwhelming urgency, from whatever grounds, be they moral, fiscal, or political, of the need to bring the Federal budget under control. We are on the verge of repeating a mistake of 1967 and 1968—of back-to-back full-employment deficits of more than $10 billion. The results of that, I need not remind my colleagues, was an inflation rate of 6 percent and an economy that faltered and lagged for more than 4 years. Without serious efforts to get Federal spending under control during the next 2 years, we are inexorably destined for either a sharp Federal tax increase or a repeat of the disastrous economic performance of the 1967–71 period. It is time for the Congress to take another step now to prevent either of these alternatives from happening.

It is not merely for these reasons that I would urge my colleagues today to defeat the committee bill and substitute the manpower reform bill. This substitute bill represents a major step in fulfilling the administration's popular mandate to return to the people and to their governing units at State and local levels some of the power they have lost to the Federal Government in recent decades. Under title I, the reform bill would encourage the State to establish comprehensive plans dividing each State into functional manpower areas. Manpower programs to be approved by the State government would be administered by a unit or combination of units of general local government. Any unit of general local government with a population of over 100,000, such as a city, would have to approve the manpower program within its jurisdiction. The overall thrust of title I of this reform bill, I would emphasize, is to return to the States and localities the authority to establish manpower programs suitable to their own needs.

In so doing, this manpower reform bill moves to halt the bewildering proliferation of Federal manpower and job-training programs. The urgency of doing this is highlighted by the fact that these and other categorical grant-in-aid programs are the primary stimulus to the awesome and dangerous growth of the Federal budget in the last decade. In fiscal year 1965, the total of Federal aid to State and local governments amounted to slightly under $11 billion. Yet by fiscal year 1973, this figure had grown to almost $45 billion. The expansion of this category of the budget averaged only 10 percent of total Federal budget growth during the period prior to 1965, but in fiscal year 1973 this category of grants-in-aid had shot up to 45 percent of total Federal budget growth. Clearly, the tail is wagging the dog, and the combined effect of the grant-in-aid approach on the Federal Treasury is proving impossible to control.

Yet this bill recognized in title III that special Federal responsibilities exist in alleviating problems in certain areas of our national manpower pool. Manpower programs are authorized for Indians, those needing bilingual instruction, migrant farm workers, and youth, among others. In section 306 of the reform bill, "Manpower Programs for Youth" is designed to serve the needs of school-age youth, 16 to 24 years old, both in school and out of school, and to also provide summer programs. A minimum of $450 million in each fiscal year is reserved for this much-needed job program for our young workers.

Finally, in recognition of the merit of the public employment concept and its contribution to meeting the needs of the unemployed, the reform bill authorizes a program of transitional public employment in title II. These programs are to be administered in accordance with State plans approved under title I by prime sponsors who qualify under title I. These programs, unlike those in the present program, are not to be triggered on or off when the national unemployment rate exceeds or drops below 4.5 percent.

The funding level authorized in the reform bill is $2.5 billion each for fiscal

years 1974, 1975, and 1976. This figure represents a reasonable compromise between the two extremes of overspending on just one aspect of an overall manpower strategy, as a proposed extension of public employment would do, and the underfunding of some of the necessary components of it that the administration is then forced to accept.

Mr. Speaker, for all these reasons, I would repeat to my colleagues the urgency of accepting this far-reaching proposal for manpower reform and enacting it into law.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, normally I do not speak on a rule, but I am doing so this time because I am opposed to the bill and I am opposed to the rule. I do not believe we ought to pass this legislation.

When the unemployment was 6 percent we passed a bill, an emergency employment bill of $2,250 million. Now the unemployment is down to 5 percent, and I doubt there is the same emergency.

It does not seem to make much sense to double the authorization when we have come two-thirds of the way to 4.5 percent which phases out the present law automatically.

If we were going to have the same amount of appropriation for the amount of unemployment above 4½ percent as the present law, the authorization should be only one-third, or $725 million. But if we do not pass this legislation the program will not terminate at the end of June of this year. Approximately $800 million will still be available through the next fiscal year, as we will fulfill the obligations under this program. So there will not be an immediate cutoff. It will take care of the problem as we see unemployment reduced even further.

Unemployment is going down. There is not the necessity for extending this act.

At the time the bill was passed we did not have general revenue sharing. Now these employees can be hired with those funds. We had a long struggle to see whether we were going to make a transitional public service employment law out of the bill in the last Congress or not. The only thing really that has made this a transitional program is that authorization terminated at the end of 2 years. If we continue this for another 2 years we will not be able to wean away the local governments from the Federal Government paying a part of the salaries of their employees.

About two-thirds of the employees hired were ones which could have gotten nonsubsidized employment. Only approximately one-third were disadvantaged individuals.

The gentleman from Michigan mentioned the increase in employment in the country, and he was low because he did not have the latest figures. There are 4,790,000 additional jobs, since this bill was passed in July of 1971, that have been added to the employment in the country. As indicated by previous colloquy, the cumulative amount of jobs under this program was just a little under 300,000. It never went higher than 180,000 jobs at any one time, and something a little less than 140,000 PEP jobs are held right now.

So I say to the Members, let us not even pass the rule on this bill. We should go back to the committee and work on comprehensive manpower legislation, if that is what the Members would like for us to do. The gentleman from Michigan has a comprehensive manpower bill available, if the Members want to do that at this time.

Public service employment I believe should only be utilized with job training as a part of a total manpower package to enable the disadvantaged to get into the job market. That is the way it ought to be used, as a terminal program. It is not being used that way in the Emergency Employment Act if we extend it. So we just should not continue the program in its present form with doubled authorization.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, the exercise we go through today is in large part an exercise in futility.

I suspect it may soothe consciences of Members of the House, who would like to go home for the Easter recess having said they had stabilized prices, extended the Emergency Employment Act, and passed the highway bill.

But this bill, the Emergency Employment Act, clearly will not survive. It will not become law even if it passes both Houses, under a decision of the President who wants to terminate, in my judgment wisely, this effort.

I believe one of the things missed thus far in this debate is the question of how substantively the Committee on Education and Labor dealt with the Emergency Employment Act. The gentleman from Michigan and the gentleman from Minnesota both have wisely pointed out that we are no longer faced with the same kind of unemployment problem we were faced with before.

But let us look up the examples that are available to us about the Emergency Employment Act itself. For example, the minority views attached to the committee report, which I trust all the Members will read, point to the problems of the very real fragmentation of goals which the Emergency Employment Act seeks to reach.

Mr. Speaker, the goals are not clear, and the Committee on Education and Labor in my judgment failed miserably to successfully deal with the kinds of issues before us.

What are we trying to do with the program? Are we serving the disadvantaged, the Vietnam veterans, welfare recipients, older Americans, or younger Americans? None of those goals come through clearly and the Committee on Education and Labor has missed the opportunity that was available to it, even if one is in favor of the Emergency Employment Act, to successfully make the program rational.

This is a single extension of this categorical grant program. Local governments, mayors and county officials, will not be able to solve the problems of training young men and women, training those who have been technologically displaced, those who are in need of employment, and we are not now going to meet these needs because of the artificial separation of training programs and employment programs.

Mr. Speaker, the substitute suggested by the gentleman from Michigan is an alternative which is preferable if we are to solve the problems facing us as a nation. This allows us, if the Members vote down the previous question, to put together training and employment programs, and it allows us to serve rationally the needs of those who are on welfare, as well as those who are Vietnam veterans, and as well as those who are, in fact, among the long-term disadvantaged.

So, Mr. Speaker, it is much better for this House today to vote down the previous question and authorize the substitute. Failing that, we will not meet the needs of the people. We have no choice but to vote down the rule and consider the substitute; it is something that should be done.

The SPEAKER. The time of the gentleman from Wisconsin (Mr. STEIGER) has expired.

Mr. LATTA. Mr. Speaker, I yield 1 additional minute to the gentleman from Wisconsin (Mr. STEIGER).

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

Mr. STEIGER of Wisconsin. I will be pleased to yield to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, may I ask the gentleman, am I correct that of all the people who are served under the Emergency Employment Act less than one-third are classified as disadvantaged?

Mr. STEIGER of Wisconsin. The gentleman is correct.

Mr. ESCH. So that, in effect, we are not by the Emergency Employment Act really reaching out to the problem of the disadvantaged and the unemployed; this does not solve that problem.

Mr. STEIGER of Wisconsin. Mr. Speaker, without any question the gentleman from Michigan is absolutely right.

Beyond that, the employment situation for Vietnam veterans fortunately is not the same as it was in 1970. Today fewer veterans are facing employment difficulties, and yet the provision for preference of the recipients being Vietnam era veterans remains the same and many communities cannot maintain such a preference.

Mr. Speaker, I appreciate the gentleman's comment.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, earlier I mentioned that I hoped the House would vote down the previous question and give the gentleman from Michigan an opportunity to offer his substitute. I believe the debate on this resolution has indicated that we ought to follow this procedure.

We are coming in at 10 o'clock in the morning and this will give us ample time to debate the highway bill—we should

take the time to consider the substitute of the gentleman from Michigan.

Mr. Speaker, I ask the House to vote "no" on the previous question so that I can offer the resolution to make the gentleman's substitute in order.

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

Mr. MADDEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I was amazed; I never thought anybody would stand on the floor of the House, as my good friend, the gentleman from Michigan (Mr. ESCH), did and talk about revenue sharing when practically 98 percent of the mayors in the country have been misled about revenue sharing.

In fact, there were 50 of them in a convention up in Massachusetts about a month ago who denounced revenue sharing as a failure, a political fraud.

So if the gentleman wants to depend on revenue sharing for any kind of aid as far as employment is concerned, I think it is a complete fallacy.

The president of Purdue University was in my office last week, and the president of Indiana University was working along with him, interviewing the Indiana members, to try and see what we could do to get some of the money impounded by President Nixon so that the students could continue and matriculate on university programs—Purdue University has been curtailed by $3¼ million. There are several thousand students who were rejected from both universities on account of seven programs that they said are being canceled from Indiana University and from Purdue University on account of impounding of funds by President Nixon.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. Mr. Speaker, I yield myself 1 additional minute.

Mr. LATTA. Will the gentleman yield for a question?

Mr. MADDEN. Not right now.

Mr. LATTA. Will the gentleman yield now?

Mr. MADDEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SISK).

Mr. LATTA. Mr. Speaker, will the gentleman yield for a question?

Mr. SISK. Make it very brief. I only have 3 minutes. Yes.

Mr. LATTA. I asked you to yield so my chairman could answer a question which I would like to pose to him.

He mentioned there were X number of mayors up in New York denouncing revenue sharing. I wonder how many of them have turned back the money to the Federal Treasury that they received under revenue sharing.

Mr. SISK. Mr. Speaker, I think we are faced here with a very practical matter. I do not know what is in Mr. ESCH's bill. I have a feeling—and I had hoped he would remain on the floor, my good friend from Minnesota, Mr. QUIE, but I doubt Mr. QUIE knows, although maybe he does. I wanted to inquire because it may very well be that it is a kind of a program that might have some appeal.

The only thing I would like to say—and I would like to say it to my good friends on the Republican side as well as those on the Democratic side—is that in the Rules Committee we did not so much as even have the bill before us.

Mr. ESCH. Will the gentleman yield?

Mr. SISK. I will in just a moment, since I mentioned the gentleman's name.

The only thing we saw up there was a group of mimeographed copies about so thick. I do not want to criticize Mr. ESCH's bill, because it may very well have possibilities, but it is astounding to me, if we are going to proceed, I think, in a legitimate manner here to try to deal with the subject, to try to write that kind of legislation on the floor.

Therefore I agree with Mr. QUIE's position. I do not agree with him as to the way to vote but as to the issue. He indicates you should vote against this rule. It is a legitimate position to take. If you are against this public employment program, then vote against the rule. I will vote for the rule, because I think the committee is entitled to discuss this issue.

It seems to me—and that is the only appeal I am making—it is impossible for anyone, as I understand it, based on the experience we had before the Committee on Rules, to have any idea of what is in the gentleman's bill.

I now yield to the gentleman.

Mr. ESCH. I appreciate the gentleman yielding.

The bill was available for the Members if they asked. I understand the only thing the Committee on Rules had available in terms of the report was a printout of the report itself.

I will say to the gentleman that the bill embodies the principle of manpower revenue sharing. We have had 3 years in the development of that legislation. I would hope if this House does not vote down the previous question, that they would vote against the rule finally to allow the Committee on Education and Labor to live up to their responsibility of bringing in a comprehensive manpower legislation bill.

I appreciate the gentleman yielding.

Mr. SISK. I appreciate the gentleman's statement.

As I said, I do not take a position on his bill, but I do not know anything about his bill, and based on questions I have asked, I know of no one else who does. All I am saying is I think we should vote the rule up or down. It would not be logical to attempt to write a major program on the floor.

I urge the adoption of the resolution.

Mr. MADDEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. DOMINICK V. DANIELS).

Mr. DOMINICK V. DANIELS. Mr. Speaker, some reference was made by one of the prior speakers to the fact that this bill would be vetoed. May I remind all of the Members of this House that when this bill originally came to the floor 2 years ago, that was all I heard, not only in the subcommittee but in the full committee and in the Rules Committee and on this House floor.

But when the conference report was adopted, the President did not veto it. I am convinced that we cannot legislate under the threat of a veto. Instead, why do we not be men and stand up to our consciences, and do what we think is necessary, and what we think is in the best interest of our Nation?

Mr. Speaker, one of the previous spokesmen said that this program was a failure. If it was such a failure, why did the Office of Budget and Management ask us to appropriate the full $1 billion in the year 1972? Why did the Office of Budget and Management ask us to appropriate the full $1.25 billion for fiscal year 1973?

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

Mr. DOMINICK V. DANIELS. Mr. Speaker, I am sorry, but I do not have the time to yield to the gentleman. I have only a very short time in which to speak. When I conclude my remarks then I will be very happy to yield to the gentleman for any time remaining.

Mr. Speaker, the fact also is in spite of the reports that we have heard, that the administration does not want to cancel out this program when it expires on June 30 of this year. May I say that the Labor Department has withheld, according to the testimony of Paul Fasser, the Acting Secretary of Labor in Charge of Manpower given, when he appeared before the subcommittee 2 or 3 weeks ago, $700 million to $800 million. To phase out the program? No, not on your life; he is going to continue this program, continue it until the end of the year, and possibly dole out the dollars until the end of fiscal 1974.

Let me say to the Members of the House that we held 7 days of hearings on this bill, and every witness who appeared before the committee recommended the program. As a matter of fact, the President's Manpower Report says this is a good program. The Secretary of Labor said it is a good program. Mr. Fasser, when he recently appeared before the committee, said it was a good and effective program. I have not heard any word of criticism about this program insofar as job creation is concerned. And of all of the manpower programs that we have in existence——

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. MADDEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from New Jersey (Mr. DOMINICK V. DANIELS).

Mr. DOMINICK V. DANIELS. Mr. Speaker, as I said, of all of the manpower programs that we have in existence this is the best one. For that reason it should be continued.

May I point out to the House that our full committee last Thursday met and approved of the bill under consideration by a vote of 21 to 10. A substitute was offered by my distinguished colleague, the ranking minority member, the gentleman from Minnesota (Mr. QUIE), a bill that no member of the committee had seen. It is 95 pages long. We do not know what is in this bill. I remember the other day one of the gentlemen on this side of the aisle, when we had the economic stabilization rule under consideration, said that we should not consider legislation hastily. If we believe in that, then we should vote for this rule be-

cause we do not know what is in this bill.

I took a look at the bill this morning, and if you look at section 101(a) instead of decategorizing, there are 26 manpower programs in here.

In addition to that, if you look at title III of the bill, instead of eliminating programs, instead of doing away with them, it reestablishes them. For example, on page 43, we have special programs for the Indians; we also have bilingual manpower programs, on page 45. On page 47, we have a migrant manpower program. On page 48, we have the middle aged and older persons work program. On page 49, we have manpower for youth. And finally on page 51 we have the Job Corps.

Now, who is kicking whom here?

I might say to the Members that the administration may not approve of the committee bill, but I will also tell the Members that it will never approve of this mishmash that we have before us under the guise of H.R. 6710.

Mr. Speaker, I urge the Members to vote for the rule.

Mr. MADDEN. Mr. Speaker, I yield the remainder of the time to the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, I think the issue before us is not a comprehensive manpower bill. I think most of us will agree that such a bill should be passed and will eventually be passed, but I think that no one in this House, with possibly the exception of Mr. ESCH, is familiar with what is in this 95-page bill. If the Members feel that we can between now and July 1 consider this very complicated issue and meet the needs of the people of this Nation, then I think such Members are very naive.

The issue, rather, is one of a crisis which is impending as of July 1 of this year. The neighborhood youth program for the summer will be terminated. One million young people will be out of school and on the streets looking for jobs. The administration has announced that local officials can use part of the surplus which has been left in the emergency fund of the public service employment program for this purpose.

In other words, they are suggesting that the Members can go back to their districts and tell their constituents that a choice must be made as to whether jobs are going to be taken away from veterans under the emergency employment program, where veteran's preference is given, and given to the youth; that money must be taken away from heads of families in order to be given to the youth.

Mr. Fasser, the Manpower Administrator, has said that is where some of the youth money is going to come from. We are faced, therefore, with a crisis which is not near the end of this session, but is in 2 months, and the Members are going to have to decide today whether or not they are willing to meet that crisis by throwing in a monkey wrench in the form of the Esch substitute at this particular time to consider a very complex problem—that of consolidation into one of a comprehensive manpower program.

The Subcommittee on Equal Opportunities, which I head, has just concluded hearings throughout this country. We have heard from at least 15 different mayors of our cities, including the mayors of Detroit, Boston, and New York, and at least 10 other large cities. They all indicate they want the emergency employment program to continue. They do not want to be placed in the position of making the difficult, if not impossible choice of taking money from one group and giving it to another. Remember, 40 percent of those who benefited from the emergency employment fund have been veterans. Many of them have been disadvantaged, but they were veterans. We gave that privilege to these veterans. Do we want that to continue? Do we want this money to be taken away from heads of families and then given to the young people, or do we want to set up something for the young people in addition?

I recognize, as Mr. ESCH in his "Dear Colleague" letter said, that he is giving $450 million annually to the youth under his proposal, but he did not say this was for all youth programs, not just for the summer programs, where at least twice this amount is needed. So his position in the "Dear Colleague" letter, I submit, has been very misleading. The chairman of the subcommittee has dealt very well, I think, with the deficiencies of the Esch proposal, and certainly it does have many deficiencies, but I submit that it certainly should be voted down.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. LATTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 209, not voting 31, as follows:

[Roll No. 104]

YEAS—193

Abzug	Cronin	Hechler, W. Va.
Adams	Culver	Heckler, Mass.
Addabbo	Daniels, Dominick V.	Helstoski
Anderson, Calif.	Danielson	Hicks
Andrews, N.C.	de la Garza	Hillis
Annunzio	Delaney	Holifield
Ashley	Dellums	Holtzman
Aspin	Denholm	Howard
Badillo	Dent	Hungate
Barrett	Diggs	Hunt
Bergland	Dingell	Johnson, Calif.
Bevill	Donohue	Jones, Okla.
Bingham	Drinan	Jones, Tenn.
Blatnik	Eckhardt	Jordan
Boland	Edwards, Calif.	Karth
Bolling	Eilberg	Kastenmeier
Bowen	Evans, Colo.	Kazen
Brademas	Fascell	Kluczynski
Brasco	Flood	Koch
Breaux	Foley	Kyros
Breckinridge	Ford, William D.	Leggett
Brooks	Fraser	Lehman
Brown, Calif.	Fulton	Litton
Burke, Calif.	Gaydos	Long, La.
Burke, Mass.	Giaimo	Long, Md.
Burlison, Mo.	Gilman	McCormack
Burton	Gonzalez	McFall
Byron	Grasso	McKay
Carey, N.Y.	Green, Pa.	McSpadden
Carney, Ohio	Gude	Macdonald
Carter	Hamilton	Madden
Casey, Tex.	Hanley	Matsunaga
Chisholm	Harrington	Mazzoli
Clay	Hawkins	Meeds
Conyers	Hays	Melcher
Cotter		Metcalfe
		Mezvinsky
Mills, Ark.	Rees	Steed
Minish	Reid	Steele
Mink	Reuss	Stokes
Mitchell, Md.	Riegle	Stratton
Moakley	Rinaldo	Stubblefield
Mollohan	Roberts	Studds
Moorhead, Pa.	Rodino	Sullivan
Moss	Roe	Symington
Murphy, Ill.	Roncalio, Wyo.	Thompson, N.J.
Murphy, N.Y.	Roncallo, N.Y.	Thornton
Natcher	Rooney, Pa.	Udall
Nedzi	Rose	Van Deerlin
Nix	Rosenthal	Vanik
Obey	Rostenkowski	Vigorito
O'Hara	Roush	Walsh
O'Neill	Roy	Whalen
Owens	Roybal	White
Patman	St Germain	Williams
Patten	Sarbanes	Wilson, Charles H., Calif.
Pepper	Schroeder	Wolff
Perkins	Seiberling	Wright
Peyser	Shipley	Yates
Pickle	Sikes	Yatron
Pike	Sisk	Young, Ga.
Poage	Slack	Young, Tex.
Preyer	Smith, Iowa	Zablocki
Price, Ill.	Staggers	
Pritchard	Stanton, James V.	
Randall	Stark	
Rangel		

NAYS—209

Abdnor	Frenzel	Nelsen
Anderson, Ill.	Frey	Nichols
Andrews, N. Dak.	Froehlich	O'Brien
Archer	Fuqua	Parris
Arends	Gettys	Pettis
Armstrong	Ginn	Powell, Ohio
Ashbrook	Goldwater	Price, Tex.
Bafalis	Goodling	Quie
Baker	Gross	Quillen
Beard	Grover	Railsback
Bell	Gubser	Rarick
Bennett	Gunter	Regula
Biester	Guyer	Rhodes
Blackburn	Haley	Robinson, Va.
Bray	Hammer-schmidt	Robison, N.Y.
Brinkley	Hanrahan	Rogers
Broomfield	Hansen, Idaho	Rousselot
Brotzman	Harsha	Runnels
Brown, Mich.	Hastings	Ruppe
Brown, Ohio	Hébert	Ruth
Broyhill, N.C.	Heinz	Sandman
Broyhill, Va.	Henderson	Sarasin
Buchanan	Hinshaw	Satterfield
Burgener	Hogan	Saylor
Burke, Fla.	Holt	Scherle
Burleson, Tex.	Horton	Schneebeli
Butler	Hosmer	Sebelius
Camp	Huber	Shoup
Cederberg	Hudnut	Shriver
Chamberlain	Hutchinson	Shuster
Chappell	Ichord	Skubitz
Clancy	Jarman	Smith, N.Y.
Clausen, Don H.	Johnson, Colo.	Snyder
Clawson, Del	Johnson, Pa.	Spence
Cleveland	Keating	Stanton, J. William
Cochran	Kemp	Steelman
Cohen	Ketchum	Steiger, Ariz.
Collier	Kuykendall	Steiger, Wis.
Collins	Landgrebe	Stephens
Conable	Landrum	Stuckey
Conlan	Latta	Symms
Conte	Lent	Taylor, Mo.
Coughlin	Lott	Taylor, N.C.
Crane	Lujan	Teague, Calif.
Daniel, Dan	McClory	Thomson, Wis.
Davis, Ga.	McCloskey	Thone
Davis, S.C.	McCollister	Towell, Nev.
Davis, Wis.	McDade	Vander Jagt
Dellenback	McEwen	Veysey
Dennis	McKinney	Waggonner
Derwinski	Madigan	Wampler
Devine	Mahon	Ware
Dickinson	Mailliard	Whitehurst
Dorn	Mallary	Whitten
Downing	Mann	Widnall
Duncan	Martin, Nebr.	Wiggins
du Pont	Martin, N.C.	Wilson, Bob
Edwards, Ala.	Mathis, Ga.	Wilson, Charles, Tex.
Erlenborn	Mayne	Winn
Esch	Michel	Wyatt
Eshleman	Milford	Wydler
Findley	Miller	Wylie
Fish	Mills, Md.	Wyman
Fisher	Minshall, Ohio	Young, Alaska
Flowers	Mitchell, N.Y.	Young, Fla.
Flynt	Mizell	Young, Ill.
Ford, Gerald R.	Montgomery	Young, S.C.
Forsythe	Moorhead, Calif.	Zion
Fountain	Mosher	Zwach
Frelinghuysen	Myers	

NOT VOTING—31

Alexander	Green, Oreg.	Passman
Biaggi	Griffiths	Podell
Boggs	Hanna	Rooney, N.Y.
Clark	Hansen, Wash.	Ryan
Corman	Harvey	Talcott
Daniel, Robert W., Jr.	Jones, Ala.	Teague, Tex.
Dulski	Jones, N.C.	Tiernan
Evins, Tenn.	King	Treen
Gibbons	Maraziti	Ullman
Gray	Mathias, Calif.	Waldie
	Morgan	

So the previous question was not ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Morgan for, with Mr. Robert W. Daniel, Jr., against.

Mr. Gray for, with Mr. King against.

Mr. Rooney of New York for, with Mr. Mathias of California against.

Mr. Clark for, with Mr. Passman against.

Mr. Podell for, with Mr. Talcott against.

Mr. Waldie for, with Mr. Treen against.

Mr. Biaggi for, with Mr. Jones of North Carolina against.

Until further notice:

Mr. Corman with Mr. Maraziti.

Mrs. Boggs with Mr. Alexander.

Mr. Dulski with Mrs. Green of Oregon.

Mr. Gibbons with Mrs. Hansen of Washington.

Mr. Hanna with Mrs. Griffiths.

Mr. Ullman with Mr. Tiernan.

Mr. Teague of Texas with Mr. Ryan.

Mr. Jones of Alabama with Mr. Evins of Tennessee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS OFFERED BY MR. LATTA

Mr. LATTA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA: In lieu of the language of House Resolution 360, insert the following:

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of Rule XI to the contrary notwithstanding 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. 4204) to provide for funding the Emergency Employment Act of 1971 for two additional years, 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 Education and Labor, 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 Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 5 of said substitute for failure to comply with the provisions of clause 4, Rule XXI are hereby waived. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 6710 if offered as an amendment in the nature of a substitute for the committee amendment in the nature of a substitute. At the conclusion of the consideration of H.R. 4204 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.

Mr. LATTA. Mr. Speaker, this resolution is similar to the resolution that was just voted down on the previous question. It provides, however, for a waiver of points of order against section 5 for failure to comply with clause 4, Rule XXI, appropriation in a legislative bill, and makes in order the text of H.R. 6710, the Esch substitute.

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

The SPEAKER. The question is on ordering the previous question.

Mr. DOMINICK V. DANIELS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 157, nays 245, not voting 31, as follows:

[Roll No. 105]

YEAS—157

Abdnor	Froehlich	Nelsen
Anderson, Ill.	Gilman	Perkins
Andrews, N. Dak.	Goldwater	Poage
Archer	Goodling	Powell, Ohio
Arends	Gubser	Price, Tex.
Armstrong	Guyer	Quie
Ashbrook	Haley	Quillen
Bafalis	Hammer-schmidt	Railsback
Beard	Hanrahan	Regula
Bell	Hansen, Idaho	Rhodes
Bennett	Harsha	Robison, N.Y.
Biester	Hastings	Rogers
Broomfield	Hébert	Ruppe
Brotzman	Hillis	Ruth
Brown, Mich.	Hinshaw	Sarasin
Brown, Ohio	Hogan	Scherle
Broyhill, N.C.	Holt	Schneebeli
Buchanan	Horton	Sebelius
Burgener	Hosmer	Shriver
Burke, Fla.	Hudnut	Shuster
Burleson, Tex.	Hutchinson	Skubitz
Camp	Ichord	Smith, Iowa
Cederberg	Jarman	Smith, N.Y.
Chamberlain	Johnson, Colo.	Spence
Clausen, Don H.	Johnson, Pa.	Stanton, J. William
Cleveland	Keating	Steelman
Cochran	Kemp	Steiger, Ariz.
Cohen	Ketchum	Steiger, Wis.
Collier	Landgrebe	Taylor, Mo.
Collins	Latta	Teague, Calif.
Conable	Lott	Thomson, Wis.
Conte	McClory	Thone
Coughlin	McCloskey	Towell, Nev.
Dellenback	McDade	Vander Jagt
Dennis	McEwen	Veysey
Donohue	McKinney	Wampler
Duncan	Macdonald	Ware
du Pont	Madigan	Whitehurst
Edwards, Ala.	Mahon	Widnall
Erlenborn	Mailliard	Wiggins
Esch	Mallary	Williams
Eshleman	Martin, N.C.	Wilson, Bob
Findley	Mayne	Winn
Fish	Michel	Wyatt
Fisher	Miller	Wydler
Flynt	Mills, Md.	Wylie
Ford, Gerald R.	Minshall, Ohio	Wyman
Forsythe	Mitchell, N.Y.	Young, Alaska
Fountain	Mizell	Young, Fla.
Frelinghuysen	Moorhead, Calif.	Young, Ill.
Frenzel	Mosher	Young, S.C.
Frey	Myers	Zion
		Zwach

NAYS—245

Abzug	Bergland	Breckinridge
Adams	Bevill	Brinkley
Addabbo	Bingham	Brooks
Anderson, Calif.	Blackburn	Brown, Calif.
Andrews, N.C.	Blatnik	Broyhill, Va.
Annunzio	Boland	Burke, Calif.
Ashley	Bolling	Burke, Mass.
Aspin	Bowen	Burlison, Mo.
Badillo	Brademas	Burton
Baker	Brasco	Butler
Barrett	Bray	Byron
	Breaux	Carey, N.Y.
Carney, Ohio	Hungate	Reid
Carter	Hunt	Reuss
Casey, Tex.	Johnson, Calif.	Riegle
Chappell	Jones, Okla.	Rinaldo
Chisholm	Jones, Tenn.	Roberts
Clancy	Jordan	Robinson, Va.
Clawson, Del	Karth	Rodino
Clay	Kastenmeier	Roe
Conlan	Kazen	Roncalio, Wyo.
Conyers	Kluczynski	Roncallo, N.Y.
Cotter	Koch	Rooney, Pa.
Crane	Kuykendall	Rose
Cronin	Kyros	Rosenthal
Culver	Landrum	Rostenkowski
Daniel, Dan	Leggett	Roush
Daniels, Dominick V.	Lehman	Rousselot
Danielson	Lent	Roy
Davis, Ga.	Litton	Roybal
Davis, S.C.	Long, La.	Runnels
de la Garza	Long, Md.	St Germain
Delaney	Lujan	Sandman
Dellums	McCollister	Sarbanes
Denholm	McCormack	Satterfield
Dent	McFall	Saylor
Derwinski	McKay	Schroeder
Devine	McSpadden	Seiberling
Dickinson	Madden	Shipley
Diggs	Mann	Shoup
Dingell	Martin, Nebr.	Sikes
Dorn	Mathis, Ga.	Sisk
Downing	Matsunaga	Slack
Drinan	Mazzoli	Snyder
Eckhardt	Meeds	Staggers
Edwards, Calif.	Melcher	Stanton, James V.
Eilberg	Metcalfe	Stark
Evans, Colo.	Mezvinsky	Steed
Fascell	Milford	Steele
Flood	Mills, Ark.	Stephens
Flowers	Minish	Stokes
Foley	Mink	Stratton
Ford, William D.	Mitchell, Md.	Stubblefield
Fraser	Moakley	Stuckey
Fulton	Mollohan	Studds
Fuqua	Montgomery	Sullivan
Gaydos	Moorhead, Pa.	Symington
Gettys	Moss	Symms
Giaimo	Murphy, Ill.	Taylor, N.C.
Ginn	Murphy, N.Y.	Thompson, N.J.
Gonzalez	Natcher	Thornton
Grasso	Nedzi	Tiernan
Green, Pa.	Nichols	Udall
Gross	Nix	Ullman
Grover	Obey	Van Deerlin
Gude	O'Brien	Vanik
Gunter	O'Hara	Vigorito
Hamilton	O'Neill	Waggonner
Hanley	Owens	Walsh
Harrington	Parris	Whalen
Hawkins	Patman	White
Hays	Patten	Whitten
Hechler, W. Va.	Pepper	Wilson, Charles, Tex.
Heckler, Mass.	Pettis	Wolff
Heinz	Peyser	Wright
Helstoski	Pickle	Yates
Henderson	Pike	Yatron
Hicks	Preyer	Young, Ga.
Holifield	Price, Ill.	Young, Tex
Holtzman	Pritchard	Zablocki
Howard	Randall	
Huber	Rangel	
	Rarick	
	Rees	

NOT VOTING—31

Alexander	Green, Oreg.	Podell
Biaggi	Griffiths	Rooney, N.Y.
Boggs	Hanna	Ryan
Clark	Hansen, Wash.	Talcott
Corman	Harvey	Teague, Tex.
Daniel, Robert W., Jr.	Jones, Ala.	Treen
Davis, Wis.	Jones, N.C.	Waldie
Dulski	King	Wilson, Charles H., Calif.
Evins, Tenn.	Maraziti	
Gibbons	Mathias, Calif.	
Gray	Morgan	
	Passman	

So the previous question was not ordered.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Maraziti.

Mr. Morgan with Mr. Talcott.

Mr. Clark with Mr. Alexander.

Mr. Dulski with Mr. King.

Mr. Evins of Tennessee with Mr. Davis of Wisconsin.

Mr. Gray with Mr. Treen.

Mrs. Green of Oregon with Mr. Biaggi.

Mr. Podell with Mr. Hanna.

Mr. Teague of Texas with Mr. Robert W. Daniel, Jr.

Mr. Waldie with Mr. Mathias of California.
Mrs. Boggs with Mr. Ryan.
Mr. Passman with Mr. Charles H. Wilson of California.
Mr. Gibbons with Mr. Corman.
Mr. Jones of Alabama with Mrs. Hansen of Washington.
Mr. Jones of North Carolina with Mrs. Griffiths.

The result of the vote was announced as above recorded.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I am opposed to the Latta amendment.

Mr. Speaker, in the event the Latta amendment is adopted, I shall ask the House to vote down the rule because I do not believe the House today is in the mood to vote on this bill.

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

Mr. DOMINICK V. DANIELS. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, as I understand it, the parliamentary situation at this time is that because of the defeat of the previous question, a motion on the previous question, we are right back to the Latta amendment for more debate; am I correct in my understanding?

The SPEAKER. The gentleman is correct. The gentleman from New Jersey has control of all time.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I ask for a vote on the amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The amendment was rejected.

The SPEAKER. The question is on the resolution.

Mr. DOMINICK V. DANIELS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The resolution was rejected.

PARLIAMENTARY INQUIRY

Mr. MATSUNAGA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MATSUNAGA. Mr. Speaker, there appears to have been a bit of confusion. The parliamentary situation now, as I understand it, is that the Latta amendment to the rule was voted down, and so we are now back to the rule?

The SPEAKER. No. We are now back to some other legislation.

FEDERAL-AID HIGHWAY ACT OF 1973

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 further 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.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, what is the parliamentary position? Was a motion to reconsider the vote by which the rule was rejected laid on the table?

The SPEAKER. It was not.

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 further consideration of the bill S. 502, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the gentleman from Texas (Mr. WRIGHT) had 45 minutes remaining and the gentleman from Ohio (Mr. HARSHA) had 1 hour remaining.

The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

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

Mr. HARSHA. Mr. Chairman, even the proponents of the Anderson amendment allege that not necessarily all of the $700 million to be authorized for the Federal aid urban highway system would be used for mass transit. Just how much would be used no one seems to know. They all, I believe, will admit if it were all used it would not be sufficient to meet the mass transit needs. As a matter of fact, the Department of Transportation's National Transportation Report of 1972 says $63 billion are needed for mass transit, exclusive of operating subsidies for the period from 1970 to 1990. So obviously there is not enough money in the Federal aid urban highway program to resolve the needs for rail mass transit. This means that you neither solve the mass transit needs nor the needs of the highway improvements program.

Obviously there must be something else behind this desire to open the highway trust fund for mass transit. The administration has made its position clear in that regard. In the administration's original Transportation Revenue Sharing Act of 1971 which was introduced in the other body as S. 1693, there were provisions for taking about $2 billion per year out of the highway trust fund for any transportation activity, including the construction, acquisition, and purchase of equipment and operating and maintenance of transportation systems. In other words behind the scenes the plan is to divert the highway trust fund money not only for construction of mass transit facilities but to use it for subsidizing transit fares and operating and maintenance costs.

In addition to that the administration's proposal at last Congress would have terminated the entire Federal aid highway program, except for the Interstate System. Under the administration's proposed concept of special transportation revenue sharing, the highway trust fund could even be used to finance the development of the SST.

Again, in the Department of Transportation's National Transportation Report of 1972, the Department states that it supports making trust funds available for the local governments for operating subsidies, and I submit, Mr. Speaker, that is the ultimate effort behind the Department's move to divert the highway trust fund money.

Needless to say, an effort to subsidize mass transit operating and maintenance costs would be a never-ending one which would surely and quickly take all of the funds, and more, in the highway trust fund.

Dr. George W. Hilton, a respected transportation expert from UCLA, in his text before the House Transportation Subcommittee on March 23, 1973, stated, and I quote:

> The present popularity of rapid transit lines is invariably short lived. The demand is a political one as distinct from a market demand . . . Fixed rail transit will not reduce traffic congestion, reduce atmospheric pollution or increase the mobility of the poor, the young or the aged . . . By facilitating the building of rail transit lines, Congress would assist the building of facilities which are incapable of producing benefits which are sought of them . . . Funds that are being put into rail transit systems will be looked upon retrospectively as waste.

One other point I would like to make, Mr. Chairman, is this: Many of us are concerned, and properly so, with the rising food costs. In this respect, the proposed curtailment or abandonment of 800 miles of mainline track of the Penn Central Railroad and plans to abandon 5,000 miles of other railroad track, together with efforts of the railroads of the Northeastern section of the United States to consolidate lines and abandon mainline tracks, throws an inordinate burden on our already overburdened highway system and leaves the highway system as the sole source of method of moving goods and services. If the highways are unable to move the goods and services in and out of a community, the community will not be able to receive its goods and services. In addition those people providing goods and services will have to rely solely on truck transportation.

This industry is not regulated and the cost of transportation is governed by economic factors. When the demand for goods and services is high and the facilities to provide the necessary transportation are scarce the costs of such transportation greatly increases, thereby increasing the cost of such goods and services to our citizens. As an example in point, there appeared in the Washington Post on March 22 of this year an article directly relating to this discussion. The farms in Montgomery County, Md., raise both dairy and beef cattle which are fed on hay. Due to a shortage of hay it was necessary to go to the Midwest, Ohio in fact, to purchase the hay. They did so for $10 a ton in Ohio, but the delivered price for Ohio hay in Maryland was $65, the $55 difference being primarily transportation costs. Obviously this was reflected in the price of milk, dairy products, and beef.

As more railroads are abandoned and the highways degenerate in the rural areas, this situation will become far worse, and food prices will continue to climb. This is another reason, Mr. Chairman, why highway improvement funds must not be diverted for mass transit facilities.

In addition, Mr. Chairman, traffic into central business districts during the peak rush hours in the morning and again in the evening represent no more than 5 percent of the total traffic patterns in metropolitan areas. It makes little sense to me to spend a large portion of funds, diverted from highway improvements, and jeopardize the mobility of 95 percent of the traveling public for the benefit of 5 percent. In addition thereto, the movement of people in peak rush hours does not take into consideration the transportation of goods and services. When you jeopardize the movement of goods and services into and out of a community you jeopardize as well the community services, such as ambulances, police, emergency vehicles, et cetera, both in the central business district and the entire metropolitan area. This, Mr. Chairman, does not seem to be a prudent investment.

Mr. Chairman, word has reached me that spokesmen for the administration have been contacting Members of Congress, suggesting that diversion of highway trust fund moneys will have no impact on the Federal-aid highway program. They argue, I am told, that the diversion which would be authorized by the so-called Anderson amendment would apply only to cities; that only $700 million of the $6 billion annual revenues of the highway trust fund would be involved; and that diversion would in no way reduce authorizations for other highway programs.

I take issue with this view. The National Transportation Report, submitted to the Congress last year by the Department of Transportation, estimated that between now and 1990, $600 billion would be required to meet essential highway needs—those which will have to be financed with Federal funds.

The highway trust fund, however, during this period, will raise only $135 billion—a sum less than half of the amount needed to finance even the essential highway needs set forth in the report.

A second fallacious argument made by mass transit proponents is that there is a surplus of money in the highway trust fund which is just sitting there doing nothing and which could be fruitfully utilized by the cities for mass transit purposes. Nothing could be further from the truth. At the close of fiscal year 1973, the balance in the highway trust fund will be $5.4 billion. Arrayed against this, will be unpaid obligations in the amount of $7.7 billion. The cash balance in the highway trust fund would undoubtedly be less and the obligations more if the $2.6 billion of funds presently impounded by the administration had been released. What this means is this: If the highway program were to be closed out tomorrow, there would not be enough money to liquidate obligations already incurred, let alone finance other programs.

From the foregoing, it does not take a mathematician to see that any diversion of trust fund moneys for nonhighway purposes will further aggravate an already difficult situation. Diverting up to $700 million from the highway program for mass transit will mean that there will be $700 million less for meeting the highway needs of urban areas. By doing this, we will end up meeting neither the mass transportation needs of our cities, nor their highway needs. In the long run, as surely as night follows day, the pressure will increase for yet more money to be diverted to the cities for both mass transit and for their diversion-starved highway programs. Such moneys will have to come from the rural highway program and from the Interstate program because there is only one trust fund available and its revenues are limited.

I hope these facts have set the arguments of administration highway opponents in perspective for you.

Mr. Chairman, I wish to address myself to title II of S. 502, as reported by the Committee on Public Works, the Highway Safety Act of 1973, which I authored and which was cosponsored by every member of the Public Works Committee.

We are a crisis-oriented society. Like the ostrich, we hide our heads in the sand until an earth-shattering occurrence shakes us from that position. Then we marshal our tremendous talents and resources—and, yes, good old American ingenuity—to solve the crisis. We proved, as an example, what could be done when Sputnik jostled our heads out of the sand of indifference over a decade ago.

We are constantly having our attention called to crises either here in America or elsewhere in the world. The crash of a large aircraft, for instance, commands the attention of all who read their newspapers and who listen to radio and television newscasts. It is a tremendous and sorrowful tragedy.

When Managua, Nicaragua, experienced its devastating earthquake, the whole world took notice and sent its sympathy and its assistance.

I can reveal to you today that a crisis far outweighing the Managua earthquake—or, for that matter, the deaths and suffering generated by any single disaster in world history—is occurring right now in America.

To approach the dimensions of this disaster, we would have to look at the great plague of London, which in 1665 claimed the lives of 68,000 people.

The great American plague is here and threatening to brutally annihilate over 56,000 men, women, and children this year alone.

The plague I am talking about will kill 1,000 people on our Nation's highways this week. And not only will it kill, but it will maim as well, without regard to age or position in society.

Our committee has heard many knowledgeable witnesses tell about the severity of this highway carnage. I cite here testimony by National Safety Council President Howard Pyle, to focus in closer on the catastrophic consequences of letting this plague run its course.

According to Governor Pyle, 1972 records will show 56,300 deaths, 2 million disabling injuries, and a cost of $17½ billion as that year's traffic accident toll.

But that is just part of an even more devastating picture. Governor Pyle went on to tell us what will happen if we do not arrest this horrendous trend:

If we continue this present rate of highway deaths during the remainder of this decade about 600,000 persons will lose their lives, over 20 million will be seriously injured and the economic waste will approach 200 billion dollars."

Who are these 600,000 persons who might die during this decade? 18,000 will be under 5 years of age; 40,000 from 5 to 14 years old; 188,000, 15 to 24 years old; 157,000, from 25 to 44 years of age; 107,000, in the age range of 45 to 64 years; and 90,000, 65 years of age and over.

Where will these accidents occur?

According to testimony before our committee approximately 70 percent of total deaths are on rural two-lane highways, twice as many as on any other category of road. These highways are even more dangerous at night. Specifically, they are six times more dangerous to drive on at night than on urban streets in the daytime.

Federal Highway Administration figures show that the annual increase in rural road travel was the highest in 1971 since 1954. More significantly, from these statistics we can project that for each additional 100 million miles of travel on these highways we will suffer more than twice as many deaths and injuries as on any other type of road.

In many cases the two-lane rural roads are underdesigned for the traffic they now carry. But reconstruction of these roads is a long-term and costly process. It is possible, however, with relatively small expenditures, to significantly upgrade their safety potential. The action programs in title II of S. 502 are safety improvements which will do much to improve the conditions that so evidently cause accidents.

Can this bill really improve safety on our Nation's highways? According to William L. Sacks, executive director of the Highway Safety Foundation in Mansfield, Ohio, the answer is a decided yes.

Let me share with you a brief portion of his testimony.

The answer is not complex. On the Interstate System the driver is essentially relieved of making and executing all decisions with respect to pedestrians, crossroad traffic, signals, opposite direction passing and midblock points of access and egress. His decisions with respect to passing, destination recognition, roadway entrance and departure, closeness of adjacent vehicles, etc. are all greatly simplified. For the most part, superior pavement markings are found on the Interstate System, not only between the lanes but along the edges. At-grade railroad crossings are essentially non-existent. Although many mistakes were made, the higher design standards with respect to curves and hills, lane widths and shoulder widths, eliminated many potentially hazardous locations.

Thus we have some precedent for projecting the success of work completed through the provisions of this act. We are not dreaming. Instead, we will again be simplifying driver decisions, not so much by design and construction of roadways, but by provision of proper control mechanisms and guidance features.

Programs for spot improvements and pavement markings will begin producing

results almost immediately. This is important because, as Will Sacks also testified:

For the most part, we have been juggling numbers to gain those inferences that say "proceed." Some may take issue with this methodology but to those so inclined, take heed: At present we are not juggling numbers but, instead, lives.

In conclusion, let us ask ourselves some fundamental and important questions. First, is there a problem? The answer is an unchallengeable "yes." Look, for example, at what we consider to be the Nation's—and the world's—great disasters. In 1906, during the San Francisco earthquake, 452 people lost their lives. During the Chicago fire, total deaths were approximately 250. In the Coconut Grove Nightclub fire in 1941, loss of life was 491. The greatest single disaster in world history, a tidal wave on the Yangtze River following an earthquake, killed approximately 20,000. Vietnam war deaths can barely hold a candle to the annual slaughter on our Nation's highways. Yes, this is the great American plague and it is growing worse each year. The carnage is devastating. It must be halted.

Second, is there sufficient proof that something significant can be achieved? Again, an affirmative response. Testimony before our committee did indeed reveal more than sufficient proof that by concentrating on a few highway-related problem areas—such as improved markings, elimination of high-hazard locations, removal of roadside obstacles, protection of railroad crossings, and reconstruction or replacement of dangerously deficient bridges, can substantially reduce deaths and severe injuries. All of these programs are contained in this legislation.

Third, how many lives can we expect to save through implementation of these and other measures contained in the Highway Safety Act of 1973? Though the estimates vary depending on the statistical approach and methodology used, there is wide agreement that the number of lives saved will be substantial. The committee believes that 8,000 to 10,000 lives annually is a reasonable expectation. These estimates are based on the interaction of the various programs contained in the bill.

This does not take into account a most important, if not the most important, feature of the bill, which relates to incentives to the States for compliance with highway safety programs.

Where mandatory seat belt laws have been adopted, fatality reductions exceeding 25 percent have been achieved. At a minimum, a 25-percent reduction would represent a saving of 10,000 lives each year in this country. S. 502 provides substantial incentives to encourage the States to adopt such laws. It also provides additional incentives to those States which make the most progress each year in reducing fatality rates on their highways.

In combination, these two provisions should encourage the implementation of the kind of safety programs which could reduce the annual highway slaughter by 20,000 or more each year.

Ladies and gentlemen, knowing these facts, you must act affirmatively on this legislation. We cannot let 20,000 Americans die because of our reluctance to act—and act now.

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

Mr. MIZELL. Mr. Chairman, I rise at this time to express my strong commitment to keeping intact the highway trust fund, which will provide the bulk of financing for this Federal-Aid Highways Act.

Again this year, just as last year and in the last several years, efforts are being made to stage a massive raid on this trust fund, which has been so instrumental and so valuable in the construction and maintenance of an excellent system of interstate and other federally assisted highways.

The leaders of this trustbusting effort have as their goal a reallocation of this fund to finance urban mass transit systems as well as highway construction, but the effect of this dilution of resources would be to make impossible the adequate financing of either the highways or the rapid transit systems.

As a member of the Committee on Public Works and its Subcommittee on Transportation, I have taken an active interest in protecting the highway trust fund, and I am committed to its protection now as much as ever before.

The Senate has adopted a proposal allowing $2.5 billion from the trust fund to be allocated to urban mass transit systems over the next 3 years, and there are now similar proposals being offered in this body.

These proposals are most distressing to me, Mr. Chairman. We are literally the keepers of a public trust, which we as a body assumed 17 years ago with the creation of this fund.

The foundation of that trust was that we would employ highway user taxes to benefit highway users, by constructing a system of Interstate highways that would—and has—greatly improved America's transportation capabilities.

With the legislation we have before us today, we expand this work to include construction of 10,000 miles of primary roads to connect with the Interstate network and make it more easily accessible from more places.

None of us denies that there are tremendous and urgent problems associated with urban mass transit requirements. We have been working on those problems with a high degree of intensity and commitment since 1964, with the passage of the Urban Mass Transportation Act, and we have spent millions of dollars in studying the problems and implementing improvements in mass transit capabilities.

Certainly there is more to be done in this area, and the legislation we have before us today provides $3-billion to help meet our responsibilities and our goals for mass transit.

Raiding the trust fund for additional revenues will not provide the solution to the mass transit problem. It will not significantly improve mass transit systems in America's major cities; there is not enough money in the fund to do that. But it would significantly impair the highway construction and maintenance effort we have already begun and which we seek to expand.

Therefore, I strongly urge my colleagues to join me in voting to protect the highway trust fund, to keep it intact, and to keep faith with the millions of Americans who have paid the highway user taxes that have sustained this fund.

There can surely be a peaceful coexistence of mass transit systems and highway systems without jeopardizing the efforts we are making with the current legislation to provide adequately for both.

This, my colleagues must agree, is the most responsible and realistic course for us to follow.

(Mr. DON H. CLAUSEN asked and was given permision to extend his remarks at this point in the RECORD.)

Mr. DON H. CLAUSEN. Mr. Chairman, we are taking up the highway bill today after many months of debate on the concepts involved. Unfortunately, much of the debate has been based on a total lack of understanding of what we need in the way of a balanced national transportation system.

The development of a modern, efficient system of highways since 1956 when we began the interstate highways has enabled us to achieve a degree of national economic integration that was undreamed of before the potential became reality.

To detail the benefits of this system is far beyond the scope of our debate here today. Suffice it to say that our food markets carry goods from every part of the Nation during every season of the year; our colleges and universities have students enrolled who can only afford to attend because they can live at home and commute to the campus; and, our growing leisure time is more rewarding and safer because of the mobility our highway system provides.

This highway network was developed because it was funded through an adequate, positive method of finance. To eliminate this positive financing mechanism would destroy the concept and bring about a serious reduction in our transportation capability.

In addition, our long-run economic potential would be severely reduced at a time when we can least afford it.

I refuse to accept the impression many are trying to convey that those of us who support the highway trust fund are unsympathetic to the need for public transportation and particularly for public rail mass transportation.

Let us understand first of all the very narrow limits of the benefits from rail mass transit. For one thing, the benefits would be limited to the largest of the metropolitan areas.

Also, rail mass transportation carries only people. These riders are primarily those commuting between their homes and their work. Rail mass transportation does nothing at all to help in the movement of freight and it also overlooks the

question of how to provide for utility, public and business services which depend entirely on the highway and street network—services which are absolutely essential.

Recognizing these limitations, I support provisions in the highway bill authorizing the Federal share of fixed rail facilities in metropolitan areas from the general fund when requested by local officials in lieu of a highway project.

This approach preserves the integrity of the highway trust fund while recognizing the need our major cities have for financial assistance when they make the decision to go ahead with a rail transit system.

Actually, in my judgment this approach does not go far enough. I have suggested a third trust fund for urban area transportation systems to complement the existing highway and airports and airways trust funds. I hope this is the direction we will be going.

Diversion of the resources of the trust fund would be totally irresponsible in light of the Department of Transportation's own highway needs study which projects that between now and 1990 we will need about $600 billion to take care of the Nation's highway needs. Half of this amount, $300 billion, is considered absolutely essential.

These figures compare with the roughly $125 billion in revenues expected to be generated by the highway trust fund. In other words, we should be doing more—twice as much—rather than less.

I can assure every Member of this body that funds diverted for rail mass transit will not reduce in the least the ultimate highway needs we are going to have to fulfill.

In rural areas, where automobiles are the primary and perhaps sole means of transporting people from point to point, public mass transit will contribute little to alleviating transportation problems. And, if rural areas do not contain most of our people, they contain most of the miles of highways we travel.

There is a staggering backlog of highway needs. None of which are luxuries because we are talking of new bridges to replace those which are utterly anachronistic, the elimination of high hazard locations, separation of grade crossings where train tracks meet roadways and, of course, completion of the highway system.

The highway trust fund has allowed us to make great progress. Today the death rate on our highways is 4.5 per 100 million miles of motor vehicle traffic. In 1962 it was 5.3; in 1952 it was 7.4 and in 1936 it was 15.1.

Even so, I doubt if many know that the 3.8 million miles of highways in this country represent only an 18-percent increase in mileage since 1921. Even more interesting is the fact that less than half of this mileage is paved road.

S. 502, as approved by the House Public Works Committee will help continue the progress we have made in making our highways safer and more functional. It represents a very honest and, I think, very successful effort to be responsive to the needs of the country.

I would like to outline a number of the ways we have attempted to meet our social and economic needs. First, if my colleagues will permit me to discuss a subject I have discussed here many times, is the question of overpopulation which I believe is more aptly described as overconcentration.

The problem of traffic congestion, perhaps, can be alleviated to some extent by new and improved rail public transportation facilities in the metropolitan areas. But, from the long-range viewpoint, motor vehicles, highways and the highway-related public transportation systems constitute the only hope for a real solution to the problem of population congestion trends that must be checked and hopefully reversed.

The only sensible answer to overconcentration is dispersal of population. Migration to metropolitan areas must be stopped—and reversed.

S. 502 as amended by the Wright-Clausen amendment makes permanent the concept of "economic growth center" highways to encourage development in those areas that have the potential for planned, economic growth with emphasis on the need to reverse the flood of people pouring into our existing metropolitan centers.

While outmigration has been primarily a problem for the Midwest and South, there are nearly 18,000 cities with populations of less than 2,500 for which economic growth and/or stability is necessary.

Overconcentration is readily apparent to those of us from California. There used to be a great immigration to the State but the result very clearly was a deterioration in the quality of life. Because of this we are now witnessing a more stabilized situation and there are some indicators which suggest the possibility of a trend toward overall outmigration.

In each of the counties of the Redwood Empire, we have a program of coordinated land use planning working toward a balance between the "green-belt, open-space" concept of agricultural usage with the areas for cities and towns. We are determined to maintain the high quality of living conditions by decisions and directions that will avoid the problems of the congested Bay Area and the Los Angeles Basin.

This legislation reflects our continuing objective to maintain the highest quality of life in coordinating wise land-use management with transportation policies. We are addressing ourselves to a key factor of developing the best balanced and integrated transportation system our transportation and traffic engineers can devise.

Additionally, our goal is to achieve the best attainable and reliable air transportation system that can be coordinated with the best highway-related public transportation system in our urban communities and improved, safer, more efficient and functional highways in the rural areas of the six counties of our First Congressional District.

For the first time, we have included in this bill a provision for Federal assistance in the development and construction of bicycle trails and paths as well as preferential lanes for cyclists. The provision is virtually identical to the bill I introduced on the subject last month and authorizes these bicycle lanes in conjunction with Federal-aid highways as well as on other public lands such as national forests, parks, and Indian reservations.

The bill also authorizes the initiation of a National scenic highway system study to consider the feasibility of creating scenic highways developed on esthetic grounds and selected as a means to link together areas of historic, recreational, scientific, and scenic importance.

I strongly support the committee report on this subject and its endorsement of the "Yellowstone to the Redwoods" scenic route which would connect the oldest national park at Yellowstone with the Redwood National Park which was the most recently created.

The bill as reported authorizes $170 million for forest development roads and trails which more than doubles the authorization contained in the Senate bill and which more fully recognizes the increasing need for these access roads.

This provision is particularly important to northern California since the area relies on tourism as an important segment of its economy. We have vast areas of public lands available for fishing, camping, and other compatible recreational activities.

There are some 6 million acres of public lands in the backyard or immediately to the east of our beautiful redwood empire in California. This can and will provide recreation unlimited for many Americans seeking that unparalleled experience in the mountains, rivers, and forests of northern California. It is truly America's family playground.

During my time of service on the Public Works Committee, for over 10 years now, I have heard indepth testimony on economic development highway legislation, harbor system development, and now mass transit. In addition, I, having an extensive aviation background, was heavily involved in the airport-airways trust fund legislative efforts.

As a result, I have been privileged to obtain a great deal of experience and information in all segments of transportation—land, sea, and air.

Therefore, I am dedicated to using transportation systems that are coordinated, integrated, and balanced to bring about a more balanced population pattern in America and the resultant improvement in the quality of life for all Americans.

A number of people have heard me comment in depth, on the concept of "reverse migration" through the establishment of a program of fiscal and institutional decentralization and the revenue allocation formula revisions that will make it possible—particularly in the transportation field.

In order to carry out such a massive long-range program, however, three requisites must be met.

First, the scope and the resources involved demand the strength and backing that only the Federal Government can supply.

In the United States today, 70 percent of Americans live on only 2 percent of the land. What this means, in human terms, is that 142 million people are living on 74,000 square miles—in a country of over 3 million square miles.

Congestion of this kind is unquestionably a contributor to many of the problems we face: Poverty, crime, drugs, youth rebellion, ecological abuses. It has led many American leaders to believe that the Nation's environmental problems are definitely related to this lopsided imbalance of population and resource utilization.

The solution, we believe, is the decentralization of our growing population. The geographical dispersal of people and industry to achieve a better balance of both population and resources.

Great reliance must be placed upon good highways and a smoothly functioning highway transport system. Only highway transportation has the flexibility that can make dispersal practical—linking industrial complexes and communities with the rest of the Nation. Only highway transportation can facilitate the flow of both goods and people that would support such a program.

When 70 percent of our people live on only 2 percent of the land, correcting the imbalance is not just the geography of relocation.

In our opinion, it could prove to be the geography of our survival.

In order to place the State of California's official position into the RECORD of this debate, I herewith read the contents of a wire I received today:

SACRAMENTO, CALIF.,
April, 17, 1973.

Hon. DON H. CLAUSEN,
Capitol Hill, District of Columbia:

This concerns the Federal-aid Highway Act which will be debated in the House and go to floor vote Monday, April 16.

We recognize that differing views exist on how to marry provision for highway and transit financing into Federal law. The following points focus on this issue and reiterate California's position provided you in recent letters, statements and testimony.

1. Strong support for increasing UMTA capital improvement grants for transit development from the general fund.

2. Strong support for maintaining interstate funding level of 4 billion dollars to assure early completion of this system of national significance.

3. Strong support for comprehensive reassessment of Federal transportation roles based on multimodal system planning efforts now under way before:

A. Substantial expansion into new programs is undertaken.

B. The state's role is seriously impaired by Federal "pass through" provisions.

JAMES A. MOE,
Director of Public Works,
State of California.

In order to relate my comments to the contents of the Wright-Clausen amendment, and the committee-passed bill now being considered, I want to repeat the substance and a summary of both:

(1) Permissive substitution by an urban area of mass transit facilities including rails and/or rolling stock in lieu of highway improvements under the Urban system. Funds for such purpose would be made immediately available by the Secretary in advance obligational authority against General Revenues. This would give urban areas exactly the same flexibility they would have under the Cooper-Muskie version and the Senate bill. The only difference is that such moneys would come from General Revenues and not from the Highway Trust Fund.

(2) Inclusion of $3 billion as provided in the Senator Williams amendment for capital improvements to mass transit, to be funded on an 80–20 matching formula as proposed in the bill reported last year by the House Committee on Banking and Currency.

(3) A Highway Safety title identical to the provisions of H.R. 2332 introduced this year by Bill Harsha and co-sponsored by every member of the Public Works Committee.

(4) Flexibility for the states in optional inter-program transfers of highway funds (in other words, if a given state needs more money for rural roads and less for urban expressways, or vice versa, it would have the flexibility to make such transfers within given limits).

1. There simply isn't enough money in the Trust Fund for both. If that amendment should prevail, both programs will be shortchanged.

2. It would set a precedent of Trust Fund diversions which could be disastrous to the long-range solution of our nation's highway needs. Already one HUD spokesman has suggested diverting highway moneys to urban housing projects.

3. The committee bill, without amendment, is generously responsive to the needs of cities. About three-fourths of all authorizations in the bill already go to cities, and two-thirds of the Trust Fund moneys.

4. The bill already gives cities the flexibility to substitute mass transit for urban highways. Only difference is that this money would come in advance contractual authority out of general revenues.

5. Under the committee bill, released highway money would go back into the Fund for redistribution to all the other cities and states. The amendment would deny them this money. It would deny the majority for the dubious benefit of the few.

6. The bill already authorizes an additional $3 billion expressly for mass transit. With this, it would seem unnecessary to rob highway moneys for mass transit needs.

THE HIGHWAY BILL—WHAT'S IN IT FOR WHAT—AND WHY

1. *What's in it for highway construction?*

$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.

2. *What's in it for local Mass Transit systems?*

$3 billion in new and additional authorizations to UMTA (one billion a year if considered for three years) for capital investments under a new 80/20 matching formula (the old formula was two/one).

Also, a new system of local flexibility permitting a city to substitute all or part of its Urban Highways money for Mass Transit investments (either fixed rail or rolling stock or bus operations). This would be made available in *advance obligational authority* against General Revenues. The $700 million earmarked for Urban Highways would be available for such optional use.

The same identical flexibility to substitute Mass Transit for monies involved in any part of the *Interstate System* which a city does not desire to build and which it can demonstrate as being unnecessary to the completion of a national Interstate network.

(At least two-thirds of the $3.5 billion annual allotment to Interstate completion is for work *within the urban areas.*)

Use of any Interstate, Primary, Secondary or Urban money wherever the need exists for construction of *Preferential Bus Lanes* (such as the one on the Shirley Highway) and *Fringe Parking Facilities* to assist in converting daily automobile commuters to use of public transportation facilities.

The bill also authorizes the free use of land in highway median strips and rights of way by local Public Transportation Authorities for the establishment of fixed rail or elevated facilities.

Additionally, 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.

3. *What's in the bill for cities, then?*

Clearly the lion's share of the annual total which the bill authorizes will go to the nation's cities. 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 availability for redistribution of Trust Fund monies where Mass Transit substitutions are made, it is clear that approximately *two-thirds of all monies coming from the Trust Fund will be for use within the cities.*

When we add the *General Fund* revenues authorized for Mass Transit, the cities will get more than *three-fourths* of the total authorizations contained in the bill.

4. *What's in it for Highway Safety?*

Most highway improvements serve safety. Better highways save lives. On the Interstate System, for example, the death toll—measured per million passenger miles traveled—is *less than half* that suffered on roads in general.

In particular, this bill contains authorizations of more than $1 billion annually which are *specifically directed* to safety needs. These include such new programs as replacement of obsolete bridges, re-design of high hazard locations, removal of roadside obstacles and hazardous rail-highway crossings. Approximately four-fifths of this money comes from the Trust Fund, the remainder from General Revenues.

Unquestionably, this is one of the major features of the bill. The highway accident is the number one cause of violent death in the United States. Last year 55,000 Americans lost their lives to highway fatalities in this country—more than were killed in all the years of the Vietnam war combined! Considered in this light, Highway Safety clearly deserves the high priority which it is given in this bill.

SUMMARY OF MAJOR PROVISIONS OF FEDERAL-AID HIGHWAY ACT OF 1973, AS REPORTED BY HOUSE COMMITTEE ON PUBLIC WORKS, APRIL 15, 1973

The 1973 highway legislation approved by the House Public Works Committee would extend most of the existing Federal-aid highway programs for another three years and provide $18.276 billion in new spending authority for highway construction and $4.295 billion for an enlarged highway safety program.

About $20 billion of the authorized spending would come from the Highway Trust Fund, which is financed through highway-related taxation, such as gasoline, oil and tire taxes. $3 billion would provide mass transit grants for urban areas from the general revenue, and about $2.5 billion would be available for other programs and projects, also from general revenues.

Principal provisions of the Committee bill, which is subject to amendment on the House floor, include:

INTERSTATE HIGHWAY SYSTEM

Funding authority for completion of the 42,500-mile System by June 30, 1979, with allocations from the Highway Trust Fund to be made as follows:

$3.5 billion for each of the fiscal years 1974 through 1978, and $2.5 billion in fiscal year 1979, of which $12 billion is authorized in existing law.

Authorizations for 1974, 1975, and 1976 had been set in the 1970 Highway Act at $4 billion annually.

80% of the Interstate System, or about 34,000 miles, is now open to traffic. On completion of the remaining mileage with authorizations through 1979, the Interstate System will have cost an estimated $76.3 billion based on present estimates.

The deadline for States to schedule the construction of their remaining Interstate segments is extended in the Committee bill from July 1, 1973, to July 1, 1974.

URBAN MASS TRANSIT

Authority for $3 billion in contract authority for Federal grants for capital investment in mass transit facilities to be financed from the Federal Government's general revenues, leaving the Highway Trust Fund intact for highway purposes only. The bill sets no time limit for distribution of the grants, but the entire amount would become immediately available for obligation on enactment of the legislation.

This $3 billion authorization is in addition to $3.1 billion already authorized for such grants under the Urban Mass Transportation Act of 1964, much of which has been obligated.

Urbanized areas would be permitted to "trade" their Federal aid urban systems allocations and allocations for "controversial" Interstate segments for an equal dollar amount of mass transit grants from the general revenues. The grants could be used to build rail lines or to buy rolling stock for any mode of public transportation. The money originally earmarked for the "traded" highway projects would remain in the Highway Trust Fund for highway purposes.

NON-INTERSTATE FEDERAL-AID HIGHWAYS—URBAN AREAS

For extension of primary and secondary highways in urban areas (the so-called "C" system) $400 million annually for fiscal years 1974, 1975, and 1976.

For the urban highway system, such as arterial highways within an urban area (the so-called "D" system), $700 million annually for fiscal years 1974, 1975, and 1976.

The urban total of $1.1 billion annually would come from the Highway Trust Fund.

NON-INTERSTATE FEDERAL-AID HIGHWAYS—RURAL AREAS

For primary road systems in rural areas (the "A" system), $700 million annually for fiscal years 1974, 1975, and 1976.

For secondary road systems in rural areas, (the "B" system), $400 million annually for fiscal years 1974, 1975, and 1976.

The rural total of $1.1 billion annually would come from the Highway Trust Fund.

PRIORITY PRIMARY SYSTEM

$300 million annually for fiscal years 1974, 1975, and 1976, to be taken from the Highway Trust Fund for improvement of not more than 10,000 miles of heavily-travelled sections of Federal-aid primary highways which connect to the Interstate System in both rural and urban areas.

The highway sections to be improved under this provision would be selected by the various States from 66,000 miles of primary highway designated by the 1968 Highway Needs Report of the Department of Transportation as most urgently needed.

These priority roads would be built to the highest standards required for the traffic they would handle, but need not be built to Interstate standards. They could be two or four-lane roads, or high-capacity city streets which could be upgraded or redesigned as an alternative to the construction of new freeways.

TRANSFERABILITY

The Committee bill would permit a State to give up a planned segment of Interstate Highway in one section of the State and use that allocation from the Trust Fund for Interstate mileage in another part of the State. Alternatively the Secretary of Transportation may determine that the unused allocation may be transferred to another State or States where there is a more pressing need.

A bill provides for 50 percent transferability of funds between the Federal-aid rural and primary highway systems and 50 percent transferability between urban extensions of the primary and secondary systems and the urban system.

The bill does NOT authorize any transfer of Federal-aid funds between the urban and rural highway systems.

EARMARKING OF URBAN SYSTEM FUNDS

The Committee bill requires the States to earmark a share of its urban system funds for incorporated municipalities with a population of more than 400,000. This provision would guarantee each such municipality a percentage of the State's urban system funds based on the relation of the municipality's population to the State's entire urbanized population. The 1970 Census showed 33 such municipalities in the United States, including San Juan, Puerto Rico.

A sum of $20 million for each of fiscal years 1974, 1975 and 1976 is authorized from the Highway Trust Fund, to be allocated among the ten states bordering the Mississippi River, for construction and reconstruction of a scenic highway along the Mississippi from the Gulf of Mexico to Lake Itasca in Minnesota. The 2,000 miles of its length utilizes both Federal highways, highways on Federal lands and State highways where appropriate.

An additional $10 million for each of these three fiscal years is authorized from general revenues, for construction and reconstruction of roads not on a Federal aid highway system.

HIGHWAY PUBLIC TRANSPORTATION

Highway funds for the A, B, C, D and Interstate System may be used for exclusive or preferential bus lanes, fringe and corridor parking areas, and other facilities to assist public mass transportation.

Additionally, publicly owned transportation authorities may use, without charge, any portion of a Federal-aid highway right-of-way where sufficient land is available to accommodate needed rail or non-highway public transit facilities.

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

Authorization of $300 million, out of the Highway Trust Fund, for the three years ending June 30, 1976, for construction of short segments of highway connected to the Interstate System in urban areas with high traffic density. These segments can be no longer than ten miles and must serve the urgent needs of commercial, industrial, airport, or national defense installations. No more than one such route may be built in any one state.

ECONOMIC GROWTH DEVELOPMENT HIGHWAYS

Authorization of $450 million for the three years ending June 30, 1976, for highway construction to serve new "economic growth centers" in rural and semi-rural areas of the country. These centers, limited to areas with no more than 100,000 population, would be designated by the State Governors, subject to approval by the Secretary of Transportation. The objective of this provision is to encourage development of industries and economic opportunity in areas that have been losing population to the big metropolitan centers and, where possible, to reserve that trend.

HIGHWAY SAFETY

A total authorization of $1.3 billion for the three years ending June 30, 1976, to carry out safety programs administered by the Federal Highway Administration and the National Highway Traffic Safety Administration. That includes $155 million for safety research.

$600 million for the three years ending June 30, 1976, to survey and eliminate rail-highway crossing hazards. Two-thirds of the money would come from the Highway Trust Fund, the remainder from general revenues. Two-thirds would go into projects on Federal-aid highways outside the Interstate System, and one-third into grade-crossing projects on highways not included in any Federal-aid system.

$1.125 billion for the three years ending June 30, 1976, for highway bridge reconstruction and replacement, of which two-thirds would come from the Highway Trust Fund. Two-thirds of the funds would be for bridges on any Federal-aid highway system, and one-third on non-federal highways.

$250 million for the two years ending June 30, 1975, for pavement-marking demonstration projects in the various States, all to be allocated from the Highway Trust Fund. These demonstrations may be carried out on any highways, other than Interstate, whether or not they are in the Federal-aid system. Funds not used by a State for pavement-marking demonstrations may be used to eliminate or reduce hazards on high-accident-rate sections of highway.

$300 million for the three years ending June 30, 1976, for spot improvement of hazardous highway sections, of which $200 million would come from the Highway Trust Fund and $100 million from the general revenues.

$225 million for the three years ending June 30, 1976, for the elimination of roadside obstacles on both Federal-aid and non-Federal highways, of which $150 million would come from the Highway Trust Fund and $75 million from the general revenues.

The safety section of the Committee bill also includes provisions for studies into the relation between drug use and driver safety, highway safety education, and pedestrian safety problems.

The Committee bill also contains provisions to extend and refine the highway beautification program, to permit States to use their Federal aid funds for bicycle trails, and to make planning loans available to local transportation agencies.

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

Mr. CLEVELAND, Mr. Chairman, as we open debate on the highway bill, I should like at the outset to suggest certain key points to keep in mind as we proceed. This is particularly in order due to the fact that the record of our hearings has not been printed and made available for the benefit of Members.

I regret the fact. The Transportation Subcommittee of the House Committee on Public Works held a full week of exhaustive hearings in late March, some running late into the evening. I was present for most of those proceedings and was impressed by the amount of factual material and expert interpretation the committee was able to develop. In particular, I was struck by the testimony of Prof. George W. Hilton, of

UCLA, who delivered a statement absolutely devastating to the bust-the-trust position. I inserted extensive excerpts from his testimony—documenting the decline of rail transit usage, its trival potential for diverting motorists from automobiles to rail, and its tendency to worsen congestion by generating high-density development burdening all forms of transportation—in the RECORD on page H2688 on April 12. I commend it to the attention of all Members.

The overriding issue to keep in mind is whether we will yield to pressures to divert funds from the highway trust fund for urban rail transit. In this connection, we will hear forceful arguments in favor of rapid transit, invoking considerations of balance, flexibility, fairness, State and local prerogatives, pollution, energy and the like.

But if the past is any guide, none of this rhetoric will justify invading the trust fund for two fundamental reasons.

First. The needs for highway-related improvements are so great, and anticipated used tax revenues so limited by comparison, that the trust fund will be overwhelmed by highway demands alone.

Second. Whatever the need for transit, the case cannot be made for requiring those who contribute to the trust fund to foot the bill. I am not about to see the New Hampshire farmer help pay the commuting cost for the affluent New York suburbanite.

There is another complex of problems which I hope this body will recognize, because they relate directly to the staggering increase in transit demand to be anticipated if we once abandon the principle that the highway trust fund is for highways.

These problems stem from apparent failures of metropolitan areas to plan their own development in coordination with transportation improvements. This is a critical area and one to which I shall return at a later point in my statement. It involves the urban environment in the *fullest* sense. And I mean to see the same concerns raised in connection with urban highways are raised as they apply to transit.

But first consider the highway-related demands on the trust fund. The Department of Transportation has estimated total requirements between 1970 and 1990 at approximately $603 billion, including approximately $600 billion for highway transportation. Mass transportation needs have been put at $63 billion of which $50 billion is for rail and $13 billion for bus transit.

At the same time, anticipated revenues from highway user taxes are put at $125 to $135 billion for that period.

No less an advocate of urban mass transit than Senator HARRISON WILLIAMS of New Jersey took note of the trust fund's limitations during last year's debate on the issue. His statement, quoted again in this year's debate on the other side, is instructive:

> I understand and agree that the Highway Trust Fund is not large enough to include the extensive needs of all rail systems.
>
> This problem can only be dealt with by increasing the contract authority, under the Urban Mass Transportation Act.

It is worth recalling that also last year, Senator WILLIAMS sponsored a measure to continue the contract authority under the Federal and Urban Mass Transportation Act for 3 years at the rate of $1 billion a year in general revenue, plus operating subsidies. But this was opposed by these who sought to pry open the trust fund. When a conference deadlock ensued, the gentleman from New Jersey made a statement directly relating to our deliberations here. He said:

> This is a program which both the American Transit Association and the National League of Cities and Conference of Mayors—the groups which knew America's transit needs at the grassroots level—considered the most important and essential transit program now before the Congress—transit's No. 1 priority legislative proposal.
>
> I herefore can only say that the Senate members of the conference who rejected this proposal in my judgment were sadly misguided. I would suggest soul searching on the question of whether the effort was to aid mass transit or to break up the trust fund.
>
> Sadly, it seems to me the majority of the Senate confereees chose the latter course.

Not long ago, a sponsor of an unsuccessful amendment to authorize a far greater diversion from the trust fund than enacted in the bill on the other side said:

> Let us clear this highway trust fund off the highway and get America moving again.

Doubtless we again will hear misinformed statements apout the mythical huge surpluses in the trust fund, dangers of paving over America" or chopping up the country with superhighways. Inherent in each is undue emphasis interstate highways as a purpose of the trust fund. This view ignores the need for upgrading existing highways—resurfacing, widening and relocating roadways, bus-related highway improvements and highway safety. As to this last, Howard Pyle, president of the National Safety Council, hs said in response to questioning at our hearings that the trust fund should be preserved to protect the source of critically needed funds for highway safety. He estimated that, unless something drastic was done, 600,000 Americans would die in highway mishaps in the coming decade.

A final point as to costs versus revenues. Our colleague, the Honorable FRED SCHWENGEL, asked Theodore Kheel, chairman of the Highway Action Coalition at our hearings last year how much New York needed. Replied Kheel:

> I could not give your precise figure. I think there is no limit, really, on our true needs. We have neglected mass transportation so extensively in the postwar years that the needs that we have are frightening.

They certainly are frightening to those of us fighting to preserve the funding for highways.

Estimates of total mass transit needs in the tri-state New York metropolitan region alone run up to $13.6 billion for operating deficits and $7.3 billion for capital improvements through 1985, according to the Governors' Special Commission on the Financing of Mass Transportation.

As to my second point, the equity of the highway user subsidizing the urban transit rider, New York's experience again is significant. The basic subway fare of a nickel was in effect from the late 1800's up until 1948, when it went to a dime. It was raised again to 15 cents in 1953, remaining at that level and only went to 20 cents in 1966, 10 years after we launched the Interstate System and the trust fund. It now stands at 35 cents.

Attempts often are made to justify this subsidy as aid to the poor. Yet the Tri-State Regional Planning Commission's regional profile, Subway Riders and Manhattan Autos, October, 1971, said:

> About 90 per cent of the subway riders are New Yorkers, and they have family incomes that are slightly above the average for New York City. The remaining subway trips are accounted for by middle and upper-income suburbanites.
>
> Subways are not primarily the vehicle of the poor; rather, the poor of the region simply do not, or cannot, travel extensively. Current riders can afford—in terms of money and time—to use the subway if the service is good.

A recent column by Joseph Kraft in praise of Atlanta's mass transit development, showed that the New York phenomenon is not unique:

> Obvious benefits from this project flow to the white community. Commuting from the suburbs to the downtown offices and stores and cultural centers will be vastly improved.
>
> And what of the poor and black?
>
> The benefits that flow to the low-income blacks are equally important. First and most important of all, there are low fares—right now, not a decade hence—on an expanded and improved bus service . . .
>
> Among the 10 new bus routes there are three—one to an industrial park, a second to a hospital cluster, and a third to a new shopping center—designed to bring blacks from the center city to jobs in the suburban ring. Buses, not subways.

Thus our urban transit systems, or one of our oldest and one of our newest, benefit the affluent. It is not fair to the highway users who pay their money into the trust fund with the understanding the money is to build safer, more attractive and better roads, along with safety and highway-related transit facilities, to shoulder this cost.

Mr. Chairman, I have strongly urged that the Committee on Public Works look into the entire matter of urban planning and development controls related to urban transit. This matter falls clearly within the jurisdiction of that committee for a number of reasons. First, we are being asked to divert funds from the trust fund to urban mass transit; the volume of this diversion ultimately will be determined by the degree of demand, which in turn stems from transit-generated development. Second, there are requirements for coordination of rapid transit with highways, the latter clearly within the province of that committee. Third, there is doubtless a parallel between a metropolitan area's ability to coordinate overall development with highways and its coordination of development and transit.

My basic concern is that either of the two possibilities is likely to occur. First, that development around subway facilities is allowed to become so dense as to

render the facility obsolete, thereby generating demand for further costly improvements. Second, that development is allowed to take place in disregard of the need for transportation, again generating demand for costly improvements.

As we already know, the Urban Mass Transportation Administration can make two-thirds capital grants provided certain planning requirements are met. It has been allowed to make 50 percent grants pending compliance with planning requirements with the difference between the two figures—one sixth—held available for payment if the requirements are met within 3 years.

There are comprehensive planning requirements imposed in connection with the highway program, and I understand that some 30 cities are not certified as meeting even the minimal requirements of establishing a planning process or an agency responsible for its execution.

This suggests that a review of planning is in order.

There is evidence at hand that this planning and land-use control is not being performed. Here in Washington, for example, there have been complaints that the transit-related development at Friendship Heights is likely to create congestion and environmental disruption.

In New York City, the World Trade Center is expected to create a nightmare of congestion, according to a March 20, 1972, article in the Wall Street Journal entitled: "Critics Say World Trade Center Will Complicate Mass-Transit, Pedestrian Snarls in Manhattan."

According to the article, Mr. Theodore Kheel said of the Port Authority which is developing the Trade Center:

> This is going to be a great irony, that any agency created to solve our transportation problems winds up creating one of the worst traffic jams in history.

I see even greater irony in his attempts to use the trust fund to bail out New York. No wonder, again in his words, "there is no limit, really, on our true needs."

There is a parallel here, between uncontrolled development being used to justify public improvements, such as a flood plain development being used to justify dams which later become obsolete because of further development, or dense development around airports, which later generate complaints about the noise.

So there is a fruitful field for investigation here.

Requirements for environmental impact statements, which have been used to cripple so many urban highway projects, require:

> A statement of any environmental impacts which will result in any irreversible and irretrievable commitment of resources. This statement should include an analysis of the likelihood of adverse environmental impacts which will be caused by future developments generated by this proposed project.—Exhibit L, Excerpts from External Operating Manual, UMTA, August, 1972.

Environmental impacts listed include effects upon population growth and dispersal within the area, increases or decreases in the traffic or congestion levels on streets and highways, and division or disruption of established communities, such as "disrupting orderly, planned development."

Mr. Chairman, I have no wish to have the Federal Government dictate local patterns of development. What we have a right and a responsibility to endure is that local plans meet national policy objectives and that those locally formulated plans are followed.

So I have urged exploration of this field with the thought that any funding of urban mass transit be accompanied with a more meaningful and explicit "impaction" statement, a position supported by testimony at our hearings.

And only when these questions are answered can a realistic determination be made as to the even partial justification for diversion of highway funds for mass transit.

I am confident that the real costs identified by such an inquiry will support the case that diversion is not justified.

Let us also recall that the objectives stated by UMTA include:

> Relief of traffic congestion. This objective seeks improvement in overall traffic movement and travel time in urban regions especially during peak hours of travel demand. . . .
>
> Improving quality of urban environment. This objective requires achievement of land use patterns and environmental conditions that effectively contribute to the physical, economic and social well-being of urban communities. Land use patterns and transportation networks are to be developed with a view to minimizing the need for transportation facilities and their demands on urban space.

I submit, Mr. Chairman, that there is a grave question whether this is being met here in the Washington metropolitan area, and strong evidence to the effect that it is most decidely not in New York City.

The Highway Users Federation has calculated that for the average commuter trip to the central business district—10 miles in our major metropolitan areas—the economic cost of the automobile trip with average occupancy is two-thirds to three-quarters that of rail transit. This drops dramatically with increased car occupancy. Bus costs, with facilities supported partially by the trust fund, are half those of rail because "buses share highway capital, maintenance and operating costs with automobiles and trucks."

Finally, another frequently heard argument is to the effect that the trust fund was created to assure funding of the Interstate System. This is not correct. But even if it were, how in the name of reason can trustbusters find justification for the trust in support of a system to cost $76 billion, but none for total needs of $593 billion in highway needs over the next 20 years?

Abandonment of the trust fund concept as applied to this most vital public service would represent a tragically misinformed step backward. Massive diversion to rail transit ultimately to ensue would shortchange our accumulated need for primary, secondary, and highway safety improvements without appreciably benefiting the urban commuter.

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

Mr. HAMMERSCHMIDT. Mr. Chairman, 6 months ago I rose to speak before my colleagues to urge support for H.R. 16656, the Federal Aid Highway Act of 1972. As a member of the Transportation Subcommittee and cosponsor of the 92d Congress bill, I participated in 15 days of hearings in which we heard 126 witnesses and studied an additional 75 statements submitted for consideration. Since this legislation died in the House on the final day of the 92d Congress, we convened the 93d Congress strongly committed to discharging our responsibility in this priority item of unfinished business.

Again in this new Congress, the Committee on Public Works has studied the great needs of the Nation toward development of a legislative vehicle for carrying forward the Federal-State highway program. Following a week of full-day hearings and a 3-day markup session in the 93d Congress, the committee has reported in the House S. 502, amended. Our goal is the same in 1973 as it was in 1972. The bill we are debating today further refines a sound approach to meeting the diverse transportation requirements of America.

The House version of the Federal Aid Highway Act of 1973 strikes a balance in allocating revenues to various programs and projects designed to fulfill congressional responsibility toward keeping a growing country on the move. It provides funding authority for completing the 42,500-mile Interstate System. It allows continued development of Federal-aid primary and secondary highway and road arteries. It recognizes the need for economic growth centers and environmental enhancement. It establishes strong precedent for the Federal obligation in solving our crucial but still unmet problem in highway safety. It features a new title to provide extensive assistance to the specialized requirements of urban mass transit.

At issue before the House today is highway legislation. It is in the best interests of the entire Nation that we further advance our modern system of highways. Due to many complex factors, highways will continue into the foreseeable future to serve as the principal means of transportation in moving goods, services and people throughout the vast geography of the country. Since 1956, emphasis on the Interstate System has deferred attention to other Federal highway systems; the Nation today is linked from coast to coast with obsolete and unsafe highways which are as important to our economy as the Interstate System. The 1972 National Transportation Report studied our Federal aid highway program through the year 1990 and found that $600 billion worth of improvements will be needed. The Federal Aid Highway Act of 1973 carries a total authorization of $25.5 billion in new spending authority through fiscal year 1976. Based on the highway needs determined by the U.S. Department of Transportation, we would still need around $575 billion for improvement purposes in the 14-year period from 1976 to 1990. This would amount to an annual outlay of over $41 billion—a figure which more than doubles the 3-

year authorization for highway purposes in S. 502.

Although I will support attempts to remove the anti-impoundment section 302 of the Urban Mass Transportation Act, I strongly urge my colleagues to support the House version of the Federal Aid Highway Act. Considerable deliberation and study have been invested in this multiple-program bill. In addition to the conventional highway program authorization, major new features offer comprehensive efforts toward highway safety and urban mass transit improvement.

Interstate System completion will of course continue at the 90–10 matching ratio. For example, a total $154,103,000 of Federal and State funds are estimated as needed to complete interstate segments in Arkansas; $138,693,000 is the estimated Federal share of funds required to complete the system.

The 1973 bill will provide an equitable authority for the diverse needs of our urban and rural areas under the ABCD systems. The primary and secondary systems funds—A and B—can be spent solely in rural areas, with $1.1 billion allocated for this function. Extensions of the primary and secondary systems in urban areas—C and D—are specifically reserved likewise for an expenditure of $1.1 billion during the 3-year authorization period. In essence, the legislation offers fivefold increase for urban systems without subtracting from the rural program.

The entire Nation has suffered the consequences of the recent escalation in price of lumber and wood products. We are now deeply committed to a program of forest resource management that will help insure a stable economy and preclude the chaotic economic situation of this past winter. With a view toward better access and management of our Nation's timberlands, the bill authorizes $170 million for forest development roads and trails out of the general fund and $33 million for forest highways out of the trust fund.

S. 502, amended, pays recognition to the role of highways in promoting the development of new communities with economic growth potential away from established population centers. With the growing congestion of our cities and degradation of the quality of life brought on by overpopulation, it is now a matter of national priority to revitalize and diversify the economy of rural areas, disperse industrial growth and encourage balanced population patterns. Without adequate transportation access, a community cannot advance. The 1970 Highway Act established economic growth center development highways as a demonstration project. The 1973 Highway Act authorizes this vital concept as an ongoing program at the rate of $150 million per year. The State of Arkansas is an ideal example of the type of area that can benefit from this program and, in return, contribute substantially to the economic welfare of the Nation.

The Federal-aid highway system is now over 50 years old, and the time has come to remove the "Federal red-tape" which has begun to impair the efficiency of the entire program. State highway departments have "grown up" since 1916 when the Federal-State program was launched. They now possess expertise, professionalism and experience which calls for a better way of processing projects than the present Federal Highway Administration technical procedure. Although FHWA will continue to scrutinize the comprehensive planning and design, this new approach calls for certification acceptance for all Federal-aid systems except the interstate. The State highway department would certify that it has met the relevant responsiblities and step-by-step review on projects would be substituted for by spot-check monitoring.

In many of our urban areas, short span connections are badly needed for access to facilities such as airports or industrialized isolated areas. With a view toward filling this gap, the 1973 bill provides for a special urban high density traffic program for short, urban routes connecting to an interstate.

With good cause, past legislation has given considerable emphasis to the interstate while much of our intermediate system of roadways at the next level have become deteriorated, congested and hazardous. This approximately 10,000-mile network—or intermediate system—today serves around one-sixth as much travel as the interstate on one-fourth of the total expanse. Although these primary routes are predominately rural, they, along with the Interstate System, could serve as access to over 90% of the urban population in the country. The 1973 Federal Aid Highway Act authorizes $300 million for each of the 3 forthcoming fiscal years for improvement of this high-volume supplementary system so vital to our overall transportation needs.

Mr. Chairman, yesterday I placed in the RECORD an article that contains views of one of our leading transportation specialists, Mr. Francis C. Turner. Most all of you know him and have great respect for his credentials and high regards for his outstanding service. As the former Federal Highway Administrator, I commend his statement to you toward perhaps your gaining a fuller understanding of this complex matter. You may find it on page 12831 in the April 17 Congressional Record.

Now with regard to highway safety, Congress cannot continue to provide for highway systems development without a major effort in reversing the death toll on our Nation's roads. In addition to the human suffering caused by the 56,000 deaths in 1972, the economic loss was estimated at $40 billion. If this could be cut in half by next year, we would recoup the entire 3-year expenditure for Federal-aid highways. The 1973 bill includes title II, Highway Safety Act of 1973 which I cosponsored. Such programs authorized include a pavement marking project for the rural highways where two-thirds of our traffic fatalities occur. Also provided for are traffic control devices at high-hazard locations, removal of roadside obstacles, protection at railroad crossings and replacement or improvement for deficient bridges.

In conclusion, the debate over using highway trust fund moneys for mass-transit projects has been extensive and heated, both in the last Congress and the 93d. I agree that the problems facing our cities are urgent and that the Federal responsibility in transportation does not stop at the perimeter of an urban community. For this reason, I strongly support title III of the 1973 Federal Aid Highway Act, Urban Mass Transportation Act. This section authorizes $3 billion in Federal grants for urban facilities from the general revenues, leaving the highway trust fund intact for highway purposes only. Now our cities will be able to "trade" their Federal aid for an equal dollar amount of mass transit grants from the general revenues of the U.S. Treasury. All funds traded in such a manner would revert to the highway trust fund. This program is viable and workable in presenting a solution to the present controversy.

I have presented to you already a strong reason for leaving the trust fund intact for highways. There is no surplus in the fund, and we cannot possibly—at the present level of authorization—adequately meet the Nation's highway needs by 1990. The highway program, since trust fund establishment in 1956, has been self-supporting. Look at the last annual report of the highway trust fund and the receipts of revenue. These moneys come from motor fuel taxes, tire and oil, parts and accessories taxes. We must meet the needs of mass transit from the general revenues and leave the trust fund for constructing and improving roadways which have been paid for by the highway user. Those citizens using our national highway system are presently compensating for any environmental impact. If you pay $1 in trust fund taxes, 12½ cents of that dollar will be spent on environmental improvement.

We have before the House today a well-balanced and comprehensive program for advancing national transportation. It gives fair treatment to rural and urban areas alike, increased safety and attention to further developing and improving of our primary roadways. I urge the support of my colleagues in passage of the Federal Aid Highway Act of 1973.

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROYHILL of Virginia. Mr. Chairman, there really is no question about the need to provide more and better mass public transportation facilities in the urbanized areas of our country.

The need is clear and growing, and I am most anxious to see the Congress take truly constructive action in this direction.

However, I do not believe that diverting money from the highway trust fund is the best—or even the proper—way to meet this need.

Under the financing concept on which the Highway Trust Fund is based, a tax is imposed on users of facilities in proportion to the use they make of those facilities. The proceeds are then expended on construction of the facilities, which are for the primary benefit of the users who have paid for them.

From one point of view, the tax is in the nature of a governmental charge on

users which varies according to the demands they make on the facilities.

Therefore, diverting the proceeds of a user tax to the construction of facilities which do not provide benefits to the users that correspond to the proportionate use which they make of them would undermine the very foundation of the user tax-trust fund concept.

Such diversion also would involve the credibility of government, in a very real sense. Unless we keep faith with those who pay the user taxes, it will be extremely difficult for us in the future to justify the imposition of other user taxes for special purposes which might seem appropriate at the time.

In short, if we tell a large segment of the American people that we are going to use specific taxes which are imposed on them for specific purposes—and we establish a trust fund to do so—then we should live up to that bargain.

I submit that it would be dishonorable to do otherwise.

I submit further that we do not have to resort to circuitous and questionable methods in order to fund public mass transportation improvements in congested metropolitan areas where they are so urgently needed.

There are, I am sure, a number of feasible ways in which we can achieve this worthwhile end. One such plan is embodied in legislation which I introduced earlier and which is pending before the Committee on Ways and Means.

My plan is simple. It would employ the new general revenue sharing law—the State and Local Fiscal Assistance Act of 1972—as a vehicle to distribute $800 million a year to local units of government within urbanized areas for the sole purpose of providing and improving public mass transportation services.

I emphasize that this sum of money would be over and above the general revenue sharing funds already provided in the Act.

As defined in the law, urbanized areas are those consisting of a central city or cities with 50,000 or more inhabitants, plus adjacent territory which is densely populated. In form these urbanized sections closely resemble the standard metropolitan areas which are, perhaps, more familiar designations on the map. This is where the need is, and this is where the money would go.

Each unit of Government would receive a share of the $800 million annually which would be proportionate to its general revenue sharing allocation. The same basic distribution formula and the same safeguards against misuse of funds, which already are provided in the general revenue sharing act, would apply to these additional funds.

Local governments could use the additional money for capital expenditures—and for maintenance and operating expenditures as well—in connection with the transportation of people by systems which are either publicly or privately owned, and which provide service on a regular or continuous basis.

Public mass transportation facilities would include, but would not be limited to, rapid rail facilities, fringe parking, purchase of passenger equipment, special bus lanes and highway traffic control devices.

Recognizing that many localities have joined in a regional approach to meeting their mass transportation needs, the bill provides that recipient units of government could use the money as their contributions to areawide mass transit projects or authorities.

Equally important, localities which are within urbanized areas but which are not participating in areawide efforts, could apply their shares to improve, expand or establish their own mass transportation services.

I would think that legislation along this line, designed to apply to a wide range of services based on local as well as regional requirements, would have broad support, particularly among those who have so vigorously advocated the diversion of highway trust fund money as a means of meeting our mass transportation needs. It would attain the goals which they ostensibly seek, without jeopardizing any other program and without breaking faith with those who now pay user taxes.

Of course, if the primary aim of any of these parties is not to provide improved mass transportation facilities, but is simply to "bust" the highway trust fund, then obviously this plan will have little appeal to them.

To any of that persuasion, let me suggest that the best way to accomplish their objective is to cut the user taxes, diminish the trust fund, and thus reduce road construction.

But for those of us who have been primarily concerned with charting a fair, equitable and uncomplicated course for the Federal Government to follow in helping to solve the pressing mass transportation problems our country faces, I believe that H.R. 6765 provides an avenue worth pursuing.

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

Mr. PARRIS. Mr. Chairman, I would like to take this opportunity to express my support for section 145 of S. 502, as amended, which directs the Secretary of Transportation to complete the draft environmental impact statement on Interstate Route 66 from the National Capital Beltway to the Potomac River, and to finalize all necessary determinations for construction of that portion of I–66 prior to January 1, 1974. I firmly believe that approval of this section of the bill will constitute a great public service, not only to those who daily commute from Virginia to the District of Columbia, but also to the many visitors who annually arrive in our Capital City.

Interstate Route 66 was originally designed in 1956 as an integral portion of our nationwide system of interstate and defense highways. For the past 17 years, construction of all but 25 of the planned 75-mile highway has been delayed for a number of reasons, in spite of the fact that all traffic studies which have been conducted point out the urgent need for I–66 as part of a balanced transportation system for the Metropolitan Washington area. Further, much preliminary work has already been completed to insure that overall construction meets environmental requirements.

Balanced transportation for the National Capital area is going to require a thorough mix of modern urban highways and adequate and economical rapid transit for commuters and visitors alike. Completion of the I–66 project will play a large part in meeting our transportation needs, and I was particularly pleased to learn that the Senate had approved a similar section in its version of the highway bill. I strongly urge my colleagues in the House to do likewise in giving their approval to section 145 of the Federal-Aid Highway Act.

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

Mr. HOWARD. Mr. Chairman, I appreciate having this opportunity to comment briefly on that portion of the Federal-Aid Highway Act of 1973, which provides for construction of exclusive or preferential bicycle paths.

As we all know, the vast increase in bicycle usage in this country has been a nearly unprecedented phenomenon. This low-cost, low-maintenance, healthful, and nonpolluting means of transportation is a technological development from which we need never fear environmental damage. Indeed, as the Nation's energy challenge threatens shortages of fuel supplies, we will begin to rely more and more on those means of transportation which use "people-power" as their primary energy source. Consequently, I think it is most appropriate that the Public Works Committee has recognized this need by providing for the development of bike paths along our roadways.

I think it is also appropriate today, as we consider this part of the bill, to recognize the tremendous work done in this area by our colleague from New York (Mr. KOCH). During the 92d Congress, he introduced the original legislation providing for these paths, and, although we were unsuccessful in including it in the highway legislation last year, I think it appropriate to recognize his energy and determination in accepting this amendment today. The credit for this amendment is due to the gentleman from New York for his foresightedness in supporting this environmentally progressive legislation.

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

Mr. WYLIE. Mr. Chairman, the only controversy with respect to this bill is the Anderson amendment. I want to associate myself with the position of the gentleman from California and state why I think this is an amendment whose time has arrived. Basically, I am convinced that State and local officials must have more latitude in determining how transportation funds should be used. To force a city to accept more highways when mass transit is what is needed there does not make any sense. The Anderson amendment provides this flexibility that I feel is essential, but it does so in a way that does not jeopardize the Interstate

program nor the rural highway programs. Moreover, the Anderson amendment does not compel anybody to put 1 cent of highway money into mass transit. It merely provides them with the opportunity to select mass transit if they believe that such projects can best solve the problems facing them.

Under this amendment, no State gets any more or less money than they otherwise would receive under the bill. Further, this amendment does not increase urban funding at the expense of rural areas, nor does it have any effect on the Interstate System. It only promotes balanced transportation by providing essential flexibility for urban areas and by maintaining a firm commitment for highways in our rural areas.

In supporting this amendment, I do not believe that I can be accused of breaking any trust with citizens who pay gasoline taxes. Payment of gas taxes can in no way be viewed as a vote for more highways. After all, you only have the opportunity to vote when confronted with a choice, and for most Americans, given the inadequacy of existing mass transit, their only choice of transportation is the automobile. Enactment of the Anderson amendment will help insure that taxes that are paid into the highway trust fund are used effectively, and frankly that is far more important than just insuring that more and more highways get built.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the chairman of the full Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BARRETT. Mr. Chairman, I rise in support of the bill, S. 502, the Federal Aid Highway Act of 1973. This bill represents an enormous commitment on the part of the Committee on Public Works to provide much needed assistance to complete the interstate highway program and to provide the massive assistance needed to build and improve our Nation's highway system. For the first time since the Congress has been considering Federal aid to highways, this bill contains provisions to greatly increase the amount of funds available for urban mass transportation.

While I feel that the bill does not go far enough in its commitment to urban mass transportation, I commend the committee for including provisions to provide the needed funds to expand and improve urban transportation throughout the country. The most glaring defect in the bill, I believe, is the absence of the so-called Anderson amendment, or as it was called in the Senate, the Muskie-Baker amendment. The Anderson amendment which will be shortly considered by the House under the 5-minute rule would provide $700 million per year for fiscal years 1974, 1975, and 1976 from the urban system funds which are presently allocated from the highway trust fund to urban areas of 50,000 population or more. The Anderson amendment is the first step and a vitally necessary step to permit the greater use of Federal highway funds for our total transportation needs. Our greatest transportation need at this time is, as many would agree, for urban mass transportation.

The highway trust fund is a fund that in the future should provide the revenue for all modes of transportation, particularly since we will be completing the Federal interstate highway program within the next 10 years, which has taken the lion's share of the Federal highway trust fund. At the present time, our urban areas can only use the urban system funds for highways and related construction projects. This is a much too limiting use for our cities. The Anderson amendment simply permits our cities the discretion in using the funds under this urban system's program for whatever they deem necessary. They could devote it totally to highway related needs or could commit part of it for urban mass transportation, such as subways or buses or could, in fact, use all of it for urban mass transportation needs.

As I stated earlier, I believe this is a first step, using the great amount of the massive funds in the Federal highway trust fund for our total transportation needs.

I have strongly supported, over the lifetime of the Federal highway program, all of the Federal highway bills that the Committee on Public Works has submitted to this body. I still strongly support commitments toward the completion of the Interstate Highway System, which under this bill would total $3.5 billion per year for the next 3 fiscal years, as well as large amounts of money for our rural areas for primary and secondary highway systems, highway systems for our public lands, and the urban extension highway system.

While I support all of the titles of S. 502, I regret that the Committee on Public Works saw fit to amend the Urban Mass Transportation Act of 1964, which falls within the jurisdiction of the Committee on Banking and Currency, of which I am a ranking Democratic member. I understand the situation with which the Committee on Public Works found itself, particularly since the Senate had approved amendments to the Mass Transportation Act as part of the highway bill.

I am, of course, not opposed to the provisions in title III, but I feel the Committee on Public Works should have yielded this title to the Committee on Banking and Currency. I will support title III, but I hope in the future the Committee on Public Works will leave this matter to the Committee on Banking and Currency. The Committee on Banking and Currency has reported to the House H.R. 6452, the Urban Mass Transportation Assistance Act of 1973, which goes further than the provisions of title III of the bill presently under consideration. I would hope that the House will shortly consider this bill also.

During November of 1972, I visited a number of European countries to study their urban mass transportation assistance programs. I was greatly impressed with the total commitment to urban mass transportation assistance by the national governments in Great Britain, the Federal Republic of Germany, Spain, and France. These governments not only provided the necessary financing for their capital grant needs, but provided the day-to-day operating assistance that every one of the urban mass transportation systems in these countries required. No such commitment on the part of our Federal Government exists here. But, I believe, that the action we take on this bill, if it is to include the Anderson amendment, and the action the House will take later on H.R. 6452, the Urban Mass Transportation Assistance Act of 1973, will begin to totally commit our Federal Government to providing the needed assistance for urban mass transportation.

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

Mr. SHUSTER. Mr. Chairman, I think it is important in our consideration of this bill to make very sure that we fully understand what is involved. Some people would have us believe that the main reason for the highway program is to feed the insatiable appetite of a munificent malevolent monster known as the highway lobby which seeks to pave over America. I think this represents a grave misunderstanding, which should and can be countered with hard facts. I have here in my hand a volume entitled "The 1972 National Transportation Needs Report." It is a result of a study mandated by Congress in the Highway Act of 1970 and conducted by the U.S. Department of Transportation.

Let us look at some of those facts: The first thing we learn is that the projected needs of our highway network between 1970 and 1990 are estimated to cost $600 billion, of which $300 billion are considered absolutely essential. During the same period, the highway trust fund is expected to generate only $125 billion, or just 41 percent of the projected critical need. It is worthwhile noting also that in the latest quarterly report, the fund contained $4.7 billion balanced against obligations of $6.9 billion. So here we come to the first misconception: Rather than being the rich bag of money ripe to be tapped for other purposes, the fund does not even contain enough money to finance our highway system's most critical needs.

There are other fascinating facts to be gleaned from this volume. To those who have us believe that the highway fund is aimed at paving over America, I would point out that of all the moneys spent on arterial highways, only about 7 percent go for the construction of new highways or the relocation of existing ones. What this means is that the great bulk of highway moneys go to upgrading our existing highway network, making it safer and more efficient.

The next misconception deals with who needs highways. There are some people who believe that the urban areas no

longer need highways and only the rural areas need them. That may be true for some of the 40 largest cities with populations over 400,000, although I doubt it, but what about the 200 smaller urban areas who badly need highways. The transportation needs study tells us that of the $600 billion projected needs, fully $240 billion are located in urban areas.

The report also gives another insight into who needs highways. For the Nation, 93 percent of all passenger-miles traveled were traveled in highway vehicles—automobiles and buses. In urban areas, contrary to what you might think, that figure rises to 98 percent. Even in our largest cities, where bus and rail mass transit is available, mass transit still accounts for only 5 percent. Who needs highways? The cities do.

Now this brings us to the most important point: What is the urgency? Why are we in such a rush to spend these vast sums of money? In 10 years of bitterly fought war in Southeast Asia, U.S. forces suffered about 45,000 combat-related deaths. Just last year, our killer roads around the Nation caused some 56,000 deaths. At least another 56,000 are likely to die this year on those roads, and next year and the year after that. In fact, the death toll on roads is expected to climb to 80,000 by 1980. The tragedy of all this is 50 percent of those lives can be saved. In hearings last year, the Secretary of Transportation testified that for each 5 miles of highway constructed or brought up to standard saves one life each year.

I know only too well the accuracy of that statement. My district in central Pennsylvania is highway poor. We desperately need new and improved highways. According to the highway death rates there, it is more than three times as dangerous to drive on the major roads in my district as it is to drive on the Pennsylvania Turnpike, which passes through the district, and it is almost three times as dangerous to drive in my district as it is to drive in Philadelphia or Pittsburgh.

This is the reason for the urgency in upgrading our highway network. We have a huge highway system literally boobytrapped with dangerous hazards, rail crossing, unsafe bridges, poor pavement markings, excessively narrow lanes, rigid and bulky roadside obstacles just waiting for their next victims to stray off the road. These must be eliminated. But that takes money, a lot of it. We need every penny we can muster to make our highways safe, because in reality, it is not pavement we are buying; it is human lives.

Mr. Chairman, what I am talking about is the saving of 25,000 to 40,000 lives a year. We can do it right here in the Congress by passing this bill. And if we do not, Mr. Chairman, we will not be guilty of taking thousands of lives a year that could have been saved? Mr. Speaker, I urge the passage of this bill.

PARLIAMENTARY INQUIRY

Ms. ABZUG. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. ABZUG. Mr. Chairman, I would like to inquire as to what the parliamentary situation is at this time. Are we engaging in a continuation of general debate?

The CHAIRMAN. The Chair will state in response to the parliamentary inquiry that we are in general debate.

When we began, the gentleman from Texas (Mr. WRIGHT) had 45 minutes remaining, which he still has. The gentleman from Ohio (Mr. HARSHA) had 1 hour remaining of general debate.

Ms. ABZUG. Mr. Chairman, was there any other discussion on the parliamentary situation? There was a little lack of order here as to whether we were going to go beyond that to a discussion of amendments after that.

The CHAIRMAN. The Chair cannot advise the gentlewoman from New York as to that. That is a matter under the control of the Committee of the Whole, and the managers of the bill.

Mr. BLATNIK. Mr. Chairman, the Federal-Aid Highway Act of 1973 on which we now begin debate in this body today is one of the finest pieces of transportation legislation that the Public Works Committee has ever reported for this body's consideration. It contains within it provisions of major importance for our future highway program, highway safety program, and mass transit program.

After comprehensive hearings and deliberate scrutiny in open session, the committee in this legislation, S. 502, offers a successful solution to the problem of implementing for the future our highway programs and our mass transit programs.

There is no question in anyone's mind that there is a need for both programs. There is no question in anyone's mind that these programs must be properly funded and carried out. The committee—always a strong advocate and supporter of a comprehensive national transportation planning program—has had the unique opportunity to consider both of these programs side by side. It has reached the conclusion that they can and will work together; that they are an integral part of the future transportation development of this Nation.

Over the years in refining the highway program we have cranked into it: protection of the environment, assistance to the urban citizenry, reduction of pollution, conservation of energy sources, and greater participation of citizens in the planning and development stages of the program.

We have, in addition, emphasized, and continue to highlight, the need for a meaningful highway safety program. All of these features are continued by this legislation, the details of which will be explained by other members of the committee who will speak today.

In the field of mass transit, we have recognized in this legislation the need for proper Federal funding, and for proper participation by the Federal Government on a percentage basis with a firm commitment to contract authority.

Within the framework of this legislation we have provided the apparatus to help both urban, suburban, and rural America. We are implementing the new urban system within this program; we are allowing for direct planning funding to the cities; we have allowed for the availability of the redistribution of trust fund money where mass transit substitutions are made.

And I might say that, totaled in all, more than half of the funding for this legislation goes to help the urban and suburban areas. We have continued to properly fund the primary and secondary rural areas and to recognize in the highway safety title the need to upgrade the protection of these routes on which most of our deaths and accidents have occurred.

As I have stated before, there is considerable funding in contract authority for mass transit. This is indeed an earnest effort by a dedicated committee to resolve a tremendous problem.

Step by step, over the years, we have found ways to implement and enlarge upon the development of our transportation program for this Nation. This bill is another giant step in that direction.

It is not a be all or an end all, but it is a way by which our transportation needs can be met for the present, and it lays the groundwork for future planning for our cities and greater development of both our highway and mass transit programs.

If I may be permitted an aside, I am particularly pleased that the bill contains two provisions of particular interest to my home State of Minnesota. The first, contained in section 224 of title II, is an underpass demonstration project at Anoka, Minn., authorizing the Secretary of Transportation to construct an underpass at the 7th Avenue and County Road 7 railroad-highway grade crossing—$3 million is authorized for this purpose.

Over 7,000 schoolchildren move back and forth over this crossing daily. It is a potential hazard and possible killer; it must be made safe. This section does just this.

The need to develop the Great River Road in the middle portion of our Nation as a scenic and recreational route for the use of all of our citizens has been a dream unfulfilled for many years. There is a need to make this dream a reality. Part of this road is in Minnesota. Under section 131, further impetus for the fulfillment of this Great River Road development is brought about.

The project for building a scenic highway along the Mississippi from the Gulf of Mexico to Lake Itasca in Minnesota has been in various stages of planning and construction since 1936. The 2,000 miles of its length utilize both Federal highways, highways on Federal lands, and State highways where appropriate. There has been authorized for the Great River Road to date $500,000 for planning purposes. This act adds $100,000 to be apportioned to the 10 States bordering the Mississippi River.

Section 131 of the act would provide construction funds in the amount of $20 million for fiscal years 1974, 1975, and 1976 from the highway trust fund for highways on the Federal-aid system chosen as part of the Great River Road, and $10 million for each of fiscal years 1974, 1975, and 1976 out of the general fund for projects on Federal lands.

From 1954 to 1962, over $250 million has been spent on this road from various Federal-aid highway funds and local funds. Since that time, mostly planning money has been spent, with many of the States ready to proceed to construction.

The funds provided under this section will be apportioned according to need among the 10 States in an effort to proceed with the construction of the road as a prototype of a national scenic highway system.

I urge support for this legislation.

I would also like to take this opportunity at this time to include with my remarks a series of highlights of the legislation and its major provisions, prepared most effectively and efficiently by two members of the Public Works staff, Bob Loftus and Clyde Woodle. They have put together an excellent explanation of the various features of the bill, and, for the benefit of the Members, I include it with my remarks:

SUMMARY OF MAJOR PROVISIONS OF FEDERAL-AID HIGHWAY ACT OF 1973

FEDERAL-AID HIGHWAY ACT OF 1973

The 1973 highway legislation approved by the House Public Works Committee would extend most of the existing Federal-aid highway programs for another three years and provide $18.276 billion in new spending authority for highway construction and $4.295 billion for an enlarged highway safety program.

About $20 billion of the authorized spending would come from the Highway Trust Fund, which is financed through highway-related taxation, such as gasoline, oil and tire taxes. $3 billion would provide mass transit grants for urban areas from the general revenue, and about $2.5 billion would be available for other programs and projects, also from general revenues.

Principal provisions of the Committee bill, which is subject to amendment on the House floor, include:

INTERSTATE HIGHWAY SYSTEM

Funding authority for completion of the 42,500-mile System by June 30, 1979, with allocations from the Highway Trust Fund to be made as follows:

$3.5 billion for each of the fiscal years 1974 through 1978, and $2.5 billion in fiscal year 1979, of which $12 billion is authorized in existing law.

Authorizations for 1974, 1975, and 1976 had been set in the 1970 Highway Act at $4 billion annually.

80% of the Interstate System, or about 34,000 miles, is now open to traffic. On completion of the remaining mileage with authorizations through 1979, the Interstate System will have cost an estimated $76.3 billion based on present estimates.

The deadline for States to schedule the construction of their remaining Interstate segments is extended in the Committee bill from July 1, 1973, to July 1, 1974.

URBAN MASS TRANSIT

Authority for $3 billion in contract authority for Federal grants for capital investment in mass transit facilities to be financed from the Federal Government's general revenues, leaving the Highway Trust Fund intact for highway purposes only. The bill sets NO time limit for distribution of the grants, but the entire amount would become immediately available for obligation on enactment of the legislation.

This $3 billion authorization is in addition to $3.1 billion already authorized for such grants under the Urban Mass Transportation Act of 1964, much of which has been obligated.

Urbanized areas would be permitted to "trade" their Federal aid urban systems allocations and allocations for "controversial" Interstate segments for an equal dollar amount of mass transit grants from the general revenues. The grants could be used to build rail lines or to buy rolling stock for any mode of public transportation. The money originally earmarked for the "traded" highway projects would remain in the Highway Trust Fund for highway purposes.

NON-INTERSTATE FEDERAL-AID HIGHWAYS—URBAN AREAS

For extension of primary and secondary highways in urban areas, (the so-called "C" system) $400 million annually for fiscal years 1974, 1975, and 1976.

For the urban highway system, such as arterial highways within an urban area (the so-called "D" system), $700 million annually for fiscal years 1974, 1975, and 1976.

The urban total of $1.1 billion annually would come from the Highway Trust Fund.

NON-INTERSTATE FEDERAL-AID HIGHWAYS—RURAL AREAS

For primary road systems in rural areas (the "A" system), $700 million annually for fiscal years 1974, 1975, and 1976.

For secondary road systems in rural areas, (the "B" system), $400 million annually for fiscal years 1974, 1975, and 1976.

The rural total of $1.1 billion annually would come from the Highway Trust Fund.

PRIORITY PRIMARY SYSTEM

$300 million annually for fiscal years 1974, 1975, and 1976, to be taken from the Highway Trust Fund for improvement of not more than 10,000 miles of heavily-travelled sections of Federal-aid primary highways which connect to the Interstate System in both rural and urban areas.

The highway sections to be improved under this provision would be selected by the various States from 66,000 miles of primary highway designated by the 1968 Highway Needs Report of the Department of Transportation as most urgently needed.

These priority roads would be built to the highest standards required for the traffic they would handle, but need not be built to Interstate standards. They could be two or four-lane roads, or high-capacity city streets which could be upgraded or redesigned as an alternative to the construction of new freeways.

TRANSFERABILITY

The Committee bill would permit a State to give up a planned segment of Interstate Highway in one section of the State and use that allocation from the Trust Fund for Interstate mileage in another part of the State. Alternatively the Secretary of Transportation may determine that the unused allocation may be transferred to another State or States where there is a more pressing need.

A bill provides for 50 percent transferability of funds between the Federal-Aid rural and primary highway systems and 50 percent transferability between urban extensions of the primary and secondary systems and the urban system.

The bill does NOT authorize any transfer of Federal-aid funds between the urban and rural highway systems.

"EARMARKING" OF URBAN SYSTEM FUNDS

The Committee bill requires the States to earmark a share of its urban system funds for incorporated municipalities with a population of more than 400,000. This provision would guarantee each such municipality a percentage of the State's urban system funds based on the relation of the municipality's population to the State's entire urbanized population. The 1970 Census showed 33 such municipalities in the United States, including San Juan, Puerto Rico.

A sum of $20 million for each of fiscal years 1974, 1975 and 1976 is authorized from the Highway Trust Fund, to be allocated among the ten states bordering the Mississippi River, for construction and reconstruction of a scenic highway along the Mississippi from the Gulf of Mexico to Lake Itasca in Minnesota. The 2,000 miles of its length utilizes both Federal highways, highways on Federal lands and State highways where appropriate.

An additional $10 million for each of these three fiscal years is authorized from general revenues, for construction and reconstruction of roads not on a Federal aid highway system.

HIGHWAY PUBLIC TRANSPORTATION

Highway funds for the A, B, C, D and Interstate System may be used for exlusive or preferential bus lanes, fringe and corridor parking areas, and other facilities to assist public mass transportation.

Additionally, publicly owned transportation authorities may use, without charge, any portion of a Federal-aid highway right-of-way where sufficient land is available to accommodate needed rail or non-highway public transit facilities.

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

Authorization of $300 million, out of the Highway Trust Fund, for the three years ending June 30, 1976, for construction of short segments of highway connected to the Interstate System in urban areas with high traffic density. These segments can be no longer than ten miles and must serve the urgent needs of commercial, industrial, airport, or national defense installations. No more than one such route may be built in any one state.

ECONOMIC GROWTH DEVELOPMENT HIGHWAYS

Authorization of $450 million for the three years ending June 30, 1976, for highway construction to serve new "economic growth centers" in rural and semi-rural areas of the country. These centers, limited to areas with no more than 100,000 population, would be designated by the State Governors, subject to approval by the Secretary of Transportation. The objective of this provision is to encourage development of industries and economic opportunity in areas that have been losing population to the big metropolitan centers and, where possible, to reverse that trend.

HIGHWAY SAFETY

A total authorization of $1.3 billion for the three years ending June 30, 1976, to carry out safety programs administered by the Federal Highway Administration and the National Highway Traffic Safety Administration. That includes $155 million for safety research.

$600 million for the three years ending June 30, 1976, to survey and eliminate rail-highway crossing hazards. Two-thirds of the money would come from the Highway Trust Fund, the remainder from general revenues. Two-thirds would go into projects on Federal-aid highways outside the Interstate System, and one-third into grade-crossing projects on highways not included in any Federal-aid system.

$1.125 billion for the three years ending June 30, 1976, for highway bridge reconstruction and replacement, of which two-thirds would come from the Highway Trust Fund. Two-thirds of the funds would be for bridges on any Federal-aid highway system, and one-third on non-federal highways.

$250 million for the two years ending June 30, 1975, for pavement-marking demonstration projects in the various States, all to be allocated from the Highway Trust Fund. These demonstrations may be carried out on any highways, other than Interstate, whether or not they are in the Federal-aid system. Funds not used by a State for pavement-marking demonstrations may be used to

eliminate or reduce hazards on high-accident-rate sections of highway.

$300 million for the three years ending June 30, 1976, for spot improvement of hazardous highway sections, of which $200 million would come from the Highway Trust Fund and $100 million from the general revenues.

$225 million for the three years ending June 30, 1976, for the elimination of roadside obstacles on both Federal-aid and non-Federal highways, of which $150 million would come from the Highway Trust Fund and $75 million from the general revenues.

The safety section of the Committee bill also includes provision for studies into the relation between drug use and driver safety, highway safety education, and pedestrian safety problems.

The Committee bill also contains provisions to extend and refine the highway beautification program, to permit States to use their Federal aid funds for bicycle trails, and to make planning loans available to local transportation agencies.

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

Mr. BLATNIK. I am pleased to yield to the gentleman from Illinois.

Mr. KLUCZYNSKI. I thank the chairman of my committee, the Committee on Public Works, for yielding to me.

Mr. Chairman, I want to indicate to the Members of this House today that we have brought to the floor a highway bill that is the most comprehensive transportation measure ever brought out of the Committee on Public Works.

We prepared for this bill by holding the most complete set of hearings before our Transportation Subcommittee that has ever been held on the subjects of highway and mass transportation.

We had all the people in the mass transportation industry before us as well as those people who are actively running rail mass transit operations such as the new BART system in San Francisco.

We had the labor representatives and the equipment manufacturers.

All of these were in addition to the members who testified on the regular highway portion of the bill.

So our bill is comprehensive. There are those who may believe it is not comprehensive enough. The rule will allow the House to work its will in this regard and that is the way it should be.

Our markup session went for 3 days and was open for all the public to see. We came out with a good bill and the public watched us do it. We had a standing room only crowd every day.

We have a great committee and all the members take part. Many of them will speak to you during this debate in more detail on various parts of the bill.

There are many new Members of the House this year. We have 11 of them on our committee. They have played a great part in putting this act together and have contributed wonderful new ideas.

As chairman of the Subcommittee on Transportation, I thank them for their efforts and congratulate the whole committee for its action on this bill.

I am not going to take a lot of your time on the bill because different parts of the bill will be covered by various members of the committee in their floor statements.

I commend this bill to the House and urge you to pass it.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I want to take this moment to commend our chairman, the chairman of the Committee on Public Works; the ranking minority member, the gentleman from Ohio, Mr. HARSHA; the gentleman from Alabama (Mr. JONES) who is not with us as he is ill at the present time; the chairman of our subcommittee; and the gentleman from Texas (Mr. WRIGHT), who has been our expert in developing a bill which I am in full support of as it now pends before this body.

I want to commend the gentleman from Texas (Mr. WRIGHT) for the very fine and lengthy explanation of the bill in detail that he made yesterday in general debate.

Mr. Chairman, the Federal Aid Highway Act of 1973 recognizes the need to complete the National System of Interstate and Defense Highways, authorized by the Congress in 1944 and funded in 1956. The original completion date for the system was 1972. Due to circumstances beyond the control of any individual or group, such as rising inflationary costs and executive impoundment, that date has come and gone. We now, in this legislation, hope to give the final impramatur to the completion of the system.

The legislation authorizes an additional $8 billion for the completion of the Interstate System. It funds the program through fiscal years 1974–1978 at a $3.5 billion figure and for 1979 at a $2.5 billion figure. This, it is anticipated, will complete the system.

The Interstate System has proved its worth in lives saved and in accidents prevented. It has been the basis in many areas of the Nation for economic growth and development of those areas. It is one of the great national highways in the history of the world and its effectiveness increases with each day of use.

The legislation then turns its attention to funding for the long neglected primary and secondary systems in rural areas and for the development of our urban system. It divides equally the funding of $1.1 billion for the rural primary and secondary systems, and $1.1 billion for urban systems and urban extensions.

The committee has increased on a 5 to 1 level the funding for the urban system recognizing the need for highway development in urban areas.

This legislation also provides the funding for forest highways, public land highways, forest development roads and trails, public land development roads and trails, park roads and trails, parkways, Indian reservations, and an extremely important economic growth center development highways.

It funds the highway programs in the Virgin Islands, Guam, and American Samoa. It creates a special urban high density program which is funded at $100 million per year for fiscal years 1974, 1975, and 1976. This allows special highway connections to the Interstate System in urban areas of high density. The Federal share for any such project could not exceed 90 percent of the cost of construction. The roads could be not more than 10 miles long and would have to serve areas of concentrated population and heavy traffic congestion. The type of route that comes to mind is the proposed Cline Avenue facility connecting Interstates 80 and 90 in East Chicago; Interstate 30 in Little Rock, Ark., to the Adamsfield Terminal and the port of the city of Little Rock and an overhead roadway project connecting West Vickersberg Boulevard to West Rosedale at Forest Park Boulevard in Fort Worth, Tex.

I go into some detail in these authorizations of the future highway program to point out that the committee has covered the spectrum of all anticipated future highway needs. This takes us from the remotest rural section to the heart of our great metropolitan areas.

I am personally gratified by the fact that we continue to authorize in this legislation for forest development roads and trails at $170 million for the fiscal years 1974, 1975, and 1976. There is a great need to develop these roads and trails to help our national forest products industry in all sections of the country and of course in my own great State of California and in my congressional district. As one of the chief advocates of the "beefing up" of funds for forest development roads and trails it is good to see the committee provide for the continued funding of this needed system.

There are many other portions of this bill on which my colleagues will speak. Because I know what the highway program has done for my State of California and because I know it will continue to do, I am very pleased to point out to the Members today just how well we have provided for our highway needs.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Chairman, I thank the gentleman from Texas (Mr. WRIGHT) for yielding.

Mr. Chairman, I support this legislation wholeheartedly.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. GINN).

Mr. GINN. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, it has been one of my pleasures as a new member of the Public Works Committee to have had the opportunity to participate so actively in the hearings, in the markup, and now on the floor in what I consider to be one of the major pieces of highway legislation this body has considered in many years. I refer, of course, to the Federal Aid Highway Act of 1973 (S. 502) which we have before us today.

Some of my other colleagues will go into some detail about the many facets of the bill, running the gamut from highway authorizations to mass transit funding. I would simply point out at the outset that I strongly support this legislation. I believe it is of inestimable benefit to the future transportation development of all sections of this Nation, be they rural, urban, or suburban.

The funding for the highway authorizations in this legislation is more than

sufficient to take care of the various highway needs in all sections of the Nation. The funding for the mass transit program and the additional changes in the law, such as the amendments offered by my distinguished colleague from Texas (Mr. WRIGHT), embodying assistance to mass transportation, and in the field of interstate transfers and flexibility, go a long way, I believe, toward providing the needed funding and assistance in getting a meaningful mass transit program moving.

I would point out to my colleagues, as well, that the legislation attempts to cut through the plethora of redtape that has bogged down so many of our programs by the language contained in section 109, asking for a minimization of paperwork.

Section 108 establishes a policy that, with the completion of the Interstate System which we hope has been finally funded to the needed extent in this bill, there will be a national policy to place increased emphasis on the "accelerated" construction of the other Federal aid systems in the country, recognizing the need to build within those systems the safety that is required to make them usable for all citizens.

I strongly support this provision because I realize that there is a need to turn our attention to the primary and secondary rural systems of our nation, and the urban extensions thereof, which have been neglected for so many years.

I note with interest that the legislation provides that every urbanized area of 50,000 population or over is entitled, under this program, if determined to be for the development of an urban system within that population center, to participate in the program for an urban system. In the case of those three States which do not have such a city of 50,000 or over, those being Wyoming, Alaska, and Vermont, we specifically provide in section 110 of the legislation that they may designate their largest population center as being eligible to participate.

I would point out that in conformity with our new approach to divide the Federal funding equally between the urban and rural areas we change the allocation formula for the rural primary and the rural secondary from one-third population to one-third rural population.

I would additionally point out that in this legislation, for the first time, to aid the urban areas, we authorize apportionment of 0.5 percent of the planning funds authorized under this legislation the urban areas for the purpose of carrying out the continuous comprehensive planning authorized under section 134 of this title.

We extend the authority for advance acquisition of rights-of-way from 7 to 10 years to give the States greater leeway in planning and acquiring property, and to cut down the resultant cost of a highway project.

I would point out that in section 115 of this legislation the Secretary now can control and establish highway noise levels for highways on any Federal aid system for which project approval has been secured prior to July 1, 1972. The Secretary will do this after consultation with appropriate Federal, State, and local officials. To achieve this, and to control the noise levels, the Secretary may, among other things, acquire additional rights-of-way along the highway to separate the traffic from the areas it moves through, construct actual physical barriers, such as sound proofing of buildings, and, where appropriate, landscaping.

Main effort to expedite the approval of projects, we, in section 117, allow the Secretary to accept the certification by the State Highway Department of its performance of responsibilities under conditions set forth in this section. This is an effort to further minimize redtape and to allow faster approval of highway projects.

I would point out that we fund economic growth development center highways as a regular highway program under the Federal aid program, and not as a demonstration program. In many areas the construction of these highways could be a part of the cornerstone for the development of a new area, or for the rehabilitation of a depressed area.

There are many more features of this bill that I could discuss with you, but I think I have hit some of the individual points that show the great detail and consideration that the Public Works Committee brought to the consideration of this bill, and the effort it made not only to funding programs, but to providing the mechanism to implement the programs.

The Federal Aid Highway Act of 1973 is major legislation. I am proud to support it. I urge its adoption.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Chairman, I rise in support of this bill.

The record of what highways have done for the economy and the well-being of this country, particularly since inception of the past Federal Aid Highway Act of 1916, is one of the finest records of achievement of any major public works project that has ever been authorized by the Congress of the United States.

Highways have opened up new areas in various sections of our nation spawning new industries in dying towns and villages. Two hundred million citizens of this great Nation can move comfortably from one area of this country to the other. In case of conflict, our defense capability will exceed any country in the world. They are indeed one of the lifestreams of our Nation.

The Highway Act of 1973 continues to implement and develop an intelligent program to further carry out what highway construction has previously done for this nation. At the same time, it recognizes the views of the seventies. It continues to contain modifications, that the Committee on Public Works has written over the years into the highway program, to protect the environment; to assist our urban citizenry; to reduce pollution; and to conserve energy resources. Most important, before these highways are constructed, it provides for the full and complete participation of the citizens in the planning and development stages of the highway program.

Along with the highway authorization contained in title I of this act, we have an important Title II—Highway Safety.

In 1966 the committee began the authorizations for the highway safety program and this title in S. 502 continues this program, at a higher funding level, with numerous innovative approaches to develop our safety program as effectively as possible.

Some of these approaches contain sophisticated traffic control devices—reduction, amelioration or adequate protection for railroad crossings, and construction or replacement of dangerous bridges.

The interstate program is by far our safest major Federal-aid arterial highway. We must make that even safer than it is now, and in the process extend that degree of safety to our other systems—primary, secondary, and urban. This can be done; it will be done.

Title III of the legislation provides the needed proper funding for further capital improvements for our mass transit program. It increases the Federal participatory share and emphasizes the Federal contractual obligational feature of the program.

Title V of this legislation permits the apportionment of Federal-aid funds for fiscal year 1974. They should have been apportioned on January 1 of this year but because of the failure to enact highway legislation last year that was not possible. This title simply allows their apportionment as rapidly as possible, and it is badly needed.

Thus we have a bill carefully worked out; a bill that the committee considered after comprehensive hearings and a vigorous open markup. It creates a balanced program to meet the needs of our highways, to make them safer, and to aid mass transit.

It recognizes, also, as I have stated, what the effects of these programs will be on our environment and the protection of our environment. It permits full citizen participation in these transportation programs.

This is truly a major bill for all Americans. It will help all of us by making our transportation system stronger and better so that in moving across from one section to another we will learn to know each other better and have a better understanding of what America means to all of us. I am proud to be associated with the bill.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Chairman, I wish to thank the gentleman. I rise also in support of the bill.

S. 502, the Federal Aid Highway Act of 1973, as reported by the Committee on Public Works, is legislation which provides a meaningful and effective approach to resolving the many transportation problems that this Nation faces across the country, from coast to coast, in its urban, suburban, and rural areas.

It is legislation that continues to fund at an effective rate the authorizations to complete the Interstate System; it is legislation that gives the proper funding on an equal basis to the rural, urban, and suburban areas of our country; it is legislation that funds the continuation of our many other types of highway programs, ranging in length from money for our forest highways down through and including funding for economic growth

center development highways. It goes a long way in many sections of the bill, both in title I dealing with highways, and in title III dealing with urban mass transit, to providing needed assistance and relief to the many congested sections of our country where comprehensive planning must provide the implementation and joint use of highways, for buses and autos that move thereon, and mass transit that can move on the median strips of highways, and on fixed rail operations.

It recognizes the need to beef up and continue the action of the Public Works Committee in 1966 when it created the Highway Safety Act of 1966 by establishing in this bill funding for the existing Federal and State programs, and placing an emphasis on a number of new ones that will be a particular help to the primary and secondary rural routes of our country on which, unfortunately, the bulk of our deaths and accidents occur.

It is a well-rounded, well-developed bill, and I am proud to have played a part in its creation.

I would reemphasize, as I did in the committee report on the legislation, my gratification in the fact that the legislation contains authorizations for the development of a 10,000-mile priority primary system. This appears specifically in section 128 of S. 502. These routes would be the feeder links into the Interstate System. They would not be—and I wish to lay to rest the canard—a "Junior Interstate System." They are not junior interstate systems. They are part of a recommendation submitted by the Department of Transportation in 1968. They do not add additional mileage to the systems. They simply highlight in specific States the need to implement immediately the construction and development of certain essential primary routes such as the one that I called to the attention of the committee in my views on the report. And I quote in part from the report with some editorial comments:

There is no major north-south highway in Louisiana today. Strange as it may seem, we have two interstates, I–10 and I–20, running from east to west through Louisiana. However, in order to reach I–10 in the southern portion of the State, from I–20 in the northern part, a motorist must travel secondary highways that, as Congressman WAGGONNER pointed out, are dangerous deathtraps, and result in many needless highway fatalities each year.

In subcommittee testimony, Congressman WAGGONNER provided statistics showing that the death rate on the Louisiana Interstate System in 1971 was 3.04 fatalities for every 100 million vehicle miles, compared to 6.70 and 7.20 for secondary and State roads.

The specific need in Louisiana is for a north-south road built to appropriate primary specifications and standards, which will connect Alexandria—located in the middle of the State—with Shreveport and Monroe, both located in the northern portion of Louisiana. The route then should connect Alexandria with the southern part of Louisiana, thereby providing adequate and safer highways from north to south.

Congressman OTTO PASSMAN of Louisiana, who represents the Fifth Congressional District which includes the city of Monroe, also supports a north-south road built to Interstate specifications. In recent discussions with Congressman PASSMAN, who serves as appropriations subcommittee chairman for foreign affairs, he stressed his concern that such highways be provided, especially in connecting Monroe with southern portions of the State.

Such a north-south system of roadways would open up much of Louisiana for additional commerce and industry. One of the problems facing our State is that of highway transportation between northern and southern points. As long as this problem exists, Louisiana's expansion in commerce and industry must remain hampered. Our connecting routes running east and west are adequate for highway transportation. But to get from Shreveport or Monroe, both thriving cities, to Alexandria or Lake Charles, Lafayette or Baton Rouge—also thriving cities in the central and southern parts of the State—is hazardous, to say the least.

I briefly attempted to highlight the main principles involved in this legislation. This is one of the most important transportation packages submitted to the House in some years, and I strongly urge its adoption by this body.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, if I can have the attention of the distinguished manager of this bill, my colleague from Texas (Mr. WRIGHT), I would like to call to his attention that title III of S. 502, the Federal Aid to Highway Act Amendments, amends the Urban Mass Transportation Act of 1964 which, of course, falls within the jurisdiction of the Committee on Banking and Currency. I brought this to the attention of the distinguished chairman of the Committee on Public Works (Mr. BLATNIK), on March 30, and I received a reply on April 11 from Chairman BLATNIK concerning this matter. In his letter to me, the chairman stated—

We have been brought into this problem unwillingly. It has been imposed upon us by the Senate. The jurisdiction of the mass transit program still rests in your capable hands. Bear with us at this time so we can resolve this entanglement of the highway program and the mass transit program and work out a solution that will help both programs to move ahead.

I would like to clarify this matter on the floor today and would ask my distinguished colleague to reaffirm Chairman BLATNIK's statement to me that the urban mass transportation program is a matter of jurisdiction for the Committee on Banking and Currency and that after the action on this highway bill is completed, that all matters pertaining to urban mass transportation and the Urban Mass Transportation Act of 1964 will be considered and acted upon by the Committee on Banking and Currency. Is that the understanding of my colleague, the distinguished manager of this bill?

I include the following:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., April 11, 1973.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: May I briefly and sincerely respond to your letter of March 30 last, and your comments on H.R. 6288, the Federal Aid Highway Act of 1973.

As you know, on Tuesday of this week the Committee on Public Works ordered reported to the House S. 502, the Senate passed highway bill. S. 502, as reported by the House Public Works Committee, contains therein a Title III.

Title III deals with certain amendments to the Urban Mass Transportation Act of 1964. This same title was in the Senate passed bill, S. 502, as it was referred to the Committee on Public Woks of the House several weeks ago.

This is the second time in less than a year that the Committee on Public Works has had thrust upon it amendments to the Urban Mass Transportation program. The first time this occurred was when the House and the Senate Public Works Committees met in conference on last year's Federal Aid Highway Act which failed of enactment. At the conference the House conferees faced the fact that the Senate highway bill contained a title dealing with the Urban Mass Transportation Act.

The House conferees accepted this title and it was in the conference report that was reported back to the House, and on which the House failed to act.

We have been brought into this problem unwillingly. It has been imposed upon us by the Senate. The jurisdiction of the mass transit program still rests in your capable hands. Bear with us at this time so we can resolve this entanglement of the highway program and the mass transit program and work out a solution that will help both programs to move ahead.

You have been a strong supporter of the Highway Trust Fund in the past. We need your help now, and I assure you I will work shoulder to shoulder with you in the mass transportation program.

I thank you for your help and cooperation in the past, and I look forward to working with you to resolve this problem together, and to working with you in the future.

With warmest personal regards.

Sincerely,

JOHN A. BLATNIK,
Chairman, Committee on Public Works.

MARCH 30, 1973.

Hon. JOHN A. BLATNIK,
Chairman, Committee on Public Works, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that the Committee on Public Works will begin markup on H.R. 6288, the Federal Aid Highway Act of 1973, beginning on Tuesday, April 3. Title III of the bill, H.R. 6288, would amend the Urban Mass Transportation Act of 1964; this Act falls within the jurisdiction of the Committee on Banking and Currency. As you may know, the Committee on Banking and Currency has set up a separate Subcommittee on Urban Mass Transportation chaired by our distinguished colleague from New Jersey, Joseph Minish. This Subcommittee has already conducted hearings on a number of urban mass transportation proposals and has already concluded its markup session on a 1973 urban mass transportation package, and has already submitted its proposals to the full Committee on Banking and Currency.

The Subcommittee proposals would make substantial changes in the operations of the urban mass transportation program, among which are an increase in the amount of funds authorized for the capital grant program and an increase in the Federal grant ratio to a

flat 80 percent Federal grant. Both of these proposals, I note, are contained in Title III of H.R. 6288. I would strongly urge your Committee to forego any legislative action which would amend the Urban Mass Transportation Act.

The Urban Mass Transportation program was initiated by the Committee on Banking and Currency in 1964 and the Committee, as early as 1959, was considering a number of urban mass transportation proposals. We have spent a considerable amount of time on this program and feel that as the authors of our urban mass transportation program that we are the Committee that should make any proposed changes in the Act.

There is a strong feeling in the Committee against any action by your Committee on Public Works which would infringe upon the jurisdiction of the Committee on Banking and Currency. I certainly hope we may be able to work out something beneficial for both the Committees which would provide for greatly needed assistance for our urban mass transportation systems and our Federal aid highway program.

Sincerely,

WRIGHT PATMAN.

Mr. WRIGHT. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO of Wyoming. Mr. Chairman, I thank the chairman of my subcommittee for the chance to express the fact that in the third week of November last year my good friend, the gentleman from Indiana (Mr. MYERS) whom I regret is out of the Chamber now, stood up and asked for a call for a quorum that was heard around the Nation. It jeopardized highway construction in many, many States, including my own. It ended the 2d session of the 92d Congress of the United States.

It brought to my mind again the fact that at that time it is a physical impossibility to legislate a day or two before a general election. That is what happened in this administration last year, faced as it was with the Anderson amendment on mass transit and on all the other matters that were in the bill. So this year the Public Works Committee began early, and the committee has worked hard on this legislation. I think it is an eminent bill, and it is fair and just.

Mr. Chairman, I commend the gentleman from Texas (Mr. WRIGHT) for an excellent compromise on mass transit. It considers in full the cities' unique needs; it applies funds for mass transit and still fulfills the statutory responsibility all of us have to complete the interstate highway program pursuant to the law of 1956. It has not yet been fulfilled.

Mr. Chairman, until that program is completed, I think a bill along the lines of the one we have now ought to be adopted. I urge the Members to adopt this legislation.

Mr. WRIGHT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman and Members, there is not enough time to discuss the highway problem, but it is interesting to note that for many, many years before we created trust funds in the various States and in the Federal Government, roads were appalling all over this great Nation of ours.

We talk about mass transit. Certainly it is a serious problem.

But so are the primary highways. The great primary highways are primarily toll roads created and bonded in indebtedness by the States.

My people in Pennsylvania were the first ones to put in modern toll roads. We are paying not only for the bonds and the interest on them, but we are paying for the gasoline and oil used as we go across the road, and we are paying into the trust fund and in that way are paying for the roads.

When they build mass transit facilities will they return any money to the highway trust fund? They will not be paying taxes because they will not be using gasoline. They are not powered by gasoline, and therefore the taxes they receive will be in the form of fees charged for the service. Will they return any money to the trust fund then? They will not.

There are thousands of roads in Pennsylvania and, as a matter of fact, there is still the old Pinchot type of road. There are 84,000 miles of them. We are still fighting in the State legislature for another $100 million worth of indebtedness in order to pay for some of these roads. We collected $687 million last year for the trust fund in our State, but when we got down to use it in road construction last year there were only $338 million available for us.

Where does it go? Well, $60 million went to the State police and $70 million went for education in the form of relief, where they got into the trust fund. Half of the money that is collected is not spent for building roads. Sure, you want to help the cities and make them able to build transit facilities, but let them pay it out of tolls charged on the use of those facilities, like we do in order to pay for the roads that we build. We have done it with revenues derived from toll funds. Let them do it in the same way.

Mr. HARSHA. Mr. Chairman, I yield as much time as he may use to the gentleman from Illinois (Mr. HANRAHAN).

Mr. HANRAHAN. Mr. Chairman, railroad grade crossings have been one of our deadliest, least publicized highway killers, not to mention a public inconvenience, in this country for some time.

According to the Department of Transportation's Federal Railroad Administration, only a meager 20 percent of the 232,000 public crossings in the United States are properly protected.

Each year, nearly 1,500 fatalities and 7,000 injuries are the result. Since 1920, 86,000 persons have been killed in rail-highway accidents.

Schoolbus safety is also a part of the problem. Since 1967, schoolbuses have been involved in an average of 250 near misses annually. We cannot allow our children to be subjected to such dangers because of inadequate protective devices at our railroad crossings.

In some instances, homes have burned down because a fire truck could not get across the tracks to fight the fire. Policemen have similar problems getting across tracks which are blocked for lengthy periods by trains. It is not uncommon to be delayed for 20 to 30 minutes in my district by a passing train.

In 1971, in the State of Illinois alone, there were 242 accidents at rail-grade crossings in which 89 persons were killed and 275 injured.

We have before us the 1973 Highway Safety Act which would allocate funds for badly needed improvements in our railroad crossings. It is imperative that we act favorably on this legislation to provide adequate protection at these hazardous crossings.

Mr. HARSHA. Mr. Chairman, I yield such time as he may use to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I have already discussed this bill at some length in previous remarks, I wanted to take the floor at this time to bring out in the open a situation that has troubled me and I believe may have troubled other Members as we legislate in this vital area of financing transportation.

The situation to which I refer—and I refer to it very bluntly—is the misleading coverage accorded the real issue before us today which we have gotten from the national media.

In introducing the highlights of key testimony in the RECORD last week I took occasion to refer to a paradox: Support for diversion of funds from the highway trust fund for urban rail transit has diminished. The best example of this diminishing support for diversion is found by two Senate votes. Last year there was a vote of 48 to 26 to divert, and this year the vote was far closer—49 to 44. However, at the same time we have this dramatic proof that people who are exposed to the facts are increasingly against diversion, but at the same time that is going on, there seems to be increasing support for diversion. I believe misleading press coverage is the explanation.

Today I intend to point out a particularly distressing example wherein CBS indulged in what I term the selling of the subways. Before doing so I want to remind all concerned about my own conviction regarding the press.

I am a cosponsor of a newsman's shield and broadcast license renewal legislation to protect both categories of the press from harassment and intimidation. Equally, in the interests of a free flow of information, I have also supported the opening of our committee markup sessions. We in the Committee on Public Works had an open markup session. I was disappointed, however, because although there was good press coverage of our markup session on the highway bill that we are discussing now, there was almost a total lack, almost a total lack, of press coverage of full hearings wherein we developed the facts, the facts that undergirded much of what we were doing in the markup session.

On the evening of Monday, March 26, immediately following the long week of hearings on this issue of diversion and related matters, CBS radio carried such a one-sided account of the dispute that I filed a protest last Friday seeking correction under the fairness doctrine. A similar complaint went to Station WTOP

here in Washington, the station which carried the broadcast in question that was heard by two of my staff members.

To its credit, WTOP has offered me air time to challenge that CBS report, delivered by Mr. Mudd, substituting that evening for Walter Cronkite. This was confirmed today by Mr. Snyder, vice president of WTOP. I regard this offer as eminently fair, and intend to accept it.

But unfortunately, to date I have not received similar satisfaction from the network. Mr. Blum, writer-producer of the Cronkite broadcast, acknowledged receipt of my complaint which, under previously obtained unanimous consent, I will insert in the RECORD immediately following these remarks. As of noon today my letter was under study by CBS, and Mr. Blum informed my office he would have difficulty in issuing a more balanced report prior to our action.

My letter stated:

Material compliance with the fairness doctrine would in my judgment dictate action on your part prior to House action now scheduled for Tuesday.

CBS was informed that the vote would not be taken before today, but ample material has been available in my office with my staff. The network's staff of professional journalists would have no problem in putting together a broadcast in the terms I indicated would be fair on a deadline basis.

I mention this, in concluding my remarks—and I thank the gentleman from Ohio for having yielded to me—but I mention this simply because I do not want any Member of this House when they come to vote on the Anderson amendment, which is going to be one of the key votes, to do so without thorough and fair knowledge of the facts.

I want to remind them of the tremendous shift in the U.S. Senate, a shift from last year where the vote on diversion was 46 to 28 to this year, when the vote was 49 to 44. I also want to remind them that in the Committee on Public Works the vote has been slightly stronger, certainly as strong as it was last year, almost three to one against diversion. The people who have and know the facts have consistently opposed diversion.

The letter that I referred to is as follows:

APRIL 13, 1973.

Mr. GORDON MANNING,
Senior Vice President, CBS News, New York, N.Y.

DEAR MR. MANNING: On the evening of Monday, March 26, the report by Mr. Roger Mudd concerning the dispute over the future of the highway trust fund was so incomplete, misleading and factually in error as to constitute one-sided reportage concerning a controversial issue of public importance warranting corrective action under the fairness doctrine.

After three introductory pargraphs, the report stated:

"In 1956, Congress set up the highway trust fund to finance what was to become the biggest public works project in American history: the 42,500-mile $80 billion interstate highway system. The fund operated entirely outside the regular federal revenue structure. Instead, it was financed by special automobile user taxes—on tires, trucking tonnage and particularly by a tax on gasoline, which is now up to 4 cents a gallon. With the passage of time, construction costs went up, but fund revenues kept up with them. And now the interstate highway system is in large part completed."

This is dead wrong. In 1956, when Congress established the trust fund, the interstate system's requirements were the motivating force for its establishment. But all other types of highways in the federal-aid system were also included at the outset among the purposes for its use. And given priority. Under the Byrd amendment, the interstate system was given last—not first—claim on the trust fund dollar in the event revenues failed to meet demand. I believe any fair-minded individual would therefore conclude that the report is factually incorrect in this respect.

Continuing, your report stated: "But in the meantime, we've come to regard new highways as a mixed blessing. They're very big with truckers and tourists, but they also glut our major metropolitan areas with traffic congestion and air pollution."

Comment: This appears to suggest that the future uses of the trust fund are to consist solely or mainly of *new* highway construction. (Later the report talked of "whether we're to continue blindly going on building more highways as usual, or whether the growing problem of congestion and pollution, and now impending gasoline shortages as well, have finally gotten through to us.") This utterly ignored the other eligible needs of the federal-aid system, including the reconstruction, widening and relocation of existing roads, and a wide range of other needs such as highway safety, urban traffic improvements and facilities in support of bus transportation. Thus the omission of substantial material fact represented misleading reportage.

Your report was carried immediately following one week of exhaustive hearings by the transportation subcommittee of the House Committee on Public Works, which you apparently ignored. Testimony elicited indicated that the problem of congestion, cited in your report, is not substantially relieved by rail transit. Rather, the riders for new or expanded rail mass transit lines come largely from competing bus lines. The normal growth in traffic more than offsets any diversion from car to rail in our metropolitan areas. Moreover, the same hearings produced testimony to the effect that the existence of a rail transit facility reinforces pressures for urban concentration in high-density development, generating demands for even more transportation of all modes, of which only a small proportion is met by rail transit. In short, it can serve to worsen congestion.

As to pollution, this stems from both mobile and stationary sources of emissions, again partly a function of the density which our hearing testimony attributed in part to rail transit. Pollution also is aggravated by the stop-start cycle of traffic in densely congested areas, of which New York City with its high rate of rail transit use was cited as an example. Furthermore, Administrator William D. Ruckelshaus of the Environmental Protection Agency indicated in response to my questions at the hearings that the principal potential source of immediate relief from automotive pollution in some severely afflicted areas is the bus, a highway-related mode.

Your report also noted that trust-busting advocated include the Administration. Yet your report ignored the same Administration's data in the 1972 Needs Report of the Department of Transportation, a document long in the public domain, indicating that $600 billion would be needed for highway-related improvements through 1990. A vast amount of this represents an accumulation of needs unmet during concentration on the interstate system, including needed improvement to *existing highways*.

This $600 billion figure compares to an estimated $135 billion in anticipated revenues. There was no mention of this in your report. It thus was incomplete, to state the case most generously. And this is what the fight is all about in Congress, in the view of those of us who favor both the trust fund, and financing of rail transit from other sources.

There are many arguments for preserving the highway trust fund, and against diversion, which I do not wish to rehearse here. The purpose of this letter is to register a complaint concerning the material of your broadcast.

At minimum, a good-faith effort to set the record straight in terms of the broadcast in question would include a correction concerning the purpose for which the trust fund was established, a balanced enumeration of currently eligible uses, citation of the degree of demands on the trust fund in relation to anticipated revenues, an indication that there is contrary evidence concerning the diversion potential of rail transit, the implications of transit for increased urban congestion, the relation of pollution to that congestion, and the potential for alleviation represented by buses. (For your background, estimates have indicated that buses are far more economical than rail transit, party because the capital investment is shared by buses, automobiles and trucks.)

I have had occasion to observe that this is paradoxical that support for diversion has diminished on the House Public Works Committee since last year, while support seems to be growing among House Members at large. Members who do not enjoy the advantage of the knowledge I have gained from 10 years of service on the Committee may well be swayed by press reports or constituent views in turn reflecting those news reports. In view of the proportion of the public deriving its entire ration of news from the electronic media, I look for correction by CBS which is—as your promotional copy has it—"Where the listeners are."

The highway bill has been passed by the Senate, and the House version is due for action next week. Material compliance with the fairness doctrine would in my judgment dictate action on your part prior to House action now scheduled for Tuesday.

I make no claim to be informed as to the full extent of your coverage of this issue. If you feel that other news treatment of the controversy has provided sufficient material to counter the misleading effect of the specific broadcast to which I am registering this complaint, please inform me at your earliest convenience. It would be helpful if you accompanied your reply with transcripts.

If you have observed my actions in support of newsmen's shield laws and broadcast license renewals, you will doubtless recognize that I do not register this complaint lightly. At the same time, I do not intend to remain silent in the fact of any journalistic selling of the subways.

Please keep me informed of any steps you take in response.

Sincerely,

JAMES C. CLEVELAND,
Member of Congress.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, we are faced, once again, with the question of honoring a pledge to the American people. The Committee on Public Works of the House of Representatives has, in its report on the Federal-Aid Highway Act of 1973, honored the pledge to construct, maintain, and complete the interstate highway system. The committee has done this, in my opinion, in a manner which recognizes the legitimate aspirations and goals of a changing society. On the one

hand, the committee has provided for the construction of a much-needed system of subsidiary highways to complement the Interstate System—the priority primary routes. This system will bring to economically depressed areas of the country the values and necessities we associate with prosperity and economic growth. On the other hand, the committee has met the demands—justified demands—of urban areas to do something to meet the increasing problem of congestion and overbuilding which are making our inner-cities places to flee from.

As one of those many Members of Congress devoted to the cause of environmental protection, and one concerned about the degradation of our living space by all sorts of development, I am sympathetic to the plight of those urban areas where highway transportation construction has become a detriment to a high quality of life. The committee has recognized this situation and provided for an alternative means of creating transportation systems in areas where such systems are needed. The committee has accomplished this without going back on pledge and "promise" of a system of highways to link all segments of our vast society together.

To those who have seen in the highway trust fund, the "solution" to the problems of financing other means of transportation to urban areas, I suggest they examine the letter of Congressman BLATNIK and Congressman HARSHA, of April 17, concerning the availability of funds to do more than merely meet the needs of the bill before us. They point out, and I concur, that any diversion of highway trust fund moneys for nonhighway purposes will further aggravate an already difficult situation. In the State of Pennsylvania, should the trust fund be broken as desired, the bulk of the citizens, in the nonurban areas of the State, would be severely handicapped in their ability to meet the requirements of economic growth. Our State can ill afford to tamper with an already fragile economic picture.

As one of the representatives of an area which is in desperate need of economic "upgrading," I can say in all sincerity that the means to that end is embodied in the committee's bill to construct the priority primary route system. Hundreds of thousands of citizens, in the five-state corridor comprised of parts of West Virginia, Virginia, Maryland, Pennsylvania, and New York, are today, literally cutoff from the mainstream of commerce because of their lack of adequate North-South highway communication. We cannot expect improved opportunities for the people of the area unless the Congress acts to bring them the same benefits which have been generously bestowed on other parts of the country in the form of rapid, safe, and efficient highways.

The question always comes up—why not turn to some other form of transportation? Of course, the only other "system" is rail transportation. As an experienced observer of the railroad system in the northeastern part of the United States, all I can say is that one is then asking our citizens to follow the lead of the railroads and file for bankruptcy. The plain matter of fact is that there is no efficient alternative to an improved highway system for my part of Pennsylvania and I daresay, for many other parts of the country. It is for these reasons that I wholeheartedly support the committee's position on building a supplementary system to the Interstate System, and why I congratulate the committee on recognizing the plight and need of the total population rather than just the demands of the vocalists of the urban areas who are so well represented in the Congress and supported by the mass media.

I do not deny the need for more efficient means of transportation for urban areas. The means is suggested in the committee's report when it calls for increased funding level for the new Federal-aid urban system while at the same time liberalizing the criteria for providing mass transportation facilities, such as special bus lanes, traffic control devices, passenger loading areas, shelters, and parking facilities, all from the apportioned highway funds. A heathy urban transit program can only be achieved in concert with a healthy urban highway program and there are numerous examples of such compatability throughout the United States already in being.

The committee has attacked the many-faceted problems connected with our national transportation system with comprehensiveness and compassion. The committee has looked at the trees and the forest, and done its legislative best to answer the nearly insoluable problems within the constraints of limited financial resources. The committee is to be commended for its job; for handling a now "unpopular" cause with fairness; and for providing solutions of which all Members can be proud.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I think it is important to recognize that as we debate this bill that we really stand at a threshold of transportation legislation. The Federal highway trust fund program is 16 years old. It has known some important success in the creation of a safe and efficient Interstate Highway System, but it has also known some failures. The highway trust fund program is, by definition, when one considers modern-day transportation, one of imbalance and distortion. This Nation has built fine highways, but it has congested them with too much traffic and pollution, because it has ignored the needs of mass transit. These roads lead to and pass through our cities, but the cities suffer from the magnitude of pollution problems they bring without the means to correct them. The cities have never received their rightful share of the huge level of Federal transportation dollars, nor have they been permitted discretion in the use of the funds that they receive.

While we have addressed this one major transportation problem, we have created and aggravated others. It seems to me that the Government has got to bring our transportation policy into balance.

While it is not easy to solve this very complex problem, there is one fundamental and logical step toward a solution establishing an interrelated, intermoded transportation plan. That can begin with our looking upon the highway trust fund as a general transportation fund. It is not a revolutionary idea, but it is a logical one.

As a matter of fact, I think it is the next step to take in the natural developmental process that began 16 years ago. The major point of difference in this debate, which will be presented by Mr. ANDERSON's amendment, is whether we will provide flexibility to localities in the use and distribution of transportation moneys. It is fundamental that localities, with the adequate safeguards of Federal DOT guidelines and State, metropolitan, and municipal responsibility, know best what their transportation requirements are.

In many, if not most cases, this would still mean priority for the construction of highways and streets. This is another misconception that I think a lot of people have, that we in the cities are only interested in one form or one modality of transportation. That is not so. We are seeking a balanced transportation system, one which will give us the opportunity to create our own priorities as to what is essential for us.

In some cases, it will mean money for roads. In other cases it might mean the allocation of funds for buses, for subways, for mass transit, or various kinds of people movers. I think it has got to be recognized that the Anderson amendment, which will be discussed here, provides for a mix of transportation. We simply do not have room for all the cars, nor can our health and physical well-being survive the present level of auto-generated pollutants of the air.

The Anderson amendment would permit the officials of urban areas in which funds from the urban system are to be spent to ask the State officials who control those funds to permit them to buy mass transit equipment instead of building roads.

It in no may affects any rural funds. The two rural systems—the primary and the secondary systems—and the other urban system, the urban extension system, will still be reserved entirely for highway uses. Those Members who are from the rural areas, or those who are in the urban extension fund areas, must recognize this.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. WRIGHT. Mr. Chairman, I yield 5 additional minutes to the gentlewoman from New York.

Ms. ABZUG. This amendment in no way takes any money from any State or any locality. The apportionment formula for the urban system is not altered by the Anderson amendment. All that it changes is the uses to which these funds may be put. If, as the provision provides, there is $700 million now being proposed for a flexible use, it is the same $700 million which these very same urban systems are presently entitled to. It is their share of the highway trust fund. It is not anybody else's share, and it does not take any money from anybody else. It merely says that those in the urban sys-

tem can use that $700 million according to the uses which meet the needs of the particular urban system area.

It does not affect the Interstate Highway System. Interstate funds are entirely separate from urban system funds, and the completion of the Interstate System will not be delayed or otherwise affected by this provision.

This amendment in no way requires any State to spend any money for mass transit. It is entirely permissive in nature. Under it, urban system funds could be spent for mass transit purposes only if the localities so request and the State, which retains control over the funds, agrees.

All that this amendment does is to permit urbanized areas to take money which they will receive in any case and to use it for mass transit instead of for their own roads, if they decide that is what they need.

It has been claimed that because highway funds come from an account in the Treasury known as the "Highway Trust Fund," they should not be permitted to be used for any purpose other than the construction of roads. It is further argued that in collecting the money which is in this account, we promised those who paid it in taxes that it would be used for no purpose other than the construction of roads. Neither fact nor logic supports either of these contentions.

The Federal Government has been in the business of assisting highway construction since 1916, but until 1956, all highway funding came out of general revenues. The formation of the highway trust fund in that year did not involve the imposition of all new taxes, but rather the assignment of existing taxes to a single account instead of to the general fund and the addition of some additional taxes. Despite the fact that some of the taxes going into the trust fund have been increased since 1956, half of the tax money now going into the trust fund comes from taxes that already existed when it was created in 1956.

As for the claim that the trust fund is to be used only for the construction of roads, it is interesting to note that its present uses include funding for housing relocation, ferryboats, land acquisition for parking lots, traffic courts and traffiic signals, and the training of State and local highway employees. The fact is that the trust fund is presently being used—and properly so—for various aspects of our Nation's transportation needs. The Anderson amendment is entirely consistent with this existing policy.

We are told that the "Wright proposal" contained in the committee bill is every bit as good as the Anderson amendment. This provision would permit an area entitled to receive urban system funds for highway construction to return those funds to the highway trust fund and become entitled to an equivalent amount out of general revenues for mass transit purposes. This general fund money would be provided under "contract authority," which is said to insure that it will be available. As my learned colleague, the gentleman from Illinois (Mr. MURPHY), said when this bill was before the Rules Committee:

> You are offering us a piece of pie that will never be baked.

We are all aware of the administration's budget cutbacks, and Congress itself has recently taken steps in the direction of imposing an overall budget ceiling. In the face of those facts, it is folly to think that an additional $700 million from general funds is going to be made available by the Department of Transportation.

As for the much-touted "contract authority," it is of no help if the DOT refuses to enter into contracts altogether. Finally, the anti-impounding provision of existing highway law, which was the subject of the recent decision in the Missouri State Highway Commission case, applies only to money available "for expenditure upon any Federal-aid—highway—system." Under the terms of the Wright proposal, an alternative mass transit project is not a part of any of the Federal-aid systems. In short, the promise of the Wright proposal, well intentioned though it may be, is entirely illusory. If it is enacted into law, I do not expect that our urban areas will ever see one penny of that alternative money.

The Anderson amendment does not affect any rural funds. It does not alter the allocation formula for any State or any area. It does not affect the completion of the interstate system or the funds available for that system. Finally, it is permissive in nature, and simply allows localities to decide to use funds which would come to them in any case for mass transit purposes instead of for highways.

Despite all the publicity and opposition it has engendered, this amendment is not antirural and is not designed to "bust the trust." It asks nothing more than flexibility in the use of urban funds in urban areas. I urge its adoption.

DISTRICT OF COLUMBIA HIGHWAYS

Mr. Chairman, section 139 of the bill would repeal the District of Columbia Highway Act of 1893, as amended, as it relates to interstate highways in the District of Columbia. The committee's report suggests that section 139 refers only to a provision in the act which prohibits construction of a highway at a width greater than 160 feet. That statement is not correct. Section 139 would, by its terms, repeal all the provisions of the 1893 act in relation to interstate highways in the District. It is identical with section 140 of H.R. 16659, last year's proposed Fderal-Aid Highway Act amendments. I shall not move to strike section 139 from the House bill, but I wish to make the RECORD clear by referring to the portion of my additional views on this section in the committee's report on H.R. 16659 last year:

> Section 140 of H.R. 16656 would repeal the District of Columbia Highway Act of 1893, as amended, as it relates to Interstate highways. The bill does not contain anything to replace these provisions, thereby leaving a total void in District laws relating to planning and construction of Interstate highways.
>
> The District of Columbia Highway Act of 1893, as amended, provides the only general authorization the District government has to build highways. It includes, either originally or by amendment, sections 7–108 through 7–115 and, by implication, section 7–122 of the District of Columbia Code. Section 7–108 directs the District of Columbia Commissioners (under the 1967 Reorganization Plan the D.C. City Council) to prepare "a plan for the extension of a permanent system of highways," and section 7–122 empowers the Commissioners to change this plan "whenever in their judgment the public interests requires it."
>
> The basic procedure for adopting the intial plan and for adopting changes in the plan is set out in D.C. Code section 7–109. The District Commissioners are directed to prepare a map which shows the boundaries, dimensions, and square-footage of all planned streets and highways; to hold a public hearing for the benefit of landowners within the rights of way of the planned highways after giving notice of the hearing for fourteen consecutive days; to submit the plan to the National Capital Planning Commission, which is empowered to "make such alterations * * * as it shall deem advisable"; and to record the plan with the surveyor of the District of Columbia after the plan has received the written approval of the NCP. Section 7–108 prohibits the highways from being less than 90 or more than 160 feet wide, in order to conform their dimenisons to the L'Enfant Plan for the City of Washington.
>
> In addition, section 7–110 authorizes references to be made to the surveyor's permanent highway map in deeds and wills and section 7–111 authorizes the District government's agents to enter private lands to make surveys for proposed highways. Section 7–114 permits property owners affected by proposed highways to use their properties until condemnation proceedings have begun.
>
> Section 140 of H.R. 16656 would sweep away all these provisions with respect to Interstate highways—public hearings for affected property owners; public notice to affected property owners from detailed maps and plans; the right of property owners to use their property until condemnation begins. The effect would be the same as if Congress were to abolish the provisions of the Iowa Code, the New York Laws, or the Oklahoma Statutes as they relate to Interstate highways. It takes little imagination to forsee that the result will be utter chaos in planning, approving and constructing Interstate highways in Washington, D.C.
>
> Some members of Congress have complained publicly about the District government's failure to complete the Interstate highway system within the District. Many of the segments proposed in 1968 and referred to in section 23 of the Federal-Aid Highway Act of 1968, including the Three Sisters Bridge, appear to be misconceived. Some may not be. But whatever one may think about the merits of any proposed segment, section 140 is an open invitation to the District government to plan nothing, approve nothing and construct nothing in the foreseeable future.
>
> By sweeping away all applicable local laws, section 140 raises such elementary questions as these: Who has responsibility for planning highways in the Nation's Capital—the D.C. Department of Highways and Traffic, the Mayor-Commissioner, or the D.C. City Council? Are public hearings of any kind necessary and, if so, who should hold them? Is any public notice of proposed Interstate highway construction necessary and, if so, what kind and who should give it? Do D.C. Department of Highways and Traffic Engineers have a right to trespass on private property to make surveys for a proposed Interstate highway? Or could one disgruntled property owner prevent a survey from being made and thereby hold up construction indefinitely? Even those not intimately familiar with the conduct of District government affairs can confidently predict that several years could be consumed in attempting to find answers to those questions.

This committee is obviously not equipped by jurisdiction or expertise to review and, if necessary, revise the District of Columbia's highway laws. That responsibility rests with the Committee on the District of Columbia. It would be foolhardy and fruitless for Congress to repeal those laws in amendments to the Federal-Aid Highway Act without replacing them and providing the best possible framework for informed local decision-making. Section 140 should be deleted from the bill.

Mr. WRIGHT. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. ANDERSON).

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Chairman, I think there is an agreement upon all sides that we will complete debate on the bill and then go into the 5-minute rule and take up the Anderson amendment. There will be a time limit set by agreement on the Anderson amendment. At the completion of the time limit, the committee will rise, and that will preclude any debate tomorrow on the Anderson amendment, and the first item for business tomorrow will be the vote on the Anderson amendment and then we will continue on the 5-minute rule.

Mr. HARSHA. Are there any other amendments to be considered this evening?

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

Mr. ANDERSON of California. I yield to the gentleman from Texas.

Mr. WRIGHT. It is my understanding, in response to the gentleman from Ohio (Mr. HARSHA) that the agreement genenerally acceptable, which I have discussed with the gentleman from California (Mr. ANDERSON) and some of the members of the minority, is that upon completion of general debate, we go into the 5-minute rule, read the first title for amendment; the gentleman from California (Mr. ANDERSON) be recognized first for his argument.

Then, we would have approximately 1 hour, hopefully, of debate upon that amendment; concluding debate on that amendment, I would move that the committee rise so that the first order of business tomorrow would be a vote upon the Anderson amendment.

The reason for this is that the Anderson amendment seems to be that which is of greatest interest.

Mr. HARSHA. I understand that. I just want to make sure there were no other amendments which were going to be recognized later on.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Chairman, for the information of those Members who were not here earlier, we had a unanimous consent earlier in the day for the House to meet at 10 o'clock tomorrow morning.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, the majority leader has mentioned a 1-hour limit as far as debate is concerned upon the amendment which will be offered by the gentleman from California (Mr. ANDERSON).

I would think that 1 hour of debate would, indeed, be sufficient. I wonder if he is prepared to give us some assurance that an effort would be made to see how many people care to speak on the amendment, to see that everyone is treated fairly and no one is short-changed.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Chairman, may I say that I did not come up with any time limit of 1 hour. I thought that was agreed upon among those who were the sponsors of the amendment.

The only reason I say a time limit must be set is in order that we finish at that particular time. In other words, a previous question cannot be moved.

If we do not set a time limit, we could come in tomorrow and start the entire debate all over again. I do not care whether it is an hour or an hour and a half. However, that is between the gentlemen here to establish by unanimous consent. If there is an objection, then it would have to be moved, but we must have a time set, a definite time that the debate ends in order that we can prevent further debate tomorrow on the Anderson amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I have no objection to this. However, I would further suggest that we could have some assurance that the time would be equitably divided as between the proponents and opponents of the amendment.

Mr. O'NEILL. That would have to be between the gentlemen in charge of the bill.

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

Mr. ANDERSON of California. I yield to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I was not under the impression that there was any agreement as to the time on that particular amendment. I was under the impression that the understanding was that we would try to expedite it and move it along, but if it got out of hand and was delayed and was carried on to an inordinate hour, then there would be an effort to close debate and limit it to a certain length of time after a reasonable number of Members had an opportunity to be heard.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield further?

Mr. ANDERSON of California. I yield, but my time is running out.

Mr. O'NEILL. Mr. Chairman, a time must be set in order to end the debate. When the Members come to that agreement, 3 minutes before the hour of debate if they wish, and say that all debate will end at 6 o'clock or 6:15, whatever it is, as long as the debate is ended at that time so that we will not start over again tomorrow.

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

Mr. ANDERSON of California. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I can give some assurance to the gentleman from Illinois. Let me say that it would not be my disposition to have the debate end in any way with foreclosing Members from having time to discuss the amendment.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I fully agree with the intent and purpose of what has been the tenor of the Members who are deeply involved in the bill and in the amendment. I wonder, however, if we get down to 6 o'clock or 6:30, I think we will find a minimum number of Members of the body on the floor.

If the gentlemen come to any agreement, could they say that at the resumption of consideration of the bill tomorrow there will be 10 minutes on each side, so at least we would have the Members here to hear the concluding arguments? I believe that would be a fair and reasonable solution.

Mr. ANDERSON of California. I would prefer that, because otherwise we might feel we should put on a quorum call to get the Members here.

Mr. WRIGHT. Mr. Chairman, if the gentleman will yield to me, I should like to say this makes sense to me. I would be amenable to that kind of an arrangement.

I believe the gentleman would like to make some remarks to the House, and we shall be glad to hear them.

Mr. ANDERSON of California. Mr. Chairman, I should like to speak for a moment about the bill before us this afternoon, the Federal Aid Highway Act of 1973. As a member of the Committee on Public Works, I can attest to the many, many hours of work put in by that committee on this particular bill under the able leadership of our great chairman, JOHN BLATNIK and, of course, under our able subcommittee chairman, JOHN KLUCZYNSKI.

I wish to say that the committee was most courteous to me and gave me all the time I needed in the presentation of my amendment before that committee.

With the inclusion of the amendment which I intend to offer this act, I believe, will become landmark legislation, but without that amendment the bill will fail. It will fail a very important part of America, the urban centers, where most of our people live and work.

The amendment I will offer is very simple. It will affect one portion of the highway trust fund only, the urban systems fund, $700 million per year which is presently allocated to urban areas, those with 50,000 or more people.

It will permit State and local officials greater flexibility in the use of the share of the urban funds they presently receive, by allowing the construction or purchase of bus or rail transit systems as well as the construction of highways. Presently they can expend those urban system funds for highway and highway construction related projects only.

I believe it might be wise to say what my amendment will not do, because of the many rumors that are afloat.

First, it will not in any way affect the Interstate System. That will be completed. Incidentally, according to the Secretary of Transportation, Claude Brinegar, work has either been completed or is underway on 98 percent of the 42,500-mile Interstate System.

Nor will my amendment affect the primary or secondary rural highway system. It will not alter, add to or delete any of the funds authorized for any system by the Public Works Committee. It will merely permit the urban areas to use their funds in a manner that they feel will best solve their transportation needs.

Some may continue to use their urban system funds to construct highways. Others may allocate a portion to buy buses or to construct a rail transit system. Still others will use a combination of concrete, rubber and steel.

No State will get less money if my amendment passes, and it is purely permissive. No State or county area is required to spend 1 cent for mass transit.

For further details on this, Members might look at the report put out by the committee, on page 125. There is a chart that certifies each of these, and how my amendment affects only that one urban area system.

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

Mr. WRIGHT. Mr. Chairman, I yield the gentleman an additional 7 minutes.

Mr. ANDERSON of California. Mr. Chairman, some may even contend that the amendment breaks faith with the user when the transit fund was established in 1956. I contend, however, that mass transit will benefit the user by increasing the usefulness of our highways, by attracting the commuters off those roads.

I know of what I speak, because I have an area where during the time when people go to work in the morning and come home in the evening, our freeways and our interstate systems are all but worthless; no one can get anywhere on them.

I want to get those marginal commuters, the one-to-a-car drivers—we call them the one-to-a-car syndrome—we want to get them, if possible, into mass transit, so people going to and from other areas can get across the city.

Mr. Chairman, I happened to be in Detroit this past weekend, and we drove all the way to Detroit as fast as the speed limit would allow us, but when we got into Detroit, we ran into traffic which stalled us, so as a result we were going along at speeds far less than what the highway said the speed was.

There is another point that is also raised, and that is the sanctity of the trust fund. I want to say that the sanctity of the trust fund has been somewhat diminished when we recognize that trust fund moneys have been used to purchase ferryboats, construct homes, move businesses displaced by highway programs, build police barracks, purchase ambulances, salvage archeological sites in conjunction with highway projects, purchase automobiles for driver training, pay the salaries of clerks in traffic courts, and purchase computer time for traffic courts and, of course, two-thirds of the entire highway safety program is paid from the trust fund.

Mr. Chairman, when one considers these wide varieties of uses of highway trust fund moneys, none of us are affected by my proposals, but when one thinks of those, then I am sure it makes my amendment most appropriate, since my amendment makes the highways and transportation systems most workable for the highway user.

There are many facets affected by the mass transit tie-in needed for our highway building program. I cite briefly energy pollution and land usability. Today throughout our country conditions are calling for the adoption of my amendment.

Let us take energy first. The gasoline shortages throughout the Nation are apparent; actually there are shortages in all forms of energy for that matter, but these shortages are becoming more and more apparent. Each day we are witnessing the closing down of stations and refineries in many parts of the country. Every 2 or 3 days in the newspapers we read where Florida, Minnesota, and Illinois are the ones being hit. Will it be your State tomorrow?

Obviously mass transit is not the only answer, but it is an answer. If we can cut down the one-person-to-a-car syndrome by the utilization of mass transit, if we could cut automobile usability by 25 percent, we could save half a million barrels of oil every day.

What about pollution? According to the Environmental Protection Agency, gas rationing is in the future of as many as 33 American cities. In Los Angeles, some weeks back, the Administrator recently told us we would probably have to have gasoline rationing to cut our gasoline usability by 82 percent to meet clean air standards and, of course, such action would completely cripple the southern California community.

Their population, their jobs, like everything else, is geared to the automobile.

I think efficient mass transit systems would solve a major part of this problem.

What about land usability? Another factor that enters into the program of highway construction and its environment is the best usability of our land. Today we have almost 4 million miles of roads in the United States which cover approximately 35,000 square miles, an area roughly equal to the size of Connecticut, Massachusetts, Vermont, and Rhode Island combined. In addition, highways make it necessary to devote large amounts of land to interchanges, parking facilities, and the lot. In the central area of many of our big cities land devoted to streets and parking approaches 60 percent.

Rather than take more and more of our land off the tax rolls by building highways, we should use existing rights-of-way for mass transit and thus use land more effectively and more efficiently.

The committee bill says take the $700 million for mass transit out of general revenues by the use of contract authority, but you know and I know there is not any money lying around in the general fund. We have been running into the red roughly in the amount of $20 billion to $25 billion a year for these past 4 years and we have passed bills for pollution control, hospitals, education, and we could go on and on, which are not being acted on, because of the shortage of money in the general funds.

If my amendment is not adopted and even if the President signs the order, do you think the Secretary of Transportation would be allowed to approve any contract authority for mass transit and thereby force either more deficit spending, new additional taxes, or a fund cut in necessary programs?

Some will argue that the need for highway construction is too great to take money out of the trust fund for any purpose other than highway construction.

We had the Department of Transportation study which identified approximately $600 billion in highway needs over the next 17 years, until 1990. However, they failed to reveal one-third of this money is to construct roads locally funded and not even under the federal system, and also they conveniently neglect to cite the part of the Department of Transportation study which states $3 billion of the remaining $4 billion in needs would cost more to construct than the accrued benefit to the users. In other words, only $100 billion of the needs are truly justifiable, and 85 percent of this is located in the urban areas of 50,000 or more population where transit might be preferable to building yet more highways.

Also the same Department of Transportation report concludes:

Flexibility is essential to our urban areas.

I could go on and on with these, but I want to close by saying I know you have been getting loads of letters. Almost every day I get letters from various radio and television stations that have endorsed my program. You have seen in the last 2 or 3 days where the two main Washington papers, the Washington Evening Star and the Washington Post, both endorsed the position, and the Los Angeles Times and the New York Times and labor pretty widely supported it.

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

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

The CHAIRMAN. The Chair will count.

Mr. MATHIS of Georgia. Mr. Chairman, I withdraw my point of order.

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

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

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

Mr. DON H. CLAUSEN. I yield to the gentleman.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of the Anderson amendment.

During my many years in the Congress I have alway believed that one day we would reach the brink of disaster in the urban areas of America as fa: as the mass transit problem is concerned. Today that brink has been reached.

The problem is greater than it has ever been because of the mass production of automobiles. Already approximately 94 percent of all travel in urbanized areas is by automobile. Our cities, States, and main thoroughfares are jammed, bumper to bumper. Our cities, as a result, are severely polluted, and if you are caught in bumper-to-bumper traffic, you can actually see the smog and feel the irritation in your eyes and your lungs.

The problem has been further compounded by the fuel shortage. We must face the fact that America can no longer provide the gas and oil necessary to maintain millions of automobiles in the cities of America.

The time has come for my colleagues who represent the farm areas of America to realize that 70 percent of the American people live in urban areas, and that these people are demanding cheap, efficient, and fast transportation in order that they may go to and from work.

In just a few decades, the number of people living in and close to the cities is expected to double. The problem of moving people and goods around and through our urban areas is already critical. Unless we make provisions to meet and solve the urban transportation snarl, it will grow progressively worse.

Mr. Chairman, we all know that the highway trust fund currently generates about $6 billion a year. We know that this money is paid into the trust fund by the highway users of America who pay highway and gasoline taxes. But it is these same taxpayers who want fast and efficient transportation to and from work, less crowded highways and freeways, less traffic, less congestion, and less air pollution. We can resolve the problem by giving the commuter a choice—an efficient mass transit system as well as an efficient highway system.

The urban expressways already built with the help of the massive Federal aid highway program have influenced the urban traveler to depend more and more on his automobile. In fact, 60 percent of the total Federal transportation budget is spent on highways and only 4 percent on mass transit.

We would be taking a long step forward toward resolving our transportation problem, which affects every American, by passing the Anderson amendment. The Anderson amendment would permit cities to use their shares of a $700-million-per-year urban systems fund for roads, mass transit, or both.

Mr. Chairman, I feel priorities have changed in transportation since the enactment of the highway trust fund in 1956. History shows us that if transportation is to be viable, it has to adjust to the times; and I cannot stress too strongly that the time for a new start is now.

We have made much progress in America. We have the finest highway system in the world, but the time for us has come to have an equally fine mass transit system. We have the know-how, we have the technology, we have the resources, and we must demonstrate to the American people today that we have the will and the desire to resolve this problem and the way we can resolve this problem is to support the Anderson amendment which would permit cities to use their shares of the urban system fund, from the highway trust fund, to meet nonhighway transit needs such as mass transit bus systems, mass transit rail systems, and other similar systems.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to rise to offer some counterpoints to my good friend from the southern part of my own State of California.

Mr. Chairman, supporters of the Anderson amendment and the Secretary of Transportation attempt to make light of the "sanctity" of the highway trust fund asserting that it has already been breached, and, therefore, it may be further breached for rail mass transit purposes without violating any trust. They cite on behalf of this approach the use of trust fund moneys to finance such things as the purchase of ferryboats, the construction of homes for families displaced by highway programs, the salvage of archaeological sites in conjunction with highway projects, and a number of other similar items. Without dwelling on the obvious merits of the examples used, it is important to note the distinction between what the Anderson amendment proposes and these illustrations.

To begin with, all of the uses cited are highway related. That is an important point. Comptroller General's decisions, as well as decisions of the legal counsel of the Department of Transportation, have carefully defined over the years what kinds of expenditures may be made under the authority of the Highway Revenue Act of 1956. It has consistently been held that the language of the act that they must be "attributable to Federal-aid highways," not "related to" or "provide benefits" to Federal-aid highways, means what it says.

The fact that expenditures are attributable to transportation is not enough. They must be attributable to highways on the Federal-aid system.

The exact words of the statute reads as follows:

Section 209(f) of Title II of Public Law 627—84th Congress:

(1) Federal-Aid Highway Program.—Amounts in the Trust Fund shall be available, as provided by Appropriation Acts, for making expenditures . . . which are attributable to Federal-aid highways.

The accompanying report on that bill, together with the legislative history, hearings, and other material more fully and clearly define what was intended by this language. It does not authorize any item which is not attributable to Federal-aid highways. While bus roadways and appurtenances are highway items under this language, rail mass transit clearly is not an item attributable to Federal-aid highways. Buses are highway-type vehicles mentioned in the act. They are taxed as contributors to the highway trust fund. Rail transit clearly is neither a highway-type vehicle, nor is it a contributor to the highway trust fund.

Congress sets up particular programs and funds them, prohibiting the switching of such authorizations from one program to another. It makes separate appropriations for the Department of Defense and HEW, and does not permit the switching of funding between them. If the logic of Anderson amendment proponents were followed, however, it would be but a small step to permitting switching of such appropriations.

To my mind, it would be just as logical to permit use of the highway trust fund to finance Amtrak operations, airport programs, maritime subsidy programs, the ICC, and other governmental functions as to permit such funds to be used for mass transit. Think of the fiscal management mess we would be creating. Use of the highway trust fund to finance items not attributable to Federal-aid highways would certainly produce citizen suits and other legal challenges to the action. Of course, the language of the Revenue Act could be changed by Congress. But the authority for doing that does not rest with the Committee on Public Works.

Another argument used by the antihighway lobby is that moneys in the highway trust fund are really general funds and, thus, may be used for other purposes than highways. The definition of highways as contained in the statute clearly covers such things as "acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites—and construction of replacement housing." There is no mention, specific or implied, of use for anything attributable to rail mass transit.

The highway trust fund is a special account within the Treasury, to which amounts are automatically appropriated which are equivalent to the taxes received by the Treasury from specified tax levies. The tax itself does not go directly to the highway program. Nor are these taxes available to the program except by normal Appropriation Committee actions, exactly like all other programs of the Government.

But leaving aside arguments and discussions of the legalities and philosophy of "busting the highway trust," the more important question is how can we best assist cities to solve pressing problems of congestion. The committee feels that diverting critically needed highway and street improvement funds to rail mass transit will, in the long run, only compound the problem. That is the reason it proposed separate authorization and funding for mass transit as an addition to the highway program, rather than an "either-or" solution. We feel that even if the "trust-busters," or their well-intentioned supporters who simply want a solution to city congestion, are successful in securing adoption of the amendment, it will prove to be an illusion and a hollow victory. Diversion will not provide the amount of relief that is needed. What little relief it does provide will have to be given at the expense of needed street and highway improvements.

The amendment only applies to so-called D funds which this year amount to $700 million nationally and which must be apportioned by a statutory formula which gives individual cities far less than is neded for mass-transit purposes as shown in testimony before the committee.

A final point. Questions have been raised whether the President might im-

pound the authorizations contained in title III of S. 502 for rail mass transit and bus mass transit. It would seem unlikely that the administration would do so. Both the amount of funding and the source of funding—the General Fund—was proposed by the Secretary of Transportation in a letter dated February 21, 1973.

What is more, the President has consistently stated in communications, the administration wants a mass transit program exactly like the one included by the committee in title III of the bill before us. Budget documents also convey this intent. Under the circumstances, it seems incredible to suppose that the authorizations contained in title III would be unacceptable to the administration, or that if approved by the Congress, that the President would impound the funding provided which he, himself, proposed.

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

Mr. DON H. CLAUSEN. I will be happy to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

As I understand the Anderson amendment—and the gentleman can correct me if I am wrong—it does not really compel anyone or anybody to put 1 cent of the money into urban mass transportation if a community does not so choose. Am I right about that?

Mr. DON H. CLAUSEN. It does not compel. But let me direct my remarks to the alternate, the so-called Wright-Clausen amendment, which would provide the same degree of flexibility except for the fact that the funds would come from the general revenues.

It may be that my friend, the gentleman from Ohio (Mr. HARSHA) and my friend, the gentleman from Texas (Mr. WRIGHT) would like to respond further.

Mr. HARSHA. Mr. Chairman, if the gentleman will yield, I would like to say in response to the question asked by the gentleman from Ohio that it does not compel anyone to build a rapid rail transit system.

Mr. DON H. CLAUSEN. That is correct.

Mr. WYLIE. Mr. Chairman, if the gentleman will yield for another question, does not the Anderson amendment provide the kind of flexibility that we need in order to try to help cities as far as mass transportation is concerned?

Mr. DON H. CLAUSEN. Would the gentleman repeat his question, please?

Mr. WYLIE. Does not the amendment which the gentleman from California (Mr. ANDERSON) is to offer, provide the kind of flexibility that is essential to the solving of the problem of urban mass transportation?

Mr. DON H. CLAUSEN. Both of the amendments provide flexibility. It is just a question of whether or not you are going to tap the trust fund for that purpose. We believe we should maintain the integrity of the trust fund rather than to deplete it by using it for the purposes of urban mass transportation in the metropolitan areas.

Mr. HARSHA. Mr. Chairman, if the gentleman will yield further, in line with that inquiry, both bills provide the same amount of flexibility. The bill from the Committee on Public Works gives both alternatives, or both methods, but the Anderson amendment gives you one or the other. You have to sacrifice one for the other. Under the bill from the Committee on Public Works, there is no sacrifice, you get both programs.

Mr. WYLIE. I understand. Will the gentleman yield for just one more question?

Is it the gentleman's position that the payment of gasoline tax funds into the highway trust fund in every instance can be viewed as a vote for additional interstate highways?

Mr. DON H. CLAUSEN. No; that is not true. In the first place, the reason that the committee moved in the direction of establishing the urban highway system was the congestion problems of our cities. We recognized the desirability, in some instances, to move toward preferential bus lanes, such as the Shirley Highway experiment, which provides maximum in relief, once constructed and put into action. We wanted to provide the kind of flexibility in those areas which they needed, but utilizing general fund moneys. S. 502, as reported by the committee, does this.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from South Carolina.

Mr. DORN. Mr. Chairman, my remarks will deal with $1¼ billion annually provided in this bill for proposed highway safety. This is a very important section of this bill.

I wish to commend the distinguished gentleman from Ohio for his diligence and persistence in working in the committee and throughout the country for highway safety.

I do commend this section of the bill to the committee and to the House.

Mr. Chairman, contained within the framework of our highway program is the need to insure the American motorist that the roads upon which they move on a daily basis are safe for travel.

Beginning in 1966, with the enactment of the Highway Safety Act of that year, the Committee on Public Works recognized the need to develop a proper safety program for our Nation's roads.

Title II of S. 502 continues this highway safety program and underlines the committee's concern, and my personal concern, with the need to develop a safety program that will make our highways the safest in the world for the American public.

We have heard over and over again that on a yearly basis over 56,000 lives are lost on our roads; 4 million people are injured, and our economic loss reaches a staggering figure of $40 billion.

The 1973 figures project an even higher death rate, a greater increase in accidents, and subsequent greater economic loss.

I repeat now what I have said for a number of years—this must stop. We are moving toward realistic programs in this field and I, for one, strongly support the committee's position to further develop these realistic programs as they are outlined in title II of the legislation.

The Interstate System, measured per million passenger miles of travel, has a death toll that is less than one-half that suffered on our other roads in general. The obvious reason for this is we have developed the proper construction standards for our Interstate System. We have installed the proper safety devices and the result of these actions has made the Interstate System our safest highway route. If we can do this for one of our systems, we must extend it under all of them. It is on the primary and secondary system that our greatest safety hazards exist.

S. 502 authorizes more than $1¼ billion annually which is specifically directed to safety needs. This includes such new programs as replacement of obsolete bridges, redesigning of high hazard locations, removal of roadside obstacles, and hazardous rail-highway crossings. Five specific action programs authorized in title II of this legislation will make a measurable dent in our accident injury toll. These programs include:

Install pavement markings on those rural highways where two-thirds of traffic fatalities now occur and where pavement markings are expected to produce cost-effective countermeasures.

Provide traffic control devices and improvements at thousands of already identified high hazard locations where the expected safety and mobility benefits suggest cost-effective benefits.

Remove or ameliorate roadside obstacles, both natural and manmade, that vehicles are apt to hit or incur further loss of control from, when they leave the traveled way either, because of driver loss of control or as part of a collision avoidance maneuver.

Provide protection at all railroad crossings through the development and installation of passive control signing and, where cost-effectiveness warrants provide the means for yet more efficient transportation through either separation, relocation or installation of appropriate active warning devices.

Supplementing these ongoing programs, the committee recommends that three research efforts offering great promise and potential be funded. They are:

First, a pavement marking research and demonstration program aimed at (1) developing new devices and related delineating technology to provide motorists with effective means for control and guidance under normal, as well as, adverse weather conditions; (2) advancing the technology of traffic control markings by (a) analysis of application methodology, and (b) continuous, significant evaluation of pavement markings with respect to both safety and capacity objectives.

Second, a new research program concentrating on drug-using and high-accident probability drivers. At the present time, very little is known about either type. If we are to successfully cope with the highway safety problem, we must learn more about the role and contribution to the accident picture that these drivers play. It may be we will find that, in combination, alcoholic, drug-using and high-accident probability drivers responsible for a major share of traffic fatalities.

Third, a driver education evaluation program—DEEP—wherein, through wide

scale controlled field application training programs, better understanding of various educational methods and strategies can be achieved.

Five additional studies of great promise are also recommended by the committee, all of which could yield handsome safety dividends. The first would explore the potential of using mass media, principally television, for alerting, educating, and involving the American driving public in the cause of highway safety. Preparation of a series of educational safety films for use on TV and elsewhere would also be authorized and funded.

The second study would address itself to question of how to involve the American people in the cause of highway safety. No safety effort can hope to succeed if people remain indifferent and uninvolved. Finding ways and means to encourage greater participation in the traffic enforcement and rescue process could save lives and go far toward converting the safety effort into a safety crusade.

The third study would explore the feasibility of establishing a National Center for Statistical Analysis of Highway Operations. One of the greatest weaknesses of the present program is the paucity of specific, up-to-date, comprehensive data to support action programs. The trouble is that without adequate information, untold millions in safety moneys may be spent unwisely. Many States are now engaged in upgrading their accident investigation procedures. The next logical step will be to establish a national center to correlate and, where appropriate, disseminate the information gathered. With such a center in operation, we can be sure that we are putting our safety moneys where our safety problems really are.

The fourth study is most important. The Highway Safety Act of 1966 directed the Secretary of Transportation to conduct a study of highway safety needs to serve as a guide for the funding and implementation of that landmark legislation. That finding, conclusions, and recommendations of that report require updating. Particularly is this important in view of the alarming increase in traffic mishaps in recent years. An up-to-date needs study is necessary to assure that realistic high safety goals are planned, programed, funded, and successfully implemented.

A fifth and final study of pedestrian safety would also be authorized. Approximately 10,000 pedestrian deaths occurred last year alone, roughly one-fifth of all traffic fatalities. Children and the elderly are the principal victims of this type of mishap. While concerted efforts have been made to reduce the pedestrian toll, a full and complete investigation and study is needed to develop new methods and techniques for coping more effectively with the pedestrian safety problem. Accordingly the committee has authorized $5 million of highway trust fund moneys to carry out a review and evaluation of all State and local pedestrian safety activities. The role and relationship of alcohol in pedestrian mishaps would also be studied. The aim would be to develop new ways and means for protecting pedestrians in our ever more mobile society.

It is my fervent hope that with the proper implementation of these new programs, and with the necessary funding contained therein, we will move as swiftly as possible to make our primary systems, our secondary systems, and our city streets as safe as our Interstate Highway System, and that eventually in the foreseeable future there will come a day when all of us can move on all of our Federal aid systems with the knowledge that our safety of movement is such that an accident on these roads will be an exception to the general rule.

Mr. DON H. CLAUSEN. I yield back the balance of my time.

Mr. HARSHA. I yield 2 minutes to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, first of all, may I commend my colleague from Minnesota (Mr. BLATNIK), the subcommittee, and the committee for the bill that they brought up, a bill that will take care of mass transit without destroying the integrity and the need for the trust fund moneys.

Let me tell the Members a little bit about my State of Minnesota. Sixty percent of our two-lane highways are inadequate, are narrow, and are very dangerous. Thirty thousand miles of our spring highways have restrictions of 5 tons are less, so that our communities are immobilized. Two hundred seventy-seven of our small communities do not have year-round 9-ton roads and, therefore, are paralyzed.

Our railroads, Mr. Chairman, are in a complete crisis. We cannot transport our farm products to the markets. The eastern dairy area needs our corn. There are no railroad cars to move that feed into that area. We have an ocean of it to move, and so we need this trunk highway money very, very badly. We need it to bring the products of the sea out there to produce the best and cheapest food in the world and move it back into the Members' cities.

Let us not now, until we have some roads out in the agricultural producing areas, break open this trust fund.

Mr. HARSHA. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I take this very brief portion of time merely to reflect on the fact that this is the day when we have received from the pen of the President of the United States a very long-awaited energy message.

I recalled the speech that was delivered here on the floor yesterday afternoon by my good friend, the gentleman from Texas (Mr. WRIGHT), in which he gave us some very interesting statistics, that 98 percent of the people moved along the streets in the great cities of our country by traveling in automobiles, and I think he also told us there are 113 million automotive vehicles in this country for a population of something like 210 million. I thought of that when I read the passage in the President's energy message which is entitled "Conserving Energy":

> We as a Nation must develop a national energy conservation ethic.

The President goes on to say he is directing the Office of Energy Conservation to be established in the Department of the Interior, and then there is this very significant phrase:

> There are other ways, too, in which government can exercise leadership in this field. I urge again, for example, that we allow local officials to use money from Highway Trust Fund for mass transit purposes. Greater reliance on mass transit can do a great deal to help us conserve gasoline.

We in the Middle West are faced with the very real prospect of gas shortages this summer. I saw in the Washington Post this morning an advertisement for one of the major oil companies in the Nation saying that yes, there is a very great likelihood of shortages of gasoline for periods of time during the summer of 1973.

So I want to associate myself with the remarks of the gentleman from California (Mr. ANDERSON) and what he is trying to do to open up to a limited extent the trust fund to the extent that we can begin a conservation of energy policy in this country as the President of the United States has recommended in his message today.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from New York (Mr. GROVER).

Mr. GROVER. Mr. Chairman, the gentleman will recall last year there was a last-minute compromise when we put it on the back burner and decided to have some $900 million and to move the expenditures to be 3 years from now. The crisis in transportation is today. The committee tried to approach that problem, and in the Wright amendment we have $700 million which is supposed to be available for this purpose, but the $700 million is to come out of the general funds. Where are the general funds in this kind of fiscal crisis?

Mr. Chairman, I merely want to point out that we ought to have the vision to look forward to the transportation crisis in this country, and the committee ought to look forward and give us the money in this year. The gentleman from Texas (Mr. WRIGHT) in his wisdom has put in the bill a provision for immediate help, but the money we cannot put our hands on. There is this new concept of moving the populace but this money has to come from general funds, and we know the money is not going to come from the general funds.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Minnesota (Mr. FRENZEL.)

Mr. FRENZEL. Mr. Chairman, I rise in support of the Anderson amendment to S. 502. This proposal fits the trend toward increased local government decisionmaking. In addition to being consistent with the President's concept of "The New Federalism," the amendment is consistent with the administration's,

and DOT's, well publicized position on financing mass transit.

I believe that local government will not abuse the authority offered by the amendment. Transit is not an unworthy use of highway funds, which are already used for a variety of nonhighway, but highway-related purposes.

The committee maintains that it will take care of transit needs from "general revenue." That is a pious thought, but this House knows that no funds will be appropriated for this purpose. New spending programs simply will not be funded this year. I do not challenge the committee's good faith, but I do point out that its transit alternative brings no hope whatsoever.

I wish there were another way to finance transit development, but there seems to be none. Therefore, because of the urgency of demand for transit and because of the encouragement for local governments, I urge my colleagues to support the Anderson amendment.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I associate myself with the remarks of the gentleman from Illinois.

Much as I respect this committee and admire the tremendous work it has done, I think on this particular point the gentleman has made a most compelling argument.

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

Mr. Chairman, let me point out there is nothing sacrosanct in this $700 million in this bill for the urban system. While we authorized it, that does not mean it is there. As a matter of fact, the President's budget for fiscal year 1974 is far below the money we have authorized in this bill for urban area highway systems. We authorized a total of $1.1 billion, and $400 million is for the extension of primary and secondary systems in urban areas, and $700 million is for the urban system. Yet the President's budget requests only $800 million for both of these programs. If that were divided on the same basis as we have divided the primary and secondary extensions and urban systems, it would leave only $500 million available for use on mass transit.

So, there is nothing sacrosanct about the figures we put in the authorization, and there is no assurance that they will be released. The administration is totally committed to mass transportation and I would assume they would honor the contract authority as much as they would the trust fund expenditures.

The administration has a billion dollars in its budget to pay for the mass transit program; they have urged that other funds be used for mass transit. I want to address myself to the question of energy consumption. The 1972 National Transportation Report, the report submitted to the Congress by the Department of Transportation, states that the diversion of large sums of money from highway improvements to mass transit will have little—very little—change on air pollution. It will cause very little change in air pollution. In fact, that report states that the diversion of large amounts of highway trust funds to mass transit and rapid transit alternatives would result in high carbon monoxide and hydrocarbon levels.

Therefore, let us not delude ourselves into thinking that we are curing the pollution problem by diverting highway trust funds to mass transit. As a matter of fact, if we increase the hydrocarbons and increase the carbon monoxide, it is obvious that we do not decrease the consumption of fuel and energy. Carbon monoxide and hydrocarbons are generated by the consumption of fuel and obviously there will be little savings in fuel consumption. That is waving a red flag on the issue.

According to the Department of Transportation personal transportation study of 1972, the average passenger car on our highways contains 1.9 persons. If we assume the average car gets 12 miles to the gallon, we get an average yield of 1.9 times 12 or 22.8 passenger miles per gallon of gasoline. Let us compare this with buses.

The 1972 National Transportation Report—page 45—tells us that the average number of passengers per bus mile is 2.58. We also know that the average bus gets 4 miles per gallon. Thus, a gallon of gasoline in a bus yields 4 times 2.58 or 10.3 passenger miles per gallon. Where did the savings in fuel go? Our public buses are using twice as much fuel per passenger mile. What are we doing to our energy supply problems by using buses?

Another question must be asked.

How much diversion will mass transit produce? I would like to quote from a statement by George W. Hilton, a professor of economics from UCLA, who testified before our committee. He discussed situations in the Chicago area and Boston as follows:

> The Skokie Swift rapid transit line in Chicago, which was an early transit line built by UMTA, and the Quincy extension of the Massachusetts Bay Transportation Authority in Boston, are each estimated to take between 900 and 1,000 vehicles a day off parallel freeways, and in both cases the vehicle counts on the freeways are in excess of 100,000 per day.
>
> The Southeast Expressway in Boston, the freeway rival to the Quincy line regularly carries between 80- and 120,000 vehicles per day. Its peaks have been 135,000 per day. The diversion of 1,000 vehicles is imperceptible relative either to the daily variance or to the growth in vehicle counts.

There are long-term solutions to the energy crisis. Rapid transit will not be a major factor.

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

Mr. HARSHA. I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, to further amplify on what my friend from Ohio (Mr. HARSHA) stated we had Mr. Ruckelshaus, the EPA Administrator before our committee and I addressed questions relating to the Los Angeles area in particular, because Los Angeles is considered to have one of the higher smog levels in the United States, due to the unique atmospheric conditions and the heavy concentration of automobile traffic.

In summarizing his response, he said:

> If we are going to resolve the congestion and pollution problems in the Los Angeles area within an early time frame, the quickest way to get some results is to go in the direction of the highway-related preferential-bus-lane concept. The Los Angeles area is unique and the right-of-way problems are many.

I am sure the same thing would apply in some of the other areas of the country.

In those areas that do have rail mass transit, and we will use New York rail, as an example, New York still has a major congestion problem. They are going to need the highway-related public transportation system to supplement the rail mass transit systems. This would apply in Chicago, Philadelphia, the San Francisco Bay area, and other major metropolitan areas.

The only point I am attempting to make is that we will need every dollar we can allocate from the highway trust fund to develop the highway-related public transportation system, which will help most of the urban communities in the country, large and small alike.

The leadtime requirements, the right-of-way problems, the environmental impact requirements are of major significance and magnitude.

The Wright-Clausen alternative to the Anderson amendment is designed to provide the desired flexibility and the positive financial commitment to both mass transit and a safer, more efficient and functional national highway system for both urban and rural America alike.

I hope the committee will reject the Anderson amendment and support the committee position that was approved by the commitee on a recorded 29-to-8 vote.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BRAY.)

Mr. BRAY. Mr. Chairman, much of the debate has been revolving around the great need for funds for mass urban transportation and for the great need of funds for our highways.

The issue is not whether each of these transportation media is in need of money. Many of those speaking on this subject have ignored one of the prime issues in this legislation. We are debating the use of a trust fund—a highway trust fund which was established in 1956. A trust fund is a dedicated fund, that is a fund that should be used for a definite purpose. Everyone in this body who is a lawyer is aware of the legal peril of misusing a trust fund.

To adequately understand the purpose of the highway trust fund and the method in which it should be handled, it is necessary to go back and study the congressional history and the creation of the highway trust fund.

I was on the floor when this highway trust fund was debated. At no time was there any suggestion made that this money was to be used for any other purpose than—"the highway trust fund."

On April 27, 1956, the legislation that created the highway trust fund, H.R. 10660, which ultimately became Public Law 84–627, the Highway Act of 1956, was being debated on the floor of the House. The late Honorable Dan Reed of

New York, then Republican chairman of the Committee on Ways and Means stated—

> . . . It is important to emphasize that the bill provides for the establishment of a highway trust fund . . . The existence of this fund will insure that these receipts will not be diverted to other purposes.

And, our late, highly respected colleague, Mr. Hale Boggs of Louisiana, at that a Democratic member of the Ways and Means Commitee, clearly stated the purpose of this legislation—

> . . . this bill . . . establishes the highway trust fund which dedicates most of these funds to highway construction and for that purpose *only*. . . . Thus, for the first time, the American motorist will pay these taxes with the assurance that he will be the direct beneficiary of every penny which he pays and he will pay with the knowledge that every cent derived from these taxes will be devoted exclusively to his personal convenience and safety. . . ."

This taxes collected under this legislation should by every moral and legal standard be used for the purpose set out in this original legislation.

If this body desires that this highway tax be discontinued, repeal it. Thus place any other tax to care for mass transportation that is proposed, but let us not misuse a trust fund.

Mr. HARSHA. Mr. Chairman, I yield to the gentleman from Tennessee (Mr. BAKER) a member of the committee.

Mr. BAKER. Mr. Chairman, the issue we must directly point toward is the fact that mass transit will be financed either in the general fund or out of the trust fund. The logic of the situation is that there is not enough money in the trust fund, and the trust fund is not generating enough money to do both jobs. Three billion dollars of general revenue is provided in the bill for mass transit, if the urban centers decide that is what they have to have.

It becomes a contractual obligation of our Federal Treasury if the urban government decides that this is what it wants to do. It forfeits its trust fund money, it goes back into the trust fund, it stays right where it should be directed toward the needs which are so pressing for Interstate Highway Systems.

Some say that there is money in the trust fund. There is some money in the trust fund, but it is overobligated. All the money in the trust fund is obligated for specific problems which affect districts which we represent throughout the Nation.

The Interstate System is designed to move traffic through or around our urban centers. We are placed at a distinct disadvantage if we allow urban areas to say, "We do not need interstate highways through our city; we want a mass transit system." Then the motoring public will have to devise some method to go around the city or get through it on its own.

I believe the point of wisdom directs us to follow the course which has been so completely thought out and worked out, as it is set out in this bill. I insist that we do consider seriously holding what we have in the bill.

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

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

Mr. ANDERSON of California. The gentleman has mentioned the use of contractual authority for solving the problem of mass transit, but having it paid out of the general fund.

If they did that—which I doubt—where would they get the additional money? Would they get it from additional taxes? Would they get it by cutting out some of the services we are cutting out right now? Or would they go into further deficit financing to pay for that contractual authority out of the general fund?

Mr. BAKER. I am sure other Members could answer better than I, but it would be money from the same source as otherwise provided.

Mr. ANDERSON of California. Which would mean increasing the taxes or increasing the deficit in the general fund.

Mr. BAKER. Mr. Chairman, I yield to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, in response to the gentleman from California, he is a member of the committee and he knows the language in the bill. Any money spent for mass transit out of the provisions of the highway section of the bill, on contract authority, means an equal sum will be deducted from expenditures authorized by the trust fund, and will go back into the fund.

Mr. ANDERSON of California. It is not earmarked. All that would be done is to earmark an amount of money, but the money would be paid out of the general fund, so the money to pay the contractual authority would have to come out of the fund.

Mr. HARSHA. I have not yielded to the gentleman. If he will be kind enough to let me finish explaining, I shall be glad to yield to him.

The gentleman knows that any money spent on mass transit out of the funds available in the Public Works Committee bill are such that the sum will be deducted from the apportionment of the trust fund; the trust fund will not be affected.

The money for mass transit comes from the general fund. So there is no total overall expenditure above what is in the bill.

Mr. ANDERSON of California. But they did not provide for the money to come out of the general fund to pay for the contractual authority.

Mr. HARSHA. We get money out of the general fund for the contracts, just as we get money for other projects.

Mr. ANDERSON of California. That is my question that the gentleman was so willing to rise to answer. If we do take money out of the general fund, where there is not any money today, will we then have to provide more deficit financing, or will we increase taxes, or will we cut some of the other programs, like education, health, and pollution, which we are cutting today, because there is a deficit?

Mr. HARSHA. Getting the money out of the general fund is just like money for housing or anything else. We do not have to increase taxes to do it, because the overall spending of the budget is not affected by reducing highway funds.

Mr. ANDERSON of California. That stays over in the highway fund and does not come out.

Mr. HARSHA. The gentleman knows it is a unified budget. Every expenditure, whether it comes out of the trust fund or the general fund, is reflected in that budget. So there is no additional spending in our proposal over what the gentleman's proposal would do.

Mr. ANDERSON of California. Yes, there is.

Mr. HARSHA. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I come from an area that has two desperate needs in the area of transportation. I come from the New York City area, we need money for mass transportation, and money for highway construction and rebuilding many of the old and antiquated roads.

I have some questions I should like to ask, and I should like to direct them to the chairman of the subcommittee.

Now, I would like to ask this: If the committee bill is passed with the Anderson amendment, does this take money away from the construction of highways?

Mr. WRIGHT. Well, the answer is that it does. It would take as much money away from the construction of highways as was given over to mass transit out of the trust fund. Under the committee bill, that money given over to the construction of mass transit in lieu of urban highways would come in advance obligational authority out of general revenues, and the equivalent amount would remain in the trust fund for redistribution to all the other cities.

Mr. PEYSER. Mr. Chairman, I thank the gentleman.

The next question I have, then is: If the committee bill is passed, and, let us say, New York City chooses to use moneys that were allocated under the highway trust for mass transportation, is that money then guaranteed to New York City, that they will get that money?

Mr. WRIGHT. Mr. Chairman, I think the answer to the question is "Yes," if we assume that the Secretary of Transportation is serious in what he says about being in favor of mass transit.

Now, there is no absolute guarantee that I or any other Member of this Congress could give to the gentleman that money would not be impounded by the President or that all the money would be released, either out of the trust fund or out of general revenues, and I cite the gentleman these facts——

The CHAIRMAN. The time of the gentleman from New York (Mr. PEYSER) has expired.

Mr. WRIGHT. Mr. Chairman, I yield 1 additional minute to the gentleman from New York (Mr. PEYSER).

Mr. Chairman, if the gentleman from New York (Mr. PEYSER) will yield further, I will cite these facts.

Mr. PEYSER. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I cite these facts: Last year out of the amounts appropriated for highways, $4,467,000,000, more than half, or $2,477,000,000, was impounded and not released. By contrast, out of the moneys that were ap-

propriated for mass transit, $980 million, only $20 million was not released.

So it appears to me on the basis of the record that one has a better chance to get that money out of general revenues than one would out of the trust fund.

Mr. PEYSER. Mr. Chairman, if I may, then, continue: Is there an action pending now to challenge the authority of impounding highway trust funds?

Mr. WRIGHT. Mr. Chairman, there is, and there are also actions pending challenging the authority of the President to dismantle other programs and to impound other funds. There is also contained in this bill an anti-impoundment feature that applies to mass transit.

Mr. HARSHA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I rise, Mr. Chairman, to ask a question of the chairman of the committee or anyone else on the committee about the significance of section 140(a) on page 125 of the bill. This is a reference to the necessity for new corridor hearings on Interstate Highway I–287 between Montville and Mahwah, N.J.

I notice in another section of the bill there is a suggestion that the environmental impact statement with respect to another highway in New Jersey be expedited, so I assume the committee is interested in expediting action on interstate highways.

Is there anyone who could clarify the justification for the curious provision in 140(a)?

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

Mr. FRELINGHUYSEN. I yield to the gentleman from New Jersey (Mr. ROE).

Mr. ROE. Mr. Chairman, being a Member of the House from New Jersey, and in view of the fact that this section of I–287 is located in my district, this may not seem too strange to anyone else. The fact remains that we have tried for the last 2 years to have the New Jersey Transportation Department and the Federal DOT hold new corridor hearings. These new hearings have been requested for 2 years without any response from the highway department.

Now, our feeling is that the people of our district and the people of our State have a right to be heard on new corridor hearings on that particular route and, of course, I am concerned hopefully that this House would support that contention and that our people will be heard.

Mr. FRELINGHUYSEN. Well, Mr. Chairman, I might say to the gentleman from New Jersey (Mr. ROE) that his assurance and his clarification do not convince me that the language applies. The language suggests corridor hearings have been held, the people have been heard, decisions have been made, and the State would like to finish this highway. This highway has been under construction or planned for over 25 years, yet only 22 miles out of the 64 miles are finished.

I would hope we are not deliberately going to try to delay the completion of this needed highway.

Mr. HARSHA. Mr. Chairman, under rule XXIII(6) of the Rules of the House, I submit, for printing in the CONGRESSIONAL RECORD, three amendments to the bill, S. 502, presently under consideration, which I plan to offer at the appropriate time.

The amendments, together with explanations of each, follow:

AMENDMENT TO S. 502 OFFERED BY MR. HARSHA

Page 121, line 24, strike "1974" and insert in lieu thereof "1975".

Page 122, line 1, strike "1974" and insert in thereof "1975".

EXPLANATION

The purpose of this amendment is to extend the eligibility period established under the program to free interstate toll bridges an additional year.

AMENDMENT TO S. 502 OFFERED BY MR. HARSHA

P. 168, strike lines 11 through 20, inclusive.

EXPLANATION

The purpose of this Amendment is to strike Section 302 relative to the Impounding of Funds.

AMENDMENT TO S. 502 OFFERED BY MR. HARSHA

Page 124, strike line 10 down to but not including line 13, on page 125.

EXPLANATION

The purpose of the amendment is to eliminate the provision requiring earmarking of Federal aid urban funds to cities over 400,000.

Mr. VEYSEY. Mr. Chairman, I rise to call to the attention of my colleagues, legislation I have introduced which is perhaps the most acceptable answer to all interests as we approach a point of compromise on opening the highway trust fund for mass transit.

My legislation would allow use of the trust fund for mass transit—only if such transportation systems are highway oriented. My bill, H.R. 5816, would open the highway trust fund to facilitate the fullest and the most rapid development of bus mass transit, including the purchase of rolling stock—again, other than rail.

Mr. Chairman, I cannot support legislation to open the Federal highway trust fund to rail mass transit for several important reasons.

First, rail transit is a long term project at the best—it is 10 years away at the very earliest for southern California where immediate relief is most necessary.

Second, fixed rail transit will have a cost factor which dwarfs highway oriented transit systems, and a cost-benefit ratio which will be prohibitive under most situations.

Third, to open the possibility of fixed rail construction from highway trust funds will significantly dilute the impact such funds will have on immediate, rifleshot attention to developing sophisticated bus mass transit systems. This factor is especially crucial in southern California, where the need for effective, efficient mass transit is so great, and the time so short. We cannot afford to waste years toying with multibillion-dollar fixed rail schemes. Buses can be put to work tomorrow.

And finally, regardless of the justification for it, and regardless of the arguments against it—there are still millions of Americans who strongly feel the highway trust funds should be used for highway-oriented projects. My legislation maintains the original purpose of the highway trust fund, and at the same time, offers the most practical and the hardest hitting approach to immediately feasible mass transit in metropolitan areas throughout the country.

Mr. Chairman, specifically, my legislation would prescribe that urban and urban extension sections of the highway trust fund shall be available to construct highway oriented mass transit systems, related facilities, and to purchase buses or rolling stock other than rail.

It also will open the interstate highway trust funds to encourage such highway-oriented mass transit systems, but excluding the purchase of rolling stock.

Finally, it specifies that all such rolling stock purchased for mass transit must meet standards prescribed by the Environmental Protection Agency under the Clean Air Act.

Mr. Chairman, I see this legislation as the immediate and practical answer to providing vital funds for mass transit.

Let us put our resources to work to reduce smog and congestion now, and save the grandiose, science-fiction approaches to mass transit until we can breathe again in our cities.

Mr. BINGHAM. Mr. Chairman, at the appropriate time in the course of the amending process on this legislation, S. 502, the Federal Aid Highway Act of 1973, I intend to support an amendment I understand will be proposed by the gentleman from California (Mr. ANDERSON) to make urban highway funds available for mass transit purposes at the option of local officials.

In 1965, Mr. Chairman, then-Senator Joseph Tydings of Maryland and I introduced legislation to open up the highway trust fund to meet pressing mass transit needs. At that time, Mr. Chairman, we said:

> In great metropolitan areas, highways must be part of a balanced transportation system. Our cities cannot continue to be the shopping, cultural and professional centers they are today if they are inaccessible. The ideal urban transportation plan . . . would combine a rapid transit system of high quality with a freeway system adequate to carry the balance of the traffic. Paradoxically, however, the nature of present federal (transportation) aid is such as to predetermine that every community will best be served by a basic reliance on highways. . . . at a time when mass transportation service should be improving it is deteriorating at a frightening pace. And it is the federal government which is largely to blame. What must be done in order to provide for an integrated transportation system is to correct the gross inequity which exists between the funds available for highways and those available for rapid transit.

The reasons for more mass transit in relation to highways are the same today as they long have been. Air pollution—much of it from cars—has reached crisis proportions. With the deadline for compliance with air quality standards set by the Clean Air Act of 1970 now only 2 years away and auto manufacturers pleading for exemptions, 67 cities still exceed Clean Air Act standards. Mass transit is undeniably cleaner than the automobile.

The social and financial costs of highways to cities are far higher than mass

transit. Highways divide communities, gobble up scarce housing units, and steal property from city tax rolls to a far greater extent than mass transit systems.

Then there is the so-called energy crisis. It is estimated that if use of automobiles in urban areas were reduced just 25 percent, the saving of scarce petroleum would be a staggering 1 million barrels a day—the full operating capacity of the proposed trans-Alaska pipeline.

There are, of course, several ways of encouraging a more balanced transportation system through Federal assistance. I personally feel that creation of a general surface transportation trust fund, consisting of the current highway trust fund and such moneys from general revenues as the Congress might see fit to add is the best solution because it would assure a sufficiently large quantity of funds to meet the extensive need for development of our transportation systems, and it would provide maximum flexibility in the use and allocation of those funds among various transportation modes. I introduced in the 92d Congress legislation creating such a general surface transportation trust fund. I am reintroducing that legislation in the House today with the expectation that it will again be referred to the Committee on Ways and Means.

Creation of a separate "public transit or "urban mass transit" trust fund, which has been proposed and supported by some officials, is a risky and inadequate solution for several reasons. Funds for such a trust fund would have to come mostly, if not exclusively, from general revenues. With competition for such revenues as stiff as it is, there is little likelihood that sufficient funds could be allocated to make such a trust fund effective. Furthermore, a separate trust fund would further restrict local officials and reduce the flexibility that is needed to bring balance to our transportation system. Finally, with the highway trust fund untouched, cities and States would continue to be seduced into building and improving roadways just because the money would be there—roadways that add more to local social, fiscal, and environmental problems than they eliminate.

Mr. Chairman, the Anderson amendment would not require a single cent to be spent for bus or rail transit. It would not touch a single dollar or mile of the Interstate System. It would not permit rural funds to be spent in urban areas, or vice versa. It would not alter or shift allocations among the States.

It would simply end the use-it-or-lose-it policy that has forced Governors and mayors and county executives to build and spend on roads regardless of local needs for bus or rail mass transit.

No violation of public trust would be incurred by this proposal. Six of the eight taxes which go into the highway trust fund existed before 1956 when the highway trust fund was created. Those six taxes provide over 90 percent of the trust fund moneys, and before 1956 they went into general revenues for use for everything from social and military programs to foreign aid. In 1956 they were earmarked for a need that existed then—particularly, a modern national interstate highway network. That network is now 80 percent complete and 98 percent under construction, and there is no reason the Congress cannot now choose to redeploy those funds to meet needs and conditions which have emerged since 1956.

The promises of aid for mass transit contained in the committee bill are empty promises. There is absolutely no assurance that the additional funds from general revenues for mass transit that are authorized will be forthcoming to local jurisdictions that would choose to invest in mass transit rather than roads. With the Federal Treasury overburdened as it is to meet social needs here at home, the highway trust fund is the only sure source of funds for mass transit, and the only source of funds sufficiently large to provide significant aid.

With these considerations in mind, Mr. Chairman, I urge my colleagues to join me in support of the Anderson amendment to bring flexibility to transportation funding and to end the highway bias in our Federal transportation investment policies.

Mr. JONES of Alabama. Mr. Chairman, I am in total support of this legislation as it was reported from the Committee on Public Works.

The committee has devoted many hours to hearings, study, and consideration of the details involved in providing for an adequate transportation system for this Nation, and particularly to the highway segments of the system which is the subject of S. 502.

I have repeatedly stated my support for proper development of a complete and balanced transportation network for the United States. This is essential if we are to have the kind of progress and development necessary for the people to realize their needs and enhance the quality of their personal lives.

Part of a balanced transportation system will include rapid transit for the cities and hopefully other forms of public transportation in other areas. The needs are great and I will continue to support efforts to service those needs through proper levels of funding.

We cannot properly service rapid transit requirements by diversions from the highway fund. There is simply not enough money in the fund to execute the responsibilities for highway needs at the present.

The lost time, unnecessary deaths and injury, and greater inconvenience and cost to which motorists are already exposed because of delays and stretchouts in the highway construction program during recent administrations are testimony to the unfilled requirements on highway funds.

Completion of the Interstate is particularly critical in urban areas where unfinished sections expose out-of-State travelers and local citizens alike to delay, expense, and potential accident hazards.

Previously, the Congress has been moving away from parochial interests toward a national program of arterial routes—a concept which expands the ability and right of a citizen to move beyond the confines of his own community for work, trade, or recreation. Interruption of the national system by diversion of vital highway funds would be a step backward.

In establishing the highway trust fund, the Congress made a commitment to all the people that those who were going to use the highways would pay for them. There was a parallel commitment to the motorist that his user taxes would be engaged to make highway improvements to save time, help prevent accidents and deaths, and reduce the cost of movement.

We can justify the user taxes only to the extent that the payer receives an adequate return for his special tax. If a trust fund is put to other purposes, the user tax which supplies it is either discriminatory or too high.

Even now there is a staggering backlog of road-related needs: new bridges, elimination of high hazard locations, separation of grade crossings, improvement of major corridors and completion of the Interstate System.

Diversion of highway user taxes in face of the legitimate highway improvement needs would be a failure of the Government to fulfill an obligation to the vast motoring public which has participated in the fund with the promise of improved roadways.

Those who urge a diversion in the highway trust fund for rail transit in an effort to realize fiscal goals or economy suffer the greatest of illusions. They completely ignore the total costs associated with construction and operation of such systems in an effort to temporarily solve a vexing problem—serving a need while restraining new expenditures.

The motorist, on the other hand, comes closer to completely paying for his transportation through the user taxes which build the roads and his private investment in automobile and fuel.

He is going to be severely shortchanged, however, if the trust fund resources are diverted from programs needed to improve safety and economy of operation of our Nation's road system.

The rapid transit case should be presented on its own merits and funds should be made available from general revenues to service these urgent requirements.

Because of the limitations of the highway trust fund, diversions will leave the public with neither adequate rail transit nor adequate roads.

I urge support for the program provided in S. 502.

Mr. GRAY. Mr. Chairman, the Federal Aid Highway Act of 1973 has many facets to it as it works out and develops what I believe is a meaningful approach to our transportation needs in the highway field and the mass transit field, with the additional factor of a highway safety program being cranked into it as well. The chairman has addressed himself most ably to the general concept of this legislation, and the gentleman from California (Mr. JOHNSON) has gone into a detailed analysis of how this bill meets the future highway needs of our country. May I move to another facet of this legislation.

This deals with those sections of the legislation that give aid and assistance to the handicapped, that allow for novel approaches to carry out highway trans-

portation needs, and that aid and help the environment.

This bill repeats, in section 144, the fact that in the development and construction of the Metro system in Washington, D.C., that necessary facilities must be installed to allow accessibility to the Metro for our handicapped citizens. I, and the other members of the committee, have been deeply concerned with this problem over the years, and before my Subcommittee on Public Buildings and Grounds we developed the legislation in Public Law 90–480 and 91–205 that made it clear that in all public facilities constructed with Federal funds they would be available and accessible to the handicapped.

The Metro falls within this category. In last year's Federal Aid Highway Act, a similar section, authorizing the funding of $65 million to install elevators in the transit system, appeared. That bill failed of enactment.

The committee repeats this section this year and emphasizes the fact that it wants immediate action taken on these facilities for the handicapped. So, as I have stated above, the Metro will be available for their use.

For the purpose of carrying out this section, $65 million is authorized to be funded to the Secretary of Transportation to make payments to Metro to do what we want them to do—make the subway system and the transit system, including buses, available to all our citizens in the greater Washington metropolitan area.

My second point deals with the fact that under this legislation we authorize Federal assistance to construct ferry boats for operation between the States of Alaska and Washington. The unique geographic system, and the miles that separate Alaska and Washington, point out the fact that in this case a road is really a waterway. The same thing surely applies to the State of Hawaii, a group of seven islands separated by miles of international waters. Under present law Alaska, Washington, and Hawaii would be barred from the benefits of this legislation in several instances. We attempt to resolve this by this direction, to construct ferry boats to meet the unique transportation problems.

Third, let us move to the environment. Today over 80 million Americans own bicycles, and for the first time last year more bicycles than automobiles were sold. A bike is a nonpolluter; it is a cheap mode of transportation. And many more of our citizens, young, middle age, and even the older ones, will use a bike to and from work. We in the committee have thus developed—recognizing the fact that the American public is moving more and more to the two-wheeled approach to resolving this transportation problem, and recognizing the fact that there is a definite place for the bicycle in our transportation scheme—in section 126 of the bill, a system to permit the use of Federal funds apportioned for the primary, secondary, urban extension and urban systems, to construct, in conjunction with Federal aid projects—separate or preferential bicycle lanes, bicycle traffic control devices, shelters, and parking facilities to serve bicycles and persons using bicycles.

It further allows the use of funds authorized for forest highways, forest development roads and trails, parkways, Indian reservation roads and bridges, public lands highways, and public lands development roads and trails, for constructing bicycle routes in conjunction with such trail roads, highways or parkways. It prohibits the use of motorized vehicles on these trails except for maintenance purposes, but it does allow the snow birds to take advantage of these trails by allowing them to use their snowmobiles when weather permits.

Finally, section 136 of the Federal Aid Highway Act of 1973 authorizes a national scenic highway system study by the Department of Transportation to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American public recreational, historical, scenic, and other similar areas of importance. The Secretary, in making this study, should work with, and consult with, other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions and various private organizations and individuals.

Thus, we move from the gamut of environment—to unique transportation solutions—to aid to our handicapped. The Federal Aid Highway program has become a broad umbrella that recognizes the needs of all of our citizens in the transportation field and adapts on a day by day basis to the necessary changes to carry out the fulfillment of these needs.

The Federal Aid Highway Act of 1973 is no exception. It is a sweeping, affirmative declaration in the future of America's transportation, and I endorse and urge its support.

Mr. MOAKLEY. Mr. Chairman, 7 months ago, almost to this day, this House voted against allowing cities like Boston to choose how best to spend its share of highway trust fund money. At that same time, September 21, 1972, as a candidate in Massachusetts Ninth Congressional District, I pledged that if elected to Congress, my first priority would be to try to change your mind.

Of course, I am prejudiced.

If you allow cities like Boston to decide for themselves how best to spend its share of the highway trust fund, no other congressional district in the United States would be as immediately and totally benefited as my own.

Boston, as you know, wants to spend Federal money on rail transit. If you give Boston the green light on rail transit, over 5 billion transportation and transportation-related dollars will be generated in Metropolitan Boston during the next decade—and most of that money will be spent in my district.

Governor Sargent's plans call for $1.5 billion in transportation expenditures in Metropolitan Boston. The economic multiplier effect is threefold. Add in inflation and $5 billion is just the beginning.

Besides being prejudiced, I am also desperate.

With all due respect, regardless of your decision, the odds are great that no more highways will ever be built in Boston. One good lawyer could keep away the cement trucks from Boston for at least 15 years.

All the roadbuilders in America would not stand a chance against one Boston lawyer clad in the armor of the Department of Transportation Act, the National Environmental Policy Act, and the Clean Air Act.

Mr. Chairman, I could testify about a Boston-wide epidemic of carsickness; I could tell you how, in the Metropolitan Boston area, 160,000 cars now vie for 28,000 offstreet parking spaces, how over 56 percent of the city of Boston is now devoted to servicing, parking, and driving cars, how half of all Bostonians over 65, half of all Boston blacks, and 67 percent of Bostonians with incomes under $3,000 do not have cars; I could tell you about rush-hour parking lots, drive-in streets, and whole neighborhoods that are only a drawing board away from being paved over by concrete and painted over with soot—but such testimony would be based on the false premise that your choice is between highways or no highways.

Such, obviously, is not the case. Your choice is no more between highways or no highways than it is between rail transit or highways. Your choice is simply whether to allow cities like Boston to spend funds already earmarked for its use alone on the transportation mix best suited to meet its particular transportation needs.

To allow Boston that choice, you do not have to lift a single dime from the Interstate Highway pot nor do you have to commit a single dollar to rail transit.

Granted, however, if you give Boston that choice, we will spend money on rail transit. And so will 16 other American cities. And for good reasons.

Rail transit is 23 times safer than autos, uses 7 times less fuel, gives off no pollutants, and can move up to 50,000 people an hour compared to 4,000 an hour for the auto. A double-tracked rail transit line can carry as many commuters as 20 lanes of freeway at existing average rates of passengers per vehicle.

Still, Mr. Chairman, some think it irresponsible to allow cities a rail transit option. They say that all the money that could conceivably be authorized by this Congress for rail transit for the next 3 years would barely pay for one rail transit system, let alone 17. In fact, they argue, due to any likely urban system fund distribution formula and the varying nonrail transit needs of those cities likely to be eligible for such funding, allowing cities a rail transit choice offers them a false and empty promise.

I disagree. Give Boston a rail transit option and we will build rail transit. Capital grants from the urban mass transportation fund and Massachusetts' share of the urban systems part of the highway trust fund will supplement State and local money. And rail transit will be built in Boston.

What is more, give Boston a rail transit option, and the 1970 Clean Air Act standards will be met by 1985 instead of 2001.

Mr. Chairman, right now 67 American cities are having serious trouble meeting

1970 clean air standards. Regardless of whether you grant those cities a rail transit option, many of them still will not meet Environmental Protection Agency deadlines. But with rail transit, many of America's worst-polluted cities, Boston among them, could show compliance and meet the standards, if not the deadlines.

By providing these cities a rail transit option, those of you who voted for the Clean Air Act could take pride in the fact that not only did you vote for clean air but you went the extra mile to make clean air possible.

Mr. Chairman, I want to thank you for this opportunity to speak here today. Purposely, I have tried to avoid rhetoric or tell the pollution, energy and urban environment horror stories you have heard before.

In closing, I would simply like to point out that the most significant and perhaps the pivotal point in the long fight to allow cities a rail transit choice occurred earlier this year here in the House. It happened when the House Public Works Subcommittee on Roads changed its name to the House Public Works Subcommittee on Transportation.

And I think that is all anybody is realyly trying to say. Transportation in 1973 means more than simply roads.

Mr. NIX. Mr. Chairman, the highway trust fund receives its revenue from several sources: taxes on gasoline, lubricating oil, trailers, trucks, tires, diesel oil, and so forth. Currently, the trust fund is about $8 hundred million. This is the sum remaining from the $5.28 billion that existed in the trust fund on July 1, 1972. The outlays from this fund is $4.69 billion which have been granted to States, counties, and cities. The receipts for the trust fund each year from the excise taxes have been averaging $5 to $6 billion.

The report of the Committee on Public Works has this to say about trust funds:

The greatest concern about the highway program during the past few years has involved its urban portions and particularly the debate about "flexibility" in the use of highway funds for either mass transit or highways. It is clear to the Committee that it is not simply a question of these being alternatives one to the other, but that provision needs to be made for the separate fiancing of both types of transportation independently of each other, so that both needs can be met simultaneously without one need having to be sacrificed to meet the other one as would be the case if only one choice could be made. The Committee therefore, has developed the reported bill to permit both needs to be met at the same time.

Proposals that have been made to stop highway construction and to use the highway trust fund for mass transit do not provide an acceptable answer to the urban areas' needs for transportation of persons, goods, and services. We must continue to provide our urban areas with the modern system of highways and streets that are their very lifelines—because in all of our major urban areas, due to economic, geographic, and populations reasons, highways will continue into the foreseeable future to serve as the principal means of transportation for people, and the sole means of transportation for most or all goods and service functions.

The Committee therefore, has significantly decreased the funding level for the new Federal-aid urban system while at the same time liberalizing the criteria for providing public mass transportation facilities, such as special bus lanes, traffic control devices, passenger loading areas, shelters, and parking facilities, all from the apportioned highway funds. This Committee recognizes that bus mass transit is now, and will undoubtedly in the future continue to be, the major part of all mass transit (it is ¾ at present), and because of its operational flexibility is eminently suitable for utilizing the vast capital investment represented by the nation's highways and streets. A healthy urban transit program can only be achieved in concert with a healthy urban highway program."

A pertinent item follows:

[From the Washington Star, Apr. 17, 1973]

THE HOUSE'S TRANSIT TEST

With the nation facing a fuel shortage, on top of its auto-exhaust pollution troubles, about everyone in Congress is speaking kindly of mass transit these days. But this week we'll see how deep the commitment goes, for the House will vote a Senate-approved proposal to make just a small portion of the highway trust fund available for financing urban bus and rail transit systems.

We hope the House, which refused to concur with the Senate last year on a similar plan, will give its assent this time around. This won't be easy for many of the representatives, especially those from predominantly rural districts whose residents still plead for road improvements that are justified in many cases. There is a powerful core of resistance to using the highway trust money—derived from levies on road-users—for non-highway purposes. But the times demand it. The trust fund is incredibly opulent, while the problems of swelling auto use inflict ever-larger social costs that cannot be alleviated simply by building more highways with every last penny of highway revenues.

It seems to us that the fund has a partial obligation to other concerns. Cars are creating much of the air pollution, and much of the fossil-fuel shortage, which must be remedied in large degree by mass transit. As lawmakers begin to appreciate the astonishing dimensions of the country's energy problem, they should bear in mind that five times as much energy is required to move a passenger by car as by bus. And a great many auto commuters would gladly switch to public transit if adequate service were available. Moreover, if rural areas are hit by gasoline shortages—as seems likely—it will be due in some measure to the lack of sufficient mass transit, which forces millions of urbanites to rely excessively on automobiles.

The hard fact is that the effort to control air pollution is exacting heavier fuel penalties than most people expected, and aggravating the energy-depletion dilemma. Some observers now say that Congress shouldn't have passed the 1970 clean-air law without launching a major federal mass-transit program at the same time. In any case, a sizable program at last is getting underway, and committee- approved legislation in the House provides a rather hefty authorization for mass transit. But there is too much uncertainty whether all or even most of this money would ever be appropriated, or spent by the administration, since it would have to come from the Treasury's general fund. Urban areas desperately need the assurance of being able to use a portion of their regular federal highway turnback funds for helping to finance mass transit, and cover its operating losses in some cases.

To achieve this, the House will have to approve amendments that are contrary to the wishes of its Public Works Committee, and in line with the Senate's approach. We hope a majority in the House can summon the foresight and determination to do that.

Mr. YOUNG of Illinois. Mr. Chairman, I would like to rise in general support of the Federal Highway Act of 1973, and its authorizations for continued efforts to build safe and efficient road systems linking the major population centers of this country. These systems should be carried through to completion, especially in those areas of the United States and the Midwest where there are gaps in construction.

I would also, at this time, like to express my support for the Anderson amendment to the committee bill. Passage of this critical amendment would give local authorities the option of using some of their trust fund allocation for specific types of capital improvements and construction on urban transit systems. I believe that such use of the trust funds is highly consistent with the original purpose of the trust—the promotion and implementation of rapid and safe transit from one place to another in this country.

If we are to enjoy the continued use of the automobile in metropolitan areas, if we are to relieve the congestion that plagues our cities, and if we are to meet air pollution standards of the future, we must immediately upgrade and expand our urban mass transit systems. If we do not take this step, our only alternative is to restrict the use of the automobile in the central city.

Just about every major city in the United States, as well as the smaller municipalities, is facing a major crisis in urban transit of one sort or another. In my own area, the 10th Congressional District of Illinois, the city of Evanston is about to lose one of its two mass transit alternatives, the Evanston Bus Co. Approval of the Anderson amendment to open up the trust fund would give Evanston the option of using its share of trust funds to aid the busline, and thereby relieve the highway traffic congestion in the city and surrounding areas.

Mr. Chairman, I would like to congratulate my distinguished colleagues on the committee for their efforts on the Federal Highway Act, and urge my colleagues on the floor to support the Anderson amendment to round out the full intent of the act.

Mr. FINDLEY. Mr. Chairman, the city of Springfield is plagued by the fact that it is dissected by several different railroad lines. When a train comes through Springfield, traffic comes to a screeching halt, backs up for blocks in all directions, and waits, sometimes for up to half an hour.

In the Federal Aid Highway Act of 1970, the Secretary of Transportation was authorized to "carry out a demonstration project for elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina."

Springfield desperately needs a similar project, and last year the subcommittee recognized that and included provision for a railroad relocation project in H.R. 16656, agreed upon by the House-Senate conference committee. A similar provision is included in section 229 of the amended version of S. 502 being considered today. It states:

"Sec. 228. (a) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

"(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

"(c) There is authorized to be appropriated not to exceed $36,000,000 to carry out subsections (a) and (b) of this section."

The need for a further demonstration project is evident. The project at Greenwood is so small as to be of limited value, involving the movement of only one major rail line. Officials of the Federal Railroad Administration with whom I have spoken tell me that there is a great need for another and larger demonstration project on railroad relocation. Only through such a project can a satisfactory methodology be worked out to serve as a model for use throughout the Nation.

Springfield has already done a great deal of work toward relocating various railway facilities for the convenience of both the public and the affected railroads. The Capital City Railroad Relocation Authority has been established and has developed a detailed plan for relocation. Costly engineering work already has been undertaken by the city. Thus, in every respect, Springfield is far ahead of other cities in the Nation which have a similar problem, and the relative cost to the Federal Government would therefore not be as great.

Most important, the project would add immeasurably to safe transit in the capital city of Illinois. Each day, Springfield city buses cross railroad tracks almost 1,000 times. Each day, school buses cross the tracks almost 500 times. Many accidents have occurred at these crossings in recent years. These could be eliminated if this relocation project is completed.

The Springfield railroad relocation proposal has been carefully worked out with all railroads involved. They favor it. The citizens of Sprinfield favor it.

I hope that the House will pass this highway bill today including this provision and that it will do everything possible to assure that it remains in the final bill reported from conference.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I recently had the privilege of serving as moderator on the public television program "The Advocates." This nationally televised public debate addressed the question: "Should highway funds be diverted to mass transit at the option of the individual States?" The points brought out in that forum were to the points being made on the amendment that is before us today. The debate on TV was as intense as the debate in this Chamber.

While viewers of this program do not have the benefit of electronic balloting, they are invited to mail their votes to public television and the results are announced the following week. I am delighted to report that this nationwide poll gave a resounding "Yes" to the question on diversion of highway funds. In fact the tally was 74 percent "yes" against 26 percent "no." That was the vote of the people.

I rise in support of the amendment before us. I say it is a very realistic attempt to solve a problem that the Committee on Public Works recognizes so well. Public transportation must be helped. That is my first point.

Secondly, I resist the dictum that public transportation moneys should come from general appropriations. I suggest that we must look upon highway users in their larger role—that of transportation users. They have a direct interest in unimpeded mobility in all modes of surface transportation. Our colleagues have often heard the very sensible argument that if public transportation can get even 20 percent of the commuters off the highways during rush hours, then the highways will serve far better the purpose for which they were designed. Let us give a choice to the commuter, so we can open up the highways for those who have no choice—such as the truckers and the bus lines.

Third, the amendment does not break faith with the taxpaying highway user. The calling-in of a debt is not a breaking of faith, and I submit that despite our highway system's very obvious benefits over the years since the enactment of President Eisenhower's Federal Aid Highway Act of 1956, our overreliance on highways has created some very serious problems to go along with the benefits. If indeed 97 percent of all traffic movement of individuals within the cities is performed by highways, roads and streets; and if indeed 94 percent of all traffic is carried by automobiles and trucks within our urban areas, then I say that is a problem—not something to boast about. It is a fact of life that must be changed. If the highway user has paid his excise taxes and helped cause this problem, then I say it is not breaking faith if we ask him to pay excise taxes to help solve the problem.

Finally, I suspect our highway needs studies will have to be revised if we are now looking ahead to $592 billion worth of highway building between now and 1990. Even today, one-fifth of all energy consumed in the United States goes through the fuel tank of the private automobile. How can we expand on that in view of the pending fuel crisis? Furthermore, the highway needs study assumes utilization of highway transportation by all segments of our society.

To my way of thinking, that is a callous disregard of the hundreds of thousands of the elderly, the very young, the poor and the handicapped—for whom access to an automobile is either far-fetched or impossible. In an auto-oriented world, those people are prisoners of our own prosperity. At the same time, their lives are disrupted by noise pollution and highway landtakings. Their health is endangered by the killing poisons of accumlated exhausts. I say such a future is not worth $592 billion.

The amendment before us today—timid as it is, small as the amount of money is, and flexible as the guidelines are—represents Federal legislation at its finest. With the adoption of this amendment, we will have passed one of the most carefully-crafted pieces of legislation in history. We will allow for the construction of highways where they are needed, yet we will allow for sensible funding of subways, busways, and transit lines as well.

We will have obligated ourselves to the principle of solving transportation problems with transportation money; we will firmly declaim a rational set of transportation priorities for the Nation; and we will allow those who know their own local problems best to choose the solutions most appropriate for their own people.

I urge the adoption of this amendment.

Mr. BINGHAM. Mr. Chairman, this amendment would strike from the bill the provisions for the priority primary routes.

This has been characterized in the additional views—and I would refer those to the Members—in the committee report, pages 111 and 112, which is an excellent statement as to why this amendment should be adopted.

This is in effect a coming extension of the Interstate System. But there is a big difference. When the Interstate System was authorized it was authorized only after intensive and extensive studies. The same studies have not been made for this extension of the Interstate System.

The 1968 National Highway Needs Report commented on the proposals but indicated that additional study was necessary. It did not recommend it.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield for a minor correction?

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

Mr. WRIGHT. This is not an extension of the Interstate System.

Mr. BINGHAM. I said it had been so characterized, and I should like to stand on that statement.

Mr. WRIGHT. But that is a characterization. Is it not.

Mr. BINGHAM. I know from the distinguished gentleman's statement that the committee did remove from the provisions for this section the provision that was there before, that it should be up to interstate standards, but the fact is that the chances are this will build into an extension of the Interstate System, and there is no telling how much it is going to cost in the long run. It is in here for $900 million, but if we extrapolate the kinds of costs that will be incurred on this additional system it may well run as much as $10 billion before we get through.

This is not supported by the administration. It is opposed by the administration. It is an unnecessary expenditure of funds. Why not just go ahead with the Federal primary system, and develop that to the extent we need to? Why do we have to come in with an additional amount for a new system which has not been thoroughly studied, which has not been recommended by the national highway needs report, which is opposed by the administration? It is just another foot in the door for what will amount to, I am convinced, in the end, an extension of the Interstate System.

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

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by title the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

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

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1973".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, of House Public Works Committee Print Numbered 92–29, as revised in House Report Numbered 92–1443.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, $700,000,000 for the fiscal year ending June 30, 1975, and $700,000,000 for the fiscal year ending June 30, 1976. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 30, 1975, and $400,000,000 for the fiscal year ending June 30, 1976.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, $700,000,000 for the fiscal year ending June 30, 1975, and $700,000,000 for the fiscal year ending June 30, 197. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund $400,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 30, 1975, and $400,000,000 for the fiscal year ending June 30, 1976.

(3) For forest highways, out of the Highway Trust Fund $33,000,000 for the fiscal year ending June 30, 1974, $33,000,000 for the fiscal year ending June 30, 1975, and $33,000,000 for the fiscal year ending June 30, 1976.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $16,000,000 for the fiscal year ending June 30, 1976.

(5) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1974, $170,000,000 for the fiscal year ending June 30, 1975, and $170,000,000 for the fiscal year ending June 30, 1976.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

(7) For park roads and trails $30,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

(8) For parkways, $75,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

(9) For Indian reservation roads and bridge, $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $150,000,000 for the fiscal year ending June 30, 1974, $150,000,000 for the fiscal year ending June 30, 1975, and $150,000,000 for the fiscal year ending June 30, 1976.

(11) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $10,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

(12) For necessary administrative expenses in carrying out section 131, section 136, and section 319(b) of title 23, United States Code, $3,000,000 for the fiscal year ending June 30, 1974, $3,000,000 for the fiscal year ending June 30, 1975, and $3,000,000 for the fiscal year ending June 30, 1976.

(13) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, not to exceed $5,000,000 for the fiscal year ending June 30, 1975, and not to exceed $5,000,000 for the fiscal year ending June 30, 1976.

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, not to exceed $2,000,000 for the fiscal year ending June 30, 1975, and not to exceed $2,000,000 for the fiscal year ending June 30, 1976.

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, not to exceed $500,000 for the fiscal year ending June 30, 1975, and not to exceed $500,000 for the fiscal year ending June 30, 1976

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) Nothing in the first ten paragraphs or in paragraph (13) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1974, and June 30, 1975, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for each such fiscal year for such system.

SUBMISSION OF CERTAIN REPORTS

SEC. 105. The Secretary of Transportation is hereby directed to forward to the Congress within thirty days of the date of enactment of this Act final recommendations proposed to him by the Administrator of the Federal Highway Administration in accordance with section 105(b)(2), section 121, and section 144 of the Federal-Aid Highway Act of 1970 together with those recommendations of the Secretary of Transportation to the Director of the Office of Management and Budget unless these recommendations have been submitted to the Congress prior to the date of enactment of this Act.

DEFINITIONS

SEC. 106. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey in the Department of Commerce)," and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration in the Department of Commerce), traffic engineering and operational improvements,".

(2) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) The last four sentences of such section 104(b)(5) are amended to read as follows: "Upon the approval by Congress, the Secretary shall make a revised estimate of the approved estimate in making apportionments for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1977, and June 30, 1978. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year ending June 30, 1970. Whenever the Secretary, pursuant to this subsection, requests and receives esti-

mates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives."

DECLARATION OF POLICY

SEC. 108. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared that since the Interstate System is now in the final phase of completion that after completion of that system it shall be the national policy that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum amount possible by no later than the year 1990."

MINIMIZATION OF REDTAPE

SEC. 109. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS

SEC. 110. Section 103 of title 23, United States Code, is amended as follows:

(1) The second sentence of subsection (d) is amended by inserting immediately after "such area" the following: "and shall provide for the collection and distribution of traffic within such area".

(2) Subsection (d) is further amended by inserting immediately following the next to the last sentence the following new sentences: "Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary. For the purposes of sections 104(b)(6) and 142 of this title, such largest population center shall be held and considered to be an urbanized area."

(3) Subsection (g) is amended by striking out "1973" wherever it appears and inserting in lieu thereof "1974" and by striking out "1975" and inserting in lieu thereof "1977".

(4) Subsection (g) is further amended by adding at the end thereof the following new sentence: "This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

APPLICATION TO URBAN SYSTEM OF CERTAIN CONTROLS

SEC. 111. The last sentence of subsection (d) of section 103 of title 23, United States Code, is amended to read as follows: "The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system unless determined by the Secretary to be inconsistent with this subsection, except that sections 131, 136, and 319(b) are hereby made specifically applicable to such system and the Secretary shall not determine such sections to be inconsistent with this subsection."

APPORTIONMENT

SEC. 112. Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraph (1) of subsection (b) is amended by striking out "one-third in the ratio which the population of each State bears to the total population of all States" and inserting in lieu thereof the following: "one-third in the ratio which the rural population of each State bears to the total rural population of all the States".

(2) Paragraph (6) of subsection (b) is amended by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(3) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "50 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(4) Subsection (d) is amended to read as follows:

"(d) Not more than 50 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 50 per centum."

(5) The last sentence of subsection (c) is hereby repealed.

APPORTIONMENT OF PLANNING FUNDS

SEC. 113. Subsection (f) of section 104 of title 23, United States Code, is amended to read as follows:

"(f)(1) On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.

"(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

"(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

"(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs."

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 114. (a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

HIGHWAY NOISE LEVELS

SEC. 115. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary after consultation with appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

SIGNS ON PROJECT SITE

SEC. 116. The last sentence of subsection (a) of section 114 of title 23, United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 117. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department of its performance of such responsibilities, if he finds—

"(1) such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title;

"(2) the State meets the requirements of section 302 of this title;

"(3) that final decisions made by responsible State officials on such projects are made in the best overall public interest.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance.".

MATERIALS AT OFF-SITE LOCATIONS

SEC. 118. Section 121(a) of title 23 of the United States Code is amended by inserting

after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 119. (a) After the second sentence of section 129(b) of title 23, United States Code, insert the following: "When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

(b) The first sentence of subsection (e) of section 129, title 23, United States Code, is amended by striking out "on the date of enactment of this subsection". The third sentence of subsection (e) of section 129, title 23, United States Code, is amended by striking out "1968" and inserting in lieu thereof "1973".

CONTROL OF OUTDOOR ADVERTISING

SEC. 120. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices may include, but not be limited to, signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds, food services, gas and automotive services, and lodging, and shall include signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section (except that not more than three directional signs facing the same direction of travel shall be permitted in any one mile along the Interstate or primary systems outside commercial and industrial areas), (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof: "In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained: *Provided*, That such signs on the Interstate and primary systems shall not be erected in suburban or in urban areas or in lieu of signs permitted under subsection (d) of this section, nor shall they be erected where adequate information is provided by signs permitted in subsection (c) of this section."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof: "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000 000 for the fiscal year 1971, not to exceed $20,-500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year 1970, not to exceed $27,000,000 000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first. A State shall give preference, with due regard to the orderly scheduling of the removal of signs, displays, and devices and to highway safety, to the purchase and removal of any nonconforming sign, display, or device voluntarily offered by the owner thereof to the State for removal if funds are available to such State for such purpose.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1973, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 121. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 122. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY PUBLIC TRANSPORTATION

SEC. 123. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Sums apportioned under section 104(b) of this title shall be available to finance the cost of these projects.

"(b) Sums appropriated in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential bus, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

"(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid

from funds apportioned under section 104 (b)(6) of this title, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid if such project were a highway project under section 120(a) of this title. Funds previously apportioned to such State under section 104(b)(6) of this title shall be reduced by an amount equal to such Federal share. No financial assistance shall be provided under this subsection for the purchase of buses to any State or local public body or agency thereof which, after the date of enactment of this subsection, has engaged or proposes to engage directly or indirectly in charter bus operations in competition with private bus operators outside the urbanized area within which such State or local public body or agency provides mass transportation service.

"(d) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(e) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(f) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate ridership to fully utilize the proposed project.

"(g) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby.

"(h) No financial assistance shall be provided under this section to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions or which proposes to expand present routes, schedules, service, or facilities for the purposes of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such children and personnel. This subsection shall not apply unless such private transportation company is able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards, and this subsection shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such children and personnel along with facilities to be used therefor) was so engaged any time during the twelve-month period immediately prior to the date of the enactment of this subsection.

"(i) The provision of assistance under subsection (c) of this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

"(j) Funds available for expenditure to carry out the purposes of subsection (c) of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(k) The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out subsection (c) of this section."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 124. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project", by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

FEDERAL-STATE RELATIONSHIP

SEC. 125. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Federal-State relationship

"The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Federal-State relationship."

BICYCLE TRANSPORTATION

SEC. 126. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 217. Bicycle transportation

"(a) To encourage the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation on or in conjunction with highway rights-of-way, the States may, on Federal-aid highway projects, include to the extent practicable, suitable, and feasible, the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles in conjunction or connection with Federal-aid highways. Sums apportioned in accordance with paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for bicycle projects authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a bicycle project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project shall be that provided in section 120 of this title.

"(c) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle routes in conjunction with such trails, roads, highways, and parkways.

"(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions permit, snowmobiles."

(b) The analysis of chapter 20, title 23, United States Code, is amended by inserting at the end thereof the following:

"217. Bicycle transportation."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 127. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 146. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(10) Any route designated by the Secretary under this section must be on a Federal-aid system prior to such designation.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"146. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 128. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Priority primary routes

"(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement to supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities. A total of not more than ten thousand miles shall be selected under this section. For the purpose of this section such highways shall hereafter in this section be referred to as 'priority primary routes'.

"(b) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to priority primary routes selected under this section except section 104. Funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized.

"(c) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before July 1, 1974.

"(d) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $300,000,000 per fiscal year for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. One-half of such funds shall be apportioned among the States in accordance with section 104(b)(1) of this title, and one-half shall be apportioned among the States in accordance with section 104(b)(3) of this title."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Priority primary routes."

ALASKA HIGHWAY

SEC. 129. (a)(1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 218. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"218. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 130. (a) Section 320(d) of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been completed by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

GREAT RIVER ROAD

SEC. 131. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83-350), is amended by striking out "$500,000" and inserting in lieu thereof "$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 148. Development of a prototype of a national scenic and recreational highway program

"(a)(1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section, the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purpose of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the State pursuant to

this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"148. Development of a prototype of a national scenic and recreational highway program.".

ALASKAN ASSISTANCE

SEC. 132. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence "June 30, 1972 and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976."

ROUTE 101 IN NEW HAMPSHIRE

SEC. 133. (a) The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREEING INTERSTATE TOLL BRIDGES

SEC. 134. Section 129, title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1974, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1974, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 135. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than July 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies, except that in the case of the toll bridge at Chester, Illinois, the Secretary shall submit a report to the Congress not later than December 31, 1973.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 136. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with the other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than July 1, 1974, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this section.

PARTICIPATION IN TOPICS AND FRINGE PARKING PROGRAMS

SEC. 137. In the administration of title 23 of the United States Code the Secretary of Transportation shall take such actions as he deems necessary to facilitate broad participation by the States in the urban area traffic operations improvement programs and projects for fringe and corridor parking facilities authorized by sections 135 and 137 of such title.

ALLOCATION OF URBAN SYSTEM FUNDS

SEC. 138. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 149. Allocation of urban system funds

"(a) Funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title which are attributable to incorporated municipalities having populations of four hundred thousand or more and located within urbanized areas shall be allocated among such incorporated municipalities within any such State in the ratio that the population within each such incorporated municipality bears to the population of all urbanized areas, or parts thereof, within such State.

"(b) Funds allocated in accordance with subsection (a) of this section shall be available for expenditure within any such incorporated municipality for projects on the urban system and projects authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(c) Funds allocated to any incorporated municipality under subsection (a) of this section shall be available for expenditure in another incorporated municipality within such State only where the responsible public officials in both such incorporated municipalities agree to such availability."

(b) The table of contents of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"149. Allocation of urban system funds."

DISTRICT OF COLUMBIA

SEC. 139. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 140. (a) The Secretary of Transportation shall permit no further action on Interstate Route I–287 between Montville and Mahawk, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

INTERSTATE SYSTEM

SEC. 141. (a) Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used in making modifications" and inserting in lieu thereof "such additional mileage for the Interstate System as may be required in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised." and inserting in lieu thereof the following: "the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92–29, as revised in House Report Numbered 92–1443."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis,".

(b) Subsection (e) of section 103 of title 23, United States Code, is amended by adding the following:

"(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the States does not intend to construct a toll road in the traffic corridor which would

be served by such route or portion thereof. The mileage of the route or portion thereof approval for which is withdrawn under this paragraph shall be available for designation on the Interstate System in any other State in accordance with paragraph (1) of this subsection. After the Secretary has withdrawn his approval of any such route or portion thereof, whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a route or portion thereof approval for which is withdrawn under this paragraph, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid for the route or portion thereof approval of which is withdrawn under this paragraph. Funds previously apportioned to such State for the Interstate System shall be reduced by an amount equal to such Federal share. No nonhighway public mass transit project shall be approved under this paragraph unless the Secretary has received assurances satisfactory to him from the State that public mass transportation system will have adequate capability to fully utilize the proposed project."

PUBLIC MASS TRANSPORTATION

SEC. 142. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall include all urban areas. The evaluation shall include but not be limited to the following:

(1) Refining the public mass transportation needs contained in such report.

(2) Developing a program to accomplish the needs of each urban area for public mass transportation.

(3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.

(4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.

(5) Determining the operating and maintenance costs relating to the public mass transportation system.

(6) Determining and comparing fare structures of all public mass transportation systems.

(b) The Secretary shall, not later than July 1, 1974, report to Congress the results of this evaluation together with his recommendations for necessary legislation.

(c) There is hereby authorized not to exceed $75,000,000 to carry out this section.

FERRY OPERATIONS

SEC. 143. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, as redesignated in subsection (a) of this section, is amended to read as follows:

"(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between the States of Alaska and Washington, or between any two points within the State of Alaska, no part of such a ferry operation shall be in any foreign or international waters."

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 144. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necesary to make such subway and system accessible by the handicapped through implementation of Public Laws 90-480 and 91-205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

ENVIRONMENTAL IMPACT STATEMENTS

SEC. 145. (a) The Secretary of Transportation shall, not later than forty-five days after the date of enactment of this section, complete all necessary action on (1) the environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and (2) the application for approval under the General Bridge Act of 1946, with respect to the proposal for construction by the Department of Transportation of the State of New Jersey of a bridge over the Raritan River in such State for the purpose of such State's Highway Route 18.

(b) The Secretary of Transportation shall—

(1) by October 1, 1973—

(A) complete the draft environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act, and his determination under section 4(f) of the Department of Transportation Act and section 138 of title 23 of the United States Code, on the project for Interstate Route Numbered 66 in the State of Virginia from the National Capital Beltway to the Potomac River, which project is described in the 1972 estimate of the cost of completing the National System of Interstate and Defense Highways as estimate section termini E 10.4.2 at the Beltway to E 10.11.1 in Rosslyn,

(B) circulate such statement to all interested Federal, State, and local agencies and to the public for comment within forty-five days, and

(C) insure that notice of a public hearing on the design and location of such project is issued;

(2) insure that a public hearing is held within forty-five days after issuance of the notice pursuant to paragraph (1)(C) of this section; and

(3) not later than December 31, 1973, complete consideration of the information received at the hearing, review any comments on the statement received within the forty-five-day notice period referred to in paragraph (1)(B) of this section and any other information received by the end of such forty-five-day period and file the final version of such statement on the basis of such comments and information, together with any other final determination which he is required by law to make in order to permit the construction of such project to proceed. The determination of the Secretary shall be conclusive with respect to all issues of fact.

TRUCK LANES

SEC. 146. (a) Chapter 1 of title 23, United States Code, is amended by adding to the end thereof the following new section:

"§ 150. Truck lanes

"The Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential truck lanes."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"150. Truck lanes.".

HIGHWAY STUDY

SEC. 147. The Secretary of Transportation shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following route for the purpose of including such highways in the National System of Interstate and Defense Highways:

A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so alined to serve the following intermediate locations, or vicinities thereof: Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville or Jonesboro, Arkansas; and Springfield, Missouri.

INTER-AMERICAN HIGHWAY

SEC. 148. Section 4 of the Federal-Aid Highway Act of 1962 (Public Law 87-866; 76 Stat. 1145) is amended by striking out "$32,000,000" and inserting in lieu thereof "$42,000,000".

Mr. WRIGHT (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENTS OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ANDERSON of California: Page 102 strike out line 5 and all that follows down through and including line 8 on page 103 and insert in lieu thereof the following:

"(c) To encourage the development, improvement and use of public mass transportation systems for the transportation of passengers, so as to increase the transportation efficiency of the Federal-aid systems for the movement of persons and goods, the Secretary may approve as a project on the Federal-aid urban system, public mass transportation projects involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of public mass transportation. Sums apportioned under section 104(b)(6) of this title shall be available to finance the cost of those projects."

Page 103 line 15 strike out "subsection (a) of".

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

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The call will be taken by electronic device.

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

[Roll No. 106]

Badillo	Daniel, Robert W., Jr.	Jones, Ala.
Barrett	Diggs	Karth
Biaggi	Dulski	King
Bingham	Evins, Tenn.	Kuykendall
Boggs	Frenzel	McCormack
Bolling	Gibbons	Maraziti
Carney, Ohio	Gray	Martin, Nebr.
Chappell	Griffiths	Martin, N.C.
Chisholm	Hansen, Wash.	Mathias, Calif.
Clark	Harvey	Mills, Md.
Clausen, Don H.	Hawkins	Morgan
Corman	Hébert	Murphy, N.Y.
Cronin	Holifield	O'Hara
Culver	Howard	Passman
		Podell

Powell, Ohio	Talcott	Wilson, Bob
Price, Tex.	Teague, Tex.	Wilson,
Rooney, N.Y.	Thompson, N.J.	Charles H.,
Rooney, Pa.	Tiernan	Calif.
Rosenthal	Treen	Wilson,
Ryan	Waldie	Charles, Tex.
Sandman	Wiggins	Wydler

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, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 372 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. When the Committee rose, the gentleman from California (Mr. ANDERSON) had been recognized to offer amendments, the amendments had been reported, and the Chair now recognizes the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Chairman, the amendment which I have just offered is a very simple amendment. It affects one portion of the highway trust fund only; the urban systems fund, $700 million per year, which is presently allocated to urban areas. Urban areas are those with 50,000 or more people.

My amendment permits State and local officials, with greater flexibility in the use of the share of urban funds they presently receive, by allowing for the construction of bus or rail transit systems, as well as the construction of highways. Presently they can only expend those urban system funds for highway and highway related construction projects.

Because there have been so many questions asked of me during the quorum call, I want to again say that perhaps the most important thing I can say about my amendment is not what it will do, but what it will not do.

First, it does not in any way affect the Interstate System. The Interstate System will be completed. As I reported a few moments ago, according to the Secretary of Transportation, work has either been completed or is underway on 98 percent of the 42,500 mile Interstate System.

My amendment does not touch that, nor does it affect the primary or secondary rural highway system. It does not alter, add or delete any of the funds authorized to any system by the Public Works Committee.

It merely permits the urban areas to use their funds in a manner that they feel will best solve their transportation needs. Some may continue to use their funds to construct highways. Others may allocate a portion to buy buses or to construct rail transit systems, and still others will use a combination of concrete, rubber, or steel.

No State will get less money if my amendment passes. My amendment is purely permissive. And no State or county area is required to spend 1 cent for mass transit. It is purely up to the local people. That is the reason I think that the Secretary of Transportation has been supporting and is working hard for my bill.

In his statement, the Secretary says:

We believe that the Anderson amendment which permits States and localities the option of using the urban highway funds for either highway or mass transit capital investments, provides the essential flexibility for our urban areas, but not at the cost of committing funds to more programs earmarking funds exclusively for highways.

During the general debate, we heard some comments about contractual authority by Mr. HARSHA of Ohio.

He said that under the Anderson amendment it would be "either/or," and under the committee bill it would be "both."

My contention is that under the committee amendment it would probably be "neither" because this contractual authority is a kind of gimmick, trying to tell us that we are going to get money from somewhere without touching the highway trust fund. They say it does come from the highway trust fund, but also they will not admit it has to take money out of the general fund—a fund in which there is not sufficient money today to meet our current needs. They say that yes, it is earmarked for that; they try to give you a sleight of hand——

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

Mr. ANDERSON of California. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I really take exception to the gentleman's remarks about sleight of hand, pretending, and things like that. Does the gentleman know that 90 percent of the money which is provided by this Congress comes out of the general revenue? Since when is that second-class money?

Mr. ANDERSON of California. Mr. Chairman, as long as the gentleman admits the money for their proposed contractual authority is going to be paid out of the general fund——

Mr. WRIGHT. Of course it is.

Mr. ANDERSON of California. I want to make that clear.

Mr. WRIGHT. What is wrong with that? Ninety percent of the money Congress appropriates come out of the general revenue. Is that second-class money? Has anybody ever turned it down?

POINT OF ORDER

Mr. DANIELSON. Mr. Chairman, a point of order. As I understand, under the rules of the House Members are to stand while debating.

The CHAIRMAN. The Chair sustains the point of order.

The time of the gentleman from California has expired.

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

Mr. Chairman, I rise to oppose this amendment. I rise to oppose it for at least three reasons why I believe the highway trust fund should not be diverted.

The first is that there is not enough money in the highway trust fund to meet the critical highway needs for this Nation between now and 1990. Just last year the Transportation Department put out the most comprehensive study of the transportation needs in the history of this Nation, the 1972 National Transportation Report. This report concludes that between now and 1990 we will need $600 billion to complete our highway programs, and of that amount approximately $300 billion is absolutely essential. It also goes on to state that the highway trust fund will generate only $125 billion during that period of time, or the highway trust fund will generate only 41 percent of the funds needed to complete the critical portion of our highway program.

So the first reason for rejecting this diversion is that there just will not be enough money in the highway trust fund to complete the essential programs.

The second reason why we should reject this diversion is because there is not enough money in the highway trust fund to meet the urban needs for highways. The proponents of this amendment would have us believe that they speak for urban America. I do not doubt that they speak for a large portion of the 32 largest urban areas of America, those areas which represent over 400,000. But I would point out to the Members of the House that there are 243 urban areas in America, and 211 of those 243 urban areas are less than 400,000, between 50,000 and 400,000.

I represent one of those urban areas, and I can tell the Members it is my belief that most of smaller urban America does not want the highway trust fund to be raided, because we need our highways in smaller urban America.

I would suggest that the exalted 32, the 32 largest cities in America, indeed do not speak for all of urban America, and there are 211 important smaller communities in this country which by and large do not want this trust fund busted.

This report states that between now and 1990 we are going to need $245 billion for the urban highway program, and at the same ratio of 50 percent that breaks down to over $100 billion needed for urban highways. There won't be that much available in the trust fund.

So that is the second reason for not diverting these funds, because there is not enough money to satisfy the needs of urban America.

The third reason why we must not permit the diversion of funds from this trust fund is because there is additional funding required to provide an adequate safety program in this Nation. We are killing more than 50,000 people in America each year. It is projected that this figure is going to go to 80,000 people in the next decade. We have to take dramatic action.

This highway bill does provide for a significant safety program. But that costs money. It costs lots of money.

Indeed, this report tells us that we can save approximately 50 percent of the lives which we are losing on America's highways. We can save 50 percent of the lives if we face up to funding a solid safety program in this country. I would suggest that we need every penny we can get to fund our program, so we can have modern and safer highways. We need every penny to save lives. We can save 25,000 American lives a year if we have a solid safety program.

I would suggest it is up to us in this Congress to stand up and be counted

and to fund this program to protect the highway trust fund so we can save 25,000 American lives.

These are the reasons why we should not divert funds from this trust fund.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania (Mr. SHUSTER) be allowed to proceed for 3 additional minutes.

Mr. MIZELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I rise in support of the amendment of the gentleman from California.

There is probably no one in this House that has been a more vocal and ardent supporter of the highway trust fund over the years than I have. I still believe it is the most successful mechanism ever put forward for financing a program and I believe the highway program is one of the most successful Federal-aid programs ever conducted by the Federal Government. I also believe that the highway program is still of vital necessity to this country and it will be for years to come.

What we are talking about in this amendment is using a small portion of the highway trust fund money for mass transit users in some of our cities.

My city of Chicago has one of the finest freeway networks of any city in the world and also one of the first transit systems. The transit system is, however, in trouble. No longer can we rely on the fare box to keep the system solvent. Increased costs of labor, equipment, and maintenance have made it impossible to operate in the black. Outside financial help of some kind is essential.

The amendment of the gentleman from California will not provide the total answer but it will be a help in moving toward some solution to the problem of decreasing mass transit patronage and even in some instances complete loss of transit service.

Combined with the other provisions in the bill such as title III which provides $3 billion of new money out of the general fund we can try our best to improve these conditions in our cities and bring balance into the total transportation picture.

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

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

Mr. Chairman, proponents of the movement to expand the use of the highway trust fund for mass transit under the Anderson amendment base most of their arguments on three points: First, there is a surplus in the highway trust fund available to be used for mass transit; second, enactment of the Anderson amendment would provide substantial relief for the cities; and third, Enactment of the amendment would not affect the allocation of funds to any State. These arguments continue to be made when in fact, all three have little basis in fact and are subject to serious question.

First, with regard to the so-called surplus in the highway trust fund. The 17th annual report on the financial condition and operations of the highway trust fund published by the Office of the Secretary of the Treasury actually shows a deficit in the fund. The status of the fund as of June 30, 1972, shows a balance in the fund of $4.5 billion, but charged against this balance are liabilities for unpaid obligations totaling $7.9 billion. These liabilities against the fund are based upon the Federal share of the cost of Federal-aid projects for which the Federal Government has entered into contracts with the States for the completion of work on these projects. These contracts have already been awarded and construction is now underway on the projects. The Federal Government is obligated to reimburse the State for the Federal share of the costs of these projects. The balance in the trust fund is committed to pay off the obligations.

So rather than a surplus of $4.5 billion in the trust fund, we actually have a deficit of $3.4 billion. If revenues into the highway trust fund were cut off tomorrow, there would be insufficient funds in the trust fund to liquidate present obligations.

Secondly, it should be made clear that all of the $700 million of urban system funds, although available for mass transit use, will not be used for that purpose but will be used for its intended purpose—in other words for highways. So it is unfair to hold out to the cities that such an amount will be used when in fact it will not. There is no question that this is solely an effort to break open the highway trust fund.

For example, there is a provision in the bill for the urban system, which is similar to all other systems, and that is that no State shall receive less than one-half of 1 percent of the urban system funds. Seventeen States fall in this category. Their transit needs, according to the 1972 national transportation report, from now until 1990 are practically all minimal.

Many of these 17 States will receive in the 3 years of this bill, under their urban system funding, amounts greater than their entire transit needs until 1990. Obviously, the small transit needs of the States compared to the urban funds received assures that practically all these funds will be spent on highways.

Even the city of New York, in testifying before the committee, indicated that their urban highway system needs for 1974 alone are $132 million. Under the "earmarking" provisions of this bill, New York City will receive $42.59 million, the largest in the country; yet, combined with the matching money under the 70–to–30 ratio, they cannot meet half their highway needs. Obviously, if they chose to spend some of this earmarked money for transit, then more of their highway needs will be set aside, or they will pay for them with their own money. If the latter is the case, then there is no need for the so-called flexibility in the first place.

On the other side of the coin, those cities with high indicated transit needs in the 1972 transportation report cannot even approach these needs if they use all of their urban system funds for transit. For example, New Jersey's transit needs are estimated at $2.47 billion by 1990. Their urban highway system funds for the entire 3 years in this bill total $98,865,000. Texas requires $2.34 billion in transit money by 1990 and will only receive $112,512,000 in the total 3 years of this bill. California requires $14.8 billion in transit money by 1990 and receives only $262,644,000 for their 3-year urban highway system money under this bill.

None of these States can use the amounts in this bill allocated out of the $700 million annual urban system apportionment as a satisfactory base for a major rail transit system because they have no idea of what will be in store after 1976.

So from either the standpoint of the smaller cities or the larger cities, there appears to be no measurable advantage in the Anderson amendment for transit.

It is obvious that the only issue concerned is breaking open the highway trust fund.

Finally, with regard to the point that enactment of the Anderson amendment would not affect the allocation of Federal-aid funds to any State. This is an argument repeated quite often which should be subjected to closer examination.

It seems to me that if we begin to fund both highways and mass transit from the urban system fund, pressures will be exceedingly intense in future years to increase the authorizations for the urban system, to meet the total transportation needs of the cities. Since funds in the highway trust fund are limited, it is obvious that the increased authorizations for the urban system would be at the expense of authorizations for the rural systems and could even cause extension of the date of completion of the Interstate System.

Let me pursue this line of reasoning further and show how the States would be affected by the increased authorizations for the urban system. Urban system authorizations benefit States more urbanized in character, since apportionment to the States is based upon urbanized area population. On the other hand, authorizations for the rural systems benefit the larger more rural States, since apportionment of these funds is based upon land area, route mileage, and population. So you see, if future authorizations are to favor the urban system and the urban States, the rural systems and rural States will suffer. The urban system cannot be funded in a vacuum without affecting the funding for the other systems. The resources in the trust fund are limited. It is pure nonsense to suggest that opening up the urban "D" system for both highways and mass transit would not affect the amount of money the States would receive for their interstate and other Federal-aid systems. Of course it would.

In the long run, all States would suffer under the Anderson amendment, particularly the larger more rural States. I

urge my colleagues to join me in defeating this unwise amendment.

Mr. WRIGHT. Mr. Chairman, I rise to see if it is possible to get some general agreement as to a limitation of debate on this particular amendment. It is an important amendment and no doubt the most important one on this bill.

We have debated the matter now for 20 minutes, and I would like to suggest that we debate this amendment until 6 o'clock tonight, and then conclude debate on it tomorrow morning, reserving the debate time tomorrow morning to 30 minutes, that time to be divided equally between the proponents and opponents. That is, 5 minutes to each of the following proponents of the amendment: the gentleman from California (Mr. ANDERSON) the gentleman from Illinois (Mr. ANDERSON) and whoever they two jointly care to select as a third; and the opponents to the amendment to be heard tomorrow, to include the gentleman from Ohio (Mr. HARSHA) the gentleman from Michigan (Mr. GERALD R. FORD) and myself.

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) has asked unanimous consent that debate on the pending amendment and all amendments thereto conclude this evening at 6 o'clock, and reconvene when the House resolves itself into the Committee of the Whole House on the State of the Union tomorrow. Then at that time there be 30 minutes of debate, to be divided as follows: 15 minutes to the proponents of the amendment, the gentleman from California, (Mr. ANDERSON) the gentleman from Illinois (Mr. ANDERSON) and such other persons as they may select for the remaining five minutes; and then the 15 minutes for the opponents of the amendment to be divided as follows: Five minutes to the gentleman from Ohio (Mr. HARSHA) 5 minutes to the gentleman from Texas (Mr. WRIGHT) and 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Is there objection to the request of the gentleman from Texas?

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, if we put a cutoff time tonight at 6 o'clock, I notice that there were over 20 people standing, and that gets us down to less than 2 minutes apiece. If that is part of the unanimous consent request, then I would object.

Now, if we could extend the time so that we allow each person a reasonable length of time, that might be all right, but I do not believe that 2 minutes for each person is reasonable, and that would be something else to consider.

But as the proposal has been made, I will object.

The CHAIRMAN. Objection is heard.

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

The SYMMS. Mr. Chairman, will the gentleman yield?

Mr. ZION. I am pleased to yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I am very concerned about the possibility that this Congress might transfer money from the highway trust fund to purposes for which the money was never intended. Certainly no one would deny that the cities need alternate means of transportation. The traffic jams and pollution in our cities is a serious problem. However, stealing money from the highway trust fund is not the way to solve the problem. The money in the trust fund is needed to finish the present highway system. To divert it to some other use at this time would cripple the highway system, and would not begin to supply the amount of money needed by our cities anyway. The sensible thing is to finish our highway system with the funds provided for that purpose, and work out a new and realistic program to build transit systems in the cities.

I am convinced, in spite of assurances to the contrary, that if this legislation is passed the rural States will suffer a considerable loss. I can see at least three ways in which this could happen.

First, the interstate funds have been allocated to build interstate highways across the Nation. Several large cities originally believed that they would need high speed corridors through certain areas. Now, because of expense, noise, pollution, and inconvenience to local inhabitants, those plans may not be carried out. Under existing law, if those expressway are not built, the funds designated for them will go back into a common pool, and be used to finish interstate highways somewhere else in the United States. If the trust funds is raided by the Congress, the cities can use that interstate money for alternative transportation systems.

Second, if a city decides to use its highway money to build rapid transit or some other form of transportation, it stands to reason that it will neglect the task of finishing its own roads. You cannot spend the same dollars twice. The effects of this neglect will probably not show for 2 or 3 years, but then we will hear an outcry that there is not enough money to build needed roads. When that happens we will be right back here with a proposal to solve the problem by sharing some more of the highway trust funds.

Third, the purpose of the trust fund was to build highways. Once we establish the principle that it is all right to steal a little from the trust, it will be easier the next time to steal a little bit more. There is a severe need in our Nation's cities for the construction of rapid transit. That need is not going to be satisfied by the dollars which they receive from this legislation. They will need far more than the trust fund can supply, and will be looking for every source which can be tapped. If we now establish the principle that trust funds can be used, they will be back for more next time.

We need to build transit systems, and we need to finish our highway system. The trust fund moneys are not adequate to build the city systems. Let us not destroy our road system by spreading our money so thinly that neither job is finished. I urge my colleagues to vote down this amendment.

Mr. ZION. Mr. Chairman, back in 1956 the Congress of the United States made a firm commitment to the highway users. They said, "You people out there using the highways, paying your taxes for highway use, put your money into a special fund and we are going to give you the best transportation system in the history of the world."

This was a firm commitment that was made by the Congress of the United States. We said, "We are going to provide safe and dependable highways." We have not done too well in this regard because of inflation and impoundment, and a few other things. We have not kept our commitment. As the gentleman from Pennsylvania said, we lose a lot of lives as a result.

Last year 56,300 people were killed on our outmoded, old-fashioned, horse-and-buggy highways. So we see that delay in completing this important highway system for which we have committed ourselves is resulting in deaths.

And here is something that has not been touched on. This system is about 80 percent completed. A highway system that is 80 percent completed is about as effective as a chain with three or four missing links. It is practically useless.

Let us take, for example, the stretch of I–64 between St. Louis and Louisville. Sure, there are some great, big, beautiful four-lane highways, beautiful bridges, and there are some well decorated landscapes, but it does not do you much good if it does not go anywhere, does not start anywhere, and does not end anywhere.

So, although it might be 80 percent completed, it certainly is not 80 percent utilized because it is not finished. And until we finish these missing links, until we have an unbroken chain, it is not going to do us much good. Then as was pointed out, the amount of money that we are talking about for mass transit that could be taken from the trust fund is really a drop in the bucket.

We have testimony in our committee about the need for subways, and there is no question but what we need subways and other methods of mass transit, but they cost $4 or $5 billion each. We understand about 65 cities are interested in building subways, so the Members can see the amount of money that is required certainly is not going to come in any effective amount from the highway trust fund.

My point is that, surely, they have a problem in mass transit, but we have at least an equally serious problem in moving the completion of our Interstate System and the rest of our ABC system. The fact that we are doing such an inadequate job does not, in my opinion, justify doing a worse job of saving lives on the highways by adopting this amendment.

I urge its defeat.

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

Mr. ZION. I yield to the gentleman from Minnesota.

Mr. NELSEN. I would like to comment that the missing link is there, and the gentleman used the example of I–64 in Indiana. Southern Minnesota Highway 90, joining from the west, to the east is incomplete, and the transportation system is totally impaired. Until links like this are completed, I feel it is devastating to dip into this trust fund. I thank the gentleman for his statement.

Mr. ZION. I thank the gentleman from Minnesota.

Mrs. BURKE of California. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from California (Mr. ANDERSON).

The U.S. Department of Transportation's 1972 National Transportation Report, a 2-year study based on reports from State and local governments, found that between 1970 and 1990, approximately $63 billion will be needed to meet mass transit needs of our cities. We in Los Angeles know how desperately we must have a balanced, multi-modal transportation system to serve the complex needs of our people. The amendment offered by Mr. ANDERSON would give local officials the option of using up to $700 million each year from the highway trust fund for rail and bus systems, new highways, or any combination thereof.

In Los Angeles, such flexibility would be responsive to the area's transportation needs. Los Angeles County encompasses about 4,000 square miles, an area larger than Delaware and Rhode Island. It contains over 7 million people, a population greater than 42 States. There are more than 4¾ million vehicles in the county, more vehicles than are registered in 44 States. We need to have assurance that Federal funds will be available to develop alternative means of public transportation.

Our reliance on the automobile has made the air we breathe unsafe. At the same time, we are learning that we may not have enough gasoline for our cars, and they may have to remain unused in our garages. Accordingly, it is shortsighted to rely on one mode of transportation and the Anderson amendment provides our local officials with greater flexibility by which to meet the communities' transit needs.

To help our major population centers meet these needs and provide the flexibility in the use of their share of funds to purchase buses or rail transit systems as well as the construction of highways, the Anderson amendment provides financial support essential to the development of a balanced transportation system, including rapid transit, buses, and highways. It is for these reasons that I support the Anderson amendment and urge its adoption.

Mr. Chairman, I would also like to rise to explain and clarify my intent in proposing the amendment adopted by the Public Works Committee relating to rail-highway crossings.

The adopted amendment appears as section 203(f) of the House version of S. 502, the Federal-Aid Highway Act of 1973. This amendment would allow local governments to use Federal funds for construction of rail-highway separation and relocation projects and protective devices when States require that local governments produce matching funds as a prerequisite to receiving any Federal funds.

As I tried to make clear in the committee when I offered this amendment, the purpose of my amendment is to insure that States do not place any financial restriction or qualification on the use or availability of Federal funds for railroad-highway crossing projects or devices.

One such restriction which I had in mind is the requirement of the State of California that local governments provide matching funds of approximately 45 percent of the total cost before a project or device will be authorized. This financial qualification has not only discriminated against the smaller, poorer cities which can't afford, in many cases, to meet the large matching requirements, but also prevents those projects and devices from being constructed where the highest need exists. The results of this local matching requirement has caused about $25 million in California to remain unspent which could otherwise be used to remove many of the killer crossings in California, which took 78 lives and injured a total of 387 people in 1971.

Since grade-crossing protection is essentially a safety improvement program with its objective being the reduction of accidents and the resulting prevention of fatalities, injuries, and property damage, the prime criterion for construction of such protection projects should logically be the accident rate, taking into consideration such items as the total number of accidents at a given intersection, the highway traffic volume and the train traffic volume over a given period of time. It is my expectation that my amendment will cause the appropriate State agencies to allocate Federal funds solely on the basis of safety improvement and not on the ability of a locality to meet the financial matching requirement.

Mr. Chairman, I believe my amendment will make it possible for financially hard-pressed local entities to use Federal funds to obtain available matching State funds and thereby enable the elimination of many hazardous railroad-highway grade crossings. Unless this is done, the unnecessarily high death and accident rate attributable to grade-crossing accidents will continue.

Mr. MATSUNAGA. Mr. Chairman, will the gentlewoman yield?

Mrs. BURKE of California. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, today, April 18, will go down in congressional history as a day of confusion.

A distinguished British parliamentarian who served in the British Parliament for 40 years, and who became known as Back Bench Hamilton, after 40 years of service in the Parliament made this observation: If you cannot refute, confuse.

It seems that the opponents of the Anderson amendment have taken a lesson from Back Bench Hamilton, for, judging by the arguments they have made, there is more of an attempt to confuse the issue than to elucidate.

Mr. Chairman, as a sponsor of a bill which is virtually identical to the pending amendment, offered by the distinguished gentleman from California (Mr. ANDERSON), I urge its adoption.

I believe it is important, Mr. Chairman, to note what the amendment would not do.

It would not change the State-by-State allocation of funds.

Rural highway funds will not be made available for mass transit use; it will still be reserved for highway use.

It will not affect the Interstate System itself.

It does not even require that one additional dollar be spent on mass transit instead of highways.

What the Anderson amendment would do, Mr. Chairman, is to permit the State and local officials, who bear the immediate responsibility for coordinating an areawide transportation system, to make a choice of diverting some urban highway funds to other, higher priority transportation uses.

Transportation problems in my own State of Hawaii are unique. There are eight major islands which comprise the State, and they are separated by miles of ocean water. Moreover, 85 percent of the State's 800,000 people live on the island of Oahu, which I represent in part. Even though the total population of Hawaii is relatively small, my district on Oahu contains some of the most highly urbanized areas in America. Regrettably, traffic jams have invaded the paradise of the Pacific and are causing frustrations and unhappiness among otherwise happy Hawaiians.

Indeed, because of Hawaii's unique transportation needs, I have for several years sponsored legislation to grant officials in Hawaii the same choice in the use of highway trust funds which would be provided the entire country by the Anderson amendment.

Mr. Chairman, the Anderson amendment if adopted will help Hawaii; it is my firm conviction that it will also help America, in a most meaningful way.

State and local officials in Hawaii and every other urban area of the country are now required to develop comprehensive transportation plans related to local needs. It is time that they were given the flexibility they need to pursue the goals set forth in those comprehensive plans in a realistic way.

I urge the adoption of the Anderson amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentlewoman yield?

Mrs. BURKE of California. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, we heard earlier today two very fine speeches from two very fine Members of the House on this amendment and I commend each of them on their presentation even though I think they were wrong.

I would like to comment on the reasons why I think they were wrong. First of all, the gentleman from Pennsylvania referred to a national transportation report which estimated $300 billion would be perhaps needed to meet the essential highway needs and over the period of the next 20 years only $125 billion would flow into the fund. The fact is that the same report points out the estimate of the economically justified highway investments is roughly $100 billion, of which the Federal share equals $70 billion, and this is the figure that ought to be compared with the $135 billion in the projected trust fund and not the $300 billion.

On the second point, if I may pursue the point which the gentleman from Louisiana (Mr. BREAUX) made, he tried to suggest that with $7 billion in outstanding obligations at the end of fiscal

year 1973, perhaps the fund is bankrupt, or with only $5.4 billion in the fund at the end of the fiscal year. Now it is true that there are $7.7 billion in outstanding obligations. The fact of the matter is that most of the $7.7 billion in outstanding obligations will be paid over the period of 2 years. During the same 2-year period $12 billion will flow into that fund, so that money plus the $5.4 billion currently on hand will be more than enough to meet the current obligations of the fund.

I can reassure the Members of the House they need not fear there is not going to be any money there for these obligations.

The CHAIRMAN. The time of the gentlewoman from California has expired.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the gentlewoman from California may proceed for 1 additional minute.

Mr. SEIBERLING. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SEIBERLING. Mr. Chairman, I rise in support of the Anderson amendment.

Mr. Chairman, it would be heresy for a person from Akron, Ohio, to proclaim that he did not support Federal aid highway legislation, and I am not about to commit any such heresy. I have supported it and will continue to support it. But that is not enough. There is probably not one single official of one single tire company who would publicly admit that he is in favor of the Anderson amendment. Yet if you talked with them privately, many would concede that we cannot go on as we are going, trying to build ever more highways to solve our transportation problems. The reason is simple; we have discovered that we can build automobiles faster than we can possibly build highways.

Twenty years ago I lived in New York City, and one of the first things I learned was that you just do not take your car to go anywhere in New York City during business hours. In fact, without its subway system, New York then and now would be almost totally immobilized then and now, most of the time.

This is happening today in Akron, Ohio and Washington, D.C. and practically every other large city without an effective mass transit system. It took me 55 minutes this morning to go in my car from my house on Capitol Hill to a meeting in the Washington Hilton Hotel. Yet today mass transit is on the verge of disintegration in Akron, Washington and many other cities.

How are we going to solve that problem? Unless we provide adequate funds for mass transit, the problem is simply not going to be solved. One of the reasons we have such horrendous traffic problems in our urban centers is that the Interstate Highway System funnels tremendous numbers of automobiles in and out of the city, yet it is impossible to make enough space in city streets to take care of them, unless we simply tear down huge areas of the inner city and turn them into streets.

So if we are going to have a successful use of our highway system and our streets and our system of automobile transportation, then we are going to have to provide some way to end this congestion, and the way is to provide mass transit. It is not at all illogical to take the money out of the highway trust fund because the highway trust fund is one of the reasons we have the problem in the first place, I submit that those who wish the automobile to be the convenient and useful thing that it has been and can be are going to have to make some of that money available for mass transportation in those cities that need it.

The point has been made here that we have an energy crisis and in today's message from the President he says:

> We as a Nation must develop a national energy conservation ethic.

Last week the Science and Astronautics Committee's Task Force on Energy published a report of its findings. I was most gratified to be a member of that task force. I hope all members will read it. If they do, I believe they will begin to get a clear picture of the element of the energy crisis. It is real, it is here, it is going to get worse, and it is going to be years before it gets better.

In simple terms, it means we can no longer afford to be almost totally dependent on the automobile. This is, in fact, the logical time to start moving in the other direction. If we authorize local communities to take the money from the highway fund for mass transit, we will not only be making funds available for an urgent need, we will also be sending a message to the Nation that the Congress itself is developing an energy conservation ethic.

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

Mr. SEIBERLING. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, the gentleman is aware, is he not, that the bill provides $3 billion in new contract authority?

Mr. SEIBERLING. I am aware of that. In fact, I was going to commend the committee for doing an absolutely outstanding job in this bill. That is one of the aspects that is outstanding. However, to provide, as the bill does without the Anderson amendment, that all money for mass transit must come out of the general revenue, is to postponing a decision which we should take now. Let us "bite the bullet," and tell the country, in the most tangible possible way—by cash on the line—that we are going to reduce our Nation's over-dependence on the automobile.

Mr. WRIGHT. Mr. Chairman, I wonder if it would be possible at this point for us to get some general agreement on a limitation of debate on this amendment.

I would like to renew my earlier unanimous consent request that we continue until 6 o'clock this evening and rise at that time; that tomorrow there be 30 minutes of debate on the amendment to be divided equally between the proponents and opponents in the manner I have suggested.

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

Ms. ABZUG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WRIGHT. Mr. Chairman, may I amend that suggestion, then, so as to allow an additional 5 minutes tomorrow for the gentlewoman from New York?

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

Mr. MYERS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. ABZUG. Mr. Chairman, I rise in support of the amendment.

POINT OF ORDER

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

The CHAIRMAN. The Chair will count.

Mr. HAYS. Mr. Chairman, I withdraw the point of order.

Ms. ABZUG. Mr. Chairman, I rise in support of the Anderson amendment and will try to clarify some misstatements which have been made with respect to the impact of this amendment.

One of the previous speakers tried to leave the impression that the Anderson amendment would provide flexibility in transportation choices only in places where the population is 400,000 or over. That is not true.

The Anderson amendment addresses itself to what are known as "urban system" funds. Urban system funds are spent in areas of 50,000 population or more. Also, in States where there is no urbanized area of 50,000 or more, the largest urban area would be eligible for these funds.

Therefore, we are actually speaking of flexibility for localities which are very large in number across this country and whose total population is 120 million people.

The purpose of the Anderson amendment is to recognize the realities of modern times, as others have indicated here. That is, it becomes important, in order to provide for balanced and flexible transportation systems, to take the funds for urban systems already allocated to certain areas and let them determine what mix they want, be it roads, buses, rails, what have you.

As has been said before, this amendment does not affect the Interstate System and does not touch the two rural systems. It affects only moneys already allocated to urbanized areas of 50,000 or more.

Such locality, together with the State, will then determine how best to use the money. Various cities will spend it in some instances for roads, in some instances for buses, and in some instances for mass transit. That would have to be decided by each locality, in conjunction with the State.

Another thing which has been stated is that we do not need the Anderson amendment because the committee bill has a very interesting proposal by the gentleman from Texas (Mr. WRIGHT) which says we can get our $700 million out of general funds.

There is an interesting thing about that $700 million. We have had a great deal of difficulty getting any appropriations here in the Congress, but, more

than that, in order for us to get the $700 million out of general funds under the Wright proposal, an equivalent $700 million in the Highway Trust Fund will be self-impounded by us. We will not be able to use that $700 million. It will be effectively impounded. We cannot use those moneys. We cannot use them for anything—not for schools, not for housing, not for any of our needs. And, because of this double-funding feature, we might get a tax increase to boot.

It is fiscally irresponsible, because we are putting up $1.4 billion in order to get $700 million. We who support the Anderson amendment do not seek to be fiscally irresponsible. We are seeking, in supporting the Anderson amendment, merely to recognize the reality that that $700 million which is already committed to the urban system areas, those of 50,000 or more, should merely be left to them to determine how it should be spent.

We are not seeking to get more money. We are not taking more money away from the interstate fund. This cannot touch the Interstate Highway System or the rural systems. It is very important to recognize this.

The fact is we know that our transportation needs, as indeed our needs for housing, health care and child care are far more than we can find in any fund. The fact is that we need far more than the $700 million at issue here, but this is not an argument against our using the $700 million already available to us in the best possible way to meet our current needs and to try to solve our current problems.

To suggest that it will not give us any relief is wrong. I believe it is also self-defeating for those who need increased work and completion of the highway system, to oppose this.

The 1970 census showed that 73.5 percent of the American people—about 150 million of us—lived in urban areas; in addition, a substantial portion of the remaining 26.5 percent commute to and from urban areas to earn their living. As our Nation has become more and more crowded, the use of the private automobile as a basic form of transportation in our urban areas has become increasingly inefficient and damaging to our environment. It is now clear that the future of transportation in our urban areas must be in the form of such modes as bus and rail transportation.

We simply do not have room for all the cars.

Also, we cannot breathe the air. In southern California, a serious attempt is now being made to cut back substantially on the availability of gasoline for private cars. The absence of mass transportation in and around our urban areas has led to such a glut of private cars on the road that even the commercial traffic for which the Interstate System was in large part built is unable to move expeditiously from place to place.

We have the Interstate Highway System, and there is going to be increased work on this Interstate Highway System. That is not inconsistent with our suggestion that in order to make that system more effective is to alleviate congestion, to alleviate pollution, to alleviate the problems that have been described with respect to energy, by finding alternate modalities of transportation.

It has been suggested here by our colleague from Ohio (Mr. HARSHA) that we cannot reduce the carbon monoxide level. I find that a very strange suggestion indeed. The Anderson amendment will not cure this, but it is a significant step in the right direction.

Mr. WRIGHT. Mr. Chairman, I should like to try one more time. I should like to renew my earlier unanimous-consent request.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Texas (Mr. WRIGHT)?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent agreement was entered into will be recognized for approximately three-quarters of a minute each.

The Chair recognizes the gentleman from Ohio (Mr. JAMES V. STANTON).

Mr. JAMES V. STANTON. Mr. Chairman, I rise in support of the Anderson amendment.

Mr. MURPHY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from Illinois (Mr. MURPHY).

Mr. MURPHY of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, earlier in the debate the gentleman from Pennsylvania argued about the fact that all the urban areas do not wish to use the money that would come to them for highways for mass transportation.

The Anderson amendment gives the local officials that option, to use it for mass transportation on or for highways. I do not think there could be anything more fair.

I shall refrain from giving an historical analysis of the Highway Trust Fund since many of my colleagues will perform this task admirably. I shall not delineate the varied uses of the Highway Trust Fund over the years in order to justify opening the fund for mass transit. Other colleagues will mention these facts.

I shall not give statistics on the dollars spent for highways versus the dollars spent for mass transit. This subject also will be exhaustively covered. Finally, I will not address myself to rural needs. I would not presume to speak for them and the Anderson amendment in no way affects them.

What I would like to do however, is give a few observations on what I view as a transportation crisis in our urban areas.

Traffic congestion used to be a rare occurrence, a weekly annoyance. But who among us is not now involved in a traffic tieup on a daily basis. If our methods of transportation in our cities were modern, safe and uncrowded, I would look upon the trust fund as inviolable. But our population has drastically increased this last decade, the number of automobiles has skyrocketed and pollution is beyond acceptable levels.

Highway officials suggest that we build more highways and widen existing ones. But is this truly an acceptable or adequate solution? What happens when additional highways are built and widened and problems of congestion and pollution continue to plague us? Should we not seek alternative solutions now while time remains for experimentation and research? Should we wait until the maze of freeways permanently destroys the physical appearance of our urban areas?

I am a member of Mr. ANDERSON'S bipartisan Mass Transit Committee organized to urge fellow Members to release urban system funds for mass transit, rather than restrict these funds for highway construction and improvement. The Anderson amendment to the Federal-Aid Highway Act of 1973 would preclude spending for highways in instances where the funds could be better used for bus or rail transit systems.

The Anderson amendment gives local officials the opportunity to decide how the Federal Highway Funds should be spent. The Federal Government would not be responsible for ascertaining the transportation needs of all the localities in the Nation. The Anderson amendment is a direct, flexible, foolproof method of legislating for the needs of all people. Money would go where the needs of the people would best be served.

There is an inherent flaw in the bill reported from the committee in its response to mass transit needs; namely, that locales would be hesitant to return highway trust funds because there is no guarantee that an identical amount of general funds would be available for mass transit.

Chicago contributed interesting statistics to the 1974 national transportation study regarding freeways in the Chicago urbanized area in 1972. There was a comparison between the vehicular miles traveled and the miles of freeway available. The findings indicated that the Chicago freeways were then handling a capacity 110 percent greater than had been anticipated.

Unfortunately, Chicago is not unique in this regard. I do not profess to know all the answers to our urban transportation crisis but I do know the first step toward a sane solution—the Anderson amendment.

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

Mr. MURPHY of Illinois. I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, what that means is that if a dollar out of the urban system is spent for mass transit, that is one less dollar that can be spent in the urban system for highways; is that not a fact?

Mr. MURPHY of Illinois. What I was saying is this——

Mr. SHUSTER. May I ask the gentleman, is that not a fact?

Mr. MURPHY of Illinois. Mr. Chairman, it is contributing to the people in the major cities in any event, the cities like New York or Chicago. That is our money, too. There is nothing inviolate about the trust fund.

(By unanimous consent, Messrs. ROUSSELOT, HUNT, and SYMMS yielded their time to Mr. SHUSTER.)

The CHAIRMAN. The gentleman from

Pennsylvania (Mr. SHUSTER) is recognized.

Mr. SHUSTER. I thank the Chairman.

The distinguished gentleman from Illinois (Mr. ANDERSON) said that he had information concerning my reference to the 1972 National Transportation Act, that there is a critical need for $300 billion for highways between now and 1990. The gentleman suggested that he had information which said this was not so, that indeed it was only $100 billion.

Now, Mr. Chairman, I would not only point to this exhaustive study as a basis for my statement, but I would also point to the extensive hearings by the Committee on Public Works, where we were told time and time again that the figure of $300 billion was a reasonable figure, and this has been corroborated time and time again.

Mr. Chairman, I would ask the gentleman from Illinois (Mr. ANDERSON) where he got his information.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield, I have a letter which I will read.

Mr. SHUSTER. Yes, I will yield to the gentleman from Illinois (Mr. ANDERSON) for an answer to my question.

Mr. ANDERSON of Illinois. Mr. Chairman, I have in my hand a letter signed by the Secretary, Mr. Claude S. Brinegar. The letter is dated April 18, 1973, from the Secretary of Transportation, and I quote:

> The same report cited by Congressman Harsha does state—

Because this was cited in a statement delivered to the Member yesterday—

> also states that the cost of justifiable highway investments is well below $300 billion. The estimate of economically justified highway investments in the Report is roughly $100 billion, of which the Federal share equals $70 billion.

This is the figure that should be taken into consideration.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman from Illinois (Mr. ANDERSON) for the information. That information is nowhere in this comprehensive report, and if the gentleman can show this House where it is, I will be happy to eat this book.

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

Mr. KOCH. Mr. Chairman, I think everybody in this Chamber is aware of what is being sought under the Anderson amendment, which I support.

There are Members who recognize the need for this amendment and yet are concerned that their constituents misunderstand its provisions and think it will take money away from the rural road and interstate program. May I urge these Members to vote for the amendment and educate their constituents on what it really means. We in the urban areas have stood with people in rural areas time and time again. It is time for you to stand with us.

For those who need the arguments, may I suggest that the inadequacies of our cities' mass transit systems are adversely affecting auto drivers—as well as transit riders. Too often today the highway is used for daily commuting purposes when mass transportation, if available, could carry persons going to and from work far more economically and efficiently. If more people use mass transit, the automobile driver will benefit from decreased congestion—his trip will be both faster and safer.

In New York City the problem is compounded by unacceptable air pollution levels. If the city is to meet air quality standards required by the 1970 Clean Air Act, even while the most stringent auto emission standards are imposed, fundamental changes will have to take place in the center city's transportation patterns. This means that private automobile travel will have to be reduced and mass transit use increased.

If more people do not willingly switch to mass transit in coming years, the city may find itself forced to restrict auto traffic in the central city if it is to meet the Federal air quality standards. It would be better for everyone if mass transit were improved and those who by choice could use public transportation did so, leaving the roads to those who need to drive their private cars.

For too long urban communities have had to choose highways over mass transit even if transit might better serve the public, because only highway moneys have been available. The time has come for the Congress to give our States and localities the flexibility needed to allocate these transportation dollars for that form of transportation most suitable for their needs; sometimes this will be highways, and other times mass transit.

What the cities are asking for is merely the option of using these dollars for mass transit facilities. If the cities want highways, as those who oppose the amendment would have us believe, then highways will be built. What then is to be feared in providing this option?

The highway lobby argues that the gasoline, oil, and tire taxes are held in "trust" for highway users. But, I would submit that there is nothing more sacred about collecting taxes on gasoline than on cigarettes or liquor, the proceeds from which go into the General Treasury. All taxes bear on the taxpayer and diminish the public's ability to carry other taxes. Furthermore, prior to 1956 they were not earmarked for the highway trust fund. They went into the General Treasury, instead. There is no transgression committed in the Congress broadening the list of eligible expenditures to better accommodate today's transportation needs.

This is an amendment whose time has come. It is supported by the National League of Cities-U.S. Conference of Mayors, the National Governors Conference, Common Cause, the United Auto Workers, the Teamsters, the Sierra Club, and many other such organizations. And it has been accepted by our colleagues in the Senate. We are at a significant crossroads in the history of our Nation's transportation program, and I urge the House to respond affirmatively in passing the Anderson amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the Chair for recognizing me.

Mr. Chairman, I rise in support of the amendment of the gentleman from California (Mr. ANDERSON).

On past occasions I have voted against similar amendments. But, after listening to testimony taken before the Urban Mass Transportation Subcommittee on this subject, I am now persuaded that the problem of urban mass transit is much more serious than whether we construct additional Interstate highways. This has not always been true; but, the theory behind the establishment of the highway trust fund was to move mass numbers of people from one place to another with a minimum of delay and difficulty. We have constructed 34,393 miles of Interstate Highway at a cost of $49,000,000,000. And it is not as if none of the money has ever been used for other than interstate highways. The more serious problem now facing the Nation in this regard is providing funds for urban mass transportation systems. Besides, I recently sent out 160,000 questionnaires. On the questionnaire I asked as my very first question—

> Should a portion of the gasoline tax money collected and pledged for the highway trust fund be directed to finance urban mass transit systems?

To date, we have received somewhere in the neighborhood of 25,000 responses. Approximately 70 percent of those responding have answered "yes" to this question. This is the most persuasive argument I have heard.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Chairman, I am in complete support of the Anderson amendment to permit a degree of local option in the expenditure of highway trust fund moneys.

I am also pleased that the Rules Committee made possible consideration of the Anderson amendment by the full House membership. It was the closed rule which accompanied the same bill last year that prompted me to vote against the legislation on final passage, even though I recognize its provisions are urgently needed.

An honest argument can and has been made in defense of the present freeway funding system. There have been eloquent appeals here for retention of the existing system, and many well intentioned people in my district have sought to persuade me toward that viewpoint.

But critics of the Anderson approach often overlook the fact that at most only a small proportion of trust moneys would be siphoned off for bus or rail transit—a maximum of $700 million a year against a total annual authorization of $5.5 billion. There would be plenty of money left over for full highway development, even in the highly unlikely event that local governments chose to use all the urban system funds available to them for nonhighway purposes.

I also strongly believe that it is not good enough to simply write a separate authorization for mass transit to be funded later through regular appropriations. As recent events have so amply demonstrated, an authorization these days is no guarantee of funding even approximating the amount authorized. It is fair to use the gasoline tax to pay for transit since the proliferation of automobiles is after all the primary reason we

have such a crying need for alternative modes of transportation today.

Yesterday, the San Diego City Council in my home area went on record in support of broadening uses of the highway trust fund to include "alternative transit modes." I am pleased to include the council's resolution at this point with my remarks.

RESOLUTION NO. —

Whereas, San Diego citizens urgently need alternate forms of transportation to reduce their dependence on automobiles; and

Whereas, rapid or other transit modes could provide alternatives and help reduce San Diego's air pollution problem; now, therefore,

Be it resolved, by the Council of the City of San Diego, as follows:

That the United States Congress is urged to approve expenditure of a portion of gasoline tax revenues for alternative transit modes by broadening the use of the highway trust fund.

Approved: John W. Witt, City Attorney.
By ROBERT S. TEAZE,
Assistant City Attorney.

Adopted unanimously by San Diego City Council, April 17, 173.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

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

This should not be construed that I am opposed to a balanced system of transit. I certainly support a balanced system. But to use the analogy we are only talking about home rule that has been used now, but I wonder if the sponsor of the amendment and Mr. VAN DEERLIN would appreciate it if when they drive from here to California they would go through Indiana and if the Government should decide that we will spend all the money on railroads, if they would appreciate it if they would have to park their car at the State line and go across Indiana in a railroad car. I do not think they would really appreciate it.

I think our friends would like to see a balanced system of transportation in the cities across the country and in Washington, D.C., but when they come to a city they do not want to have to leave their car in the suburbs and ride through the city on a questionable means of transportation.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. GINN).

Mr. GINN. Mr. Chairman, the Anderson amendment suffers from one fatal falacy. It seems to be founded upon the assumption that there is an unlimited supply of money in the highway trust fund.

This, unfortunately, just is not so. The balance in the highway trust fund is more than committed to existing highway needs.

There simply is not enough money in the trust fund to serve the purposes of both highways and mass transportation.

The proponents of the Anderson amendment have said that it would not hurt anybody else for them to take moneys out of the trust fund. This is absolutely not so. The truth is that it would hurt everybody else.

Under the committee bill, a city substitutes a mass transit project for a portion of its highway money, it gets its money for mass transit in contractual obligation against the general revenues. But the money it does not use for highways goes back into the trust fund and is available for later use in liquidating obligations of the highway program.

So the Anderson amendment in effect would only apply to a handful of cities—and it would not give them anything they cannot get otherwise out of the committee bill—and it would penalize all the other cities and small towns throughout the country.

In my opinion, to divert funds from the highway trust fund would be like putting a screen door in a submarine. It does not make sense. I think we should vote down the Anderson amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I rise in support of the Anderson amendment. To those of us who know them, rush-hour traffic jams are no joke. The wasted man-hours, to say nothing of the aggravation, are no joke. Yet we insist on providing funds—and the committee bill does this—that can be used only to build more highways in urban areas that are already strangling with traffic. This is ridiculous.

We talk of pollution. This is our chance to do something about it. Auto emissions account for 80 percent of the pollution in some areas. We are talking of barring cars from our cities because of pollution.

The Anderson amendment is a chance to allow these communities the flexibility to combat the pollution problem by encouraging public ground transportation. We should do more than just talk about pollution—we should put our money where our mouths are.

We talk about an energy crisis and a shortage of fuel. The automobile is only about 5 percent efficient in its use of energy. A commuter bus is 4 times more efficient; rail ground transportation is 7 times more efficient. Why cannot we pass the Anderson amendment to permit greater use of these more efficient forms of transportation?

We talk of an energy crisis. The Anderson amendment could help do something about it.

This amendment takes nothing away from the Interstate System, or the primary system, or the secondary system, or rural America. No State gets less money. Nothing is compulsory. It is permissive only.

I join in asking my colleagues to permit those of us from urban communities to decide for ourselves how our transportation dollars—our tax dollars—should be spent.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I rise to support the Anderson amendment, which gives local officials greater flexibility in the use of their share of the highway trust fund. This amendment, which also reflects the views of the Nixon administration, would allow the funds to be used for bus or rail transit systems or for the construction of highways, depending on the needs of the local urban areas as determined by local officials. Under current law, urban areas can use urban systems funds only for highway projects, whether or not such projects are needed.

I support the Anderson amendment for many reasons. One of the most important of these reasons is the potential effect which this amendment will have on the energy crisis now bearing down on us. The approach to the energy problem by our country has been fragmented and without direction. Too often we have failed to consider the energy ramifications of actions taken here in these Chambers. But recently we have seen that our oil and gasoline supplies can no longer be taken for granted. In fact, the front pages of our newspapers this week contain reports of coast-to-coast gasoline shortages. We have seen that our energy needs, our national defense, our balance of trade and payments, the strength of the dollar, and the health of our national economy all lean on each other. If one is weakened, so are the others. The Federal-Aid Highway Act of 1973, if it contains the Anderson amendment, provides us with a good opportunity to deal with the energy problem in the area of transportation, which accounts for nearly half of the U.S. petroleum consumption.

Exclusive emphasis on highway building could severely aggravate an already teetering energy balance. The question has to be asked: What good are more and more highways if we do not have the fuel needed to travel on them?

We all know what highways have done for America. I have said here on an earlier occasion that our highways are the threads which hold together the economic and social fabrics of our Nation, that our highways are the concrete conveyor belts for goods, services, people, and ideas.

But these threads are fraying in some areas and the time has come to give serious consideration to what continued emphasis on highway construction may do to America, if other means of surface transportation are not factored into the transportation equation.

The gasoline used in private cars represents one-fifth of all energy used in the United States. Of the 5½ billion barrels of oil which represented the total U.S. demand for petroleum products last year, 42 percent were for highway purposes. In 1972 our cars and trucks consumed 4.6 million barrels of gasoline a day. Consumption is increasing at a rate of 4 percent annually, and may climb even more steeply as the new emission control devices—which could reduce mileage 15 to 25 percent—come into use.

In terms of fuel consumption, the private car today is approximately as efficient as a 747 jetliner—that is, both deliver about 22 passenger miles per gallon. By comparison, a commuter train gets 200 passenger miles per gallon of fuel, and a city bus better than 100 passenger miles per gallon.

If just 1 in 10 of today's auto trips were by bus, we would save 3 billion gallons of fuel per year.

People drive their own cars because the modern highway—and the highway culture it has created—make the car an unmatched convenience.

Yet, in many of our cities today that convenience is more illusion than fact.

The 60 mile-per-hour efficiency of the Interstate System often ends abruptly at the suburbs. The crawl pace common during the commuter hours produces tons of exhaust fumes, and convoys of exhausted and fuming motorists. Truckers and intercity travelers caught in the urban congestion can hardly be satisfied that they are getting full value for their highway dollar.

Citizens in areas of the Nation where there is not yet a great traffic problem will still feel the pinch of the energy crisis. In fact, some of my constituents already are being effected in a very serious way by fuel shortage. Every citizen, regardless of whether he lives in an urban area or a rural area, has an interest in seeing that our cities are not energy-guzzling centers of congestion and pollution.

The root problem is that our demand for personal mobility has run headlong into the national commandments for pollution control and energy conservation. The alternative to greater flexibility in the use of the highway trust fund today may be inflexible constraints on the free and unfettered use of the private car tomorrow.

Current law says to officials in an urban area: "Use these funds for highways or lose them." Faced with this unhappy choice and prodded by the thought of lost jobs and lost money for the local economy, officials are very likely to build highways whether or not this is the most pressing transportation need. The Anderson amendment says to these same urban officials:

If you need more highways, build them. But if your need for a bus or rail transit system is greater, use the money for that.

I favor spending our tax dollars where they will do the most good. And I believe local officials are in the best position to determine an urban area's transportation needs.

Our needs and our problems change very quickly in transportation as in other areas. It is important that we build as much flexibility into our programs as possible. The Anderson amendment maximizes maneuverability at the State and local level, and provides a means for solving unique local transportation problems.

A central fact to be remembered is that the Anderson amendment will not reduce in any way funds for the Interstate or rural highway programs. I am well aware of what both these programs have meant to the people of my district and my State, and I have worked and will continue to work for both of these programs.

My colleagues may be interested in a letter I received last week from the Honorable Claude S. Brinegar, Secretary of Transportation. This letter states unequivocally that the Anderson amendment will not diminish the Interstate and rural highway programs. The letter reads as follows:

In response to the inquiry from your office, I can assure you that the proposed Anderson Amendment would not impede the Interstate and rural highway programs. We would not support the amendment if it did, for we are unequivocally dedicated to completing the Interstate program and to continuing improvement of the rural highway system.

The amendment applies only to the urban portions of our highway programs, and gives to local urban officials, at their option, some flexibility. It absolutely does not affect the level of authorizations, nor does it affect the formulas by which funds are distributed.

I am aware of your great concern for I-65 and I-10, in addition to the rural highway system, and can assure you that the "urban" amendment would in no way operate to delay or impair these highways.

Sincerely,

CLAUDE S. BRINEGAR, *Secretary.*

Finally, Mr. Chairman, I commend the Committee on Public Works for trying to deal with the problem of mass transit by including in the Federal Aid Highway Act of 1973 the amendment of the gentleman from Texas (Mr. WRIGHT). The real question here is whether we accept the Wright approach or the Anderson approach in trying to solve the problem. The compelling difference in my opinion is that the Wright proposal would call for increased Federal spending from the general fund of at least $700 million each year. This is a burden the taxpayer of this country ought not to have to bear. The Anderson amendment makes the same amount of money available to the cities without using general fund money and without causing the cities to lose one dime of Federal money to which they would otherwise be entitled. At the same time, adoption of the Anderson amendment will not in anyway impede the interstate and rural highway programs.

Mr. Chairman, this is not an easy decision to make in view of all the factors involved, but on balance I believe the Anderson amendment is preferable to the Wright proposal.

It is important to remember that the goal of transportation is to move people and goods in the most efficient, economical way. In many areas of our country, the best way to achieve this goal is to build more highways and to improve existing roads. But in other areas, the noose of traffic congestion, pollution, and energy waste is tightening, and the development of mass transit would appear to be the answer. We should act, and we should act now, to give local officials the opportunity to decide this question for themselves at a minimum cost to the taxpayers of this Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. MATHIS).

Mr. MATHIS of Georgia. Mr. Chairman, I rise in opposition to this amendment, and wish to associate my remarks with those of the distinguished chairman of the subcommittee, the gentleman from Texas, and the gentleman from Georgia (Mr. GINN).

It is hard for me to add to those arguments that have been made against opening up the Highway Trust Fund, but I can tell the Members of this House that the need for highway construction in rural America today is still tremendous. The principal city in the district I represent has more than 80,000 people, and yet there is no four lane highway access to the city of Albany. There are other urgent highway needs in Georgia, and especially in southwest Georgia. I could name a number of projects that we need; that we should have completed, in fact, years ago.

And to those proponents of this amendment who say they are speaking for the cities—I also speak for cities. The cities I represent are not as large, of course, as New York, Chicago, Boston, or many other major cities in this Nation. But, Mr. Chairman, my cities have transit problems just the same as the big cities, and their problems are not going to be solved by destroying the Highway Trust Fund.

Mr. Chairman, I consider this amendment to be one of the most important votes we will have during this session of the Congress, and I sincerely *hope that* Members will listen to debate on both sides of this question. I made a point of order that a quorum was not present, Mr. Chairman, because I feel this amendment deserves the attention of all of us.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, of course I do not accuse the members of the Committee on Public Works of bad faith in the draft of the provisions that they have included in this bill on mass transportation, but listen to what the people who administer the program say:

. . . the bill establishes a complicated procedure for funding mass transit, as opposed to the clean and simple approach of the proposed Anderson amendment.

They want the Anderson amendment adopted so that they can administer this program consistent with section 109 of the very same bill that says that highways and mass transit programs, in order to prevent unnecessary delays, shall be carried out with a minimum of paper work. The provisions of the committee bill simply do not meet the test of their own section 109 of the bill.

I would suggest that we ought to listen to the people in the Department of Transportation who administer the highway program when they plead with this House to adopt the Anderson amendment.

The letter referred to reads as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 18, 1973.

Hon. JOHN ANDERSON,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ANDERSON: This is in response to your request for our views on the letters of April 17 from Congressmen Blatnik and Harsha concerning the pending highway legislation.

Chairman Blatnik's letter in support of the Committee bill states that mass transit assistance is available through two provisions which are not described in very much detail. In essence, both provisions continue to require that Highway Trust Funds be used exclusively for highway projects. Specifically, if State and local officials chose to use a portion of their urban system highway funds for transit projects, general funds must be used to finance these projects. The unused highway trust funds must be turned back to the Trust Fund, and such funds would be available only for future *highway* construction.

We object to these provisions on three grounds. First, the bill offers the possibility of short term flexibility at the price of maintaining the long term rigidity of the program. It requires that Highway Trust Funds

be available exclusively for highway construction on a "use it or lose it" basis. This rigid, stifling approach to the use of Highway Trust Funds is clearly not consistent with the needs of modern America.

Secondly, the bill is grossly inequitable to urban areas. Approximately half of the revenues in the Trust Fund are generated in urban areas. Now we are asking urban citizens to pay twice if they choose mass transit in preference to highways; once through the substituted general funds provided by the bill, and a second time in highway taxes that they cannot use in the fashion they believe will best solve their local transportation problems.

Finally, the bill establishes a complicated procedure for funding mass transit, as opposed to the clean and simple approach of the proposed Anderson amendment. This point is particularly troubling and inconsistent with Section 109 of the same House bill. That section declares that the "drastic minimization of paperwork" in carrying out highway and mass transit programs in order to prevent "unnecessary delays at all levels of government" shall be national policy.

Congressman Harsha's letter cites both the National Transportation Report and the current finanical position of the Highway Trust Fund as arguments against the Anderson amendment. As evidence that there is not enough money in the Trust Fund to cover highway requirements, let alone transit needs, he first cites the National Transportation Report and claims that it estimates that "$300 billion would be required to meet essential highway needs." He compares that $300 billion figure to estimated revenues of $135 billion going into the Highway Trust Fund over the next 20 years and concludes that there is not enough money to pay for required highways. The same report cited by Congressman Harsha also states that the cost of justifiable highway investments is well below $300 billion. The estimate of economically justified highway investments in the Report is roughly $100 billion, of which the Federal share equals $70 billion. This is the figure that should be compared with the $135 billion in projected Trust Fund income. Further, there is a reasonably high probability that some of these "justified highway needs" could better be met with transit investments.

The other evidence cited in support of his argument that the money in the Trust Fund is insufficient to cover highway needs comes from a recent Treasury report on the status of the Fund. That report shows a projected cash balance of $5.4 billion in the Fund at the end of fiscal year 1973. It also shows $7.7 billion in outstanding obligations as of that date. From those facts, Mr. Harsha argues that there is not enough money to liquidate obligations already incurred, let alone finance other programs.

The numbers are right, but the conclusion is wrong. A similar analogy would require that a person have sufficient cash on hand to pay for his home when he signs the mortgage papers, otherwise he could not incur expenditures for food or clothing. In signing a mortgage, one takes future income into account. Thus, while your outstanding mortgage balance may be higher than your savings, you would not consider yourself in default. Similarly, the Trust Fund has both income and outlays. Cash is only required when bills come due, not when obligations are incurred. Most of the $7.7 billion in outstanding obligations will be paid over the next two years. During this period, there will be almost $12 billion in additional receipts to the Trust Fund. That money plus the $5.4 billion currently on hand will be more than enough to cover current obligations, as well as any additional outlays required.

Thus the evidence Mr. Harsha cites simply does not justify, let alone require, rejection of the Anderson amendment. Our urban areas' desperate needs, on the other hand, require the meaningful, long term flexibility which the amendment offers, and which the Committee bill does not.

I hope that the information is of assistance and that the House sees fit to adopt the Anderson amendment.

Sincerely,

CLAUDE S. BRINEGAR.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I rise in opposition to the Anderson amendment. I just want to say to the Members present tonight that we went over this very carefully with our State highway engineers, the State highway and public works department, the State highway commission, and also the Governor of our State, and they are in opposition to the Anderson amendment, and they so testified. I think the experience of the State of California, that has had a very fine highway program for a long time, certainly proves that they know what they are doing, and what the provisions of the committee bill allow them to do in solving our mass transit and highway problems in the State of California.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, the distinguished gentleman from Illinois mentioned the fact that the administrators of the highway program say that the Wright amendment is cumbersome and difficult to deal with, and I am not surprised that the administrators of the Department of Transportation say that. They have been trying to destroy this program for years, and they have tried, as a matter of fact, to terminate the Federal aid to highway program. They sent legislation up here on the Hill and had it introduced in behalf of the administration, which would terminate the Federal aid program as of January 1, 1972. They want to do completely away with it. So why would they not put up every argument that they could, and that is what they have done, of course.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT) to close debate for this evening.

Mr. WRIGHT. Mr. Chairman, first, I should like to ask my friends one question, and that is: Do you remember revenue sharing? You thought it was going to be a good thing. You thought revenue-sharing assistance was going to be "in addition to" rather than "in lieu of" everything else. Do you want this same sucker bait a second time? There is not enough money in the highway trust fund to fund both programs. We will not be able to do it. And the administration will use this money as it chooses to attend to your problems.

Think. Think for yourselves before you bite that Department of Transportation sucker bait a second time.

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

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.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject matter of the bill we have been discussing, S. 502.

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

There was no objection.

HOUSE RESOLUTION 360, PROVIDING FOR CONSIDERATION OF H.R. 4204

PRIVILEGED MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a privileged motion.

Mr. Speaker, I move that the action of the House on the resolution (H. Res. 360) on the Emergency Employment Act be reconsidered, and that motion be laid upon the table.

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

Mr. O'HARA. I object, Mr. Speaker.

Mr. GROSS. Mr. Speaker, I did not ask unanimous consent. I made a motion.

The SPEAKER. Did the gentleman from Iowa move to lay the matter on the table?

Mr. GROSS. Yes, Mr. Speaker.

The SPEAKER. The question is on the motion to table.

The question was taken, and on a division (demanded by Mr. GROSS) there were—ayes 32, noes 37.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 183, nays 173, not voting 77, as follows:

[Roll No. 107]

YEAS—183

Abdnor	Burke, Fla.	Derwinski
Anderson, Ill.	Burleson, Tex.	Devine
Andrews, N.C.	Butler	Dickinson
Andrews, N. Dak.	Camp	Dorn
Archer	Cederberg	Downing
Arends	Chamberlain	Duncan
Ashbrook	Clancy	du Pont
Bafalis	Clausen, Don H.	Edwards, Ala.
Baker	Clawson, Del	Erlenborn
Beard	Cleveland	Esch
Bell	Cochran	Eshleman
Bennett	Collier	Fisher
Biester	Collins	Flowers
Blackburn	Conable	Flynt
Bray	Conlan	Ford, Gerald R.
Brinkley	Conte	Forsythe
Broomfield	Coughlin	Fountain
Brotzman	Crane	Frelinghuysen
Brown, Mich.	Daniel, Dan	Frenzel
Brown, Ohio	Davis, S.C.	Frey
Broyhill, N.C.	Davis, Wis.	Froehlich
Buchanan	Dellenback	Fuqua
Burgener	Dennis	Gettys
		Ginn

Goldwater	Mallary	Shuster
Goodling	Mann	Sikes
Gross	Martin, Nebr.	Skubitz
Guyer	Mathis, Ga.	Smith, N.Y.
Haley	Mayne	Snyder
Hammer-schmidt	Michel	Spence
	Miller	Stanton, J. William
Hanrahan	Minshall, Ohio	
Hansen, Idaho	Mitchell, N.Y.	Steed
Harsha	Mizell	Steelman
Hastings	Montgomery	Steiger, Ariz.
Hébert	Moorhead, Calif.	Steiger, Wis.
Heinz		Stephens
Henderson	Mosher	Stuckey
Hinshaw	Myers	Symms
Hogan	Nelsen	Taylor, Mo.
Holt	Nichols	Taylor, N.C.
Hosmer	O'Brien	Thone
Huber	Parris	Towell, Nev.
Hudnut	Powell, Ohio	Ullman
Hunt	Quie	Veysey
Hutchinson	Quillen	Waggonner
Ichord	Rarick	Walsh
Jarman	Regula	Wampler
Jones, N.C.	Rhodes	Ware
Keating	Robinson, Va.	Whitehurst
Kemp	Robison, N.Y.	Whitten
Ketchum	Rogers	Wiggins
Landgrebe	Roncalio, Wyo.	Winn
Landrum	Rousselot	Wyatt
Latta	Ruppe	Wydler
Lent	Ruth	Wylie
Lott	Sarasin	Wyman
McClory	Satterfield	Young, Alaska
McCollister	Scherle	Young, Fla.
McEwen	Schneebeli	Young, Tex.
McKinney	Sebelius	Zion
Madigan	Shoup	Zwach
Mailliard	Shriver	

NAYS—173

Abzug	Green, Oreg.	Perkins
Adams	Green, Pa.	Peyser
Addabbo	Gude	Pike
Alexander	Gunter	Poage
Anderson, Calif.	Hamilton	Preyer
	Hanna	Price, Ill.
Annunzio	Harrington	Pritchard
Aspin	Hays	Railsback
Bergland	Hechler, W. Va.	Randall
Bevill	Heckler, Mass.	Rangel
Bingham	Helstoski	Rees
Blatnik	Hicks	Rinaldo
Boggs	Hillis	Rodino
Boland	Holifield	Roe
Bolling	Holtzman	Roncallo, N.Y.
Bowen	Hungate	Rose
Brademas	Jones, Okla.	Rosenthal
Brasco	Jones, Tenn.	Rostenkowski
Breaux	Jordan	Roush
Breckinridge	Kazen	Roy
Brooks	Kluczynski	Roybal
Brown, Calif.	Koch	Runnels
Burke, Calif.	Kyros	St Germain
Burke, Mass.	Leggett	Sarbanes
Burlison, Mo.	Lehman	Schroeder
Burton	Litton	Selberling
Byron	Long, La.	Sisk
Carey, N.Y.	Long, Md.	Slack
Carter	Lujan	Smith, Iowa
Casey, Tex.	McCloskey	Staggers
Clay	McDade	Stanton, James V.
Cohen	McFall	
Conyers	McKay	Stark
Cotter	McSpadden	Steele
Culver	Macdonald	Stokes
Daniels, Dominick V.	Madden	Stratton
	Matsunaga	Stubblefield
Danielson	Mazzoli	Studds
Delaney	Meeds	Sullivan
Dellums	Melcher	Symington
Denholm	Metcalfe	Thompson, N.J.
Dent	Mezvinsky	Thornton
Diggs	Mills, Ark.	Tiernan
Dingell	Minish	Udall
Donohue	Mink	Van Deerlin
Drinan	Mitchell, Md.	Vander Jagt
Eckhardt	Moakley	Vanik
Edwards, Calif.	Moorhead, Pa.	Vigorito
Fascell	Moss	Whalen
Flood	Murphy, Ill.	White
Foley	Murphy, N.Y.	Williams
Ford, William D.	Natcher	Wilson, Charles H., Calif.
	Nedzi	
Fraser	Obey	
Fulton	O'Hara	Wolff
Gaydos	O'Neill	Wright
Giaimo	Owens	Yatron
Gilman	Patman	Young, Ga.
Gonzalez	Patten	Zablocki
Grasso	Pepper	

NOT VOTING—77

Armstrong	Biaggi	Chisholm
Ashley	Broyhill, Va.	Clark
Badillo	Carney, Ohio	Corman
Barrett	Chappell	Cronin
Daniel, Robert W., Jr.	Johnson, Pa.	Riegle
	Jones, Ala.	Roberts
Davis, Ga.	Karth	Rooney, N.Y.
de la Garza	Kastenmeier	Rooney, Pa.
Dulski	King	Ryan
Eilberg	Kuykendall	Sandman
Evans, Colo.	McCormack	Saylor
Evins, Tenn.	Mahon	Shipley
Findley	Maraziti	Talcott
Fish	Martin, N.C.	Teague, Calif.
Gibbons	Mathias, Calif.	Teague, Tex.
Gray	Milford	Thomson, Wis.
Griffiths	Mills, Md.	Treen
Grover	Mollohan	Waldie
Gubser	Morgan	Widnall
Hanley	Nix	Wilson, Bob
Hansen, Wash.	Passman	Wilson, Charles, Tex.
Harvey	Pettis	
Hawkins	Pickle	Yates
Horton	Podell	Young, Ill.
Howard	Price, Tex.	Young, S.C.
Johnson, Calif.	Reid	
Johnson, Colo.	Reuss	

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6883. A bill to amend the Agricultural Adjustment Act of 1938 wtih respect to rice and peanuts.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 393. Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 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."

The message also announced that the Senate agrees to the amendments of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 22. Concurrent resolution providing for the adjournment of the Senate from April 18, 1973 to April 30, 1973, and the adjournment of the House from April 19, 1973 to April 30, 1973.

The message also announced that the Senate agrees to the amendment of the House with a Senate amendment to a bill of the Senate of the following title:

S. 50. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes.

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

S. 1572. An act relating to payments to producers for participation in the 1973 feed grain program.

COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENTS OF 1973

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes, with a Senate amendment to the House amendment thereto, and consider the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment insert:

That this Act may be cited as the "Older Americans Comprehensive Services Amendments of 1973".

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, community agencies, and State and local governments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation,".

TITLE II—ADMINISTRATION ON AGING

SEC. 201.(a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as Amendments of 1973 otherwise specifically provided by the Older Americans Comprehensive Services, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Office of the Secretary. The Secretary shall not approve any delegation of the functions of the Commissioner to any other officer not directly responsible to the Commissioner unless the Secretary shall first submit a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it: *Pro-*

vided, however, That within thirty days of such transmittal, the Secretary shall consult with the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives respecting such proposed delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day and sixty-day periods. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b)(1) Section 202(4) of the Older Americans Act of 1965 is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;"

(2) Section 202 of the Older Americans Act of 1956 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) cordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

"(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(3) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

"SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

"(1) collect analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this section through the National Information and Resource Clearing House for the Aging.

"(c) There are authorized to be appropriated to carry out the purposes of this section during the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, such sums as may be necessary.

"FEDERAL COUNCIL ON THE AGING

"SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

"(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

"(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

"(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, but no later

than eighteen months after enactment of this Act, the President shall submit to Congress recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

"(i) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States of sums appropriated for area planning and social service programs authorized under title III of this Act. Upon completion of this study, but no later than January 1, 1975, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

"ADMINISTRATION OF THE ACT

"SEC. 206.(a) In carrying out the purposes of this Act, the Commissioner is authorized to:

"(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

"(2) provide short-term training and technical instruction;

"(3) conduct research and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide staff and other technical assistance to the Federal Council on the Aging.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

"(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

"(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000 whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 202. Title VIII of the Older Americans Act of 1965 is hereby repealed.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing;

"(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalizaton evaluation and screening, and home health services; or

"(F) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, $103,600,000 for the fiscal year ending June 30, 1974, and $130,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 (except as provided in section 307 (a)) for paying part of the cost (pursuant to subsection (e) of this section and section 306) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans;

"(2) the development of comprehensive and coordinated systems for the delivery of social services; and

"(3) activities carried out pursuant to section 306.

"(b)(1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be

allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

"(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(c) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but (beginning with the fiscal year ending June 30, 1975) not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas') in accordance with regulations of the Commissioner, after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area; except that the State may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title, the State may include in any planning and service area designated pursuant to this provision such additional areas adjacent to the unit of general purpose local government or region so designated as the State determines to be necessary for, and will enhance, the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances, satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

"(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

"Area plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305 (a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

"(D) taken into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrange-

ments with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides for establishing or maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

"(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of s ch service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

"(9) provides that, subject to the requirements of merit employment systems of State and local government, preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is not eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioners' action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306(a)(1) Amounts appropriated as authorized by section 303 may be used to make grants to States for paying such percentages as each State agency determines but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

"(3) Any State which has designated a single planning and service area pursuant to section 304(a)(1)(E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this section or out of sums made available for the administration of area plans pursuant to section 303(e)(1), but shall not pay such costs out of sums allotted under both such sections.

"(b)(1) From the sums appropriated for any fiscal year under Section 303 for carrying out the purposes of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $160,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing

a State plan. From a State's allotment for a fiscal year which is available pursuant to section 303, the Commissioner may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments.

"(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

"(2) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(3) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

"(4) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

SEC. 401. The Older Americans Act of 1965 is amended by striking out title IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of his part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of the aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or

"(4) preparing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

"(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

"SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

"(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—

"(1) demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

"(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

"(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

"(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

"(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

"(d) Not later than January 1, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than January 1, 1975, as he deems advisable.

"(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

"(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

"(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commissioner upon request made by him.

PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support or multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovation, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

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

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

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. There are authorized to be appropriated for the purposes of carrying out this title such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

"GRANTS AUTHORIZED

"SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

"(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after purchase, the facility will be used for the purposes for which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90–480)); and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the acquisition of multipurpose senior centers in areas where there is being developed a comprehensive

and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amounts so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There are authorized to be appropriated for the purpose of making grants or contracts under section 501. Such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during acquisition, alteration, or renovation) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments of prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during acquisition, alteration, or renovation; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h)(1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST RATES

"SEC. 507. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration or renovation of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration or renovation of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the

loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided,* That the amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation acts.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purpose of this part, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 607. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

SEC. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period, at the end thereof the following: "and $15,000,000 for the fiscal year ending June 30, 1973, $17,500,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975."

SEC. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

"FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS"

(b) Section 611 of such Act is amended to read as follows:

"SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Department of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

SEC. 604. Section 614 of the Older Americans Act is amended to read as follows:

"SEC. 614. (a) (1) There are authorized to be appropriated for grants or contracts under subsections (a) and (b) of section 611, $25,000,000 for the fiscal year ending June 30, 1973, $32,500,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975, respectively, of which (A) $25,000,000 for the fiscal year ending June 30, 1973, $26,500,000 for the fiscal year ending June 30, 1974, and $32,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (a) of section 611, and (B) $6,000,000 for the fiscal year ending June 30, 1974, and $8,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

"(2) If the sums authorized to be appropriated under paragraph (1) of this subsection for fiscal years bginning after June 30, 1973, are not appropriated and made available for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

"(A) any amounts appropriated not in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 611 equals $25,000,000 shall be used for grants or contracts under such subsection; and

"(B) any amounts appropriated in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 611 equals $31,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section."

SEC. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

SEC. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

SEC. 703. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" in this section and substituting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof ,"305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and inserting in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4 (a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, the fiscal year ending June 30, 1975, and the fiscal year ending June 30, 1976."

(c) (1) Section 5(a)(1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d) (1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1973.

AMENDMENT TO NATIONAL COMMISSION ON LIBARIES AND INFORMATION SCIENCE ACT

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons,".

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111, and 112 (and cross references thereto) as 111, 112, and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local education agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222 (a)(7) of the Economic Opportunity Act of 1964.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible

individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assume that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b)(1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of service, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a)(1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. 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.

(c) The amount apportioned for projects within each State under subsection (a) shall be appropriated among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older

shall have priority for the work opportunities provided for under this Act;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1973, and $100,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.

Mr. BRADEMAS. (during the reading) Mr. Speaker, I ask unanimous consent to dispense with further reading of the Senate amendment to the House amendment and that it be printed in the RECORD.

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

Mrs. GREEN of Oregon. Mr. Speaker, reserving the right to object, may I inquire of the gentleman from Indiana (Mr. BRADEMAS) if he can give assurance to this body that there are no nongermane amendments attached to the Older Americans Act?

Mr. BRADEMAS. Mr. Speaker, I can.

Mrs. GREEN of Oregon. Further reserving the right to object, Mr. Speaker, can the gentleman from Indiana (Mr. BRADEMAS) assure us that there is no amendment in the Older Americans Act which has to do with the student financial aid programs which are a part of the law?

Mr. BRADEMAS. Mr. Speaker, I can.

Mrs. GREEN of Oregon. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I am delighted to be able to report to this body that after extensive negotiations between the Committee on Labor and Public Welfare of the other body, and the Committee on Education and Labor, on S. 50, the Comprehensive Older Americans Services Amendments, we have reached a consensus which is embodied in the Senate substitute amendment for the House amendment passed by this body on March 13.

Mr. Speaker, I am extremely grateful for the efforts of all the principals on the committee who have cooperated in bringing this matter to a successful resolution.

In particular, Mr. Speaker, I would like to thank the chairman of the Education and Labor Committee, the gentleman from Kentucky (Mr. PERKINS) and the ranking minority member of the Committee on Education and Labor (Mr. QUIE) and the other members of the committee for their efforts.

I would also like to take this opportunity to thank the Members of the other body for their leadership in this legislation, Senator EAGLETON and Senator STAFFORD.

Mr. Speaker, at this point, I would like to make these observations:

The bill before us is basically the same as that passed by the House 1 month ago with these specific changes:

Title X, providing training programs for middle-aged and older workers, has been removed. It is my hope, however, that provisions for these workers will be contained in the next manpower training bill considered by the Congress.

The authorized funding levels are a significant reduction below those provided in the measure vetoed by President Nixon last October.

And I cite in particular, Mr. Speaker, with regard to the funding levels, the fact that the authorized spending provided in the compromise before us today, $543.6 million over 3 years, is $1.424 billion below the funding provided in the vetoed measure, which was $1,978,400.

Mr. Speaker, the full picture of the authorization levels and the compromise as compared to S. 50, as passed by the House and the Senate amendment, are set forth in materials which I insert in the RECORD at this point:

S. 50—AUTHORIZATIONS

Title and fiscal year	House	Compromise figures	Senate
Title II:			
National information and resource clearinghouse:			
1973	$750,000	(1)	$750,000
1974	1,000,000	(1)	1,000,000
1975	1,250,000	(1)	1,250,000
Administration of the act[1]			
Title III:			
Area planning and social service:			
1973	85,000,000	(2)	100,000,000
1974	150,000,000	$103,600,000	150,000,000
1975	200,000,000	130,000,000	200,000,000
Planning, coordination, evaluation, and administration of State plan:			
1973	20,000,000	(2)	20,000,000
1974	20,000,000	(2)	20,000,000
1975	20,000,000	(2)	20,000,000
Model projects:			
1973	40,000,000	(1)	20,000,000
1974	75,000,000	(1)	25,000,000
1975	100,000,000	(1)	30,000,000
Title IV:			
Training:			
1973	11,000,000	(1)	10,000,000
1974	15,000,000	(1)	15,000,000
1975	20,000,000	(1)	20,000,000
Research:			
1973	15,000,000	(1)	15,000,000
1974	25,000,000	(1)	20,000,000
1975	30,000,000	(1)	25,000,000
Special transportation R. & D.:			
1973		(1)	7,500,000
1974		(1)	15,000,000
1975		(1)	20,000,000
Title V:			
Multipurpose senior centers:			
1973	10,000,000	(1)	10,000,000
1974	15,000,000	(1)	15,000,000
1975	20,000,000	(1)	20,000,000
Loan insurance for centers[1]			
Annual interest grants:			
1973	1,000,000	(1)	1,000,000
1974	3,000,000	(1)	3,000,000
1975	5,000,000	(1)	5,000,000
Personnel staffing grants:			
1973	10,000,000	(1)	10,000,000
1974	10,000,000	(1)	10,000,000
1975	10,000,000	(1)	10,000,000
Title VI:			
RSVP:			
1973	$20,000,000	$15,000,000	$20,000,000
1974	30,000,000	17,500,000	30,000,000
1975	40,000,000	20,000,000	40,000,000
Foster grandparents and other senior volunteer programs:			
1973	41,000,000	25,000,000	41,000,000
1974	52,000,000	32,500,000	52,000,000
1975	63,000,000	40,000,000	63,000,000
Title VII:			
Nutrition program, authorized in Public Law 92-258			
Title VIII:			
Older readers services:			
1973	11,700,000	(1)	11,700,000
1974	12,900,000	(1)	12,300,000
1975	12,000,000	(1)	12,900,000
1976	13,700,000	(1)	13,700,000
Special programs (title I, Higher Education Act:			
1973	5,000,000	(1)	5,000,000
1974	5,000,000	(1)	5,000,000
1975	5,000,000	(1)	5,000,000
1976	5,000,000	(1)	5,000,000
1977	5,000,000	(1)	5,000,000
Senior opportunities and services:			
1973	7,000,000	(1)	7,000,000
1974	7,000,000	(1)	7,000,000
1975		(1)	
Title IX:			
Community Service Employment:			
1973			100,000,000
1974	50,000,000	60,000,000	150,000,000
1975	100,000,000	100,000,000	
Title X:			
Middle-aged and older workers training:			
1973		(3)	
1974		(3)	150,000,000
1975		(3)	
Fiscal year total:			
1973	277,450,000	40,000,000	378,950,000
1974	470,300,000	213,600,000	680,300,000
1975	627,150,000	290,000,000	472,150,000
1976	18,700,000		18,700,000
1977	5,000,000		5,000,000
Cumulative total	1,398,600,000	543,600,000	1,555,100,000

[1] Such sums as may be necessary.
[2] Included in figures for area planning and social services.
[3] Deleted.

SUMMARY OF HOUSE-SENATE COMPROMISE AMENDMENT TO S. 50 RESOLVING DIFFERENCES BETWEEN THE SENATE BILL AND THE HOUSE AMENDMENT

TITLE II

Section 201: The compromise amendment provides that the Commissioner shall report to the Office of the Secretary, rather than to the Secretary himself. The provisions respecting non-delegability of the Commissioner's powers are revised so as to require that the Secretary may not approve any delegation of powers assigned to the Commissioner by this Act to officers not directly responsible to the Commissioner unless the Secretary first transmits a plan for such delegation to Congress sixty days prior to the effective date of such delegation and consults with the appropriate committees of Congress within thirty days of such transmittal.

SEC. 205.

SEC. 205(1): Compromise amendment retains Senate provision, deleted by the House amendment, directing the Federal Council on Aging to undertake a study of the effects of the allotment formula in Sec. 303 under which funds are distributed to the states. Deadline date for report changed from June 30, 1975, to January 1, 1975.

Compromise amendment further deletes provisions in House amendment requiring a study of the transportation needs of the elderly since similar provisions are contained in Sec. 412.

SEC. 209: Compromise amendment adopts language of the Senate bill with respect to joint funding of projects. Principal difference is that Senate bill, but not the House amendment, authorizes a single non-federal share requirement when a project receives funds from more than one federal agency.

TITLE III

SEC. 303: Compromise amendment contains authorizations for grants to the states in the amounts of $103,600,000 for FY 74 and $130,000,000 for FY 75. Such sums as may be necessary authorized for FY 75.

SEC. 304 and SEC. 305.

SEC. 304(a)(1). The compromise amendment retains language contained in the Senate bill, but not in House amendment, authorizing the Commissioner on Aging to prescribe regulations regarding division of states into planning and service areas pursuant to state plan requirements.

SEC. 304(a)(1). Compromise amendment combines provisions of the Senate bill and the House amendment regarding the mandatory designation as planning and service areas of units of government meeting certain population criteria.

SEC. 304(c)(3) and SEC. 305(a)(7). The compromise amendment adopts a modified version of language in the House amendment regarding the requirement that state and area plans provide for the establishment or maintenance of information and referral services for older persons.

SEC. 304(c)(5) and SEC. 305(a)(10). The compromise amendment deletes provisions of the Senate bill requiring state and area plans to specify the disposition of projects funded under the Older Americans Act prior to the enactment of these amendments.

SEC. 306.

SEC. 306(a)(1). The compromise amendment incorporates authorization for state planning and administration under Sec. 306 into the authorization for grants to the states under Sec. 303.

SEC. 306(a)(3). The compromise amendment adopts provisions contained in the Senate bill covering the manner in which federal funds may be used for planning and administration in states which designate a single planning and service area covering all or most of the state.

SEC. 306(b)(1). The compromise amendment provides that no state shall receive less than $160,000 under the allotment formula for state planning and administration. The comparable Senate and House figures are $150,000 and $200,000 respectively.

SEC. 307. Agreed amendment adopts language of the Senate bill placing a one year limitation on the period during which the Commissioner may make payments to states which do not have an approved state plan.

SEC. 308.

SEC. 308(a)(2). The compromise amendment deletes the provisions in both the Senate and the House versions directing that special consideration be given in making model project grants to projects involving transportation project authority provided in Sec. 412.

SEC. 308(a)(3). The compromise amendment also deletes the model project designation for community service employment projects for older persons in view of the provisions of Title IX authorizing the Department of Labor to conduct such projects.

TITLE IV

SEC. 412. Provisions contained in the Senate bill, but not in the House amendment, relating to special research and demonstration projects in transportation adopted in the compromise amendment.

TITLE V

SEC. 501–507.

SEC. 501. The compromise amendment adopts the Senate language authorizing grants and contracts for acquisition, alteration, or renovation of multi-purpose senior centers, but not for the construction of such centers as provided in the House amendment. The agreed amendment also authorizes mortgage insurance and interest subsidies for such projects. The agreed amendment further adopts the language of the House amendment defining "multi-purpose senior centers."

TITLE VI

SEC. 604. Compromise amendment adopts the authorization structure provided in the Senate bill which requires that initial funds appropriated, up to stated levels, must be used for the existing Foster Grandparents program, with a modification providing that any carryover balances may be applied to such requirement. Authorization figures reduced as indicated in the following table.

TITLE VIII

SEC. 802. Technical matter. The compromise amendment adopts the House rather than the Senate language for amending the National Commission on Libraries and Information Sciences Act.

TITLE IX

SEC. 908. The compromise amendment provides authorization of $60 million for FY 74 and $100 million for FY 75, a total reduction of $90 million less than the Senate bill and a total increase of $10 million more than the House amendment.

TITLE X

The compromise amendment deletes all of Title X for a total reduction of $100 million from the Senate bill.

Authorization Figures

In lieu of the authorization figures contained in the House and Senate bills, there is substituted an authorization for such sums as may be necessary in all titles except portions of Title III, Title VI, and Title IX. The preceding table illustrates these figures.

It is clear, I think, Mr. Speaker, that the Senate has gone more than halfway to reach an accord with the House and to respond to the fiscal reservations expressed by the President.

It is clear, also, Mr. Speaker, that we in Congress have gone more than halfway in trying to respond to the President's concerns either real or imagined.

And I would remind my colleagues also, that the compromise before us today is an authorizing, and not an appropriating measure. For the Congress, through the appropriating process, has yet to provide funds for these programs for older Americans, and the measure can have, therefore, no effect on the President's budget plans for fiscal 1974 or succeeding years.

Mr. Speaker, I consider this compromise a truly significant victory for the elderly of our land. For it will go a long way toward responding to the recommendations of the White House Conference on the Aging, while honoring the budget ceiling agreed upon both by the Congress and the President.

I urge my colleagues, therefore, to join with me to approve the compromise.

The SPEAKER. Without objection, the Senate amendment to the House amendment is concurred in.

PARLIAMENTARY INQUIRY

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

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, are we at the point where a rollcall on the Senate amendment is in order?

The SPEAKER. The Chair will inform the gentleman from Michigan, (Mr. GERALD R. FORD) that we have concurred in the Senate amendment.

Mr. GERALD R. FORD. Mr. Speaker, I was on my feet.

The SPEAKER. The Chair stated, Without objection, the amendment is concurred in.

Mr. GERALD R. FORD. Mr. Speaker, I was on my feet. We want a rollcall on the action.

The SPEAKER. The Chair, of course, always respects the right of the minority leader to ask for a rollcall. The Chair had hoped he would not, but the Chair will have to respect that right.

POINT OF ORDER

Mr. HAYS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman from Ohio (Mr. HAYS) will state his point of order.

Mr. HAYS. Mr. Speaker, the gentleman from Michigan (Mr. GERALD R. FORD) was on his feet, as he says, and when he was recognized, he made a parliamentary inquiry. Now, what was he on his feet for? If he was on his feet, he should have said, "I want a vote."

Mr. GERALD R. FORD. Mr. Speaker, I have to make a parliamentary inquiry to learn what the situation is.

The SPEAKER. The question is on concurring in the Senate amendment to the House amendment.

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

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 348, nays 0, not voting 85, as follows:

[Roll No. 108]

YEAS—348

Abdnor	Fisher	Mann
Abzug	Flood	Mathis, Ga.
Adams	Flowers	Matsunaga
Addabbo	Flynt	Mayne
Alexander	Foley	Mazzoli
Anderson, Calif.	Ford, Gerald R.	Meeds
	Ford, William D.	Melcher
Anderson, Ill.	Forsythe	Metcalfe
Andrews, N.C.	Fountain	Mezvinsky
Andrews, N. Dak.	Fraser	Michel
Annunzio	Frelinghuysen	Miller
Archer	Frenzel	Mills, Ark.
Arends	Frey	Minish
Ashbrook	Froehlich	Mink
Aspin	Fulton	Minshall, Ohio
Bafalis	Fuqua	Mitchell, Md.
Baker	Gaydos	Mitchell, N.Y.
Beard	Gettys	Mizell
Bell	Giaimo	Moakley
Bennett	Gilman	Mollohan
Bergland	Ginn	Montgomery
Bevill	Goldwater	Moorhead, Calif.
Biester	Gonzalez	Moorhead, Pa.
Bingham	Goodling	Mosher
Blackburn	Grasso	Moss
Boggs	Green, Oreg.	Murphy, Ill.
Boland	Green, Pa.	Murphy, N.Y.
Bolling	Gross	Myers
Bowen	Gude	Natcher
Brademas	Gunter	Nedzi
Brasco	Guyer	Nelsen
Bray	Haley	Obey
Breaux	Hamilton	O'Brien
Breckinridge	Hammer-schmidt	O'Hara
Brinkley		O'Neill
Brooks	Hanna	Owens
Broomfield	Hanrahan	Parris
Brotzman	Hansen, Idaho	Patman
Brown, Calif.	Harrington	Patten
Brown, Mich.	Harsha	Pepper
Brown, Ohio	Hastings	Perkins
Broyhill, N.C.	Hays	Peyser
Buchanan	Hébert	Pike
Burgener	Hechler, W. Va.	Powell, Ohio
Burke, Calif.	Heckler, Mass.	Preyer
Burke, Fla.	Heinz	Price, Ill.
Burke, Mass.	Helstoski	Pritchard
Burlison, Mo.	Henderson	Quie
Burton	Hicks	Quillen
Butler	Hillis	Railsback
Byron	Hinshaw	Randall
Camp	Hogan	Rangel
Carey, N.Y.	Holifield	Rarick
Carter	Holt	Rees
Casey, Tex.	Holtzman	Regula
Cederberg	Horton	Reuss
Chamberlain	Hosmer	Rhodes
Clausen, Don H.	Huber	Rinaldo
	Hudnut	Robinson, Va.
Clawson, Del	Hungate	Robison, N.Y.
Clay	Hunt	Rodino
Cleveland	Hutchinson	Roe
Cochran	Ichord	Rogers
Cohen	Jarman	Roncalio, Wyo.
Collier	Johnson, Calif.	Roncallo, N.Y.
Collins	Jones, N.C.	Rose
Conable	Jones, Okla.	Rosenthal
Conlan	Jones, Tenn.	Rostenkowski
Conte	Jordan	Roush
Conyers	Kazen	Rousselot
Cotter	Keating	Roy
Coughlin	Kemp	Roybal
Crane	Ketchum	Runnels
Culver	Koch	Ruppe
Daniel, Dan	Kyros	Ruth
Danielson	Landgrebe	St Germain
Davis, S.C.	Landrum	Sarasin
Davis, Wis.	Latta	Sarbanes
Delaney	Leggett	Satterfield
Dellenback	Lehman	Scherle
Dellums	Lent	Schneebeli
Denholm	Litton	Schroeder
Dennis	Long, La.	Sebelius
Dent	Long, Md.	Seiberling
Devine	Lott	Shoup
Dickinson	Lujan	Shriver
Diggs	McClory	Shuster
Dingell	McCloskey	Sikes
Donohue	McCollister	Sisk
Downing	McDade	Skubitz
Drinan	McEwen	Slack
Duncan	McFall	Smith, Iowa
du Pont	McKay	Smith, N.Y.
Eckhardt	McKinney	Snyder
Edwards, Ala.	McSpadden	Spence
Edwards, Calif.	Macdonald	Staggers
Erlenborn	Madden	Stanton, J. William
Esch	Madigan	
Eshleman	Mailliard	Stanton, James V.
Fascell	Mallary	
Stark	Thornton	Wilson, Charles H., Calif.
Steed	Tiernan	
Steele	Towell, Nev.	
Steelman	Udall	Winn
Steiger, Ariz.	Van Deerlin	Wolff
Steiger, Wis.	Vander Jagt	Wright
Stephens	Vanik	Wyatt
Stokes	Veysey	Wydler
Stratton	Vigorito	Wylie
Stubblefield	Waggonner	Wyman
Stuckey	Walsh	Yatron
Studds	Wampler	Young, Alaska
Sullivan	Ware	Young, Fla.
Symington	Whalen	Young, Ga.
Symms	White	Young, Tex.
Taylor, Mo.	Whitehurst	Zablocki
Taylor, N.C.	Whitten	Zion
Thompson, N.J.	Wiggins	
Thone	Williams	

NAYS—0

NOT VOTING—85

Armstrong	Gray	Pickle
Ashley	Griffiths	Poage
Badillo	Grover	Podell
Barrett	Gubser	Price, Tex.
Blaggi	Hanley	Reid
Blatnik	Hansen, Wash.	Riegle
Broyhill, Va.	Harvey	Roberts
Burleson, Tex.	Hawkins	Rooney, N.Y.
Carney, Ohio	Howard	Rooney, Pa.
Chappell	Johnson, Colo.	Ryan
Chisholm	Johnson, Pa.	Sandman
Clancy	Jones, Ala.	Saylor
Clark	Karth	Shipley
Corman	Kastenmeier	Talcott
Cronin	King	Teague, Calif.
Daniel, Robert W., Jr.	Kluczynski	Teague, Tex.
	Kuykendall	Thomson, Wis.
Daniels, Dominick V.	McCormack	Treen
	Mahon	Ullman
Davis, Ga.	Maraziti	Waldie
de la Garza	Martin, Nebr.	Widnall
Derwinski	Martin, N.C.	Wilson, Bob
Dorn	Mathias, Calif.	Wilson, Charles, Tex.
Dulski	Milford	
Eilberg	Mills, Md.	Yates
Evans, Colo.	Morgan	Young, Ill.
Evins, Tenn.	Nichols	Young, S.C.
Findley	Nix	Zwach
Fish	Passman	
Gibbons	Pettis	

So the Senate amendment to the House amendment was concurred in.

The Clerk announced the following pairs:

Mr. Morgan with Mr. Zwach.
Mr. Rooney of New York with Mr. Grover.
Mr. Barrett with Mr. Cronin.
Mr. Dulski with Mr. Fish.
Mr. Gibbons with Mr. Harvey.
Mr. Kluczynski with Mr. Findley.
Mr. Passman with Mr. Clancy.
Mr. Teague of Texas with Mr. Broyhill of Virginia.
Mr. Ullman with Mr. Gubser.
Mr. Waldie with Mrs. Chisholm.
Mr. Hawkins with Mr. Howard.
Mrs. Griffiths with Mr. Kuykendall.
Mr. Ashley with Mr. Johnson of Pennsylvania.
Mr. Evins of Tennessee with Mr. Derwinski.
Mr. Gray with Mr. Young of Illinois.
Mr. Hanley with Mr. Sandman.
Mrs. Hansen of Washington with Mr. Martin of Nebraska.
Mr. Karth with Mr. Bob Wilson.
Mr. Jones of Alabama with Mr. Pettis.
Mr. Kastenmeier with Mr. Maraziti.
Mr. Nichols with Mr. Robert W. Daniels, Jr.
Mr. Pickle with Mr. Thomson of Wisconsin.
Mr. Podell with Mr. Nix.
Mr. Reid with Mr. King.
Mr. Riegle with Mr. Price of Texas.
Mr. Blatnik with Mr. Mathias of California.
Mr. Dominick V. Daniels with Mr. Widnall.
Mr. Davis of Georgia with Mr. Martin of North Carolina.
Mr. Clark with Mr. Saylor.
Mr. Mahon with Mr. Mills of Maryland.
Mr. Roberts with Mr. Treen.
Mr. Shipley with Mr. Teague of California.
Mr. Biaggi with Mr. de la Garza.
Mr. Carney of Ohio with Mr. Badillo.
Mr. Burleson of Texas with Mr. Chappell.
Mr. Eilberg with Mr. Milford.
Mr. McCormack with Mr. Rooney of Pennsylvania.
Mr. Ryan with Mr. Young of South Carolina.
Mr. Corman with Mr. Talcott.
Mr. Yates with Mr. Evans of Colorado.
Mr. Dorn with Mr. Charles Wilson of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

THE ROLE OF THE COMMISSIONER ON AGING

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

Mr. BRADEMAS. At this point, Mr. Speaker, I would like to draw attention to the fact that the bill, S. 50, on which the House has just agreed provides that the Commissioner shall report to the Office of the Secretary, rather than to the Secretary as provided in the House and Senate bills.

The compromise bill, S. 50, also provides that with regard to delegation of powers assigned to the Commissioner, the Secretary must consult with Congress and that Congress shall be given 60 days notice of any intention to delegate the Commissioner's functions to any other part of the Department.

This compromise represents an attempt by Congress to be reasonable with regard to the delegation of functions within the authority of the Secretary, but it is also to serve notice that Congress will be carefully observing the actions of the administration regarding the role of the Commissioner on Aging.

In this regard, I would like to ask my colleague, the gentleman from Minnesota (Mr. QUIE), if in his recent conversations with the White House and the Department of Health, Education, and Welfare, he was made aware of any plan to transfer any of the functions including research authority which this act invests in the Commissioner to any other officer of the Department.

Mr. QUIE. Mr. Speaker, the Administration has assured me that it has no plans or intentions to delegate the functions vested in the Commissioner on Aging to any other officer of the Department. Any research authority that may have previously been handled by other officers of the Department will be vested in the Commissioner on Aging.

I have, however, been advised that de-

centralization through regionalization is being pursued and that cooperative regional activities will hopefully be a reality in the next few years.

Mr. BRADEMAS. I share the gentleman's view with regard to regionalization. The question of regionalization or decentralization, if you will, is a matter which we will observe carefully. In addition, I think it has been made clear through legislative history that it is our intention to upgrade the Office of the Commissioner on Aging and that it is our hope that the new language in the bill just passed will allow useful and honest dialog to take place in order to prevent much of the misunderstanding that has forced upon us the necessity of this conversation.

Can the gentleman from Minnesota give us assurances that the President will not veto the Comprehensive Older Americans Services Amendments?

Mr. QUIE. I have been talking with the administration and surely would not expect any veto.

Mr. BRADEMAS. I thank my friend from Minnesota.

PERMISSION FOR SPECIAL LABOR SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR TO SIT DURING 5-MINUTE RULE ON THURSDAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Special Labor Subcommittee of the Committee on Education and Labor be permitted to sit during the 5-minute rule on Thursday on the subject of H.R. 1236, relating to nonprofit hospital employees.

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

There was no objection.

WHY ISRAEL?

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

Mr. SIKES. Mr. Speaker, Arab nations with Soviet backing have threatened to seek the ouster of Israel from the United Nations. Why Israel?

Israel has sought to defend itself and other nations from terrorist attacks. These have ranged from Germany to Sudan. Time and time again terrorist tactics have been marked by hijacking, property destruction and murder. Why should not Israel try to put a stop to it?

Why should not the nations which harbor terrorists be the ones on trial in the United Nations?

It is the nations which fail to stand for law and order or which countenance and encourage unmasked aggression that are the trouble makers of the world. These are the nations that should be on trial.

I applaud Israel. The government and people of that little nation have commendable courage. They are not afraid to face up to ugly problems. They do not beg the question; they do not yield to pressure when their country's best interests are at stake.

The United States would do well to borrow Israel's tactics when we deal with gangster nations. It would help us avoid strife, embarrassment, and long drawn out involvement.

H.R. 6500: JUST BENEFITS FOR THE MARRIED WORKING COUPLE

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

Mr. PATTEN. Mr. Speaker, I have once again introduced H.R. 6500, a bill that would permit a working couple to add together their social security earnings if it would give them a higher monthly payment. In addition, where the combined earnings of the couple exceed the maximum earnings that one person can have, additional benefits, based on higher earnings, would be payable.

H.R. 6500 is identical to the H.R. 6500 introduced in the 92d and 91st Congresses. The rationale for reintroduction is quite simple—in the past years, I have received overwhelming support for this legislation, not just from my colleagues, but from hundreds of working wives from all around the country who have written of their support for this bill.

A modified version of H.R. 6500 was included in H.R. 1 of the 92d Congress, but was deleted on the Senate side. My strong belief in this legislation, backed by so many supporters, has convinced me of the great need to reintroduce it.

Mr. Speaker, because of this past support among my colleagues for H.R. 6500, I have again called on the Members of this body to join with me by cosponsoring this important reform bill. A list of the Members of the House of Representatives who have indicated their desire to cosponsor this bill follows:

LIST OF COSPONSORS OF H.R. 6500

Mr. Baker of Tennessee.
Mr. Burgener of California.
Ms. Chisholm of New York.
Mr. Cleveland of New Hampshire.
Mr. Davis of Georgia.
Mr. Diggs of Michigan.
Mr. Fisher of Texas.
Mr. Forsythe of New Jersey.
Mr. Helstoski of New Jersey.
Mr. Horton of New York.
Mr. Howard of New Jersey.
Mr. Lehman of Florida.
Mr. Madden of Indiana.
Mr. Minish of New Jersey.
Mr. Moakley of Massachusetts.
Mr. Mollohan of West Virginia.
Mr. Moorhead of California.
Mr. Moss of California.
Mr. Murphy of New York.
Mr. Murphy of Illinois.
Mr. Won Pat of Guam.
Mr. Podell of New York.
Mr. Price of Illinois.
Mr. Roe of New Jersey.
Mr. Rosenthal of New York.
Mr. Roybal of California.
Mr. Sarbanes of Maryland.
Mr. Sikes of Florida.
Mr. Williams of Pennsylvania.

Mr. Speaker, the present problem is an accidental result of a change in the law that came about not long after the original Social Security Act was enacted. The original 1935 act provided for the payment of retirement benefits only. There were no dependent's or survivor's benefits. Before any monthly benefits were paid, however, the law was changed in 1939 so as to provide dependent's and survivor's benefits. In this way, it was thought that meaningful income protection could be provided at a reasonable cost to single workers, to married workers and their wives, and their families.

In general, this system has worked out fairly well. But, as more and more married women have worked and earned significant retirement benefits in their own right, the shortcomings of the present system in providing some married couples with a meaningful return for their social security taxes has become apparent.

As long ago as 1963, the social security problems of working women were recognized by the President's Commission on the Status of Women. In a report to the Commission, its committee on social insurance and taxes said:

> In many cases a married woman who is potentially eligible for benefits on both her husband's and her own earnings feels that she receives little or no return from her contributions to the program. If she had not worked and made contributions to the program, she nevertheless would get a wife's or widow's benefit based on her husband's earnings, and it might be as high as the benefit she gets as a result of her own work, or higher. Basically, the feelings of married working women that they do not get enough of a return for their contributions arises from such situations.

This situation is bad enough but there is an even worse situation in which a husband and a working wife can pay the same amount in social security taxes as a husband whose wife never worked and get less benefits than the couple where the wife never worked. For example, the benefit paid to a person with average monthly earnings of $200 is $101.60; thus when the husband and wife both have average earnings of $200, the total monthly payment is $203.20. On the other hand, the monthly benefit payable to a man with average monthly earnings of $400 is $153.60 and his wife who has never worked can be paid an additional benefit equal to one-half of that amount—$76.80—making a total monthly payment to the couple $230.40, or $27.20 a month more than is paid when the same amount was earned equally by a husband and his wife.

Mr. Speaker, H.R. 6500 is intended to correct these situations which come about because of the way social security benefits are computed. When a husband and wife both have earnings covered under the social security program, the husband is paid a retirement benefit based on his own earnings; if the wife has worked long enough to be entitled to a benefit based on her own earnings she is, in effect, paid the higher of the wife's benefit based on her husband's earnings or the retirement benefit based on her own earnings.

Mr. Speaker, I have had a table prepared which shows additional examples of how the present law works to pay more in benefits if the wife has not

worked than if she has. I insert the table in the RECORD at this point in my remarks:

TABLE I.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW

Average monthly earnings [1]	Total monthly benefits for couple: If husband and wife have equal earnings [1]	Total monthly benefits for couple: If benefit is based on husband's earnings [2]
$50	$110.00	$82.50
$100	110.00	107.30
$200	143.00	152.40
$300	176.80	190.70
$400	203.20	230.40
$500	230.00	266.30
$600	254.20	306.00
$650	268.60	[3] 323.00
$800	307.20	
$1,000	355.00	
$1,200	408.00	
$1,300	436.00	

[1] Earnings of husband and wife are each equal to ½ of the amounts shown in 1st column.
[2] Husband's earnings are equal to amounts shown in 1st column.
[3] Maximum amount payable under present law is based on average monthly earnings of $650. Husband's benefit is $218 and wife's benefit is limited to $105 when ½ of the husband's benefit exceeds amount.

To eliminate this situation H.R. 6500 would provide that, for the purpose of computing the benefits paid to a husband and his wife, their earnings may be combined if the total payments to the couple would be increased. In order to qualify for this computation, the husband and wife must be living together or, if they are not, both the husband and wife must agree to have their benefits combined under the alternative procedure. If the husband's and the wife's earnings are combined, a benefit would be computed, as it is under present law, on the basis of average earnings up to the maximum amount, currently $450, that could be credited to a single person who retires in the same year that the couple's benefit is computed.

If the couple's combined earnings exceed the highest amount of earnings that a single person could have, a special rule would apply to those earnings above the single person maximum and up to twice that amount. In that case an additional amount equal to 28.43 percent of the excess would be computed and added to the amount described earlier. The reason for using the 28.43 percent factor is to be found in the present formula for determining social security benefits. Although benefits under the present law are determined by a table in the law, the table is based on the following formula: 71.16 percent of the first $110 of average monthly earnings, plus 25.88 percent of the next $290, plus 24.18 percent of the next $150, plus 28.43 percent of the last $100. Since 28.43 percent is the factor used in present law at the top of the formula, it seems logical to extend it to the amount of combined average earnings in excess of the amounts used in computations under the present law.

Under any new alternative computation, the benefit paid to a husband and his wife would be 75 percent, each, of the benefit computed in the way I have outlined. Because the benefit paid to a wife is 50 percent of the amount paid to her husband, the alternative benefit computation guarantees that when a husband and his wife both work, they will be paid an amount which is at least equal to the amount which would have been paid to them had the husband's earnings been equal to the combined earnings. Also, where the husband and wife have worked and paid social security taxes which are in excess of the maximum amount that could have been paid by an individual retiring in the same year, the couple will get an additional amount related to the additional earnings.

Mr. Speaker, I have had four additional tables prepared which compare the social security benefits payable to a married couple under present law and under H.R. 6500. I will include the tables in the RECORD immediately following the conclusion of my remarks.

Table II shows how the provisions of H.R. 6500 would be applied to the benefits of a husband and wife and contrasts the benefits paid to a husband and wife under present law and under H.R. 6500. In making this table, it was assumed that the husband and wife both retire at age 65 in 1969 and that their average monthly earnings are equal. In every case, except where the minimum benefit provisions of present law apply, the benefits under H.R. 6500 are greater than those paid under present law. At the lower earnings levels, the increased payment would be the smallest, and at the highest level, it would be the largest.

Table III, also, is based on the assumption that the husband and wife retire at age 65 in 1969. However, the husband is assumed to have the maximum possible earnings, $450, while the wife's average earnings vary from $25 to $450. Here too, the total payments to the couple under H.R. 6500 are shown to be higher than under present law in every case in which the wife has any earnings. Where the wife has no earnings, the total payment is the same under both present law and under H.R. 6500. It is worth noting that under present law the wife's earnings have no effect on the total payment to the couple until the benefit paid on her own earnings exceeds the wife's benefit paid on the husband's earnings. Where the husband has average earnings of $450, this point is not reached until the wife's average earnings are $151 a month. At this level, the benefit based on her own earnings is $89.50 a month, $2 a month more than the wife's benefit based on the husband's earnings.

In this connection I might point out that in 1969, a woman who works and earns $150 a month pays social security taxes of $86.40 a year and her employer pays an equal amount. And, for these taxes they get nothing, if the husband happens to have paid the highest possible amount in social security taxes.

As bad as the situation is under present law, it will gradually grow worse until in 2006, when creditable earnings will have grown so that average monthly earnings can be as much as $650, a woman whose husband has maximum possible earnings will need average earnings of at least $212 a month before the couple will get any increased benefits because of her work. Then the increase would be 20 cents a month. If her average earnings are only $210 a month, the couple will get nothing for the extra social security taxes paid on her earnings. And, under the present law the tax paid by the wife on $210 a month will rise from the present $120.96 a year to $172.68 starting in 1987; the employer will, of course, pay an equal amount.

Tables IV and V are similar to tables II and III except that they illustrate the effects of H.R. 6500 in the year 2008, the first year in which a man retiring at age 65 can receive the highest benefits contemplated by the present law.

Mr. Speaker, I feel that justice and equity call for a change in the social security laws along the lines proposed in H.R. 6500. If we are going to require married working women to pay the same social security taxes as a single or married man, and that is what we require, then we should also guarantee them some return for their taxes. I find the situation I have outlined intolerable. Therefore, I urge the Committee on Ways and Means to look carefully at H.R. 6500 when next they consider social security legislation. And, I hope that the next social security bill to come to the floor contains a provision based on H.R. 6500.

TABLE II.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER H.R. 6500

Average monthly earnings of husband and wife, each [2]	Total monthly benefit for couple: Present law	Total monthly benefit for couple: H.R. 6500
$25	$110.00	$110.00
$50	110.00	110.00
$100	143.00	152.40
$150	176.80	190.80
$200	203.20	230.40
$225 [3]	215.40	247.60
$250	230.00	268.80
$300	254.20	311.60
$350	280.80	354.20
$400	307.20	396.80
$450	330.00	439.00

[1] Assumes that husband reaches age 65 in 1970; the highest possible average monthly earnings for such a man is $450.
[2] The combined earnings of the couple are twice the amounts shown.
[3] Highest amount to which regular computation applies. Above this amount the 24.18 percent factor is used.

TABLE III.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER H.R. 6500 WHERE HUSBAND HAS AVERAGE MONTHLY EARNINGS OF 450 [1]—AT VARIOUS LEVELS OF WIFE'S EARNINGS

Average monthly earnings of wife	Total monthly benefit for couple [1]: Present law	Total monthly benefit for couple [1]: H.R. 6500
	$247.50	$247.50
$25	247.50	258.20
$50	247.50	269.00
$100	247.50	290.20
$150	253.40	311.60
$200	266.60	332.80
$250	280.00	353.20
$300	292.10	375.60
$350	305.40	396.80
$400	318.60	418.20
$450	330.00	439.60

[1] Maximum average possible for a man who retires at age 65 in 1970.

TABLE IV.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND H.R. 6500

Average monthly earnings of husband and wife, each [2]	Total monthly benefit for couple [1]	
	Present law	H.R. 6500
$25	$110.00	$110.00
$ 0	110.00	110.00
$ 00	143.00	152.40
$150	176.80	190.80
$200	203.20	230.40
$250	230.00	266.40
$300	254.20	306.00
$325	268.60	327.00
$350	280.80	348.40
$400	307.20	391.00
$450	330.00	433.80
$500	355.00	476.40
$600	408.00	561.60
$650	436.00	604.20

[1] Assumes that husband reaches age 65 in 2006, the 1st year in which average monthly earnings of $650 is possible for a man retiring at age 65.

[2] The combined earnings of the couple are twice the amounts shown.

TABLE V.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER H.R. 6500 WHERE HUSBAND HAS AVERAGE MONTHLY EARNINGS OF $650, AT VARIOUS LEVELS OF WIFE'S EARNINGS

Average monthly earnings of wife	Total monthly benefit for couple	
	Present law	H.R. 6500
	$323.00	$323.00
$25	327.00	337.80
$50	327.00	348.40
$100	327.00	369.80
$150	327.00	391.00
$200	327.00	412.40
$250	333.00	433.80
$300	345.10	455.00
$350	358.40	476.70
$400	371.60	497.60
$450	383.00	519.00
$500	395.50	540.40
$600	422.00	583.00
$650	436.00	604.20

CONGRESSIONAL CONTROL OF BUDGETARY OUTLAYS

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

Mr. WHITTEN. Mr. Speaker, the Joint Committee of the House and Senate on Congressional Control Improvement and Congressional Control Over the Budgetary Outlays has filed its report and introduced a bill carrying out those recommendations.

The gentleman from Oregon (Mr. ULLMAN) and I are cochairmen on the part of the House, as the Members know. I am glad to say that all 32 Members of this joint committee have joined in introducing this bill.

Mr. Speaker, today inflation threatens this country far more than any other thing I know of. This is an effort by experienced Members of Congress, the House and Senate, to obtain better control over the budget. It provides for a budgetary expert on a full-time basis, who is responsible to the Congress. The report presents the goals toward which we are working, and provides that at the end of each session, if by chance we have approved more spending than we have agreed on in advance, we will provide the necessary additional taxes to finance it.

Mr. Speaker, I commend these recommendations to my colleagues. The report outlines the details and in my extension of remarks I will include a summary of the proposed organization and procedures.

Mr. Speaker, I want to repeat again that all 32 members of the joint committee have joined in introducing this bill, and I commend it to your attention.

The membership includes:

Co-Chairmen: Jamie L. Whitten, *House Appropriations;* Al Ullman, *House Ways and Means.*

Co-Vice Chairmen: John L. McCellan, *Senate Appropriations; Roman L. Hruska,* Senate *Appropriations;* Russell B. Long, *Senate Finance;* Herman T. Schneebeli, *House Ways and Means.*

Senate Appropriations Committee: John C. Stennis, John O. Pastore, Alan Bible, Milton R. Young, Norris Cotton.

Senate Finance Committee: Herman E. Talmadge, Vance Hartke, J. W. Fulbright, Wallace F. Bennett, Carl T. Curtis, Paul J. Fannin.

Senate at Large: William Proxmire, William V. Roth, Jr.

House Appropriations Committee: George H. Mahon, John J. Rooney, Robert L. F. Sikes, Elford A. Cederberg, John J. Rhodes, Glenn R. Davis.

House Ways and Means Committee: James A. Burke, Martha W. Griffiths, Dan Rostenkowski, Harold R. Collier, Joel T. Broyhill.

House at Large: Henry S. Reuss, James T. Broyhill.

BUDGETARY CONTROL

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

Mr. ULLMAN. Mr. Speaker, I want to concur in the remarks of my able and distinguished friend, the gentleman from Mississippi (Mr. WHITTEN) the cochairman of the Joint Study Committee on Budget Control. It is unusual to have cochairmen on a committee of Congress, but I think in this case it has proved to be highly desirable. We have in this manner been able to bring together important considerations both from the point of view of the appropriations committees and from the standpoint of the tax committees. My able and distinguished colleague from Mississippi (Mr. WHITTEN) has proved to be a really hard working and creative individual in this effort. Without his contributions, I do not believe we could have succeeded.

The report which we submitted today represents the recommendations of the joint Study Committee on Budget Control for improving congressional control over budgetary outlay and receipt totals. At the same time, we have introduced a bill, H.R. 7130, to carry out the recommendations of the Joint Study Committee. This bill has been referred to the House Rules Committee. An identical bill has been introduced in the Senate, S. 1641. That bill was introduced by Senator MCCLELLAN who is a vice-chairman of the Joint Study Committee.

H.R. 7130 was cosponsored by all 16 of the House members of the Joint Study Committee. Similarly, S. 1641 was cosponsored by all 16 members from the Senate on the Joint Study Committee. I know of no comparable piece of legislation which has received unanimous backing from such a large group as this. The membership of the committee includes not only members from the House Appropriations Committee and House Ways and Means Committee but also members representing the legislative committees generally. A similar representation came from the Senate side.

All of these members believed that we have worked out a good bill to deal with the problem that Congress faces; namely, a bill to consider the budget as a whole under a procedure which enables us to establish our own priorities. We all know too well how the executive branch will establish those priorities for us if we do not do it. Wholly apart from that, it is my view that the Congress wants to be fiscally responsible, but we have had no institutional procedures in the past to make this possible.

The idea here is to create a budget committee for the House and for the Senate—not fundamentally new committees but ones rather which are representative of the financial committees of the House and Senate and which at the same time has a substantial representation from the legislative committees at large. The committee we have established would consist of seven members from the Appropriations Committee, seven members from the Ways and Means Committee, and seven members from the legislative committees generally. A similar committee would be set up on the Senate side.

This committee would be served by a joint staff headed by a legislative budget director. This is to be a nonpartisan professional staff which will provide essential functions for the House and Senate budget committees and will also be available for use, and for budget analysis, by all Members of the House and Senate, whether or not they are on the committee. I will pledge my effort to whatever extent I have influence in this regard to assure the House that this staff and its director will be available for use by the entire House membership. I think it is absolutely essential that we have this type of technical knowledge made available to us, if we are to construct what amounts to a legislative budget.

We will construct the legislative budget by reporting out early in each session a concurrent resolution indicating the committee's view as to the appropriate outlay level, the appropriate new budget authority and the appropriate level of revenue. This same resolution would also allocate the budget outlay total and the new budget authority total among the various subcommittees of the Appropriations Committee and also on a program basis to any other committees which may be involved in determining spending.

Once this resolution reaches the floor, any Member of the House will be free to offer amendments either with respect to the totals on budget outlays and new budget authority, or as to how these funds are divided up. To me, this is the feature of the bill which gives assurance to the House and to the Senate that the full membership can work its will in arriving at the appropriate figures. Any member can offer an amendment increasing expenditures for program A so long as he at the same time indicates where the additional funds for program

A are to come from. He can indicate that they will come from decrease in program B, or he can indicate that they will come from increasing the expenditure total. He has his choice. I foresee this as a comprehensive House floor debate on the budget—something that we have been missing—and it will make the difference between congressional control over the budget and no real effective control.

The Senate, of course, would take similar action on the concurrent resolution which we send over to them, and any differences will be worked out in conference.

We, of course, recognize, that early in the session it is difficult to arrive at fully satisfactory totals and allocations. We recognize that there must be flexibility because more information is available later in the session and also events themselves may require changes. In effect this is what occurs when the President first presents his budget and then subsequently presents what is known as the midyear review. Congress also would have its review toward the end of the session, and at this time it could change these totals if it found this desirable.

Another feature of the bill in my opinion is also especially important. The concurrent resolutions presented to the House and then subsequently to the Senate will carry a figure indicating what is believed to be the appropriate deficit or surplus in view of economic conditions and other important factors affecting our economy. If the expenditures called for in the concurrent resolution for expenditures and receipts create a larger deficit than is desirable from the standpoint of the economy, then before additional appropriations can be made available, provision is also to be made for imposing a tax surcharge on individuals and corporations.

Provision is also made for the tax committees to change this from a tax surcharge to some other form of taxation, if they consider that appropriate. The idea here is to use the tax surcharge as the last way of giving us a fiscally sound policy, if we otherwise are unable to work this out in terms of our expenditure and revenue totals. Frankly, I hope and expect that this will be used rarely. I think it is important, however, to have this device available to us.

There are many other features of this bill which I commend to you. Perhaps the best way to get a good understanding of it is for you to read the recommendations which we have submitted in the report filed today. A summary of the recommendations can be found beginning on page 1 of the report, but I believe that you will find the entire report one of substantial interest to you. Because of its importance, my cochairman JAMIE WHITTEN and I have provided for its distribution to each of your offices tomorrow.

At this time I would like to compliment the staff on its diligent work in carrying out the committee's instructions. We have made use of existing staffs on the Hill in carrying on this project because in the short time we have had available to prepare this report—namely, since the first of this year—it would have been impossible to train new staff for this purpose. Those who have so ably assisted us in that respect are listed in the committee report.

Mr. Speaker, it is my judgment that this is one of the most thoroughly worked out and comprehensive pieces of legislation which has been introduced in this body for a long time. The concept of a congressional budget encompassing one of the most far-reaching changes in the fiscal operations of the Congress that I know of.

BUDGETARY CONTROL

Mr. SCHNEEBELI. Mr. Speaker, the earlier speeches made by my colleagues the gentleman from Oregon (Mr. ULLMAN) and the gentleman from Mississippi (Mr. WHITTEN) have the full endorsement of all 16 Republican members of the Joint Budget Committee. The recommendations of the bipartisan committee constitute responsible, necessary, and forward-looking legislation and should afford the Congress a good mechanism with which to meet its responsibility for effective budgeting control.

It is quite obvious that as a legislative body we have passed the point of no return—we must face up to our responsibility and enact legislation in this area at this time.

Our committee has had the advice and counsel of much of the best congressional expertise in the field of budgetary control and I feel that the committee is recommending good legislation.

Our committee hopes that all the Members of Congress will give careful study to the recommendations, following which it is believed that most of the Members will give their approval to the committee study.

MORE SHADOWY OPERATIONS IN RELATION TO THE BIG GRAIN DEAL

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

Mr. MELCHER. Mr. Speaker, the Commodity Exchange Authority certainly has a queer concept of public regulation when it allows accused parties to investigate themselves and carefully try to keep hands off when complaints are lodged against commodity markets.

Recently the American Bakers Association filed a complaint that the wheat future market was rigged to boost Federal export subsidies to U.S. grain firms in connection with the big grain sale to Russia.

Following an almost unbelievable policy for regulatory agencies, Commodity Exchange Authority handled this complaint of a responsible group by assigning the investigation to one of their own men who in turn called upon the Kansas City Board of Trade to conduct the actual investigation. Nowhere in any other regulatory agency can I find a parallel for asking a group who is being charged with wrongdoing to conduct the investigation to ascertain whether the complaint is valid.

It is time the commodity markets were placed under strict, impartial supervision of their day to day activities. The CEA must no longer tell them if they have dirty linen they can wash it themselves in private as they have been doing. With billions of dollars being traded in commodity futures—and the amount is growing rapidly as described by legions of commodity traders seeking investors—we can no longer permit the Commodity Exchange Authority's ridiculous policy to continue.

I am not advocating that the commodity markets end their own self-policing. That should be a part of their function as good business people; they should try to conduct their business so it will not be subject to criticism by a regulatory agency. But their current self-policing is certainly subject to criticism. Parties against whom charges have been made should not be allowed to serve on the investigating committee, as occurred in the Business Conduct Committee's investigation of the bakers' charges.

I have had complaints previously that a similar situation occurred in Chicago, not too long ago, where traders who were short on pork belly futures were allowed to investigate a market situation and take action on it detrimental to those who were long, in their own financial interest. It seems almost elementary that business conduct and ethics committees of the exchanges should see that such panels are unbiased—not packed with partisans.

But whether the exchanges reform their internal policing or not, certainly any Government regulatory agency that turns its responsibility to conduct an investigation over to the exchange against which the complaint has been lodged is completely avoiding its own responsibility.

There can be no justification for letting the Kansas City Board of Trade handle the investigation of a complaint made to the Federal Commodity Exchange Authority against occurrences at the Kansas City Board of Trade. Such impropriety is only compounded by the fact that the Kansas City Board of Trade in turn allowed officers of the large grain companies who sold wheat to Russia, against whom the complaint was lodged, to serve on the investigating team.

Congress has an obligation to take prompt action to rectify this situation. We should see to it that the agency regulating commodity exchanges make their own thorough and impartial investigations of irregularities or market rigging when complaints are lodged with it. We must see to it that, with billions of the public's money involved in the markets' transactions, that they are not shielded but are subjected to full public scrutiny.

The Commodity Exchange Authority must be completely reformed or abolished and replaced.

For the information of Members, I am placing in the RECORD an article by George Anthan and James Rissner of the Des Moines Register revealing how a lid of secrecy has been clamped on the investigation of complaints made by the American Bakers Association, charging irregularities at the Kansas City Board of Trade, and the manner in which that investigation was turned over to the

board itself, which then allowed officers of firms involved to handle the case.

COMMODITIES PROBE VEILED WITH SECRECY—DOUBT SELF-POLICING IS EFFECTIVE

(By George Anthan and James Risser)

KANSAS CITY, MO.—Federal officials and professional grain traders have clamped a lid of secrecy on an investigation into complaints of price manipulations in the wheat futures market here at the time of last summer's grain sales to Russia.

Shortly after receiving a complaint from the American Bakers Association that the market was being rigged to boost federal subsidy payments to U.S. grain export firms, the federal government turned the matter over to the Kansas City Board of Trade for investigation.

THE PROBERS

The board assigned the task to a committee composed of professional commodities traders, some of them representing large grain exporters who sold wheat to the Soviets.

After what board officials call " a thorough investigation," the committee decided there was "no basis for complaint."

But offcials of the Board of Trade, which was the scene of hectic wheat futures trading during the big Russian grain deal, refuse to make public their report on the alleged price rigging.

They will not discuss the procedures followed by the board in investigating the complaint, which was directed at its own members. Also, board officials refuse to make public the trading records upon which they based their decision that there was no price rigging.

At the same time, officials of the U.S. Commidity Exchange Authority (CEA), which turned the case over to the board, refuse to discuss the case or to reveal what the agency itself is doing to determine independently if there is merit to the bakers' association complaint.

POLICE THEMSELVES

The Kansas City case points up the CEA's long-standing practice of permitting the commodity exchange to police themselves, a policy that has drawn severe criticism from the inspector general of the U.S. Department of Agriculture (USDA), parent agency of the CEA.

Inspector Gen. Nathaniel Kossack, in a 1971 internal report only recently made public, declared that the CEA no longer should rely primarily on professional traders at the exchange to investigate alleged commodity market abuses.

He said there was no assurance that the exchanges were complying with the law and carrying out their responsibilities under the system.

Kossack also questioned whether the traders who make up the exchange regulatory committee "could render an objective decision."

This is disputed by Kansas City Board of Trade President Hearne Christopher, who said the wheat price-rigging charge resulted "in a very thorough investigation," but insisted the report is "highly confidential."

Christopher, who heads a brokerage firm that deals both in commodities and stocks, said the exchange's report was turned over to the CEA and that it would be up to that agency to make it public.

NO OUTSIDERS

On the question, generally, of whether the commodity exchanges should be allowed to investigate complaints against their members, Christopher said: "We are better qualified to judge that than outsiders."

Christopher, like many other top commodity market officials, emphasizes that professional traders have a major stake in insuring the markets operate legally and in the public interest.

"It means a lot more to us in the business because we want this futures market properly handled," he said. Stressing that the exchanges are vital to orderly marketing of commodities, he said: "We don't want anything to mar or disturb that in any way. Why wouldn't we want to regulate ourselves and punish those who are violators?"

But the man who made the original complaint to the CEA, Joseph Creed, general counsel of the American Bakers Association, expressed surprise later in Washington when he was told the matter had been referred to exchange officials for investigation.

"I had just assumed," said Creed, "that when you filed a complaint with the CEA, that they have the personnel to investigate it."

CEA PROBE?

Creed said the CEA informed him July 23, 1972—two days after he filed the complaint—that it was being turned over to Sam Gordon, director of the agency's regional office in Kansas City, for investigation.

Asked how he had handled the bakers' complaint, Gordon refused to answer, saying only: "You'll have to ask our administrator, Mr. Caldwell, in Washington."

Gordon was asked to provide some details on the handling of the case by the Kansas City Board of Trade, but gave the same response.

Alex C. Caldwell, the CEA's administrator, said in Washington that it has been "long-standing policy" not to reveal any details concerning complaints to the CEA. He would give no details on the current status of the case.

Creed, of the bakers' association, said of this procedure: "I'm always finding out something new about my government.

"I suppose, in a sense, turning this over to the exchange is like if you allow a criminal, if such it is, to determine if he really violated the law. I was completely unaware they turned this over to the exchanges."

WORKED UPWARD

The bakers contend there are indications that during the period July 11 through July 23, 1972, wheat futures prices in Kansas City were manipulated upward to artificially raise the government export subsidy, which is paid to firms handling overseas grain shipments.

In his letter to CEA Administrator Caldwell July 26, Creed stated:

"Our office has received expressions of concern from some of our members concerning recent price movements in the Kansas City wheat market. Their concern is that, despite the large surplus of wheat, the domestic price level in the past few weeks has moved upward very strongly. They are aware, of course, of the agreement with the Russians to purchase substantial quantities of wheat and the impact that this obviously has had pricewise on commodity markets."

Creed continued: "However, they point out that on at least two days, specifically July 11th and 19th, final purchases of September futures were made at prices higher than levels which prevailed during the day.

"Since the export subsidy on wheat is based on the preceding day's market prices, these last-minute purchases on the 11th and 19th had the effect of raising the subsidy payment on exports for the following day, thereby benefiting wheat exporters. This, in turn, resulted in domestic futures moving to levels higher than warranted by supplies."

Some officials at the Board of Trade and one long-time observer of trading there contend the bakers complained because they had waited too long to buy wheat they needed for flour, and that they were upset at price advances that were only natural outgrowths of increased demand.

But Creed said that explanation is "too simplistic." He said: "This complaint was made by professional traders and buyers. We just said that if there was something going on, we wanted it stopped."

Walter Vernon III, secretary of the Board of Trade, insisted that the exchange's report on the bakers' complaint, though it found no price-rigging, "was not a whitewash." He said it involved "weeks and weeks" of investigation.

Vernon and board president Christopher did disclose that the investigation was conducted mainly by the board's Business Conduct Committee.

At that time, the committee was headed by an official of Christopher's Company, and its members included a vice-president of Continental Grain Co. and an official of Garnac Grain Co., two major firms that were heavily involved in buying wheat for export to Russia.

This year, the committee includes officials of Far-Mar-Co., and of the Pillsbury Co., both major agribusiness companies. The current committee chairman is the Continental vice-president.

The board's Complaint and Investigations Committee is headed by an official of Garnac Grain Co. One of its members is with Cargill, Inc., and the other is with Louis Dreyfus Corp., both major grain exporting firms that handled substantial portions of the Russian grain deal.

Initially, Des Moines Register reporters were assured the Board of Trade would cooperate in revealing details of its investigatory procedures by explaining how its officials handled the American Bakers Association complaint.

Horace W. Johnston, vice-president of Simonds-Shields-Theis Grain Co. and Board of Trade president in 1972, indicated information on the investigation was available from Vernon, the secretary.

Johnston had offered to assist in examining the files if Vernon, who is new in the job, was unable to explain them fully.

Johnston's own view was that the Business Conduct Committee had made a thorough study and that there was no "rhyme or reason" for the price-rigging complaint. He said, however, that board officials act upon all complaints quickly to dispel any charges of favoritism.

Later, however, current board president Christopher refused to permit inspection of any records or *reports dealing* with the board's disciplinary actions and investigations, even if the names of individuals and companies were deleted from the documents.

Critics of the CEA's regulation of the commodity markets contend the reliance of the agency on the exchanges to police themselves gives little assurance to the public that charges of price-rigging and other abusive practices are adequately investigated.

USDA Inspector General Kossack expressed concern in his report that the CEA has no effective system of surveillance that would bring to its attention serious deficiencies in the self-regulatory functioning of an exchange.

And Kossack's report states the CEA "only rarely" questions actions taken by the exchanges in regard to a penalty imposed on a violator.

In the Kansas City case, Christopher said of the Board of Trade investigation: "We made our report to the CEA. If they come back to us, which I don't think they will, we'll give them any substantiation or back it up if they want."

WHEN WILL IT END?

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, the troops and the POW's are home now—but the United States is still bombing Cambodia daily, and has now started bombing Laos, and our Defense Appropriations Subcommittee has just approved $150 million for this illegal activity.

Article 20 of the Vietnam agreement ruled out foreign military activity in Laos and Camobdia as well as in Vietnam. But it did not say when this activity had to stop. Administration officials, according to the New York Times, have maintained that under a private understanding with North Vietnam, the United States was permitted to continue bombing in Laos and Cambodia until ceasefires were worked out in those countries. But Dr. Kissinger had assured us that there were no "private understandings." A cease-fire in Laos in February brought a halt to the bombing, which is now resumed, because of alleged North Vietnamese violations. A unilateral ceasefire announced by President Lon Nol in Cambodia brought a temporary halt to U.S. bombing—which was resumed as soon as insurgents threatened to topple the Lon Nol government.

In short, we are still doing precisely what we did in Vietnam: giving military aid to regimes that are merely strawmen for the Nixon administration and could not survive without its aid.

Deputy Secretary of State Arthur W. Hummel told Senator KENNEDY's committee he could not "with any confidence predict in the very near future the beginning of negotiations." That is to say, in effect, that the United States is still deeply committed to involvement in Indochina—an involvement repudiated overwhelmingly by the American people, an involvement which violates the cease-fire agreement, the Paris Accord, and our own Constitution.

Why do we sit here and permit this to continue? Many bills, including my own, have been introduced to terminate this war immediately and prevent any reinvolvement. But nothing is happening.

What is the House Foreign Affairs Committee doing to investigate the situation and move legislation? What is the House Appropriations Committee doing to cut off funds for this war? The Cambodian bombing alone is said to cost us $4.5 million a day—what is the new bombing of Laos costing?

Why are we not asking the administration what kind of priorities justify cutting off aid for the old and the poor and the middle-income citizen, to spend millions bombing Asians in their homeland?

There are now a million refugees from the Cambodia bombing alone—and half of them are children. Executives of relief services say the situation "defies description" with malnutrition, food shortages, and the real specter of starvation.

Their plight is no less urgent because American troops are not there; American bombs are. And if we continue, there will soon be American fliers shot down, and more POW's, and more "justification" for intervention, and the whole cycle will start up again; it has never really stopped.

Only the Congress can stop it.

TRANSPORTATION STRIKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RONCALLO) is recognized for 60 minutes.

Mr. RONCALLO of New York. Mr. Speaker, I rise to deliver my maiden speech before the House with whatever hesitancy I may otherwise have had at the thought of addressing this august body overshadowed by the urgency of the problem I wish to discuss and the overriding need for its early solution by this Congress. The problem I refer to is the one created by the massive strikes which regularly erupt in this country, crippling the economy and threatening the national health and safety. The worst of these crippling strikes in recent years have occurred in the transportation industries, particularly on the railroads and among longshore workers. These large-scale work stoppages have become increasingly frequent, despite the Government's best efforts to prevent them under the two major Federal statutes which regulate labor-management relations. The two statutes I refer to are the Railway Labor Act, which lays down collective bargaining standards for railroad and airline employees, and the Labor-Management Relations Act of 1947, popularly referred to as the Taft-Hartley law, which covers labor matters in all industries in commerce other than the rails and airlines.

Even as we deliberate here today, dark clouds gather ominously on the labor horizon—clouds which presage possible storms of strikes, lockouts, and general labor unrest. Tomorrow, April 19, marks the expiration of the 90-day cooling-off period in the deadlocked Long Island Railroad contract negotiations, a cooling-off period which only through the good offices and personal intervention of the Secretary of Labor temporarily ended a 7-week walkout of over 6,000 employees of that carrier.

Failing settling of this dispute by April 19, what then? Gratefully I understand this strike will be settled. Will we see the resumption of this painful strike, this depressing spectacle which already has severely disrupted a metropolitan area of over 15,000,000 people and prevented that area from making its full contribution to the economy of the Nation? All procedures of the Railway Labor Act have been exhausted in connection with this impasse, without accomplishing a settlement. The same can be said about the crew consist dispute between the sadly buffeted Penn Central Railroad and the United Transportation Union, a dispute which led to a 1-day strike of 28,000 rail employees on February 8 of this year. That strike was terminated only through special emergency legislation by the Congress—legislation which did not end the strike with finality but only postponed it until May 9, less than a month from now. What will happen then? Will the Congress be forced once again to form itself into a 535-person arbitration panel to ram through, under the most unfavorable, hurried, and political of conditions, some sort of mandatory settlement to the impasse?

We are all aware that 1973 will be a busy year for labor-management contract negotiations, with some very major agreements coming up for renegotiation. We also know that the resurgence of inflation in this country and the uncertain state of the phase III wage-price control program will complicate these negotiations and make it harder to reach agreements without strike or lockout.

More than half a million railroad workers, belonging to 16 individual unions, are covered by contracts which expire on June 30 of this year. This will be the first time since enactment of the Railway Labor Act in 1926 that the contracts of so many rail unions will end on the same date. The press has been playing up the tentative accord for renewal of these contracts already reached by the unions and the carrier, but what has not been publicized is the fact that the accord must be ratified by the membership of at least some of the unions involved. The constitutions of some of the labor organizations require ratification by the union membership before the agreement can be accepted. The membership of at least two of the organizations, the sheet metal workers and the machinists—two of the Nation's toughest bargaining unions—are already balking about ratifying the agreement. These negotiations are still far from certain as to their outcome. They represent a very real danger zone on this year's labor-management horizon.

Other major contracts in the transportation industries are expiring soon. The Teamsters national master freight agreement, covering 450,000 workers, expires the same day as do the rail contracts—on June 30, only a little more than 2 months from now. The next day, July 1, will see expiration of the contract which now covers the 15,000 west coast longshoremen. The negotiation of that longshore contract, as we all can ruefully recall, was not achieved until after a strike of 135 days in 1971 and 1972.

On February 21 of this year, I introduced a bill, H.R. 7131, cited as the Emergency Public Interest Protection Act of 1973 and referred to the House Commerce Committee, which is intended to provide more effective means for protecting the public interest in large-scale labor disputes affecting the transportation industry. I sincerely believe that my bill will protect the public welfare, whereas present Federal law does not do so in any effective way, and at the same time will assure continuance of a free and vigorous collective bargaining climate such as exists today.

In many respects my bill is similar to the strike-settlement recommendation made by President Nixon in the 91st and 92d Congresses, but in a few very important respects my bill, I believe, is an improvement over that proposal. The President's recommendation to the 91st Congress was made on March 2, 1970—transmitted as House Document No. 91–266—the proposal in that Congress was introduced by our distinguished majority leader GERALD R. FORD as H.R. 16226 and by Senator GRIFFIN as S. 3526. The President repeated his proposal in the 92d Congress, on February 3, 1971—transmitted as House Document No. 92–43—it was introduced in that Congress as H.R. 3596 by Representatives STAGGERS

and SPRINGER and as S. 560 by Senator GRIFFIN and others. Hearings on the President's recommendation and other strike-settlement proposals were held by the House Commerce Committee and the Senate Labor Committee, but unhappily neither committee reported out a bill. Had they done so, we would not now be faced with the current sorry state of affairs.

My bill is similar to the administration's proposal in the following respects. First of all, it seeks to protect the health and safety of the Nation against damaging work stoppages while at the same time keeping collective bargaining as free as possible from Government interference. It covers labor disputes only in the transportation industries—that is, the railroad, airline, maritime, longshore, and trucking industries. The Nation's experience has shown that the area in which work stoppages have created the greatest problem is transportation; our highly interdependent economy is extraordinarily vulnerable to any major interruption in the flow of goods.

My bill, like the administration's proposal, would abolish the Railway Labor Act and bring the rails and airlines under the Taft-Hartley law. The Railway Labor Act has proved to be very ineffective in settling major labor disputes, especially those relating to work rules. Most observers agree that the act actually discourages genuine bargaining in many instances. The major deficiencies of the Railway Labor Act do not appear in the Taft-Hartley Act. Therefore, it seems logical to abolish the Railway Labor Act and concentrate our best strike-settlement procedures in one statute—the Taft-Hartley law, especially so since whatever justification may have existed in the early years of the 20th century for a special labor law for the railroads no longer obtains.

Like the administration proposal, my bill would provide the President with three new options following the 80-day cooling-off period provided for in the present Taft-Hartley law in cases of emergency-creating work stoppages. The three options, in my bill as in the administration proposal, consist of a further cooling-off period, partial operation of the industry, and final offer selection—although, as I shall explain later, my version of final offer selection differs from the President's recommendation. These options may be exercised only if the 80-day cooling-off period failed to produce a settlement, and only subject to the provision that either House of Congress would have the opportunity—within 10 days—to reject the Presidential option under a procedure similar to that established by the Reorganization Act of 1949.

However, whereas the earlier plan would permit him to select only one of the new optional procedures, my bill would allow him to invoke the options, subject to congressional veto, in succession or even in combination—until settlement is reached. For example, he may invoke the partial operation and final offer selection options concurrently, or consecutively.

Another major difference between previous proposals and my bill, H.R. 7131, is in our versions of final offer selection. The other version already is well known. It would require each of the disputant parties to submit a final proposal—or two, at the party's option—for full resolution of all the issues in the controversy. An impartial 3-member panel, using prescribed selection criteria, would choose without modification one of the final offers as the binding settlement of the dispute. The panel may pick no settlement other than one of the final offers; the panel's determination, unless found to be arbitrary and capricious by a Federal district court, would become the contract between the parties.

When the President first introduced his plan for final offer selection, it was called by the press "innovative," "imaginative," "ingenious." Soon thereafter, however, the criticisms began. The plan was seen as too rigid, too inflexible. It was viewed as an all-win or all-lose proposition, with no room for compromise, for face-saving by union leaders or management personnel. One major weakness was clearly seen early in the game: that even the most reasonable offer might include some unreasonable provisions which would have to be accepted as part of the total package. Finally, such scanty empirical evidence as existed concerning final offer selection, in cases where it had been tried in State and local collective bargaining, indicated that it had proved to be largely unworkable. The evidence showed that the procedure might be feasible in disputes where the issue was wages and/or hours, But where the issues became less quantitative, in work-rules disputes, for example—such as are common in transportation impasses—the either-or requirement of that version of final offer selection made it a vehicle for producing arbitrary and capricious solutions—the very kind nobody wants. In fact, there is little doubt that one important reason why no strike-settlement legislation was enacted in the 92d Congress was that many Members of the Congress, though aware that something should be done, realized that final offer selection, as had been proposed, was an answer which would create more problems than it would solve.

My bill would revise the final offer selection procedure to make it a workable and equitable tool for major-strike settlement. Under my proposal, the final offer selection panel may look at the final offers on an issue-by-issue basis. The panel may select one of the final offers in its entirety, or it may settle each issue at some point within the boundaries submitted by the parties. To repeat, my proposal permits the panel to select on an item-by-item basis, and for each item to select either the exact offer of one of the parties or else some position between the offers.

So that there is no confusion as to whether or not disputes having a major effect on a single region of the country can be considered "National Emergencies," I have added language to specifically include regional disputes under the proposals.

Another feature of my proposal which should be noted is that, in cases of multi-employer bargaining, any agreement entered into by a labor organization or organizations with any of the employers shall be offered immediately to all the other employers party to the bargaining. The purpose of this provision is to prevent using an earlier settlement as a springboard to negotiate better settlements from successive employers, the so-called "whipsawing" technique.

I believe that my bill incorporates the best features of the President's former recommendations and improves and strengthens them as I have outlined to you today. I am pleased to note that my good friend New York State Senator John D. Caemmerer, chairman of the New York joint legislative committee on transportation is offering a similar measure in my home State. I welcome critical scrutiny of my proposal by labor, management, and impartial observers. I earnestly hope that hearings in both Houses will be conducted at the earliest date on strike-settlement bills, and that legislation along the lines of my proposal will be enacted soon in this session.

DISCUSSION OF THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 60 minutes.

Mr. MEZVINSKY. Mr. Speaker, members of the House Freshman Democratic caucus have requested the floor in order to discuss what we consider the critical need for Congress to assert its budgetary authority.

We realize that we plan to use an unusually long period of time, but we believe that our subject both necessitates and justifies it. As new Members, we are the latest product of the grassroots. And we can offer a fresh insight into the problems which confront us.

I think it is clear that there is a growing imbalance of power between the Congress and the Executive—and Congress is definitely getting the short end of the stick.

This is the result of the major offensive by the White House to take away our powers as well as a default on the part of Congress. The President has taken advantage of Congress by firmly stepping into the vacuum created by Congress inability to exercise its authority.

Our debate this afternoon, and into the evening, will focus on the budget because it represents the most glaring example of this problem.

Our hope is that by speaking out, we will be able to prompt our colleagues here in the House, and in the other Chamber, to join with us in a unified effort to make Congress rear up and take the offensive so it can plan its dynamic role in our Government.

I believe it is imperative that we act immediately to improve Congress to enable it to demonstrate that Congress can truly, effectively, and responsibly represent the public's voice in government.

I think most of you will agree that one of the primary issues during last fall's campaign was alienation of the voters who are turning off Congress because of its inability to enact changes.

Since the election, I think the disillusionment with government has grown rather than diminished.

The light in which Congress is viewed by the public has been further dimmed by the well-orchestrated public relations campaign unleashed by the President to unsell the public on the value of Congress.

The magnitude of the public relations campaign is as unbelievable as it is frightening.

The executive branch is spending millions of tax dollars—the money that we are supposed to control—to further its image, usually at the expense of ours.

The fantastic White House public relations machine is focusing on the budget now. Political appointees of the President are expected to make at least three appearances a week to promote and defend the Presidents' budget proposals. Plans have also been well mapped out to assure maximum use of the media for the selling of the budget.

The public relations men who crowd the White House are trying to mesmerize the public and sell Congress down the river.

This is why we have got to take the offensive and prove with our actions that Congress is not the varied assortment of budgetary villains that we are being made out to be.

We need to demonstrate, as Congress has in the past, that we are not spendthrifts who want to spend, spend, spend. I think we all agree that the President's proposed $268.7 billion budget calls for plenty of spending. And, I do not think any of us want to spend more tax dollars, and most of us believe that we can spend less. The record shows that during the President's first 4 years, Congress chopped off some $20 billion from the amount the President wanted to spend.

We must show the public that our quarrel is not over the amount of money to be spent, but rather how and where it will be spent.

We must demand, both of ourselves and from the executive branch, that Congress exercise its prerogatives over spending priorities.

And I think we have made a strong beginning toward this goal. Our joint study committee on budget control has unanimously endorsed the creation of a special budget committee in each Chamber.

We now need to dedicate our support to these committees and provide them the necessary resources to do their job effectively and enhance congressional budgetary control.

Making Congress as able as we are willing—to handle the budget—will be a long step toward solving another serious problem which confronts us and weakens Congress in the public eye. That is the inaccessibility of the President.

We, in Congress, are supposed to be our constituents' closest link with the Government. We are supposed to listen to our home districts and bring their message to the Federal Government—but somehow the message lies dormant in Congress. We cannot get through to the White House.

So far this session, the President has effectively ignored our existence.

We have been here for 4 months, and he is not yet felt inclined to come to the Hill and address us personally.

And the first months of this new session have shown our actions have little or no effect on his.

He has surrounded himself with the White House whiz kids—like Haldeman, Ehrlichman, Dean and Ash—whose influence on the direction of the Government is much greater than that of the 225 million people we represent.

These whiz kids are the ones with access to the President, not Congress. The President follows their advice, not congressional directives, on what Federal programs to carry out, which to cut back, and which to abolish. The most dangerous aspect of this situation is that none of the whiz kids are accountable to Congress or the public.

The longer Congress allows itself to be ignored by the White House, the greater the danger that the public will be mesmerized into believing that Congress' role is supposed to be no more than that of a debating society.

If as the people's branch, we cannot have an impact, then who are the people to turn to? As long as Congress is ignored, so are the people.

This is why we have got to rear up and take the offensive in order to return the power of decision to the hands of the people.

We must assert our authority and make Congress more of a force to be reckoned with than the President's friends.

To be successful, we must challenge the frighteningly broad interpretation of executive privilege that shields the whiz kids from our questions.

And we have got to test the legality of the Executive's growing classified stamp collection that now hides vital information from us.

We will discuss this and other areas in which Congress must move quickly and firmly to secure the power of the purse and bring the people back into this Government.

I believe we can do this without surrounding ourselves with men who used to sell 7-Up and Disneyland. That is the Executive's game, not Congress.

To reassert our authority as the people's branch of Government, we must unite among ourselves and inspire public confidence and support by actions that show that we can effectively respond to the needs and wishes of the public.

I include the following:

RESOLUTION

Whereas, this nation faces an increasingly grave constitutional crisis stemming from a growing imbalance between the Legislative and Executive Branches of the Federal Government; and

Whereas, the Congress, under the Constitution, has the sole authority to raise and appropriate the peoples' money and to set priorities for its expenditures; and

Whereas, congressional reform of the Budgeting Process for review and control of expenditures is needed to maintain constitutional congressional authority and responsibility for budgeting and establishment of national objectives and priorities; and

Whereas, a Joint Committee on the Budget composed of Democrats and Republicans, Senators and Representatives has been established in the United States Congress;

Now, Therefore, be it resolved that the undersigned freshman members of the 93d Congress hereby express their endorsement of the Joint Committee on the Budget and affirm their commitment to the people to assist the Congress in providing an adequate means for comprehensive congressional review of the budget and to formulate more equitable laws for the purpose of raising revenues and to reassert that the raising of these revenues and the establishment of national priorities is the responsibility and duty of the legislative branch of the government.

Edward Mezvinsky, John Breaux, Bill Gunter, Barbara Jordan, Wayne Owens, Gerry Studds, Ray Thornton, Ike Andrews, Jaime Benitez, and David Bowen.

John Breckinridge, Yvonne Burke, Ron de Lugo, Bo Ginn, Elizabeth Holtzman, James R. Jones, William Lehman, Jerry Litton, Gillis Long, and Clem McSpadden.

Dale Milford, John Moakley, Charles Rose, Leo J. Ryan, Patricia Schroeder, Fortney H. Stark, Jr., Charles Wilson, Antonio Won Pat, Andrew Young, and Lindy Boggs.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. MEZVINSKY. I am glad to yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, I want to commend heartily to the Democratic freshmen for their initiative in taking this special order in response to the administration's actions of impoundment, abuse of Executive privilege, and indiscriminate budgetary cuts.

Let us look at the facts. I have to agree with the gentleman from Iowa, the real issue of the confrontation between the Congress and the Executive is programs and priorities.

But the President is distorting the question to one of spending. Nixon's demand for a formal budget ceiling and his unfair and derogatory remarks about a big spending Congress are designed to conceal his real motive, which is seizing full control of the policymaking authority.

The truth of the matter is that when the President of the United States speaks out, whether he is on television or in a press conference, he gets the front page of every paper in the world. But when we, the leadership in the House, try to respond, we are fortunate if we get two or three lines on a back page.

I believe it is of great significance what the freshmen Democratic Members are saying here today, in trying to bring this to the public.

What is the President doing? He says that the Congress must fund everything in his budget, including the $13 billion deficit. The American people do not realize that the budget which has been sent to the Congress of the United States has

a $13 billion deficit. The way Mr. Nixon talks, one would think this was a wild-spending Congress. It is the manner in which this administration has handled the economy since the election of 1968 which caused the $114 billion of deficits in the past 4 years.

The President says Congress can formulate no policy nor fund any program except that is in his budget. Well, it is a question of priorities.

He has asked for $268.7 billion. That is at least a $13 billion deficit.

We say that the priority is ours under the Constitution. We say that the first article of the Constitution gives to the Congress, both the House and Senate, the power to authorize, the power to appropriate.

The President has the right to sign legislation. The President has the right to veto legislation. But when we authorize and when we appropriate, and after he has signed the bill, then the Constitution says that he must spend the money.

But the truth of the matter is, he wants to formulate all the policy while the Constitution says the priority is ours. If the Congress initiates a program which he personally disapproves, he vetoes it; and if we pass it over his veto, as we did last year, he impounds the funds, thus committing an unconstitutional action.

If Congress overides his veto, he says that he will impound the funds, and that is what he has done.

Mr. Speaker, what are we trying to do about it? We should have the people of America on our side, and as I say, the polls now are fast coming over to our side. The last poll showed, I think, that 59 percent of the American people thought he was acting incorrectly in his efforts to thwart the will of Congress.

What are we doing here? Well, as the gentleman from Iowa (Mr. MEZVINSKY) stated, we have created a budget control committee which has recommended that Congress consider the budget as a whole, including its impact on the economy, the national debt, and the taxes. We have begun hearings on impoundment legislation, which would give Congress a way to deal with the President's high-handed and injudicious impounding of funds; and this legislation would reassert the congressional role in the funding and policymaking processes of this Nation.

Mr. Speaker, I want to congratulate, once again, the freshman Democratic Members for their study and for this innovative approach they have chosen here today to bring this issue before the American public.

Mr. MEZVINSKY. Mr. Speaker, I want to thank the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. MATSUNAGA. Will the gentleman yield?

Mr. MEZVINSKY. I am glad to yield to the distinguished deputy majority whip.

Mr. MATSUNAGA. I wish to commend the gentleman in the well for his leadership among the Democratic freshman Members of the 93d Congress, and for bringing to the attention of the Congress the truth which every Member of the Congress should take back to his State and to his district. That truth is that the issue which the gentleman discusses is not a partisan one; rather it is one which should concern all members of Congress, regardless of party affiliation, for it goes to the basic fundamentals of our system of government; namely, the separation of powers among three coequal branches. It is a system which is unique to our form of government and which has made this Nation the great nation that it is—a system which each of us in the Congress swore to uphold.

I plead with Members across the aisle to take it upon themselves as Members of that great body known as the Congress of the United States to help this cause in maintaining the equality of the Congress with the other two branches.

If we let the trend which we see now continue, that is, the usurpation of the powers of the Congress by the Executive, then in short order we will find that our system will decay as other democratic governments in the past have. We will then find that mankind's great dream of establishing and maintaining a true democracy on the face of this earth will have vanished.

Again I commend the gentleman and all those who will be joining him in bringing to the attention of the American people the great issue which now faces the American people and one which must be resolved if we are to continue as a nation in which the people court and govern.

Mr. MEZVINSKY. Thank you.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. LONG).

Mr. LONG of Louisiana. If I may, Mr. Speaker, I would like to direct this to the attention of the gentleman from Hawaii.

I have often heard of the analogy of what was going to happen to our country in the event of the continuation of the usurpation of power by the executive branch. It appears to me what has been commonly said is going to happen is not necessarily what is going to happen.

We look at it in terms of absolute power rather than just in degrees of power. The absolute power with respect to the running of the U.S. Government is in the people's branch of the Government—the Congress. The Presidency, the executive branch, can carry on no function at all without appropriations. What really worries me is the fact that if we are allowed to continue without negotiations and without politics, in the good sense of the term, of looking at his view and expressing our view—if we allow that to continue, we are likely to come to an impasse which can result in very, very catastrophic relationships which, in turn, could mean chaos and an impasse between the executive and the legislative branches of our Government.

If such an impasse does develop, it would appear to me that we, in the Congress, have to be the winner in any fight such as that.

I think in our dealings with the executive branch, should we not be dealing from a position of strength? We as the elected representatives of nearly half a million people which each of us represents have the absolute authority and the continuing authority with respect to the pursestrings of this Nation.

I may say I am not worried about our power eroding away at all, because I have always felt we could take it back if we have to, but let us think what would happen if we did.

I would appreciate the view of the gentleman from Hawaii on what would happen if this situation is allowed to continue and where we will be when the time comes, not for his consideration of the request that we have been making but when the time comes for our consideration of the requests that the executive branch of the Government starts making.

What if we are as inconsiderate, what if we are as irreconcilable as has been the executive branch with respect to our point of view, what effect does the gentleman think that would have upon the United States?

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

Mr. MEZVINSKY. I will be glad to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. In response to the gentleman from Louisiana, I will say that we would have such a chaotic situation and an inoperable government, that we would not be serving the people whom we represent here in the Congress at all. Neither will the President of the Untied States be serving the people whom he claims gave him a mandate to do what he is doing. In truth, we would in time cease to exist as a nation.

Mr. MEZVINSKY. Mr. Speaker, I yield to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Speaker, I thank the distinguished gentleman from Iowa for yielding me this time.

Mr. Speaker, since the Continental Congress there has been recurrent tension between the Congress and the President on the issue of who controls Federal spending. That issue has returned with a vengeance. Actions by the President and inaction in the Congress have precipitated a genuine constitutional crisis as the national Government lurches toward a system of one-man rule on the crucial question of how and where the national Government is to spend money.

As freshman Members of Congress, we have a unique perspective on this crisis. Whereas we expect to endure a certain amount of individual impotence in terms of our ability to influence congressional actions and national policies we do not expect powerlessness of Congress as an institution. Whatever power we do have rests largely in the importance of our vote on national issues confronting the Congress, especially those dealing with the application of Federal funds according to national priorities. When the power and influence of the congressional role in this area declines, we are hurt the most.

We are here because the American people voted against monolithic government in the 1972 elections. They clearly wanted some restraints on executive branch power and they hope to get it

by electing Democrats to Congress while a Republican President maintained control of the White House.

Article I of the Constitution spells out the powers of the Congress with the following words: "All legislative powers herein granted shall be vested in a Congress of the United States * * *" which "shall have power to lay and collect taxes * * * and provide for the common defense and general welfare of the United States." Article I further states that: "No money shall be drawn from the Treasury, but in consequence of Appropriations made by law." The Constitution describes the role of the President in article II by stating that "The excutive power shall be vested in a President of the United States of America" who shall "recommend to (Congress) consideration such measures as he shall judge necessary and expedient" and "take care that the laws be faithfully executed."

These few words, encrusted with traditions, customs and statutes over the years, provide the basis for two coequal branches of the Federal Government, with the Federal courts supplying the third balancing force. The Constitution puts Congress at the center of Government, making laws and setting policies, while the President recommends or rejects congressional actions and administers what Congress decrees. This apparently neat division of administrative and policymaking powers between the President and the Congress is, of course, not nearly so neat in reality, nor should it be. Both branches of Government share these powers with the other.

But in control of the Federal purse-strings, the Congress is clearly meant to be preeminent. As described in the Federalist papers:

> This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people.

The President annually recommends a plan of spending to the Congress, based on both congressionally authorized or mandated programs as well as new initiatives which the President recommends to the Congress. The President's recommendations are deliberated, adjusted, and then approved by the Congress.

In 1973, this delicate balance has been destroyed. The President, flouting the Constitution, laws, and tradition, is attempting to completely dominate all decisions about how and where the Federal Government is to spend money.

He has chosen the political gambit of demanding that his suggested budget be accepted in entirety without change or else the Congress will be responsible for increasing inflation or a 15-percent tax increase or both. In some ways this is a traditional political ploy used to overcome congressional opposition to a President's budget. The President is attempting to prevent the Congress from exercising its proper role in budget matters of setting the objectives the Nation should seek, deciding what share of the Nation's resources should be devoted to each of those objectives, and weighing program effectiveness and improvements that may be necessary to achieve those objectives.

These are not questions which the President alone should decide. These questions should properly be jointly decided on the basis of congressional consideration and amendment of Presidential recommendations.

The President goes even further however, by dismantling agencies and programs of which he disapproves or no longer sees a need for without awaiting congressional approval. I do not think that the Founding Fathers intended faithful execution of the laws to encompass death of legislation by execution. The Office of Economic Opportunity, the Hill-Burton hospital construction program, numerous aid to education programs, health training programs, housing assistance programs, all have been single-handedly terminated by the administration with only scant justification. Congress is told that these programs have either failed or accomplished their purposes. This cursory evaluation is completely inadequate.

The President is also vastly extending the discretionary power employed by previous Presidents to withhold from expenditure funds appropriated by the Congress. He has thus impounded billions of dollars for a wide range of programs without congressional authorization, thereby reversing legislative policies through executive power. These impoundments reflect a unparalleled contempt for the laws of Congress, as the President ignores appropriation laws which he has sworn to faithfully execute.

This practice is even more dangerous when the President and his advisors threaten to impound funds which might be appropriated as a result of the override of a Presidential veto. In other words, if the President should veto a congressional spending measure, which is a constitutionally legitimate practice, and the Congress then overrides that veto and directs that the funds be expended, the President would still refuse to spend the money. This trampling of the Constitution cannot be permitted.

This is not a complete list of examples of the Presidential power grab. The sweeping doctrine of Executive privilege employed by the administration threatens the Congress' access to information and has no basis in the Constitution. The administration is actively opposed to legislation which would reestablish the constitutional role of Congress in decisions about the employment of military forces abroad. There are still more examples of the Executive push for power, but this is more than enough evidence to disturb everyone who has even the most elementary understanding of the U.S. Constitution.

These Presidential actions constitute a fundamental threat to the constitutional role of the Congress as a coequal branch of Government. They are done in the names of efficiency and economy to overcome irresponsible actions or lack of action by the Congress. The President justifies his extra-legal actions as the only available means for controlling runaway Federal spending.

The administration points an accusing finger at the uncoordinated, piecemeal nature of the congressional appropriations process and says that Congress responds only to special interests and not national needs. Whatever it is called and however it is disguised this usurpation of congressional power must be recognized and reversed. If the Congress loses its power over the budget and Federal spending, it loses the essential core of its power to set priorities and programs for the Nation and to act as a check and balance to Presidential power.

Such loss of congressional power could not come at a worse time. This is a decade of major challenge and change. The Nation is reexamining its priorities, how money is to be raised to address those priorities, and what public functions should be carried out at which level of government. It is a time of discouragement with the progress and prospects for the ambitious programs of social change enacted in the 1960's. If the Congress and the people who elected us to represent them are to have any influence on the future directions of this Nation, we must have effective influence over the purse strings of Government.

There are many critics of the Congress who are convinced that this institution is incapable of responding to the challenge this crisis represents. They charge that Congress is hopelessly divided by parochial concerns and tied in knots by archaic procedures. The 20th century trend of increasing Presidential power and prestige is, they say, bound to continue, since it is impossible for 435 Members of Congress and 100 Senators to be galvanized into a flexible yet forceful partner in the federal system.

But Congress is not a static institution, as the major procedural reforms of the last 3 years demonstrate. I am convinced that Congress can reform itself and thereby regain and capably exercise the power of the purse. We not only can, but we must, and we must do it soon. The needed changes are clear and will be discussed in great detail by many of my colleagues. The exact details of these changes must become the priority business of this Congress. This is a difficult and tricky task, and everyone of us needs to consider and avoid the many pitfalls that await us as we search for the mechanisms and the statutes we will need to regain our prerogatives.

There is a desperate need for more and better information in Congress on the entire budgeting process. Information is the necessary prerequisite to control, especially when Congress is confronted with a budget that is best characterized by sham, sleight of hand and confusion. We must overcome the traditional reluctance of Congress to increase its own supporting services for fear of seeming indulgent and lavish with the peoples money. Increasing the information resources of the Congress will also threaten the executive branch's present near monopoly over information on the budget and programs it supports. Nonetheless, we must provide more staff and resources for such congressional investigative arms as the General Accounting Office and the new Office of Technology Assess-

ment. At the same time, more concerted efforts at regular oversight and program review must be undertaken by every committee of the Congress.

The Congress must also develop new mechanisms for examining and shaping the budget in a coherent, coordinated manner which matches income and outgo and sets a ceiling on spending. However, the wide agreement in Congress on these general goals could well evaporate when specific proposals are drafted, since any such proposal concentrates powers over Federal spending in a few Members of Congress who may not be representative of the collective interests of Congress and the Nation as a whole. They also contain the potential for further rigidifying the appropriations process which already places severe limits on the ability of Members not on the Appropriations Committee to influence the appropriations process.

For example, when a spending ceiling has been adopted, it has been proposed that any floor amendment to an appropriation bill must be two pronged, that is, matching any proposed addition or subtraction from a program appropriation with a complementary addition or subtraction in another program. This increases the likelihood that appropriations measures will reach the House floor in a form which is all but final and unlikely to be changed. Some such sacrifices are necessary if Congress is to reassert its preeminence in fiscal matters, but we must weigh them carefully.

We must also press the attack on the executive practice of impoundment without in effect legitimizing the practice in the name of controlling it. We must consider the possibility of mandating expenditures through the use of such language as order, require, or direct in appropriations measures, thus denying the executive branch the flexibility which they have so widely abused.

But even beyond these tricky, debatable but crucial changes, the Congress must regain the will to govern. We cannot forget that last October the House passed a spending ceiling which surrendered all discretion over budget cuts to the President, reflecting Congress' appalling willingness to shrug off the responsibility for difficult decisions and leave them to the President. We must be willing to take the political heat involved in making hard choices between competing public needs. Recently, a U.S. district court ruled that the executive branch has been illegally abolishing the Office of Economic Opportunity without prior congressional approval. The court has thrown the problem back into the legislative arena. Yet, I fear that the Congress will not respond to this challenge by confronting the issue of the continuance of OEO, but will instead bow to Executive initiative and let the program die through lack of action. Millions of poor and forgotten Americans deserve better than that.

We must also resist the temptation to accede to the administration's tactics in this confrontation because we might agree with some of the program changes the President is making, or because we fear the political appeal of the inflationary/tax increase strawman he has constructed. The goal of a particular program termination cannot be allowed to justify the arbitrary means used to end it. The administration's political argument can be easily deflated by reminding the Nation that this administration in the short period of 5 years will have accumulated a Federal funds deficit of $134 billion or 26 percent of the total national debt, a deficit which would have been even greater if the Congress had not reduced every single budget request the President has made.

This is a battle the Congress must win. This is also a battle that Congress can win. The tools for victory are the Constitution of the United States and a Congress which believes what the Constitution says. Let us stiffen our resolve so that we can get on with the business of charting the course for the Nation in the years ahead.

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

Mr. MEZVINSKY. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

I compliment the gentlewoman on her speech. It is eloquent; it is superb; and I want to add one observation.

While the gentlewoman was placing the Congress of the United States in its constitutional and historical perspective in terms of what is unique about this House in which we serve, I assume that before the evening is over we will not be uncritical of our own institution. This is not an evening which will simply be devoted to criticism of the executive branch of the Government. But while we are placing it in historical perspective—the House of Representatives—I think it ought to be pointed out what seems to me to be unique about our branch.

This is the only office in the Federal Government of the United States to which one can only be elected by the people.

In the Constitution as it was first written, that was the case. Members of the Senate were twice removed from the people. The Senators were elected by State legislators who were elected by the people. The Presidency was three times removed from the people because the President was elected by electors who were elected by the legislators who were elected by the people. Only the people's branch, the House of Representatives, was elected by the people.

The Constitution also provides for the Representatives a 2-year term of office, which I suspect in some emotional and personal ways many of us regret, but I submit it is every bit as sound today, if not more so than it was when the document was first written. This branch is supposed to remain directly in touch with the people. It is a sort of popular barometer directly representing the people.

The Senators were given longer terms of 6 years but the Senators, in the language of the 18th century, were supposed to have been aristocrats and dignified and aloof and removed and not as much in touch with the daily and weekly and monthly feelings and passions and emotions of the people, but it is uniquely our responsibility, in the House of Representatives, to be precisely responsive to the people. I think that at this point in the gentlewoman's remarks that historical perspective should be added.

Mr. Speaker, I commend the gentlewoman for her remarks.

Miss JORDAN. Mr. Speaker, I thank the gentleman very much for his comment.

Mr. Speaker, I thank the gentleman from Iowa for yielding to me so that I might talk about the constitutional perspective, and as we continue I hope I will have a further opportunity to make remarks.

Again I thank the gentleman for yielding.

Mr. MEZVINSKY. Mr. Speaker, I yield now to the distinguished Speaker of the House, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding to me.

I am happy that I was able to get here and hear at least a considerable portion of the remarks of the very distinguished gentlewoman from Texas who has joined us this year. I would have been here at the time this special order started but I was rushed down to the National Portrait Gallery to join Mrs. Lady Bird Johnson in presenting a bust of the late Speaker Sam Rayburn to the Smithsonian Institution. I am sorry I was not here when the other speeches were made.

I concur in everything that has been said. I not only concur with what the gentleman from Massachusetts said but also I think he could have gone a step further. Not only is the House of Representatives the only body that is next to the people in all this vast Federal Government but the office of Representative is the only office in the land to which one can succeed, even after death or resignation, solely by election of the people. Senators can be appointed, and Presidents can be succeeded by Vice Presidents and others, but Members of the House of Representatives are just exactly what the term says. They are representatives of the people. They may only hold office by election of the people.

In that respect Representatives have, as I view it, a dual role. In the first place, they represent their districts. Every person is here by the same process that brings every other Member here, whether he has been here for 1 term or for 20 terms. He is an equal as a representative of the people. He has the same commission that the chairmen of the committees and the leaders of the House have. He is here with all the emoluments of the office and all the powers of the office.

The old statement we sometimes hear that new Members are to be seen and not heard is simply hogwash. It is the duty of every Member of Congress to represent his district. This is his first and essential duty: to bring the voice and the needs of his district into the national picture.

Every Representative here is not only a representative from his district, but he is a national Congressman. He is here to contribute to the sum total of the law of the land, and unless his district has input, we do not have all that we are capable of giving to the Nation.

This is the duty of freshman Mem-

bers—and I do not call them freshman Members; I call them new Members, because there are no freshmen or sophomores here. There are Members of Congress, some having served longer than others.

It is the duty of every Member to uphold the prerogatives of his own district and the prerogatives of this House. This House is no better from generation to generation than those who serve in it. This House, in this generation, is the men and women who make up its membership.

But this House, in my opinion, is the most important democratic institution in the Nation. I did not say the most important institution. It is the most important democratic institution, because it is totally democratic. It has powers coequal with the Senate, but it has powers over the purse of the Nation that not even the Senate possesses, because only the House of Representatives can initiate revenue measures and appropriations measures.

The framers of our Constitution have often been called very wise men, and I think they were. I think their wisdom was seen first in what they set out to do: to build a country of free men and free women.

They set up a tripartite system of government; executive, legislative, and judicial, with the legislative the first branch mentioned in the Constitution, and the House of Representatives being the first discussed in article I.

But, in every crisis in the history of this Nation in which one body, one of the three legs upon which the Government rests, is the victim of oppression from another agency of the Government, or another department of the Government, the people suffer. We keep our liberties and our rights because we keep all three branches strong.

Following the Civil War, we almost had anarchy when they came very near impeaching a very good President, the first President Johnson.

The legislature practically took over, and we almost had legislative tyranny in this country at that time.

Today it seems to me that we have a President, whether well-intentioned or not, who is taking steps which if not checked will lead to what amounts to Executive tyranny. This country was not established to be the most efficient country in the world. It was established in an effort to make it the freest country in the world. It is only when we make a nation free, where justice prevails, where every person of whatever race, religion, or national origin, has the opportunity and the right to use his talents freely, only in such a country do we have great problems.

When the Founding Fathers set out to make us the freest country in the world, they laid the foundation for making this the strongest, the richest country in the history of the world, because they gave more and more opportunity to more and more people to participate. The history of our country has been a history of expanding democracy. It started out growing slowly to the democratic roles which Jefferson expressed in the Declaration of Independence.

I am glad the new Members of the House have taken this special order. I do not believe this should be the only special order they should take. I believe they should take special orders frequently and they should participate in the activities of their committees frequently. They should participate in the debate on the floor frequently.

New Members must prepare themselves now, not for the positions they will hold on their committees 5 years from now. They should do their thing this year.

We need you. We want you. We welcome you. You are going to make a contribution if you keep on going as you have started that will be equaled by very few new classes in the House of Representatives in my time.

Congratulations and best wishes to all of you.

Mr. MEZVINSKY. I thank the distinguished Speaker. Certainly on behalf of the freshman class we shall try to make this the dynamic body it was intended to be.

Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. BOWEN. Mr. Speaker, I would like to discuss for a few minutes the critically important subject of impoundment, an instrument of policy by the present administration which has generated considerable debate here and around the country and is largely responsible for bringing the whole issue involving the relationship of Congress and the executive branch to a head.

History has again been cited by the impounders. So-called precedents claimed to have been established during our Nation's infancy have been hurled at us from the White House by spokesmen for the administration's newly conceived politics of impoundment.

Let us examine three of the most interesting cases of impoundment and discuss their relationship to the present situation.

Perhaps the most famous so-called precedent is Thomas Jefferson's impoundment of $50,000, appropriated by Congress in 1803 for gunboats on the Mississippi River. President Jefferson contended the famous Louisiana Purchase made the gunboats unnecessary and declined to spend the money for the purpose intended by the Congress. In his message to Congress, Mr. Jefferson said the Louisiana Purchase ended any immediate need for the gunboats, but the record indicates that President Jefferson did, however, spend the appropriated funds within a relatively short period, for improved gunboats.

Interesting enough, Jefferson used the phrase "deferred" instead of "impounded" when he held up spending the money for the 15 gunboats.

During the depression in the 1930's, Herbert Hoover, under extreme pressure to stabilize the Nation's rapidly sinking economy, withheld funds to effect savings in the Federal budget.

Mr. Hoover's attempts to avert economic disaster by controlling the rate of program implementation, of course, proved to be counterproductive and the electorate rather effectively ended his withholding policy in the 1932 elections.

Even Hoover, however, did obtain congressional approval for his economy cutbacks in contrast with President Nixon.

The next major disagreement between Congress and the executive branch over Presidential action circumventing the lawful authorization and appropriation of funds for specific purposes by Congress came in 1941, on the eve of World War II.

Franklin Delano Roosevelt announced that because of war emergencies, he was not going to allocate any funds for any water resource project that did not have an important national defense value. As Members know, the congressional outcry was bitter, but as in the case of Jefferson, national defense was the overriding issue, though there were clear differences of opinion about how that defense could best be served. War powers of Presidents, including preparations for what appear to be impending wars, always involve expansions of executive authority, rightly or wrongly, but President Nixon has not argued that the military survival of the Nation is involved in his actions.

Since World War II, impoundments have been largely in the area of military spending, where Presidents have exercised special authority as Commander in Chief, or Antideficiency Act impoundments to accomplish needed economies in programs.

We are now confronted with the most massive Constitutional crisis between the Executive and Congress on the question of impoundment in our history.

The truth is that Mr. Nixon is using impoundment as a de facto line item veto of the budget approved by Congress last year. This budget was, in most instances, approved by the President himself.

No President has in our history impounded so much money for so many programs for such unacceptable reasons. He has impounded 100 different programs and $8.7 billion, plus another $6 billion in contract authority, all in the name of fiscal responsibility.

But what kind of fiscal responsibility has the administration which now arbitrarily impounds and cuts off worthy programs actually practiced the past 4 years? As Speaker ALBERT so forcefully pointed out publicly on national television recently, the Congress has annually reduced the budget requests of the Nixon administration below the total requested amount.

More specifically, during the 4 years of Mr. Nixon's first administration, Congress cut appropriations by some $20 billion below the President's budget requests.

Despite these fiscal restraints by Congress, Mr. Nixon has succeeded in running up over $100 billion in deficits in only 4 years, more than all the combined deficits of the three previous administrations, dating 16 years back from 1968 to 1952.

Even today, there is every indication that Congress may, in the 1974 budget, vote to spend less than Mr. Nixon has requested. His proposed $268.7 billion ceiling has already been lowered to $268 billion by the Senate and I hope we in the

House can cut the budget as much or more.

Apparently the President wants Congress to appropriate a blank check for the White House to spend as it sees fit, perhaps for such curious priorities as 17 new helicopters for the palace guard, millions in flight pay for military personnel who do not fly, or reparations for Hanoi.

I believe in economy in Government, but I believe the Constitution makes both the Congress and President partners in the legislative process. Neither party has the authority to abrogate or ignore statutory obligations unilaterally. It matters not whether the President agrees or disagrees now with what he signed into law last year. The fact is that public laws authorizing and appropriating for these programs are still on the statute books and the President is required by the Constitution to see that the laws are faithfully executed. That he is not doing.

He is not making simple efficiency cutbacks, where less expensive means have been found to do a job, or making military judgments, or deferring expenditures within a fiscal year, but rather he is making massive legislative decisions about the value of dozens of major programs which have been administered for up to 40 years in this country.

He has given himself what the Confederate President had but what the American President never had—an item veto. He wants large sums appropriated so that he may administer what he pleases.

In some cases there is not even a pretense of economy being the issue, as in the recent veto of the farmers home sewer and water bill. The Under Secretary of Agriculture made it clear in testimony before our House Agriculture Committee that there would be no significant long-term savings under the President's impoundment action, but rather that the President has simply decided that the Environmental Protection Agency was a better place to administer the program than the Farmers Home Administration. The President, strangely enough, described the FHA program in his veto message as a "budget buster."

The transfer of this program, in my opinion, is a legislative decision, and I believe the American people understand this. I do not believe the American people buy the idea that just because the President is trying to accomplish a desirable goal—cutting Federal spending—that he is justified in resorting to any means he chooses.

Sadly, it was only a few years ago that a member of the legislative branch of our Government was trampling on the constitutional rights of American citizens and attempting to justify his actions by saying that the ends justified means whatever he found necessary.

One of President Nixon's recent Supreme Court appointees, William Rehnquist, summed up the constitutionality of the issue in this way:

> With respect to the suggestion that the President has a Constitutional power to decline to spend appropriated funds, we must conclude that the existence of such a broad power is supported by neither reason nor precedent.

I am pleased, as most of us are, by recent Federal court decisions holding that the President cannot refuse to administer laws which he does not care to administer. But I feel we in the Congress must protect our own rights and those of the American people by passing legislation in this area.

We may differ on whether Congress should approve of Executive impoundments before they are valid or whether they should be valid unless Congress dissents, but I hope we all agree we need to restore the constitutional balance between the executive branch and the people's branch of our great Federal Government.

Mr. MEZVINSKY. Mr. Speaker, I yield to the Delegate from the Virgin Islands (Mr. DE LUGO).

Mr. SEIBERLING. Will the gentleman yield to me for a moment?

Mr. DE LUGO. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I am scheduled to replace the gentleman sitting in the chair, and I thought I had better make my comments before I do.

I want to commend Mr. MEZVINSKY and you and the other freshmen for taking this time to address yourselves to this most fundamental matter as far as the survival of democracy and constitutional government in this country is concerned.

I think it is a noteworthy thing that the Speaker of the House and the majority leader have joined in this and made very memorable comments on your efforts and on the position this great institution finds itself in.

I was thinking today—as we discussed this matter in the Democratic caucus and the question of impoundments—of my study of Roman history when I was a schoolboy and how the executive gradually usurped the powers of the Roman senate and the senate gradually abdicated its powers until finally one, Julius Caesar, by a sweep of the hand, ended what was by then a farce and took over the supreme power. Democracy was dead after several hundred years in Rome.

That situation could occur here. Our Founding Fathers, who were steeped in classical history, had great concern about just that very problem. One of the reasons why they set up a system of checks and balances, as anyone could see who studies the Federalist Papers, was because of their fear of having executive dictatorship. It was that very fear which caused them to give the Congress the power of the purse and the power alone to make legislation and to require that the President faithfully execute the laws.

I think we would all concede over a period of time the Congress by its very inaction or by its transfer of blank check authority to the President lost some of that power it was given by the Founding Fathers.

Once power has been lost it is very, very hard to get it back, as we find, but never in our history have we had such a concerted assault on the constitutional character of our Government as we are witnessing today on the part of the President of the United States.

I happen to be one Member—and I am sure that is true of most Members—who wants the President to be respected and who does not want the President to be looked upon with scorn or fear on the part of the people of this country and one who is willing to accommodate the reasonable requests of the executive branch. However, we are beginning to realize what we are witnessing is a concerted attack on the very fundamentals of our constitutional system.

I think you are most in line with the real duties of a Congressman to be bringing this to our attention.

Mr. Speaker, I would also like to say I think in terms of the debate we had in the caucus this morning we should be very careful that we do not by further grant of legislative authority to impound, even though it is approved by legislation in the first place, that we do not grant any more authority than the Constitution itself gives. I think some very strong arguments were made that we had better take a very careful look at some of the legislation we are considering in that quarter.

I am not going to take more of your time, because this belongs to the new Members, but, having just been here for a little over one term, perhaps you might say despite my gray hair, I am a freshman at heart.

Mr. DE LUGO. I thank my colleague, the gentleman from Ohio (Mr. SEIBERLING).

Mrs. BURKE of California. Mr. Speaker, would the gentleman yield?

Mr. DE LUGO. I yield to the gentlewoman from California.

Mrs. BURKE of California. Mr. Speaker, may I just say at this point that I certainly join all of the freshmen and to say that as a freshman I am deeply concerned with the constitutional crisis, and most of all with the attempt by the executive branch and by the executive pen to destroy programs that have given so much hope to millions of people all over this country. What the executive is doing is by regulation eliminating some of the programs that grew out of the 1960's, that grew out of the poverty programs, and that grew out of the Democratic Congresses, and that grew through some of our great Democratic Presidents.

We have to speak out and say that we are going to try to support those programs, and we will make sure that those programs continue to exist, and to give some hope to those people who have no other place to look except to this Congress.

Mr. Speaker, I am greatly concerned about the critical situation in day care programs that is a direct result of this administration's usurpation of legislative prerogatives.

Specifically, I am referring to the proposed Federal regulations issued on February 16, 1973, relating to social and rehabilitation services for children, families, the aged, blind, and disabled.

These regulations, if allowed to be implemented, would have a serious impact on the lives of thousands of children and parents of low-income families in California and throughout the country.

It is estimated that 30,000 out of 45,000 federally eligible children now in California child care programs would be disqualified.

The proposed regulations would completely undermine California's attempts at developing innovative programs designed at breaking the poverty cycle. They would force many mothers back onto welfare rolls and would eliminate the opportunity of many to become self-dependent and productive, working citizens. Most important, they would prevent many children from receiving health, nutrition, education, and social services.

Specifically, these regulations would preclude donated private funds from such sources as the United Fund and church groups from being considered as the State's share in claiming Federal reimbursement. State preschool programs would no longer be eligible for any Federal reimbursement under the revised regulations. If the regulations are adopted as is, California would lose as much as $30 to $40 million in child care money. Further the scope of eligible recipients would be restricted, particularly as they effect past or potential welfare recipients.

Under the new definitions of former and potential welfare recipients, over 11,000 children in California in the children's centers programs would no longer be eligible for Federal funds, forcing many of these children's mothers to give up their jobs and return to welfare. Many employees of these centers would also lose their jobs and would likely to be forced onto the welfare rolls.

The impact of the new definitions of former and potential welfare recipients would completely eliminate nearly all children of migrants from receiving day care benefits. Because of the reported accidents and injuries caused to these children in the fields when they are not in day care centers, all efforts should be made to expand, not contract, the Federal participation. In California, this would translate into a loss of $1½ million for fiscal years 1973 and 1974.

Campus child care centers in California and child care contracted out by county welfare departments will feel the ax most heavily as a result of the loss of private funds as an eligible source in claiming Federal reimbursement. The 25 percent now provided for campus children centers through private funding would no longer be possible.

All 25 campus child care centers in California rely on private funds to qualify for Federal funding and would be forced to close immediately if these regulations went into effect.

Further, I have received reports from county public welfare departments indicting that they will not be able to handle the day care load for even present welfare recipients who would qualify under the new regulations.

In Santa Clara County, for example, this would mean that nearly 55 percent or 300 present welfare families, although entitled, would not be able to receive child care benefits. The other 45 percent or 250 families of former and potential welfare recipients, because of inability to pay the high price of private day care, would be forced onto the current welfare rolls and thus overcrowd already inadequate county facilities.

Mr. Speaker, as you know, the subject regulations are issued pursuant to Public Law 92-512—H.R. 14370—which authorizes State welfare agencies to contract for services which they cannot directly provide economically or effectively. The laws says that such contracting is to be "under conditions which shall be prescribed by the Secretary of HEW." However, there is no reference in this law or any other relevant law which authorizes the elimination of private funds or in-kind contributions as a State share in claiming Federal reimbursement.

Indeed the letter from Secretary of HEW, Elliot Richardson, to Hon. WILBUR MILLS, concerning day care contributions, the Secretary said:

> I believe a prohibition on public-private partnership in this field would be a great mistake.

Since that time, 125,000 letters have been received at HEW regarding the regulations. These have had a strong impact on rethinking some of the regulations.

In California we have seen that the use of private funds to qualify for Federal reimbursement has eased the strain on the already overworked social services budget and lifted the burden on State and local tax resources. It has helped encourage cooperation between the public and private sectors in meeting the demanding needs of low-income families.

I believe the proposed regulations would take us back, not ahead, and cause many potentially productive people from escaping the poverty cycle and from becoming productive working citizens. The opportunities that many of these programs provide for meaningful vocational plans and self-support would be lost. And the start that many potential and former welfare recipients have gotten at beating welfare dependency would be undercut.

Despite many bills and resolutions that have been introduced this session to clarify the meaning of Congress social services legislation, no House committee has announced that it would hold hearings on this matter.

I have supported a number of bills and resolutions to try to modify the proposed social services regulations. As a freshman Member of Congress, I had hoped that because of the national outcry over the proposed regulations the House would take prompt action. To date, none of these bills or resolutions will be considered in time to have any impact on the Secretary's action or provide any clear guidance on what Congress expects in the way of regulations.

What is particularly upsetting is that there seems to be general agreement both in the Senate and in the House that the regulations go way beyond the language of the bill which authorized the Secretary to promulgate the regulations. Indeed, as the chairman of the Ways and Means Committee stated on the House floor, nothing in the act required the issuance of more stringent regulations either as to services which could be provided or persons who could receive such services.

The Senate Finance Committee, however, has decided to hold hearings on the proposed regulations on May 8 and call Mr. Weinberger as its first witness. Senator LONG has stated that—

> Portions of the proposed Regulations of HEW go well beyond last year's legislative action or intent. In particular, the Regulations would severely restrict eligibility for child care and family planning which are important services in any effort to help welfare recipients to work their way off of welfare and to allow them to remain off welfare.

I earnestly hope that the House will see fit to hold similar hearings before the anticipated date that the regulations will take effect on May 1, 1973. In this way, the final regulations would be much more consistent with congressional intent, and provide the social services that Congress deemed essential.

Mr. DE LUGO. Mr. Speaker, a decade ago, while applying for admission to the New York bar, Richard Nixon wrote:

> Above all else, the framers of the Constitution were fearful of the concentration of power in either individuals or government. The genius of their solution in this respect is that they were able to maintain a very definite but delicate balance between the executive, legislative, and judicial branches of the Federal government.

As President, Mr. Nixon has styled himself a "strict constructionist" on the Constitution. While there has been no definition of this phrase, it is intimated that this means that in questions of constitutional debate the President favors that argument which does not have a broad interpretation of what the Constitution says.

Mr. Speaker, there is little debate over whether or not the Congress is entrusted with the responsibility to legislate and the authority to appropriate funds. The document is very precise on this point and there is little room for interpretation. Neither is there any question that article II of the Constitution assigns the President the duty of executing the law. It is, therefore, shocking that the executive branch apparently would like to shirk its own responsibility of executing the law and instead desires to legislate laws.

When the Congress enacts a bill to appropriate money, the President may or may not approve the legislation. As we have seen with many worthwhile social programs, the President has had no compunctions about exercising this function of his office. However, after a bill is signed into law, the President's responsibility is mandated: He is to execute the provisions of the statute. He is not empowered to choose to carry out just those laws he wishes, substituting his own appropriation for what is specified by law. Yet this is exactly what is being done.

By refusing to spend funds duly appropriated, the President is assuming the power of Congress. He is, in effect, exercising a line item veto. This is done at his discretion, irregardless of the wishes of Congress, over programs and projects that have already become law.

That the President considers this practice within the legitimate conduct of his office has made this an audacious bid for executive supremacy. As an assault on the legislative prerogative of the Congress, it has precipitated a grave constitutional crisis.

At stake is the separation of powers, the basic underlying principle of our Constitution that has endowed our system with lasting strength and vitality. This is a battle which threatens the con-

tinuance of the present form of government. For the legislative branch to capitulate to this attack on its domain by the Executive, would be to substantially alter the Constitution; not by the process of amendment but by the weakness of acquiescence.

There are apparently three arguments that the administration is propounding to counter congressional outcry over impoundment practices. The President contends that accepted precedent justifies the present administration's failure to carry out the law. Administration aides cite the 1972 election, purporting that its results give the President a free hand to selectively carry out the law. The administration finally maintains that the Congress is on a reckless spending spree, and this fiscal irresponsibility allows the President to carry out only those laws that will restore budgetary sanity. Let us examine each of these justifications.

The SPEAKER pro tempore. The time of the gentleman from Iowa (Mr. MEZVINSKY) has expired.

IMPOUNDMENT, AN ASSAULT ON THE CONSTITUTION AND ON OUR PEOPLE

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from Texas (Miss JORDAN) is recognized for 60 minutes.

Miss JORDAN. I now yield to the gentleman from the Virgin Islands (Mr. de LUGO).

Mr. DE LUGO. I thank the gentlewoman from Texas.

First let us investigate whether there is historic precedent for such mass impoundments. It is alleged concerning impoundment that the administration is "doing not only nothing different than any other President since Thomas Jefferson has done; we are doing it in no greater degree."

This claim is entirely without merit although it is true that in 1803 President Jefferson did not spend $50,000 appropriated for 15 gunboats. In actuality, impoundment was used by Jefferson not to rework the programs of the law, but to avoid wasteful spending due to a change in international conditions.

The power of impoundment to the degree asserted by President Jefferson is one possessed by all chief executives. There is no question that if there are important changes in international politics or if programs can be effectively managed with more efficiency than originally thought, that the President is not compelled to squander funds no longer needed. But there is little relation between this situation and the crisis which currently faces us. Mr. Nixon is not impounding funds in isolated, specific instances suggested by prudence and commonsense. To the contrary, he has assumed it as a permanent legislative power of the presidency, exercising it across the board to kill programs designed to help millions of Americans, programs with which he disagrees.

Second, it is asserted that because Mr. Nixon won an overwhelming victory last fall, he is endowed with prerogatives that exceed merely the Presidency. It follows that a landslide election then, is a mandate to ignore the Constitution. And that the programs and policies enunciated by candidate Nixon all are to be carried out, at the expressed will of the voters, with no regard for the formal process of governance.

This notion is reprehensible to me and an unmitigated challenge to our constitutional process. Election to office grants no individual unrestricted power for the term of that office. Mr. Nixon was elected to the Presidency to carry out the provisions of article II, not to subvert them.

Third, we are told that impoundment is legitimate because of the irresponsibility of the Congress, that the Congress appropriates without concern for the fiscal impact of such appropriations, and that as a result of this inflation and higher taxes are certain to burden the American consumer.

There is no evidence to suggest that Mr. Nixon's impoundment is in reality based on these concerns. If it were, we would see impoundments of funds for military programs similar to impoundment of money destined for domestic programs. This we have not seen. What is true is that there are alternatives to inflationary spending which will not require mass impoundment. But, the administration believes, despite what they term, an end to the war in Southeast Asia, fully 69 percent of controllable funds must go to military use. If there is concern that Government spending may result in higher taxes or inflation, I suggest that the defense budget can be pared to save us from these dangers.

Mr. Speaker, while this peril to our constitutional system far and away exceeds in importance the programs involved, to millions of Americans the imperative concern is the restoration of vital services. We, in the Congress, can speak about the trend to one man rule. We, in the Congress, can become alarmed that the President's bold grab for the purse strings of the Government is a further continuation of this trend. But throughout the Nation, our people respect assertive action.

Surveys have shown that vast majorities of the American people disagree with most of the impoundments of money for social programs. The President has simply ordered that nearly $15 billion not be spent which the Congress duly appropriated last year for programs as varied as mass transit, water pollution control, mental health facilities, higher education, job training, sewage treatment, and federally subsidized housing for low- and moderate-income families.

There is little controversy in these programs. They are of unquestioned necessity and undebated value. Consider, moneys for land-grant colleges. What could be of more obvious merit than furnishing funds for instructor salaries to our land-grant institutions? Yet the $10 million appropriated for fiscal 1973 under the Bankhead-Jones Act of 1935 was not spent. The victims are students from low- and middle-class families, families caught in the Nixon economy. Families who depend upon land-grant institutions for the education of their children, and whose children will not now receive the best education possible because of these pernicious impoundments.

Mr. Speaker, action is demanded, action as bold and assertive as that of the President. On behalf of the social needs of our people and on behalf of the separation of powers within our system, the Congress must once and for all define the power of impoundment and legislate safeguards against its improper use.

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

Mr. DE LUGO. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, I thank the gentleman for yielding.

I would like to add an observation on the discussion of impoundment. In my brief experience on committees of Congress, the administration is no longer secretive or covert about this. They are stating it as their right in the Subcommittee on Economic Development of the Committee on Public Works. With respect to the Economic Development Administration the Secretary of Commerce, testifying on behalf of the administration, an administration which has impounded most of the funds appropriated into law by this Congress and signed by that President to create that program, comes to the Congress and no longer proposes to us, he simply informs us.

The testimony of the Secretary of Commerce was not a proposal to this institution. It was a statement informing us of the intention of the administration to abolish the program altogether. Apparently and clearly, so far as I could see, it was in total disregard of whatever action this Congress chose to take or not to take.

We are getting similar treatment from the administration and officers of the executive branch with respect to the President's proposals for special revenue sharing. The President has impounded billions of dollars in categorical grant programs in areas of human need throughout this Nation, and he is going to ask us for special revenue-sharing legislation allegedly sometime in the future to replace those programs. In the absence even of our having seen that legislation however, Executive officials throughout the regional offices in this country are calling in mayors, and are calling in representatives of our governors, and are calling in local, city, and town officials and briefing them on how special revenue sharing will function.

Not only has the Congress not enacted this into law but it has not been even submitted to Congress, and the mayors of this Nation are being asked to come to us, and they are doing so, I must regretfully say, and beseeching us to enact legislation we have not even seen, at a time when the programs in their own areas have been wiped out from under them, and, I submit, illegally, by the President of the United States.

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

Mr. DE LUGO. I yield to the Speaker of the House, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I think the colloquy between the two gentlemen is directly to the point in issue. It seems to me the matter can almost be summarized in this way: The political thrust of what the President is saying is that he is trying by impoundment to save the country

from inflation brought about by a reckless Congress. But when we get down to specifics, what he is actually trying to do is to use impoundment to shape the legislative policy of the Nation and to dismantle programs that have been on the books for years, passed by Congress and signed by Presidents. He is, therefore, in effect, and in the long run, if he gets by with it, trying to take on the legislative jurisdiction of this body and the other.

Mr. STUDDS. Mr. Speaker, will the gentleman yield further?

Mr. DE LUGO. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I would like, if I could, to address a question to the distinguished Speaker. Would the Speaker agree that the issue at stake here far transcends the wisdom of lack of wisdom of any categorical program?

Mr. ALBERT. Absolutely. Of course, while inflation is dangerous, the President plays footsie with the question of inflation. The Congress gave him all sorts of authority in his Economic Stabilization Act. For about a year and a half he would not do anything. He said he would never use it. He should use any legitimate power that he has to help control inflation, but he should not use any power that he has legitimate or illegitimate, to take over the responsibilities of the legislative branch of Government.

Mr. STUDDS. I thank the Speaker. I would further point out that this particular usurper of legislative power cannot even make the claim, as have some of his historical predecessors, that he has made the trains run on time. We do not have any, any more.

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. DE LUGO. I yield to the gentleman from Louisiana (Mr. LONG).

Mr. LONG of Louisiana. Mr. Speaker, further evidence of the validity of the points the Speaker made, which were made by the gentleman from Massachusetts and also by the Speaker, is that in many of the public statements that have been issued by this administration, it has said that it is spending more money in its special programs than has been handled in the past, than has been spent in the past.

This would explain to me that it is completely undercutting any argument that it is making that they are taking this action and making these impoundments to protect the country from inflation.

On the one hand, they say they are doing it to protect the country from inflation, and on the other hand, they say they are going to quit spending more money to fight these particular problems and these particular ills that face us here in America, as it has been in the past.

The illogical conclusion that comes from that is clear evidence of the fact that they are really not at all concerned with the inflation problem.

What they are interested in is, illegal and unconstitutional methods of imposing their will on the direction in which this Nation is going to go, rather than having it pointed out and the direction charted by the elected representatives of the American people.

Mr. DE LUGO. Mr. Speaker, I thank the gentleman from Louisiana.

Miss JORDAN. I thank the gentleman from the Virgin Islands.

I now yield to the gentleman from California (Mr. STARK) for such time as he may consume.

Mr. STARK. I thank the gentlewoman from Texas.

Mr. Speaker, I should like to talk a little bit about Executive privilege.

Executive privilege, as it was defined by the Executive's attorney, Mr. Kleindienst, is significantly broader than the definition of Senator ERVIN. Just to review it for the Members, who have all read about it in the paper—it changed drastically this morning—if we follow the theory of the Attorney General on Executive privilege, it can be invoked only by the President. It can be invoked to prevent persons from testifying about their knowledge of criminal conduct. It can be invoked to prevent persons from testifying before Congress even in impeachment proceedings. It confers broad authority.

Mr. Kleindienst even has a serious question as to whether the Congress could change any laws concerning Executive privilege and, if we did, indeed the Supreme Court, in his opinion, would have to find it unconstitutional.

The privilege, according to Mr. Kleindienst, can be invoked against the GAO, and it extends to every one of the employees of the executive branch under any circumstances.

We find that this morning the Chief Executive found, after extensive discussions and review of the questions involved, particularly in the Watergate case, that he had a change of heart. Indeed, after the press conference Mr. Ziegler declared—and this I believe is an exciting statement—that Mr. Nixon's past statements were inoperative.

I am not an attorney, and I do not know, really, all that much about where this privilege starts and stops, but I am concerned about Mr. Nixon being inoperative, or at least his past statements being inoperative.

Mr. Nixon now seems to be taking the position of the Savior and the leader for light, truth, and justice in the Watergate case. I expect him to come up through his own investigation with startling discoveries, and to lead us from the position of not wishing to discuss anything to where we find him the guardian of freedom and the leader of truth, if we can forget every previous statement, because those statements were inoperative.

I should like to think, as we find the 93d Congress performing its duties, that we will stand as moving toward fuller disclosure and moving toward more responsible reporting, and I would hope that we could establish that same concept for the executive branch of the Government. I should like to see fuller disclosure, and I am sure we will see legislation to that effect for all of the officers under the direction of the President. I should like to say that we find increasing pressure on Members of Congress and, indeed, many of us do that willingly.

I believe the question of Executive privilege now gets away from that test. I believe it is obvious to the American people that Mr. Nixon is a thorough Executive who knows exactly what everybody in his executive department or, indeed, in his campaign staff is doing every minute all the time.

I would rather suspect, if we think the Watergate Democratic Headquarters was bugged, that the Republican offices and the people working for the President are twice as bugged and twice as watched.

It seems to be a question of just how far up the line we are going to go before the President throws us a sacrificial lamb of sufficient stature to quiet the obvious indignation that is welling up in the people of this country. When it happens, I believe it will prove what I think is the undercurrent of the country, that the privilege is merely the President "taking the fifth," as we used to say some years ago, not being willing to understand the embarrassment he will suffer and, indeed, the indignity he brings on the Office of the President, which is terribly serious.

It is too bad. The President has done an exemplary poor job of controlling runaway inflation. It is only when the housewives have marched in the streets to protest the high prices of meat that he will invoke the Executive privilege to indeed control beef prices while allowing wages to be held down and all other prices to rise irresponsibly.

Congress passes laws which provide funds for child care centers, for working mothers, and the President invokes Executive privilege to nullify them, to put women who would otherwise want to work back on the welfare rolls.

I ask if that is Executive privilege?

When the President is unable to exact a peace settlement on the terms he wants, he will recklessly and carelessly bomb and kill 50,000 or 100,000 Asians to get the kind of settlement he wants, and is that Executive privilege?

Recently, in 1971 the Cooper-Church amendment stated that it was the expressed intention to the President of the United States that none of the funds authorized or appropriated pursuant to that act could be used to finance the introduction of U.S. ground combat troops into Cambodia or to provide U.S. advisers to or for use in Cambodia.

I would like to ask the President the question that is puzzling to me, because I can recall in my youth Hitler. I can recall we were fighting Ho Chi Minh. I am not clear at this point as to who we are fighting in Cambodia, but because we are expending so much effort, there must be an enemy there, because the President in all his wisdom would not be just tilting with windmills.

But we do hear each day several denials; we hear more denials from the White House in 15 minutes from the office of the Chief of Naval Operations than you can imagine, but the information we have is to the effect that 3,000 Marines have been or will be sent to Cambodia from bases in Okinawa. All are from divisions of ground troops, motor transports, and amtraks. The first battalion, fourth regiment left on April 5 to the Philippines, but are now in Cambodia. They left from Camp Hanson.

Motor Transport Battalion 9–1 have seen orders for Cambodia. One half have

left April 17; the other half will leave Monday, April 23—Sunday, our time. They left from Camp Schwab.

Amtrak Battalion 9–2, in charge of amphibious tractors, has been sent to Cambodia.

Battalion 1–9:3–9 of the 2d Regiment has received orders to Cambodia; and the 2d Battalion, 9th Regiment, Bravo, Charlie, and Fox Companies; half were sent April 18, the other half sent April 24. These are all from Camp Schwab.

These reports have been vigorously denied, and I suspect if the denials become as inoperative as the rest of the denials that we have heard from the White House, these 3,000 Marines, much to our shame and much to our dismay, I am sure, will show up in Cambodia to find an enemy and thus justify all the bombs we will have to direct on Cambodia to defend the Marines we have sent to find the enemy in the first place.

Mr. Speaker, this again is an example of Executive privilege which allows a person who wants to usurp and recklessly use power to lead us in a way that I think no one in the constitution of previous Congresses ever thought we would be led.

Mr. Speaker, I would like to just speak to my colleagues in the 93d Congress about this point and think now about what might have been done otherwise, and that is this: We may think that had we some time back followed a different course, we might not have faced the problem of what any one of us could do alone.

The statement I always like to think about, when thinking about not giving up hope for those of us who would like to change the course of the world is this: There are going to be four roadblocks put in our way, and the first one is the roadblock of futility. And the man who talked about these roadblocks said that we should think about the monk who changed the course of history in Europe and about the woman who changed the map of France. Another roadblock is the one of expediency, which says we will bow to expediency. And you can think of expediency in terms of bowing. The answer is that in such situations we should not bow to expediency.

The third roadblock is timidity. No one likes to suffer the ridicule of his peers in life, but he should do what he thinks is right.

The fourth roadblock is the comfort which is so grandly laid before so many of us who enjoy the privileges of education and comfort that have been provided to us.

But the Chinese proverb said that no one man can ever achieve greatly unless he dares to fail greatly.

These words were written just 5 years ago in March of 1968, exactly 4 months before Robert Kennedy was killed in Los Angeles, after he wrote that.

Mr. Speaker, I think perhaps we can take heart to think that there are people who might employ the responsibilities of leadership, of executive power, responsibly. We do not have it now. If we rally around and continue to work, we can change somewhat the course of the world, and I hope we all keep the faith to that end.

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

Mr. STARK. I yield to my distinguished friend, and colleague, the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, I would like to commend our distinguished colleague, the gentleman from California (Mr. STARK) and associate myself with his remarks.

I wish to make known the unassailable truth that there has been no grander group of newly elected Members, under less than the most favorable of circumstances as witness the last election, than those who are the newly elected colleagues and Members of the House on the Democratic side of the aisle.

I hope that this special order is read by all of my senior colleagues as well as all of those who are concerned about the well-being of our Nation. I say that because certainly a thoughtful and determined presentation of the state of the Nation is being so well done here. As we would say in my constituency, telling it as it is, is a very important contribution to the national dialog, which in itself is imperative if we are going to come to meaningful grips with the problems confronting our troubled people.

Miss JORDAN. Mr. Speaker, I thank the gentleman from California (Mr. BURTON) and I now yield such time as he may consume to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I would like to thank the gentlewoman from Texas for this opportunity.

Mr. Speaker, as a new Congressman I am deeply troubled at the state of the Union.

Lyndon Johnson launched the war on poverty; but it appears that Richard Nixon has declared war on the poor.

It was a special and proud moment in our history when the Office of Economic Opportunity was born. It was the first agency in our history to speak for the poor, the voiceless, and the weak. There have been countless agencies of Government for the protection of the rich; but never before, an agency for the poor. OEO was an agency that aggressively reminded comfortable America that the poor existed and would have a say in their own lives. And now Richard Nixon is destroying OEO—and with it, the hope of millions of Americans.

The news of OEO's impending death has shocked so many of our people, to whom it has come to symbolize the very fight against poverty.

It will mean that the war against poverty is over, and that poverty has won.

It will mean that the Community Action agencies, the cradle-to-grave referral agencies of the poor, will have to close their doors to individuals needing their help.

It will mean a loss of jobs to 185,000 people that the CAA's employ across the country—and a loss of more than $500 million annually in purchasing power to the communities.

It will mean the legal service program—that courageous experiment in social justice—will be a thing of the past.

And so will the storefront lawyers for the poor, who have represented the indigent in city slums, in old-age homes, and on Indian reservations.

It will signal the end of manpower training, the Job Corps programs, and the Neighborhood Youth Corps. Hundreds of thousands of young people, formerly employed in the Youth Corps, will be milling about on our Nation's streets this summer unemployed.

It will mark the sudden death of senior citizens programs, and child day care centers.

It will mean, in effect, the tragic termination of programs that go to the deepest human needs of millions of Americans.

And all this will come to pass by June 30, 1973—if Mr. Nixon has his way.

It is perfectly clear to all of us that the President intends to dismantle all the great social and human service programs of the past 40 years.

We have had the New Deal of Franklin Roosevelt; we have had the Fair Deal of Harry Truman; and now, it appears we have the Raw Deal of Richard Nixon.

I say it is a raw deal when more than 115 vital domestic programs are to be scrapped or crippled. There will be employment cutbacks, housing cutbacks, health cutbacks, and education cutbacks. And all this at a time when the war in Vietnam is ending—and we thought there would be a peace dividend—to provide employment, to initiate badly needed national health insurance, to revitalize our decaying cities.

It is a raw deal when those who have worked the hardest in our society, should have to pay the most—and the favored few who have benefited the most, do not pay their fair share.

You know it is a raw deal when Nixon's budget proposals mean that our elderly will pay twice as much tomorrow on medicare hospitalization, as they do today.

The Nixon budget would slam closed the door on hospital construction, and kill vital medical research, and children's mental health programs.

It is a raw deal when Federal funds, for low- and moderate-income housing are wiped out, when compensatory education for poor children is slashed, when 280,000 badly needed jobs are eliminated.

It has got to be a raw deal when Nixon freezes meat at the highest price in 23 years. There has been an incredible jump on food prices as we all know. But the President has said that "the American plate is too full."

Well, let him try to feed a family of five or six at today's prices. Maybe he should get out of the White House for a visit to the neighborhood supermarket and see how full his plate would be on the ordinary worker's paycheck.

This is the same President who tells us there is no urban crisis. I have the strange feeling he was talking about San Clemente and Key Biscayne. Maybe he should take a walk on the streets of New York, or Boston, or Chicago and tell us that there is no urban crisis.

The Nixon raw deal would end landmark social programs and it will perpetuate the condition of the Nation's poor and disadvantaged.

Under Kennedy and Johnson, there was great progress in wiping out degrad-

ing poverty in the Nation. The number of those at the poverty level fell from 40 million to 25 million. Now we have 30 million at the poverty level, with an additional 50 million living on the edge of poverty. Now I submit that is unconscionable in an affluent society. We have an administration that is unconcerned about its poor, that lacks compassion for the sick and elderly. What we have under Richard Nixon is capitalism for the poor and socialism for the rich.

It would cost a mere $328 million to retain the community action programs for the poor of this country—the equivalent of one lone subsidy for a giant corporation. But Nixon spends to bail out Lockheed and Litton Industries, while he cuts off jobs and health care for the disadvantaged. Is it not better for the future of this country that we attempt to house, heal, and educate people than spend the money for military hardware?

Is it not worthier of a great nation to cut the tax loopholes that profit only the rich than to close the doors of hope on the poor?

We have all been victims of these distorted social priorities. It is a national disgrace that we have allowed a tragic and senseless war drain our human and economic resources, and turn our cities into wastelands. It is a national disgrace that our military budget grows increasingly fatter, while our human needs are literally starved.

And I say that it's a national scandal that all the great social gains of the recent past are to be dismantled and destroyed by a callous and uncaring administration.

One thing is perfectly clear in all this. Dick Nixon has a budget for big business. It is a budget that punishes the poor and afflicts the weak. It is characterized by lopsided priorities, broken promises, and a cynical disregard for economic and social justice.

Here in Washington, the battle lines are drawn, with the Congress on one side, acting now as the peoples' advocate—and on the other, a President who has been carried away by his so-called mandate.

But he has no mandate to balance his budget at the expense of the poor.

A recent Harris poll shows overwhelming public support—two-thirds of all those samples—for medicare, Headstart, the Job Corps, and day care. And it shows broad public sentiment for curtailing the military, and eliminating subsidies for the rich.

Now the big question is what are we going to do about it? What is at stake here is whether we are to have one-man rule, or our constitutional system of shared and balanced powers.

What I have been talking about, is the brazen usurping of the spending powers of Congress. The President, in an arrogant exercise of power, has unilaterally attempted to reorder our budget priorities. And this action has precipitated a serious constitutional crisis. I am talking about a fundamental constitutional question: That of congressional authority, over the Nation's purse strings.

It is this area which directly affects the lives of most Americans—and it is in this area that the constitutional crisis will finally be resolved.

Well, we have had our first victory against the White House in just this area. This time it was the Federal courts that came to the rescue and stopped the Howard Phillips wrecking crew.

Just a week ago today, Federal Judge William Jones blunted the administration's ax when he ordered that OEO's programs must be continued until Congress changes that command.

That decision gave a new lease on life to antipoverty agencies across the country—but it has yet to be tested in the Supreme Court. In the meantime, the 93d Congress must take the offensive. In the final analysis, it is the Congress that will have to be the battleground on the budget war.

We freshmen Democrats have high hopes of what can be accomplished, if Congress will but take the initiative. I can tell you one thing; we are not going to sit back and let the White House meat ax all our people programs without a fight.

Our commitment is to salvage vital programs from wholesale demolition: To save model cities, to insure needed health care, to provide decent housing, to care for our young and our old, and to restore the war against poverty.

One thing Congress can do is provide a forum for the American people to articulate their problems and to develop alternatives. Those of us who have not yet done so should schedule factfinding budget hearings in our congressional districts, possibly during the April recess.

A well-informed and well-organized citizenry, is the best tool Congress has to provide needed support, for critical social legislation in the battle of the budget. People across America are calling for a strong voice in Congress to speak for them. They do not expect Congressmen to be miracle workers. But they do expect—and rightfully so—that Congress will take up the challenge to the President.

But we cannot do it alone. It will take the broadest coalition of affected groups, cutting across all classes, and allied with a lobby of big-city mayors, to back up Congress against the President. Even now such vital coalitions are being formed, reminiscent of the early days of the civil rights movement. Their members come from all walks of life—and their goals are simply to restore the social programs, and to better human life.

Together, we must continue to work for a more humane tomorrow, when people come before profits, peace above war, compassion over computers, and justice over inequality.

I thank the gentlewoman from Texas for yielding to me.

Mr. STUDDS. Will the gentlewoman yield?

Miss JORDAN. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I should like to address a question to my colleague, the gentleman from Massachusetts, if I may. First of all, I should like to commend him on the eloquence of his statement on behalf of the poor, but I should also like to point out that the gentleman from Massachusetts (Mr. MOAKLEY) represents, in addition to a good many Americans who would be classified as poor, a good many others whom the President would undoubtedly call middle American, who are middle-income people.

I should like to ask my colleague what he can see in the President's budget or the President's performance that does anything for, or speaks to, the direct interests of what he would call those middle-income Americans. Is there anything, for example, in that budget about tax reform?

Mr. MOAKLEY. I could not see anything about tax reform, and I think if anybody classifies himself as a middle American, thinking that by the President's cutting poverty programs in any way it is going to benefit him, he is certainly mistaken.

Mr. STUDDS. The gentleman undoubtedly remembers the President's magnificent speech a few years ago about the second American revolution, a great aspect of which was to be welfare reform. I assume the gentleman did not see any more than the rest of us did in the President's budget on the subject of welfare reform.

I assume also the gentleman did not see anything more than the rest of us did about perhaps the single most unfair tax we have in this Nation affecting the middle-income citizens of our country, more unfair than any other; namely, the property tax.

Mr. MOAKLEY. I saw nothing about it. I read articles in the newspaper where the President was going to remodel the property tax to make it easier to be paid, but I am still waiting for a message to come in.

Mr. STUDDS. And I suspect the gentleman noted with the same alarm and discouragement we all did the recent decision of the Supreme Court on a 5-to-4 basis, including the four appointees of the current President, that it is, in fact, constitutional to finance education with the property tax. I think it is fair to point out with all the emotionalism and rhetoric directed from the White House to what they conceive to be a contented and self-centered people of this Nation, that those people of this Nation are neither as stupid nor as unconcerned as the White House thinks they are.

Mr. MOAKLEY. I thank the gentleman from Massachusetts.

Mrs. SCHROEDER. Will the gentleman yield?

Mr. MOAKLEY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I commend the gentleman highly for his comments. I would like to add this comment: Let us get the rich and the defense ministry off of welfare and reorder it in the manner in which we hope.

I also commend the gentleman for the different methods he brought up as to how we can combat the administration's selling of its budget, and while we are at it I would like to comment that we hear a great deal about the battle of the budget, but even with the wars in the last 20 years Congress has consistently cut the executive budget.

Since assuming office in January, most of us freshmen have spent 4 months in just learning the ropes. We have dealt with all the problems in undertaking this

new job, from trying to figure out our office accounts to finding the right tunnel to the Rayburn Building.

The most difficult thing we have had to deal with, however, has nothing to do with being freshmen. In one very important respect we have been treated as equals with the more senior Members of Congress, and that is in the Nixon administration's usurpation of our congressional rights.

All of us were sent to Congress to serve our constituents by exercising the rights and fulfilling the obligations of Members of Congress as set forth in the Constitution. Yet since our arrival this January, these rights and duties have been openly attacked by the Nixon administration. The administration claims that it has a mandate from the people to determine what course the country will take, and that it has the right to exercise the powers that are constitutionally granted to Congress to pursue this course.

Nowhere is this more apparent than in the battle of the budget.

It might be more appropriate to call it the selling of the budget, for that is what the administration has tried to do. It has tried to convince the American people that Congress cannot be allowed to exercise its constitutional right to determine spending priorities, for if allowed to do this, Congress would raise taxes. Congress is painted as spendthrift and irresponsible. The administration peddles its budget as the only alternative to higher taxes.

This, of course, is nonsense. The fact is that Congress is not spendthrift. Just look at the record: for the past 20 years Congress has cut the Executive budget. Last year Congress cut almost $6.5 billion from the President's budget. It is time the American public realized who is fiscally irresponsible. We must also make it clear the President's budget is merely a proposal. There is nothing sacrosanct about it.

The fact is that Congress can develop a budget that does not raise taxes, and that does not cut the heart out of needed domestic programs. It is not, as the President suggests, an either/or situation. I believe that the President's budget ignores the alternative of increasing revenues through tax reform and in making cuts in defense spending.

We are now a nation at peace. We have long anticipated the end to the Vietnam war. We are ready to get with solving the problems here at home. The Nixon budget clearly does not reflect this. Instead of showing a decrease in military spending, the President's budget proposes an increase. Where is the peace dividend we have all anticipated? Not in the President's budget.

It is difficult for us—as the closest representatives of the American people—to make our voices heard over the din of the public relations campaign being waged by the administration. But it is essential that we continue to speak out and to fight for our rights.

We must question the administration's claim that every dollar it requests for the Defense Department is necessary for the national security. A number of fine analyses have been done that demonstrate that this is not the case.

A soon to be released study shows that, at a minimum, $10 billion can be trimmed from the Defense Department's request without endangering our national security. For example, research and development on the Trident missile system could be continued at a cost of approximately $200 million. We could defer hull development of the Trident submarine and production of this new weapon system until it is demonstrated that both are feasible and necessary, as the Defense Department now claims. This $200 million is $1.512 million less than the amount requested.

This same study indicates that another area where substantial reductions could be made in the $1.330 million sought by the administration for "military assistance." The administration claims that it is "trying to reduce the cost of an adequate defense posture and the degree of our involvement overseas by promoting improvements in self defense capabilities of selected allies." This is an admirable principle which most of us would probably agree with. However, it is not what is happening. Instead, military assistance has often been used for offense and internal security, not for self defense. This does not add to our national security or to international peace. It is estimated that $500 million could be cut from the military assistance program without endangering our own security or that of our allies.

These are but two examples, and I cite them here today to demonstrate that there are ways to cut the defense budget without jeopardizing our security. Whether these are the areas where the cuts should be made is not the point. There are numerous counter budgets and analyses available to study and chose from. The point is that we can make reductions in the defense budget and use this money for domestic purposes. We can do this and not exceed the $286.7 billion ceiling.

We are faced with an enormous task in countering the administration's propaganda machine. Each of us must go back to our districts and speak out on this subject. We must educate the American public as to what is being done in their name.

Miss JORDAN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for his comments.

At this time I yield to the gentleman from Oklahoma (Mr. MCSPADDEN) such time as he may consume.

Mr. MCSPADDEN. Mr. Speaker, I thank the gentlewoman from Texas for yielding.

First of all I want to express my appreciation to a great American and a great Oklahoman, the Speaker of the House, our very beloved colleague, CARL ALBERT who more than two decades ago shared exactly what we are sharing now, freshmen Members of the body that is closest to the people, in expounding back in those days the programs that needed to be written as we expound tonight the programs we feel and we know should be written for the betterment of the citizenry of our great country.

The gentleman from Ohio (Mr. SEIBERLING) I think has gone. When I came back a few moments ago he was talking about the Roman Senate. I would remind the gentleman that is the reason that Rome fell perhaps.

But we are those who are closest to the people and we are those who have gone through one and two and three campaigns in the last few months, and we have talked these issues through at the crossroads of America and in the heartland of America, in my country.

Tonight I should like to address the Members on the energy crisis and I shall refer from time to time to the recent message from the President on the energy crisis, which came to us only this afternoon at about 4 o'clock.

A recent energy expert categorized the energy crisis with these words:

> The energy crisis is not as bad as it has been painted—it's worse.

From those who come from a great agricultural section in addition to a section noted for oil and gas production, we have been echoing these words for almost a decade, warning that we were running out. In the decade in which we live now, from 1790 to 1980, the world consumption of fuel will be more than since fire was first started by prehistoric man. That is, the fuel which will be consumed in this one decade.

Concern for energy sources is not new: Congress itself as long as 10 or 12 years ago investigated the problem of imported energy because of the possible threat to national security with reliance based on imported oil. Projections now indicate that vulnerability, showing we will need to import $14 billion in petroleum products in 1975; $30 billion by 1980; and $54 billion by 1985. Until only a few months ago the import rate was $5 billion. It is now in excess of $7 billion, about the same as our overall trade deficit. Think on that fact for just a moment.

These projections are fantasies because long before 1985, as pointed out by J. T. Claiborne, Jr., of the New York Times, such import needs would bankrupt America.

Three alternatives face us.

First, a resurgence of domestic exploration for new sources of fossil fuels, including petroleum, coal, and gas;

Second, continued reliance on Arabian fuels, providing the Arabian bloc cares to continue to sell:

Three, stringent domestic controls on fuels which could lead to an economic collapse of our country. Whether we like it or not, no country is any stronger than its energy pocketbook at home; let it be.

Thinking back to the devaluation of the dollar twice in the past few months under this administration who did not, as we say in Oklahoma, see the light. Friday the National Science Foundation announced a grant of $491,000 to Colorado State University for research and analysis of power production systems using solar energy and relatively conventional turboelectric generators.

Atomic energy can supply, using current technology, only a minor portion of energy needs. Practicable applications will be decades in the future while we are running out of time. Geothermal investigations are likewise far in the future. Much of the domestic coal is of unsuitable quality and the coal industry has found that workers are not really

interested in becoming miners. The domestic oil and gas industries are in capital dearth.

The movie portrayal of the free-spending, rich Tulsa oil man, my colleague from Tulsa, drilling hundreds of gushers, is a fable.

The gas industry in 1966 had a 20-year reserve. Today it has a 12-year reserve. Since the 1954 FPC pricing of natural gas at the wellhead, the price has been unnaturaly depressed. In those days, natural gas was found in Oklahoma and the Panhandle of Texas at depths of 7,000 or 8,000 feet, but today they are drilling in excess of 20,000 feet in the Anadarko Basin. One dry hole costs $6½ million.

Geologists at the University of Oklahoma tell me the hole is now more than 3 miles in the bowels of the earth, but is dry. Approximately $10 or $11 million is out of the window.

Net imports of all fuels rose by 24.5 percent over 1971. On the domestic scene, production of bituminous coal and lignite increased by 6.8 percent from 1971. Crude oil output rose by only .2 percent. Natural gas, rose by 1.9 percent. Petroleum production in Louisiana, Texas, and Oklahoma has peaked.

It is ironic, I think, that with enough energy still in the ground to last the United States at least 500 years, we are now short of energy. Gasoline stations are being closed all over the country because of lack of supplies. My great colleague who sits with me on the Committee on Rules said the day before yesterday a man in his district, having worked with the Cities Service Oil Co. for more than three decades, now is going to be rationed.

My colleague from North Carolina spoke with me this week, because some of his people who buy propane from gathering tanks and lines from Williams Brothers in Oklahoma are now going to be rationed.

Why? No new refineries have been opened since the late fifties. I can tell you what it is; it is simple. We do not have to know much mathematics, just a little simple arithmetic. This is lack of capital.

My first trip home in January, and I live in the country 2 miles off U.S. 66, it was subfreezing with a chill factor below zero. Our distributors were out of propane. Thank God the electricity was on. I plugged in the electric blanket and I spent the night under it. I might have been the only Member of Congress to do so.

Trucks were immobilized because of a shortage of fuel in the midwest.

Let me repeat, the situation is not as bad as it is painted. It is probably worse. There are, I think, some choices available to us to relieve this. I was delighted to read this morning the FPC had won four cases in New Orleans which will allow increases in the price of natural gas. This is in keeping with the reversal of FPC regulation of price of natural gas at the wellhead.

It must be removed so as to allow the domestic natural gas industry a realistic price for a badly needed fuel. Incentives can be further offered the domestic expansion of exploration for new reserves of oil and gas through such measures as those introduced.

I am informed that approximately 75 percent of the petroleum in the Smackover, Ark., field remains in the ground. At today's prices it is not economically feasible for recovery.

We need, I believe, a crash program sufficiently funded to find new sources of energy. This big research and development program should be confined to one agency at the Federal level, perhaps of Cabinet or sub-Cabinet status.

In sum, the gap between production capability and energy demands is already too large, and unless immediate steps are taken it will grow larger. The first priority has got to be a major expansion to find and develop new conventional fuels. Then we will have the ability to develop synthetics and nonconventional energy resources.

Finally, we must come to the realization that fuels of all kinds will rise in price, and the consumer has to face the reality.

A fact to consider is whether or not the Arabian sources of oil will be available in dependable supplies. With more capital now in their hands than is needed, why should they sell in a context of sound business practice?

I had lunch last week with a gentleman originally from my home State who has been with Kerr-McGee for many years. He just returned from that part of the world. One small tribal chieftain, with fewer than 100,000 followers, now has more than a billion dollars in his hands. Where will we be in the decade, with more than $50 billion for these people to turn loose on the money markets?

Oil which brings $3.50 or $3.75 in devalued American dollars, when they can keep the oil in the ground for a few more years, will sell, probably to a more dependable American, for $7 or $8 or $10, and where will be then?

I read as quickly as I could, Mr. Speaker, and my colleagues, what the President proposed to do today. I must say that several of the steps were good.

He talked about the Alaska line, which must be built, which I will support with all the fervor I have.

He spoke of the Continental Shelf, which we have talked about for years and years.

He spoke of using coal in a manner in which the environmentalists would not be run out of the country, if you will.

But there was a hooker. There was a ringer. There were some things that go between the lines if we read what the President said.

I quote this from under his dissertation on natural gas:

> To resolve this issue I am proposing that gas from new wells, gas newly dedicated to interstate markets, should no longer be subject to price regulation.

He forgets the small independent, that has been working for a meager income for years and years and years and he turns the power structure and the big men loose under this one sentence.

If we flip the page, there is another ringer. Again I quote:

> To add further consumer protection against unjustified price increases I propose that the Secretary of the Interior be given authority to impose a ceiling on the price of new natural gas when circumstances warrant.

He says:

> when circumstances warrant.

One man is to be given the power. Who are these new people? What are their party affiliations? Whom do they represent? I do not know.

I do not want to turn this power over to one man.

In the next decade, whether we like it or not, the energy crisis, from our Nation's point of view, from our dollar's point of view, is just as important as the issues that have been so beautifully set forth this evening by my freshman colleagues; no more important, perhaps, but just as important.

Again I should like to thank the leadership, from a biased standpoint, for the best freshman class I have seen in the Congress.

Mr. Speaker, I appreciate the wonderful cooperation and I thank both our distinguished Speaker and our distinguished floor leader.

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

Mr. McSPADDEN. I will be happy to yield to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, the distinguished gentleman from Oklahoma (Mr. McSPADDEN) pointed out a few things, and I would like to ask a question if he would answer it.

I represent a gas district in Louisiana, and I would like to ask this question:

It is my understanding one of the reasons why we had this energy shortage, particularly in the area of natural gas, is the problem we had with the Federal Power Commission, which was arbitrarily depressing the price of natural gas, and it is my understanding that by relieving the restrictions, since the Federal Power Commission has the ability to depress the price of natural gas or newly mined gas, we would be allowing the law of supply and demand to control the price, and we would encourage the additional mining of natural gas and eventually alleviate the shortage which we have in this country.

Mr. McSPADDEN. The gentleman from Louisiana (Mr. BREAUX) is eminently correct.

Mr. BREAUX. Mr. Speaker, it was my thought initially when I heard the President's message that there was an attempt to support the concept and philosophy behind removing the price control of natural gas. Is that the gentleman's understanding?

Mr. McSPADDEN. Mr. Speaker, I would answer my distinguished colleague, the gentleman from Louisiana (Mr. BREAUX) in this vein: He did and he did not, by the types of production that he would place the ceiling on.

For the little independent natural gas or oil producer, the old boy in the oil patch, the one who produces 20 or 30 barrels a day and pumps it himself, the small natural gas producer, that is one deal.

But as to the new exploration and at today's inflated prices, it is not the small

dedicated independent who has the capital to do this. So that is the ringer as I read it.

Mr. Speaker, I would say further to the gentleman that there is nothing in the President's message that says anything about secondary and tertiary recovery. If we could recover an additional 1 percent of the recoverable oil that we have in this country, it would mean 2,300,000 barrels a day for 12 years. If the Alaskan pipeline was built it would bring in 2 million barrels, just as the 1 percent in reserves would. He said nothing about this.

Mr. BREAUX. Mr. Speaker, I thank the gentleman.

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

Mr. McSPADDEN. I yield to my colleague, the gentleman from Arkansas (Mr. THORNTON).

Mr. THORNTON. Mr. Speaker, I thank the gentleman for yielding.

In certain areas of the country the small producers of oil and gas are not reaping enormous economic benefits. The gentleman mentioned the Smackover Field, which was at one time the world's largest oil-producing area in which at the present time 80 percent of the reserves are still in place, but inert, because of the pressurization of the field which has been depleted and the oil is laying ingrained in the rocks.

Now, in that area is the gentleman aware that the producers often have to close down wells when the machinery used to pump the oil from the field is broken or wears out?

Mr. McSPADDEN. It is a beautiful point, and I wish I would have thought of it first.

In addition to the reserves in Smackover, if my memory serves me correctly, there is the halfbacker that could run over there pretty well.

Mr. THORNTON. The halfbacker, yes.

Miss JORDAN. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. McSPADDEN).

I yield now to the gentlewoman from New York (Miss HOLTZMAN). There are 3 minutes left in this particular hour, so I hope that the Member who has requested the next special order will be ready to proceed so that the gentlewoman from New York (Miss HOLTZMAN) will have to suffer only a minor interruption.

Miss HOLTZMAN. Mr. Speaker, I wish to thank the gentlewoman from Texas (Miss JORDAN).

Mr. Speaker, few issues that confront this Nation today are as critical as those involving the war-making powers. The issue is not simply whether the Constitution will remain a viable document, shaping our lives and our governmental policy, but is also whether the Congress will be able to control the course of events here at home.

For 10 years we waged a war in Vietnam, although Congress never declared war and although ultimately a majority of our population opposed the continuation of that war. The country became restive about the unilateral conduct of the war and the inability of the Congress to control it. Nonetheless, in spite of the tragic expenses of the Vietnam war President Nixon recently began a massive daily bombing of Cambodia. Congress has not declared war against Cambodia. To my mind the President's unilateral action is unconstitutional, and I would like to discuss the constitutional issues involved here.

Article I of the Constitution explicitly says that the Congress shall have the power to declare war and raise armies. As we examine the history of this constitutional position, we understand why Congress and not the President was granted the power to initiate war.

The first reason was the bitter experience with the English monarchy in which the English monarch had the absolute and unlimited right to commence war without parliamentary restraint. The Founding Fathers did not want this experience to occur in the United States of America.

The second reason for giving the Congress and not the President the power to initiate war was, very frankly, to give peace a helping hand. As Thomas Jefferson stated in a letter to James Madison:

> We have already given in example one effectual check to the dog of war by transferring the power of declaring war from the Executive to the Legislative body, from those who are to spend to those who are to pay.

Finally, the reason for placing the power to declare war in the Congress is that we are especially accountable to our constitutents. We in the House of Representatives, face our constituents every 2 years and must be able to justify the decisions to send their sons to be killed and the expenditure of their tax dollars for war.

ORDERING OUR PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 1 hour.

Mr. OWENS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York.

Miss HOLTZMAN. I wish to thank the gentleman from Utah.

As a freshman Representative, I was elected in part because my constituents were deeply concerned about the need for the Congress to reassert its authority over the military interventions abroad as well as our domestic policy at home.

As a freshman, I am very pleased by our special order today and the opportunity to participate with my colleagues in presenting to the American public serious constitutional issues which affect all of us.

We are, as I said before, involved now in the Cambodian intervention. Let me recount to you the facts as we can glean them, although the President has shrouded much of this activity in secrecy. We have been conducting massive B–52 and fighter-bomber raids on an average of 250 strikes a day with 60 to 120 B–52's being used. We are spending a minimum of $1 million a day. We do not yet know the human toll of this war.

There is no justification under the Constitution for this bombing. Congress has not declared war. The Gulf of Tonkin resolution which may have served as a justification for the Vietnam war, has been repealed. We do not have troops and prisoners of war in Cambodia whom we have to protect. Even our treaty obligations do not apply here, since Lon Nol himself rejected application of SEATO to Cambodia.

What justification does the administration offer despite the constitutional prohibition against an Executive unilateral declaration or entry into war?

As Mr. Sullivan, Deputy Assistant Secretary of State for East Asia, said:

> For now I'd just say the justification is the reelection of President Nixon.

But, let me say that the Constitution says otherwise, and if we are not to abide by the Constitution in this respect we will undermine very seriously the foundations of this Government that have served this country so well for so long.

I would also like to point out one other aspect of the unilateral entry into war by the President, and the failure to adhere to the constitutional requirement of having Congress declare war, or at least approve it.

Permitting the President to conduct a war without the approval of Congress ultimately preempts the ability of Congress to shape or control events here at home. If we are going to have a spending limit, then the extent to which the President can unilaterally decide to spend money on military activities in essence determines the amount available for domestic needs. The Congress cannot capture control over domestic priorities if the pie to be divided here at home is going to shrink as a result of the President's warmaking powers.

The price of war was a rapid inflation, and the price of that inflation in one respect was the fact that we in Congress cannot enact desperately needed social programs in health, education, job training, and economic development, except by overriding a Presidential veto—justified in part on the grounds of inflation that was created in the first place by a war that the executive entered into unilaterally.

The second price we pay similarly is in the area of impoundment in which the President ostensibly on the basis of inflation imposes restrictions on spending in housing, water pollution, and veterans' benefits. Thus, this Congress is left to pick up the pieces of a war that it never in the first place declared.

Finally I would like to point out that a war gains a momentum of its own, and reaches a point beyond which controls as a practical matter can no longer be imposed. Our experience in Vietnam shows that once men and money were committed, then more men and money had to be committed to justify the sacrifices previously made.

The war in Cambodia can be stopped now, and if we do not stop the war, as my colleague, the gentleman from California pointed out, we may be in the same position that we were 10 years ago in Vietnam.

It is critical not only to preserve the constitutional integrity of our Government, but to preserve our domestic needs at home and our ability to control them, for the Congress has to have some say

over whether or not we are going to have a war in Cambodia.

Mr. Speaker, again I thank the gentleman for yielding to me this time.

Mr. OWENS. Mr. Speaker, I congratulate the gentlewoman from New York for her very excellent remarks.

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

Mr. OWENS. Mr. Speaker, I yield to the gentleman from Georgia.

Mr. GINN. Mr. Speaker, one of the principal reasons that I am in Congress is to voice the opinion of the people of the First District of Georgia. My constituents want their voice heard with a fresh approach to old problems which do not seem to go away, but just end up costing them more. They feel that the grassroots opinion of the American voter has become lost among the rigidity of the traditions of the Congress and the bureaucracy of the Federal Government.

We are here to serve the people, to stand up and debate, and to vote for the people of this Nation who are seeing their hard earned wages being eaten up by taxes and prices being driven up by inflation whose root cause is the deficit spending of the Federal Government.

Past administrations and Congresses have overspent and have given away billions of dollars without, it seems, much regard for the average workingman. But the blank check spending of the past has caught up with us and now is the time to make up for past mistakes and remedy the problem.

If we do not do something to clean our air and water now, there will be nothing for future generations to use. So it is with our fiscal responsibility. Now is an excellent time to do something. Actions speak louder than words, so if this Congress really wants to do something about the problem of high taxes and inflation, now is the time for us all to work together in this endeavor.

The administration has already acted to do what it feels should be done to combat this situation. When the President slashed the budget, he delivered a slap in the face of Congress. I believe that it was a shock that Congress needed.

The President proclaimed that the time for spending more money than we take in should come to an end. I agree.

The Congress and the President both feel that spending must be decreased. The question is, who will cut it—the President or the Congress.

Mr. Speaker, I believe that the Congress must take its constitutional responsibility to manage the budget, cut it where necessary, and it must start facing those hard decisions right away.

It should do so for two reasons.

First, the Constitution clearly gives Congress the mandate and the power to mold the programs that move our country. To surrender that power to the President is to turn our backs on the most basic principle of our system of government.

There is yet another reason why Congress must assert its authority to set the budget. That is the reason to which I wish to address myself today.

No President, no matter how wise or skillful, can effectively bear the responsibility of life or death power over the legislative programs of our Government. What we have is a question of judgment, and I think Congress—when it begins to face reality—is best equipped to exercise good judgment in these matters.

Who knows best what programs are best suited to the needs of his district—the Congressman, as he is the one who knows the real, personal necessities, and not some faceless bureaucrat in the Office of Management and Budget.

The recent mandates of this bureaucrat have cut back sorely needed funds in my district—funds needed by the people who paid their taxes for government services—the farmers, the businessmen, the low-income families, the working mothers, the handicapped children, the mentally retarded students, the small towns struggling for decent water and sewer facilities, those towns seeking aid for industrial growth which would mean jobs, a decent living, and an improvement in the quality of life for thousands of Georgians. It is difficult to explain to these citizens why needed Federal funds are being cut back by the administration when they elected Congressmen and Senators to determine how tax money would be spent.

Federal funds being used in my district are not the free-wheeling easy money programs that have led our national budget to the brink of disaster. These are not welfare giveaways, they are programs that give a chance for a better life to hard-working people with the will to help themselves. For every Federal dollar invested or loaned, many times that amount will ultimately be generated for the benefit of local communities.

But I want to make it clear that I do not consider these programs untouchable. They should not necessarily be spared their day on the budget chopping block.

We live in a time when we must tighten our economic belts, and the people of my district are ready to bear their share of the hardships. But they are not ready to surrender the job of determining priorities to someone who is not answerable to the people as are elected officials . . . someone who makes descisions affecting my constituents behind the closed doors of the Office of Management and Budget. The people of America want their budget priorities made in the public view, in the committee rooms and the chambers of the House and Senate, and not by someone who wears the cloak of executive privilege who does not have to answer to the Congress or the people.

I think that the people of the First District of Georgia have a right to know why our Government does not have enough money to approve an FHA loan that will give a deserving family a decent place to live at the same time our Government has approved a $12 million loan to Zambia to increase its tobacco production.

I need to be able to explain to the mayors of small towns why there is no money to build a sewer system that would be a major boon to the town's economic growth. I have to explain why Congress cannot appropriate money for the towns but the administration can request an increase in defense expenditures while we are having hundreds of bases closed and the Nation is not supposedly involved extensively in any foreign conflicts.

I have to explain why there is no money for farm conservation and why the rural electric and telephone program must be cut back at the same time that the administration is contemplating spending billions of taxpayers money to rebuild North Vietnam.

I have to be able to tell my constituents why our Nation must cut back on domestic programs at the same time that billions are being spent for economic and military foreign aid.

Let us, through cooperation between the administration and the Congress, do what every American family must do—sit down and budget our expenses.

Webster's dictionary defines budget as the "amount of money available for a particular purpose." Past Congresses and administrations have defined it differently it seems. Now is the time for the Congress, through the voice of 535 elected officials from all over the Nation to indeed budget, by spending no more than is taken in.

For the long range, I believe Congress should set a spending limit for each fiscal year, and then live within that limit when it appropriates funds. It would be an agonizing process, just as agonizing as it is for any American family who must budget.

For the current fiscal year, because time is short, I would suggest that Congress set a percentage for an across the board reduction in spending in all departments of Government and let everyone bear their share of the burden in bringing order back to Government spending.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I thank the gentleman for yielding, and I take this time so that I too might congratulate the gentlewoman from New York (Miss HOLTZMAN) on her very, very eloquent remarks.

Mr. Speaker, I can recall that back around 1965, when I was following the Johnson administration with respect to the war, and was in part what they called a "hawk" at the time, I found that after making complete study of the situation, and having talked to many generals and naval admirals, and with high people in the State Department, and people in the CIA, and every other branch of the Government, that I became concerned over the fact that I could not justify within my own heart that the war in Vietnam was anything else but a civil war, and I could justify no longer politically, morally or spirtually its continuation at the expense of our Nation.

I recall being at the briefing with the President of the United States, and with Mr. Kissinger earlier in the year, and it was explained to us about the peace and how we were wanting the boys home—and we do want the boys home and are happy that the prisoners have returned—and we do want a full accounting of those who are missing in action.

We do hope that the peace that is glued together stays permanently together.

At that time I recall Mr. Kissinger saying that with regard to Cambodia, it was the will of the Cambodians that there be a cabinet made up of both sides of the argument that was going on, and that they thought perhaps that in a month or so the war in Cambodia would be over. But actually I am becoming terrifically concerned, as I know other Members of the House are—as Miss HOLTZMAN is in her remarks, saying how we are spending a million dollars a day there. I would hate to see us get involved in Cambodia as we are involved in Vietnam.

If there was anything that ever showed that the power of Congress was eroding, it was the war when we sat by here and merely debated, and I do not believe that, but in one instance, we ever had an opportunity to actually vote on the issue of the war itself. We always were voting on the previous question, or on an amendment to an amendment. But I think only on one issue did this Congress ever have an opportunity to vote on the war itself.

I think it is time, with us going home, that we take some deep concern of what is happening in Cambodia. I think we all ought to dedicate ourselves to getting the knowledge from the President as to what is happening over there. I think we ought to make a real effort when we come back to make sure that this war never gets into our hands exactly as the Vietnam war did, because it broke the hearts of millions of Americans and split this country down the middle.

I think it is high time that the Congress took a good look at what the President of the United States is doing and never make the same mistake we made in Vietnam.

Mr. OWENS. I thank the distinguished majority leader.

On behalf of my fellow freshmen, I express our appreciation for his spending the evening with us.

Now I should like to yield to our colleague from the State of Oklahoma (Mr. JONES) such time as he may consume.

Mr. JONES of Oklahoma. I thank the gentleman from Utah for yielding to me.

Mr. Speaker, I am delighted to participate with my colleagues and new Members of the 93d Congress in this special order, because much of what we have been talking about tonight I think is an issue that has been much heralded in the past few years across America. It is a very basic issue, and it is called law and order.

We are talking tonight not about crime in the streets and not about that kind of law and order which was misused in some campaigns. We are talking about law and order as it pertains to the basic law of the land: the Constitution of the United States. We are talking about whether or not the Congress of the United States shall maintain and reassert the constitutional responsibility and authority which have been its from the time this country was founded. We have seen much happen in this country through tradition and precedent in the loss of constitutional powers.

I think we are seeing through tradition and precedent the loss of those powers by the Congress of the United States. For the past three Presidential administrations, Congress partly by its own fault and partly by the actions of the executive branch, has been losing its constitutional authority. I think this year 1973 is a crucial time for Congress to regain and reassert those responsibilities and authorities, because it has a great deal to do with the kind of country that we are going to have in the future.

When I go back to my district—which, incidentally, gave well over a 100,000-vote plurality to President Nixon—we talk very frankly about this issue of congressional responsibility and authority.

I point out that it is important to them, because even though 80 percent of them may today agree with the cuts that the President is making, the cuts and the impoundments of the bills authorized and appropriated by the Congress and signed into law by the President set a dangerous precedent. The issue is 3 years from now when we will have another President. And if we in 1973 give up those constitutional responsibilities to one man, it does me little good to voice the opinions of my district and to act on their behalf in 1977 when another President may be making decisions with which they do not agree.

In order for Congress to reassert that authority, I think it is terribly important that we look to two or three things,

First of all is the reform of Congress itself, and here I think we as the freshman class owe a great debt of gratitude to the leadership of the House of Representatives for taking the lead in reforming this great body. In reforming it by making it more open to the public, something which the executive branch, according to tonight's Washington Star, still has not done, and reforming it in the way we select our leaders through the committee system. So that has been done and it is working and I think this is going to be one of the milestones of this decade of legislative government at the Federal level.

The other issue has to do with impoundment, and we are going to have an opportunity to vote on that, to statutorily draw the line between the powers and authority of the legislative and executive branches.

Third is the budget question itself. The administration would make us believe that this is a question of who is fiscally irresponsible, and they would have us believe that the Congress is the fiscally irresponsible body of this Nation. Of course, as other speakers have said tonight, that is not the case. It has been the Congress which has been cutting back the budget request of the Executive. But we also have to admit to ourselves that we simply do not have the mechanisms at this point to look at the entire revenue picture and to look at the expenditure picture and to try to bring them into balance. But again, with gratitude to the leadership, we are getting that mechanism and we are getting that through the Joint Committee on the Budget and their report. I am sure that the freshman class will support this effort.

Now, what other things can we do? Specifically the point I wanted to talk about tonight is one area in which we can show we are fiscally responsible, and it has to do with the General Revenue Sharing Act of 1972. It has to do with the amendment I introduced, which was cosponsored by many of this class and by 26 other Members of this body, just a week ago. It amends the 1972 General Revenue Sharing Act very simply and says that no general revenue sharing funds shall be spent unless those funds were included by the President as a part of a balanced or surplus budget.

In the 1974 fiscal year this means we would be saving $6 billion in Federal expenditures. This means we would be cutting the President's red ink budget in half in the fiscal year 1974. I think it would also mean that Congress would be reasserting its authority on an annual basis to take a look at the revenue and expenditure picture. Last year Congress voted $30.2 billion for general revenue sharing over a 5-year period, and Congress gave up all responsibility for succeeding years by saying that there should be $6 billion spent in each year.

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

Mr. JONES of Oklahoma. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Speaker, how is it possible for the United States to share revenues when it has a deficit budget?

Mr. JONES of Oklahoma. This is the whole point of this amendment which the gentleman from Arkansas cosponsored. For once it says we must be honest in our rhetoric as well as our legislation with the American people. If there is no revenue to share, all we are talking about is debt sharing. As a matter of fact in the review of the general revenue sharing bill that my office has conducted, we found it is not the State governments who are insolvent, it is not the local governments who are insolvent and who need revenue sharing, it is the Federal Government which is the insolvent body.

Thirty-one of the 50 States will have surpluses this year. We have looked into how some of this money is being spent. We found that in a small community in my home State a $10,000 general revenue sharing check was issued. They had no mechanism as to how to spend it, so they redecorated, repainted, recarpeted and put new drapes into city hall. This was at a time when programs which are helping the poor and middle-income families in that community were being cut off, and those people were being hurt. In one State in this country they did not know what to do with their millions of dollars of general revenue sharing funds, so they put them into certificates of deposit. At the same time, their children were being denied funds from the Federal Government for education. The college students were being denied help to get a college education.

There are a number of examples such as this. I think that if this House of Representatives would put its force behind an amendment such as this and would force the administration to admit that the irresponsible fiscal body has not been the Congress, but has been the executive branch, and to force them to either

accept the fact that we are going to cut their deficit by this method and accept the fact that they have to be honest with the American people and recognize that we do not have any revenue to share in a deficit budget, then I think we could be striking a very significant blow for the taxpayer who has demanded that the Government take the lead and hold down spending; hold down nonessential spending and put the money that we can save into the programs that are going to provide the housing, going to provide the education for our children, going to give particularly our elderly citizens the needed health care that they so desperately need today and are being denied.

I thank the gentleman.

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

Mr. JONES of Oklahoma. I yield to the gentleman from Oklahoma (Mr. McSPADDEN).

Mr. McSPADDEN. Mr. Speaker, I would like to associate myself with the great remarks made by my colleague from Oklahoma, and commend him especially on the legislation which he mentioned as to the deficit spending revenue sharing as being one of the most sane approaches to fiscal responsibility that has been introduced in this session of Congress.

Mr. JONES of Oklahoma. Mr. Speaker, I thank my distinguished colleague from Oklahoma.

Mr. OWENS. Mr. Speaker, I commend the gentleman from Oklahoma for his very fine remarks.

I am now pleased to yield to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I thank the gentleman for yielding.

I suspect the Members of the freshman class should offer their condolences, if not their apologies, to the employees of the House whose evening plans have been somewhat destroyed by our undertakings. I suspect, however, that they will understand, given the magnitude of what we are talking about; that things far more important than their evening plans, or ours, have been destroyed in the last few years and decades; that there are people in this Nation who have no homes; that there are people in this Nation who have no food; that there are people in this Nation who have no health care.

There are tens of thousands of Americans who are not here tonight in this hall, or anywhere else in this Nation or on this earth to discuss this or any other crisis, because of the imbalance and the irresponsibility to which we are trying to address ourselves this evening.

We recognize the unusualness of freshman Members doing anything quite so unconventional or—I cannot use the word "dramatic" I think in all fairness—but as lengthy and wordy as this.

This freshman class of Democrats in the 93d Congress decided very early on that we would not content ourselves simply with the traditional social functions of what is called the 93d club. We discovered that we had come from every corner of this country with a great deal in common to a very surprising extent. We have in common, first of all, and most obviously, the fact that has been referred to earlier by some of our colleagues, that most of us, and I think perhaps all of us, are fresh from 1 or 2 or, in some cases, 3 years of intensive grassroots campaigning.

That has brought us inevitably as close as possibly can be to the feelings and the pulse of the people. We have discovered, in spite of the diversity of geography which we represent, that we came to this institution with a great deal in common in terms of how we read the feelings of the people whom we now represent. We have come here and we now speak with all the accumulated knowledge, wisdom, and experience of 3½ months of service in this institution. But we believe we do have a right to speak not only because, as the Speaker earlier indicated, we represent roughly some half million people, as does every other Member of this body, but because as a group we can claim to be at least as close in rapport and understanding to the people of this Nation as the other Members of this Congress.

The freshman Democratic Members at this point stand, I believe it can be said, very concerned and very frustrated. We feel that that concern and that frustration are a legitimate and accurate reflection of the feelings of the people we represent. We represent all kinds of people. I, too, as does the gentleman from Oklahoma, represent a district that was carried by Mr. Nixon. My mail, coming from the most traditionally Republican parts of my district, is now full of letters from people who say such things as, "I am a Republican. I have been a Republican all my life. I have voted twice for Mr. Nixon, but this is not what I voted for."

I believe that points up what has also been said earlier here. What we are talking about tonight is not a question of partisan politics. It is not Democrats versus Republicans. It is not a Democratic Congress versus a Republican President. What is at stake is the Constitution of the United States.

Each of us within this broad general theme this evening has been assigned a specific focus. Before I get to mine, without repeating too much what has been said before, without going back, as we have earlier this evening, into the uniqueness of the House of Representatives and into the nature of the constitutional crisis, I should like to say a word beyond what was said by the gentlewoman from New York (Miss HOLTZMAN) about what is going on now in Laos and Cambodia.

We all learned this morning by listening to the radio that the Subcommittee on Defense of the Committee on Appropriations of the House yesterday approved a supplemental appropriation of roughly one-half billion dollars for the Department of Defense. It is my understanding that the testimony before that subcommittee, which I believe was in a closed session, indicates that somewhere in the nature of $150 million of that money has already been spent directly for the costs of the bombing in the first 3 months of this year.

I submit, as did the gentlewoman from New York, that the President's conduct of that bombing is illegal. It is in violation of the Constitution of the United States, which specifically and clearly gives to the Congress the power to declare war. And it is in violation of a statute passed by the Congress at the end of last year, which states that the defense of Cambodia is not the policy of the United States.

There are no American troops, so far as we know, in Cambodia or Laos. There are no longer American prisoners of war in Laos, and there are none, so far as we know, in Cambodia.

I believe I can speak on behalf of most Members of the freshman class here, and I would hope on behalf of most of my colleagues in the Congress, in saying that we all go to bed each night with a nightmarish vision of waking up the next morning to discover that the first B–52 has been shot down, the first American airmen have been taken prisoner, and that the whole vicious war in Southeast Asia has begun again and that we will again be confronted from the President with the old tired rationale of the necessity for continuing the bombing for the protection of American prisoners.

It is with great sadness and great frustration that we note in the 3½ months we have been here, throughout almost all of which that bombing has continued, and so far as we know it is continuing at this moment, there has been no action in this Congress.

No voices of any note, of any power, have been heard; no action has been taken by this Congress.

Mr. Speaker, I think that we must in all fairness say at this point, after all the criticism that has been leveled by our colleagues at the executive branch of the Government, that the horrendous imbalance which now exists in the American constitutional system is not simply a case of executive usurpation of power constitutionally assigned to the Congress. It is also a case of the Congress not having exercised the will and the courage to assert the powers which the Constitution very clearly and very wisely gives it.

There has been a great deal of informal joking on the floor of this House in the last few weeks. Members have been heard halfheartedly to say, "I wonder if a resolution will be introduced formally to abolish the Congress of the United States."

Mr. Speaker, if this institution should ever cease to exist, I think it will not have been entirely a case of murder; a significant part of it at least will have to be put down as suicide of a body which did not have the courage and the will, although it clearly has the power, to stand on its own constitutional feet.

We have the same question and the same problem which has been brought up before on the question of executive impoundment of funds.

The Constitution very clearly states that the job of the President of the United States is to execute the laws of this land, not to make them. It is the sole and special responsibility of the Congress of the United States to make the laws.

Mr. Speaker, this President of the United States has boldly and clearly asserted his authority to decide for himself

what will and what will not be done with the people's money.

The distinguished Speaker of the House pointed out earlier that it is only the House of Representatives that can originate appropriations bills and revenue bills. A great deal of history went into the experience and the wisdom of the men who wrote the Constitution. They had seen unchecked executive power in their own lives, in their own land. They feared it more than they feared anything else, and they wrote a Constitution designed to see to it that we would not end up again in this Nation with a king or with a President or with any kind of an executive who had authority of his own to reach into people's homes and take out their sons and send them to war or to reach into the people's pockets and take out their money and do with it as he would.

The President of the United States now asserts increasingly his authority to do that, and this Congress has not yet acted to take that authority away from him.

Mr. Speaker, I should echo, I think, at this point the gratitude expressed by my colleague, the gentleman from Oklahoma (Mr. JONES), in expressing his appreciation to the leadership of this House for the reforms that have been accomplished to date. A great deal has been done, and as we understand it, a great deal is in the process of being done, particularly with regard to the form and the procedures by which this House deals with the budget.

The President of the United States is quite right when he accuses the Congress of the United States of fiscal irresponsibility in this particular regard. The structure and the procedure, the method by which we deal with appropriations in this Congress, do not, in fact, permit us to take a comprehensive overview of the budget. We vote on appropriations one at a time. The subcommittees of the Committee on Appropriations deal with one department, one agency, one branch, one area, at a time. No one in this Congress, given the present method of proceeding and dealing with the budget, has an overview. We do not set a spending ceiling; we do not set priorities within that ceiling and hold ourselves to them.

Mr. Speaker, that is why I think I can speak on behalf of all the freshman Democrats in expressing our great appreciation for the work of the Joint Committee on the Budget, that it has our complete and wholehearted endorsement of what we hope and understand will be accomplished by this Congress to remedy that situation. If and when we can do that, if and when this Congress can set for itself the spending limit and the priorities which the Constitution clearly intends us to do, we will have removed the one weapon the President uses to confuse the people of this country by charging the Congress with fiscal irresponsibility.

As has been pointed out earlier, the President, who uses the words "fiscal irresponsibility," himself submitted a budget more than $13 billion out of balance. Not only that but by a wonderful bit of sleight of hand in the use of accounting procedures, that budget would be more than twice as much out of balance were it not for the change instituted by this administration in which for the first time trust funds, such as social security, were counted in as a part.

There is not one shred of legitimacy for the criticism by the President, in general terms, of fiscal irresponsibility on the part of Congress except in the crucial regard which we hope will be corrected as a result of the very welcome work of the Joint Committee on the Budget.

My own focus—and I will be brief in it—is a pedestrian and routine one. It has to do in a specific sense with such mundane matters as allowances, as travel, as telephones, as printing, as the tools to do the job of what is supposed to be a coequal branch of government. You can see that through a couple of examples.

The Office of Management and Budget has 660 employees to review the budget and has at its command untold thousands of professional employees in the executive agencies of the Government. Our own House and Senate Appropriations Committee combined have 117 employees. In our case, in the case of my office here in Washington, we would have ceased to exist several months ago were it not for the dedicated work of one dozen handling research assignments.

I find it difficult to picture the Secretary of Defense or the Director of the Office of Management and Budget trying to rely on volunteer help to fulfill their responsibilities.

The entire staff of the House of Representatives numbers less than 8,000 and the Senate less than 5,000. The Executive branch employees 2,446,000 people. One of my favorite examples, at least when I am in a masochistic mood, is our FTS telephones which sit on the desk of every Member of this House. Those phones, as our colleagues know, work wonderfully. They can call anywhere free in this Nation except between 9 to 5, Monday to Friday. As I understand it, even that service is by courtesy of the Executive branch.

The allowances of this institution do not allow a conscientious Member of this House to do his job in serving his constitutents as he ought to be doing. It now appears to us, for example, that our telephone allowances for our three district offices will be exceeded by approximately $135 a month. There is nowhere for that to come from except the personal pocket of a Member.

Our allowance for such essential equipment as telecopiers and Xerox machines in district offices we now estimate will be exceeded by approximately $120 a month, and there is nowhere for that to come from except from the pocket of a Member.

We heard a great deal of criticism on this floor earlier this week about the amount of money spent by this institution in franking mail for the people we represent. Last year $24 million was spent to cover the cost of all congressional franked mail. The executive branch spent $272 million in free mail, interestingly enough. I point out the figure in order to put a few things in perspective. The budget last year for the Public Affairs Division of the Department of Defense was $27 million, $3 million more than the entire budget for all congressional correspondence with our constituents, who constitute every person in this Nation.

We are allowed generously 18 round trips a year as Members of this institution to our home districts. We have been here 3 months, and I have used 11 of those 18 trips, and when that allowance is gone, again there is nowhere for that to come from but from Members' own personal resources.

We have allotted to us three round trips for our entire staff to our districts per year.

Our entire travel allowance pales in comparison to one single Presidential trip on Air Force One.

The entire legislative branch, including the General Accounting Office, has fewer than 10 computers in use, and less than half of these are used to supply the Congress with information, while the executive branch, so far as I can determine, has over 6,000 computers in use.

There has been some talk recently of a recommendation to raise the salaries of Members of the Congress from the present $42,500 a year level to $55,000. I am against that, and I suspect that most of our colleagues in the freshman class are against that. Because there is no sense arguing with the people of this Nation that the salaries we receive are inadequate. But I would like to see us have the courage to say that the allowances we are given to do our job are inadequate.

I think that the general point that we would like to make, with these fairly trivial and mundane observations, is that the timidity that we as Members of the House exercise as we move among our colleagues is not necessary. Unless we very badly misread the people we represent in the great diversity of the districts we represent, they are demanding that this institution stand on its own two feet.

I for one am prepared to go anywhere in my district before any public audience and argue that we should double the staff allowance for Members of the Congress. And I am prepared to say that I would have the support of most of the people I represent.

And I think that I should hasten to add, as I said earlier in my remarks, that we do appreciate what has been done to date. We are aware of our newness in this body. We are aware that the allowances were woefully less adequate only a short time ago. We are aware that only yesterday the distinguished chairman of the Committee on House Administration was able to make some progress in our behalf, and we are deeply grateful.

But I think perhaps what we are trying to say to the people is that when this Congress begins to stand up on its own congressional feet, and when we begin to override vetoes of the President, and when we begin to withhold funds for the bombing of Laos and Cambodia, or anywhere else, that the President may decide to continue this operation tomorrow morning, or next week, or next month, that we do not have to display feelings of timidity over what we may do or say, but that we will have the people behind us—in fact, they are there now. I think in some respects they are ahead of us.

Mr. Speaker, I would like to say in con-

clusion, if I may, to our leadership that we are with them, that we are behind them, and the stronger they are the happier we will be.

Mr. OWENS. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Massachusetts (Mr. STUDDS).

Mr. Speaker, it is with considerable pleasure that I join my freshman colleagues on this side of the aisle today in a joint statement outlining our hopes and our aspirations for the 93d Congress. More particularly at this time, we join in restating our firm belief that the Congress of the United States now embroiled, as it is, in a constitutional conflict with the executive branch, is in danger of losing outright its historical power to determine the direction and the parameters of Federal activity.

It is curious that Members of the Congress, the branch which has historically and without serious challenge heretofore, carried out this function of writing the laws, should now feel an obligation to restate our claim to that authority. But faced, as we are, by a powerful Chief Executive who, without color of constitutional authority, has used administrative power to strangle program after program, governmental activity after governmental activity, it is not suprising, I suppose, that we should meet together to reassure ourselves and each that the lawmaking authority of this country is, in fact, alive and well right here in the Congress. But while the Congress has given up power from time to time, it retains the legal and constitutional authority to legislate—indeed, we could not constitutionally give that legislative authority away if we compulsively tried. The question now is whether we will assert that authority, or agree to its expropriation by the Executive.

How has the Congress responded to this threat? By acquiescing, Mr. Speaker, in large measure, to the President's initiatives. Just last week in a thoroughly disappointing display of the lack of congressional backbone, this House sustained the President's veto of the Farmers Home Administration water and sewer grant program, even though the program had passed this very House earlier this year by almost a 6-to-1 majority. Why is it that Members have abdicated their prior resolve to provide farming communities with water and sewer assistance? Speaking not to impute a motive to Members but in judgment on why that veto was not overridden by an indignant, angry Congress as might be expected, it seems clear that the political pressures and the impact of the President's budget impoundments, in a day of rampant inflation, was felt by many and forced an unseemly, graceless compromise on the part of the Congress.

I do not desire to participate in degrading of this institution. I respect this Chamber. Having come to this body from lengthy staff service on the other side of the Capitol, my prejudices prepared me to be bored here, to expect little, to count on nothing. Instead, I found excitement, a resolve in the majority to reject the worst manifestations of seniority and secrecy and a tolerance, even respect for newer, younger Members. We are a dynamic force, Mr. Speaker, a House of Commons where it can still be said, as Hamilton said years ago:

> Here, Sir, the people govern.

What must the Congress do? We must, it seems to me, reform our procedures and our legislative machinery to overcome the outdated restrictions Congress has voluntarily allowed to exist, to permit ourselves to deal in an intelligent, informed manner with the facts and problems as they come to us.

First. I suggest that we must first redefine our budgetary process, which we are moving to accomplish primarily through the bipartisan Joint Study Committee on the Budget under the able direction of the gentleman from Oregon (Mr. ULLMAN) and the gentleman from Mississippi (Mr. WHITTEN). Preliminary reports indicate that this committee shortly will provide for our action, not a superficial spending ceiling like that passed 2 weeks ago by the other body, but a comprehensive budget limitation, capable of enforcement. After refinement by the Congress, I hope we will enact their recommendation.

Second. We must work out an approach to deal constructively with Presidential impoundments—to maintain congressional power over spending. Both these problems—budget limitation and impoundments control—require simultaneous solution because to impose a budget limitation without a solution to the impoundment problem is tantamount to a conveyance of authority to the President to redirect spending just like he has been doing, in an extralegal way, this year.

As if between parentheses, Mr. Speaker, may I say that the greatest source of frustration to this freshman Congressman has been the public misunderstanding about the role Congress has played in past years in setting fiscal policy. It is an axiom in politics that the successful politician chooses well both his enemies and his friends. This President has always carefully chosen his adversaries. The low esteem into which Congress has fallen in recent years has made the legislative branch the perfect Presidential scapegoat for ineffectual economic policy.

How is it, Mr. Speaker, that this President, with four straight budgets of monumental deficits, whose budgets every year of his administration have been cut by a Congress determined upon setting spending priorities, how can he, with a straight face, present to the country a proposition that Congress is composed of irresponsible spenders? The truth is, Mr. Speaker, that it is the Congress which has acted responsibly, which, over each of the last 4 years has cut from Presidential requests, a total of more than $21 billion. They have cut from the areas of defense and space and foreign assistance, and they have added in the areas of education and health and pollution control, among others. Congress has cut from President Nixon's spending requests an average of almost $6 billion a year.

Now, belatedly, insulated with 4 more years, the President of the United States in pursuit of his own legislative and political ends, terminates by arbitrary administrative fiat, programs which he could not defeat in the orderly, lawful process of our Government. And Congress, in its docile, dependent mood, at times seems determined to give the President what he wants, up to, and including, the congressional birthright.

So, in summary of what I consider the first two imperatives, it is necessary that we set out clearly our budget limitation and define the basis and procedures under which we might allow funds to be impounded. In an orderly democratic fashion we can then set the spending priorities we collectively determine to be wise, and see our determination through by refusing to be bullied about by raw Presidential power, aided by organized telegram campaigns from home.

Third. To accomplish this end, Mr. Speaker, it is necessary that we establish a division within the legislative branch comparable to the Office of Management and Budget, staffed with an adequate number of expert personnel, responsible only to the Congress.

I learned firsthand last week how little Congress really knows or can ascertain about Federal spending. In an attempt to prepare an alternative budget for fiscal 1974 for the consideration of this freshman Democratic Caucus, the gentleman from Iowa (Mr. MEZVINSKY) and I, with expert help from the Congressional Reference Service, set out to learn where we are spending our resources. We were unable to find out how much money, for example, is spent to maintain the 300,000 American troops in Europe. That information is simply not available to us in any understandable fashion.

It is intolerable that, as a legislative branch charged with responsibility of oversight and control over the executive branch, that we are dependent upon the experts, the information, and statistics available only from the very executive branch we are supposed to be policing. It is impossible for Congress to meet its constitutional responsibilities to govern intelligently without independent sources of information and information evaluation. We are 30 years behind the technology because, to use a popular phrase around here, the Congress is "penny wise and pound foolish."

I am told that the Pentagon, to prepare its budget for submission to the Congress, spends more money each year than Congress appropriates for its own operations. Senator MONDALE of Minnesota has said it well:

> When I stand up in the Senate to move to delete funds for the space shuttle, it is one Senator and one bright legislative assistant against the unified resources of NASA, the Pentagon, and the entire Executive Branch.

Is it not time, Mr. Speaker, that the Congress provide itself with adequate data processing, equipment, staff, and space to allow us to deal intelligently with the questions of the budget and oversight of the executive branch. I voted yesterday and again today to expand the size of the Capitol because of our desperate need for space. I will vote too, when appropriate, for another House office

building and for a legislative office of management and budget, a legislative ombudsman, and other services and facilities needed to do our job intelligently. Without doing violence to the memory of the late Winston Churchill, I think I can paraphrase his request to the United States at the time of the threatened invasion of England early in World War II with my own request to fellow legislators:

Give us the tools and we will do the job.

Mr. Speaker, I am now delighted to yield to our colleague, the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Speaker, I want to thank my honored colleague, the gentleman from Utah, for yielding.

Mr. Speaker, our lives are deeply affected when our Government makes secret commitments to foreign nations.

A free society cannot allow its men and resources to be used overseas in the name of secret agreements.

Starting 3 years ago, the Senate Subcommittee on U.S. Security Agreements and Commitments Abroad, chaired by Senator SYMINGTON, uncovered a number of military agreements with foreign governments which had initially remained unknown to Congress and the American people.

These included an agreement with Ethiopia in 1960, agreements with Laos in 1963, with Thailand in 1964 and again in 1967, with Korea in 1966 and certain secret annexes to the Spanish base agreement.

More recent action by the Senate Foreign Relations Committee has focused on executive agreements concluded in December 1971, with Portugal for an airbase in the Azores and with the Persian Gulf State of Bahrain.

Let us focus on just two of these cases—our support of two countries on opposite sides of the world—Spain and Laos.

In 1967 and 1968, a series of military exercises were held in Spain. In those exercises, several thousand U.S. airborne forces took part along with Spanish forces.

The war game scenario described an insurgent uprising in north-central Spain where the Spanish were able to contain the insurgent forces within a certain area, but could not eliminate them. The United States forces were called upon to fly from Germany and be airdropped in the insurgent area. There they linked up with the Spanish forces and participated in the final defeat of the insurgent group.

After such an exercise, can anyone believe that we have not made a commitment to assist the Spanish Government in the event of an internal uprising?

This commitment is further reinforced by the very presence of American bases on Spanish soil. Spain is not a member of NATO. The Spanish base agreements have never been submitted to the Senate as treaties. Yet the simple fact of the presence of U.S. military forces in Spain, as General Wheeler, the former Chairman of the Joint Chiefs of Staff, has pointed out to the Spanish, represents a stronger commitment than anything in a written agreement.

The other case I wish to mention is Laos. At this very moment, there is no treaty obligation to Laos nor any other agreement with that country which commits the United States to undertake military activities there. Yet we spent millions of dollars supporting a secret 30,000-man Army led by the CIA. We spent millions more to bomb areas in Laos far from the Ho Chi Minh Trail. And we are still bombing in Laos even today.

For Christmas week we bombed Hanoi and now for Easter week we are bombing Laos.

We must reestablish the rule of law in this country. The Constitution clearly states that law for declarations of war and ratifications of treaties.

Congress should look more closely at our current military agreements with other countries. We should support legislation as proposed in the Senate which bars the use of funds to implement any future agreement with another nation for military base rights overseas unless approved by the Senate as a treaty. And we must insist that our Government disclose all current and future agreements which would commit our forces abroad.

Mr. OWENS. Mr. Speaker, I commend the gentleman for his excellent statement.

I am happy to yield to the gentleman from Kentucky (Mr. BRECKINRIDGE).

Mr. BRECKINRIDGE. Mr. Speaker, I wish to associate myself with the remarks of my conferees this evening. I have been associated in many circumstances in the past with many men under similar situations, but none with a group who I found were so articulate or, if I might say so, so cognizant of the burdens that rest upon them.

I would like to say, Mr. Speaker, that there are two matters that are of primary concern that have been touched upon generally here this evening but not with a degree of specificity which I think they merit.

I am concerned about the fact that there has been what appears to me to be a studied and a determined and purposefully duplicitous attempt to mislead the citizenry of these United States. I attribute this to two areas which we have discussed in detail from every vantage point this evening. They have to do, first, with the reckless and irresponsible charge by a reckless administration that the Congress is wasteful and spendthrift. Second, it has to do with that magnificent piece of boondoggling which leads the public to think that general and special revenue sharing are the answers to the programs to which they have become accustomed.

If I may, Mr. Speaker, I am going to read for the RECORD a brief series of statements which I think will put in perspective the transition from the conception of general revenue sharing as it was accepted during the course of the conduct of the campaign in which we all participated and that which is now generally being sold to the public in terms that are quite clearly calculated to make it appear that if only they would persuade the Congress to yield to the President, that then and only then will that program survive.

I wish to refer to the President's statement of January 22, the year before the last election, 1971, in which he said:

I propose that the Congress make a $16 billion investment in renewing State and local governments. $5 billion of this will be new and unrestricted funds.

In March of that year the President went further in enlarging on his concept:

One point that should be made very clearly understood, is that no program currently funded by categorical programs need to be discontinued under the new arrangement. Every community would have the capacity to expand any of the current programs.

Then, to skip a year, Mayor Moon Landrieu, the mayor of New Orleans, was quoted by the New York Times in February of this year. The mayor of New Orleans quoted President Nixon and former Secretary of the Treasury John Connally as having pledged last year that no cutbacks in Federal funds reaching States and cities would result from the enactment of the administration's revenue-sharing legislation.

Mr. Landrieu also cited a Treasury Department booklet on revenue sharing that said the purpose of the revenue-sharing law is to allocate additional funds to the States and to local governments to augment existing programs.

The Wall Street Roundup, taken from the Wall Street Journal of February 26 of this year, stated as follows:

Congress, last year went along with the President part way. The legislators enacted a general revenue sharing bill, a five year program to distribute $30 billion. But this was in addition to, not a substitute for, the existing categorical aid programs.

Confronted with a reluctant Congress Mr. Nixon is trying in his new budget to bend the lawmakers to his will by decreeing a death sentence both for the Great Society programs he doesn't like and for the programs of specific purpose he wants converted into special revenue sharing system.

In effect the President is telling the Congress to enact his special revenue sharing program promptly or face the prospects of a rapidly dwindling distribution of federal funds to their communities.

The general revenue sharing funds that the cities intended to use for public safety and recreation may now have to go for shoring up projects that were formerly federally supported.

THE FEDERAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. BREAUX) is recognized for 60 minutes.

Mr. BREAUX. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. BRECKINRIDGE).

Mr. BRECKINRIDGE. Mr. Speaker, the Federal budget and the cities, as found in the February 1973 issue of the National League of Cities, U.S. Conference of Mayors, stated:

In August of 1969 the White House, The Mayors, and the County Officials, Governors and the President reached agreement to support general revenue sharing. They explicitly agreed that general revenue sharing was not

to be a substitute for ongoing federal categorical programs.

The fiscal year 1974 budget goes directly against that statement. It says:

If constituencies desire to continue providing financial support to local communities general and special revenue sharing could be used.

Now, gentlemen, what has happened, very simply, between the conducting of the general election concluded last November and the presentation of the President's program to the people this year is a "pea game" without match in history. We have gone from a proposition where general revenue sharing—not debt sharing, as pointed out earlier this evening—was to supplement and be used as an extension of and in addition to those categorical programs which the President signed into law with congressional approval.

Now we find, in the Wall Street Journal, the mayors of the United States, the Governors, and everyone who has taken the trouble to follow the record, that the people are being told Congress is responsible for doing two things. No. 1 is spending us into a deficit posture, and No. 2 is failing to implement these programs.

I submit that the answer is, as has been suggested by those who have gone before me, to be found in the budgetary process.

Mr. Speaker, I was interested to learn in going through the papers on the subject that it was about a hundred years ago that we began to lose our grip on this budgetary process. For the first hundred years the Congress retained strict controls; there were no arguments. As has been pointed out, President Jefferson in his first and initial impoundment was doing no more nor no less than proceeding with the advice and consent of Congress, but when the Civil War came along, the budgetary process and the fiscal changes in the Congress resulted in the decentralization of what you and I have now come to accept as the usual practice. Prior to that time both the revenue raising and the appropriations and the disbursement functions were centralized in two committees, in the Senate in the Finance Committee, and in the House in the Committee on Ways and Means.

Mr. Speaker, at that time decentralization created two new Appropriation Committees, separating for the next hundred years the consideration of both factors, a practice which I submit no housewife in her right mind would undertake.

Now, we have before us various propositions. The Senator from Tennessee, Senator BROCK, has modeled a proposal along the lines as to be found in the Brookings Institute report and recommendations on national priorities, and he submits some tangible proposals which you and I will pass on, I trust, before too much time has gone by.

He submits that our programs be reviewed on a 5-year basis, not on an annual basis, such as we are accustomed to, and that no major program be reviewed more than once every 3 years, the concept being, as I gathered from Mr. Charles Schultz of the institute, that we cannot as a Congress, department by department and program by program, rationally and practically address ourselves to a budget, the magnitude of which we pass upon these days. But by limiting ourselves to major program evaluations over a 3-year program and cycling our program through these methods, we cannot only determine and balance revenue receipts and revenue disbursements, but also review the long-range effects and projections of that particular program.

It has been suggested and it will be advanced, I know, by the Joint Budget Committee, that we set up a May and a September proposal, whereby we pass a concurrent resolution making each of the legislative committees, in fact, the overview and the oversight of the Congress in determining within those ceilings what moneys we shall disburse and at what priorities.

You and I are fortunately arriving at a time when it will be possible in cooperation, I trust, with the executive branch of Government—and surely it takes the cooperation of both—you and I will arrive at a time when it will be possible to review in practice the extent of the plan, and evaluate and adjust revenue receipts, the sources of revenue and their disbursements.

This, I think, is the course that lies ahead of us.

I would like to say this in conclusion: The gentleman from Utah is going to introduce a bill, if he has not already, which merits our close attention. His proposal is for an ombudsman arrangement.

I would like to say and submit that in our consideration of the budgetary process, whatever it may be and in whatever form it may come to us, that we should undertake this additional view.

Mr. Speaker, I do not wish to remain dependent upon the the attorneys of the Department of Justice for the purpose of determining and advising me when the executive branch is or is not derelict in its duty and in the discharge of that duty as mandated by this Congress.

I would like to see attached to the Congress of the United States its own prosecutorial staff, if you will, with an investigative staff, with an ombudsman staff, for the purpose of assuring, when our oversight functions brings to our attention a program that has been directed, that has been ordered and that has not been implemented, that we proceed in the judicial system, in the third branch of Government, and see that that law is followed.

I submit that if we balance our administrative tools with counsel, with investigative staffs, with a planning program and a budgeting process, we will find there will be very few questions about who is in command in Washington.

Mr. BREAUX. Mr. Speaker, I would like to yield now to our distinguished colleague, the gentleman from North Carolina (Mr. ROSE) such time as he may use.

Mr. ROSE. I thank the gentleman from Louisiana, and I thank my colleagues here in the Chamber at this time. I have not made it a habit to be easily impressed by the speeches of people, but I find it hard to resist the temptation to be very impressed with what I have heard here tonight. I am happy for the Congress of the United States that we have the people who have spoken here on the subjects and the issues that face this country. The American people should take heart at what has been said here tonight on the issues that my colleagues have raised in this most important way.

The Democratic leadership of the House of Representatives should take heart at what has been said here tonight, because it says to them that the Democratic Members of the 93d Congress are not willing to sit still, are not willing to march to the death knell of any Congress in these United States, but are ready to join them in the fight they know they must wage to make this branch of Government as responsive to the needs of our people as our Founding Fathers intended that it be.

There is not really a whole lot that we can say that is new at this hour of the night. I want to emphasize only one or two of the points that have already been offered by the many speakers who have preceded me and leave a few thoughts with you.

We must unify ourselves, Mr. Speaker. As Members of the 93d Congress, we must unify ourselves to make Congress what you and I know it should be. We must unify ourselves with the Democratic leadership of the Congress to carry out the mandate that is ours.

I say for myself and I feel for the other Members of the 93d Congress to our leaders and to our Speaker and to our majority leader what we have said here tonight is not in any sense a rebellious statement, but a statement of our willingness to cooperate, a statement of our concern and our interest in seeing this group go forward together.

The thought I want to leave mainly concerns our people back home. We have come very recently from many political battles. We have an unusual closeness and an unusual relationship as we stand here today with our people back home. We are new in the Congress, and they are in constant touch with us and we with them.

Probably more than at any other time in our career we can feel the mood of our people and sense what is troubling them.

We can spend hours debating the deep and the philosophical questions of our Government, but the things that affect our people back home are the things that affect them every day, and they are the things that concern them where they live.

My colleagues, our people are concerned about inflation. Our people are concerned about the cost of living, and the President of these United States has us in a strategic bind, because of this problem, and because we have failed to do some of the things that we can do simply to correct the corner in which he has us tonight.

Whenever the President of the United States speaks, the Nation listens on the

radio and on the television, and the media are instantly there down at the end of Pennsylvania Avenue whenever our President says anything. Yet we must struggle to be heard back home in a way that he does not have to struggle to be heard back at home where we live.

And what is it the President is telling our people? The President is telling our people that we are against a balanced budget, and that he is for a balanced budget; that we are not in favor of cutting Federal spending, and that he is in favor of it; that we are the big spenders; that the Democratic Congress is aiming a knife at the heart of the pocketbooks of every American tonight.

I submit to my colleagues here that this is not true. But because this body has failed to set for itself a reasonable limit on the amount of money that it will appropriate in the new Federal budget, the President has us in a corner.

I submit to my colleagues that before this group of people, before this Congress of the United States is going to get excited about overriding the President's veto or about passing anti-impoundment legislation, that it is going to have to face squarely the question, once and for all, of a ceiling on the Federal budget.

I am impressed with the action of the Joint Committee on the Budget. I share the hopes of my colleagues that their deliberations will result in quick, new aids toward solving this problem. But from the debate that I heard this morning it seems to me there is going to have to be considerable discussion had before such a point is reached. But I say to my colleagues that as long as the President can point to us in front of our people back home and say, "They have not set a ceiling on the budget," he will continue to have the public sentiment behind him when he argues against overriding his vetoes, and when he argues against legislation that would require him to release funds that he has impounded.

These have already been expressed as thoughts here today. I offer them for what they are worth to those who may read the RECORD produced by this special order, and for what it may be worth for those Members who are here in this Chamber at this late hour.

I think the call is for us to join together among ourselves, and with our colleagues bring back home to the people where we live the message that we are for fiscal responsibility, and fiscal soundness. The call for us to do this is clear. It is a strategic move that we must make to take away from the President a club that he now holds above our heads.

I submit to my colleagues that once we pass this point we can with greater confidence at home reshape the priorities of this country, which is our duty in the first place.

Mr. Speaker, I thank the Members who have stayed here tonight to hear these remarks.

Mr. BREAUX. I thank our distinguished colleague, the gentleman from North Carolina, for his fine, very sound, and reasoned remarks.

I now yield to our distinguished colleague, also a former attorney general, the gentleman from the State of Arkansas (Mr. THORNTON).

Mr. THORNTON. I thank the gentleman from Louisiana for yielding to me.

Mr. Speaker, sharing a moment with the distinguished Members of this body who have addressed this House this evening has caused me to think about the words that the gentleman from California used in describing our duty to tell it like it is. I think that tonight perhaps we have gone beyond that duty. I think perhaps tonight we have had the courage to see it like it is and tell it like it ought to be, and now to work to make what ought to be come true. That is, as I see it, the task of this body, the task of the legislative branch of Government, in a time of constitutional crisis, in a time when the problems are enormous, when the solutions are not easily seen.

We have talked tonight about a number of things, and all of them are complicated. Certainly budgetary matters cannot be easily understood or easily expressed. But in considering how this body may grapple with the problems of the budget, the observations of Francis Bacon in "Novum Organum" are just as appropriate today as they were when he said them. He said:

> It would be unsound and contradictory to suppose that things which have never yet been accomplished can be accomplished, except by means which have not yet been tried.

And so tonight I think we are searching for such means. As in any form of scientific research, in conducting this search, we must explore all possible paths in the hope of finding one useful avenue. In this endeavor this House has a tremendous advantage, because this is the place where most of the new ideas which come before our Government are first discussed. Historically we know that such things as the vocational rehabilitation programs, the Hill-Burton funds, supplemental medicare, the National Defense Education Act and, indeed, most of the proposals which later come back in the form of Executive recommendations are first mentioned and discussed here on the floor of this House. In our efforts to regain congressional authority over the budget, it seems to me that we must first diligently explore the recommendations which have been made by the Joint Study Committee on Budget Control just this week.

But tonight I should like to look for just a moment at our budgetary items for military and foreign aid, asking the question whether through these items we are really providing for defense against those ancient enemies of mankind: ignorance, poverty, illness, and fear. The defense against these enemies is through programs which educate, which employ, which provide better health, and which fulfill the lives of the people of this Nation.

And in considering how to meet these challenges, one of the most serious problems is that which was discussed so well by the gentleman from Oklahoma, the energy crisis, which really stands as one of the major problems of our civilization. All that need be done is to superimpose a graph of the world's expanding population, which remained fairly steady until 1860, with a graph of the consumption of the fossil fuels to see that the Malthusian laws were mitigated by an enormous expenditure of energy to sutain the increased agricultural productivity and the increased populations which are now being supported through the use of energy.

The energy problem can be quickly summarized: Our domestic production of oil and gas is decreasing at the rate of 3 percent per year. Our energy consumption is increasing at the rate of 4.6 percent per year. The consumption curve and the production curve have already crossed and, we are already importing large quantities of crude oil. There is today no excess refinery capacity in the United States with which to refine additional imports of crude oil.

Correcting these problems is going to require a minimum of 3 to 5 years and the utilization of coal and development of nuclear energy. The immediate outlook for the United States is that in the next 3 to 5 years we will become for the first time in history not merely an importer of petroleum, but that we will be importing refined petroleum products including gasoline, diesel oil, and refined fuel oil. Even this solution has great problems, because the world refinery capacity in the ground is just about adequate to make up the fuel shortages in the United States, if all of the excess world capacity is used for that purpose.

Compounding this problem is the fact that during the past year over 61 steam generating plants which had formerly consumed coal have been converted to consume oil, at a time when our supplies of oil are running low.

By 1975, it is estimated we will be requiring 20 million barrels of oil per day and with perhaps another million and three-quarter barrels per day being required to offset lagging nuclear, coal, and hydroelectric production facilities. Our refinery capacity extrapolated to that date is 13.35 million barrels per day for a shortage in the U.S. refinery capacity of 8.64 million barrels per day if the energy shortfall is to be made up by oil. There exists in the world a total excess refinery capacity of 8.11 million barrels per day, throughout the world, less than that required for the use of the United States. Unless additional refinery capacity is started in the ground immediately, we are looking at a U.S. shortage of refinery capacity on the order of 2¾ million barrels per day, even with all we can purchase from the rest of the world by 1975.

Faced with shortages of these magnitudes, we can no longer afford to require the conversion of coal burning steamplants to oil and indeed I think it may become necessary to reconvert such steam plants back to coal, in order to meet our Nation's short-term energy requirements. To accomplish this, Federal assistance may be required. I think it is also vital that we attempt to store 60 days reserves of oil.

Simultaneously, we need to accelerate, as recommended by the task force headed by the gentleman from Washington (Mr. MCCORMACK), our commitment to

the development of long-term energy sources. Specifically, the administration's budget does not provide adequate funding for fusion research or for the development of alternative gas cooled nuclear breeder concepts. Nor, according to the gentleman from Washington, does the budget provide sufficient funding for the development of deep and safe mining of coal and for gasification and liquefaction of coal.

The need for such funding cannot be overemphasized. Should our resources for energy break, our population must return to preindustrial levels. People are slow about agreeing to be in that segment of the population which must be reduced.

It seems to me that this body has the authority and must demonstrate the will to allocate our resources to maintain our energy resources, to assist our agricultural productivity and our industrial capacity and basically our ability to feed, house, educate, and clothe the people who live here.

Surely, the development of improved relationships with China and the Soviet Union, the SALT agreement and the other accomplishments which we have noted, have given us some room to shift military spending into special programs. It is unthinkable that we should fail to take action in this area immediately.

Our budget priorities must be reviewed by the Congress because, even if we accept, as so eloquently presented tonight, that the executive branch has monumental resources, it is still true that monumental resources can lead to monumental mistakes. I sincerely believe that the future of the United States and its leadership role in the world depends more upon our development of human resources here at home than upon our maintenance of an enormous overseas Military Establishment and foreign aid.

I thank the gentleman from Louisiana.

Mr. BREAUX. Mr. Speaker, I thank the gentleman from Arkansas. I would also like to associate myself with his remarks and with what he had to say on the subject.

I, as a new Member, am also deeply disturbed about a great deal of talk we hear around the country about whose fault is fiscal irresponsibility. I for one am deeply concerned that perhaps we in Congress are not doing enough to correct this impression. I am deeply concerned that the President is doing much too much about trying to lay the blame on the Congress rather than trying to find a reasonable solution to the problems that exist.

Unless we reassert congressional control over spending, consideration must be given to some method of imposing a justified budget ceiling, to impose a figure which is realistically in line with expected revenue, a figure with which we are prepared to live and with which the administration realizes that it has to live. The need for such a ceiling is, I think, very positive for fiscal 1973.

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

Mr. BREAUX. I yield to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I appreciate and thank the gentleman for yielding.

I would like to mention that it was my privilege to come to Congress in 1971 as part of the 92d Class, the 92d Club. I guess all of us, as we remember back to our college days or to our days of entry in any organization, believed fervently that our class was the superior class; our class had all the brains; had all the looks, had all the oratorical skills; had really the sum and essence of all the high qualities we could think about.

I have had a chance to preside tonight, and I will resume the chair shortly, and I have had a chance to listen to the ladies and gentlemen from the 93d Club. While I still feel the 92d Club was the brightest and the smartest and probably the best looking and had the best oratorical skills, I think that gap has closed markedly. I think that the gap is perhaps almost nonexistent as of this evening.

Perhaps in a little more serious fashion, I would like to commend all of the freshmen on a very high quality, very perceptive set of statements tonight.

I believe it would do credit to all of us, supposedly elder and supposedly senior, to give very strong support to what the gentlewomen and gentlemen have said tonight, and to join with them in trying to make this House, this Congress, this legislative branch and therefore this country better as a result of our efforts than it has been previously.

I thank the gentleman very much. I should like to join with him and to associate myself with the remarks made tonight.

Mr. BREAUX. I thank the gentleman from Kentucky, and I particularly thank him and appreciate his staying with us during these long hours.

Mr. Speaker, in our efforts to reassert congressional control over spending in this Nation, consideration must be given to a method of imposing a justified budget ceiling. This must be a figure which is realistically in line with expected revenues. A figure with which we are prepared to live and with which the administration realizes it has to live.

The need for such a ceiling is obvious. For fiscal 1973, the administration requested a ceiling on spending to be set at $250 billion. Such a ceiling was not set by Congress. Yet, an artificial ceiling has gone into effect through Presidential action—such as through impoundments, vetoes, and other means of refusal to spend allocated funds.

What is most interesting is that the administration claimed that such a ceiling would be sufficient to curb inflation. I think it is fair to say it has not. Inflation is with us today in the worst way and continues to be a problem that is not going to disappear very soon.

Having acted apart from congressional directive, the administration now must assume the responsibility for the inflated prices consumers are experiencing. To blame it on Congress is simply not in keeping with reality. Congress did not impose the ceiling—the President did.

And that brings us to the heart of the matter.

The imposition of budget ceilings is not an arbitrary thing. Rather, it is carefully calculated on the basis of expected revenues. This Nation no longer can expect to spend more than it has a legitimate right to spend. A ceiling must be fixed according to expected revenues. Then Government agencies must learn to live within the limits of that ceiling.

This is an action which belongs to Congress. Let us now take the initiative in this matter. The people want spending held to realistic limits. We represent the people. Therefore, it is up to us to meet the demands and the needs of the people. Especially when both demands and needs go hand in glove as in the case of spending.

Further, Congress needs desperately to have at its disposal adequate budget study tools which afford maximum information. This we do not have at the present time. We receive the Presidential budget in January—late January. Six months later we are expected to have finalized a document with which the Nation must live for that fiscal period. The Executive has had more than twice that amount of time to prepare a budget. As Congressional consideration of that same budget is underway, a host of committee hearings must be conducted, bills considered and a maze of information dissected before the budget can be finalized.

Federal agencies and program requirements must conform to congressional standards. Presently, these are totally in the domain of the Executive. Through the powerful Office of Management and Budget, he exercises authority in budgetary areas which rightfully belong in Congress. Therefore, we must find methods to determine agency and program needs in concert with the President—not a full year after he has had a chance to decide what we will do to support these agencies.

In this way—by following the budget making process more closely from beginning to end—Congress can wisely set spending limits according to agency and program needs. It can act more wisely in funding appropriations beyond the agencies and existing programs—in accordance with the ceiling it has imposed. But it can do so only with adequate information at its disposal.

Further, we must assert our right to decide the levels of spending within the ceiling imposed for a given fiscal year. We must assert our right to delineate spending within Federal agencies and make certain that these levels of spending are kept. We must make certain that the exercise of impoundment is not substituted for the exercise of veto by the Executive.

The imposition of a budget ceiling is not a catchall solution. But it does start the process. As Senator ERVIN noted, in testimony concerning the $268 billion ceiling imposed by our colleagues in the Senate—legislation of this nature recognizes the power of the purse belongs to Congress—it recognizes that the only way a President can disapprove an act of Congress is through a veto—the Senate version further provides that any impoundment action shall be reported to Congress within a specified time—in ef-

fect, it brings spending matters back within the domain of Congress—where they belong.

It is my position, then, that Congress must define the limits of expected revenue for a given fiscal period—fix a ceiling within those limits—hold agencies to spending programs within their individual budgets—and evolve a budgetary consideration program which is equal to that of the Executive.

We must begin to reacquire our constitutional rights in this vital area. This Nation is facing economic problems which must be borne by this administration.

Since the administration has not done its job in curbing inflation and stabilizing the economy, Congress must act. We can begin by fixing a realistic budget ceiling and demanding that Federal spending be held within the limit of that ceiling.

Mr. Speaker, at this time I would like to yield to my close personal friend and distinguished colleague, a member of the Committee on Rules, the gentleman from Louisiana (Mr. LONG).

Mr. LONG of Louisiana. Mr. Speaker, there have been statements tonight from representatives of all points on the political spectrum and covering a broad range of topics. There is one theme, however, which runs through everything that has been said: It is that many in Congress are angered at the usurpation of power by the executive branch and the administration's challenge to the tradition of cooperation between Congress and Executive.

If Congress were as weak as some would like to see it, this anger would be of little consequence. The President could shrug off our protests and follow whatever course he chose. The country might suffer, but the Government would continue.

But Congress is not a weak and helpless body. It is a strong, immensely powerful institution. It is renewed every 2 years by elections all over the country. It controls the Nation's budget. It is the lawmaker for our country, and in a society where the law is a primary force, the lawmaker will always be a primary institution.

So, when the Executive steadily encroaches on the legislative power and, in the face of protest from the Congress refuses to stop or even discuss its action with the Congress, legislative anger can easily grow to more than harsh rhetoric.

Mr. Speaker, this Government is headed for a monumental impasse: the President disagrees with Congress judgment so he vetoes the bills we pass; the Congress is angered by the President's disregard for our programs, so we refuse to assist him in promoting his ideas for new programs.

The President mobilizes a massive public relations effort to discredit and denigrate Congress. Respected senior Members of Congress consider ugly ideas of retaliation.

Some of Congress favorite programs die from impoundments and administration cutbacks. The President sees his appointments rejected by the Senate and his legislative hopes not even being considered by congressional committees. Congress fights for programs that should be abolished. The President slashes programs that should be expanded.

Government grinds down to nongovernment. The news from the Nation's Capital is less and less the news of the Nation's business and more and more the news of partisan political battles.

You might quote Pogo and say: "It's a hell of a way to run a country."

If the total impasse toward which we are headed does in fact develop, Mr. Speaker, it is quite clear that Congress will emerge on top. The power of absolute budget control which the Congress has absolutely could reduce the Presidency to an insignificant force in America. It is the ultimate sanction of Congress, and it will be a sad day for the country if Congress is driven to use it against our executive branch.

We can avoid this danger. For nearly 200 years the executive and legislative branches have worked together in a spirit of cooperation, within the boundaries set out in the Constitution, for the benefit of the country.

Politics within a constitutional system is the art of negotiation, cooperation, and compromise. This Congress and President can work together, and for the sake of the country, we had better start doing it.

It is important that we recognize that the real issue in the struggle between the President and Congress is which branch of Government will set the priorities for the Nation.

As has been stated here tonight, the issue is not just one of fiscal responsibility. During the years Mr. Nixon has been President, Congress has appropriated less than the executive budget requested in all but 1 year. In fact, final appropriations are generally remarkably close to budget requests.

The issue is no longer budget control. Congress has now moved definitively to establish control of its appropriation levels, and few Members will deny the need for operating under a spending limit.

The issue is not just the right to impound funds. Many Presidents have done it, and Congress seldom protests. The process does need tightening up, and Congress is doing just that.

By attempting to make fiscal responsibility, budget control, and Presidential right to impound funds into major issues, the administration is trying to divert attention from the efforts of the executive branch to take the running of their country from the elected Representatives of the people.

In a democracy, ideally, the people determine the direction of their country's efforts. In our country the people are supposed to speak through their elected Representatives. Last November the people elected one President for the whole country and 435 Representatives from 435 congressional districts. Can the President truthfully claim a mandate to singlehandedly direct the country? Should not the direction actually come from those elected Representatives who are closer to the people?

The President rides high and aloof from the people as though upon a huge elephant. He consults only his few chosen advisers who are responsible to no electorate. He is inaccessible to all but a select few intimates. His view is far and wide, but he knows little about the grassroots, the common man.

A Congressman, on the other hand, reports back to his constituency frequently and returns to be passed upon by them every 2 years, 6 in the other body. His political survival, especially if he is a first-term Member, depends on his ability to stay in touch with the voters, with their needs and opinions.

The Constitution rightly provides that our Nation's priorities and direction should be set by the Congress.

So the problem addressed today by the freshman Democrats is a simple one, Mr. Speaker. It is that we have a President who is trying to impose his philosophy of Government and ideas for America's development on a Congress which in many instances does not share those views and which holds some definite ideas of its own.

Our protest is that the President has overstepped the authority of his office in the actions he has taken.

Our warning is that the Congress will not stand by idly as the President reaches for more and more power, at the expense of the Congress, and that we, as freshmen Members, will vigorously promote whatever action is necessary to regain and retain traditional, constitutional congressional powers.

Our message to the President is that he is risking retaliation from the Congress for his power grabs, that support for the counteroffensive is found in the whole range of congressional membership—old Members and new, liberal and conservative, Democratic and Republican—and that if Congress and President lock horns in a wasteful and destructive battle, there is no chance of either the President or the Congress achieving the goals set for the country.

And finally, Mr. Speaker, our statement to our new colleagues in the Congress is that we have come to Washington with the intention of joining the effort to strengthen and reform Congress and to restore it to its place as the branch of the people—and the leading policymaking institution of the U.S. Government.

Mr. BREAUX. Mr. Speaker, I would like to take this opportunity to thank our distinguished colleague, the gentleman from Louisiana (Mr. LONG), for his excellent summary of the purpose of our being here this evening to point out our concern.

I would also like to take the opportunity to particularly thank the other Members who have participated in our discussions, and to pay our thanks to the chairman of our freshman organization, our colleague, the gentleman from Iowa (Mr. MEZVINSKY), for the time and personal effort that I know he has put in to produce what I feel to be a very successful program this evening.

Mrs. BOGGS. Mr. Speaker, from a unique perspective, as both a longtime congressional veteran and as the freshman in the 93d Congress who has most

recently arrived from the grassroots, I have some observations to make on the social, economic and political climates at home and in Washington; on the similarities and contrasts of 1941 and 1973; and, on the requirements of the House Members to effectively handle the demands of their jobs.

In 1941, along with four other new Members from Louisiana, Hale was sworn in to the 77th Congress. They were members of a "reform" movement, impatient to bring new integrity into the politics at home and new vigor into the congressional establishment. They were the products of a generation which abhorred war and which had withstood the rigors of the great depression. In addition, Hale and EDDIE HÉBERT had to cut their political teeth on iconolastic journalism. They traveled to Washington for two nights and a day by train. They arrived at a monumentally beautiful, leisurely paced Capital City whose inhabitants endured congressional personnel for the few months the Congress was in session. One went to New York to see a play; to Philadelphia to hear a concert; to Baltimore to buy clothes.

A few Embassies entertained regularly and formally; a very limited group of Washington hostesses held salons; the State societies frequently got together with their members and their congressional delegations; the White House gave formal receptions serving coffee, tea and unspiked punch; and everybody paid formal calls upon everybody else in their rented homes and apartments situated mostly in pleasant northwest neighborhoods. Congress reflected this unsophisticated pace. It was geared to at most a 6-month annual session. Communication was by mail—occasionally by air—by wire, by infrequent long-distance calls and by radio. Two or three highly qualified and dedicated staff members in Washington operating comfortably in two rooms with typewriters and mimeograph machines combined their efforts with a lone district secretary who worked in a small rented office.

Committees were similarly staffed and housed. There was a marked rapport among congressional leaders, members, officers of the House, staff members and often members of the press.

Hale, at 26, had unseated an able and popular member of the Ways and Means Committee. With five new members from Louisiana to place, you must know that his initial committee assignments were not significant. However, even under this highly personalized system, his capabilities were soon recognized and he was placed on Banking and Currency which assumed the wartime responsibilities of rationing, rent, wage and price controls, industrial and commercial priorities. The establishment was open then as it is now to leadership potential.

The year 1941 was when Congress was thrust into 12-month sessions and into some of the most crucial decisions and actions of our Nation's history. Congress, Washington and the country were forced to come of age.

Government became intimately involved in the personal and business lives of every citizen. President Roosevelt used the media of radio to most effectively calm and inform and influence the people.

Following World War II, when we awakened to the atomic age, the United States assumed world leadership in the United Nations, the Truman Doctrine, disarmament followed to quickly by Korea and so on and the role of Congress was set. Advances in communications, especially in the advent of television, in electronics and in air travel brought Congress directly to the constituencies and made mass appeals available to the people.

There was little time to plan and to reorganize. Mostly, changes in Congress have necessarily been reactions to crushing needs. Along the way, some congressional reforms well studied and planned have resulted. Congressmen finally faced up to salary and retirement needs for themselves and their enlarged staffs. They have adjusted over the years to new modes of travel, of communication, and accelerated methods of getting the people's business done.

In 1973, I have arrived to serve in Congress with three other new members from Louisiana. The social and economic climate of my home constituency is now nationally oriented. There is rejoicing at the return of our prisoners of war at the conclusion of the unpopular Vietnam conflict, but apprehension and distress at the curtailment of the dismantling of the programs considered vital to the quality of our social, physical and economic life. At the same time, the people must cope with all of the trials of spiraling inflation. They are dismayed that congressional programs can be terminated through impoundment of funds and directives by the President and are looking to the Congress for a reassertion of its powers.

Of course, I arrived by jet aircraft in 2 hours time in a physically beautiful, sophisticated, international city filled with cultural performances, with limitless selections of couture, and with an exhausting and varied social schedule. In my two rooms—there is another around the corner—where I greeted the seven members of the Washington staff, I phoned the three members of my district staff in their offices in the Federal Building. They sent an important New Orleans afternoon newstory to me by telecopier. I was assigned to Banking and Currency Committee, joining the other Louisiana freshmen on important committee assignments.

As in 1941, I found the same enthusiasm for service, the same dedication to purpose, the same impatience with the established practices among my fellow freshmen, and the same understanding and helpfulness from the leadership. Unlike 1941, it is easier now to have a voice in the caucus, in the party councils, in setting our goals and priorities. This very special order this afternoon exhibits the respect which the leadership holds for the views of the freshmen.

Much catching up in the computer and electronic fields is needed. A computer and stenographic pool would be helpful. More staff researchers would greatly enhance the effectiveness of a freshman's service. More space is needed. The country grows bigger with ever more insistent demands upon the Congress. We should face up forthrightly to our needs in personnel, equipment, and space.

As freshmen we have a remarkable opportunity for effecting change in the organization, jurisdiction, and operation of all House committees by participation in the hearings of the Select Committee on Committees chaired by Representative BOLLING.

An institution that has grown along with the country, perhaps cumbersome in its operation, the House is still that instrument of Government that is closest to the people, the most responsive to their needs and aspirations.

As Stephen K. Bailey said:

> The House is the supremely humanizing agency of our government, critic, educator, balance wheel, stubborn insistor that technology be discussed in terms of its human effects, at best prudent provider, sister and refiner of legislative proposals, compromiser of conflict . . . our long term freedom depends upon it.

Hale had a life long romance with the House. I am glad I have shared it.

Mr. GUNTER. Mr. Speaker, we are in serious danger of losing what has been billed the "battle of the budget." The more I study the whole area of budgeting and fiscal policy, the more I realize how complex the questions are. But the problem is of such great urgency I feel we must take steps quickly to restore Congress to its rightful and constitutional role in the budgetary process.

I have several suggestions—five steps that I feel will put the Congress well on the road to constructive budgetmaking. Five steps that will permit us to make the hard choices on national priorities that need to be made.

First, there is a tendency for Congress to splinter the appropriations process through a variety of trust funds, mandatory entitlements, contract authority and other budgetary authoriy. Equally as mindless is the failure of Congress to take a clear look at overall fiscal policy.

As a first step at remedying this situation, I suggest we create a Joint Committee on the Budget, which would propose a legislative budget. This suggestion, I realize, is not new. Included in the Legislative Reorganization Act adopted in 1946, were provisions to establish both a joint committee and a legislative budget. However, because the committee was encumbered with 102 members, and furnished with hardly any staff, the original Joint Committee on the Budget was a disastrous flop.

To avoid these problems, I would create a streamline committee of 18 members—three from the Senate Finance Committee, three from the Senate Appropriations Committee, three from the House Ways and Means Committee, three from the House Appropriations Committee, and three each from the House and Senate at large. In addition, the committee would be staffed adequately with professional, nonpartisan employees. The existing battle of the budget puts too few

congressional troops onto the battlefield, and without the proper staff Congress can do little.

The legislative budget prepared by the joint committee would include, first, estimates for receipts and expenditures for the coming fiscal year; second, maximum amounts of proposed expenditures for each major category; and third, 5-year projections for the major categories.

To keep the legislative budget at the forefront of the authorization and appropriation process, neither the House nor the Senate would be permitted to consider a bill without a statement from the Joint Budget Committee indicating whether or not the bill could be funded from within the existing legislative budget.

I would require the Joint Budget Committee to present the legislative budget to Congress by March 31 of each year, which would assure timely congressional participation in the budget making process.

Second, the requirement for 5-year projections of receipts and expenditures forms the core of sound budgetary action. Not only would the legislative budget contain such projections, but any bill reported by a committee would contain a projection of the 5-year costs associated with it. We are all familiar with the type of bill that has a first year cost of $20 million—only to be followed by hundreds of millions of dollars in future years. To make an intelligent decision about individual programs, at the very least we need to know the price of the full iceberg—not just the first year tip.

Third another aspect of the budgetary problem has been our tendency to either require annual authorizations that slow the appropriations process and hobble our oversight function, or to permit permanent authorizations that avoid the oversight process altogether. To strike an intelligent middle ground that should both smooth the path to early appropriations and yet permit adequate oversight, I would require all programs to be reauthorized every 3 years. In some cases, Congress may eventually move to 5-year authorizations. But in the early stages of reform of the budgetary process, I feel 3 years represents a good beginning.

Fourth, I would require the pilot testing for 2 years of all new major programs. No corporation in the world would rush a new product on the market without a careful study of what the market demanded. Nor would the production engineer cavalierly accept a new process without adequate testing. Yet Federal programs are often adopted with a hope and a promise and little else.

Testing is not, of course, a perfect science. Good sound theory is always a scarce commodity and that is especially true with regard to social programs. The current debate about compensatory education is a perfect example—no pilot test will give a sure answer where none exists.

But without a serious attempt to assess the value and operation of major new programs, areas of uncertainty will surely become areas of dark fumbling.

Pilot testing will also relieve many existing pressures for annual authorizations. That in turn will permit time to be devoted to more serious oversight of ongoing programs.

Fifth, the last and perhaps most important step in my program involves annual appropriations for every expenditure—including all existing trust funds. I am perfectly aware that Congress is unlikely to cut social security expenditures, or to reduce veterans pensions, but until each and every appropriation is scrutinized annually, the budget is going to remain a wild animal on the loose.

The recent record of executive impoundments and the continuing specter of inflation have finally forced us to take a hard look at the congressional role in the budgetary process. None of us likes what he sees. We certainly would not run our business this way and we certainly should not allow the public's business to continue in such a State.

We owe it to the public, we owe it to the thousands of local governments that depend on us, we owe it to the average citizen fearful of rising prices, and we owe it to the Constitution to take hold of the budgetary process.

It is in this spirit that I offer these suggestions for reform for your consideration. I invite your thoughts, welcome your cooperation and anxiously await your action.

Mr. WON PAT. Mr. Speaker, I rise to add my support to the leadership of this Congress and that of my colleagues here today who are deeply concerned about the crisis which exists between the legislative and executive branches of our Government, and the overall impact these differences will have on the American people.

The issue we address ourselves to is of major consequence to all Americans, both here on the mainland and in the territories. Does the executive branch of the Federal Government have the constitutional right to nullify the legislative dictates of Congress whenever it feels the need?

Let me say from the outset that I speak not as a Democrat, nor do I wish to engage in simple partisan dialog, for the problem at hand is of equal concern to both sides of the aisle. Rather, I speak as a Member of this august body, elected by the people of my district, and as a citizen with a deep-rooted faith in the institutions of our system of democratic government and our separation of powers as provided in the Constitution.

During the past two decades, Congress has enacted, with the support of various administrations, a series of landmark measures to help our fellow man and to fight our growing environmental problems.

These socially-oriented programs have benefited millions of Americans. And we, on Guam, have particularly benefitted from such programs as the Elementary and Secondary Education Act, aid to higher education, OEO, the school lunch program, aid to federally impacted schools, the various water and sewer measures, and, of course, the many major health care measures, including the famous Hill-Burton Act.

Now, these and many other worthwhile programs are destined to die without the benefit of congressional review or approval. The reason? We are told that Congress is incompetent to control spending, and really does not know what the voters want anyway.

To begin with, I doubt that there is one Member in Congress, whether he be Democrat or Republican, who does not want to control excessive spending. Most of us, I believe, are in agreement to keep spending down to the President's proposed ceiling of $269 billion for fiscal 1974. As my colleagues have pointed out previously today, it is not Congress that has been responsible for record-breaking requests. Rather, it is Congress that has found it necessary to slash $20 billion from the administration's requests during the past several years. But the public is demanding that Congress assume greater control. For that reason, I was pleased when a special joint committee to gauge the effect of each major appropriation measure on the total Federal budget was established several days ago. Such action is a responsible step forward.

But the main difference between Congress and the Executive is not spending per se; rather, it is how each branch wants to spend the money.

As the duly elected representative of my people, and as one who must face the electorate every 2 years. I believe that I and the majority of Congress know what our people want from the Federal Government. Apparently our forefathers thought so, too, for they included in article I, section 1 the proviso that vests Congress with all legislative powers.

If the Executive branch has reservations about certain programs, and we all do, then they should place their questions before the Congress. They should not presume to legislate by some mysterious de facto mandate. Congress has put a great deal of effort and time into these programs. It is our duty and right under the Constitution to do so. Yet, we are now being told that the destiny of legislation we enact is no longer going to be in our hands. And we are being informed that administration officials can even refuse to appear for questioning before their Congress.

Were such an outright attack on our tripartite form of government to go unchecked, the very fabric of our democratic society would be sorely strained. To fight back without exercising full control of our constitutional mandate, however, will be fruitless.

Congress must not only assert itself, but must take full command of the Nation's legislative goals by first following through with the leadership's excellent plans to firmly resist an encroachment upon our unique powers, and to begin a reassessment of all major programs now under attack. If these programs have proven themselves, then they must be continued. But if Congress does find waste, then we, and not some faceless bureaucrat, must do the trimming. To allow these programs to be ended without a proper review, however, is not in the best interest of anyone.

By working together, I am certain that Congress will be able to gain the initiative in this crucial test of wills. We must, for the good of our citizens and that of

future generations depends on Congress and the other branches of the Federal Government being kept in equal check.

GENERAL LEAVE

Mr. MEZVINSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special orders that the freshmen Members of the House have taken this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ELIMINATE USER FEES AT CORPS OF ENGINEERS' LAKES AND RESERVOIRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, I have asked for this time today to announce the introduction of a bill which I believe is a necessary step toward the solution of the aggravating problem of recreation use fees imposed by the Corps of Engineers on lakes and reservoirs under its jurisdiction.

There has been some misinformation distributed. There have also been clear and plain statements by the corps that they do intend to fix and collect certain fees for enjoying the perimeter of land round the corps lakes and reservoirs.

The first alarm that was sounded was by the appearance of an erroneous press report in the Kansas City papers that our fishermen and boaters would be charged $5 just to put their own boats in the water at such places as Pomme de Terre, Stockton Lake, Table Rock, and elsewhere. This quite properly generated an immediate roar of protest. Our office quickly explained that such a report was completely erroneous, because nowhere under the law is it possible for the corps to charge for the use of one's own boat on a public lake.

But so much disbelief continued to exist about user fees that a public meeting was agreed to and held in the high school in Stockton, Mo., on the evening of March 14. Our office sent a representative, who reported to me that approximately 100 persons attended the meeting. Col. W. R. Needham of the Kansas City office of the Corps of Engineers was present. There was a full and complete discussion of proposed fee charges. My representative reported that about 80 percent of those present expressed opposition to fees of any kind for the use of any of the facilities of Corps of Engineers lakes. Those present were also concerned that once the fees were imposed they could or might be increased again and again in the future.

After the misstatements had been corrected, it became quite clear that it was never intended there be a charge to use ones own boat on any of these Corps of Engineers lakes or reservoirs. By law there can be no fee of any kind charged for use of the water on these lakes. It was only as to the land perimeter around these lakes, for which certain fees were proposed.

Way back in the 90th Congress under Public Law 90–483 there was a prohibition against collection of entrance fees, but there was reference to user fees for highly developed areas that required constant maintenance and supervision. It is true that the new law, Public Law 92–347, enacted in July of 1972, does provide for certain fees for use of fully developed areas such as tent or trailer spaces, flush toilets, showers, and electrical outlets.

A look at Public Law 92–347 will show it covers a wide range of subject matter, including golden eagle passports, admission fees to the national park system administered by the Department of the Interior, and also admission to those national recreation areas administered by the Department of Agriculture. In my judgment this act confuses the justified imposition of admission fees to the national parks, which could be said to be access fees, and user fees which should never be imposed for use of the more primitive areas of land around most Corps of Engineers lakes and reservoirs.

If nothing else good came from the meeting at Stockton, or from the mail which has been received by our office, it served as a sort of safety value for the emotions of our boaters and fishermen. Some of the fire went out of the protest when it was found that there was no truth to the rumor that the corps was about to charge a $5.00 boat fee to put ones own boat on these lakes. It turned out the charge was for boat rental. There was still quite a bit of heat and an ongoing undercurrent of hostility against a fee schedule, no matter how nominal the fees. There was a feeling that these lakes have been paid for by the taxpayers and should be permitted to be used by the taxpayers free of any fees of any kind.

Mr. Speaker, I am convinced that the proposal for certain fees to be charged by the Corps of Engineers is the result of pressure from the Office of Budget and Management. These budget people have simply said to the corps that they should try to stretch the provisions of Public Law 92–347, primarily intended to apply to national parks and national forests—to stretch these user fees almost to access fees, in order to bring revenue into the Federal Treasury. Of course an admission fee to a National Park is one thing. But there should never be any admission fee to use the perimeter of the admission fee to a national park is one Even user fees should be strictly limited to the specialized services that the Corps of Engineers may render at these lakes.

After the meeting at Stockton, not only was it clear there would be no charge for using a boat on corps waters, but the corps retracted its proposed $1.50 per person fee for daytime use of a corps area and said that they had intended the rate to be $1.50 a car. Colonel Needham indicated at the meeting that there were several fine lines that would have to be drawn about the method of collection of any proposed fees, such as the choice between the honor system or collection by Rangers. One thing was settled definitely, and that is that the corps' lakes and reservoirs are open to the public without the imposition of access or entrance fees, and the only existing fees or future fees are for use of specialized services.

Now, Mr. Speaker, the bill which I have introduced today will clearly separate Corps of Engineers lakes and reservoirs from the recreation areas in the national parks system or the national forests. My bill would amend section 210 of the Flood Control Act of 1968. It would simply provide that no provision of law enacted after the date of the old bill, Public Law 90–483, shall authorize the collection of special recreation use fees for the use of sites, facilities, equipment or services furnished at public expense. It further provides that Public Law 92–347, enacted in 1972, shall have no application to public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers.

If we can get this bill out of committee and get it enacted by the Congress, such enactment should clearly solve the confusion between the use of corps projects and the use of national parks and national forest areas. I think it can be shown that the cost of collecting these fees would be greater than the total of the fees themselves. Our people would simply use the primitive areas and avoid the more improved flush toilet restrooms, showers, and tent and trailer spaces with electrical outlets. But that point will never have to be debated or considered if we can pass legislation of the type that I have introduced.

I have talked with members of the Public Works Committee, and I am encouraged to learn that we can get a hearing and perhaps even get this measure ready for action on the floor before the summer season is over. When any Member introduces any bill, there is no assurance that it will pass. However, I want to take this means to pledge to the sportsmen of our congressional district that it has and will continue to be my belief they should not have to pay their taxes twice, first to build an impoundment that creates a lake or reservoir, and then be further tax to be charged for use of any part of the land perimeter around the lake. I intend to continue to fight for legislation to amend and correct what the corps seems to be trying to do to the users of our several Corps lakes in Missouri, Arkansas, Oklahoma, and Kansas.

PRESIDENT'S ENERGY MESSAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachuetts (Mr. CRONIN) is recognized for 5 minutes.

Mr. CRONIN. Mr. Speaker, President Nixon's long-awaited Energy Message is a welcome first step towards an ultimate solution to our Nation's urgent energy needs. I am personally gratified that the President has chosen to adopt several of the suggestions which I made to him in a recent letter. For instance, the Presi-

dent's order to remove all existing tariffs on imported crude oil and related products, something which I called upon him to do 2 months ago, will help keep down the cost of gasoline for the consumer and increase the supply, particularly in the Northeast where the problem has reached crisis proportion.

I was similarly pleased that the President has sought to create incentives for the construction of new oil refineries in the United States, also something which I have been consistently calling for. The new license-fee system which the President has unveiled will encourage the construction of new refineries because the fees will be higher for refined products than for crude oil. In addition, the President has ordered that crude oil in amounts up to three-fourths of the new refining capacity may be imported without being subject to any fees. This, too, should result in the construction of additional oil refineries.

There are some parts of President Nixon's message, however, which are in desperate need of elaboration. The creation of four new Energy Offices within the executive branch may be a good idea, but only if these offices are given viable coordinating powers and do not simply add to the existing confusion and bureaucracy. There are presently 44 agencies in the executive branch which administer specific energy programs. An additional 20 agencies have an impact on the U.S. energy pattern. The creation of four additional Federal offices, at least on the surface, seems hardly an ultimate solution.

I might add in reference to the duplication of effort which surrounds our efforts to resolve energy problems that the Congress is no better than the executive branch. Thirty committees and subcommitees out of a total 54 in the Congress have some jurisdiction over energy-related matters. As a member of both the Subcommittee on Energy and the Subcommitee on Mines and Mining, I have heard the same testimony from the same individuals appearing before these two separate subcommittees. In response to this problem, I have introduced legislation to create a Joint Committee on Energy to serve as the major coordinating congressional body for all energy-related legislation.

I wholeheartedly agree with the President's judgment that we need to encourage the exploration and development of new sources of energy. However, the President must realize that such activity requires adequate levels of funding. To date, the amount of money expended for research and development of energy sources is flatly insufficient. We are a Nation that spends approximately 10 percent of its annual DOD budget on research and development, and yet only 4.4 percent of our total Federal research and development expenditures go toward research of energy sources. This must be changed if we are to effectively meet the energy challenge. Moreover, we need to make a national commitment comparable to the one which made it possible for us to place a man on the Moon in the 1960's if we hope to succeed in this endeavor.

Finally, the President was quite correct in suggesting that we need to seek ways of conserving our existing reserves. Toward this end, I hope that he will give adequate consideration to my recent proposal to establish a minimum mileage requirement of 20 miles to the gallon with which automobile manufacturers would have to legally comply. Such a requirement would serve to reduce the high levels of gasoline which we consume annually, in addition to reducing the level of pollutants which are discharged into the air by cars.

TO PROHIBIT FUNDS FOR FUTURE BOMBING MISSIONS IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, like all Americans, I was greatly relieved when the Vietnam Cease-fire Agreement was signed in Paris. This accord not only portended the end of the suffering which this conflict had wrought; it also gave promise of ushering in the generation of peace which we all so fervently desire. Happily for my legislative career, the Paris pact appeared to put me out of the "end-the-war amendment" business.

Obviously, in the light of our continued aerial bombing in Indochina these expectations have diminished. More alarming, however, is the fact that this action cannot be defended on any legal grounds.

The Tonkin Gulf Resolution, which was cited as the authority for expanding our military presence in Indochina, was repealed by Congress. Since all American troops have been withdrawn from Vietnam, Laos, and Cambodia, the bombings cannot be justified as protective raids. Too, Laos and Cambodia are not members of the Southeast Asia Treaty Organization. Our air attacks in these countries, therefore, do not emanate from any treaty commitments.

Our national interest demands that we end, once and for all, our illegal war-making role in Indochina. To that end, I have joined Congressman JONATHAN BINGHAM and 70 other colleagues today in introducing a resolution to prohibit the use of funds heretofore or hereafter appropriated—for the conduct by United States forces of bombing missions or other combat operations in or over or from off the shores of Indochina, including Cambodia, Laos, the Republic of Vietnam and the Democratic Republic of Vietnam without the prior specific authorization by Congress.

SPENDING OUR FEDERAL DOLLARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. LUJAN), is recognized for 5 minutes.

Mr. LUJAN. Mr. Speaker, during the past few months, we have heard quite a bit about how and where we should be spending our Federal tax dollars in order to achieve a more sensible economic policy. In fact, most of what we have seen, heard, and read in the news media seem to point to one main concern: Mr. Average Citizen is beginning to worry about the fiscal situation facing this country today.

In short, Mr. Speaker, the American public is starting to ask themselves, "When is Congress going to act responsible to the fiscal needs of the country?" The public attitude on this matter has been heightened in light of the spiraling increases in meat prices and the skyrocketing prices in home buying, clothes, and the other necessities of life. The public is demanding to know where the Federal dollar is going and for what purpose.

I speak only for my State and district but the majority of letters that I receive show deep concern for the Nation's fiscal problems and the concurrent hope that a solution can be found.

There is a solution to this problem and part of the answer lies in the forthright determination of Congress to act fiscally responsible in all spending matters that come before us. Yet, how can we here undertake this change when for over four decades we have been spending beyond our means. During this span of time, Congress kept approving higher and more costly subsidies, giving more and more of this Nation's resources in the name of social progress and spending billions upon billions of the taxpayers' money to countries abroad for the sake of friendship.

Now, the heavy-burdened American taxpayer is tired of it all and is simply asking us to help solve some of his fiscal problems; problems that we have created for him by wasteful neglect throughout these years.

Mr. Speaker, for years Congress, and I might add, those who hold position of leadership within our powerful body, have sidetracked the issue of spending reform. Our present leadership has not seen the need to limit spending in line with our income.

With their help, Congress has not seen fit to discipline itself in the area of appropriations. We have continually passed appropriation bill after bill without the slightest regard to the Government's income. Look at last year's record as an example: In fiscal 1972, Congress appropriated almost $249-billion on an income of a little less than $209-billion. Suppose an American family found themselves in this situation, what would they do? If a man, as head of the household, earns only $209 a month, could he possibly expect his wife to pay $249 a month in bills? Of course not. He is behind in bill payments to the tune of $40 a month. His only alternative in this situation is either to cut down his spending or to borrow more money to cover the $40 a month that he cannot pay. If he cannot eliminate some of his bills and continues to borrow money then all he is doing is, "robbing Peter to pay Paul."

Mr. Speaker, I personally feel that there is a need to develop a method whereby we could provide for a better balance between income and outgo. Such a system should be used by the various agencies and departments as a check to insure that money allocated is used properly within the limit of appropriation.

Often the case is in reverse. We allocate more funds than what has been appropriated—thus we are robbing Peter to pay Paul. Sooner or later the Congressional leadership will have to come to grips with this problem of controlling priorities itself.

If we can achieve the business of managing Government well in the coming months ahead, then there should be no need for a higher Federal tax rate. The only way this can come about is to assure ourselves here in Congress that we are fiscally responsive to the needs of the American people within the budget.

I have personally taken a stand against overriding a Presidential veto and I shall vote to sustain every veto if it is designed to reduce the amount of Government spending. Congress should be able to spend within the budget and this in turn would limit the amount of inflation that has beset us over the past decade.

THE 50TH ANNIVERSARY DINNER OF TIME, INC.

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, several Members of Congress, from both sides of the aisle, were asked to respond to remarks made by Senator HUGH SCOTT of Pennsylvania and our Speaker CARL ALBERT, at the 50th anniversary dinner of Time, Inc. Their remarks are brief, but their thoughts are expansive. Hedley Donovan is the moderator, and respondents include Senator ADLAI STEVENSON of Illinois, Representative JERRY FORD of Michigan, Senator ERNEST HOLLINGS of South Carolina, Representative PATSY MINK of Hawaii, and Representative JOHN ANDERSON of Illinois. I include the text in the RECORD today:

Mr. DONOVAN. To wind up our birthday party, we are attempting what may be considered a rather daring experiment. We have asked six members of the Congress if they would be willing to comment very briefly, indeed two or three minutes was suggested, on points made either by Senator Scott or the Speaker this evening.

One of those who agreed to do so is Senator Adlai Stevenson of Illinois who last year, with Senator Mathias of Maryland, conducted ad hoc bipartisan hearings on the possibility of congressional reform.

I would like to ask Senator Stevenson if he would come to the platform and give us his estimate of how much public awareness and response his hearings drew on this subject.

Sen. STEVENSON. Mr. Donovan, Mr. Speaker, Senator Scott, my colleagues in Congress and friends.

This is a daring experiment. I come here tonight speaking with all of the authority of an ex-State Treasurer and very conscious of my juniority in the Congress and very concerned, too. Concerned about whether a form of government carefully convinced and, the issues that overtake us, can survive the rapidity with which events overtake us, as we attempt day-in and day-out to resolve our differences within a highly complex and highly pluralistic society.

I believe that we can do so. As Mr. Donovan mentioned, Senator Mathias and I held hearings after adjournment last year. Those hearings met with interest far beyond our expectations. I say that because it was quite apparent, from the response of the media and from the response of the grass roots, that the concern that we felt is widespread.

That concern is basically whether the vision of our founders has not now been overtaken by events, whether the balance that they attempted to enshrine in our Constitution can be maintained.

We are concerned, and I dare say many if not most of our colleagues in the Congress are concerned, that one branch of our Government now is less equal than the others.

We want to reclaim our constitutional powers and we want to exercise them well. We don't seek government by computation. We seek, as the Speaker mentioned, a partnership of equals.

I think that the issues of politics are not likely to be resolved by bleak jurisdictional boundaries, but by a continuing and, hopefully, a healthy pulling and hauling, with the issues in the end resolved by those arguments that are most powerful.

In short, it is not enough to merely curtail the powers of the Executive. It is also necessary for us to reclaim our powers and to strengthen our own branch of Government. That work is hard. It will not be done overnight. It is not very glamorous work. It requires attention to the overview responsibilities of the Congress, the adequacy of our office and staff facilities, access to information through improved computer facilities. It requires regaining public confidence and new access to the media for our own defense.

We could regain some of the lost public confidence in Congress through attention to our internal habits, procedures, attention to lobbying reform, disclosure of our economic interests. We could improve our internal procedures with attention to our committee structures and to such questions as "secrecy" and "seniority."

In the end, and perhaps most important of all is the heart of congressional power, the budget. We must recognize that our financial resources are limited, and that we must exercise fiscal responsibility. We must appraise our resources and establish ceilings on spending, and then within those ceilings establish procedures for weighing the costs and benefits of one program against another.

That work, too, is going on in the Congress.

I would conclude by just saying that it seems to me that in the end we have to recognize that the integrity of our political institutions, the quality of the policies that they make, all depend upon the quality of the men and women in those institutions. The integrity, the qualities of character, of energy, of industry, of the members of the Congress have never been higher. They could be still higher and it will always be that way.

Let me conclude by saying that in the end the quality of our institutions depends upon the people, and that means it depends upon campaign financing. We must not only have men in the Congress and in all of our Government of the highest character, integrity and ability, but we must also emancipate them from the pull and haul of special interests. And that, I think, means an end to large campaign contributions, contributions which now are quite capable of buying influence in the Executive and Legislative Branches of our Government and in state and local governments, too.

That, I suspect, more than any other single step we can take, would restore public confidence in our public institutions and help to preserve the vision of our founders.

Mr. DONOVAN. Thank you very much, Senator Stevenson.

I am determined to work and applaud for another of our magazines, Sports Illustrated, so I would remind you that Congressman Gerald Ford of Michigan was chosen in 1959 by Sports Illustrated for one of its Silver Anniversary, All America awards to the football players who have contributed most to their country in the quarter century since they left college.

One of the other distinctions is that he is the minority leader of the House. We wanted to ask him also, in his capacity as a long-time member of the House Appropriations Committee, how he would answer Speaker Albert's difficult question. Namely, where does the congressional power end and the presidential power begin in the budgetary process?

Rep. FORD. Thank you very much, Mr. Donovan, Speaker Albert, and distinguished colleagues in the Congress and guests.

As I look at the time and look at the audience, I would probably be most persuasive if I would offer to revise and extend my remarks. But let me say that probably the quick answer would be that I would get Speaker Albert's brief in which I understand the Speaker, before he came to Congress, offered a brief in some lawsuit defending the right of the President to impound federal funds.

But let me be more serious, if I might. Despite all of the alleged modernization in our procedures, in our practices—and I think we have progressed—I think that it should be noted that the last Congress did not finish final action on two major appropriation bills; two major appropriation bills that involved not only substantial amounts of money, but substantial policies as far as foreign affairs are concerned.

So I don't think it is necessarily any modernization of procedures that determines whether the Congress draws the line properly, but whether the Congress has the will to do its business in the time allocated under the Constitution. And in this case in the last Congress we didn't, and we haven't thus far in 1973.

Let me reiterate the three areas where there is considerable public concern about when you draw the line between the Executive and the Legislative Branches: the power to make war, the Executive privilege, and the right to impound appropriated funds.

There is an ambiguity in all three areas, and as I look back over 20 some years in the Congress and recall certain speeches on both sides of the aisle and actions by both Democratic and Republican Presidents, it would be my observation that both the Congress on the one hand, whether Democratic or Republican, and the President, regardless of political party, has rather enjoyed the ambiguity that exists in the law in all three instances.

I am not so sure that ambiguity shouldn't continue to exist as our President and as our Congress have to meet emergency problems today, whether it is in the settlement of problems involving war and peace or the expenditure of money or in the privilege of the Executive as far as certain of his counsellors are concerned.

I know that there are lawsuits underway at the present time to determine the right of the Executive to impound funds appropriated by the Congress. I presume that one or more of those lawsuits will get to the highest court. I am not sure if there will be a unanimous decision by that court and I am not sure that Congress in the final analysis, regardless of whether it is Democratic or Republican, will be happy with that decision. They may be happy this year, but I am not so sure they will be happy next year. I am not so certain it is good that this gray area be so neatly defined, if the court can so define it.

One final observation: some of the allegations about the impotence of the Congress seem to have stemmed from the inability of

this last Congress to curtail or restrict the authority of the President to do certain things involving Viet Nam. Now, if you are a member of the Senate, I can imagine your frustration because you weren't successful in so ham-stringing the President, but if you are a member of the House, I think you can take certain pride in the fact that you stood up for the President and also stood up against the other body.

I think that is the proper working of the Legislative Branch. Neither of the two branches of the Congress have the omnipotence to make a final determination or a final decision. We have coequal Executive and Legislative Branches, but the House and the Senate are also coequal. And just because the House didn't capitulate, doesn't mean that the Congress as a whole is subservient to the Executive.

And I, for one conclude only by saying that if the House and the Senate rightly or wrongly want to change their relationship with the President, they can do so if they have the will and the votes.

Thank you very much.

Mr. DONOVAN. Congressman Ford, thank you very much.

I want to call next on Senator Ernest Hollings of South Carolina. He was quoted in a very eloquent speech a year or two ago as saying: "There is a new kind of America around the corner."

Could we ask the Senator if he sees a new kind of Congress around the corner?

Sen. HOLLINGS. Senator Scott, distinguished colleagues, friends.

I hope that there will be a new kind of Congress because therein is the issue. It is not the Constitution. It is not changing any of the statutory laws, in my opinion. It is not a crisis about the presidency and the Executive power. It is whether the Congress itself will get off its duff and do its job.

The President has posed the issue after we both, on a four-year binge, have expended some $100 billion more than we brought in, and we are equally guilty. The $100 billion total received three readings in the House and three readings in the Senate and it was signed by the President.

Now, we cannot hide behind a wall, the ox is in the ditch fiscally. TIME magazine has declared the time late. There is public attention upon the Congress and the people are looking upon the unmet needs.

So, yes, I hope we do find a new Congress. Speaker Albert has pointed to what Henry Luce said eloquently some two weeks before he died. He cited the need for 200 million can-do Americans with not only the capacity to do, but the courage to be.

And, I would submit, the need for 535 Congressmen and Senators is not the capacity to do but the courage to be.

You pointed out the capability and the rules changes and the attention-giving and the awarenesses and the responsibilities and the modifications in seniority, and everything except one thing: you haven't set a spending limit on the House side. You say, well, why haven't you on the Senate side? When I first came here I put in a revenue-sharing bill, Mr. Speaker, and they told me there wasn't any use to have a hearing on it because you would blue-slip it and buck it back, and wouldn't even consider it.

Where does the power lie? In your House. You taught me that. There is no education in the second kick of a mule. There is no use in putting in all these rules changes, constitutional amendments, study commissions and what-have-you. All we need is to have the House set that limit and the Senate will follow that discipline, and then we can call on the President to come in line.

We can exercise power. I have seen that power exercised by the House. I have seen it exercised within the Senate. And I think, rather, at this time, instead of quoting John Adams and Woodrow Wilson and everyone else, a better one is Pogo: "We met the enemy and it is us."

Thank you.

Mr. DONOVAN. Thank you very much, Senator.

I would call next on Congresswoman Patsy Mink of Hawaii. She was described in Current Biography as the most prominent woman in Hawaiian politics since Queen Liliuokalani, and I am sure that is an understatement.

Congresswoman Mink, could you respond to Senator Scott's particular point that the drift of power from the Legislative to the Executive, to the extent it has taken place, began in the Depression and continued in World War II? Now that we have peace and presumably impending high level economic activity, what are the prospects of reversing the drift, in your opinion?

Rep. MINK. Thank you very much, Mr. Donovan, Mr. Speaker, Senator Scott, distinguished colleagues of the Congress.

I think that the message that was brought to us this evening by th Speaker of the House is one that all of the members of the Congress have taken to heart very seriously on both sides of the aisle. I think that our country, not only as reflected by our constituencies, but certainly by all of the people in the press and the scholars who have studied our institutions, all would have to agree that one of the things that challenges our nation is the ability of the Congress to function.

While I think most of our attentions are directed upon the war powers issue because of the prolongation of the Viet Nam war and, secondly, upon the ability of Congress to control appropriations and to mandate their expenditures by the Executive, I think fundamentally the most important issue is one that we have been facing quite directly as members of the Congress, in terms of the ability to get the kinds of information that are necessary for us to legislate. Not only in terms of the limitations of staff and of space, and all of the other issues that have been discussed, but in terms of getting that same kind of knowledge and input that is available to the Executive Branch.

And I call to the attention of this very distinguished audience a suit that was filed by 33 Members of the House of Representatives against the White House and five Executive agencies for reports that have been compiled on an issue that was of utmost importance to many members of the House of Representatives during the debate on an appropriations bill. We were confronted with being asked to expend moneys for a test in the Aleutian Islands, an underground nuclear test referred to as the Cannikan Test. We had attempted very dilegently to secure information and reports from the Executive Branch and only because of a leak in the press did we learn one day before the final deliberations in the House that there were, in fact, five executive agency reports that had been discussed in the White House; two of them from enviromnental agencies that had been established to protect the public interest.

We attempted to secure these documents and were told that because of Executive privilege, because the agencies themselves had stamped them with the words, "Secret", "Top Secret", that these reports were not available to Members of Congress.

Although the issue was moot and the test was conducted without incident, I still believe that the most important question that we have got to face, not only as members of a coequal branch of the Government, but as responsible members of the American electorate, is the degree to which executive agencies are responsible for providing the kind of information that is essential to make intelligent decisions.

It is not only a matter of sifting what is available, but having available to us, without having to resort to theft and all of the acts of civil disobedience that are now confronting this country, those facts and information.

So I would submit that in discussing the whole issue of the Congress we also grapple with the basic problem of freedom of information. The Freedom of Information Act was passed for that specific purpose. It has now been totally relegated to an extinct document in the statutes by the decision two weeks ago of the Supreme Court that denied the right of members of Congress to have access to this kind of information merely because the information had been stapled together in a report with other documents that were considered necessary to safeguard the national security.

So, I submit, that along with all of the other issues that are of current importance, we not only consider the matter of the function of the Congress, but also our ability to get this kind of information made available to us, and through us to the American public. I know that this is a fundamental question that also faces the press as they grapple with the right of newsmen to acquire this kind of information and to distribute it to the American people.

Thank you very much.

Mr. DONOVAN. Thank you very much, Mrs. Mink.

Congressman John Anderson of Illinois is the Chairman of the House Republican Conference. Just so I don't seem always to be quoting Time Inc. publications, let me mention an item from the *New York Times*. The *Times* quoted Congressman Anderson as complaining to his wife: "The reporters always call me articulate. Why don't they call me adroit?"

I wonder if the Congressman, in either capacity, would like to address himself to the Speaker's remarks.

Rep. ANDERSON. Thank you very much, Mr. Donovan, Mr. Speaker, Senator Scott, and my distinguished colleagues in Congress. I think at this point in the evening we are all reminded that we are here in the National Portrait Gallery of the Smithsonian and I have been sitting here reading a section in this information booklet that was given to each of us as we came in, entitled "The Permanent Collection."

I realize that all of the Senators here tonight expect to become a part of The Permanent Collection, but those of us who are here from the House are glad to be here just for the evening.

We have lost public esteem. There isn't any question about that. Any index, any poll that you look at says that the Congress has lost esteem as far as the American public is concerned. Mr. Agronsky told me not long ago when I was talking with him that he saw a survey that indicated we were 19th: we were just above used car dealers. That is about as far as we have ascended.

Why is that? Is it because of Presidential impoundment? Is that at the root of the great crisis, which we heard about in very effective, if somewhat inflammatory, fashion, from the distinguished Speaker? I think not. I think the public applauds what the President has done.

I think that the public realizes that it is Congress which has created the mess and until we are willing to assume the responsibility of putting our house in order—we aren't going to retain or recover the respect of the American people.

In other words, let's accept the wisdom of the old Biblical expression to cast the beam and the mote out of our own eye, or we aren't going to get to first base on this issue of congressional reform.

Now, I think, in short, that it is the failure of the Congress to develop a rational approach to the budgetary process that has pro-

duced this crisis, as far as fiscal affairs are bility, when we prove to the American people that we are responsible in fiscal affairs, I am not too worried about what their ultimate concerned. When we demonstrate our capa- assessment of us is going to be.

Let me close with just these very general observations that we do, of course, have to put this issue of the present role and, in fact, the reduced estate of the Congress in perspective. First of all, there is a crisis generally of Western values in the world. It is inevitable, I think, when you have a Republican President and a Democratic Congress, that there is an adversary relationship that develops. And I would add this cautionary note; we aren't going to reform the Congress if we get bogged down in a debate about the current occupant of the White House and what he has done.

One reason we got into all of the trouble that we did back in the decade of the 1960s is that we saw the total and utter collapse of a bipartisan foreign policy. Unless we can get together—we in the Congress—on a bipartisan basis to try to solve the problems of organization and some of the other matters that have been referred to, we are not going to succeed in this very important area of congressional reform.

So, I would hope—and I would add this final admonition to my colleagues—that as we approach this very important issue in the days, the weeks and the months ahead, that we realize that it didn't begin under President Nixon. It began long ago. It began in the field of foreign affairs, and more recently we have seen the manifestations of disrepair as far as domestic policy is concerned.

I am not going to let my own Administration off completely scot-free tonight either. I am going to try to maintain my reputation, I hope, for speaking frankly. I think there has got to be more consultation on the part of the people of the Executive Branch with those of us in the Congress. There has to be a freer flow of, and exchange of, information. We have to work together to that extent if we really want to get the job done.

ATLANTIC UNION RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, I am pleased that the House last week rejected House Joint Resolution 205, to create an Atlantic Union delegation.

I join all Members of Congress in believing that close cooperation between the United States and Europe is essential for mutual security and prosperity. I support the advancement of European unity and Atlantic partnership, and I opposed this resolution because I felt it would have hampered the achievement of both of these goals.

To elaborate, I opposed the resolution for these reasons:

First, the proposal ran counter to the mood of the American people. The resolution proposed the transformation of our Atlantic relationship into "a more effective unity based on federal principles." The dictionary definition of a federation is a union of states "by agreement of each member to subordinate its power to that of the central authority in common affairs."

What power would the United States have subordinated to a central authority under this resolution?

I do not believe the American people want to join a central government, based on federal principles, with the Atlantic states and I suspect the Europeans do not either, immersed as they now are in strengthening the European Community. Indeed, I read the mood of the American people to be precisely the opposite of the thrust of the proposal in House Joint Resolution 205. They are increasingly disillusioned and frustrated with an American activist role abroad, and they want America to cut down its foreign responsibilities. They want us to turn our energies and resources to the problems at home, not vastly expand them abroad—as we would be doing in any kind of federal union.

Second, the proposal was unrealistic because neither the American people nor the Europeans are ready for such a federation at this time. The necessary climate to create a central government over all the Atlantic states simply does not exist.

The time to enact this resolution may have passed, or may not have arrived yet, but it certainly is not now.

Third, the proposal to create a federal union of Atlantic states was counterproductive to the goals of European unity and Atlantic cooperation.

The idea of federation was such an abrupt and drastic change from the current policy of partnership between the United States and Western Europe and recent steps regarding development of the European community that this resolution, which supported the concept of a federation, was apt to cause considerable alarm to the many Europeans already skittish about encroaching American influence.

The European community has regained its momentum recently and is hard in pursuit of economic and political union by 1980. Member nations are preoccupied with the problems indigenous to such a union and they are not favorably disposed toward discussing an Atlantic federation.

Former U.S. Ambassador to the European Communities Robert Schaetzel recently commented in congressional testimony that—

> It cannot be excluded that the United States could come to replace the Soviet Union . . . Europe could come to see America as the external threat against which they were unifying.

By enacting the proposal for a federal union, the United States could have been seen as developing an approach for reestablishing American hegemony in Western Europe. The result could have been Atlantic discord, not cooperation. The Europeans might well have feared that the United States was seeking to exploit them and undermine the progress toward union that has been made.

Fears of a hegemonial relationship are quite pronounced among Europeans. At a recent European-American conference in Amsterdam, European participants were urged to ward off being pressed into economic subservience to the United States. These fears, if fueled by passage of this resolution, could have been revealed in the European negotiating stance in the forthcoming GATT trade negotiations.

Fourth. In addition to these fundamental objections, I opposed the resolution because its language was vague and left important questions unanswered, among them the following:

What was meant by a commission to "facilitate advancement" in stages to a federal union?

What was the Congress supposed to do with the recommendations on federal union that were submitted to it?

Though American delegates to the convention to be called under the provisions of the resolution were to be "free from official instructions would they not still have been seen as speaking on behalf of the United States?

Was Greece considered a "parliamentary democracy" and therefore eligible to participate in the convention?

Mr. Speaker, these and other questions should be answered before we even consider committing ourselves to the goal of a federal union of Atlantic nations.

THE U.S. POSTAL SERVICE SHOULD RESPECT THE SPIRIT OF THE LAW AS WELL AS THE LETTER OF THE LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 5 minutes.

Mr. CHARLES H. WILSON of California. Mr. Speaker, as most of my colleagues are aware, my Subcommittee on Postal Facilities, Mail, and Labor Management has been holding hearings on labor-management relations in the U.S. Postal Service. As a ranking member of the House Post Office and Civil Service Committee, I have been concerned with the U.S. Postal Service's policy of cutting service and penalizing its employees in the name of "breaking even" financially.

An example of postal management's disregard for employee rights is their refusal to give the National Association of Postal Supervisors consulting rights as specified in the Postal Reorganization Act. Prior to the enactment of Public Law 91–375, the Postal Reorganization Act, enacted in 1970, the National Association of Postal Supervisors was accorded formal recognition by the Post Office Department and had regular consultative sessions which were most productive.

Realizing the need for recognition of an organization such as the National Association of Postal Supervisors, which represents more than 90 percent of the supervisors in the U.S. Postal Service, the Congress included in Public Law 91–375 section 1004(a) and (b) which I strongly supported.

Section 1004(a) provides that there shall be "compensation, working conditions, and career opportunities that will assure the attraction and retention of qualified and capable supervisory and other managerial personnel." It also provides for a reasonable pay differential between clerk and carrier grades and supervisory levels with the realization that the role of management "is particularly vital to the process of converting general postal policies into successful postal operations."

Section 1004(b) provides that the Postal Service "shall provide a program for consultation with recognized organization of supervisory and other managerial personnel." It further provides that "upon presentation of evidence satisfactory to the Postal Service that a supervisory organization represents a majority of supervisors—such organization or organizations shall be entitled to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to supervisory and other managerial employees."

Unfortunately, the law did not provide any recourse if the U.S. Postal Service did not comply with these important provisions of the law. In what appears to becoming a general policy of arbitrarily using or ignoring certain provision of the postal law, the U.S. Postal Service is ignoring or paying little attention to section 1004 in dealing with the National Association of Postal Supervisors. Their idea of "consultation" is to make a decision and then inform the NAPS of the results of the decision.

There were discussions, but not consultations, on the now infamous Westinghouse contract, which the House Committee on Post Office and Civil Service under the able leadership of Chairman DULSKI spent about a month in 1971 investigating and made recommendations that the contract be canceled and the Department of Justice notified. These recommendations were also ignored.

The Westinghouse "evaluation" led to the job evaluation program which has led to the downgrading of at least 50 percent of the postal supervisory positions. This was done in spite of the fact that all other Federal employees have received substantial salary increases.

The National Association of Postal Supervisors had no part in the "planning and development of pay policies and schedules" except to be told what had been done and were refused the point system or any system which shows how the evaluations were made.

NAPS had no recourse but to bring suit against the U.S. postal supervisors for not complying with the law. A Federal judge has ruled that in his opinion direct participation in the planning and development of pay policies and schedules does not mean that the association must be in at the conception. NAPS is now appealing this decision.

Because of these events, I have decided that there must be stronger provisions in the law. Therefore, I am introducing a bill today that would amend the postal law to permit the association of supervisors to seek arbitration by a three-man arbitration board in case of disputes concerning policies "which affect all or a substantial portion of supervisory personnel on a long-term or permanent basis." There is no intent to bring any trivial matters before the arbitration board. Without such protection, the postal supervisors are at the complete mercy of the top management of the U.S. Postal Service and the provisions of the law approved by the 91st Congress on August 12, 1970, as Public Law 91-375 will continue to be flouted by the U.S. Postal Service.

Mr. Speaker, it must be emphasized that postal supervisors who are entitled to consultative rights are not top management but the fifth level of management with the U.S. Postal Service headquarters, the Postal Service regions, the district offices, and postmasters—all above them in the chain of command. Such consultative rights for the association's members are most important. Strengthening of the law is essential.

Mr. Speaker, without objection, I will enter into the RECORD at this time a draft of my bill, to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service:

H.R. 7202

A bill to establish an arbitration board to settle disputes between supervisory organizations and the United States Postal Service

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

Part II, chapter 10, section 1004 of the Postal Reorganization Act is amended by the addition of the following subsections (c) and (d):

(c) If the Postal Service and a supervisory organization representing a majority of supervisors, as such terms are used in subsection (b) above, are unable to agree upon a program for consultation or a plan for participating directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to supervisory employees, the dispute shall be referred to an arbitration board in accordance with the provisions of subsection (d) below.

Further, if said supervisory organization is unable to reach agreement with the Postal Service with respect to pay policies and schedules, fringe benefit programs, and other programs relating to supervisory employees after participating directly in the planning and development thereof, the dispute shall be referred to an arbitration board in accordance with the provisions of subsection (d) below: *Provided,* That only those disputes concerning said policies which affect all or a substantial portion of supervisory personnel on a long-term or permanent basis can be referred to arbitration. In the event that the Postal Service and the supervisory organization are unable to agree upon whether or not a particular issue is eligible to be referred to arbitration, that issue shall first be referred to arbitration in accordance with the provisions of subsection (d) below. The supervisory organization recognized pursuant to subsection (b) above, shall have the exclusive right to invoke the arbitration provisions of subsection (d) on behalf of supervisory employees.

(d)(1) The arbitration board shall consist of 3 members, 1 of whom shall be selected by the Postal Service, 1 by the recognized organization of supervisory personnel, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the member chosen by the parties fails to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director of the Federal Mediation and Conciliation Service.

(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

(3) Costs of the arbitration board shall be shared equally by the Postal Service and the organization of supervisory personnel.

NEEDED FOR THE NORTHEAST RAILROADS: A FREE ENTERPRISE SOLUTION WITH FEDERAL ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, when Secretary of Transportation Brinegar appeared before the Subcommittee on Transportation on Tuesday, April 17, he stated that his proposal for a solution to the Northeast railroad crisis, which would rely entirely on private financing had received widespread support from the rail industry, shippers, and the financial community. At that time, he submitted for the record a number of letters and telegrams, addressed either to him or to Mr. JARMAN, chairman of the Subcommittee on Transportation.

As I stated at the opening of these hearings, one of the issues which the Congress must decide is what the Federal involvement in the solution of the Northeast railroad crisis should be, what form this should take, and what sums of money might be involved. One of the main issues discussed during Secretary Brinegar's testimony was whether or not any Federal aid at all was needed to bring about a solution to the Northeast rail problem. The Secretary insisted that no Federal aid should be offered and the private sector would come forward with the large sums which all parties agree are necessary for the restructuring and rehabilitation of essential rail service.

At the same time the Secretary was testifying the Association of American Railroads was releasing its statement to the ICC in Ex Parte 293, Investigation of Northeast railroads. The industry solution proposed by the AAR calls for Federal acquisition of the passenger corridor between Washington and Boston and for Federal assistance in paying the costs of any adverse impact on labor that a major restructuring of the Northeast railroads might have. Thus, the official position of the railroad industry is that Federal assistance is required to bring about a solution within the private sector which could allow a privately owned rail freight system to survive in the Northeast.

I have reviewed carefully the documents submitted by Secretary Brinegar to support his contention that a solution to the Northeast railroad problem can be found solely by using private financing. These documents, offered for the public record, do not support the Secretary's belief and argument. What they do support is the view that the best solution would be one that left the Northeast rail system in private hands within the free enterprise system. On this principle there is common agreement. I believe that a free enterprise solution is the best and I know this belief is shared by many of my colleagues. Thus an argument on that point is for now simply destroying a straw man. The argument, now, is about what Federal participation there should be in arriving at a free enterprise solution.

To make the record of this hearing clear, I would like to point out what the documents submitted by Secretary Brinegar had to say on this point.

Mr. John Fishwick, president of the Norfolk & Western, in a letter to Secretary Brinegar dated April 14, 1973 stated:

I believe, however, that when DOT attempts to formulate a viable railroad system in the Northeast which will be in the public interest, it will find that some government funding is essential.

Later, in the same letter, Mr. Fishwick said:

As a matter of fact, I believe the federal government should now purchase the passenger lines in the corridor between Washington and Boston.

Mr. W. Graham Claytor, president, Southern Railway System in a letter to Secretary Brinegar dated April 16, 1973:

As I stated at the TAA Forum, however, I feel quite strongly that it will not be practically or politically feasible to implement your plan without significant Federal funding to achieve acquisition, operation or both by a Government agency or corporation of the essentially passenger oriented northeast corridor between Boston and Washington, with essential freight service continued over these corridor lines by private enterprise operation on a trackage rights or similar basis. I also feel that initial Federal funding will be required for labor protection costs that will inevitably result from reduction in the mileage of freight lines to be operated by a new core freight system, and at least some type of Federal aid will be needed to accelerate capital improvement on such a core system.

In a telegram to Secretary Brinegar, dated April 16, Mr. Thomas Rice, president of the Seaboard Coast Line gave his entire support to "your proposal for maintaining the railroad industry as part of the private sector, *although some Federal funding may be necessary at least for an interim period.*" (Emphasis added)

In a telegram to Secretary Brinegar, April 16, 1973, containing the text of a telegram to Mr. JARMAN, Mr. Lee Cisneros, director of corporate transportation, Firestone Tire and Rubber Co., stated that he had endorsed the DOT proposals subject to two qualifications one of which was:

That short term federal aid was essential in order to allow for the development of a program that would attract private investors' confidence to permit the eventual private ownership solution.

Finally, Mr. John Reed, chairman and president of the Santa Fe stated in a telegram dated April 16, 1973 to Secretary Brinegar:

While many problems remain to be worked out, including the vexing problem of providing needed financial assistance, we think the Department's plan provides a framework on which an eventual solution can be based.

All of the statements submitted by Secretary Brinegar, which I gather were written with some encouragement from DOT, were polite, and Mr. Reed's is truly a paragon of tact. But it gets to an essential point: The vexing problem of providing needed financial assistance. This is a vexing point, but one that will not go away by wishing it were gone. The realities of everyday economics cannot be answered by economic theory.

A purely private sector solution, with no Government assistance, would be welcomed by every Member of Congress. No one wants to vote for Federal assistance. No one wants to just throw money at a problem. But we do want a solution that will work, not in textbook theory, but in the realities of economic life.

From my discussions with members of the financial community, the railroad industry, and with representatives of rail labor, I am convinced that there must be some Federal financial involvement in any practical working out of the northeastern railroad crisis. If Secretary Brinegar is right that there is healthy railroad system within the Northeast that can be made economically viable, then any Federal investment will ultimately be recovered. I believe he is right, that a private freight corporation can emerge and I would hope that we could work together to develop such a solution. However, the economic importance of rail service in the Northeast is too great to be lost in a sterile debate of ideologies. We are not in an adversary proceeding, and any solution should be bipartisan. It seems to me that a dispute of over whether or not Federal aid is needed to restore the northeastern railroads is unrealistic and a waste of time. And we do not have that time to waste. The legislative process moves slowly. If we wait too long, the time will run out and the judges in bankruptcy will be forced, by constitutional considerations, to order liquidation, or the bankrupt railroads will simply run out of cash. In the crisis that would result, we might well be forced to a hasty solution and one worse than any now under consideration.

In conclusion, I want to reaffirm my belief that a private sector solution can be developed and that simple nationalization of the bankrupt railroads is not a desirable solution to the problem.

I look forward to seeing the formal legislative proposals which will spell out the DOT's plan. I hope that in them we will find points of agreement. But most importantly, I urge the Secretary of Transportation to talk with the members of this subcommittee about the realities of the situation and to suggest to us a conclusion to the chronic Northeast rail crisis that meets the economic and social realities. Of all the problems besetting the relations between the executive and legislative branches, the economic life of the Northeast is the last which should be trapped in a confrontation. So I ask the Secretary to look again at the testimony of the witnesses he has submitted in his own behalf and to listen to what they have to say. Then we can begin the serious talk that will lead to a common, bipartisan agreement among all the many interests involved—management, labor, creditors, shippers, State and local government—as to what needs to be done.

UNITED STATES FOREIGN RELATIONS: PROPOSAL FOR A DEPUTY SECRETARY OF STATE OF THE AMERICAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, Louisiana is a great coastal State with large seaports and immense shipping interests operating vessels to various countries of the Americas with many of them making transits through the Panama Canal. My State is also an area over which the flags of Spain and France have flown. Thus, as a Representative in the Congress from Louisiana, closely associated with the Latin cultures as well as English, I have long recognized the necessity for improved relations between the United States and all countries of the Americas.

It was, therefore, gratifying to read in the RECORD of February 27, 1973, an address by my able and most scholarly colleague from Pennsylvania (Mr. FLOOD) in which he proposed the restructuring of the Department of State by consolidating all that agency's hemispheric affairs from the Arctic to the Antarctic under one official. He also pointed out that Canadian relations are now included under European affairs despite the fact that since the 1931 Statute of Westminster it has been independent.

In a followup address in the Congress on March 14, Representative FLOOD recommended the creation by statutory enactment of a Deputy Secretary of State for the Americas charged with responsibility for supervision over U.S. relations with all countries of the Western Hemisphere, including Canada, and announced that the necessary legislation would be introduced at an early date.

The indicated proposal for improvement of the State Department, made on the day preceding the opening on March 15 of the United Nations Security Council sessions in Panama, attracted immediate favorable attention in the Latin American press as ushering in a new era in hemispheric relations. Its constructive nature was in sharp contrast to the United Nations Security Council "polemical fiasco" at Panama March 15–21, 1973.

Now that U.S. forces have been withdrawn from Southeast Asia and further withdrawals from other parts of the world are clearly indicated, the time has come to stress the interests of the Americas. As the first step in that direction, Representatives FLOOD, CRANE, SNYDER, and myself have cosponsored and introduced on Tuesday a measure to effect the necessary changes in existing law.

The most significant point in the proposed legislation is that it would provide for a Deputy Secretary of State for the Americas, responsible only to the Secretary of State.

In order that the full text of the indicated measure may be widely disseminated, I quote it as follows:

ADDRESS BY REPRESENTATIVE FLOOD

Mr. Speaker, as a former member of the House Committee on Foreign Affairs with assignment to its Subcommittee on Inter-American Affairs and student of our Isthmian canal policy, I have long felt the need for the United States to stress its relations with other countries of the Western Hemisphere. The necessity for such emphasis was dramatically illustrated at the time of the

15–21 March 1973 meeting of the U.N. Security Council in Panama, when the United States was made the propaganda whipping boy of the pro-Red revolutionary government now in power in that country. Certainly such a performance, which was clearly foreseen, could and should have been avoided by the able conduct of our policies under responsible leadership.

In anticipation of threatened violence at Panama during the March 15–21 sessions and to help in avoiding it, I addressed this body on 8 February 1973 on "The Crisis At Panama: A Three-Pronged Assault on the Canal Zone." I have good reason to believe that this address helped to prevent serious trouble. But preventing demonstrations at a time of crisis is not enough. There should be sustained direction in policy matters aimed at a steady improvement of relations. The re-structuring of the Department of State as provided in H.R. 7116, introduced by our distinguished colleague from Louisiana (Mr. Waggonner) and which I glady co-sponsored, should be a step in the right direction. I wish to commend the distinguished gentleman from Louisiana (Mr. Waggonner) for his leadership in this important measure and urge prompt action by the Committee on Foreign Affairs.

GENERAL LEAVE

Mr. MEZVINSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the special order today of the gentleman from Louisiana (Mr. WAGGONNER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

KEEPING HAWAII'S LIFELINE OPEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 30 minutes.

Mr. MATSUNAGA. Mr. Speaker, hopefully today marks the beginning of a long-sought relief for the people of Hawaii and the Pacific territories. I have in cosponsorship with the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Guam (Mr. WON PAT) legislation which will provide Hawaii and the U.S. Pacific Islands a means for assuring them continued uninterrupted ocean commerce.

Ocean shipping is the lifeline of Hawaii. Hawaii residents and businesses depend for survival on sea shipments from the mainland. Hawaii's two major exports, sugar and pineapple, cannot reach their markets unless ships carry them.

Yet the average citizen in Hawaii spent much of the past 2 years anticipating, experiencing, or recovering from, interruptions in ocean shipping between Hawaii and the west coast. During the period from July 1, 1971, through December 31, 1972, Hawaii was deprived of mainland shipping service for 179 days—1 day out of every 3.

The consequences have been severe. Unemployment reached its highest point since statehood. Many small businesses failed; many others, large and small, were sorely damaged. There were shortages of vital consumer goods.

Each of the Members of the Hawaii Congressional Delegation has taken action, through calls for voluntary action and through legislative initiatives, to provide Hawaii with a measure of protection from disruptions in surface commerce.

Early this year, for instance, I introduced legislation to prevent abuse of Presidential discretion from delaying relief to Hawaii. My bill, H.R. 1601, would permit the Taft-Hartley Act's emergency disputes procedures to be used in regional, as well as national, emergencies, and would require, rather than merely permit, the President to start process to end interstate transportation strikes through a Taft-Hartley injunction. I still believe that H.R. 1601, if enacted, would guarantee virtually complete assurance that the people of Hawaii would not become innocent pawns in a dispute over which they had no influence.

The bill we have introduced today, however, represents a joint effort on the part of all four Members of the Hawaii congressional delegation. It is legislation behind which the entire delegation is united, in the hope of enhancing its chances for speedy enactment.

The bill would simply assure the continuation of ocean commerce between the west coast and the U.S. Pacific islands, for the first 160 days of any strike or lockout in the west coast longshore or maritime industries.

This I believe, would provide adequate protection to Hawaii, Guam, American Samoa, and the Trust Territory of the Pacific, without affecting the economic positions of either side in a dispute.

The trade between the west coast and Hawaii represents, for example, less than 3 percent of the workload on the west coast ports. The U.S. Pacific islands' trade increases that figure less than two-tenths of 1 percent.

Of those who actually man ships, the affected trade is approximately 7 percent.

There is a solid precedent for the exemption which this legislation would provide. Already, west coast military cargo shipments continue despite any stoppages.

Mr. Speaker, the people of Hawaii recognize the need to maintain a strong defense posture; they also believe that their own vulnerability to ocean commerce tie-ups should be recognized.

Several days ago, Mrs. MINK, Mr. WON PAT and I joined to introduce another bill, one which would provide identical expiration dates for all labor-management agreements involving the west coast maritime and longshore industries.

These two measures, Mr. Speaker, deserve speedy and favorable action by the Congress, and I pledge my highest efforts to bring about that action as quickly as possible.

Mr. Speaker, I include at this point the text of the bill introduced today, the text of the common expiration date bill introduced earlier this week, and the text of the joint statement issued by all of the members of the Hawaii congressional delegation concerning the bills:

H.R. 7189

A bill to amend title II of the Railway Labor Act to provide for the normal flow of ocean commerce between Hawaii, Guam, American Samoa or the Trust Territory of the Pacific Islands and the West Coast and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hawaii and Western Islands Surface Commerce Protection Act of 1973".

SEC. 2. Title II of the Railway Labor Act (45 U.S.C. 181–188) is amended by adding at the end thereof the following:

"SEC. 209. (a)(1) No strike or lockout in the longshore or maritime industry in the States of Washington, Oregon, or California (hereinafter in this section such States are referred to as the 'West Coast') shall be permitted to interrupt normal shipping from any port on the West Coast to Hawaii, the Trust Territory of the Pacific Islands, Guam, or American Samoa (hereinafter in this section any such Territory shall be individually referred to as 'any United States Pacific Island') or from Hawaii or any United States Pacific Island to any port on the West Coast for a period of 160 days beginning on the first day of such strike or lockout.

"(2) An employer or labor organization who is a party to a strike or lockout described in paragraph (1), the Governor of Hawaii, Guam, or American Samoa, or the High Commissioner of the Trust Territory of the Pacific Islands, or the designated representative of any such Governor or of such Commissioner (if such a strike or lockout interrupts normal shipping of Hawaii or any United States Pacific Island where such Governor or High Commissioner is the executive) may petition any United States district court having jurisdiction to issue an injunction or temporary restraining order to enforce the provisions of paragraph (1). Any such injunction and temporary restraining order shall in the aggregate remain in effect until the end of the 160 day period provided by paragraph (1). Such injunction may not be requested while an injunction issued under section 208 of the Labor Management Relations Act, 1947 (29 U.S.C. 178) is in effect. If, while an injunction issued under this section is in effect, an injunction is issued under section 208, the counting of the 160 day period referred to above shall be suspended until the injunction under such section 208 is discharged pursuant to section 210 of such Act.

"(b)(1) Any employee (the terms or conditions of whose position of employment are governed by the agreement entered into between the employer and the labor organization which resolves a strike or lockout described in subsection (a)(1) who performs work or services for his employer during the period of 160 days required by subsection (a)(1) shall perform such work or services pursuant to wages, hours, and other terms and conditions of employment of the last agreement between such employer and labor organization prior to such strike or lockout.

"(2) Each employee shall receive additional wages for performing work or services described in subsection (b)(1) at a rate equal to the difference between the wage provided for that employee (or that employee's position) under the agreement which resolves the labor dispute and the wage such employee actually received for performing such work or services.

"(c) The provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C. 101–115) shall not apply to any injunction issued under subsection (a)(2).

"(d) For the purposes of this section—

"(1) the term 'interrupt normal shipping' means (A) a refusal to load cargo aboard a ship (or to permit the loading of cargo

aboard a ship) at a port on the West Coast if such cargo is destined for use in Hawaii or any United States Pacific Island, (B) a refusal to unload cargo from a ship (or to permit the unloading of cargo from a ship) at a port on the West Coast if such cargo was shipped from Hawaii or any United States Pacific Island, (B) a refusal to unload cargo from a ship (or to permit the unloading of cargo from a ship) at a port on the West Coast if such a cargo was shipped from Hawaii or any United States Pacific Island, and (C) a refusal to operate (or to permit the operation of) a ship from a port on the West Coast with cargo destined for use in Hawaii or any United States Pacific Island or a ship from Hawaii or any United States Pacific Island with cargo destined for a port on the West Coast; if any such refusal was a cause of a ship leaving the dock facility in Hawaii or any United States Pacific Island or at a port on the West Coast more than 48 hours after its scheduled time of departure, or a cause of cargo from Hawaii or any United States Pacific Island not being unloaded at any such dock facility at a port on the West Coast for at least 48 hours after the ship carrying such cargo arrived at such facility;

"(2) the term 'strike' has the same meaning as it has in section 501(2) of the Labor Management Relations Act of 1947; and

"(3) the terms 'employer', 'employee', and 'labor organization' have the same meanings as such terms have in section 2 (2), (3), and (5) respectively, of the National Labor Relations Act".

SEC. 3. The provisions of section 209(a) of the Railway Labor Act shall take effect on the date of enactment of this Act unless a strike or lockout in the longshore or maritime industry on the West Coast is occurring on such date of enactment, in which case such provisions shall take effect on the fifth day after such date of enactment.

H.R. 7065

A bill to provide for uniform expiration dates for agreements in the longshore and maritime industries in the States of Washington, Oregon, or California

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any agreement between an employer and a labor organization governing any terms and conditions of employment in the longshore or maritime industry in the States of Washington, Oregon, or California which is entered into—

(1) on or after the date of enactment of this Act but before July 1, 1975, shall expire, notwithstanding any terms of the agreement, either on June 30, 1976, or on June 30, 1979, and any subsequent agreement between such employer and labor organization shall expire on June 30 of each third year thereafter;

(2) after June 30, 1975, but before July 1, 1976, shall expire, notwithstanding any terms of the agreement, on June 30, 1979, and any subsequent agreement between such employer and labor organization shall expire on June 30 of each third year thereafter; or

(3) after June 30, 1976, shall expire, notwithstanding any terms of the agreement, on the first June 30, of any multiple of three years from 1976 (after the conclusion of such agreement), and any subsequent agreement between such employer and labor organizations shall expire on June 30 of each third year thereafter.

JOINT STATEMENT BY REPRESENTATIVES PATSY T. MINK AND SPARK M. MATSUNAGA, AND SENATORS DANIEL K. INOUYE AND HIRAM L. FONG, MEMBERS OF CONGRESS FROM HAWAII

The State of Hawaii exists on a lifeline, one that connects the State with the rest of the United States. That lifeline is ocean shipping. If ocean shipping between Hawaii and the mainland is disrupted, that lifeline is severed and an emergency begins.

When ships cannot serve Hawaii, essential foodstuffs and other necessities of life disappear from store shelves. Construction projects, dependent on shipped-in materials, shut down, throwing hundreds out of work. Small businesses, unable to resupply, lose customers and risk bankruptcy. Hawaii's two major exports, pineapple and sugar, cannot be shipped to markets and overflow available storage space.

In short, Hawaii is extremely vulnerable to disruptions in surface shipping.

Tragically, such disruptions are all too frequent. During the period from July 1, 1971, through the end of December, 1972, Hawaii was deprived of mainland shipping service for a total of 179 days—one day out of every three.

These stoppages were all the more frustrating to the people of Hawaii because, except for one three-day period, no one in Hawaii was directly involved in the disputes which caused them.

To deal with this problem, each of us has proposed legislation which would keep Hawaii's lifeline functioning in the face of such tie-ups. Each of these proposals resulted from much thought, and each represents what its individual sponsor judges to be the best approach to dealing with this problem.

In addition to our individual legislative initiatives, we have jointly sought to protect Hawaii by approaches to labor and management.

In February, we jointly addressed identical letters to Harry Bridges, President of the International Longshoremen's and Warehouseman's Union, and Edmund J. Flynn, President of the Pacific Maritime Association, requesting that they agree to continue normal shipping to and from Hawaii for the first 60 days of any West Coast longshore tie-up.

Last month, we again joined to urge all parties to labor-management agreements affecting the West Coast-Hawaii trade to agree to a common expiration date for all of their contracts, in order to avoid a series of debilitating stoppages. We have had some affirmative responses to these proposals, and we are hopeful that others will be received.

In the meantime, we have been working very hard on other legislative solutions which each of us could support, and which would provide a statutory guarantee to the people of Hawaii that their lifeline will not be severed for a substantial period.

We are today proposing two new bills:

The first bill would assure that, in the event of a strike or lockout in the West Coast longshore or maritime industries, normal ocean commerce would continue for 160 days between the West Coast and Hawaii, and between the West Coast and the U.S. Pacific Islands of Guam, American Samoa and the Trust Territory of the Pacific.

The second bill would require all West Coast longshore and maritime contracts to have identical expiration dates and 3-year renewals.

Enactment of these two measures would help greatly to overcome the unique geographical handicaps of Hawaii, Guam, American Samoa and the Trust Territory of the Pacific, and allow these island economies to move forward with somewhat greater assurance.

We who represent Hawaii will continue to seek additional safeguards. But we are appealing to colleagues in Congress from our 49 sister states to accord Hawaii and the other Pacific Island areas, at a very minimum, the protection provided in the two bills we introduce today.

REVISE THE MILITARY CODE OF CONDUCT

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, the return of our prisoner of war from their long incarceration in Indochina has brought joy, pride, and relief to the American people. These men paid an awesome price in suffering and deprivation, and along with the American dead and wounded of the Indochina conflict they served as the lightning rod of sacrifice for the United States during this Nation's traumatic involvement in the carnage which devastated North and South Vietnam, Laos, and Cambodia.

As the prisoners begin to reintegrate into American society, highly disturbing reports are filtering out through the national press that court-martial charges may be filed by some of the prisoners against other military personnel who were in captivity with them. The basis of these charges is reported to be misconduct in the form of "willing cooperation with the enemy."

It is too early to speculate whether charges will actually be filed, whether courts-martial will take place, and what the Defense Department's policies in these cases will be. However, the fact that court-martial proceedings are being considered, reopens a fundamental issue which last surfaced in the Pueblo case—the Military Code of Conduct.

If any of the returning prisoners are to be made defendants in military court-martial proceedings, it will be on the ground that their behavior while in captivity violated the Code of Conduct. This is a troublesome matter, Mr. Speaker, because of the very nature of the Code of Conduct.

Promulgated as Executive Order 10631 by President Eisenhower on August 17, 1955, the code was formulated in response to the questionable actions of some American POW's during the Korean war.

The provisions of the code are as follows:

CODE OF CONDUCT FOR MEMBERS OF THE U.S. ARMED FORCES

I

I am an American fighting man. I serve in the forces which guard my country and our way of life. I am prepared to give my life in their defense.

II

I will never surrender of my own free will. If in command I will never surrender my men while they still have the means to resist.

III

If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.

IV

If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

V

When questioned, should I become a prisoner of war, I am bound to give only name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and it allies or harmful to their cause.

VI

I will never forget that I am an American fighting man, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

Two basic problems are inherent in the present Code of Conduct.

First, the code is vague and ambiguous. Instead of providing clear and unequivoal guidelines for U.S. servicemen, the code is full of terms which are liable to very subjective interpretation. By way of example, section II speaks of "free will" and "means to resist," section III contains the words "resist by all means available" and "special favors," and section V uses the phraseology "bound to give only," "evade—to the utmost of my ability," and "disloyal to my country." Legal scholars have grappled with the meaning of these expressions and have been unable to reach accord on their interpretations. If contributors to legal periodicals cannot achieve agreement on the meaning of the code and the precise parameters of its proscriptions, then how can U.S. servicemen be expected to know the standards of behavior which are required of them?

If this vagueness existed in a civilian statute, the courts would almost certainly declare the statute unconstitutional and discard it as a substantive violation of due process on the ground that the persons bound by the statute could not reasonably be expected to know what was required of them. Clarity and precision must characterize military directives as well as civilian statutes if basic fairness is to be attained.

Second, the code is a product of the executive branch and not of deliberation by the Congress. In contrast to the Uniform Code of Military Justice, all provisions of which must undergo the scrutiny of the legislative process before being enacted into law, the Code of Conduct was issued by President Eisenhower pursuant to his authority as Commander in Chief of the Armed Forces. Although an advisory commission evaluated the code's provisions prior to its issuance by the President, the fact remains that, in the last analysis, responsibility for the code lay with one man, and not with the elected representatives of the American people.

If we are to have a meaningful code of military conduct at all, and if our fighting men are to be held to it under penalty of court-martial and criminal punishment for violations, then what is required is a clear and precise code of conduct, formulated by the Congress, which will afford to American servicemen an understandable and unambiguous set of guidelines on behavior while in action and while a prisoner of war. It is to be fervently hoped that America has finished with international conflict, but the current status of hostilities in Cambodia and Laos and the patterns of mankinds' history indicate that lasting peace is an elusive goal. In the event that American servicemen again enter armed combat or find themselves in hostile captivity, they must be provided in advance with coherent and unmistakable directives on the standards of conduct which they are expected to meet.

I am not suggesting that the present code of conduct is too strict or too lenient, nor am I discounting the necessity of maintaining discipline and morale among American prisoners of war. What I am proposing is that the Congress should undertake the formulations and enactment of a Military Code of Conduct which takes into account the realities of modern warfare and current standards, or lack thereof, for treatment of prisoners of war.

THE PRESIDENT'S ENERGY MESSAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, the President's energy message provides a low-voltage approach to a critical national problem.

Where a massive, national mission in energy development is required, small, token programs such as a $12 million research effort in solar energy are ludicrous.

The President's message pays homage to the producers of oil and gas by recommending the deregulation of future supplies of gas. In addition, it provides new tax subsidies to the industry without eliminating costly present subsidies which accelerated the depletion of existing supplies.

The President's tax incentives would substantially eliminate taxation of domestic producers.

The proposal will give the industry a free hand to do almost anything it desires to the American consumer and our Nation's environment. The oil and gas industry appear to be the prime beneficiaries of the President's thinking on the energy issue.

TAX SUBSIDIES—FOR WHAT?

The President has proposed an extension of investment credit to exploratory drilling, yet he does not propose any change in our present system of tax subsidies—subsidies which cost the American taxpayer $1.5 billion annually. With these benefits, the industry has succeeded in lowering its effective tax rate to under 10 percent. The President's proposed changes would virtually eliminate any remaining taxation of the industry altogether. Further subsidies through the tax system provide more welfare to the oil industry.

NATURAL GAS: THE NEW GOLD MINE

The President ignores the consumer when he proposes the deregulation of natural gas prices for newly discovered gas and newly contracted gas. Deregulation of wellhead prices has been an industry goal for almost two decades. It appears that they are finally close to winning the battle.

The President maintains that the consumer "should be protected against precipitous cost increases." But deregulation guarantees higher prices unrelated to the cost of production. The framers of the National Gas Act realized the danger of industry manipulating the consumer when they called for the regulation of natural gas. Deregulation of natural gas could lead to a doubling of the wellhead price. No longer would the price of natural gas be related to the cost of producing it. This would mean an inflated cost of billions of dollars each year to the consumer—and inflated, unrestrained profits to the industry.

RESEARCH AND DEVELOPMENT FUNDING

The Task Force on Energy of the House Science and Astronautics Committee recently released its study on energy research and development. The task force concluded:

Report-writing, discussion, and debate have gone far enough to identify where additional emphasis is needed—adequate research and development programs must get underway now.

There is a lot of smoke but little fire in what the President proposes.

The President states in his opening paragraphs:

Research and development can provide us with new, clean and virtually unlimited sources of power.

We all know this. But we need hard policy to direct a well-funded effort into research and development.

The President provides neither adequate funding or good policy. We need a massive commitment for the development of environmentally safe energy sources. I have suggested the creation of a NASA-type agency to oversee a $3 billion trust fund—a proposal which offers an imaginative solution to our energy future. The President's message, on the other hand, offers no plan or commitment for the funding of necessary research.

TAP: THE DANGEROUS MYTH

Today's energy message is an environmental sellout. The President has fallen prey to the inflated fears of the industry that if the trans-Alaskan pipeline is not built immediately, the Nation's economy risks collapse. In order to ramrod the trans-Alaskan pipeline through to completion, the President has resorted to a number of myths about the pipeline and the alternative Canadian route. We should look for a moment at the arguments used to advance TAP.

In order to begin construction on either line, the sufficiency of the environmental impact statement must still be decided in court. Additional time required for consideration of the Canadian line is negligible.

Much of the U.S. portion of the Canadian line has been studied and reported on in the TAP impact statement, leaving only a small part for final study. The Canadian portion of the route has already been studied in detail by the Mackenzie Valley Pipeline Research, Ltd. I would like to quote Canadian Energy Minister, Donald MacDonald in his

statement to Parliament on February 4, 1973:

Since [last year] we have completed a great many studies with regard to environmental, ecological and other impacts of a pipeline on the Mackenzie Valley . . . and at present we do not plan to take any fresh initiative.

The finality of Canadian studies is readily visible from Mr. MacDonald's letter to U.S. Secretary of Interior Morton on May 4, 1972:

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 expeditous manner commencing with an application filed by the end of this year.

In response to the argument that Canadian interests will demand a major portion of the line for their own oil, present studies show that Canadian oil supplies will not reach a point where they can occupy 50 percent of the pipe until 1985. By that time increased Canadian oil production and a projected 3 million barrels a day of oil from the North Slope will probably warrant another line.

Finally, considering the job effects of a Mackenzie line, many American jobs will be created during the construction of the portion of the pipeline within the Alaskan territory. Also, looping existing facilities in the "lower 48" will entail great numbers of American workers. It might be wise to consider remaining labor discrepancies in light of the fact that pipeline construction jobs are of a temporary nature, and many of the jobs included in the 26,000 figure cited by Secretary Morton are not new jobs, but are actually transfers of existing labor forces from one part of the Nation to another.

ENERGY CONSERVATION

Another vital aspect of the solution to our present energy problems must be conservation. We are a nation of extravagant energy consumers. The President has taken an encouraging step in proposing the creation of an Office of Energy Conservation. However, we need more than reorganization and further study. We need positive policies of encouragement. Our idolatrous worship of the gas-guzzling automobile costs us millions of gallons of gasoline a day. A more efficient automobile can and must be developed.

Symptomatic of the administration's hollow commitment to conservation is the proposal for voluntary disclosure of energy requirements on appliances. Voluntary compliance cannot be effective; manufacturers of inefficient appliances will merely ignore any disclosure. Further, this proposal does not help advance a national policy of conservation. We must become energy conscious. Only mandatory disclosure requirements will work.

The proposed changes in home insulation requirements are another smokescreen. Pilot projects and demonstration sites have had their time. We need positive incentives to increase insulation in residential homes. Residential energy use represents 20 percent of our energy budget—and much of that can be conserved through techniques we have today.

Revision of the 1970 Federal Housing Authority standards is required immediately. Considerable energy savings can be made. A home with enough insulation to meet the homeowners economic optimum requires 40 percent less energy for space heating than one which is in compliance with FHA standards. Although FHA standards are used generally as building guides, they apply directly to only a small portion of the total housing market. More comprehensive policies must be devised. If all homes in the United States were constructed with the optimum level of insulation, the Nation's total energy need could be reduced by 5 percent.

The energy message which the President has introduced today does little to serve the public interest. The consumer is guaranteed higher prices in return for an "if—maybe" supply. The environment once again becomes an industry door mat with full speed ahead on the Alaskan pipeline, oil shale leasing, nuclear power, Outer Continental Shelf leasing, and superports with their supertankers.

A national energy policy demands more than just a patchwork of past failures. Unfortunately, the Executive has failed to exercise sufficient leadership in ensuring that this vital issue does not become industry's plaything. We in Congress must take steps to insure that a comprehensive national energy policy—one reflecting the true needs and interests of the American people—is formulated to guide our Nation to a healthy and prosperous future. Related to the dimension of the problem, the President's energy recommendations are insignificant.

WEST-CENTRAL ILLINOIS DESPERATELY NEEDS AN INTERSTATE HIGHWAY

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, to get right to the point, west-central Illinois desperately needs an interstate highway. Over the years, Congress has done much to provide for highways across the Nation so that today the United States has the finest transportation system in the world. No other single factor has contributed more to our country's unparalleled success in the fields of commerce and industry, travel, and tourism.

Unfortunately, west-central Illinois has not shared in the interstate road system, and consequently its people have been fighting an uphill battle in their attempt to contribute to and share in the economic development of the Nation.

Of the 42,500 miles of interstate highways which the Congress has authorized, the State of Illinois received 1,725—about 4 percent. West-central Illinois received none. That fact alone might give you some idea of the present shape of our highways.

Nowhere in the State is the situation more critical than in west-central Illinois. This area was virtually ignored during planning for the Interstate System, and the folly of this neglect has since been amply demonstrated. Residents of west-central Illinois have for years waited patiently for the construction of a link between Chicago and Kansas City. Such a major artery would logically come through the industrial areas of Peoria, Bloomington, and Quincy, then across the Mississippi River and on to Kansas City. We are still waiting.

The major neglect of west-central Illinois in the planning of the Interstate System has left this important industrial and agricultural region virtually isolated from major markets in Chicago, Saint Louis, and the eastern portion of the State. Progress and development in west-central Illinois have been slowly strangled and suffocated because, as the saying goes, "you just can't get there from here."

The result has been predictable and should concern all of us, whether we represent small towns or huge metropolitan areas. Because the growth of this area has been stunted by an inadequate transportation system which discourages industry from moving in and bringing with it jobs, many of its citizens have been forced to seek employment in Chicago and St. Louis. Farmers who have lost to the agricultural revolution often must leave west-central Illinois to get a job. If they do not leave, their sons and daughters do. This familiar pattern of migration from rural areas to major cities has placed tremendous burdens upon each. While smalltown America loses the young men and women who are its future, our metropolitan areas become choked with people, cars, pollution, poverty, and crime.

Of all the steps which Government can take to prevent this chain of circumstances from developing, or to reverse it once it has started, none is as important as a system of highway transportation which will permit business and industry to decentralize, to go where the manpower is, and to economically and rapidly ship raw materials in and finished products out to markets.

In the next two decades, the population of Illinois is expected to increase to over 15 million, and these people will derive 70 percent more miles than they do today. Therefore, it is essential that the highway system in Illinois continues to develop as expeditiously as possible.

The people of Illinois realize how essential that development it. Former Gov. Richard B. Ogilvie initiated an emergency program of essential road construction throughout the State in addition to plans for long-term needs. Hopefully, Gov. Dan Walker will continue this vital program. Illinois does not expect the Federal Government to pick up the tab for all of the highways that must be constructed in the State.

At the same time, the people of Illinois believe that the Federal Government can provide a vital stimulus and aid to the highway construction which the State has already begun. And the citizens of west-central Illinois, having been ignored for several decades, are especially hopeful that they can now share in the development and progress which was accorded to other areas in the past.

In section 146(f) of S. 502 the Federal-Aid Highway Act which passed the Senate, on March 15, a provision was made to study "the feasibility and necessity" for constructing an interstate highway from Kansas City to Chicago, "so alined to cross the Mississippi River in the vicinity of Hannibal, Mo., and Quincy, Ill." A similar provision was included in the bill which passed the Senate last year.

On behalf of the people of west-central Illinois, I urge the House to include a similar provision in the bill, such as suggested in the amendment that will be offered by my colleague from Illinois (Mr. RAILSBACK).

I know that the Public Works Committee has great reservations about the wisdom of adding to the interstate system and that they are anxious to provide a different method of funding new road construction. Frankly, the people of west-central Illinois would be delighted with any funding formula, just so long as they get that road. I am hopeful that the House, in weighing carefully all of the considerations, will agree that a new highway, constructed to interstate standards, needs to be built between Kansas City and Chicago. And I am hopeful that provision for a feasibility study of such a highway will be included in the bill we are considering today.

WRITE YOUR CONGRESSMAN CLUB

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, there is an organization in Dallas, Tex., known as the National Write Your Congressman Club, Inc. I am sure all of the Members of this body have received mail from their constituents who are members of this club that prepares and distributes what is known as an Opinion Ballot from time to time, and at other times mails to its members to be completed a card described as the "Voter's Voice."

I have told my friends who pay to subscribe to this club that membership is not necessary in order to have the privilege to write to their Congressman and/or to receive a timely answer on any subject of Federal jurisdiction. On the other hand, I believe that preparation of questions for the membership of this club does pinpoint certain issues that need to be emphasized, for those members who are truly concerned citizens.

Earlier this year there was an opinion ballot which had as its subject, "The most important issues in 1973 and the action Congress should take on them." The major issues listed on that opinion ballot were as follows:

Drug abuse, crime in the streets, welfare, busing students out of their neighborhood for racial balance, restore death penalty, national health insurance, get prisoners-of-war home, gun control laws, pornography, no-fault insurance, occupational safety changes, child development laws, unemployment, foreign aid, Supreme Court rulings, trade with Communist countries, forced union membership, pollution, prayer in public schools, limit Federal spending, farm income, strike legislation, rent subsidies, aid to education, political campaign spending, tax reform, our balance of payments, right-to-work laws, devalue the dollar, support the United Nations, quotas on foreign imports, minimum wage law, immigration, big bus bill, family planning, new Panama Canal Treaty, teaching sex education in public schools, fair-trade laws, our policy toward Rhodesia, waste in Government, Government control of pension funds, tax-free, nonprofit organizations, amnesty to draft dodgers, job training, consumer protection, telephone privacy, metric system, citizens buy and sell gold, absenteeism of Congressmen at time of voting on bills.

The foregoing list, while all-encompassing, was thoughtfully added to or supplemented by our own constituents. According to our tabulation they added their own selection of what they believed to be the most important issue in 1973 before Congress. They added the following to the long listing above:

Northern Ireland, cost of White House staff, Senator KENNEDY's "worker alienation," congressional junkets, end farm subsidies and production controls, housing, no loans for people to buy houses, House Internal Security Committee, low cost housing, energy crisis, prevent censorship of news, Martin Luther King's birthday as a holiday.

While a wide range of choices was provided those members of the Write Your Congressman Club, our tabulation from several hundred ballots received showed that there were seven issues which were far out in front of all the others as being most important in the minds of those in our district who were members of the club, as follows:

First. Restore death penalty;
Second. Busing students out of their neighborhood for racial balance;
Third. Drug abuse;
Fourth. Crime in the streets;
Fifth. Welfare;
Sixth. Prayer in public schools; and
Seventh. Amnesty.

I am sure most of my colleagues would agree that the volume of correspondence received by all of our offices since the first of January has been the heaviest in several years. Along about the first of March, for the first time in all of our years as a Member of Congress, the deluge of mail became so heavy that we commenced the practice of "logging in" mail in order to have some control over the length of time required to make response. For a long while we had remarked facetiously that the office received from 50 to 100 first-class letters a day. By actual count in the month of March our office received on an average of 200 letters for each of the business days of that month.

The foregoing mention of the deluge of mail, is made only to explain to those who are members of the Write Your Congressman Club and other correspondents that from time to time, in order to keep abreast of our mail, we must provide a generalized reply rather than one specially tailored to each individual item of mail. My staff has tabulated the seven most frequently listed issues out of the wide range of approximately 50 proposed by the Write Your Congressman Club. In order to facilitate response to the large numbers of opinion ballots reaching our office. I am supplying for the RECORD herewith my views in summary of the seven issues pinpointed to be of greatest concern to my constituents. The issues are as follows:

1. DEATH PENALTY

Present discussion of the death penalty has been generated because of the decision by the Supreme Court last year which reversed the death penalty imposed in Georgia for a murderer and two rapists as "cruel and unusual punishment in violation of the 8th and 14th amendments."

In that decision, once more the Supreme Court inserted itself into the legislative sphere. It could not resist the temptation to agree with the current social vogue that the death penalty is cruel and unjust, simply because certain elements of our society are presently inclined toward the philosophy of permissiveness.

Our legislature in Missouri is now considering a new law which will spell out and correct the objections of the Supreme Court to the Georgia law, which was the basis of its decision. Whether serious crime has finally come under control or not depends upon whose statistics we prefer to believe.

One thing should be clear to those who are not afraid to think about the issues: If we remove the death penalty, at that moment we remove a strong deterrent to murder, rape, kidnaping, hijacking, and all the other very serious and deadly crimes. If we reimpose the death penalty, one who contemplates murder will consider carefully whether he might or could have to pay for the crime with his own life. It is my hope that the other legislatures of the several States will follow the lead of our Missouri Legislature and quickly enact State laws to fill the void created by the decision of the U.S. Supreme Court.

2. BUSING OF SCHOOL CHILDREN

The busing of students to correct racial imbalance has become one of our most controversial issues of the day, particularly in those areas where it is proposed to bus children from the inner cities into the suburbs and children from the suburbs into the inner cities. I supported the amendment to the Higher Education Act of 1972 which would prohibit the use of Federal funds to overcome such racial imbalance. I should also hasten to point out that I have supported the Equal Educational Opportunities Act of 1972, which provides for schools in the inner cities to have equal facilities, teachers of equal quality, and courses of instruction equal in all respects to those schools in the suburbs.

A series of studies by the Brookings Institution, Harvard University, the State of New York, and the State of Michigan has concluded that busing is of no benefit to any students. It does not help the quality of instruction given those bused from the inner city to the suburbs, and studies clearly show detrimental consequences to those bused from the suburbs to the inner city.

I will continue to support attendance of students at their neighborhood schools, but also support equal educational opportunities for all schoolchildren wherever they live or wherever they may be required to attend their neighborhood school.

3. DRUG ABUSE

The very serious problem of drug abuse, in my judgment, is one which we will have to continue to attack from several directions. One of the first efforts, I believe, is to try to cut off at their source the entrance of drugs into the United States. We are told repeatedly that most of our heroin comes from Turkey by way of the "French connection." We must pursue this fight against drugs at the diplomatic level, in our extension of economic assistance, and by every other conceivable means to stop the entry of drugs into the United States, whether from the Middle East or from Central and South America or from Mexico.

The President on March 14, along with his message on law enforcement, made certain proposals on drug abuse prevention. He pointed out that money alone will not solve all of our drug problems in this country. I agree. It is a matter of education as well as control of supply. Moreover, it has been quite appropriately suggested that there must be a greater control over the volume of what is called legal drugs in this country, which have of late been used excessively and illegally. For my part I regard drug abuse as public enemy No. 1. Drugs do the worst damage to our young people. Use of drugs leads to lawlessness, violence, and in many sorrowful cases, to early death. Funds have been increased from $82 million in 1969 to a proposed $785 million in 1974, or nearly 10 times the 1969 amount. In 1972 a new agency, DALE, or the Office of Drug Abuse Law Enforcement, was set up within the Department of Justice.

I am in accord with and will support the President in his call for the enactment of a new Drug Trafficking Act to contain severe sentences for heroin and morphine offenses. I will continue to be opposed to legalizing the sale or use of marihuana. There is no question that marihuana is dangerous. The only question is how dangerous.

4. CRIME IN THE STREETS

For a long while major public opinion polls have shown that Americans consider lawlessness to be one of the Nation's top domestic problems. I have always strongly supported the Law Enforcement Assistance Administration and its annual funding. I shall continue to do so. LEAA's efforts should be expanded. I believe that money spent on LEAA should be considered as an investment in justice and safety on our streets, an investment which has already yielded encouraging dividends.

The President pointed out in his March 14 message on law enforcement that the Criminal Code was in need of reform. I intend to support most if not all of his proposals. I have especially noted the innovation concerning the elimination of "insanity" as a defense. The reform of the Federal Criminal Code will, of course, require detailed consideration. One thing I firmly believe to be needed is better parole supervision in order that every hardened criminal will receive stricter supervision following his release. Of course, the Federal Government cannot do everything to control crime in the streets and carry the entire load of law enforcement. But it can enact legislation to provide better tools to State and local law enforcement officers in the never-ending fight against crime.

5. WELFARE

The question on the opinion ballot on welfare centered on whether the Government should require persons on welfare to work. Such catch phrases as "workfare" were used instead of the expression "welfare." For my part I firmly believe that welfare should be limited to help for those who are unable to work and support themselves. Welfare should not be a giveaway program or a free ride for any individual when he or she refuses to do a day's work. Every able-bodied person on welfare should be required to accept such work as may be offered, or face being cut off the rolls.

Of course, I do not include those Americans who are physically unable to work, or those who have young children that require constant attention. Who can forget that during the days of the great depression, roads were built, productive programs were established, and when no other jobs were available people were put to work on certain engineering projects that proved to have a lasting value? We should consider programs of this kind today instead of pure welfare handouts with nothing returned to the public in the way of public benefits from these expenditures.

There is a difference between productive projects and make-work-for-work's-sake. On the other hand, there is no reason that work required of welfare recipients should somehow be considered immoral, or to perpetuate the myth that welfare recipents become mentally depressed due to the menial jobs they may be required to perform. Anyone can do a good job if they try, and become interested in it if they have the will to, no matter what the work assignment may be.

6. PRAYER IN SCHOOLS

I was encouraged that the Write Your Congressman Club included a question on prayer in public schools. In the last Congress I supported the constitutional amendment by the gentleman from Ohio. We did not prevail, but that does not lessen my support of the right of our young people to a few moments of voluntary prayer each day.

I emphasize that prayer in our public schools must be voluntary. The period of time set aside in public schools need not be called a prayer period, but perhaps a period of meditation. A few moments of silent meditation does not constitute religious instruction. I can understand those who fear that a particular prayer or religious instruction by some one denomination might be imposed in the public schools. That will never happen. Public opinion would prevent any such effort. I remain convinced, however, that the door must not be closed to prayer, provided it is voluntary, or to a period of meditation, or silent prayer.

7. AMNESTY

I cannot at this time support the concept of amnesty for either draft dodgers or deserters. These young men certainly knew the consequences of their acts. They knew that sooner or later they would have to answer for their misconduct. Somehow I feel more generous toward those who were conscientious objectors. Many of them did perform a noncombat service to their country.

To grant general amnesty at this time, in my judgment, would amount to the greatest possible disrespect to those young men who gave their lives or suffered injuries for their country. I suppose there are no veterans of Vietnam who can say they enjoyed serving there. I think most of them served as a matter of patriotism and duty to their country. Those who left their country should not expect to be pardoned now for their sins.

In my judgment, one of the worst consequences of amnesty is the dangerous precedent it sets. We are out of Vietnam now, but we have no assurance there will be no future conflicts that might require some form of compulsory military duty. If we pardon all deserters and draft dodgers at this time, it becomes an announcement that in the future any young man can choose to leave his country with a degree of assurance that he will not have to suffer the consequences of his conduct. It means that there may be no penalty in the years ahead for refusal to serve one's country. Amnesty for draft dodgers and deserters will set a very dangerous precedent, that would impair our military requirements in the future.

RESOLUTION TO END WAR IN VIETNAM

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am introducing today, with 66 cosponsors, a joint resolution reading as follows:

RESOLUTION TO END THE WAR IN INDOCHINA

Resolved, That no funds heretofore or hereafter appropriated shall be expended for the conduct by United States forces of bombing missions or other combat operations in or over or from off the shores of Indochina, including Cambodia, Laos, the Republic of Vietnam and the Democratic Republic of Vietnam, without prior, specific authorization by Congress.

This resolution is essentially an updating of H.R. 3349, the House version of the Church-Case bill in the Senate, of which I had the honor to be the principal House sponsor. This updated version is an improvement in that it reflects the fact that the American prisoners of war have now been released and also in that it clearly would prohibit the continuation of bombing in Cambodia and Laos as well as a resumption of the bombing in North Vietnam.

I am delighted that Chairman NIX of the House Subcommittee on Asian and Pacific Affairs is a cosponsor of this joint resolution, and that he has scheduled hearings on legislation of this type for

shortly after the Easter recess. By virtue of the joint resolution we are introducing today, the subcommittee will have before it a simple one-sentence resolution which if enacted into law would effectively cut off funds for continued U.S. participation in hostilities in Indochina.

It is not my intention that the introduction of this legislation should preclude other efforts that may be made to stop the war in Indochina by amending other legislation. On the contrary, if we in the Congress mean what we say about restoring the constitutional prerogatives of the Congress and ending a Presidential war that has no constitutional or statutory basis, it is essential that we should seize every opportunity to restrain the President from continuing a war solely on the basis of his own say-so. Hopefully, the supplemental appropriation bill which will come before the House soon after the Easter recess will afford such an opportunity.

It is also important, however, that a straightforward joint resolution be introduced and considered at hearings. If other efforts to stop the war fall short, then a concerted drive should be mounted to bring this legislation to the floor of the House for a vote. The American people will then be able to judge whether the Congress is in fact prepared to live up to its responsibilities.

AMENDMENT TO S. 502

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, in accord with paragraph 6 of rule XXIII of the Rules of the House of Representatives, I wish to notify the House that I intend to offer the following amendment at the appropriate time during consideration of S. 502, the "Federal Aid Highway Act of 1973", as reported by the House Public Works Committee:

AMENDMENT OFFERED BY MR. BINGHAM

On page 111, strike line 1 and all that follows down through and including the material that appears immediately following line 14 on page 112, and renumber succeeding sections accordingly.

NATIONAL LIVING INCOME PROGRAM ACT OF 1973

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter notwithstanding that the cost including extraneous matter will be $510.)

Mr. BINGHAM. Mr. Speaker, few national problems are the object of so much political rhetoric and so little action as the problem of welfare. Over the years, candidates for public office have succeeded in inflaming the emotions, fears, and passions of the people against the institution of welfare, and against its unfortunate victims. Yet few viable solutions to this national malaise have been offered, and little concrete discussion is likely for the 93d Congress. Nevertheless, we will continue to be barraged with incessant haranguing.

In the last Congress, the House approved a modest but significant family assistance plan which carried the support of the present administration. Earlier, the President had declared reform of the bureaucratic, inefficient, degrading, and cost-burdensome welfare system to be "White House priority No. 1." Former HEW Secretary Elliot L. Richardson was reported to have commented after a House-Senate conference committee deleted the family assistance provisions from H.R. 1 on October 14, 1972, that the cause of welfare reform would be delayed another 5 years.

Mr. Speaker, congressional consideration of legislation to overhaul this most unsatisfactory welfare system cannot be laid aside for another 5 years. Our Nation cannot long remain economically and morally solvent with more than 15 million people tied to a system that humbles their initiative and incentive, breaks up their families, bankrupts our cities, weakens our national purpose, pits citizen against citizen, poor against middle class, black against white, and poor against poor. To call welfare recipients "chiselers" or "free-loaders" gains us nothing and fails to recognize the fundamental question. That fundamental question is "How do such conditions exist in a Nation with a gross national product of more than a trillion dollars and the highest per capita income in the world?"

I have noted recent books and studies by some of our most distinguished academicians who suggest that maybe it is not possible or plausible for Americans to continue to hold to the "romantic" notion that equality of opportunity and equality under the law can be achieved. Well, Mr. Speaker, I am not prepared to surrender to such cynicism, nor will I attempt to redefine what have been our national goals and principles for nearly 2 centuries in order to justify our own limitations and feeble mistakes.

During the past several years, the approach of Federal, State, and local governments to welfare programs has been a patchwork quilt of policies weak in coordination and efficiency. Even with the best of intentions, those in command have seen their efforts become little more than a holding action against a flood of difficulties which will not end.

In a time of economic inflation, our cities have become virtually bankrupt and lack the resources to resolve what is essentially a national problem. In this crisis of welfare lies a challenge to the Federal Government. That challenge is, simply, to provide the direction and strength to create for each American the best conditions in which to live and develop and to become a fully contributing member of our society. The existing welfare programs have not succeeded. Poverty continues as an abject sore with little prospect for improvement under the present approach.

To provide a basic framework so that Congress can again actively consider the possible direction the Federal Government should take legislatively, I am introducing today a bill titled "The National Living Income Program Act of 1973." This bill is similar to legislation I cosponsored in 1969 with Congressman WHALEN and CONYERS. The outline of the measure was drafted in 1969 by the editors of the Yale Law Journal under the direction of Prof. James Tobin, the noted economist. I hope that this proposal may serve as the basis—the beginning point—or renewed congressional discussions of what can be done to come to grips with the grievous blight of poverty.

The NLIP is similar to the family assistance plan contained in H.R. 1 of the 92d Congress in that it represents a radical departure from the present welfare system, particularly the aid to families with dependent children program, which clearly has become totally unsatisfactory. This plan, like the family assistance plan, contains built-in incentives for work and provides supplemental allowances, where needed, to an employed head of a family.

However, the legislation I am introducing today differs sharply from the family assistance plan in the following areas:

First. The minimum allowances reflect the realities of what it costs to live today and therefore are substantially more generous. The basic allowance for a family of four is $4,200, the current poverty line or "threshold at the low-income level" as determined by the Census Bureau. The corresponding figure under the FAP was $2,400.

Second. The NLIP provides for regional cost-of-living differentials, which the family assistance plan did not.

Third. My plan provides that the Federal Government match, on a 50–50 basis, supplementary allowances which individual States may decide to institute. There was no such provision under the FAP.

Fourth. Unlike the FAP, the NLIP covers individuals, childless couples, and couples with grown children, as well as families.

Another unique aspect of the national living income program is that it not only aims to eliminate poverty and provide work incentives, but also to encourage stable family structures, to protect the rights and dignity of the recipients, and to do all this without impossible administrative burdens.

Recipients of benefits would have their payments reduced by an amount equal to one-half of any income they receive. For example, a hypothetical family of four—two adults, two children—would be eligible for a $4,200 basic allowance. With no earnings or income, the family could keep the entire amount. However, if one member of the family earned $3,000 during the year, half that amount—$1,500—would be subtracted from its basic $4,200 entitlement. Thus, it would retain the earned $3,000 plus its adjusted entitlement—$2,700—for a total of $5,700. The family would have substantial incentive to work; in effect, the family woulld be allowed to keep half of what it makes.

The amount of the basic allowance would be as follows: For one adult alone, $1,600; for one adult and one child, $2,400; for two adults, $2,600; for two adults and one child, $3,400; for two adults and two children, $4,200. Each additional

child would increase the entitlement by $800. These benefits would be supplemented from time to time by regional cost-of-living allowances and also by such additional payments as the States might care to make, on a 50–50 matching basis.

An obvious question is that of cost. A precise estimate of the overall expense is extremely difficult. I have requested that the Assistant Commissioner for Research and Statistics in the Social Security Administration develop a thorough cost analysis of this legislation at the earliest possible date.

I recognize that the goal of a comprehensive and adequate program cannot be achieved overnight. The failure of Congress to enact the family assistance plan last year indicates this difficulty. I must reaffirm, however, that this legislation is being offered as a vehicle for the development of an effective and realistic program that will attack the problem directly. It also reemphasizes dramatically the need for sharp reductions in our military and defense-related expenditures, and the enactment of concrete tax reform measures, if we are to be able to cope adequately with our domestic problems.

What follows is a table comparing the benefits of my national living income program with those of the family assistance plan as passed by the House in 1972, and a section-by-section summary of the legislation I am introducing today:

COMPARISON OF NATIONAL LIVING INCOME PROGRAM WITH THE FAMILY ASSISTANCE PLAN

	Family assistance plan, H.R. 1—92d Cong.		National living income program, 1973		
Col. 1: earnings	Col. 2: new benefit	Col. 3: total income	Col. 4: Net income suppl. transfer	Col. 5: total income	Difference in benefits (Cols. 4–2); in income (cols. 5–3)
0	$2,400	$2,400	$4,200	$4,200	$1,800
$500	2,400	2,900	3,950	4,450	1,550
1,000	2,213	3,213	3,700	4,700	1,487
1,500	1,880	3,380	3,450	4,950	1,570
2,000	1,547	3,547	3,200	5,200	1,653
2,500	1,213	3,713	2,950	5,450	1,737
3,000	880	3,880	2,700	5,700	1,820
3,500	547	4,047	2,450	5,950	1,903
4,000	213	4,213	2,200	6,200	1,987
5,000	0	5,000	1,700	6,700	1,700
6,000	0	6,000	1,200	7,200	1,200
7,000	0	7,000	700	7,700	700
8,000	0	8,000	200	8,200	200

Note: Calculations based on a hypothetical family of 4—2 adults, 2 children.

OUTLINE OF NATIONAL INCOME PROGRAM ACT OF 1973

Section 1—Title: National Living Income Program Act of 1973.

Section 2—Declaration of Intent.

(a) Findings.

1. Congress declares that general welfare and security of nation, and the health and happiness of its people, require that all families have adequate incomes.

2. Congress finds present welfare programs cannot assure all Americans freedom from want and that legislation is needed which provides everyone a decent standard of living while preserving individual liberties.

(b) Objectives and policy of this Act.

1. to entitle all families to an income supplement.

2. to recognize and protect the personal dignity and legal rights of recipients.

3. to leave recipients free to dispose of benefits as they deem proper.

4. to encourage the productive employment of recipients by allowing them to retain a substantial portion of earned and other income.

Section 3—Election of Income Supplement.

(a) Time and manner of election.

1. by filing a return at the end of the supplement period as provided in section 8(a) of this Act.

2. by filing a request for semimonthly payments at any time during the family unit's supplemental period or during the two months preceding such period as provided in section 8(d) of this Act.

(b) Effective period of election—for only one supplemental period.

Section 4—Family Unit Income Supplement.

(a) General rule—income supplement equal to unit's adjusted supplement (determined by subsection (b) less special tax imposed by section 6).

(b) Adjusted supplement.

1. base supplement (determined under subsection (c)) multiplied by the low income consumer price index for such family unit (determined under subsection (d)) plus any state supplement provided.

(c) Base supplement.

1. per year: $1,600 for the first claimant, $1,000 for the second claimant, $800 for each dependent.

2. short periods or dependents in family unit for less than a supplemental period—on percentage of yearly rate.

(d) Low income consumer price index.

1. the price index determined under paragraph (3) for the 12-month period ending on September 30 of the calendar year preceding the calendar year in which the supplemental period begins, and for the area in which the family unit resides.

2. 15 days residency.

3. Bureau of Labor Statistics shall compile and price annual family budgets for all consumer goods and services necessary to a minimum adequate standard of living, including but not limited to diet, housing, transportation, house furnishings, clothing, personal care, regular medical and dental services, recreation, entertainment, education and personal communication—regional and urban/rural differences also are to be considered.

(e) Determining Minimum Adequate Standard of Living.

1. BLS within one year after enactment of Act and at least every five years thereafter, shall provide reports on annual family budgets and submit the report to Congress.

2. ten days after report submitted, the Secretary of Labor shall cause it to be published in the Federal Register.

3. within sixty days, the Secretary of the Treasury shall transmit to Congress recommendations for amending income supplements to reflect the findings of the BLS.

Section 5—Optional State Supplementation.

(a) State election of increased income supplements.

1. additional income supplements, amount determined by state legislatures, must be provided for *all* family units within the state. Supplement must be increased by the same proportion for all.

(b) Residency—15 days.

(c) State sharing of additional costs.

1. state shall pay each year one-half the cost of such increase into the federal treasury at time and in manner designated by the Secretary.

(d) Period of election—60 days after Secretary receives notice of election or on later date as specified in notice, until the state revokes, terminates or modifies it.

(e) Other sections applicable.

1. program shall operate in electing States exactly as it operates in nonelecting States.

Section 6—Special Tax—Fifty Percent.

Section 7—Supplement Period.

(a) General rule.

1. family unit's supplement period is taxable year of the claimant or claimants under the provisions of section 441(b) of the Internal Revenue Code.

2. if claimants have differing taxable years either may be used unless Secretary requires otherwise.

Section 8—Annual and Semimonthly Payments.

(a) and (b) General.

1. unit shall file a return at the local or district office of the Bureau of Income Maintenance, whether by mail or in person, on or before the 15th day of the fourth month following the close of the supplemental period for which the return is made.

2. within 30 days Secretary shall provide payment of income supplement due.

(c) through (k) Semimonthly payments.

1. election of such a payment is a matter of right.

2. election may take place at any time; it must be in writing signed by all claimants in the family unit; it must be filed at local office of Bureau of Income Maintenance by mail or in person.

3. election shall be approved and implemented by the Secretary within seven days of the date of filing unless claimants request later date.

4. payments made on first and fifteenth of each month—each payment 1/24.

5. changes in family unit must be told to Secretary within 30 days; such notice will terminate semimonthly payments; unit may file new election for semimonthly payments.

6. termination of semimonthly payments.

a. by request of family unit.

b. by the Secretary, if he finds election is improper on its face, but hearings must be held and findings reviewed by appeals board before termination.

c. unit is liable for payments to which it was not entitled.

7. family unit must submit estimate of income upon election and within 30 days of end of each succeeding quarter and must indicate whether income may increase or decrease by ten percent or more; Secretary shall include the increase or decrease in the declared amount.

8. Secretary withholds from each semimonthly payment a tax equal to 1/12 of the estimated quarterly available income.

9. underpayments may be deducted from future semimonthly payments but not in excess of ten percent of such payment.

Section 9—Family Unit Defined.

(a) General: unit consists of at least one claimant, and not more than two claimants, plus any dependents to which claimant or claimants, individually or jointly, are entitled (if dependent is 16 or older, he must agree in writing to be claimed as a dependent).

(b) Claimants.

1. U.S. citizen or resident aliens, 21 or older.

2. any person 19 or 20 who maintains a domicile separate from his parents or guardian and does not receive more than half his support from them, and is not a student within the meaning of IR Code, Section 151 (e)(4).

3. any married person under 21 provided he and spouse maintain a common domicile.

(c) Dependent (U.S. citizen or resident alien).

1. son or daughter or any person for whom claimant is legal guardian provided (1) claimant provides significant portion of support, (2) dependent lives with claimant, (3) or dependent is student.

2. claimant must substantiate evidence of dependency.

(d) Required family units—those who must file as unit.

1. husband and wife who are not informally or legally separated or divorced.

2. man and woman, domiciled together, and common parents of at least one child.

(e) "informal separation."

1. if have not lived together for 30 consecutive days.

2. if separate residences are maintained.

3. one of spouses files affidavit with Secretary swearing above and stating intention to remain separated.

(f) Determination of dependency—by laws of state; if one claimant refuses to support dependent, money for that dependent will go only to other claimant.

(g) no person can be claimed as member of more than one family unit.

Section 10—Computation of Available Income of the Family Unit.

Sum of the available incomes of all family unit members during such part of that period as they are claimed as members of the family unit.

Section 11—Determination of Available Income of Persons.

(a) General: available income means adjusted gross income (section 62, IP Code).

(b) Includable in adjusted gross income.

1. all annuity, pension, or retirement benefit payments (including railroad retirement and veterans benefits).

2. amount or value of prizes and awards.

3. proceeds of life insurance policy in excess of amount equal to premiums paid personally by beneficiary or spouse.

4. gifts, support, alimony, and inheritances (in excess of $50 a year total) except gift or support payment or other transfer received from member of same unit, or from private charity, and except property inherited from deceased spouse.

5. interest on all government obligations.

6. amounts received in form of damages, insurance payments, workmen's compensation or in any form as (1) compensation for physical, mental, or any other personal injuries or sickness, (2) wage or income continuation, or (3) medical expenses.

7. rental value of parsonages.

8. quarters or subsistence allowance, gratuity pay, and combat and mustering out payments to members of Armed Forces.

9. all dividends, scholarships or fellowships.

10. amount equal to reduction in living expenses that occurs by employer supplying meals or lodging at less than their fair market value.

11. amount of current or accumulated income that could, within the discretion of any person with a nonadverse intereest, be paid to an individual from a trust or estate of which he is a designated beneficiary, except that any such amount not exceeding $3,000 and in fact paid to some other person shall not be included.

12. all amounts deductible under section 1202 of IR Code.

13. unemployment compensation, excluding payments made under section 407 of the Social Security Act (Title 4).

14. strike benefits.

15. Social Security benefits under Titles II and XVIII (excluding Titles I, IV, XIV, XVI, and XIX) and payments from government programs where financial need is essential prerequisite for award.

16. foreign source income excludable under IR Sections 893–94, 911–12, 931, 943.

17. loans from Commodity Credit Corporation.

18. deductions under sections 173, 175, 180, 182, 263(c), 615, and 616 of the IR Code.

19. imputed income and capital utilization income (sections 12 and 13 of this Act).

(c) Deductions—adjusted gross income reduced by—

1. medical expenses within meaning of IR Code, section 213(e) except.

a. deduction not applicable to expenses compensated for by insurance or otherwise where such compensation has been excluded from available income.

b. deduction only to extent that total medical expenses of unit exceeds $25 for each person.

2. alimony, separate maintenance, and support payments.

3. gift to member of another unit if signed statement from donee.

4. deductions under section 162 and 212 of IR Code plus the cost, in excess of $10 per month, of all transportation to and from work.

5. deductions under IR Code section 214 (in applying section 214 any dependent (within the meaning of section 9 of this Act) shall be "a person with respect to whom the taxpayer is entitled to an exemption under section 151(e)(1)" for purposes of section 214(d)(1)).

6. deductions under section 404 IR Code.

7. twice the amount of taxes imposed by IR Code, Subtitle A, including amounts paid pursuant to chapter 24 of IR Code, less twice amount of credits allowed against such taxes by sections 33, 35, 37, 38 IR Code, except maximum deduction allowable to unit under this section may not exceed supplement.

8. employee contributions under Social Security and Railroad Retirement.

(d) Losses may be deducted under sections 165 and 172 of IR Code—except.

1. deduction for losses from sales or exchanges of capital assets only to the extent of gains—no deduction for capital losses unless during time supplement received was in excess of the special tax liability.

2. section 172 IR Code—"Net Operating Loss"—definition for purpose of this Act shall mean the excess of deductions allowed by this Act over the income obtained by the operation of Section 11(b) on adjusted gross income.

3. no carryover or carryback of net operating loss shall be allowed unless during time in which individual was receiving supplement in excess of the special tax liability.

4. no loss deducted under IR provisions during time person not a member of a unit receiving supplement in excess of special tax liability.

(e) Depreciation and depletion allowed under sections 167 and 611, IR Code, but not those under section 613.

(f) Other deductions not specifically allowed by this section are disallowed.

(g) Subchapter S Corporations—any amount attributed to the available income of a member of the unit by operation of section 1373 IR Code shall be increased by an amount proportional to the amount by which the taxable income of the electing corporation would be increased if computed under this section.

Section 12—Imputed Income.

(a) general: available income includes.

1. an amount equal to five percent of the fair market value, at the close of the supplemental period, of the gross available capital, less the amount of any income derived from any interest included within the gross available capital to the extent that:

a. such income is otherwise within available income.

b. such income does not exceed five percent of the value of the such interest from which the income is derived.

2. retail market value of food grown by a person or some member of unit and consumed by such person minus the costs not otherwise deducted of producing such food.

(b) "gross available Capital" defined.

1. gross capital, minus an exemption for clothing, furniture, automobiles, and other personal effects not used in a trade or business, the exemption not to exceed $1,500 for a claimant or $500 for a dependent; provided that the unused amount of an individual's exemption may be used by any other member of the unit.

(c) "gross capital" defined.

1. all property, real or personal, tangible or intangible, wherever situated, but excluding pensions and annuities, to the extent of any interest of the person therein. The value of any interest in any property shall be diminished by the amount of any mortgage or indebtedness in respect to such property, to the extent that interest or other payments arising out of the mortgage or indebtedness have been deducted in the computation of available income.

Section 13—Capital Utilization Income.

(a) general: available income includes an amount equal to 30 percent of the fair market value computed at the close of the supplement period of the person's net available capital.

(b) net available capital defined—gross available capital minus.

1. any mortgage or indebtedness in respect to the property.

2. any other indebtedness not otherwise deducted.

3. difference between the current fair market value of principal residence of unit and the maximum amount for which such property commercially could be mortgaged if it were otherwise unencumbered.

4. an exemption of $5,000 for a claimant or $3,000 for a dependent.

5. an additional exemption, not to exceed $5,000 for a claimant for property used in a trade or business.

6. an additional exemption of $5,000 for claimant provided that such claimant be age 60 or over and provided that there be only one such exemption for each family unit.

Section 14—Basis.

(a) general: adjusted basis for determining the gain or loss from the sale or other disposition of property as defined in Section 1011, IRS Code.

(b) exceptions: adjusted basis of any property (other than cash) used in trade or business held for production of income, shall be increased by:

1. the amount of income attributed to the property (Section 12) and included within available income, less the amount of income includable within adjusted gross income as defined by Section 62, IRS Code.

2. the amount of any deduction with respect to property disallowed in computing available income to the extent that such deduction would result in a reduction of the adjusted basis of the property under Section 1016, IRS Code.

Section 15—Valuation.

(a) General: Secretary of Treasury or his delegate shall prescribe all rules and regulations for valuation of interest under this Act.

1. when fair market value not readily ascertainable, Secretary or his delegate shall prescribe methods for approximating the value.

2. Secretary or taxpayer may establish greater or lesser value—burden of proof on person claiming differing value.

(b) Jointly held property shall be treated as if owned in separate, proportional shares.

(c) Interests subject to a contingency or condition, which may not otherwise be valued, shall be valued as if contingency did not exist unless—

1. it is real and substantial.

2. it does not depend upon a power exercisable by person who is a member of the same unit or who does not have an adverse interest.

3. failure of interest would not result in interest passing beneficially to another member of the unit.

Section 16—Methods of Accounting.

(a) General.

1. as in computing income tax liability.

2. if methods of two claimants differ, claimant's method whose taxable year is used as basis for unit's supplement period.

3. if no method, Secretary or his delegate

may choose one which clearly reflects income.

(b) Special rule: Where an item of income or deduction may not be properly attributed to a specific period of time, such item of income or deduction shall be deemed to accrue ratably during the calendar year.

(c) Secretary or his delegate may apportion items (income, deductions or credits) among individuals if he determines such apportionment is necessary in order to prevent evasion of taxes or clearly to reflect the income of such individuals for accounting purposes.

Section 17—Assignment and Taxation Prohibited.

(a) Supplement payments shall not be assignable or taxable.

(b) Supplement payments are exempt from claim of creditors and from attachment or levy or from seizure by or under any legal or equitable process before receipt by beneficiary—except claims of the U.S.

Section 18—Records and Returns.

Every claimant in unit shall keep records, render statements and make such returns as required by this Act. Disclosure provisions subject to review provisions of section 19 of this Act.

Section 19—Procedural Rights and Review.

(a) Secretary shall make all rules and regulations which will be reviewable in federal court of competent jurisdiction—hearings as prescribed by Chapter II of the U.S. Code except as modified by this section.

(b) Recipient organization.

1. it have more than 50 people in membership receiving benefits under the Act, entitled to receive proposed rules and regulations from the Secretary when they are published in the Federal Register.

2. have standing to participate in public hearings on rules and regulations and to challenge any proposals in federal court.

(c) Bureau shall publicize benefits of Act and apprise persons of rights to benefits and due process.

(d) "due process" hearing.

1. upon request in writing, opportunity for hearing before examiner to be afforded by Secretary or his delegate with respect to denying, withholding or modifying supplement.

2. shall take place prior to effective date of denial, withholding or modification, unless all individuals agree in writing for later date.

3. open to public unless aggrieved individual requests in writing a closed one.

4. all aggrieved individuals shall be entitled to representation by counsel, to present evidence in own behalf, to know evidence against them and to challenge reasonableness of rules, regulations, and practices adopted pursuant to this Act and as applied to his case.

5. upon conclusion of hearing, Secretary or delegate shall make findings of fact and issue written decision.

(e) Right of administrative appeal.

1. Board of Appeals—established by Secretary to review findings, rulings, and decisions of trial examiner and publish its decisions and state reasons therefor.

2. Secretary bound by ruling unless judicial review sought.

3. decision effective when rendered.

(f) Judicial review.

1. decisions of Secretary or delegate reviewable in U.S. district court regardless of amount involved in controversy.

(g) Paid expenses.

1. reasonable expenses in hearing or judicial review.

2. district court may disallow any or all expenses if it finds a party or his attorney acted frivolously or in bad faith.

(h) Complaint review board.

1. to review any complaint that a Bureau employee is not performing his functions properly or is not following properly issued regulations.

2. Board shall report findings in writing to person or organization making the complaint within 60 days.

3. if employee found guilty of willful or grossly negligent disregard of rights of any person under this Act and regulations issued pursuant to it, Secretary or delegate shall conduct a hearing on the charge.

4. if hearing sustains findings of Board, Secretary shall take disciplinary action, not excluding discharge or suspension without pay, as he deems proper and as authorized by Civil Service laws.

(i) All records of Bureau confidential except claimant shall have access to his own file by submitting written request (IRS may have access to records).

(j) Investigations.

1. Secretary or delegate may not conduct invesetigations with respect to more than five percent, randomly selected, of all units.

2. except—Secretary or delegate may investigate whenever probable cause exists to believe a unit is not entitled to receive benefits and except limitations shall not apply to routine investigations undertaken in conjunction with hearings.

Section 20—Application of Income Supplement Laws.

(a) Powers and duties of Secretary.

1. the administration and enforcement of Act.

(b) Bureau of Income Maintenance.

1. within Department of the Treasury.

2. Commissioner, head of Bureau, to be appointed by President, by and with consent of Senate; serves at pleasure of President.

(c) Appointment—by Secretary or delegate—or personnel. Secretary or delegate shall issue all necessary directions and rules applicable to such persons.

(d) Regulations—all necessary for administration and enforcement of Act—to be issued by Secretary or delegate.

Section 21—Definitions.

1. "Secretary"—Secretary of the Treasury.

2. "Secretary or his delegate"—as under definition contained in IRS Code, section 7701(a)(12)(A).

Section 22—Amendments.

1. exemption of income supplement, section 124 IRS Code.

2. income averaging, section 1303 IRS Code "individual not eligible if at any time during the year or base period, he was claimant under the "National Living Income Act of 1969".

Section 23—Effective Date.

Benefits may be paid under this Act with respect to supplemental periods beginning on or after the first day of the first calendar year which begins more than 180 days after the date of enactment of this Act.

THE REPUBLIC OF CHINA IS A VIABLE FORCE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is worth noting that the Government and people of the Republic of China are successfully withstanding the diplomatic buffeting they are receiving as the result of overtures to Communist China by other nations.

The United States retains its ties with the Republic of China, yet we have contributed to the problems of free China by our own flirtation with Communist China.

When the Republic of China was summarily dismissed from the United Nations a year and a half ago, some people said this was the beginning of the end for that valiant government. They said it was only a matter of time before foreign investment would dry up in Taiwan and economic disaster would prove the forerunner of a Communist takeover.

This is not the case, Mr. Speaker. Today, the economic status of Taiwan is sounder than ever. Exports and imports are expected to reach $5.5 billion this year, outstripping the trade generated by Communist China with 50 times more people. Per capita income is nearing $500 a year, several times that of Communist China. Foreign investments continue to pour into the nation as do businesses and technicians from other countries. United States and Japanese trade and industry participation are in the forefront.

Equally impressive is the fact that Taiwan does not now and has not since 1965, been on the receiving end of U.S. foreign aid. In fact, The Republic of China is a donor of foreign assistance to several nations. They have been prominent in help with disaster relief as in the recent case of the Philippine floods.

The nation itself is larger in population than 100 nations of the world. It ranks 12th among the trading partners of the United States. It is a nation laced with modern highways, served by major airlines, its ports filled with ships from every corner of the globe. This doughty and dependable country shows a sense of vitality evidenced by the construction boom—which reveals the courage and optimision of its people and government.

There are some, even in our own country who are willing to have us turn our backs on Taiwan. But I believe those here and elsewhere who would sacrifice free China reckon without the spirit of that island nation. The government and the people on Taiwan are not ours to give away. They are a free people and they will exercise that freedom and defend it to the end before they will submit to being used as a pawn in the diplomatic chess game now underway with Communist China.

The time may soon come, when the Congress will be faced with a critical decision concering the future of free China. We should not be dazzled by the Communist representatives of mainland China who will be in our midst when we return from recess.

Instead there should be renewed determination on the part of the people of America that we will not forget our friends on Taiwan and that we will strengthen, rather than weaken, our ties with the people of the Republic of China.

BETTER JUDGES AND A STRONGER JUDICIARY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have today submitted for the consideration of the Congress a joint resolution proposing an amendment to the Constitution of the United States. My proposal generally relates to the procedure of appointment and tenure of Supreme Court and other Federal judges. In addition, my proposal would establish qualifica-

tions for nomination to the Supreme Court.

Specifically, section 1 of the proposed amendment would require reconfirmation by the Senate every 10 years for Supreme Court Justices and judges of certain lower Federal courts, the so-called Article III Courts. The provision would change the nature of what is now an appointment which is periodically reviewable.

Section 3 of the proposed amendment would prohibit service on any Federal bench by any judge who attains the age of 70, while providing for continued retirement compensation.

Taken together these two aspects of the proposed amendment would have the combined effect of providing for a legislative check on what is now unlimited judicial conduct. Appointment for a period of years would allow for a periodic opportunity to review a judge's performance on the bench. Reconsideration of performance and temperment are presently not available since the Senate currently has little indication of how a nominee to the Federal bench may perform in advance of confirmation.

Since the adoption of the Constitution in 1789, the general language of specific clauses of the Constitution have been judically expanded. As a result the powers of the judiciary have greatly increased beyond the intent of the framers of the Constitution who envisioned three equal and coordinate branches of government. Today the Supreme Court enters into controversies formerly considered outside their jurisdiction because the questions raised were political. Judicial legislation has forged opinions in the areas of legislative apportionment, school desegregation and abortion-areas other courts have said were political. The Constitution itself has not changed, but it has been changed by courts despite the fact that it contains what Justice Frankfurter described as—

> Constitutional . . . commands that are not enforceable by courts because they clearly fall outside the conditions and purposes that circumscribe judicial action.

The result has had the effect of preempting the constitutional prerogatives of both the executive and the legislative branches of the Government. My proposal would restrike the balance which was intended by the framers of the Constitution and return the Court to its proper function of application of the law.

The provision which would require the retirement with continued compensation would provide the mechanism which has long been advocated to insure that judges are physically and mentally capable of performing the rigors of what is quite obviously a very demanding workload. Currently, the only avenue of removal is impeachment which is not an avenue of retirement. In nearly all walks of life age seventy is regarded as a reasonable age for retirement. The judiciary should be no exception.

In addition my proposal would also require that a nominee to the Supreme Court also have a minimum of 5 years of judicial experience as the judge of a state court of record or as a judge of an "Article III Court."

The wisdom of such a requirement is obvious. A nominee would then be able to present his credentials in terms of actual judicial experience. His previous performance could be evaluated and his confirmation would add skill and ability as a judicial scholar. Currently, there are no constitutional or other requirements for appointment. Presumably, a person could be nominated even though he is not a lawyer or had no experience with the law. Some minimum requirement is desirable and I would suggest that no better requirement could be advocated than prior judicial experience.

THIRD OAS GENERAL ASSEMBLY, APRIL 4–15, 1973

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last week, as a congressional member of the U.S. delegation to the General Assembly of the Organization of American States, I reported to the House on the Assembly's activities up until April 9. Today, I would like to take time to briefly review the entire meeting which lasted from April 4 to 15 with particular emphasis on the last several days' actions.

Mr. Speaker, when the OAS General Assembly opened on April 4, 1973, the U.S. delegation recognized that while most OAS members recognized the need for cooperation, the tactics of confrontation nevertheless had become an attention-getting device in our relationship with many of the organization's members. While the opening addresses of some delegations contained elements of the confrontation approach that had characterized recent inter-American meetings, even the Chilean and Panamanian statements were noticeably less strident and the large majority of the foreign ministers' speeches reflected a serious and responsible approach to the central issues before the Assembly, the relevance of the OAS and the Inter-American system in present international circumstances.

Beginning with the President Nixon's message to the delegates and the Secretary of State's speech, the United States indicated its concerns, but made very clear that it was prepared to examine all proposals for reform and modernization of the system, and emphasized its willingness to participate loyally and fully with suggestions of its own.

Even before all of the Foreign Ministers had addressed the Plenary of the Assembly, four committees—First, juridical and political, second, economic and social, third, educational, scientific and cultural, and fourth, administrative and budgetary—had been formed and were hard at work studying the more routine proposals and programs in their respective spheres.

The plenary early in the final week transformed itself into a general committee in order to deliberate on the more important questions before the Assembly—named, the restructuring of the inter-American system and the mission and destiny of the OAS. On this central issue a resolution was approved appointing a special committee, made up of representatives of each member state, to study the matter in depth and make recommendations to the next General Assembly. The resolution was fully acceptable to the United States and had our support.

The Cuban issue was approached obliquely with a resolution presented by Colombia, Costa Rica, Ecuador and Uruguay maintaining that "ideological pluralism" is "compatible with regional solidarity." The resolution was passed after an all-night working session in which Brazil took the lead in securing modifications and a guarantee for Charter adherence. The small working group made up of the delegates from Brazil, Chile, Colombia and Uruguay debated the terms of the resolution for 6 hours availing themselves of the good offices of the principal members of the U.S. delegation, while the General Committee simultaneously continued its work. "Ideological pluralism" became "plurality of ideologies," and a paragraph was added affirming that this declaration did not supersede the terms and obligations of existing treaties included in the Charter of the Organization, thus referring to the sanctity of the provisions of the Rio Treaty under which sanctions were imposed against Cuba.

Just as there was no basic modification of the present situation with respect to sanctions against Cuba, neither did the Panama Canal question figure prominently in the discussions. Two resolutions were directed at the United States with respect to: First, intervention in internal affairs by multinational corporations, and second, the disposal of strategic stockpiles. The United States abstained on both resolutions giving a cogent explanation for the vote in each case.

On Saturday, April 14, the Assembly again met in plenary session to approve the resolutions adopted by the general committee and the other four committees and to take up questions which the committees had been unable to resolve. It continued its work until Sunday evening, April 15 when the Assembly was officially declared to be at an end.

Secretary Shultz met with the Assembly on the afternoon of April 11 for an hour's discussion on international monetary reform. His visit made a favorable impression.

Latin American media gave extensive coverage to the opening days of the General Assembly, and interest held as the debate on restructuring the OAS went on. While editorial comment has been mixed, it has been less critical of the United States and more appreciative of some residual value in the OAS than had been expected. Both President Nixon's message, most frequently headlined by Latin papers "Paternalism is Dead, says Nixon," and Secretary Rogers' speech to the OAS received front-page coverage and largely favorable comment. For example, editorial comment on the President's message praised his "courage in announcing an end to paternalism," found it an "undoubted clarification of American policy," proposing "a policy based on mutual faith and confidence."

Secretary Rogers' speech was characterized by one editorial as "a satisfactory response to all countries which desire a constructive revision of inter-American relations," while another credited the Secretary with having made "a temperate and conciliatory speech" which had "lowered tensions in the debates of the first days of the OAS General Assembly session."

Mr. Speaker, because of its importance to the future of the OAS I include at this point the text of the resolution establishing a special committee to review the organization's structure:

ESTABLISHMENT OF A SPECIAL COMMITTEE TO STUDY THE INTER-AMERICAN SYSTEM AND TO PROPOSE MEASURES FOR RESTRUCTURING IT

Whereas, At its third regular session the General Assembly has studied the topics:

"Consideration of the ultimate purpose and the mission of the Organization of American States and ways of achieving that purpose and carrying out that mission under the international circumstances existing in the world today" and

"Review of the system of inter-American cooperation for development, with a view to improving it and bringing it up to date, and thereby strengthening the action of regional solidarity in that field and avoiding acts or measures that serve unilateral positions or interests, alien to the objectives of cooperation";

The Inter-American Economic and Social Council has presented to the General Assembly the declaration adopted at its Eighth Annual Meeting (CIES/RES. 50–VIII/73), in which it sets forth considerations concerning subsequent decisions as to future action within the inter-American system of cooperation for development (AG/doc. 311/73);

There is general dissatisfaction with regard to the functioning and results of the inter-American system, and several member states have stated that the restructuring or general reform of the inter-American system is urgent and necessary, and have presented proposals, suggestions and observations to properly orient the political, economic, social and cultural relations among the member states of the inter-American system on the basis of respect for the principles of juridical equality of states, self-determination, nonintervention, and recognition of the plurality of political, economic and social systems;

The inter-American system must be equipped to serve and cooperate with the member states to effect the changes they adopt, of their sovereign will, in their internal social and economic structures;

The inter-American system also must be organized to facilitate and promote an international social justice that will take suitable account of the differing levels of development among nations as a necessary precondition to hemisphere peace and security;

The peoples of America demand respect for and effective application of the fundamental principles of the inter-American system, and condemn and repudiate all actions tending to create or to consolidate situations of dependency and subordination, or to threaten their sovereign rights, and;

It is among the principal powers of the General Assembly to consider any matter relating to friendly relations among the American states;

The General Assembly, Resolves:

1. To create a Special Committee composed of representatives appointed by each member state, taking into account the principles and purposes of the inter-American system and of the Charter of the Organization; this Special Committee shall conduct a comprehensive critical study, analysis, and evaluation of the philosophy, instruments, structure, and functioning of the inter-American system and propose its restructing and the necessary reforms and measures to enable it to respond adequately to the new political, economic, social, and cultural situations in all the member states, and to hemisphere and world conditions. The Special Committee shall be guided in its work by the need to secure just terms to provide security for the free and comprehensive development of each of the member states.

2. That, to carry out its work, the Special Committee shall take into account all elements that it considers pertinent, and among others the following:

(i) The statements made by the heads of delegations at the third regular session, the working document presented by Venezuela (AG/doc.363/73), and the pertinent documentation of the General Assembly;

(ii) the statements, observations, recommendations, and proposals that the governments of member states have made or will make;

(iii) the observations of the Permanent Council, the Secretary General of the Organization, the Chairman of the Inter-American Committee on the Alliance for Progress (CIAP), and the Chairman of the Permanent Executive Committee of the Inter-American Council for Education, Science, and Culture (CEPCIECC), and also the observations, statements, and proposals that have been or will be made by the other organs, agencies, and entities of the inter-American system, especially the Declaration of the CIES concerning subsequent decisions as to future action within the inter-American system of cooperation for development (CIES/RES. 50 (VIII–73)) and the recommendations that the Inter-American Economic and Social Council adopts at its meeting in September 1973, in accordance with resolution CIES/51 (VIII–73);

(iv) the studies, reports, resolutions, and recommendations of organs and agencies of the United Nations, CECLA, and the organizations for Latin American integration dealing with inter-American political, economic, social and cultural relations, especially as regards systems for financing, foreign investment, trade, and transfer of technology.

3. That the organs, subsidiary agencies and other bodies of the Organization shall provide any cooperation requested by the Special Committee for the better fulfillment of its purposes.

4. The Special Committee shall meet in a capital or city of any of the member states.

Considering all offers the member states may make, the Preparatory Committee of the General Assembly shall determine the place and date of the first session of the Special Committee. If more than one offer is made, the decision shall be made by lot.

If no offer is made within a reasonable time, or if for any reason the Special Committee cannot meet in the place selected, the headquarters of the Organization shall be the meeting place.

The Special Committee shall determine the place or places of its future meetings.

Except as provided in the second paragraph of this section, all decisions regarding the places of the meetings of the Special Committee shall be adopted by a two-thirds vote of the member states.

5. The Preparatory Committee of the General Assembly shall prepare draft rules of procedure for the Special Committee and take responsibility for the available material referred to in paragraph 2, and for gathering and compiling all suggestions and proposals that the Governments of the member states have presented or may present with regard to topics 9 and 10 of the agenda of the third regular session of the General Assembly, or to this resolution.

6. The General Secretariat of the Organization shall provide the Special Committee with any secretarial services it may request and all necessary help in performing its duties.

7. The Special Committee shall submit to the governments of the member states periodic reports on the progress of its work, and a general report no later than November 30, 1973.

8. The Special Committee shall approve its own rules of procedure, work methods, and schedule of activities.

9. The Preparatory Committee of the General Assembly shall include on the agenda of the fourth regular session a topic calling for consideration of this matter.

10. In accordance with the standards in Force, the pertinent organs shall provide the funds needed by the Special Committee to carry out its functions.

THE PRESIDENT'S ENERGY MESSAGE

(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, this morning I had the benefit of a White House briefing on the President's energy message to the Congress. In addition I have since had the opportunity to scan the full text of the message. I am not prepared, however, at this time to comment on all aspects of the message. It is an important message and I plan to study it in detail and comment additionally at a later time. I would, however, like to comment briefly on certain portions of the message.

I agree fully with an initial thought expressed by the President as follows:

Clearly, we are facing a vitally important energy challenge. If present trends continue unchecked, we could face a genuine energy crisis. But that crisis can and should be averted, for we have the capacity and the resources to meet our energy needs if only we take the proper steps—and take them now.

I believe that there are steps which can and should be taken to provide high confidence that we can meet our future energy needs while, at the same time, protecting our National defense posture and providing the energy that we as an industrial Nation need to protect our present world position.

In the President's historic first energy message of June 1971, he announced supplemental requests for funding for a number of energy research and development efforts. Although today's message does not include a request for additional funding beyond those increases in energy-related programs already established in the fiscal year 1974 proposed budget the President clearly stated:

When additional funds are found to be essential, he would do everything possible to see that they are provided.

Relative to the current level of energy research and development funding I think that this matter can be put in some perspective by reviewing the development of the civilian nuclear power program. As everyone knows, this program was supported at a level of several hundred million dollars a year for over a decade. I recall in the late 1950's when the Joint Committee was faced with the decision of whether or not to develop nuclear power for civilian use and how we ap-

proached the issue. Realizing the large sums of money that would be needed to complete the development of civilian nuclear power, we reviewed the need for a supplemental energy source and then asked what the new source, if it were needed, should be. We reached our conclusion over a decade ago. It was agreed in and out of government that a supplemental energy source was needed and that the only practical energy source to meet our long-term needs was nuclear power—that is, fission, fusion, or both.

We had, at the time of the decision, already spent about a billion dollars on nuclear power development. We realized that several billion dollars more would be needed to complete the job. We then laid out a program for carrying out such an effort. In this instance the Congress and the public faced up to the commitment and has been providing the funds to do the job ever since. It is indeed fortunate that this need was faced and met since now we have, for the first time, a new energy source coming into being. The reason why nuclear energy has been receiving the largest amount of support is because it is a development program for which the support needed for success was properly evaluated and then funded. Still, we must all realize that the job of nuclear power has not been completed. We still must develop the breeder and continue our efforts on fusion and therein is the source of one of my concerns.

Realizing that nuclear energy development has been taking most of the Federal funds for research and development in the energy field, I am concerned that with the relatively severe short-term energy problem we face—mainly over the next two or three decades—some will advance the argument that funds from the nuclear program should be diverted to areas such as improving our utilization of indigenous fossil fuels. This, of course, would be fatal. In fact, the nuclear program is not even now receiving the funds it should receive in order to assure maximum progress. Basically, the nuclear program funding should be increased in order that we can proceed with greater confidence to meet our energy needs for the unlimited future.

I am pleased to notice the President's comment that the major alternative to fossil fuel energy for the remainder for this century is nuclear energy. I believe this to be so. I have and will continue to work toward assuring that nuclear energy makes the contribution that it is capable of and that it is expected to make.

The President reiterates his comment of June 1971 that the development of the liquid metal fast breeder reactor is of highest priority.

It is my personal view that funds in addition to those which have been requested for next year will be needed for research and development on energy. I firmly believe we must face the problem of developing other energy sources as we did in the nuclear field and fund them accordingly. Improvements in the utilization of coal by such methods as liquification and gasification will require expenditures of several hundred million dollars. Such funds are necessary to assure progress and attain meaningful goals.

For example, large-scale experiments, prototype plants, and demonstration plants must be built to assure success. This has not been the approach in the past and it is obvious it must be the approach we must use in the future. I do not believe the level of effort which has been proposed thus far approaches what is needed to do the job.

I believe it is of value to consider the support we have been giving to other research and development efforts to give us perspective. For example, the proposed funding level for the coming fiscal year for research and development in the Department of Defense is $8.8 billion. This is the funding which is proposed for 1 year and which, in its magnitude, is approximately the total amount we propose will be needed to solve our energy problem for the indefinite future.

In this comparison with the effort which is being proposed for research and development in Defense, it is also important to consider the relative priorities between providing for adequate defense and adequate energy supplies. Of course, both are vital to our national security and world position. It is obvious that in an industrial nation such as ours adequate and assured energy supplies are of primary importance. It seems to me this fact should be recognized and reflected to a reasonable degree in our funding plans.

I might add that the Joint Committee is considering additions to the Atomic Energy Commission's authorization request to the Congress for fiscal year 1974 in order to provide for increased efforts in the energy research field. It appears obvious to me that added effort is needed in both the nuclear and nonnuclear fields.

I agree with the observation made in the President's message that we must reduce the excessive regulatory and administrative impediments which have which have delayed or prevented construction of energy-producing facilities. The interaction of the laws of our land, the regulatory actions by the Federal agencies, and the matters taken before our judicial system have not yet found a way to strike the proper balance between the need for energy and the desired rate of improvement in our environment. This, in part, is the reason we find ourselves today approaching the crisis in energy which has been addressed by so many in both the legislative and executive branches of Government.

In closing I would like to comment briefly with respect to the proposals referenced by the President which are to be submitted to the Congress on reorganization in the energy field must and will be studied closely.

My primary concern in this area is to assure that nothing be done which will impede the progress now being made. I am particularly concerned that nothing be done which would subjugate any of our present nuclear development efforts. The accomplishments in the nuclear field, the unprecedented scientific talents and scientific and engineering facilities which have been amassed for this program should be recognized as a vauable national resource and utilized as the vanguard of our energy development effort. This unique competence that we, as a Nation, have built up within the Atomic Energy Commission and its laboratories, was recognized when the Congress 2 years ago amended the Atomic Energy Act to give the AEC authority and responsibility for the performance of research and development on nonnuclear energy sources. Any reorganization plan should clearly recognize the value of utilizing the scientific manpower and facilities of the AEC now in place and operative. I am afraid that if the great national asset we have built up in the AEC is not utilized as the base of any new organization within the energy field, then our efforts may well be doomed to failure. We just cannot afford to take any route that does not utilize the management approaches of the nuclear program and the unequalled scientific and engineering talents we have put together in that program to lead the way in the development of new energy sources. This Nation cannot afford to duplicate such an organization, nor should we fail to utilize the full potential of the existing one.

KILLING PUBLIC BROADCASTING

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, our former colleague, Tom Curtis, appears the latest victim of the administration's campaign to gut public broadcasting.

It was reported this morning that Mr. Curtis is resigning the chairmanship of the Corporation for Public Broadcasting, a post he has held for less than a year.

Most of us remember Mr. Curtis from his long service in the House as a demonstrably conservative Member of rock-not stomach the behind - the - scenes machinations of Nixon henchmen to strip broadcasters of any control whatsoever over programing for the public television network. National programing now evidently is to be the sole responsibility of a public broadcasting board dominated by Nixon appointees who may not be as independent and fairminded as Tom Curtis.

One White House operative, Patrick Buchanan, has been quite blunt in conveying what this administration expects of public broadcasting. His attitude seems to be, "if you are not for us, you are against us—and until you shape up, do not expect anything but the back of our hand."

And Dr. Tom Whitehead, the ubiquitous chief of the White House Office of Telecommunications, has also taken a direct hand in shaping public broadcasting to the administration's liking.

In a 2-day period last week, Dr. Whitehead placed at least five calls to CPB board members, to pressure them into rejecting a carefully wrought compromise agreement that would have given local

stations at least some say in the selection and transmission of programs for the national television service.

Dr. Whitehead seems to have a distinct double standard for broadcasters, depending on whether they are commercial or public. As he reiterated to our Commerce Subcommittee on Communications and Power yesterday, he is vigorously opposed to the government setting performance standards for commercial stations; but he is obviously far less leery about a politically motivated board dictating programing for noncommercial operators.

Now that it has "packed" the governing board of CPB, the White House apparently will get its way. Public affairs programing that is in any way stimulating or provocative could be on the way out. To pass muster with the administration, public television evidently must settle for a steady diet of bland educational fare and ballet, with little if any room for the type of documentaries that might cause people to think or wonder about the directions in which their government is headed.

An article from this morning's Washington Post describing Mr. Curtis' departure from the CPB board follows:

PUBLIC TV CHAIRMAN RESIGNS

(By John Carmody)

Thomas B. Curtis, an administration appointee undercut by the White House in his attempts to mediate a bitter battle between factions of the public broadcasting industry, has resigned as board chairman of the Corporation for Public Broadcasting, it was learned yesterday.

The sudden resignation of the 61-year-old Curtis was seen as a clear victory for the administration-backed forces on the CPB board who have sought to control public broadcasting's network and, in the process, greatly limit the amount of national public affairs programming.

Public broadcasting already is far behind in planning its fall program schedule. Curtis' resignation and the ruptured negotiations are likely to cause irreparable damage by further reducing the time available to produce quality public affairs shows.

Curtis, a former Republican congressman from Missouri, yesterday refused to comment pending an announcement from the White House. He was named to the CPB board by President Nixon last July.

A White House spokesman also declined comment, saying the resignation letter had not yet been received.

Curtis was described as "very, very upset" last Friday when the CPB board turned down his recommendation to approve a compromise with a negotiating group representing the nation's 147 public TV licensees who presently control the Public Broadcasting Service network.

The board chairman had assured members of the licensee negotiating team as late as the previous Thursday night that a majority of his board would support the effort at a compromise.

The vote Friday to "defer action" on the recommendations was seen as a direct slap at Curtis.

It followed an intense, 48-hour telephone campaign by White House staff members—reportedly including Clay T. Whitehead, director of the Office of Telecommunications policy, and Patrick J. Buchan special assistant to the President—to members of the presidentially appointed CPB board urging the rejection.

The negotiators worked out a compromise favorable to the licensee over a "censorship" plan that would give each side the right to contest a given program for the "fairness and balance" of its content. Each side would have had a 3-member monitoring team, but a 4 to 2 vote would have been necessary to kill a contested program.

Under the terms of the compromise, the local broadcasters would have remained in control of scheduling on PBS; CPB would have had final say on how federal funds were spent for programming; and the licensees, in turn, would have had access to the network for programs privately funded.

This last compromise point referred to an estimated $15 million which the Ford Foundation is currently "holding" for PBS. Ford, in the past, has designated much of its aid for public affairs shows.

It has withheld a decision this year, however, pending resolution of the fight in favor of PBS.

The Public Broadcasting Service network is now under the nominal control of the licensees who run the nation's 234 public TV stations.

Last fall, when the Nixon administration gained a majority on the 15-member board, the CPB moved to take over complete control of the network, which the administration and congressional critics had long complained was oriented toward controversial and "unbalanced" public affairs programming.

The licensee group fought back under a new leadership headed by Dallas industrialist Ralph Rogers, board chairman of Station KETA there. He united the other leaders of the "lay boards" who control the local stations with the licensee group to form a new negotiating power, itself called "Public Broadcasting Service."

The "Rogers Group" agreed to dicker with a 3-man subcommittee appointed by the CPB board which included Dr. James Killian of Cambridge, Mass., and Jack Valenti and Thomas Moore, both of New York. After four months of effort, a compromise agreeable to both the CPB subcommittee and the Rogers group was reached last week.

It has been learned that Curtis took a leading role in the negotiations between the CPB board and the Rogers group, often bypassing the Valenti-Killian-Moore team.

When the Friday meeting indicated that 10 of the 14 members present, including Moore, supported a hard line backing a complete CPB takeover, Curtis was reportedly astounded. "The old fox," said one board member, "had taken a wrong nose count and it really hurt him."

Immediately following the rejection of the compromise Friday, the CPB board named a new negotiating team headed by Neal B. Freeman, a King Features executive from New York. Also included on the new subcommittee was Jack Wrather, a TV producer from Beverly Hills, Calif., who is regarded as the leader of the "no-compromise" CPB faction.

Rogers, himself furious at the turndown of the promised compromise, immediately left for a 1-month stay in Europe leaving the negotiation effort stalled.

Dr. Killian, as vice chairman, is expected to move up to Curtis' position temporarily. Among those who could be considered candidates for the chairman's post are Freeman and Wrather, the latter a frequent White House visitor.

REPORT OF BUREAU OF CONSUMER FRAUDS AND PROTECTION

(Mr. GILMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GILMAN. Mr. Speaker, the New York Bureau of Consumer Frauds and Protection, under the able guidance of Attorney General Louis J. Lefkowitz, recently published its 1972 report.

Because of heightened awareness of consumer problems manifesting itself in a wide variety of legislative and administrative actions at all levels of Government, I am particularly pleased to commend the New York attorney general's report of its 1972 consumer protection accomplishments. The beneficiaries are, in fact, otherwise have gone unheeded without effective direction and assistance.

I encourage a reading of this material as an example of what is being done at State level in the very important area of consumer affairs. More importantly, I am hopeful that the ideas embodied in the report will serve to encourage other agencies to follow and improve upon where possible.

The report follows:

REPORT OF BUREAU OF CONSUMER FRAUDS AND PROTECTION, DEPARTMENT OF LAW, STATE OF NEW YORK, 1972

Louis J. Lefkowitz, Attorney General of the State of New York.

"Prosumerism"—A new word—and a new philosophy is born:—*1972*—the year it had to happen!

Established in 1957, as a separate division within the Department of Law, a first under the aegis of an Attorney General, the Bureau of Consumer Frauds and Protection has as its prime function the protection of the consumer.

While our experience has shown that the majority of business people do operate with honesty and integrity, there still remains that relatively small, but very active group of dishonest operators who have raised much havoc and done immeasurable economic damage to thousands of people and honest businesses. Using every trick available, and adding more sophisticated ploys as time passes, they have added to the higher cost of living and inflationary pressures and undermined the public faith, trust, and confidence so vital to a sound and healthy economy. The servicing of some 343,000 people since its establishment, with a recovery of 15 million dollars for victimized consumers, is indicative of the active forces and energies exerted to combat and stop these increasing discreditable business practices.

During 1972—the Bureau of Consumer Frauds and Protection provided additional and expanded services to the consuming public. Staff activities increased in areas involving fraud and incompetency in: automobile sales and repairs (new and used), travel industry failures and deceptive practices, pressure tactics exerted by collection agencies, misrepresentation and deceptive bait and switch advertising schemes, warranties and guarantees, overpricing, home improvement frauds, deceptive packaging frauds, incompetency in the repair of television sets, air conditioners, refrigerators and home appliances, referral selling deceptions, business opportunity frauds, deceptive weight reducing and other medical get well quick and vanity pandering preparations, false trade school representations, and deceptive selling techniques used in selling organic and/or natural foodstuffs, food freezer plans, furniture, books, jewelry, furs, hair-pieces, subscriptions to dance studios, health spas, etc., to those with language barriers as well as "educated" consumers.

In the majority of matters brought to our attention, a fair and equitable settlement was reached. The success of the Bureau's efforts is reflected daily with thousands of thank you letters received from satisfied people from all walks of life, from all parts of

the world. Attempts were made to assist in the adjustment or cancellation of contracts, return of deposits, refunds or exchange of goods where guarantees had been breached, return of rent security, and cancellation of charges for goods or services on a credit which went astray, elimination of health hazards, such as unlicensed mental therapy clinics and questionable sight improvement clinics.

1972 THE BANNER YEAR

The year which witnessed the opening of the first consumer information center in the Country established under the aegis of a community college and an Attorney General's office.

1972—A new State law is passed as an outgrowth of our investigation outlawing the sale, or offering for sale of term papers, theses, essays, or matters related to school assignments in New York State, and restitution of $35,416 to students who were caught up in this operation during the time period alleged in the complaint, was ordered by the court.

1972—A great year for refunds to thousands of new car purchasers who had been assessed "documentary fees" to cover the cost of car registration pick up and drafting of forms, with $2 refunds returned to new car purchasers in New York State who purchased cars during the period of January 1, 1971—December 31, 1971—, and were charged for these services.

1972—We go "organic"—as our investigations and subsequent public hearing revealed better than 25 percent of the products we sampled and analyzed contained pesticide residues despite labeling to the contrary.

The Bureau opened some 26,844 files, and 22,688 were officially closed, leaving a carry over of 16,656 files for 1973. This represented an 11% increase in matters opened. Miscellaneous activity increased 9.0% with 3,490 matters handled. As a result of mediation and court action $2,845,418.20 was returned to the public in money, goods, and services, a 41.9% increase over the previous year, and the largest amount returned to date in the history of the Bureau. Costs assessed by us in the sum of $258,150.01 were turned over to the State Treasury, an increase of 192.1% over 1971. Incoming mail numbering 106,222 showed a decrease of 12.9% over 1971. Telephone activity as in previous years was on the increase.

(1) Mediation—By means of conferences, telephone calls and letters, members of the staff mediate problems for the complaining consumer with other individuals, companies, or corporations. Our most rewarding dialogue in this area occurs with ethical and outstanding business concerns. Their willingness to cooperate with us, and to appreciate the problem of the consumer, affords the consumer the opportunity of redress, and at the same time maintains the good will of the business establishment. By this means, over 15 million dollars has been returned to the public by way of goods, services, or money, and over 343,000 people have visited the Bureau since it opened its doors in 1957. In order to provide the proper setting for this type of activity, a consumer complaint section is maintained, where any person can, without an appointment or red tape, come in, fill out a complaint form, and then discuss his problems with a staff attorney. Interpreters are always on hand to aid those with language barriers.

The development and subsequent expansion of the complaint room has been one of the foremost accomplishments of the Bureau to date. This personalized public service provided to the public by sympathetic, capable, and interested staff members has been accorded much praise by those it has served, as well as by visiting dignitaries and officials from other states and countries.

The continued use by so many people of the services of our Bureau only serves to reinforce the idea that (1) there has been an increased public awareness of the work and effectiveness of the Bureau in its daily endeavors to protect the consumer as well as the legitimate businessmen; (2) ethical and honest businessmen willingly cooperate with staff members to mediate consumer problems; (3) there is increased effort exerted to point out and put a halt to consumer frauds that affect the health, welfare, and safety of the consumer and reputable business community.

Space does not permit the outlining of each and every significant complaint mediated, but the following are some interesting samples of our successors, with comments by some of the recipients of our services.

Meetings with representatives from the major automobile manufacturers resulted in the resolution of 1600 warranty connected complaints, 846 were from residents of New York City, and 754 from upstate residents.

When a lonely retired pensioner who used part of her retirement severance pay to purchase half a dozen dance contracts which culminated in a 10-year "lifetime" contract and paid $11,345 wrote to us and said there were still many lessons left on earlier contracts, although she had signed subsequent larger and larger ones, we managed to get back $7,000 for her from a leading dance studio and a dance club, its franchise holder.

When our investigation of laboratory fees revealed widespread cost abuses and blatant disregard of a State law requiring labs to bill patients directly, a large laboratory consented to modify its billing procedures as well as its costs substantially.

Purchasing a sofa for which he had paid $757, a White Plains resident noted that a year after delivery, the sofa had changed in color from green and gold, to gold, red, and brown, and had developed a creaking sound as well. Although both retailer and manufacturer disclaimed liability for the fabric, we prevailed upon the manufacturer to look into the matter. They picked up the sofa and recovered same.

A pair of orthopedic shoes ordered by a Bay Island resident were left with a $75 deposit. When they were picked up, they were found to be poorly made, and requests for refund were ignored. We intervened and were able to obtain a $40 refund for the consumer.

A door-to-door salesman sold a color television set to a Bronx woman for $403.50, on an installment contract. One week after delivery, the set stopped working. Having already paid $117.15, she was at a loss what to do. We interceded on her behalf, had the contract cancelled, and obtained a refund.

After an initial Crypt internment cost of $1,215.40 in 1967, persistent odor necessitated disinternment of the body of a New York resident's husband—at a cost in 1971 of $715. The funeral chapel refused to make more than a $90 allowance until we intervened. At that time, and only after much pressure from this office that their poor workmanship was responsible for the need to remove and reintern the body, did the Chapel refund to the widow the total costs of disinternment and resealing.

A 10 year old consumer who failed to receive her "Mr. Peanut Calendar Watch" after sending the required amount of money for it, contacted the company. When her letters were not answered, she contacted us. Communication from this office resulted in her receiving both the "Mr. Peanut Calendar Watch" and an apology for its delay.

When a New York resident whose 2-year effort to correct billing errors with a large credit charge account failed, he wrote to us. Through our efforts he was able to finally obtain a statement of his account, and thereby correct the existing errors. His response: "Your kind cooperation, interest and help in this matter was most appreciated—you were able to do what I was unable to accomplish in two years. Thank you so very much for your help.

A doctor in Great Neck for whom we obtained satisfaction wrote—"A check for $325 arrived today, but most important was the company's promise that they will no longer mislead others. Your efforts to be sure were responsible for this change of heart and refund."

A New York City resident whose money from an aborted trip was refunded wrote—"We were overjoyed to know that an agency such as yours really is concerned about consumers, and does its best to protect them. May God bless you and keep you for many more years. It was wonderful to see that a government agency, especially in New York City, had done something for consumers. Our many, many thanks."

From residents all over the State who are finally receiving their gifts from a trading stamp company which relocated—"Many thanks, much appreciation—for fruitful and conscientious efforts which really pay off." "The work being done by your agency on behalf of consumers is most needed and necessary. How good it is to know that somewhere—someone really cares."—"As taxpayers we feel that our taxes are being spent for a government department that is more than giving the consumer his money's worth." From a Maryland legislator whom we helped—"I have received a certified check for the fraudulent travel scheme from the company. I would like to congratulate you and members of your staff for your quick action in closing down the operations of this criminal outfit. The citizens of New York should be most appreciative of the actions of such an efficient State agency."

A note from the Vice Consul of the Australian Consulate on behalf of an Australian citizen for whom we obtained a refund—"We would like to take this opportunity to thank you for your interest and assistance in this matter." A resident of Upper New York whose complaint was successfully resolved wrote—"I do want to thank you for the trouble you went to. It is indeed a nice feeling to know that the State of New York through its Attorney General Lefkowitz and his staff is looking out for all people of the State, but in particular, the little man."

A Monsey resident wrote: "I appreciate beyond words your efforts to obtain the refund. Your agency alone, of several I contacted was able to effect the return of the money. Attorney General Lefkowitz and his staff may well be proud of their accomplishments in the field of consumer frauds. I shall continue to support him in all his efforts."

Education—Preparing consumers for tomorrow—today, our education program expanded the old, and initiated the new in 1972!

A comprehensive program of consumer education is carried out in all areas of public and private endeavor. Student, social, trade, educational, fraternal, business, charitable, community, professional and para-professional groups are frequently the recipients of lectures by our staff members and shown our film, "The Fine Art of Fraud." Our Cautious Consumer" leaflets the result of a survey of the 12 most frequent areas of fraud and deception have reached over a million distribution statewide, and a 7,000 distribution nationwide. Consumers Union has used them as part of their "teacher training kits," and the Board of Education is using them in schools throughout the city as lesson plan overviews. They have formed the basis of several of our radio programs, as well as a two part television series used for High School and continuing education students. Overhead projectuals have been made of the series in many secondary schools throughout the city teaching courses in consumer problems, and many states have used them as a basis

for presenting similar materials. They were recently made available in Spanish, and requests for about 500,000 have already been received.

Our revised "A.B.C's of Careful Buying" has been mailed to almost 2 million people. This updated version includes recent consumer protection legislation passed by the New York State Legislature, as well as "basic buying tips" and a brief synopsis of the many ways we provide protection to New York State residents.

This publication is also available in Spanish, as well as large type (for the visually handicapped) and Braille, with a Chinese version in the offing shortly. Like all of our educational materials, these are distributed at all meetings, upon request, and are free.

Consumers were advised that consumerism is a two way street, and were alerted on how to avoid baby contests, fortune telling, modeling schools, C.O.D's, computer dating, sale of stolen property, get-rich-quick schemes and vanity pandering devices through communications in the various media.

Frequent complaints and inquiry into the area of health foods resulted in an open hearing on December 1, 1972, in order to clarify much of the existing confusion for today's food shopper as to what constitutes organic and natural foods, and whether the doubled cost is in effect affording double the nutrition, and perhaps lay the groundwork for establishing with industry a voluntary code of ethics designed to rid the industry of the fraudulent promoter and establish legal definitions for the terms organic and natural.

Our summer student volunteer program, open to law students interested in enriching their education, has been attracting large numbers of students who apply for these jobs annually. Special projects in all areas of consumer protection are given to them as assignments designed to give practical experience in the investigation and preparation of cases for trial and appeal.

Letters from all over the world are received expressing appreciation for our efforts, achievements, and contributions.

Litigation—where the public interest is concerned, administrative court action is instituted against the offending person, business organization or corporation. Where it is necessary to examine books and records, the same are obtained by issuance of the subpoena duces tecum.

The basic statutory provisions under which the Bureau operates and receives its jurisdictional powers are as follows:

(1) Business Corporation Law, Article XI.
(2) Executive Law—Article 5, Sec. 63, Subd. 13 and 15.
(3) General Business Law, Articles 22–A, 26, 29–B, etc.
(4) Personal Property Law, Articles 9 and 10.
(5) Penal Law.
(6) Agriculture and Markets Law.
(7) Uniform Commercial Code.
(8) CPLR Article 23 (subpoena).
(9) General Obligations Law.

The Attorney General's recommendations for 1973 will bear down hard on the unscrupulous promoter. The following 30 bills lend credence to this fact:

(1) *Licensing Home Improvement Business Contractors*—License under Secretary of State. License could be suspended or revoked upon proof of fraud or misrepresentation in obtaining license, a practice of failure to perform contacts, fraud or the manipulation of accounts or bad faith.

(2) *Authority of the Attorney General To Seek Damages Pursuant to Section 63 (12) Executive Law*—Add corrective language specifically providing the authority of the court in a proceeding thereunder to direct restitution, now contained in that subdivision, including damages.

(3) *Require Interest on Escrow Accounts of Homeowners*—Requires all banks, trust companies, private bankers, savings banks, industrial banks, savings and loan associations, credit unions and investment companies which receive deposits from mortgagors for the purpose of paying taxes, insurance premiums and water rents, to pay interest upon such deposits in the same manner and at the same rate as is paid to other savings depositors.

(4) *Licensing Travel Agencies*—Requires the licensing and regulation of the travel agency business.

(5) *Holder-in-Due-Course (Claims and Defenses)*—Will eliminate the so-called "holder-in-due-course" defense in retail installment sales transactions relating to the purchase of motor vehicles, and eliminate remaining limitations upon buyers asserting claims or defenses against assignees.

(6) *Rental Security Deposits*—Requires that rent security on an apartment house of *more than two dwelling units* be deposited by the landlord in a bank interest bearing account, instead of the present law that covers only those apartment houses of six or more dwelling units.

(7) *Exemption of Earnings to Satisfy Money Judgments*—Would exempt the wages, salary, compensation or other earnings of a judgment-debtor from execution to satisfy a money judgment.

(8) *Interest on Christmas Club Accounts*—Requires all banks, trust companies, saving banks, savings and loan associations, or other banking organizations to pay interest on monies deposited in Christmas club, vacation plan or similar depositors accounts at the same rate payable on regular savings accounts in such instituttions.

(9) *Advertising of Interest on Christmas Club Accounts*—Requires all banks, trust companies, savings banks, savings and loan associations, or other banking organizations offering Christmas club, vacation plan or similar depositor accounts to state in any advertising pertaining to such accounts whether or not interest is paid on monies so deposited. If interest is paid, the bill requires the advertisement to also state the rate of interest or the form of interest paid.

(10) *Class Actions*—Allow consumer class action, and permit the Attorney General to institute an action on behalf of consumers as a class and would allow other interested governmental agencies to take similar action if they are so authorized by law.

(11) *Service Charges on Retail Installment Credit Agreements*—Mandates the mailing of billing statements at least fifteen days prior to the payment date before service charges can be imposed, to the benefit of the open end credit customer.

(12) *Assignment of Earnings*—Makes the minimum for wage assignment purposes the same as for executions against income. Income exempt from wage assignment is presently $25 or $30 a week depending upon population of city, while the exemption for executions against income minimum is $85 a week.

(13) *Children's Hazardous Toys*—Would prohibit the importation, manufacture or sale of toys intended for use by children under the age of 14 years, which present electrical, mechanical or thermal hazards. Attorney General is authorized to enjoin importation, sale or manufacture and recover civil penalty of not more than $5,000 for each violation.

(14) *Consumer Product Warranty Protection*—Afford the consumer greatly increased warranty protection in connection with the purchase of a "consumer product." Consumer product is defined as any product which has electrical, mechanical or thermal components, that is purchased primarily for personal, family or household purposes, and would cover automobiles and household appliances. This bill prohibits the waiver, limitation or modification of the implied warranties of merchantability and fitness for particular purposes, these warranties being basically the same as set forth in the Uniform Commercial Code.

(15) *Creditor Billing Errors*—Provides consumers with an orderly procedure whereby they can have an error, in a bill sent to him by those creditors who regularly extend consumer credit, rectified. The consumer would have to send written notice of his complaint, by registered or certified mail, within 30 days from the time of the mailing of the statement by the creditor. The creditor would have to respond in writing within 15 days and within 60 days take action to correct the error or dispute the consumer's claim, giving reasons for such dispute. Creditors could take no action to collect such disputed amounts or to affect the consumer's credit rating related thereto during the time allotted for resolving the dispute. Penalties are provided if the creditor fails to comply with this procedure, including forfeiture of his right to collect the amount in error, actual damages, if sued, the costs of the action together with reasonable attorneys' fees, and a penalty of twice the actual error but not greater than $100. In addition, every statement of account rendered by a creditor would have to contain the address and telephone number for inquiries by the consumer about such statement.

(16) *Cooperatives—Filing of Offering Statements or Prospectus for Sale of Real Estate Securities*—Empowers the Attorney General to refuse to issue a letter permitting the filing of a cooperative or condominium conversion plan where the plan itself does not require at least 51% consent of existing tenants.

(17) *Promotion and Operation of Art Exhibitions*—Regulates the promotion and operation of art contests and competitions where prizes are offered as an inducement to compete as an artist or as an inducement to display art work.

(18) *Registration of Sporting Event Personnel*—Extends jurisdiction of Department of Law from theatre box offices to box offices involving professional sports. Requires registration of ticket sellers.

(19) *Unlawful Charges of Theatre Tickets*—Eliminates the accomplice corroboration rule of evidence from provisions involving regulation of the theatrical industry.

(20) *Prohibiting Chain Distributor Schemes*—Prohibit chain distributor schemes, multi-level of pyramid schemes, e.g., Koscot, Best Line, Golden Products.

(21) *Licensing of Collection Agencies*—Require licensing by Department of State of all persons, firms, joint-stock associations and corporations who are engaged in the business of collection agency.

(22) *Rental Security Deposits-Commercial leases*—Commercial tenants would receive bank interest on their rent security advances.

(23) *Fair Trade Laws*—Adds medicines and drugs to the list of transactions excepted from the provisions of that section.

(22) *Fair Trade Laws—Signers To Contract*—Provides that only signers to fair trade contracts are subject to judicial action in event such persons fail to maintain the price fixed in such contracts.

(25) *Licensing of Management and Relocation Companies*—Amend Article 12–A Real Property Law—to require the licensing by the State of companies and individuals engaged in the business of managing residential buildings and relocating tenants from buildings that are going to be demolished or substantially altered. Those holding licenses will have to demonstrate same degree of trustworthiness now required for the licensing of real estate brokers.

In addition—propose the enactment of

strict statutory standards governing the services required to be provided in buildings undergoing relocation activity. (e.g. heat, hot and cold water, repairs, etc.). Failure to adhere would result in strict monetary penalties and/or revocation of license.

(26) *Furniture Sales*—Requires that all money deposited with a furniture store pursuant to a contract for sale of household furniture be held in a trust fund in a bank for the benefit of the purchaser until said money is applied to the purchase price when delivery of the furniture is effected or repaid to him.

(27) *Automobile Insurance*—Takes away immunity afforded brokers for false statements made in connection with cancellation, non-renewal and changes in automobile insurance policies.

(28) *Three-Day Cooling Off*—Amend the present law by eliminating the 5% cancellation fee; applying the law to any purchase that takes place other than in seller's place of business; and requiring a notice of cancellation must appear in the contract as well as cancelation card being given.

(29) *Registration of Automobile Repair Dealers*—The Attorney General supports the bill to register automobile repair dealers with the Secretary of State.

(30) *Registration of Electronic Repair Dealers (TV)*—The Attorney General supports the bill to register electronic repair dealers (TV) with the Secretary of State.

1972—A year in which some of the Attorney General's recommendations were enacted into law. These are as follows:

(1) A law was passed prohibiting the sale, or offering for sale of term papers, theses, essays or matters related to school assignments in New York State.

(2) To amend the general business law in relation to requiring the use of safety glazing materials in hazardous locations in industrial, educational, commercial, and public buildings.

Industry and Business Orientation—Lines of communication are always open between staff members and legitimate and ethical associations, trade groups, and organizations.

Reputable businesses worked closely with the Bureau in exploring the most feasible methods of combating deceptions, frauds, and misleading advertisements. We met with finance companies, magazine subscription and encyclopedia officers, representatives of the funeral industry, banking institutions, travel agents, furniture dealers, automobile dealers, toy manufacturers, and home appliance service organizations.

Hearing aid dealers came from all over the State and Nation to meet with us at regular intervals to implement the voluntary Code of Ethics we set up with them. This Code concerns itself with solving problems relating to hearing aid dissatisfactions, making plans for new licensing legislation and offering protection to the hard-of-hearing consumer and the hearing aid dealer.

In line with this thinking, after many meetings with the home appliance industry, a voluntary Code of Ethics has been prepared with their assistance, in hopes of ameliorating many of the consumer-business problems which do exist in this industry, and at years end, it was to be presented to them in its final form for their review.

When complaints by the score concerning Hong Kong tailored clothes started to reach our office, concerning shabby workmanship, misleading advertisements, exorbitant and frequently hidden additional costs, unmentioned duty and taxes, and non-receipt of ordered merchandise, we decided to meet with the Hong Kong Development Association to present these grievances. They came, introduced us to additional New York contacts in the field, we made known our displeasures, and they presented corrective measures in the form of membership requirements and a code of business practices which they hoped would correct many, if not all, of the existing areas of consumer concern.

When public hearings are scheduled, industry and business members have given of their time, effort, and energy to attend prehearing meetings, obtain expert testimony, and in many instances testified themselves, always generously giving us the benefit of their expertise regarding the problems at hand.

At our recent organic food hearing, geared to provide the public with the answers to many questions concerning the purchase of these foodstuffs, their value, cost and representations, industry members as well as the professional community gave freely and generously of their knowledge and time, and provided consumers who attended with much useful information. Most significant were their findings that although these foodstuffs were two times as costly as regular products consumers were just not getting better nutrition from eating these foodstuffs than from eating regular products. They were in addition as angered as were the legitimate merchants of these products, to be made aware through our investigation in cooperation with the New York State Department of Agriculture and Markets, that although these foodstuffs were clearly and conspicuously labeled "organic and/or natural" (allegedly pesticide and additive free) on testing 55 products, better than 25 percent of them contained one or more pesticide. We were at the year's end beginning to explore with the organic food growers the possibility of correcting many of the existing irregularities through a voluntary code of ethics.

A public hearing was also held to expose the shoddy and deceptive practices of "mental health" therapists, when a six month investigation revealed widespread quackery, sexual misconduct, and deception of clinics through the use of phony academic credentials and titles. Under discussion were those purporting to be psycho-therapists, psychoanalysts, hypnotists and marriage counselors. As the year drew to a close, consideration was underway for legislative licensing of the mental therapist, as well as careful screening by the New York Telephone Company of individuals listing themselves with professional degrees.

Forwarding of auto warranty complaints, and meetings with the Big Four in the automobile industry served to resolve about 1,600 warranty connected complaints.

Meetings with Consolidated Edison Company and the New York Telephone Company regarding erroneous and faulty billing, resulted in the assignment by the company of a designated representative who would be responsible for direct communication with the complaint.

Meetings with the Advisory Committee to the Bureau of Consumer Frauds and Protection have provided new impetus, momentum and direction to our future programs. Established in 1957 by the Attorney General, this Committee is made up of representatives of industry, labor, news media, financial institutions, and civic organizations.

Governmental, Quasi-Governmental and new Governmental Coordination—Governmental, Quasi-Governmental, and Non-Governmental coordination are enhanced by assisting, advising, cooperating and conferring with Federal, State and local officials, as well as legislators and quasi-governmental staff members.

As a result of the national and world wide acclaim and recognition accorded the Bureau's activities and its effectiveness in all phases of consumer protection, officials have visited with us to observe, confer, review and study our operations and procedures on a day-to-day basis, frequently following suit and opening similar operations in their own areas.

Our staff members frequently appear before community action groups, Federal, State, and local governmental departments, and legislative hearings, working closely with them to advise on the problems facing the consumer in the marketplace, and to testify with regard to proposed consumer legislation.

Coordination of consumer protection through liaison with County, City, State, and Federal officials has been undertaken by the New York Regional Consumer Protection Council, which had the Attorney General as its first Chairman.

Utilization of our "Cautious Consumer" leaflets by Consumers Union as part of their teacher training kits, and by the Board of Education of our A.B.C.'s as lesson planners to some 6,000 schools and by the blind and visually handicapped people all over the States of the A.B.C.'s (now available in Braille, and large type) is indicative that through the mutual exchange of information, and good interagency communication, the consumer will emerge the ultimate beneficiary.

LEGAL CASES

(1) As a result of a 3-year investigation, (1) costs of $100,000 the largest ever assessed by the Bureau, were paid when a nationwide encyclopedia company was charged with engaging in deceptive and unfair sales and hiring practices.

The company, without admitting violating the law, agreed to halt the following practices:

(a) Telling new salesmen that the district sales managers would supply them with leads and arrange appointments;

(b) Telling customers it is offering them a discount;

(c) Claiming teachers and librarians qualify for a discount price;

(d) Claiming the book is a new edition unless it is substantially new or revised;

(e) Claiming, when calling on a customer that the salesman is conducting a survey, rather than selling books.

In addition, the company agreed that it would warn new salesmen they would have to pay for their own sales leads, and complete all raffle type drawings for encyclopedias within 90 days of their start, without using entry blanks as sales leads until the drawing is over.

(2) An Assurance of Discontinuance was signed, and costs of $2,500 paid when the Bureau's investigation of an automobile repair service revealed that it had fraudulently added a separate and distinct administration charge of $2.00 to consumers seeking automobile repairs. The company agreed that for a period of nine months from the date of the Assurance of Discontinuance, it will grant a credit of $2.00 in reduction of the stated amount of the repair bill to any customer who had previously paid the $2.00 administration charge, and in addition will discontinue charging this, or any other separate and distinct charge for similar purposes.

(3) A New Jersey mail order company agreed to discontinue the practice of offering for sale any merchandise within New York State which was not actually ordered by the recipient orally or in writing, and then attempting to collect a bill by falsely claiming that the debt had been turned over to an attorney or any other third party for collection. Costs of $250 were paid.

(4) Misleading advertising charges were leveled at an up-state appliance dealer when a Bureau investigation disclosed that home freezers were offered for sale through advertisements falsely depicting them with exterior lights, locks and keys and priced at $138. The firm agreed to refrain from these practices, and paid costs of $250.

(5) A Long Island bicycle service paid $250 in costs, and consented to discontinue its practices of incomplete advertising disclosures concerning clear and conspicuous statement of the true price of the item to be purchased.

(6) An Assurance of Discontinuance was signed, and costs of $500 were paid, when the Bureau's investigation revealed that a large cruise ship company had falsely represented that spaces for certain cruises were available at minimum prices. It had failed to clearly disclose there were only a certain number of these accommodations available at this minimum price, and that in all cases, the advertised cruise price was based upon two persons sharing a room.

(7) In the case of a New York City distributor of magazines, who sent dunning notices with such specifics absent as: the amount of the debt, to whom it was owed, the date and nature of transaction, and the person to contact by mail if the charge is at issue. These activities were brought to a quick halt through the Bureau's investigation. Costs of $250 were paid.

(8) A Queens Village automobile dealer agreed to discontinue his misrepresentations and paid costs of $250. He agreed to halt his misleading advertisement which represented that free brand new snow tires would be given with every car sold during any specified period unless this was true.

(9) In the Bureau's unending crackdown on health frauds, a New York company was halted from perpetrating further deceptions on many over-weight consumers, because they were selling a tablet alleged to effect a specified weight loss. The company was enjoined permanently from advertising and selling the product, and in addition had to make restitutions to anyone filing a complaint with the Attorney General, and offering proof of purchase. Costs of $4000 were paid.

(10) In the Bureau's continuing pursuit of travel frauds, a large airline company paid costs of $2,000 and agreed to discontinue its deceptive practices. The firm agreed to stop claiming in its television commercials and newspaper ads that it would supply 747 T.W.A. coach passengers free music, movies, cocktails, and access to and use of a self-service kitchen if this were not so. In addition, clear and conspicuous statements in its advertisements would state, that charges of $2.50 and $.50—$1.00 were to be charged respectively, for a headset and cocktails.

(11) Costs of $250 were paid when a car rental service company agreed to discontinue misleading advertising representing that reservations will be made by the company unless this was so. They further agreed to maintain records of all reservations, the scheduled return dates of all rental vehicles, and discontinue the practice of providing cars in unsatisfactory operating conditions, and different than those originally ordered by its customers.

(12) Six large Motor Inns in New York were charged with falsely advertising the availability of free parking for its guests, and each paid costs of $1,000 when investigation by the Bureau revealed that this was not the fact.

Actually the motels charged $1.00–$2.00 each time the vehicle was moved in or out of its parking area, with the free charge available only at the initial parking, and ultimate departure from the motel. Both agreed to conspicuously reveal in all brochures and advertisements, that an extra charge would be made for each parking.

(13) Paying $250 in costs, a Queens automobile dealer agreed to discontinue advertising that a new 1971 car could be purchased for $2,375 when actually the car was available for sale by the company for $2,890 or more than $500 over the advertised price.

(14) In accordance with a court order obtained by the Bureau, a nationwide mail order firm which failed to fill orders of consumers, and also failed to return money forwarded for the purchase of products, returned $92,953.90 to some 13,810 dissatisfied consumers during the period between May 24 and June 30, 1972.

(15) Travel frauds hit a new high in 1972, as yet another travel promoter who offered cut-rate charter flights to London, Paris, and other European cities took deposits from economy minded consumers, failed to provide transportation, went out of business and never returned the money. He was enjoined from engaging in business in the State, and paid $750 in restition to victimized consumers, and costs of $250 to the State.

(16) Paying costs of $1,500 and $2,000 respectively, a Long Island and New York City rent-a-car service agreed to offer credit to any customer who was charged the "administrative surcharge" or the "Metro Rentals Auto Surcharge" which was added on to the bill for reporting the names of customers who received tickets charging vehicle law and traffic violations, and to discontinue this practice on its customers in the future.

(17) In the case of a New York City collection agency, using verbiage intending to mislead consumers into believing they were written by an attorney and dealing with one—the company agreed to cease forwarding such letters and paid costs of $750.

(18) A crackdown on food retailers and processors for misrepresentations, unsanitary conditions, unsatisfactory food handling practices, and misbranding resulted in fines of $8,745 being paid by some 172 merchants, with fines ranging from $25–$400.

(19) In an unprecedented judgment obtained in Supreme Court, the New York City producers of ghost written term papers, essays, and theses for students must make restitution of $35,416. to about 1,000 students who purchased them. In addition, the company is permanently enjoined from conducting of carrying on any business as sellers of ghost written term papers, theses, or essays, and forbids them to offer such papers for sale to any persons enrolled in an educational institution in New York State.

(20) Paying costs of $500 a New Jersey dealer of foreign cars agreed to place conspiciously a federally required statement on cars sent to dealers, and to insert in advertising brochures that the car, designed low to the ground, could sustain serious engine damage in New York City streets which contain potholes and debris.

(21) Paying costs of $2,000, an upstate New York bank which had illegally collected more than $80,000 in "official fees" from consumers who purchased automobiles on installment contracts, agreed to discontinue this practice and make restitution to all consumers who paid this fee.

(22) When our investigation revealed that a New York City dog kennel operation had violated City Health Ordinances in keeping sick dogs on the premises, and in addition misleading individuals who purchased there, the firm agreed to discontinue their practices and paid costs of $1,000. They agreed to provide purchasers with a health certificate certified by a licensed veterinarian attesting to the animal being disease and defect free, and in addition, to maintain humane treatment of animals in its custody.

(23) In our continuing pursuit of hotel frauds, we were successful in obtaining refunds for over 600,000 consumers in excess of $750,000, when an investigation sparked by a "Misc." charge on a bill received by a guest at one of the largest New York City hotels was questioned. Investigation of 18 other New York City hotels of four leading hotel chains indicated that hidden and phantom charges of 2 percent were also indicated and listed as "SUND's" or "Misc." and at no time was the guest advised that a further charge would be added to his final bill.

(24) A leading Long Island school paid $1,000 in costs, and consented to discontinue its advertising misrepresentations which claimed that it was geared to meet the needs of special children, its director had various earned degrees, and that it was chartered by the New York State Board of Rights.

(25) Two major New York new car dealer associations paid costs of $25,000, and will refund to thousands of new car purchasers (during 1/1/71–12/31/71) the $2.00 documentary fee they had been assessed to cover the cost of a car registration and drafting of forms. They further agreed to discontinue the practice of picking up car registrations and charging for that service which can only be carried on if a license is obtained from the Motor Vehicle Bureau.

(26) Costs of $2,000 were paid, and a large New York bank agreed to discontinue its practices of delayed credit and gift offers.

In an Assurance of Discontinuance, the bank agreed to credit deposits from the day received, and to deliver gifts within the time specified by them.

(27) A judgment against a Queens collection agency was obtained when investigation revealed that various deceptive means were used to collect past due bills or debts. The order prohibits them from:

(1) Communicating with an employer about an employee's debt without having obtained a money judgment;

(2) Threatening the employee that it will communicate with his employer regarding his debt;

(3) Falsely claiming or implying that a consumer's past due account will be turned over to a credit organization.

Costs of $1,000 were paid.

(28) A judgment against two related sewing machine and stereo firms was obtained when our investigations revealed that their "prize contests" were nothing more than schemes to sell goods and services, using "bait" advertising as the "come on." Paying $1,000 in costs, the company was barred from engaging in these practices, and must give refunds to all customers who so desire.

(29) Paying $2,000 in costs, a large Federal Savings and Loan Association agreed to disclose in its advertising the interest which is payable on new accounts. Disclosure in all advertising would be made of the date interest was to begin, or whether it was payable from the date of deposit to the date of withdrawal.

(30) A leading consumer magazine paid costs of $1,500 and agreed to discontinue its deceptive advertising practices when our investigation disclosed that the advertised price of $10 for a yearly subscription was not in fact the regular price of the magazine, and the advertised bargain one year subscription offers, based on a reduction from this subscription price, did not provide the subscribers with the advertised savings.

(31) In still another instance of advertising deception, a leading New York department store paid costs of $250 and agreed to discontinue its misleading practice of depicting a clock radio advertised in a newspaper magazine to be available at the advertised price equipped with a snooze alarm or music alarm system if this was not so.

(32) Charging a leading manufacturer of foreign automobiles with misrepresenting the trade-in values of its cars in advertisements placed in hundreds of newspapers as well as other media throughout the State of New York, a suit filed in Supreme Court, New York County by the Bureau, is seeking restitution for all consumers who relied on the advertisement, and were misled into believing that they would receive high trade-in allowances or prices for their used cars. In addition, penalties of $500 for each publication of the advertisement (which based its cost on a Port of Entry price—which does not include state and local taxes, enclosed freight charged, dealer preparation, or optional equipment) amounting to upwards of $50,000, and a permanent injunction against this type of advertising together with costs is being sought.

(33) In the case of another savings bank that played "Indian giver," by misleading advertisements which did not inform the public that there was a service charge for withdrawals of their deposited money before a certain date, and in addition, recipients of gifts had to pay for them if they withdrew funds before that time—costs of $2,000 were paid, and the bank agreed to discontinue these deceptive practices.

(34) Travel—travel and more travel—and with it more complaints—as a leading European airline promoting tours abroad, is charged by the Bureau with misrepresenting the cost. Paying $500 in costs, the airline agreed to discontinue:

(1) Falsely advertising the amount charged for the summer car tour;

(2) Falsely advertising a price for a tour to any country, state, or city which is not the price;

(3) Its inconspicuous disclosures of conditions and limitations of the advertised offer.

(35) Handling the complaints of thousands of consumers who failed to get either money or merchandise when a large trading stamp company went out of business, we managed to obtain redemption for 125 consumers for a total of $1,970 in 1972.

(36) Costs of $200 were paid, and a large appliance store on Long Island agreed that it would halt its deceptive selling practices. Customers who offered cash or check for an advertised items and offered to take their purchases out of the store, would not be charged a delivery charge, nor would there be a delay or postponement of delivery of possession of the goods.

(37) In a never-ending crackdown in travel frauds, a major airline was halted from perpetrating further deceptions on many voyaging consumers because their advertising was misleading.

Paying costs of $750, the airline agreed to discontinue:

(1) Claiming or implying that the price of an after-dinner coach flight to Miami is $40, contrary to fact;

(2) Claiming or implying that the price of a day coach fare from New York to Miami is $50, contrary to fact;

(3) Using, in connection with its after-dinner flights, an advertisement in which the figures of $40 and $50 are used to demonstrate a 20 percent savings as the after-dinner flight from the normal day coach fare.

(38) In its continuing crackdown on health frauds, the Bureau obtained an order in Supreme Court of New York State enjoining a Long Island unlicensed former school teacher and his wife from operating a psychotherapy center that treated disturbed and retarded children, as well as sexually disturbed adults.

Operating the center without New York State license or accreditation, charging up to $45 per hour for psychotherapy services which were administered by fraudulently represented counselors, they were put out of business and paid costs of $2,000.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN, for today, on account of official business.

Mrs. HANSEN of Washington, for April 19 and April 30, on account of official district business.

Mr. MILLS of Maryland (at the request of Mr. GERALD R. FORD), for April 19, on account of official business.

Mr. MORGAN (at the request of Mr. MCFALL), for today and April 19, on account of illness.

Mr. YOUNG of Illinois (at the request of Mr. GERALD R. FORD), through April 30, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL to address the House for 30 minutes.

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

Mr. SCHNEEBELI, for 17 minutes, today.
Mr. FRENZEL, for 5 minutes, today.
Mr. CRONIN, for 10 minutes, today.
Mr. WHALEN, for 5 minutes, today.
Mr. LUJAN, for 5 minutes, today.

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

Mr. MCFALL, for 5 minutes, today.
Mr. REUSS, for 5 minutes, today.
Mr. HAMILTON, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. HARRINGTON, for 10 minutes, today.
Mr. CHARLES H. WILSON of California, for 5 minutes, today.
Mr. ADAMS, for 5 minutes, today.
Mr. WAGGONNER, for 15 minutes, today.
Mr. MATSUNAGA, for 30 minutes, today.
Mr. BINGHAM, for 5 minutes, today.
Mr. VANIK, for 10 minutes, today.
Mr. OWENS, for 30 minutes, on May 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. THOMPSON of New Jersey (at the request of Mr. HAYS) in the body of the RECORD and to include extraneous material, including two orders of the Committee on House Administration.

Mr. BOLAND and to include extraneous matter in two instances.

Mr. CLEVELAND and to include extraneous matter in debate in Committee of the Whole on highway bill.

Mr. DON H. CLAUSEN and to include extraneous matter with remarks on S. 502.

Mrs. HECKLER of Massachusetts to revise and extend her remarks during debate on the Anderson amendment.

Mr. ANDERSON of Illinois to revise and extend and include extraneous matter with his remarks on the Anderson amendment.

Mr. GILMAN and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $722.50.

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

Mr. BOB WILSON in three instances.
Mr. WYMAN in two instances.
Mr. THOMSON of Wisconsin.
Mr. ROUSSELOT.
Mr. MCCLORY in two instances.
Mr. HUDNUT.
Mr. SYMMS.
Mr. DON H. CLAUSEN in two instances.
Mr. MILLER in six instances.
Mr. WHALEN.
Mr. HOGAN in two instances.
Mr. HUBER.
Mr. YOUNG of Alaska in two instances.
Mr. CARTER in two instances.
Mrs. HECKLER of Massachusetts.
Mr. PARRIS in five instances.
Mr. SHRIVER.
Mr. ARCHER.
Mr. ESCH.
Mr. COLLINS in three instances.
Mr. BROYHILL of Virginia.
Mr. GOLDWATER.
Mr. VEYSEY in two instances.
Mr. HASTINGS.
Mr. MIZELL in eight instances.

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

Mr. JONES of Tennessee.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. CULVER in six instances.
Mr. NIX.
Mr. REES in five instances.
Mr. BINGHAM in three instances
Mr. WALDIE in three instances.
Mr. O'NEILL.
Mr. ANDERSON of California in three instances.
Mr. MAHON.
Mr. FRASER in five instances.
Mr. PATTEN.
Mr. ROY.
Mr. JAMES V. STANTON.
Mr. EVINS of Tennessee in three instances.
Mr. BROWN of California in 10 instances.
Mr. ECKHARDT.
Mr. MAZZOLI.
Mr. DELLUMS in two instances.
Mr. BADILLO.
Mr. FOUNTAIN.
Mr. ZABLOCKI in five instances.
Mr. EDWARDS of California.
Mr. MOORHEAD of Pennsylvania in five instances.
Mrs. CHISHOLM in five instances.
Mr. ANNUNZIO in two instances.
Mr. LEGGETT in three instances.
Mr. BRASCO in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1572. An act relating to payments to producers for participation in the 1973 feed grain program; to the Committee on Agriculture.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6883. An act to amend the Agricultural Adjustment Act of 1938 with respect to rice; and

H.J. Res. 496. 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.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1315. An act to extend diplomatic privileges and immunities to the Liaison Office of the Peoples Republic of China and to members thereof, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 39 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, April 19, 1973, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

780. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification that an adequate soil survey and land classification has been made of the lands in the Central Arizona project and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 83–172; to the Committee on Appropriations.

781. A letter from the Chairman, National Labor Relations Board, transmitting lists containing (1) the names, salaries, and duties of all employees and officers of the Board, (2) cases heard and/or decided by the Board, and (3) the fiscal statement showing total obligations and expenditures for fiscal year 1972, pursuant to section 3(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

782. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting the annual reports of the seven river basin commissions (Pacific Northwest, Souris-Red-Rainy, Great Lakes, Ohio, Missouri, Upper Mississippi, and New England) for fiscal year 1972, pursuant to 42 U.S.C. 1962b–3(2); to the Committee on Interior and Insular Affairs.

783. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take actions with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve No. 4, and for other purposes; to the Committee on Interior and Insular Affairs.

784. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the Natural Gas Act to extend its application to the direct sale of natural gas in interstate commerce, and to provide that provisions of the act shall not apply to certain sales in interstate commerce; to the Committee on Interstate and Foreign Commerce.

785. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 218, *The Cowlitz Tribe of Indians, Plaintiff, v. The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

786. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on efforts to assign Public Health Service physicians to counties that are currently without the services of a resident physician, pursuant to section 203 of Public Law 92–157; to the Committee on Interstate and Foreign Commerce.

787. A letter from the Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement may require the repayment of charges in excess of those in lawfully filed tariffs; to the Committee on Interstate and Foreign Commerce.

788. A letter from the Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings; to the Committee on Interstate and Foreign Commerce.

789. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for their contribution to retirement plans, by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations, by imposing an excise tax on prohibited transactions, and for other purposes; to the Committee on Ways and Means.

790. A letter from the Secretary of Health, Education, and Welfare, transmitting a report for the quarter ended March 31, 1973, on grants approved by his office which are financed wholly with Federal funds, pursuant to section 1120(b) of the Social Security Act; to the Committee on Way and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

791. A letter from the Comptroller General of the United States, transmitting a report on revisions needed in financial management policies of the Federal Government's Automatic Data Processing Fund administered by the Office of Management and Budget and the General Services Administration; to the Committee on Government Operations.

792. A letter from the Comptroller General of the United States, transmitting a report on the enlisted aide program of the military services; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN; Committee of conference. A conference report to accompany S. 398 (Rept. No. 93–148). Ordered to be printed.

Mr. ULLMAN. Joint Study Committee on Budget Control. A report on recommendations for improving congressional control over budgetary outlay and receipt totals (Rept. No. 93–147). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS. Committee on Interstate and Foreign Commerce. H.R. 6458. A bill to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions (Rept. No. 93–149). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ULLMAN (for himself, Mr. WHITTEN, Mr. SCHNEEBELI, Mr. REUSS, Mr. BROYHILL of North Carolina, Mr. MAHON, Mr. BURKE of Massachusetts, Mr. ROONEY of New York, Mrs. GRIFFITHS, Mr. SIKES, Mr. ROSTENKOWSKI, Mr. CEDERBERG, Mr. COLLIER, Mr. RHODES, Mr. BROYHILL of Virginia, and Mr. DAVIS of Wisconsin):

H.R. 7130. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a legislative budget director and staff, and for other purposes; to the Committee on Rules.

By Mr. RONCALLO of New York (for himself, Mr. DERWINSKI, and Mr. REES):

H.R. 7131. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts (for himself, Mr. BIAGGI, Mr. CLARK, Mr. DAVIS of Georgia, Mr. HAYS, Mr. KYROS, Mr. METCALFE, Mr. ROONEY of Pennsylvania, and Mr. STUDDS):

H.R. 7132. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of United States capital, jobs, technology, and production, and for other purposes; to the Committee Ways and Means.

By Mr. CORMAN:

H.R. 7133. A bill to grant full credit for military service in the computation of railroad retirement annuities for disability in the case of persons also eligible for pension, compensation, or other benefits as a result of such service; to the Committee on Interstate and Foreign Commerce.

By Mr. DAN DANIEL:

H.R. 7134. A bill to increase the duty on rubber filament; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 7135. A bill to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; to the Committee on the Judiciary.

By Mr. DANIELSON (for himself, Mr. BROWN of California, and Mr. CORMAN):

H.R. 7136. A bill to enable nonprofit sheltered workshops to compete with the foreign labor market for contracts with manufacturers located in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. DELANEY (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. DULSKI, Mr. GILMAN, Mr. HANLEY, Ms. HOLTZMAN, Mr. HORTON, and Mr. KEMP):

H.R. 7137. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

By Mr. DELANEY (for himself, Mr. KING, Mr. KOCH, Mr. MITCHELL of New York, Mr. MURPHY of New York, Mr. PEYSER, Mr. PIKE, Mr. PODELL,

Mr. RANGEL, Mr. REID, Mr. ROBISON of New York, Mr. ROSENTHAL, Mr. STRATTON, Mr. WALSH, Mr. WOLFF, and Mr. HASTINGS):

H.R. 7138. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.R. 7139. A bill authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians, and limiting Government and individual liability incident to providing such services, and for other purposes; to the Commission on Armed Services.

By Mr. DORN:

H.R. 7140. A bill to amend title 10 of the United States Code to require the presentation of full military honors at the burial of veterans; to the Committee on Armed Services.

By Mr. DORN (by request):

H.R. 7141. A bill to provide additional authority for the Administrator of Veterans Affairs to prescribe standards of conduct, and to authorize investigation of, and arrests for, crimes committed, on lands and in buildings under the jurisdiction of the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of Alabama:

H.R. 7142. A bill to repeal the bread tax, and for other purposes; to the Committee on Agriculture.

By Mr. ERLENBORN (for himself, Mr. PERKINS, Mr. BROWN of California, Mr. BROYHILL of North Carolina, Mr. BUCHANAN, Mr. FORSYTHE, Mr. FRELINGHUYSEN, Mr. HANSEN of Idaho, Mr. HELSTOSKI, Mr. HORTON, Mr. JOHNSON of Pennsylvania, Mr. KEMP, Mr. LENT, Mr. MCDADE, Mr. MICHEL, Mr. MOAKLEY, Mr. MOSHER, Mr. PEPPER, Mr. PODELL, Mr. STEIGER of WISCONSIN, and Mr. WHITEHURST):

H.R. 7143. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself, Mr. ANDERSON of Illinois, Mr. CONABLE, Mr. DERWINSKI, Mr. HOWARD, Mr. RUPPE, Mr. SARASIN, Mr. J. WILLIAM STANTON, Mr. THOMPSON of New Jersey, and Mr. WYATT):

H.R. 7144. A bill to amend the Freedom of Information Act to require that all information be made available to Congress except where Executive privilege is invoked; to the Committee on Government Operations.

By Mr. ESCH (for himself, Mr. MAZZOLI, and Mr. MOAKLEY):

H.R. 7145. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

By Mr. ESCH (for himself, Mr. ROBISON of New York, Mr. BROYHILL of North Carolina, Mr. ANDERSON of Illinois, Mr. ERLENBORN, Mr. BROWN of Ohio, and Mr. MCEWEN):

H.R. 7146. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. FOUNTAIN:

H.R. 7147. A bill to provide that certain changes in the loan and purchase program for the 1973 peanut crop which the Department of Agriculture is contemplating shall not be made; to the Committee on Agriculture.

H.R. 7148. A bill to amend the Freedom of Information Act to require that all information be made available to Congress; to the Committee on Government Operations.

By Mr. GUYER:

H.R. 7149. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; to the Committee on Banking and Currency.

By Mr. HANLEY:

H.R. 7150. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself, Ms. ABZUG, Mr. BURTON, Mr. CONYERS, Mr. CORMAN, Mr. DIGGS, Mr. EILBERG, Mr. WILLIAM D. FORD, Mrs. GRASSO, Mr. HELSTOSKI, Mr. KOCH, Mr. LEGGETT, Mr. MOAKLEY and Mr. MOLLOHAN):

H.R. 7151. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Mr. NIX, Mr. PODELL, Mr. RANGEL, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, Mr. STARK, Mr. STEELE, Mr. TIERNAN, Mr. WALDIE, Mr. WON PAT, and Mr. YATRON):

H.R. 7152. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT (for himself, and Mr. BRAY) (by request):

H.R. 7153. A bill to authorize the disposal of various materials from the national stockpile and the supplemental stockpile, and for other purposes; to the Committee on Armed Services.

By Mr. HUDNUT:

H.R. 7154. A bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic reduction of the public debt; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 7155. A bill to establish a program of nutrition education for children as a part of the national school lunch and child nutrition programs and to amend the National School Lunch and Child Nutrition Acts for purposes related to strengthening the existing child nutrition programs; to the Committee on Education and Labor.

By Mr. MAYNE:

H.R. 7156. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections, and for other purposes; to the Commmittee on Agriculture.

By Mr. MILLS of Arkansas (for himself, Mr. SCHNEEBELI, Mr. COLLIER, Mr. BROYHILL of Virginia, Mr. CONABLE, Mr. CHAMBERLAIN, Mr. PETTIS, Mr. DUNCAN, Mr. CLANCY):

H.R. 7157. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for their contributions to retirement plans, by increasing contribution limitations for self-employed individuals and shareholder employees of electing small business corporations, by imposing an excise tax on prohibited transactions, and for other purposes; to the Committee on Ways and Means.

By Mr. PATTEN (for himself, Mr. BAKER, Mr. BURGENER, Ms. CHISHOLM, Mr. CLEVELAND, Mr. DAVIS of Georgia, Mr. DIGGS, Mr. FISHER, Mr. FORSYTHE, Mr. HELSTOSKI, Mr. HORTON, Mr. HOWARD, Mr. LEHMAN, Mr. MADDEN, Mr. MINISH, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOORHEAD of California, Mr. MOSS, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. WON PAT, Mr. PODELL, Mr. PRICE of Illinois, and Mr. ROE):

H.R. 7158. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. PATTEN (for himself, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, Mr. SIKES, and Mr. WILLIAMS):

H.R. 7159. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 7160. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service performed on public works projects under the Works Progress Administration, Works Projects Administration, and Federal Works Agency, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PICKLE:

H.R. 7161. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission certain authority over railroad car service when an emergency is or may be imminent; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL:

H.R. 7162. A bill to amend section 210 of the Flood Control Act of 1968; to the Committee on Public Works.

By Mr. ROBINSON of Virginia:

H.R. 7163. A bill to amend title 39 and title 18, United States Code, to provide for licensing and protection of distinctive designs, legends, and insignia of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ROGERS (for himself and Mr. BAFALIS):

H.R. 7164. A bill to authorize the Secretary of the Interior to develop areas suitable to provide for the continued existence of the Everglades Kite; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of New York:

H.R. 7165. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

H.R. 7166. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. SEIBERLING (for himself, Mr. REGULA, Mr. VANIK, Mr. HAYS, Mr. ASHBROOK, Mr. ASHLEY, Mr. BROWN of Ohio, Mr. CARNEY of Ohio, Mr. GUYER, Mr. KEATING, Mr. MINSHALL of Ohio, Mr. MILLER, Mr. MOSHER, Mr. J. WILLIAM STANTON, Mr. JAMES V. STANTON, Mr. STOKES, Mr. WHALEN, Mr. MOORHEAD of Pennsylvania, Mr. DENT, Ms. ABZUG, Mr. HECHLER of West Virginia, Mr. WALDIE, Mr. WILLIAMS, Mr. STARK, and Mr. MURPHY of New York):

H.R. 7167. A bill to provide for the establishment of the Cuyahoga Valley National Historical Park and Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST (for himself, Mr. ARCHER, Mr. ASPIN, Mr. BROWN of Michigan, Mr. BROWN of California, Mrs. BURKE of California, Mr. ROBERT W. DANIEL JR., Mr. DENT, Mr. ESCH, Mr. FRENZEL, Mr. FREY, Mrs. GRASSO, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. MACDONALD, Mr. MURPHY of Illinois, Mr. PIKE, Mr. RODINO, and Mr. SARASIN):

H.R. 7168. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. WOLFF (for himself, Mr. GROVER, Mr. BRASCO, Mr. CAREY of New York, Mr. REID, Mr. PIKE, and Mr. DELANEY):

H.R. 7169. A bill to extend the Long Island Railroad strike cooling-off period for 120 additional days; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Illinois:

H.R. 7170. A bill to amend the Coastal Zone Management Act of 1972 for the purposes of determining the causes and means of preventing shoreline erosion; to the Committee on Merchant Marine and Fisheries.

H.R. 7171. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

H.R. 7172. A bill to amend the Disaster Relief Act of 1970 for the purposes of making clear that disaster assistance is available to those communities affected by extraordinary shoreline erosion damage; to the Committee on Public Works.

H.R. 7173. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

H.R. 7174. A bill to amend section 426 of title 33, United States Code, for the purpose of providing the right of reimbursement to local interests for undertaking repair of shore damages attributable to Federal navigation works pursuant to section 4261; to the Committee on Public Works.

H.R. 7175. A bill to amend section 426 of title 33, United States Code, for the purpose of authorizing the Army Corps of Engineers to undertake emergency erosion control projects; to the Committee on Public Works.

H.R. 7176. A bill to authorize the State of Illinois and the Metropolitan Sanitary District of Greater Chicago, under the direction of the Secretary of the Army, to test, on a 3-year basis, the effect of increasing the diversion of water from Lake Michigan into the Illinois Waterway, and for other purposes; to the Committee on Public Works.

H.R. 7177. A bill to amend the Internal Revenue Code of 1954 to provide that certain losses from shoreline erosion shall be deductible for purposes of the individual income tax; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 7178. A bill to establish a national program to provide income supplements to every family in need thereof; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 7179. A bill to limit the authority of the Secretary of Health, Education, and Welfare to impose, by regulations, certain additional restrictions upon the availability and use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 7180. A bill to require the Consumer Product Safety Commission to promulgate standards applicable to plastic bags and other commercial articles utilizing plastic sheeting with dangerous adhesive characteristics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREY of New York:

H.R. 7181. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DEL CLAWSON:

H.R. 7182. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. CLAY:

H.R. 7183. A bill relating to collective bargaining representation of Postal Employees; to the Committee on Post Office and Civil Service.

By Mr. COUGHLIN (for himself, Mr. ANDREWS of North Dakota, Mr. BUCHANAN, Mr. BURGENER, Mr. CLEVELAND, Mr. COLLINS, Mr. DE LUGO, Mr. DICKINSON, Mr. FISHER, Mr. FLOWERS, Mr. FRENZEL, Mr. HANSEN of Idaho, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HUBER, Mr. HUNT, Mr. MAZZOLI, Mr. PODELL, Mr. RYAN, Mr. SARASIN, Mr. WALSH, and Mr. WON PAT):

H.R. 7184. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for certain expenses of elementary or secondary education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. ANDREWS of North Dakota, Mr. BUCHANAN, Mr. BURGENER, Mr. CHAPPELL, Mr. CLEVELAND, Mr. COHEN, Mr. COLLINS, Mr. DAVIS of Georgia, Mr. DE LUGO, Mr. DICKINSON, Mr. ESHLEMAN, Mr. FISHER, Mr. FLOWERS, Mr. FORSYTHE, Mr. FRENZEL, Mr. GOODLING, Mrs. GRASSO, Mr. GRAY, Mr. HANSEN of Idaho, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HUBER, Mr. HUNT, and Mr. JOHNSON of Pennsylvania):

H.R. 7185. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred is providing higher education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. KEMP, Mr. LEHMAN, Mr. MAYNE, Mr. MAZZOLI, Mr. MILLER, Mr. PARRIS, Mr. PODELL, Mr. ROBINSON of Virginia, Mr. RYAN, Mr. SARASIN, Mr. WALSH, Mr. WAMPLER, Mr. WON PAT, and Mr. ZION):

H.R. 7186. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself, Mr. BAKER, Mr. DERWINSKI, Mr. DONOHUE, Mr. ESCH, Mr. FISHER, Mrs. GRASSO, Mr. HAMMERSCHMIDT, Mr. HECHLER of West Virginia, Mr. HOSMER, Mr. MAYNE, Mr. MOLLOHAN, Mr. ROBINSON of Virginia, Mr. WHITEHURST, and Mr. WON PAT):

H.R. 7187. A bill to establish a National Flag Commission; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 7188. A bill to modify the boundary of the Cibola National Forest and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA (for himself, Mrs. MINK, and Mr. WON PAT):

H.R. 7189. A bill to amend title II of the Railway Labor Act to provide for the normal flow of ocean commerce between Hawaii, Guam, American Samoa or the Trust Territory of the Pacific Islands and the West Coast, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MELCHER:

H.R. 7190. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture.

By Mr. NELSEN:

H.R. 7191. A bill to provide equity in the feed grain set-aside program by allowing participants in plan B to switch to plan A; to the Committee on Agriculture.

By Mr. ST GERMAIN:

H.R. 7192. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7193. A bill to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married; to the Committee on Post Office and Civil Service.

H.R. 7194. A bill to increase the contribution by the Federal Government to the costs of Federal employees' health benefits insurance, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7195. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. SANDMAN:

H.R. 7196. A bill to designate certain lands in the Brigantine National Wildlife Refuge, Atlantic, Burlington, and Ocean Counties, N.J., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. SISK:

H.R. 7197. A bill to amend the Immigration and Nationality Act to increase immigration from Western Hemisphere nations; to provide that certain aliens illegally in the United States may have their status adjusted to that of permanent residents; and for other purposes; to the Committee on the Judiciary.

By Mr. SISK (for himself, Mr. BIESTER, Mr. BROWN of Michigan, and Mr. RONCALIO of Wyoming):

H.R. 7198. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products produced or sold under contract, and for other purposes; to the Committee on Agriculture.

By Mr. SISK (for himself, Mr. QUIE, and Mr. MEEDS):

H.R. 7199. A bill to establish more orderly bargaining procedures, to enable dairy cooperatives to negotiate more effectively for terms and conditions of the sale of milk, to provide compensation for performance of services essential to the marketing of milk, to eliminate inequities in existing marketing practices, to insure an adequate regular supply of good, healthful milk to consumers, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 7200. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL:

H.R. 7201. 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.

By Mr. CHARLES H. WILSON of California:

H.R. 7202. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. WON PAT:

H.R. 7203. A bill to provide for the extension of credit to Guam for the development of community facilities on Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Illinois:

H.R. 7204. A bill to improve the regulation of Federal election campaign activities; to the Committee on House Administration.

By Mr. WON PAT:

H.R. 7205. A bill to provide for the removal of the public debt limitations contained in section 11 of the Organic Act of Guam; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM (for himself, Mr. NIX, Mr. FORSYTHE, Mr. FRASER, Mr. ROSENTHAL, Mr. DIGGS, Mr. CULVER, Mr. WOLFF, Mr. HAMILTON, Mr. ADDABBO, Ms. ABZUG, Mr. DRINAN, Mr. RANGEL, Mr. STARK, Mr. MCCLOSKEY, Mr. SARBANES, Mr. WON PAT, Mr. CONYERS, Mr. HARRINGTON, Ms. GRASSO, Mr. TIERNAN, Mr. ASPIN, Mr. KOCH, Mr. BADILLO, and Mr. YATRON):

H.J. Res. 514. Joint resolution to end the war in Indochina; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself, Mr. YATES, Mr. BRADEMAS, Mr. EILBERG, Mr. YOUNG of Georgia, Mr. BURTON, Mr. HECHLER of West Virginia, Mr. HOWARD, Mr. MOORHEAD of Pennsylvania, Mr. WHALEN, Mr. RIEGLE, Mr. GUDE, Mr. MOSHER, Mr. LEHMAN, Ms. JORDAN, Mr. VAN DEERLIN, Mrs. BURKE of California, Mr. REID, Mr. FASCELL, Mr. MATSUNAGA, Mr. THOMPSON of New Jersey, and Mr. NEDZI):

H.J. Res. 515. Joint resolution to end the war in Indochina; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself, Mr. STUDDS, Mr. REUSS, Mr. MEZVINSKY, Mr. DONOHUE, Mr. ADAMS, Mr. EDWARDS of California, Mr. SEIBERLING, Mr. STOKES, Mr. ROYBAL, Ms. MINK, Mr. BROWN of California, Mr. ANNUNZIO, Mr. SYMINGTON, Ms. CHISHOLM, Mr. MOAKLEY, Mr. HELSTOSKI, Mr. MITCHELL of Maryland, Mr. CLAY, Mr. DELLUMS, Mr. CAREY of New York, Miss HOLTZMAN, Mr. VANIK, Mr. BERGLAND, and Mr. BRASCO):

H.J. Res. 516. Joint resolution to end the war in Indochina; to the Committee on Foreign Affairs.

By Mr. DANIELSON (for himself, Ms. ABZUG, Mr. BERGLAND, Mr. MATSUNAGA, Mr. VEYSEY, and Mr. WOLFF):

H.J. Res. 517. Joint resolution to direct the Secretary of Transportation to conduct a comprehensive study of the relationship of motor vehicle size to air pollution, fuel consumption, and motor vehicle accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS of Colorado:

H.J. Res. 518. Joint resolution relating to the taking of the 1974 Census of Agriculture; to the Committee on Post Office and Civil Service.

By Mr. HUBER:

H.J. Res. 519. Joint resolution to amend the joint resolution which codifies the rules and customs pertaining to the use and display of the U.S. flag to permit the display of the flag, if illuminated, at night; to the Committee on the Judiciary.

By Mr. WHITEHURST (for himself, Mr. GUNTER, Mr. RARICK, Mr. WAMPLER, and Mr. WRIGHT):

H.J. Res. 520. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ZWACH:

H.J. Res. 521. Joint resolution providing for a 5-year moratorium on railroad line abandonment; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS of Arkansas:

H. Con. Res. 200. Concurrent resolution providing for the printing of the compilation of the social security laws; to the Committee on House Administration.

By Mr. RODINO:

H. Con. Res. 201. Concurrent resolution to reprint brochure entitled "How Our Laws Are Made"; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

160. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to rural medical programs; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEL CLAWSON:

H.R. 7206. A bill for the relief of James F. Nugent and Catherine F. Nugent; to the Committee on the Judiciary.

H.R. 7207. A bill for the relief of Emmett A. and Agnes J. Rathbun; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 7208. A bill for the relief of Salvatrice and Giovanni Galafi; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 7209. A bill for the relief of Estelle M. Fass; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 7210. A bill for the relief of Victor L. Jones; to the Committee on the Judiciary.

By Mr. KOCH:

H. Res. 362. Resolution, to refer the bill (H.R. 7209) for the relief of Estelle M. Fass to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

176. By the SPEAKER: Petition of the city council, Middleburg Heights, Ohio, relative to the meat boycott; to the Committee on Banking and Currency.

177. Also, petition of William R. Tusay, Trenton, N.J., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

178. Also, petition of Domenic T. Inzillo, Philadelphia, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

179. Also, petition of Garie C. Halstead, St. Albans, W. Va., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.