

Army of the United States (lieutenant colonel, U.S. Army).

Col. Harley F. Mooney, Jr. [REDACTED], Army of the United States (major, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate May 23, 1973:

DEPARTMENT OF JUSTICE

Elliot L. Richardson, of Massachusetts, to be Attorney General.

William J. Deachman III, of New Hampshire, to be U.S. attorney for the district of New Hampshire for the term of 4 years.

Allen L. Danielson, of Iowa, to be U.S. attorney for the southern district of Iowa for the term of 4 years.

V. DeVoe Heaton, of Nevada, to be U.S. attorney for the district of Nevada for the term of 4 years.

James L. Teece, of Colorado, to be U.S. attorney for the district of Colorado for the term of 4 years.

Paul J. Curran, of New York, to be U.S.

attorney for the southern district of New York for the term of 4 years.

Louis O. Aleksich, of Montana, to be U.S. marshal for the district of Montana for the term of 4 years.

COMMUNITY RELATIONS SERVICE

Benjamin F. Holman, of the District of Columbia, to be Director, Community Relations Service, for the term of 4 years.

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

HOUSE OF REPRESENTATIVES—Wednesday, May 23, 1973

The House met at 12 o'clock noon.

The Reverend Canon Nelson Wardell Pinder, canon missioner, Episcopal Diocese of Central Florida, Winter Park, Fla., offered the following prayer:

Almighty God, bless this House and grant that all the work done here may be to the glory of Thy great name and to the benefit of all Thy people.

Give Thy grace and wisdom to all in authority, that they may be examples of holiness, simplicity, and self-denial. Bless each one who works here. Take from them all pride, vanity, and self-conceit and give them true humility. Enlighten their minds, subdue their wills, purify their hearts, and so fill them with Thy spirit and Thy love that their labors here will contribute to the unification and strengthening of our great country.

We praise you for the founders and benefactors of this House and pray your blessings upon them. May we all truly trust in Thee and remain one Nation under God. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6370. An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6370) entitled "An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to

any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. BROOKE to be the conferees on the part of the Senate.

The message also announced that the Senate proceeded to reconsider the bill (S. 518) entitled "An act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget," returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

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

S. 514. An act to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data;

S. 1016. An act to provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes;

S. 1201. An act to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; and

S. 1385. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

TRIBUTE TO THE REVEREND CANON NELSON W. PINDER

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

Mr. GUNTER. Mr. Speaker, our prayer was offered this morning by the Reverend Canon Nelson W. Pinder, canon missioner of the Episcopal diocese of central Florida. I am extremely proud

of Father Pinder's accomplishments and contributions to central Florida and the Nation and I am particularly proud of the fact that he is a resident of the Fifth Congressional District of Florida.

I would like to submit to you a brief record of some of Father Pinder's accomplishments in recent years.

Father Pinder graduated from Bethune-Cookman College in Daytona Beach, Fla. From there he attended Nashotah House Seminary in Nashotah, Wis. After completion of seminary, he continued his education with graduate work at Florida A. & M. University in Tallahassee, Fla. Father Pinder has also received special training from Indiana University in adult education and from the urban training center of Chicago, Ill.

At present, he is an Episcopal priest and director of the awareness center in Orlando, Fla.

He is also chairman of equal opportunity and recruitment of minority people for church work under the fourth province of the Episcopal Church. Father Pinder is married to Marian Elizabeth Grant, of Jacksonville, and has two children, Gail and Squire.

Along with his many duties at the church, Father Pinder is also president of the Alpha Phi Alpha Fraternity and is at present vice-chairman of the United Negro College Fund Campaign. Recently, Father Pinder has received several significant awards. Among these are the Alpha Kappa Alpha Community Award in 1972, the Black Community Award in 1972, and the United Negro College Fund Award in 1971.

Mr. Speaker, I join with the communities of central Florida, in their pride and confidence in Father Pinder and thank those members of the Episcopal diocese of central Florida for making it possible to share him with the Nation today.

ADJOURNMENT FROM MAY 24 TO MAY 29, 1973

Mr. O'NEILL. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 221) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 221

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 24, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, May 29, 1973.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

THE GOVERNMENT-BY-APPOINTMENT TACTICS OF THE NIXON ADMINISTRATION

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

Mr. ADDABBO. Mr. Speaker, I rise today to bring to the House a further example of the government-by-appointment tactics of the Nixon administration.

As we have pointed out previously, the will of the Congress, the elected representatives of the people, is being continuously subverted by the Office of Management and Budget, whose director is responsible only to the President.

It is particularly important on this day, when we are about to vote to override the Presidential veto of the bill to force Senate confirmation of the OMB appointment, that we realize just how far this usurpation of checks and balances within Government has progressed.

We are at the point today where the decision of this nameless, faceless group of people in OMB is more important and carries more weight than does the legally constituted work of Congress. This office, set up to advise the President on budget matters, now exercise an effective veto on the decisions of Congress. While it is true that Congress is the servant of the people, it is not true that Congress must be the servant of a group of bureaucratic bookkeepers whose view of national priorities is limited purely by the costs of projects.

I would like to share with the Members the latest veto the office has exercised on the will of Congress. The Port of New York City is one of the Nation's oldest and is the second busiest port within the Nation.

In the River and Harbor Act of 1970, the Congress declared that Federal funds should be used to remove and dispose of derelict vessels in the harbor, as well as deteriorated shore structures and debris along the harbor shore and its tributary waters.

The Congress did this because the port is an important national asset which plays an important part in our international commerce.

Without a smoothly functioning port, not only would our balance-of-trade deficits severely worsen, many businesses would be forced to close their doors, many citizens would be placed out of work, and many of our citizens would have to do without goods necessary to our high standard of living in this country.

The Congress, as I said, debated and approved the bill, and it was signed into law by the President.

But now the Director of the Office of Management and Budget has decided there is "no justification" for using Federal funds for this program. Accordingly, I have been told by the Army Corps of Engineers, the work of rehabilitation ordered by Congress will not be performed.

There is something very wrong with our system of government when the Congress approves a program, it is signed into law by the President, and an office with no responsibility to the people and no expertise except the act, can exercise a veto power over that collective judgment.

When the vote to override the Presidential veto on the bill to force Senate confirmation of the Director of OMB comes before this House later today. I fully intend to vote for it. And I would urge all Members of this House, whatever their political persuasion, to vote for the override if they believe in the democratic system of government.

FEDERAL PAYMENTS TO SCHOOLS

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

Mr. CONTE. Mr. Speaker, due to a Presidential veto, the Office of Education has been forced to operate on a continuing resolution.

Many people are concerned by the inability of Congress to enact an appropriations bill to support our schools. I share this deep concern. Nobody is more concerned about aid to education than I am.

However, I must object to the Department of Agriculture for assuming the role of continuing Federal payments to a few favorite schools.

Last year it gave huge farm subsidies to six State universities as a reward for not growing crops. These giveaway payments went to:

Texas A. & M.	\$123,000
Texas Tech	67,000
University of Idaho	54,000
Kansas University	45,000
Auburn University	25,000
University of California	20,000

On May 7, I told the House how the farm subsidy program has become a part of our foreign aid program, with \$68,000 going to the Queen of England. Now this outrageous program is part of our aid to schools program, too.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow morning.

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

There was no objection.

CALL OF THE HOUSE

Mr. TEAGUE of California. 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. 155]

Adams	Erlenborn	Owens
Badillo	Forsythe	Pepper
Biaggi	Gonzalez	Rallsback
Boggs	Gray	Reid
Carter	Harrington	Rooney, N.Y.
Chamberlain	Harsha	Rooney, Pa.
Clark	Hebert	Roybal
Clausen,	Holtzman	Sandman
Don H.	Keating	Satterfield
Clawson, Del	King	Steed
Conable	Kuykendall	Stephens
Conyers	Landrum	Teague, Tex.
Davis, Ga.	Long, La.	Waggoner
Denholm	Melcher	Walde
Diggs	Mills, Ark.	Wampler
Dorn	Mosher	Wright
Elberg	Obey	Young, S.C.

The SPEAKER. On this rollcall 383 Members have recorded their presence by electronic device, a quorum.

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

AMENDING SECTION 1319 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate Joint Resolution (S.J. Res. 112) amending section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 112

Joint Resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1319 of the Housing and Urban Development Act of 1968 is amended by striking out "\$4,000,000,000" and inserting in lieu thereof "\$6,000,000,000".

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 112 is an emergency measure to increase the total outstanding amount of flood insurance in force from \$4 billion to \$6 billion.

Members will recall that this body passed a joint resolution late in January which increased the flood insurance authorization from \$2.5 billion to \$4.0 billion. At that time, we recognized the burgeoning demand for flood insurance resulting from growing public awareness of the severe threats to home and business properties on the Great Lakes and along the Mississippi.

The reasons for an increase in the insurance limitation which we considered in January continue to be equally applicable today. In January, the face value of flood insurance in force was increasing at the rate of \$200 to \$250 million per month; today it is increasing at the rate of \$350 million to \$400 million per month.

The Housing Subcommittee of the Banking and Currency Committee is con-

sidering a bill to strengthen and expand the national flood insurance program. This bill has a broad measure of bipartisan support and is recommended by the administration. We have heard a great deal of testimony on this legislation, predominantly in favor of such strengthening and expansion.

Your committee wishes to give the pending bill mature and considered judgment, but we recognize that this important program must continue during the time it will take to report the measure to the House and to permit the other body the necessary time to consider it.

The bill now before the committee would increase the flood insurance limitation to \$10 million—a figure which would be ample for a reasonable period of time. However, until we have been able to report to the House the kind of legislation which we believe will make a forceful attack on the problem of mounting flood losses, we recommend immediate passage of Senate Joint Resolution 112 which passed the Senate, Monday, May 21, in order to avoid an interruption of the present program and to permit citizens of flood-prone areas to continue to purchase flood insurance in order to protect themselves against financial losses resulting from floods.

Mr. Speaker, I have here a tabulation which shows the number of communities participating in the Federal flood insurance program, the number of insurance policies in force, and the amount of coverage. This tabulation, which I request be printed in the RECORD, shows that the amount of flood insurance in force had risen to almost \$3.3 billion by the end of April. I am informed that this figure had increased to more than \$3.6 billion as of last Friday and that it is necessary to consider cutting off further policy sales if the pending joint resolution is not acted upon immediately.

I urge such action.

The tabulation follows:

RECORD BY MONTH

	Number of communities	Number of policies	Coverage (\$1,000)
July 1972	1,192	94,617	1,548,109
August 1972	1,227	96,741	1,617,253
September 1972	1,267	102,245	1,736,429
October 1972	1,330	115,701	1,973,080
November 1972	1,372	125,007	2,122,902
December 1972	1,430	137,020	2,338,485
January 1973	1,496	145,822	2,403,448
February 1973	1,602	157,799	2,714,371
March 1973	1,749	169,208	2,922,942
April 1973	1,958	190,267	3,821,040

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

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

Mr. GONZALEZ. Mr. Speaker, on the quorum call just recorded, I am shown as not being present. The signal operation in my office was inoperative and as a result I arrived less than half a minute after the result was announced. I was,

and am, present, and request the record reflect this fact.

MESSAGE FROM THE SENATE

The SPEAKER laid before the House the following message from the Senate:

The Senate having proceeded to reconsider the bill (S. 518) entitled "An Act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget", returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (S. DOC. NO. 93-16)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the Senate of the United States:

I am today returning without my approval S. 518, a bill which would require Senate confirmation of those who serve as Director and Deputy Director of the Office of Management and Budget.

This legislation would require the forced removal by an unconstitutional procedure of two officers now serving in the executive branch. This step would be a grave violation of the fundamental doctrine of separation of powers. In view of my responsibilities, it is my firm duty to veto this bill.

Under present law, the Director and Deputy Director of the Office of Management and Budget are appointed by the President and serve at his pleasure. S. 518 would abolish these two positions effective thirty days after enactment and then provide for their immediate re-establishment. If the officers now lawfully occupying these Office of Management and Budget positions were to continue to serve, they would have to be reappointed by the President, subject to the advice and consent of the Senate.

The constitutional principle involved in this removal is not equivocal; it is deeply rooted in our system of government. The President has the power and authority to remove, or retain, executive officers appointed by the President. The Supreme Court of the United States in a leading decision, *Myers v. United States*, 272 U.S. 52, 122 (1926), has held that this authority is incident to the power of appointment and is an exclusive power that cannot be infringed upon by the Congress.

I do not dispute Congressional authority to abolish an office or to specify appropriate standards by which the officers may serve. When an office is abolished, the tenure of the incumbent in that office ends. But the power of the Congress to terminate an office cannot be used as a back-door method of circumventing the President's power to remove. With its abolition and immediate re-creation

of two offices, S. 518 is a device—in effect and perhaps in intent—to accomplish Congressional removal of the incumbents who lawfully hold those offices.

Disapproval of this legislation is also required because of the nature of the positions it would subject to Senate confirmation. For over 50 years the Office of Management and Budget and its predecessor agency, the Bureau of the Budget, has been headed by a Director appointed by the President without Senate confirmation.

The positions of Director and Deputy Director of the Office of Management and Budget were established in the Executive Office of the President to provide the President with advice and staff support in the performance of his budgetary and management responsibilities. These positions cannot reasonably be equated with cabinet and sub-cabinet posts for which confirmation is appropriate.

The responsible exercise of the separate legislative and executive powers is a demonstration of the workability of the American system. But, if it is to remain workable, I must continue to insist on a strong delineation of power and authority, the basis of which is too fundamental to allow to be undermined by S. 518.

The point was made most succinctly by James Madison in 1789:

If there is a principle in our Constitution, indeed in any free constitution more sacred than another, it is that which separates the legislative, executive and judicial powers. If there is any point in which the separation of the legislative and executive powers ought to be maintained with great caution, it is that which relates to officers and offices.

RICHARD NIXON.
THE WHITE HOUSE, May 18, 1973.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from California (Mr. HOLIFIELD) is recognized for 1 hour.

Mr. HOLIFIELD. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I regret the President saw fit to veto S. 518, a bill which would require Senate confirmation of the Director and Deputy Director of the Office of Management and Budget. I hope the House will vote to override the veto.

On May 13, 1970, the House passed Reorganization Plan No. 2 of 1970.

That plan reorganized the old Bureau of the Budget in several ways:

a. It renamed the Bureau as the Office of Management and Budget;

b. It transferred from the Director of the Budget its functions and 60-odd statutory responsibilities to the President;

c. It gave the President full authority to delegate all powers and responsibilities from the Bureau to any Agency or Department in Government.

The Democratic majority opposed that plan in committee and on the floor.

Notwithstanding our opposition, the plan was passed by a narrow margin of 29 votes.

The Congress weakened its power and transferred its 60 statutory powers to the President.

This bill which the President has vetoed contains a reversal of our action on the 1970 plan. It recaptured to the Congress all of those powers we gave away.

This bill also required that the Director of the Office of Management and Budget be confirmed by the Senate.

This change to a confirmatory appointment from a nonconfirmatory appointment we believe was fully justified by the increase in power of the Director in recent years. The Director has become far more powerful than the Secretaries at Cabinet level because he sets the level of expenditures over every domestic and military program in our Nation.

He can and has abolished congressionally passed programs by sharp reductions in funds or impoundment. No Cabinet Secretary, all of whom must be confirmed, has that extensive and all encompassing power over our Nation's programs. The Director of OMB should be confirmed.

H.R. 3932, the companion legislation in the House, was passed because Members saw the practical necessity of requiring confirmation of these two high officials if the Congress was ever to be able to function on a plane of equality with the executive branch. The expenditures of the Federal Government for fiscal year 1973 will be in excess of \$268 billion. The Director of the Office of Management and Budget and his Deputy are the key Federal officials under the President who determine the manner and amount of these expenditures. In Congress we all have recognized the tremendous power that these budget officials wield. Congress may develop programs and propose a level of expenditures to fund them. The OMB, however, determines how much of these funds shall be spent. This is the exercise of life and death power over programs that Congress has enacted for the people of the United States. But what purpose is there in legislating programs if these officials, presumably acting for the President and shielded from the Congress can frustrate its will?

I want to state again as I did during the debate on the bill that this legislation is not directed at the incumbents nor is it political in aim. The magnitude and scope of the power of these men is greater than that of virtually all the many officials of the executive branch who are required to be confirmed. There is no logic in having the Senate scrutinize the qualifications of lesser officials when the most powerful official of them all remains exempt.

In his veto message the President questions the constitutionality of this legislation. This, of course, is a matter for the courts to decide but I am firmly convinced that what we have done is well within the constitutional prerogatives of the Congress. We create offices and abolish offices and create other offices all of the time. In the numerous cases in which this was done before we have been able to find no complaint. Obviously, it is well within the lawmaking powers of Congress to determine the

nature of departments and the competence of the persons who should fill them.

On pages 14 and 15 of the report on the bill we gave identical examples of abolishing offices which did not require Senate confirmation and creating new offices which required Senate confirmation.

Public Law 92-22 abolished the position of Assistant Secretary of the Interior for Administration, which was not subject to Senate confirmation, and created a new position of Assistant Secretary of the Interior, which is subject to Senate confirmation. In his executive communication proposing this change, Rogers C. B. Morton, the Secretary of the Interior, stated:

The proposed bill abolishes the existing position at the same time creating the new one . . . The Office of Management and Budget has advised that there is no objection to the presentation of this legislative proposal from the standpoint of the administration's program.

Public Law 92-302 abolished the position of Assistant Secretary of the Treasury for Administration, appointed without Senate confirmation, and created an additional Assistant Secretary of the Treasury appointed with Senate confirmation.

Public Law 91-469 abolished the position of Maritime Administrator and created in its place an Assistant Secretary of Commerce for Maritime Affairs, whom the statute designated as an ex officio Maritime Administrator.

The Budget Director is no longer just the President's man. He gives assistance and advice to the President as do Cabinet officers and officials who are confirmed by the Senate. His relationship to the President is not so intimate nor so unique to except him from Senate confirmation.

In summary the veto should be overridden and the bill should become law for the following reasons:

First. It helps to restore balance between Congress and the Executive in the budgetary process.

Second. It recognizes the reality that the Director of the Office of Management and Budget, with his vast power and importance, holds an office of superior rank, for which the requirement of Senate confirmation is long overdue.

Third. It corrects the anomaly that the Director and Deputy Director of the Office of Management and Budget are appointed without benefit of Senate advice and consent when top officers in other components of the Executive Office of the President now must be confirmed by the Senate.

Fourth. It vests certain functions directly in the Director of the Office of Management and Budget rather than in the President, in accord with the original statutory intent.

Fifth. It protects and reinforces the requirement for Senate confirmation, a major purpose of the legislation, by preventing the President from delegating functions of the Office of Management and Budget to other agencies and leaving that office an empty shell.

Let us take the first step to reclaim the powers of Congress and to assure that the programs we enact for the people are

put into effect in the way Congress intended.

Let us vote to override the veto.

Mr. EVINS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Speaker, does not the distinguished chairman of the Government Operations Committee feel that the Budget Director is now more powerful than many of the Cabinet officers who are subject to Senate confirmation?

Mr. HOLIFIELD. Yes. I have just stated that. He presides over \$268 billion worth of allotment of funds.

We in the Congress are backing away if we do not vote to override the President's veto; backing away from our responsibilities to recapture the powers of the Congress of the United States which we have given away in a moment, in my opinion, of weakness.

Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, at issue here today is not whether we should confirm the OMB Director. At issue here today is not whether we should reform the Congress, or return power to the Congress. What is at issue is whether we should establish the principle of allowing Congress, at any time and by means other than are to be found in the Constitution, to act so as to remove legally appointed executive officers. Such a principle has been declared unconstitutional by the Supreme Court.

It is the obvious unconstitutionality of this bill which caused 171 Members of the House to oppose it on May 1, just 22 days ago. It is the unconstitutionality of this attempt by Congress to remove Executive officials which prompted the President to veto this bill last Friday.

The constitutional problem with the original Senate version was recognized by its House sponsors early in the Government Operations Committee hearings on S. 518. They decided to amend the Senate version by providing for the abolition and the immediate reestablishment of the offices of Director and Deputy Director of OMB as a means of "skirting around" the unconstitutionality of the Senate bill. However, this attempt to avoid the problem of constitutionality cannot succeed. The Supreme Court has held that where there is an essential inevitable effect which is unconstitutional, then the legislation must be held unconstitutional. In other words, what Congress is prohibited from doing directly, it may not do indirectly.

Clearly it is not unconstitutional for the Congress to abolish executive positions or even executive agencies; clearly it is not unconstitutional for the Congress to require prospectively that appointees to certain executive positions be subject to confirmation by the U.S. Senate. This was done fairly recently in the case of the FBI Director. But this does not change the fact that the clear legislative intent of this piece of legislation, as shown in statements by its sponsors in hearings in the House and in debate in both the House and Senate, is to

require the confirmation, and thus the necessary removal of two duly appointed executive officers. This purpose is at once the core of the bill's intent and the core of its unconstitutionality.

Thus, Mr. Speaker, I feel that this bill must be viewed as setting a precedent for exceeding the bounds of congressional power, and our judgments on the wisdom of this bill must be made based on the wisdom of setting this kind of precedent.

What, if any, are the benefits of this bill? I submit that there are not only none to be found, but there are serious disadvantages to the enactment of this legislation. First, the bill would not in any way increase congressional or senatorial sway or influence over the content of Presidential budget recommendations. Obviously, no nominee for either of these positions could or should be horse-trading with Members of the Senate over what Presidential budget policies he would or would not help to research, to compile or to advocate. Thus, this bill would do nothing to change policies or impoundment of funds; it would do nothing to change the emphasis of administration or Presidential budgeting priorities.

While it would yield none of these benefits for the Congress, the bill would tend to drive a wedge into the close relationship between the OMB and the House of Representatives. In fact, several of the witnesses at the Government Operations Subcommittee hearings testified that the bill would have a negative and destructive effect on the leadership of the House in fiscal affairs. As you know, our leadership in this field is already being eroded by back-door appropriations procedures that have been invoked in the other body.

Mr. Speaker, there is no wisdom in establishing this precedent, there is no substantive or policy benefit to be gained that would outweigh the clear unconstitutionality of this bill.

Now that we have examined the legislation itself, together with the effects it would have, let me turn to the separate effects of our vote here this afternoon.

Our debate today is held in an atmosphere where there is great and justified public concern about the use and abuse of power, and about the strengthening of Congress in ways that will enable it to fulfill its proper constitutional role as a coequal branch of the Federal Government. Understandably, one of the public measures of the reassertion of congressional power has become an assessment of the ability or willingness of Congress to override the President on something. While I am not saying that any Member of Congress would vote to override a veto without regard to the substance of the bill in question, I am certain that to some extent, that temptation exists—especially for Members who are as shocked and appalled as I have become over some of the revelations of these past few months.

Perhaps the easy thing for us to do would be to lash out, and through our constitutional power to override vetoes, reverse some item of Presidential view or policy as a symbolic demonstration of the rising will of the peoples' repre-

sentatives in Congress. I am certain that a vote to override this veto would receive that kind of billing in the media and in the public mind. But I am not sure that in this hour when there are so many responsible and necessary ways in which we must assert the authority of Congress, that there is any wisdom in overstepping our own constitutional boundaries in the process of doing so.

I think there is a lesson in these abuses of power which bears directly upon the importance of our vote today. If there is to be any return to rational and open democracy in the aftermath of the current crisis, it will only be by demonstration that Congress and the Executive can and will abide by the legal and constitutional guideposts which are the foundation of our system of government.

At this very solemn hour in American history, we in Congress have an opportunity, a duty, to show that Government can function within the system and within the rules. At this time, when Congress is moving on so many proper fronts to reassert its legitimate powers, it is unbecoming and unnecessary for the Congress to strike out beyond the Constitution.

This legislation would reverse a policy that was instituted in the Budget and Accounting Act of 1921; it would set a precedent that the House and the overall budgetary system of the Government would have to live with for many years, and for many administrations. Worst of all, it amounts to an unconstitutional removal of legally appointed officeholders.

This legislation must not be considered as a vehicle for reestablishing the authority of Congress—it is neither equal to nor worthy of this important task.

I submit, Mr. Speaker, that enactment of this unconstitutional legislation is not a worthy response to the needs of our times. I urge my colleagues to sustain the veto on these grounds, and not to support this bill.

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

Mr. HORTON. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I listened with interest a few moments ago to the gentleman from California speak of Presidential power and loss of authority over the purse strings on the part of the Congress. I recall that only last week a bill was passed in the House of Representatives which gave the President explicit power to spend money as he may specify, on his terms and conditions. That bill involved millions of dollars, but the House adopted it, and the the process defeated an amendment which I offered to strike down that delegated power to the President.

What is the crying about here today from that standpoint?

As for the veto itself, I am prepared to vote for a bill tomorrow to require confirmation of the next Budget Director and his deputy, but this retroactive proposal is punitive and I do not support it. I shall vote to sustain the President's veto.

Mr. HORTON. I thank the gentleman for his comments.

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

Mr. HORTON. I will be glad to yield to the gentleman from California (Mr. HINSHAW).

Mr. HINSHAW. Mr. Speaker, I would like to propound this question: If the Congress were to proceed as has been suggested here, could not the Congress also, by a similar act, abolish the position of the Secretary of Defense or the positions of any of the other Cabinet members and, therefore, create a constitutional crisis of unprecedented proportions?

Mr. HORTON. One of the points I made in my presentation earlier was that this would do what the Congress cannot do. In other words, there are certain means whereby the Congress can remove officers who have been duly appointed, but this legislation does not use those means. This legislation is designed to do something indirectly that the Congress cannot do directly.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the distinguished Speaker of the House (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, first, apropos of what the gentleman from Iowa (Mr. Gross) has said, if I recall correctly, the bill to require confirmation of the Director of the Office of Management and Budget was introduced in January, before the present incumbent and holder of the office was appointed. But I take this time to comment upon the constitutional issue here involved, the issue on which the gentleman from New York (Mr. HORTON) has touched.

Section 2 of article II of the Constitution, in speaking of the powers of the President, says he shall have power, by and with the advice and consent of the Senate, "to make treaties and by and with the consent of the Senate, shall appoint ambassadors and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, they think proper, in the courts of law, or in the heads of departments."

The Office of Director of Management and Budget is not an inferior office. It is an extremely important office having the power to approve or disapprove recommendations of members of the Cabinet in its own name. If the Congress has erred it is in not making the appointment subject to confirmation from the beginning. In my judgment, the Constitution requires confirmation of the officer under consideration. This is not a criticism of the incumbent Director. This is simply an effort to comply with a constitutional mandate respecting the confirmation of a very important office of the Government.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HORTON) for allocation.

Mr. HORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I would not presume to challenge the arguments of the distinguished Speaker of the House of Representatives as to the constitutionality of this legislation, but I would say

it appears to be clear that in any case it is a device to get at, at this point in time, the incumbent Director of the OMB, and it is the use of legislative gimmickry to try to accomplish that purpose.

Now, I, like our distinguished colleague, the gentleman from Iowa (Mr. Gross) would vote tomorrow to make this an office which in the future would be subject to confirmation by the U.S. Senate. I do believe it is that powerful an office. But I would say by the very same token that in the case of an office of this level of responsibility, to attempt, by a device such as this and by this kind of legislative gimmickry, to remove a man, who would have to commit some kind of very serious crime in order to be lawfully removed otherwise, would strike me as being conduct which is less than responsible on the part of the House of Representatives and the Congress.

Now, it seems to me that if we want to say in the future that this shall be subject to confirmation, this is something we might well consider.

I would urge my colleagues—and I associate myself with the remarks of the gentleman from New York and the gentleman from Iowa—not to use this kind of a device to get at an individual who holds that office now.

I would further urge my colleagues not to use this as some kind of weapon to get at the President or those who work with him.

As I heard some of the talk this morning on my side of the aisle from some of my friends there flashed through my mind a scene from several years ago when I was standing on a golf course and looked across the way at a man with a very fine set of clubs who had just missed a shot and then proceeded to wrap his club around the nearest tree. He vented his spleen, but also he ruined his golf club.

Mr. Speaker, I would say that anyone who uses this as a weapon against the President is behaving in the same immature fashion, and I hope that that will not be the case.

I urge my colleagues to vote on the merits of this issue, which means that you will vote to sustain the veto of the President.

Mr. HOLIFIELD. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Texas (Mr. Brooks).

Mr. BROOKS. Mr. Speaker, on May 1, this House overwhelmingly passed legislation restoring statutory functions to the Director of the Office of Management and Budget and requiring Senate confirmation of appointees to the positions of Director and Deputy Director of that office. Two days later, on May 3, the Senate, by an even greater margin, accepted the House language and sent it to the President for signature.

On May 18, the President returned the bill to the Senate without his approval.

Mr. Speaker, I submit that, by this action, the President has shown that he still has no intention of taking positive steps to restore public confidence in the executive branch of the Federal Government. His action in this instance will further erode relations between the Con-

gress and the White House. This is not in the best interest of the U.S. Government or its people.

In his veto message, the President challenged the constitutionality of this bill alleging that it violated the doctrine of separation of powers by removing two officers now serving in the executive branch. The bill does no such thing. It abolishes two offices presently occupied by incumbents. No individual has a vested right to a Government office, and the hearings and report of the Government Operations Committee when considering this bill fully reviewed this issue and established that the right of Congress to create and abolish Government offices has been firmly upheld in the courts.

Mr. Speaker, there is as much obligation on every Member of Congress to determine the constitutionality of legislation coming before us as there is on the President of the United States. I felt certain that every Member of Congress weighed this issue carefully before casting his vote, and a majority of the Members of the House and a majority of the Members of the Senate, from both political parties, resolved the issue on the side of constitutionality. The President in his veto message has done nothing less than impugn the motives of the Members of Congress who supported this legislation.

There is a more significant constitutional issue presented in this legislation and its veto, however; that is, the explicit provision in article 2 that the President shall have the power, by and with the advice and consent of the Senate, to appoint ambassadors, public ministers, consuls, Justices of the Supreme Court, and all other officers of the United States whose appointments are not otherwise provided for in the Constitution, unless the Congress voluntarily vests that appointment power in the President alone. There can be no question that Congress has the right to require Senate confirmation of appointees to be Director and Deputy Director, Office of Management and Budget, for the President to veto this legislation on the grounds that he does not agree with that conclusion, and to imply that confirmation is inappropriate is a serious breach in fulfilling his own constitutional responsibilities. Regardless of how strongly the President may disagree with our conclusion concerning Senate confirmation, I submit that it is an abuse of the veto power to attempt to thwart the will of Congress in its exercise of an obvious constitutional prerogative.

Mr. Speaker, this veto is representative of the current state of our Federal Government in which excessive power has gravitated to the Executive to the point at which the will of Congress is all too often ignored or openly rebuked. We must take steps now to restore some of the balance between the two branches of Government and to revive the long-standing principle of checks and balances which our forefathers so wisely, though subtly, wove into the Constitution.

Senate confirmation of important executive officers has long been a principal

part of that checks and balances system. It is not a means of interfering with Presidential prerogatives, but a device to insure, as nearly as we can, integrity and competency of high-level Government officials.

It is beyond question that the Office of Management and Budget has become one of the most powerful agencies in Washington. Whatever may have been the case in the past, we can no longer permit the appointment of the managers of that agency to be exempt from the confirmation requirement. Congress has a responsibility to protect the public's right to subject appointees to those offices to public evaluation.

Mr. Speaker, at no time in our history has it been any more critical that we move to restore confidence in our Federal Government. It is no secret that, at this time, we are in the midst of a crisis of confidence. Nor is it any secret that a disproportionate amount of this disintegration of confidence is alleged to be due to the activities of powerful men appointed to high Government office without the benefit of Senate confirmation. The Congress and the President should recognize the dangers of continuing this method of appointment of such officers. We must take obvious affirmative action now to show the people of this Nation that we want the highest policy makers of our national fiscal decisions to be confirmed by the elected Congress of this country.

We should follow the lessons of history and subject the holders of these positions to public scrutiny through the process of Senate confirmation to determine as nearly as we can whether they have the qualifications, the character, and the proper motives for holding these offices and for exercising the power that it entails.

Mr. Speaker, the Senate yesterday overwhelmingly voted to override this veto and to again exercise its constitutional right to require confirmation of these appointees. I urge my colleagues in the House to do likewise.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HORTON).

Mr. du PONT. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Delaware.

Mr. du PONT. Mr. Speaker, I am deeply concerned about the implications of the issue before the House today: Whether or not to sustain the President's veto of legislation designed to require Senate confirmation of the Director of the Office of Management and Budget.

I am concerned, Mr. Speaker, not because I disagree with the intent of the legislation. Certainly the Office of Management and Budget has assumed broad, new powers within the executive branch of the Government. It sets spending priorities, has the final word on budget allocations for nearly all Federal agencies, and approves expenditures of billions of dollars of Federal funds. The Director of this office has powers equal to, or greater than many Cabinet secretaries, and should be confirmed by the Senate.

But the legislation tries to remove the present Director of the Office. It is not prospective; it attempts to be retroactive. In my opinion this is grossly unfair, and even unconstitutional. The Congress fully recognizes that severe constitutional problems exist in trying to remove an employee of the executive branch of the Government. Article II, section 4 of the Constitution makes it very clear that employees of the executive branch of the Government can be removed only by impeachment for and conviction of "treason, bribery, or other high crimes and misdemeanors." Article I, section 9 also forbids "ex post facto" laws—retroactive laws which are applied unfairly. In order to attempt to get around these constitutional prohibitions, this legislation purports to abolish the position of Director of the Office of Management and Budget, and create a new office, changing only one single comma (,) in the title.

Mr. Speaker, I do not think the people of the United States will sit still for such legal shenanigans. Further, I seriously doubt that the constitutional limitations can be short-circuited by such transparent political actions.

I personally would have no objections to the present Director being confirmed by the Senate, had it been required at the time of his appointment. The issue is not Mr. Ash; nor is the issue whether or not the Director of the Office of Management and Budget be subject to Senate confirmation. The issue is whether or not the Constitution of the United States can be bypassed by shortsighted legislation for questionable purposes. It has been said that the Constitution was written to protect us from ourselves here in the Congress. I think it will serve its purpose today as a sufficient number of my colleagues seem likely to refuse to participate in such an ill-advised charade. I shall strongly support this legislation if it is to be applied fairly. I will not support legislation that seeks to subvert the intent of the Constitution.

Mr. HORTON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Speaker, I would like to respectfully respond to the point made by the distinguished Speaker, that the Constitution is not involved here, by referring to the matter of inferior appointments and Cabinet appointments. The Constitution is quite clear on this point. The Speaker did not refer to section 4 of article II, and I quote:

The President, Vice President, and all civil officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

This constitutional provision provides an exclusive remedy for the removal of a civil officer. When an executive officer is duly appointed a civil officer he shall be removed only by impeachment; that is the constitutional provision before us today. Many of us would not oppose—in fact, we thoroughly support the concept that the advice and consent of the Senate

be obtained for future appointments of the Director of the Office of Management and Budget, and his Deputy, but this bill turns on a different issue, and that is the issue of whether Congress shall bypass the constitutional provision that only impeachment shall be used as the means of removal from office, and replace it with the abolishment of the office itself and its re-establishment. I think that the charade and the sham of the action before us is clearly seen when we look at the bill itself. It states that the Director of Office of Management and Budget shall now be replaced by the term "Director," comma, "Office of Management and Budget."

I would say to my colleagues in the House that today we are engaged in at least three major constitutional confrontations with the President where we as a Congress seek to restore our proper role as a check and balance of executive powers.

In matters of the war power, in spending priorities, in the ascertainment of the truth against undue claims of executive privilege, we are desperately seeking to restore the faith of our people that Congress will serve its proper checks-and-balances role. It is, therefore, particularly important at this stage of our history that we not demean our case by seeking to arrogate unto Congress a power that we should not properly have. We need to regain our proper powers and responsibilities with respect to wars, spending priorities, and the truth. We demean our case if we seek to abolish an office merely to get at the present incumbents and to avoid the constitutional requirement that impeachment be the sole basis for the removal of an executive officer.

For that reason, Mr. Speaker, I urge that the Congress vote today to sustain the President's veto. We will be confronting the President on other issues, but I think it is important that we not attempt to arrogate unto this body a power that the Constitution intends that we do not have.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HORTON), for allocation.

Mr. HORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, this legislation is punitive in that it is clearly aimed at the present incumbents serving as Director and Deputy Director of the Office of Management and Budget. As such, I think it is clearly unconstitutional in that it is an *ex post facto* law. The hearings before the Committee on Government Operations clearly establish the motive behind the legislation.

If the legislation is aimed at the impoundment action of the President, it is a bill of attainder and, as such, also is unconstitutional, in my opinion.

The gentleman from California, my distinguished chairman of the Committee on Government Operations, and a man for whom we all have great respect and affection, has told the Members that

the functions of the Office of Management and Budget performed by the Director and Deputy Director are functions of the President and not independent functions of the Director, Deputy Director or the Office of Management and Budget. The President makes the decisions on the budget, recommendations to the Congress about its level and its detail. The President makes the decisions about what should or should not be impounded under the spending authority this Congress has given him. And the President must have his own advisors on budgetary matters and the management of that budget. If the President does not have his own OMB Director to advise him on Presidential duties and functions, he will have someone else advise him; but it will still be the President who administers those functions and in whose name the function is executed.

I have some sympathy for the idea that the Congress should have its own Office of Management and Budget, or a Director or Deputy. We need that because we, as a legislative body, need some help in making better judgment about making authorizations and appropriations. I will vote for that. But that will only help us perform our constitutional duties better—the duties of authorizing and appropriating.

The OMB Director is an arm of the President and not a Cabinet officer who has been given many independent duties by law. Unlike Cabinet officers who, independently of the President, set standards, write guidelines and otherwise expand and circumscribe laws passed by Congress and signed by the President, the OMB Director does not operate separately. He operates in the President's name.

The President's veto should be sustained.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York for allocation of time. We do have a number of speakers, I might say, Mr. Speaker, and our speakers on the debate are not on the floor.

Mr. HORTON. I thank the gentleman for yielding.

I yield 3 minutes to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I hope and trust that the House will sustain this veto. As I said about this bill when it was on the floor originally the genesis of its sire and its dam are a little bit suspect. I suspect that it comes from a fit of pique caused, perhaps, by the necessity the Executive has had to impound certain funds. I am not going to debate the subject of impoundment or the legality of it. I think it is perfectly legal. Also, I think in these instances it was perfectly proper for the Executive to impound in these instances, but I suggest that the people who brought this bill to the floor may have done so rather than face up to a responsibility which I think we have shirked in the past many years in this Congress. That responsibility is for us to start making fiscal sense.

The last Congress set up a Joint Committee on Budget Control Study. This committee has met and has issued a re-

port which I think is a good report and which sets the path for Congress to once again get control of the fiscal situation. I suggest if this report were to be adopted and the rules of the House and the Senate were to be changed in accordance with this report, there would not be any necessity for impoundments. If it were only possible for the Congress to make certain rational decisions, which the people think we make and which we do not, we would not have any necessity for this.

For instance, as Members of Congress know, but as many people in the country do not know, we never make a rational decision as to whether or not the spending level will be equal to the revenue we take in. That is a decision we do not make.

Also we do not make a decision as to whether or not the spending level for any year will be inflationary, deflationary, or neutral.

Until we begin to do these things and make the type of sense the people expect of us, then I suggest it is not right to be irked at the President of the United States for impoundments. I think we ought to be mad at ourselves.

The gentleman from Ohio just said the President of the United States, any President, is going to have his own budget man. I suggest we let him have his budget man and that we have a legislative budget. Certainly it does not do any good for us to take away the President's budget man, as would happen if we pass this bill. If we pass this bill the person appointed as Budget Director will have to go before the Senate committees and perhaps make all sorts of pledges about doing this or not doing that, before he can become confirmed. Then he becomes the Senate's man. He is not the President's man. Then any President will get his advice from somebody else and that somebody else will not be the highly visible Director of the Office of Management and Budget, but somebody in the back room. I do not think we want this.

Mr. HOLIFIELD. Mr. Speaker, I yield to the gentleman from Texas, my distinguished colleague, such time as he may consume.

Mr. BROOKS. Mr. Chairman, I will say to my distinguished friend I do not believe confirmation by the Senate has detracted from the loyalty of the former Attorney General, Mr. Mitchell, or Mr. Kleindienst, or any other of the Cabinet officers in this administration. I think they have remained loyal to the President despite the fact that they were confirmed by the Senate.

On the point of constitutionality, Senator GRIFFIN on February 2, a distinguished Member of the other body said:

I believe it would be more appropriate to abolish the office of OMB for a short period of time and then reestablish it. That, it seems to me, would be a constitutional way to require appointment and reconfirmation of the incumbent OMB Director.

That is what we did. This is what Senator ERVIN pointed out when he said:

I want to point out that the House amended the Senate bill to do exactly what the

Senator from Michigan recommended when the original bill was before the Senate.

I would submit to the House that this is clearly constitutional.

Mr. HOLIFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from New York, for allocation.

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

Mr. ANDERSON of Illinois. Mr. Speaker, I think that the President's veto of S. 518 should be sustained.

When this bill was before this body and debated on the first of May, I made it quite clear that I agree in principle with the idea that the Director and Deputy Director of the Office of Management and Budget should be made subject to Senate confirmation. I pointed out at that time that I agree with my colleague, the gentleman from California (Mr. McCLOSKEY), that there is a right and a wrong way to go about this, and my considered opinion is that S. 518 is the wrong way.

As the veto message points out, this legislation would force the removal of two officers now serving in the executive branch by unconstitutional means. I do not believe we exalt the role of the Congress, that we recover whatever our lost prerogatives should be, by acting in an unconstitutional manner. The Government Operations Committee insists that this action is not unprecedented, that there are six instances where Congress did abolish nonconfirmation offices and then recreated them with a requirement for confirmation, but in each and every one of those instances this occurred at the request of the President in line with his Executive prerogatives to reorganize the executive branch.

There is no precedent; there is no parallel between the cases cited in the committee report and the goal sought by this legislation which the President has vetoed. As much as I respect and admire my good friend, the chairman of the committee, I cannot accept the argument that he makes that any vote to sustain the veto is a vote against Congress regaining its power.

My Democratic friends, and I address my remarks to this side of the aisle—

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

Mr. ANDERSON of Illinois. Mr. Speaker, let me finish this point and then I shall yield.

The argument my Democratic friends make about recapturing congressional power over the budget would be made today with much more telling effect if my friends were working as hard as they could to enact legislation to modernize congressional procedure to deal with the budget. But, even after the unanimous statement of the Joint Committee on the Study of the Budget which has been on the record since February of this year, we have not seen much enthusiasm to proceed to implement those recommendations on how we ought to reform congressional procedures. Instead, there is some footdragging going on; there is some ebbing of the enthusiasm that I

felt did exist on both sides of the aisle to do something in this very important area.

Mr. Speaker, I would like to see some early hearings in the Committee on Rules on the legislation that was to come out of the work of the Joint Committee on the Study of the Budget, but to my knowledge—to my knowledge, we have not even scheduled a date to begin hearings on that very important legislation.

I regret very much that there is not the enthusiasm to move swiftly and with effect in this very important direction rather than acting with the kind of highly partisan motivation that is behind this particular bill.

Mr. Speaker, I would urge that the veto be sustained. I would at the same time pledge my support on the floor of this House today for a responsible alternative; that is, an alternative that embraces the Steelman amendment which unfortunately, was defeated when this matter was last before the Congress.

Mr. Speaker, I could not agree more than I do with those preceding speakers: We do stand at a very difficult juncture in our Nation's history. We are in a period when government and the institution of government are under great stress. But, I think, particularly in that context and in this moment, we can ill afford to take a cheap shot at the institution of the Presidency.

We ought to act with that kind of restraint; we ought to act with that kind of regard for the constitutional method that should be employed in the removal of officers. I think, therefore, we should sustain the President's veto.

Mr. Speaker, I am pleased at this time to yield to my friend from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I just want to say to the gentleman from Illinois that he cannot have it both ways.

Public Law 92-22, which abolished the position of Assistant Secretary of the Interior for Administration, which was not subject to Senate confirmation, and created a new position of Assistant Secretary of the Interior, which is subject to Senate confirmation, was passed by this Congress.

Secretary Rogers C. B. Morton appeared before the Committee on Interior—

Mr. ANDERSON of Illinois. And he was in favor of that; was he not?

Mr. HOLIFIELD. He was in favor of it.

Mr. ANDERSON of Illinois. That confirms the—

Mr. HOLIFIELD. I am reading the testimony—

The proposed bill abolishes the existing position at the same time creating the new one in the Office of Management and Budget, and at this time that there is no objection by the administration.

Mr. ANDERSON of Illinois. I think that I know the gentleman's point, and it confirms absolutely what I said earlier, that these other examples and precedents the gentleman seeks to cite were done at the initiative and instance of the President. The executive branch wanted to reorganize the executive branch, and

they suggested to the Congress it ought to be done.

Mr. HOLIFIELD. Does the gentleman from Illinois say that the Congress cannot exercise the power it is empowered to exercise unless the President asks for it?

Mr. ANDERSON of Illinois. Of course we can, and we can do it in a constitutional manner, not by the kind of method that is employed in Senate 518.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I am going to vote to override the veto for one simple reason.

I do not know whether a lot of the Members realize it or not, but until the year 1922 there was no Bureau of the Budget. The country managed to stagger along with the Congress making appropriations and the Executive carrying out the wishes of the Congress.

If there is any person at all, in my judgment, who should be subject to confirmation, it is the Director of the Bureau of the Budget. Right now no agency of the Government can come to this House and request any kind of appropriation unless the Bureau of the Budget clears it. It is a third legislative branch, which is not elected, which has never had to face the people, which has no real understanding of the democratic processes of election.

I believe the least that this body can do is to vote to put that Bureau of the Budget under some sort of confirmation proceeding.

I hear all kinds of people making all sorts of speeches about how the Congress has lost its powers. Well, the biggest power we have lost—the biggest power we have lost—is the power of the purse, because somehow or other it has been surrendered to this appointive agency.

I want to say to my friends on the Republican side, if Lyndon Johnson, who was my close friend, were President of the United States right now, and this measure were here and he had vetoed it, I would be down here making the same speech I am making now, because all during his Presidency when the State Department came before me to get their authorizations and they said, "This has been cleared by the Bureau of the Budget," I said, "I do not care whether it has been cleared by the Bureau of the Budget; the important thing is, is it going to be cleared by the Congress?"

I say that if we do not regain control of the purse then we are just here more or less as a debating society.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I want to say that I, also, agree with the gentleman. I believe he has made a fine statement. I am going to vote for this. I believe we ought to go much further; we ought to make the whole Bureau of the Budget jointly responsible to the Congress.

Mr. HOLIFIELD. Mr. Speaker, I yield the gentleman 1 additional minute at this time.

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

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

Mr. HOLIFIELD. We have heard it repeatedly said here today that the reason Members ought to vote against this is because it is retroactive in effect. I wonder if the same gentleman would vote for it if we made it prospective. I just wonder. They might have the opportunity.

Mr. HAYS. If this is not overridden I hope that we will come back with one like that, because at the rate resignations are being accepted in this town we might have a chance to confirm a new Director of the Budget most any day. I do not know. I am not impugning anything, but there have been people resigning that I never thought would resign.

The General Counsel of USIA was due to appear before my committee one day, and that night at 8 o'clock he resigned.

When I call downtown any more, everybody is "acting" something or other.

I do not believe that has validity. I believe we ought to pass this, and enact this, and enact it as soon as we can.

I hope the veto will be overridden.

Mr. HOLIFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HORTON) for allocation.

Mr. HORTON. Mr. Speaker, I yield the 2 minutes to the gentleman from Texas (Mr. STEELMAN).

Mr. HOLIFIELD. Mr. Speaker, I hope this will not be taken out of the gentleman's time, but how much time does each side have left?

The SPEAKER. If the gentleman intends to allocate time equally, at the end of the remarks of the gentleman from Texas the minority side will have consumed a total of 29 minutes.

Mr. HOLIFIELD. Mr. Speaker, how much time does the majority side have remaining?

The SPEAKER. The majority side has consumed 22 minutes.

Mr. STEELMAN. Mr. Speaker, I thank the gentleman from New York, the distinguished ranking minority member of the Committee on Government Operations (Mr. HORTON) for yielding to me.

With my clear record of support for the vast majority of the administration's policies, it is difficult for me to take this position, even though I offered the amendment 2 weeks ago which would have accomplished precisely the case which the distinguished chairman raised.

As I recall, there were only six Members on the other side of the aisle that went along with that amendment which would have exempted the incumbents and thereby have avoided the President's veto. If we had adopted the amendment, we would not be facing this situation today; we would have accomplished the principle we set out to accomplish and would not be facing action on the Presidential veto. And I assure my colleagues there are a great number of Members on the Republican side of the aisle, 124 of them, who would have gone along, and if we had, we would not be facing what we are facing today.

So I feel, given the way I see the vote is going today, we have lost the battle and lost the war. So I hope that in future cases we will keep that in mind.

Mr. Speaker, however, I do say, given that feature and even given the present defects in the bill, I rise in support of overriding the Presidential veto today.

There is a potential constitutional problem involved, but I do not find that problem to be overriding. I think that issue can be dealt with.

There are other motives to be considered by Members on the other side of the aisle relating to the individuals holding these offices, and I disassociate myself from those motives.

I would not take any action for the purpose of embarrassing the President. I see this as a major institutional question, toward the issue of confirmation of appointees in Government.

So for that reason, defects in the bill aside, I urge my colleagues to rise above the motivations we see on the Democratic side of the aisle and vote to override the Presidential veto.

Mr. Speaker, the Office of Management and Budget has changed. This is no longer a situation of a personal staff member of the President, in the same way that Mr. Kissinger is, or the staff director of the Domestic Council is. The Office of Management and Budget is making day-to-day decisions independent of Presidential review and is the strongest office in the executive branch outside of the President. So for that reason, I think the Congress should override the Presidential veto and take this major step toward coequal partnership between the legislative and the executive branches.

Mr. Speaker, I urge my colleagues to follow suit.

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

Mr. DENT. Mr. Speaker, I, for one, refuse to accept the responsibility that some are trying to hitch onto this vote: That we are to determine for the President whom he can name.

If the President likes Mr. Ash and he likes his performance, all he has to do is rename him. The only difference is that somebody might look into it. All I can say to those who would lay the blame on us for the present man in the office being thrown out is that it is utterly ridiculous.

The President wants the full authority without the responsibility, and you cannot run anything that way. He has refused to accept the responsibility in any single instance when any of his appointees have in any way been charged with any kind of misconduct.

Mr. HOLIFIELD. Mr. Speaker, I yield to the gentleman from New York (Mr. HORTON) to close debate. The gentleman has 1 minute remaining, and by previous agreement I now yield him 2 minutes. That will give him a total of 3 minutes.

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

Mr. GERALD R. FORD. Mr. Speaker, on both sides of the aisle in the House as a whole, I think we honestly and conscientiously are trying to increase our credibility and upgrade our public acceptance. It is my judgment that if we override the President's veto and in effect approve this legislation, we will hurt rather than help the credibility of the Congress. There is a right way and there is a wrong way to do what is sought to be accomplished by this legislation.

Mr. Ash and his associate were properly appointed and are now serving under the existing law. They did not need confirmation by the other body. By this legislation, if it becomes law, we will end the office today and in effect we will start it tomorrow. The requirement of confirmation after that is an attempt to avoid or evade the situation as it was at the time of their appointment.

Such legislative gimmickry does not help the credibility of the Congress one bit. Some call it a sham or a fraud or something worse. I would not use those words myself, but the truth is it is at best a cute way of trying to get around what the law was. That kind of operation does not help the credibility of the Congress on the Democratic side or the Republican side. If we want to do it in the right way, let us do it prospectively and not try to go back retroactively and get at some people you may or may not approve of or some policy you may or may not approve of. I strongly urge the House sustain the veto by voting no.

Mr. HOLIFIELD. Mr. Speaker, I yield the remaining 5 minutes to the distinguished majority leader to close debate.

Mr. O'NEILL. Mr. Speaker, the issue we are considering today in overriding the President's veto on the Senate confirmation of the Director of the Office of Management and Budget is really clear and concise. It strikes at the core of the problem of a balance between the Congress and the White House. It is the focal point of impoundments and subtle vetoes that we do not have an opportunity to override. This is our first opportunity to get back some of our eroding power.

The issue we have today is the question of who will set the national priorities for this Nation; where will the power of the Government lie? We all know it lies in the decisions that are made to enact or kill a program, to fund an agency or to starve it to death. The central issue here is whether the Office of Management and Budget Director, who has life and death power over programs that affect your district and mine, should be accountable to the Congress, which is to say should be accountable to the American people.

As long as the Congress has no say as to who heads the OMB and what his qualifications may be, then Congress will continue to be handicapped in exercising its proper role as a coequal branch of this Government.

Mr. Speaker, earlier this year Time magazine had six meetings throughout the country in which leaders of the Congress on both sides went to various cities throughout this Nation. You, Mr.

Speaker, spoke, and the minority leader spoke, and I believe the leadership on both sides of the Senate spoke; and great business leaders and people from the newspaper and television world and people from the academy were there, also. And all who were present thought that the power of the Congress had eroded through the years.

Now let us see if we can get back the power that was once great in this Congress.

The truth of the matter is, Mr. Speaker, that was the purpose of these meetings earlier in the year, and when this bill came up earlier this session the Watergate issue was not the issue as it is today.

Mr. Speaker, nobody here is trying to take a "cheap shot" at the administration. And that was the word used by the gentleman from Illinois. Believe me, the administration is facing a crisis, and we on this side of the aisle are not responsible for 15 resignations. Our heart bleeds for America, because it is this great Nation of ours that is so adversely affected by this crisis. But let me say this to you, and particularly to the Members on the other side of the aisle—these are trying times indeed for this country.

Mr. Speaker, the Director of OMB must be held accountable to Congress. This is all we are trying to do here today.

For in overriding the veto Congress is enhancing the degree of executive branch accountability to the American people, and reducing the capacity of a person as powerful as the budget director to operate with all the privacy and privilege of a White House advisor or consultant. The position of OMB Director must be confirmed by the Senate.

All we are trying to accomplish here is to give us equality, equality among the tripartite system of government—the Administration, the Congress, and the Judiciary.

Yes, my colleagues, today we have a splendid opportunity to demonstrate that the Congress means to fulfill its responsibilities in the future and to assert its proper supervisory role. That is all this vote means. Yet that is enough. For this vote is an important measure as to whether or not we want this Congress to get back the power that it has lost through the years.

Mr. FRENZEL. Mr. Speaker, I strongly believe that our legislative branch needs strengthening. There are many areas such as war powers, appropriations, Executive privilege, and the like, where the Congress has been weaker than I would like. I would even like to see the Director of OMB approved by the Senate, but the proposal before us is unconstitutional, if not frivolous.

This House does not need further clues from me to see the obvious. Eliminating a department only to recreate it 30 days later strips all the subtlety from a purely political ploy.

Had this House accepted the Steelman amendment, with the political retroactivity, the bill would have been worthy of passage. I supported that amendment calling for congressional approval, but prospectively, not retroactively.

But while I support congressional approval, I carry no delusions that Congress will strengthen itself by merely allowing the other body to question an appointee. That does nothing to strengthen this House.

I hope my friends on the other side of the aisle will be as enthusiastic to strengthen the Congress in the improvement of the appropriations process, and in balancing appropriations with revenues.

But, today I do not mistake politics for reform, nor a cheap shot at one branch as an improvement for another. The veto should be sustained.

Mr. CAREY of New York. Mr. Speaker, there has been a great deal of political charge and counter-charge concerning the motivation of the Congress in passing legislation requiring the confirmation of the Director and Deputy Director of the Office of Management and Budget. This is understandable because not only the Congress but the people are increasingly angry at the lack of good faith on the part of the administration in keeping their word concerning program and funding commitments made by the Congress and signed into law by the President.

The people of this country are angry, not only because of the Watergate outrage, but because the budget process of their Government—the government that is to represent their will, has reduced them to mere ciphers. Well, the people of the United States will stand only so long being treated like mobile zip codes. This anger has rightly been translated into legislation and communicated unequivocally to the administration. The reasons for anger are crystal clear: Americans want to know what is going on in the budget process of the Federal Government and they want that truth now.

Voting to overturn the veto of S. 518 is extremely important not only for the actual reform of budgetary processes that it presages, but for the actual symbolic reassertion of congressional preeminence in the budgetary and fiscal field. The opportunity to truly represent the justified outrage of the American people finds most direct reflection in how we vote today on this most portentous matter.

Certainly, the political—in the best sense of the word—reasons should suffice to see S. 518 become law over the veto of the President. However, we have very sound constitutional, administrative, and fiscal reasons for requiring that the Senate participate in the final selection of those who are to function as Director and Deputy Director of the OMB.

The original intent of the Congress in establishing the Bureau of the Budget was to create a statutory officer who was to provide budgetary advice and counsel to both the administration and the Congress. The position did not require Senate confirmation because the function of the Bureau was not that of a policymaking agency. And not accidentally, the Bureau of the Budget was to serve the administration and the Congress. The Congress

here must take some blame for not making sure over the years that our utilization and control of the Bureau was not both active and increasing.

The Constitution, in article II, section 2, clause 2, provides that all policy-making officers of the U.S. Government shall be subject to Senate confirmation. Justice Story in his "Commentaries on the Constitution" makes clear senatorial powers in this regard and no further vindication of this right would seem to be necessary. This is particularly true, since many officials in the Executive Office of the President are subject to confirmation, even though they function as direct personal advisers to the President. In addition, I find it positively ludicrous that the Senate has regularly been confirming junior officers in the military branches, members of the Subversive Activities Control Board, and other officials of somewhat minor stature, and not examining for fitness and qualification an official whose policymaking and operational functions make him superior in raw power to everyone in the executive branch, with the exception of the President.

The administrative or organizational reasons for requiring confirmation of these positions is equally clear. At last count, there were 67 statutory provisions in 13 titles of the U.S. Code, delineating duties and functions of the Director of the Office of Management and Budget. This official controls final policy and fiscal recommendations presented to the President in the areas of national security, international programs, defense expenditures, natural resources, and just about every other area of national concern having bearing on the well-being of the Nation.

This position, perhaps more than any other, absolutely requires congressional interest and senatorial confirmation. A further reason for this is that the statutory powers of the OMB have been vested in the President since approval of Reorganization Plan No. 2 of 1970. This means that the Director of OMB was removed, technically, from senatorial confirmation purview, under the guise of making him a personal and direct adviser to the President. Perhaps the administration knew that their fiscal, economic mismanagement, and constitutional perversions perpetrated by this Office would be the target of much of the outrage that would be found in the people and the Congress. Removing statutory responsibility from the OMB Director was a way of not only permitting the Director to operate under guise of "executive privilege" but it served to make the actual budget formulation process just that much more of a deep, dark secret—if that was possible.

The Congresses of the last three decades have worked very hard in raising legislative structures, programs, and policies that would provide for the "general welfare," as is our constitutional mandate. In the areas of health, education, welfare, science, employment, and general economic stability and growth, we have fathered many legislative children.

I frankly do not wish to see my legislative children handed over for fiscal stran-

gulation or malnourishment to a man or men who are clearly brought into Government for the express purpose of annihilating them. The Congress should have a say in the determination of who shall sit in this seat of financial life or death for so many programs that vitally affect the life of the Nation and the individual lives of millions of Americans.

I urge my colleagues, not only in response to the express will of the people, but from acknowledgment of the basic rightness of the fiscal, administrative, and constitutional reasons I have discussed briefly in my remarks today, to vote to override President Nixon's veto of S. 518. Action today will keep the Congress from drifting further into a power vacuum. If I wished to belong to a legislative body with all the clout of the House of Lords, I would have been born an Englishman. But despite the temptation, I remain an American and a Member of the planet's most distinguished legislative body. A vote to override will help us all prove the validity of my last statement.

Mr. PICKLE. Mr. Speaker, I urge the House to vote to override the President's veto on S. 518.

When this bill was considered by the House on May 1, 1973, I stated then that the matter involved should not be clouded by partisan rhetoric.

The clear position is that two powerful offices in the U.S. Government are not under the confirmation process. I do not feel that this matches the intent of the Constitution.

The Constitution is clear that only minor officials are not to be confirmed by the Senate.

To maintain that the Director of OMB and the Deputy Director of the OMB are minor officials in today's world is to ignore reality.

It is true that the original intent of the Office of Budget in 1921 was to play a proper role in the workings of our Government. Proof of this are statements by the first Budget Office Director, Charles Dawes, who wrote the Office was a humble nonpolicymaking agency of the Government.

Whether or not the original intent has been wrongfully changed by succeeding administrations is not the issue here. Even though I personally feel that the Office of the Budget has been wrongfully expanded into a policymaking arm of the Executive, the fact is that it has.

Since it has, the Congress must follow the intent of the Constitution and bring these two powerful offices in line with other offices where appointments are made by the President.

Some would hold that this bill is a blatant attempt to embarrass the present administration by having the present OMB office holders confirmed.

I feel two comments are in order in rebuttal to that point.

First, to say that the wrong of not following the intent of the Constitution in this matter should be corrected down the road seems to be derelict of duty. I do not take comfort in the fact that for several years the OMB has been a policymaking arm of the executive branch and that the Congress has not required confirmation of OMB's top two officers.

Let us correct the wrong today, and let us do the job completely.

Secondly, I do not think anyone would disagree with the observation that the present officers of OMB have been bolder, and more far reaching in their using OMB as a tool to reorder national priorities than past OMB officers. This even greater policymaking role of the OMB makes it even more imperative that its officers be confirmed by the Senate.

Before concluding, Mr. Speaker, I would also want to say that I think that this bill will open up the closed door processes of OMB. I have often stated on the floor of the House that the OMB is an "invisible government", striking without warning to the Congress and the people, and sometimes even without warning to the President.

By bringing the top officers of OMB for review with the Senate as to their plans for OMB, the public will be able to know more about the workings of the OMB.

In conclusion, Mr. Speaker, may I point out to everyone that this bill's provisions will apply to future Democratic administrations just as much as any Republican administration.

Let us open up the OMB; let us vote to override the President's veto.

Mr. McCLORY. Mr. Speaker, in voting to sustain the President's veto of S. 518 which would require Senate confirmation of the Director and Deputy Director of the Office of Management and Budget, I am acting consistently with my original vote on this measure.

In elaboration of my position let me state that I support the enlargement of the budgetary and fiscal management functions of the Congress. Measures now pending would greatly increase our budgetary authority and enable the Congress to measure up to its constitutional prerogative as keeper of the Nation's purse strings.

But, Mr. Speaker, we are not dealing here with the congressional budgetary authority. Instead, we are proposing to modify the 1921 act which established the Office of Director of the Bureau of the Budget. The Congress in that legislation reposed primary responsibility in the Executive to establish and control the Nation's budgetary machinery. If we are to modify or rescind that delegation of authority we should do it directly and comprehensively—and not by simply making the Presidential appointees subject to whatever concessions or agreements might be reached during the Senate committee hearing at which the qualifications of a budget director are being reviewed.

Mr. Speaker, I believe that the budget director should be the individual appointee of the President—and that the President should be solely responsible and answerable for the budget director's actions. We should assert our own prerogatives regarding Federal revenues and expenditures—and we can handle that responsibility directly and comprehensively. We are not relinquishing any authority by permitting the President to individually name his own budget director and we would not be regaining any authority by overriding the President's veto today.

Mr. Speaker, the President has explained the issue before us with great clarity in his brief veto message. Mr. Speaker, I will vote to sustain the President just as I voted against S. 518 when it was before us for passage a short time ago. I feel confident that my position then and now is fully justified by the President's forthright action and by the votes cast today in this Chamber.

Mr. HOLIFIELD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 236, nays 178, not voting 19, as follows:

[Roll No. 156]

YEAS—236

Abzug	Foley	Minish
Addabbo	Ford	Mink
Alexander	William D.	Mitchell, Md.
Anderson	Fountain	Moakley
Calif.	Fraser	Mollohan
Andrews, N.C.	Fulton	Moorhead, Pa.
Annunzio	Fuqua	Morgan
Archer	Gaydos	Mosher
Ashley	Gettys	Moss
Aspin	Gialmo	Murphy, Ill.
Barrett	Gibbons	Murphy, N.Y.
Bennett	Ginn	Natcher
Bergland	Gonzalez	Nedzi
Bevill	Grasso	Nichols
Bingham	Gray	Nix
Blackburn	Green, Oreg.	Obey
Blatnik	Green, Pa.	O'Hara
Boggs	Griffiths	O'Neill
Boland	Gunter	Owens
Bolling	Hamilton	Patman
Bowen	Hanley	Patten
Brademas	Hanna	Pepper
Brasco	Hansen, Wash.	Perkins
Breaux	Harrington	Feyser
Breckinridge	Hawkins	Pickle
Brinkley	Hays	Pike
Brooks	Hechler, W. Va.	Poage
Brown, Calif.	Heckler, Mass.	Podell
Burke, Calif.	Heinz	Powell, Ohio
Burke, Mass.	Helstoski	Preyer
Burleson, Tex.	Henderson	Price, Ill.
Burlison, Mo.	Hicks	Randall
Burton	Hillis	Rangel
Byron	Holifield	Barick
Carey, N.Y.	Holtzman	Rees
Carney, Ohio	Howard	Reid
Casey, Tex.	Hungate	Reuss
Chappell	Ichord	Riegle
Chisholm	Johnson, Calif.	Roberts
Clark	Jones, Ala.	Rodino
Clay	Jones, N.C.	Roe
Conte	Jones, Okla.	Rogers
Conyers	Jones, Tenn.	Roncalio, Wyo.
Corman	Jordan	Rose
Cotter	Karth	Rosenthal
Crane	Kastenmeier	Rostenkowski
Cronin	Kazan	Roush
Culver	Kluczynski	Roy
Daniels,	Koch	Runnels
Dominick V.	Kyros	Ryan
Danielson	Landrum	St Germain
Davis, Ga.	Leggett	Sarbanes
Davis, S.C.	Lehman	Schroeder
de la Garza	Litton	Selberling
Delaney	Long, La.	Shipley
Dellums	Long, Md.	Shoup
Dent	Lujan	Sikes
Derwinski	McCollister	Sisk
Diggs	McCormack	Slack
Dingell	McFall	Smith, Iowa
Donohue	McKay	Staggers
Dorn	McSpadden	Stanton,
Downing	Macdonald	James V.
Drinan	Madden	Stark
Eckhardt	Mahon	Steele
Edwards, Calif.	Mathis, Ga.	Steelman
Evans, Colo.	Matsunaga	Stephens
Evins, Tenn.	Mazzoli	Stokes
Fascell	Meeds	Stratton
Flood	Metcalfe	Stubblefield
Flowers	Mezvinsky	Stuckey
Flynt	Milford	Studds

Sullivan	Van Deerlin	Wilson,
Symington	Vanik	Charles, Tex.
Taylor, N.C.	Vigorito	Wolff
Teague, Tex.	Whalen	Wright
Thompson, N.J.	White	Yates
Thornton	Whitten	Yatron
Tiernan	Wilson,	Young, Ga.
Udall	Charles H.,	Young, Tex.
Ullman	Calif	Zablocki

NAYS—178

Abdnor	Goodling	Price, Tex.
Anderson, Ill.	Gross	Pritchard
Andrews, N. Dak.	Grover	Quie
Arends	Gubser	Quillen
Armstrong	Gude	Regula
Ashbrook	Guyer	Rhodes
Bafalis	Haley	Rinaldo
Baker	Hammer-	Robinson, Va.
Beard	schmidt	Robison, N.Y.
Bell	Hanrahan	Roncallo, N.Y.
Blester	Hansen, Idaho	Rousselot
Bray	Harsha	Ruppe
Broomfield	Harvey	Ruth
Brotzman	Hastings	Sandman
Clancy	Hébert	Sarasin
Clausen,	Hinshaw	Saylor
Don H.	Cochran	Scherle
Cleveland	Cohen	Schneebeli
Cederberg	Collier	Sebelius
Chamberlain	Collins	Shriver
Clancy	Conable	Shuster
Clausen,	Conlan	Skubitz
Don H.	Coughlin	Hunt
Cleveland	Daniel, Dan	Camp
Cederberg	Daniel, Robert	Hutchinson
Chamberlain	W., Jr.	Jarman
Clancy	Davis, Wis.	Johnson, Colo.
Clausen,	Dicken	Johnson, Pa.
Don H.	Dickinson	Johnson, Colo.
Cleveland	Dulski	J. William
Cederberg	Duncan	Steed
Chamberlain	du Pont	Steiger, Ariz.
Clancy	Edwards, Ala.	Ketchum
Clausen,	Erlenborn	Kuykendall
Don H.	Esch	Landgrebe
Cleveland	Eshleman	Latta
Cederberg	Findley	Lent
Chamberlain	Fisher	Lott
Clancy	Ford, Gerald R.	McDade
Clausen,	Freilinghuysen	McCloskey
Don H.	Frey	McKinney
Cleveland	Froehlich	McDade
Cederberg	Gilman	McKinney
Chamberlain	Goldwater	McKinney

NOT VOTING—19

Adams	Forsythe	Rooney, N.Y.
Badillo	Keating	Rooney, Pa.
Biaggi	King	Royal
Carter	Melcher	Satterfield
Clawson, Del	Mills, Ark.	Waldie
Denholm	Mitchell, N.Y.	Railsback
Ellberg		

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

Mr. Rooney of New York and Mr. Rooney of Pennsylvania for, with Mr. Carter against.

Mr. Adams and Mr. Ellberg for, with Mr. Ellberg against.

Mr. Mills of Arkansas and Mr. Melcher for, with Mr. King against.

Mr. Denholm and Mr. Biaggi for, with Mr. Denholm against.

Mr. Satterfield and Mr. Waldie for, with Mr. Mitchell of New York against.

Mr. Roybal and Mr. Badillo for, with Mr. Forsythe against.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message just considered.

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

There was no objection.

PERSONAL EXPLANATION

Mr. MITCHELL of New York. Mr. Speaker, I inadvertently missed the vote on the override of the President's veto of Senate 518. I returned to the chamber 1 minute too late to vote due to the fact I was attending a National Jobs for Veterans Conference in room 335B, Cannon House Office Building. I did not hear the bells. Had I been present I would have voted to sustain the President's veto as I announced I would several days ago.

APPOINTMENT OF CONFEREES ON H.R. 6370, REGULATION OF EXTENSION OF AUTHORITY OF INTEREST RATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

Mr. WYLIE. Mr. Speaker, reserving the right to object, the House is not in order and I have not heard what the gentleman is asking.

The SPEAKER. The gentleman from Texas is requesting that conferees be appointed.

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

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, ST GERMAIN, ANNUNZIO, BARRETT, HANLEY, BRASCO, COTTER, MOAKLEY, ASHLEY, WIDNALL, ROUSSELLOT, JOHNSON of Pennsylvania, WYLIE, J. WILLIAM STANTON, and BROWN of Michigan.

PERSONAL EXPLANATION

Mr. DICKINSON. Mr. Speaker, on H.R. 6717 which was voted on yesterday, I was present and voted by mechanical

device. It was my intention to vote in the affirmative. According to the RECORD, I was recorded as having voted in the negative.

I wish to correct the RECORD to show that through either inadvertence or mechanical error, the RECORD shows me voting in the negative and I intended to vote in the affirmative. Since I am a cosponsor of a similar bill, I certainly supported H.R. 6717 and was delighted that the legislation was passed by the House.

PROVIDING FOR CONSIDERATION OF H.R. 7528, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 409 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 409

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 3, rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and 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.

ANNOUNCEMENT BY THE MAJORITY LEADER

Mr. O'NEILL. Mr. Speaker, I should like to make the announcement that the Committee of the Whole will rise at 3 o'clock. It is at that time we have planned the official picture of the House, so the Committee of the Whole will rise at 3 o'clock for that picture.

PROVIDING FOR CONSIDERATION OF H.R. 7528, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG OF Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

(Mr. YOUNG of Texas asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Texas. Mr. Speaker,

House Resolution 409 provides for an open rule with 1 hour of general debate on H.R. 7528, a bill to authorize appropriations to the National Aeronautics and Space Administration—NASA. It also waives points of order against clause 3, rule XIII of the Rules of the House of Representatives. The Ramseyer rule.

H.R. 7528 provides for appropriations of \$2,254,500,000 for research and development; \$112,000,000 for construction of facilities; and \$707,000,000 for research and program management.

H.R. 7528 provides for a \$356 million decrease in authorizations from the NASA appropriations bill passed by the 92d Congress.

Mr. Speaker, enactment of the bill will allow us to continue this very vital and necessary program. I urge adoption of House Resolution 409 in order that we may discuss and debate H.R. 7528.

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

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

Mr. GROSS. Why is there a waiver of points of order?

Mr. YOUNG of Texas. I would advise the distinguished gentleman from Iowa that the Representatives from the Committee on Science and Astronautics stated that they overlooked compliance with the Ramseyer rule and therefore had to ask for that waiver.

Mr. GROSS. In that very voluminous report on the bill they overlooked the Ramseyer rule?

Mr. YOUNG of Texas. Yes, sir. They were frank to state it.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. QUILLEN. Mr. Speaker, House Resolution 409 provides for the consideration of H.R. 7528, the NASA authorization bill for fiscal year 1974. This bill will be considered under an open rule with 1 hour of general debate. The rule also waives all points of order against the bill for failure to comply with the Ramseyer rule, which is clause 3 of rule XIII.

The purpose of H.R. 7528 is to authorize funds for the National Aeronautics and Space Administration for fiscal year 1974.

The total amount authorized in this bill is \$3,073,500,000, which is broken down as follows: \$2,254,500,000 for research and development, \$112,000,000 for construction of facilities, and \$707,000,000 for research and program management.

Some of the better known programs included in this bill are:

First. The Skylab manned space laboratory which will cost \$223,800,000 for fiscal year 1974.

Second. The Apollo-Soyuz test project, which will be a joint Soviet-American flight experiment to rendezvous and dock a manned Apollo spacecraft with a manned Soyuz-type spacecraft. This flight will actually occur in 1975 and will cost a total of \$90 million during fiscal year 1974.

Third. The Space Shuttle project, which will provide routine access to space

in the 1980's, will cost \$500 million for fiscal 1974.

Fourth. The lunar and planetary exploration program, which will cost a total of \$309 million for fiscal year 1974. This program includes funds for the Mariner project, the Viking project, and outer planets missions.

Mr. Speaker, I know of no objection to this rule and urge its adoption.

Mr. Speaker, I have no requests for time. I reserve the balance of my time and urge adoption of the rule.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks in the RECORD on the bill we are about to consider, H.R. 7528.

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

There was no objection.

REQUEST FOR FLOOR PRIVILEGES FOR STAFF MEMBERS

Mr. TEAGUE of Texas. Mr. Speaker, the rules provide a limited number of staff members on the floor when a bill is being considered. I ask unanimous consent that each subcommittee chairman be permitted to have a staff member with him on the floor during consideration of the bill.

The SPEAKER. The Chair has no authority to recognize the gentleman's request, under the rules.

Mr. TEAGUE of Texas. Mr. Speaker, I withdraw that request.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7528, with Mr. ROBERTS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. TEAGUE) will be recognized for 30 minutes, and the

gentleman from Ohio (Mr. MOSHER) will be recognized for 30 minutes.

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

Mr. TEAGUE of Texas. Mr. Chairman, the committee was organized, and the subcommittees were appointed, and then the subcommittees began our work and the chairman became ill and has been in the hospital since and has done very little work. The Chair, however, has kept up with the work of the subcommittees. I doubt that there is a committee in the Congress where the subcommittees have done more work and are more knowledgeable with their subject than the subcommittees which are on this floor today.

Mr. Chairman, I will make a very short statement in summary of what our committee has done. No Member has asked for time opposing the bill, and if there are Members who wish to speak in opposition to the bill, I wish they would let it be known to the chairman.

Mr. Chairman, today we bring before this body H.R. 7528, a bill to authorize appropriations for the National Aeronautics and Space Administration. This bill was reported by the committee on May 1 by unanimous rollcall vote of those present.

Since 1966 the Federal outlays for our national space program have continuously declined. The outlays for our national space effort are over 40 percent less than they were 8 years ago. In the face of continued fiscal constraints I believe we have the right to be proud of the accomplishments of our national space program. Our Apollo program has been successfully completed. NASA's accomplishment in lunar and planetary as well as space applications programs are well known. NASA is continuing to make substantial contributions in the area of aeronautics. In all of these fields the committee believes that more should have been and should be done as a nation.

Even today as we discuss our national space program final plans are being completed to repair and recover essentially all of the Skylab mission after the problems encountered in the last week in this important undertaking of a first space station.

It is truly remarkable that we can go from orbiting a tiny satellite in 1958 to the repair and full use of a large orbiting space laboratory only 15 years later. Again I must point out that this is in the face of a decline in our national space budget further reduced by the erosion of the dollar. Today we will discuss a bill which deserves the full support of this body. We could and should do more in the years ahead. However, in the interest of fiscal responsibility, the committee has made only small changes in this bill.

Before summarizing the contents of this bill and the committee actions taken, I would like to commend the efforts of the distinguished gentleman from West Virginia (Mr. HECHLER), the gentleman from Florida (Mr. FUQUA) and the gentleman from Missouri (Mr. SYMINGTON), the subcommittee chairmen who so thoroughly and energetically reviewed through hearings here in

Washington, at the NASA Centers, and the key industrial contractors the NASA programs included in the bill before us.

I also wish to cite the distinguished gentleman from Ohio, the ranking minority member of our committee, Mr. MOSHER, for his diligent effort in bringing this bill to the Floor today. All of the members of the Committee on Science and Astronautics have ably discharged their responsibilities in bringing to you this important piece of legislation. I commend them for their efforts.

I will now summarize the contents of the bill and the committee actions taken.

The National Aeronautics and Space Administration requested a new authorization of \$3,016,000,000 for fiscal year 1974. The bill, as reported by the committee, would authorize a total of \$3,073,500,000—an increase of \$57,500,000. This revised total is \$370,650,000 less than authorized for fiscal year 1973 and \$334,150,000 less than appropriated. One qualification: \$91,000,000 of fiscal year 1973 funds were withheld by the administration to be applied to the fiscal year 1974 request—thereby reducing the new authorization request by that amount. Otherwise the fiscal year 1974 authorization recommended in this bill would be \$3,164,500,000.

No change is recommended in the construction of facilities request of \$112,000,000 or the research and program request of \$707,600,000.

The increase of \$57,500,000 is for research and development and is 1.9 percent of the total authorization request. I would now describe the program changes and two language amendments made to the bill.

In space flight operations two changes were made. First, a reduction of \$10,000,000 was taken in the Skylab program. This reduction was based on past demonstrated performance of NASA management of cost control within this program, and the belief that the program would not be adversely affected. However, the current problems in Skylab have not been evaluated in budget impact terms. Second, \$3,000,000 was added to space life sciences. It is the intent of the committee that this additional \$3,000,000 be used to meet the needs for continuing the industrial team which develops and makes space suits. There is a well-identified highly specialized need in future years for such suits with improved mobility and construction.

For the Space Shuttle, NASA requested \$475,000,000 but the committee added \$25,000,000 to this line item to provide the ability to build up the subcontractor manpower at a better rate. During this year, because of stringent constraints, the contractor work force has been built up at a slower rate than was heretofore planned. The net effect has been a slip of 9 months in the first manned orbital flight of the Shuttle vehicle in 1978. An equally important effect of this slower buildup has been a reduced management ability to recognize and therefore solve early problems normally associated with a major new development program. The committee increase was made to provide for more effective management visibility and problem solving, and therefore, an

increased confidence in attaining key program milestones: the first horizontal flight in 1976 and the first orbital flight in 1978. By adding the additional insurance of meeting key milestones, confidence is increased for meeting program schedules and holding total program costs at or below the current expected level. These moneys would be spent specifically to increase manpower on design and development tasks for four major subcontracts which have been awarded. These subcontracts were for the Shuttle: orbiter wing, tail, mid-fuselage, and for maneuvering system equipment.

The committee reduced by \$3,000,000 the NASA request for physics and astronomy—orbiting Explorer satellites. This reduction was made to provide an additional \$3,000,000 for the Earth resources technology satellite project. It was the judgment of the committee that this small reduction would require the delay of one or more Explorer missions, however, the committee placed a higher priority on the Earth resources technology satellite project. Since a number of alternatives in the orbiting Explorer satellite program existed, this committee would allow NASA to select among them to determine which of the physics and astronomy satellite programs would be launched first. Within this same line item, a reduction of \$2,000,000 was made in supporting research and technology with the committee again applying the additional \$2,000,000 to the Earth resources technology satellite program. Although the committee recognizes the importance of the continuity provided by supporting research and technology programs in general, it reemphasized the importance placed by the committee on the Earth resources technology satellite program in making this reduction.

In the lunar and planetary exploration line item, \$3,000,000 was taken from the NASA request for supporting research and technology. The committee again recommends that the \$2,000,000 of this \$3,000,000 reduction be transferred to the Earth resources technology satellite program bringing the total for that program to \$7,000,000. The remaining \$1,000,000 of the \$3,000,000 reduction from the request would be applied to the procurement of a launch vehicle to launch the Earth resources technology satellite to be funded from the \$7,000,000 taken from the programs which I have just described.

The space applications line item contains the Earth resources technology satellite program to which I have already referred. The \$7,000,000 to support an earlier launch schedule than 1976 would be obtained from the two previous line items previously described and would allow the launch of a second Earth resources technology satellite within 1 year. Construction of the second Earth resources technology satellite is almost completed. Recently the first Earth resources technology satellite has experienced the failure of the second of two tape recorders on board and major experiments on board have been switched off due to power supply problems. Replacement of this only partially effective

satellite is considered of major importance by the committee, and therefore, the committee is recommending the launch of the second Earth resources technology satellite.

Another increase of \$5,000,000 was made in the space applications area. This was to provide for replacement of a one-of-a-kind flying laboratory—a Convair 990—which was destroyed in a midair collision on April 12. All of the NASA crew and much highly specialized equipment were lost.

To aeronautical research and technology, \$34,000,000 was added to restore terminated programs vital to solving problems of aircraft noise, safety, and congestion. Of this increase, \$14,000,000 would be applied to noise reduction modifications in current four-engine narrow-body jet aircraft—the DC-8 and 707. These modifications should bring the noise levels of these aircraft to or below those of the new wide-body jets—L-1011, DC-10 and 747. Twenty million dollars was included to restore a program for quiet experimental short takeoff and landing (STOL) aircraft, commonly known as QUESTOL. This program was approved by the Congress in fiscal year 1972; this experimental aircraft program was designed to play a key role in development of a quiet short-haul air transportation system until it was terminated by NASA in January of this year.

The increase of \$10 million in the space and nuclear research and technology area is to maintain a minimum long-range capability in advanced nuclear power and propulsion research. It is the judgment of the committee that by this action the loss of the value of many years and many dollars worth of nuclear research would be averted. Perhaps the most compelling argument for this effort is the fact that nowhere else in the Federal Government or industry will much of this research work be done if not supported at this relatively modest level within this authorization. A significant part of the work can apply to solving our energy problems. Among potential applications are:

First. Central power station topping cycle power units.

Second. Oceanographic nuclear power supplies.

Third. Compact mobile power generators for electric trains, buses, trucks, autos.

Fourth. Utility peak load power generators—standby power systems.

Fifth. Apartment building total energy powerplants.

It was the judgment of the committee that in the area of tracking and data acquisition a general reduction of \$10 million, or 4 percent of the line item, was in line with the declining utilization of the manned space flight network for the next several years.

In the area of technology utilization the committee added \$500,000 to strengthen NASA's effort in bringing the benefits of a space developed technology to the general public. Much of this work would be in the area of technology applications for health care, environmental controls, transportation, and public safety.

The committee has made two language

amendments within this bill to the National Aeronautics and Space Act of 1958. The first would allow the Administrator of NASA to use revenue generated by the sale of services and goods to visitors to NASA installations for the improvement of existing visitor information activities. This amendment follows similar statutory authority granted to the U.S. Park Service and is not unique to this legislation.

The second change requires the Administrator of NASA to report to the Speaker of the House, the Committee on Science and Astronautics, the President of the Senate, and the Senate Committee on Aeronautical and Space Sciences all proposed real estate disposal actions involving land whose value exceeds \$50,000. Such a statement would be provided 30 days prior to initiating actual disposal procedures accompanied by a full statement of the action proposed and the facts and circumstances involved. The committee recommends this action so as to better discharge its oversight functions.

THE SPACE SHUTTLE

The National Aeronautics and Space Administration was created by this Nation to prosecute an active space program. The Space Shuttle transportation system was conceived to further this end, and the evidence that I find in the studies on shuttle economics is that the annual operational cost of conducting a space program with the Shuttle is about half the cost of conducting the same program with throw-away systems. This would seem to me to be a very real step forward, and I feel that NASA is to be commended on their ingenuity and foresight in conceiving such a system.

There seems little doubt that a reusable system with the characteristics of the Space Shuttle has a place in an active space program. Perhaps some critics should more properly address the justification for an active space program. I for one must place it on record that I am not prepared to agree to any retreat from this new and hard won capability of space activity. When I look at the problems which beset our Earth and consider the potential of space activities to ameliorate them I must support a continuing capability. Capabilities such as the following are possible:

First. The uses of space systems for abatement of environmental pollution resulting from human activity on earth.

Systems for monitoring the output and subsequent regional and global distribution of potential pollutants, including waste heat.

Systems for determining changes in the Earth's environment due to natural causes—that is, changes in the characteristics of solar radiation, effluents from volcanism, ocean currents, and so forth.

Systems for determining regional and global changes in the Earth's climate resulting from human activity.

Systems for determining the effectiveness of pollution control measures.

Second. Communications and information processing systems.

Third. Navigation aids for surface and airborne vehicles.

Fourth. Air, sea, and space traffic monitoring systems.

Fifth. Systems for identification and surveys of natural resources.

Sixth. Global meteorological forecasting systems.

Seventh. Harnessing energy for use on Earth.

Eighth. Production of power for use in processing and manufacturing plants in space.

Ninth. Acquisitions of extraterrestrial raw materials.

Tenth. Hazardous testing of new industrial concepts.

Eleventh. Arms control implementation systems.

While not all of these may be realized in the time span of the Space Shuttle, I wholeheartedly believe that the United States should and will continue to have an active space program from now on. And with the Shuttle, we will be able to do more in space, better and at less cost.

NASA DOD RELATIONSHIP

The versatility and flexibility of the Space Shuttle and its low operational cost will be of significant value to the Department of Defense. The Shuttle development is therefore fully supported by the DOD as reported to Congress by Dr. Robert Seamans, Secretary of the Air Force and Dr. John S. Foster, the DOD Director of Defense Research and Engineering. NASA studies with DOD have concluded that it is practical to develop a Shuttle system to meet the needs of both agencies. By agreement, NASA will produce this Shuttle for joint utility by both of the agencies. The Air Force acts as the executive agent for the DOD and has transmitted their technical requirements to NASA for inclusion into the Shuttle design.

Cooperation has existed between the Department of Defense and NASA on this program since the inception of the Shuttle concept. In April 1969, the Secretary of the Air Force and the Administrator of NASA established terms of reference for the phased study of space transportation systems; and in February 1970, they established the NASA/USAF Space Transportation System—STS—Committee which coordinates program requirements and plans for the Space Shuttle.

Recently this coordination has been effective in many areas. Air Force specialists participated in design review boards, source evaluation boards, and all technology panels. DOD personnel have been assigned to the Space Shuttle program offices at NASA headquarters, Houston and Huntsville. Their personnel have provided technical advice to help define the desirable characteristics for the Shuttle. These mechanisms have successfully coordinated Air Force participation in the NASA-managed Space Shuttle and assured that national requirements are factored into Shuttle studies.

This continuing cooperation between NASA and DOD is essential to maintain improvement in the performance—cost management. Both agencies normally deal with the same contractors and we cannot afford to levy separate requirements for costly and different systems.

Although NASA will make the final decisions in terms of Space Shuttle requirements, the support and continuing advice and cooperation of the Department of Defense is necessary. This will enable us to achieve the desired national operational utility in a timely and orderly manner at a minimum of cost.

CONFIDENCE IN NASA'S SHUTTLE COST ESTIMATE

We are ready for the payoff to be obtained from an operational space program which will yield dramatically increased value for our space dollar. This will only occur if we continue with the well-balanced development of the Space Shuttle.

Hardware development of the Shuttle program was preceded by the most intensive study effort ever undertaken in connection with a large research and development program. Shuttle cost estimates are based on extensive cost studies by NASA and independent contractors. These studies are being continuously reviewed and updated as design effort progresses and the Shuttle hardware is developed.

The estimate published in March 1972 was made after a detailed study by a large group of NASA engineers who had many years of experience in developing complex space programs. This group also had available contractors' estimates which were the result of approximately 2 years of effort expended during the definition phase of the Shuttle program. Since that time, contractor proposals and design reviews have strengthened NASA's confidence in the original estimate.

An important factor contributing to the validity of current Shuttle cost estimates is the large base of technology which has been accumulated during the past decade. The Shuttle essentially represents a second generation space transportation system which makes use of technology which was developed too late to be used in previous manned space flight programs, such as the Apollo and Skylab programs. In addition, since fiscal year 1968 NASA has spent approximately \$150 million in developing improved technology required to assure achievement of Shuttle performance goals. The results of this homework have been such as to give NASA confidence that technological breakthroughs which were so costly in the past will not be required in the Shuttle program.

Finally, NASA has made a firm commitment to meet established cost goals and has instituted rigorous controls to insure that program objectives are achieved within authorized funding limits. I am confident that NASA recognizes the need to continuously emphasize this fact in order to achieve both development and operations cost goals. All levels of management are aware of this requirement.

A typical example of this low-cost approach is provided by the external tank, the only expendable item of the Shuttle system.

It will be procured in large quantities and has, therefore, been designed as simple as possible. It has no expensive components such as hydraulic and pneumatic systems, computers or propulsion

units. In addition low-cost materials have been selected, manufacturing techniques have been simplified and quality standards relaxed, commensurate with safety requirements. It is significant that independent cost estimates by five separate contractors were in general agreement with each other and those made by NASA, thus providing further assurance that cost targets will be met.

To those of us who enthusiastically believe in the great benefits space exploration will yield to mankind in the future, it is obvious that the Space Shuttle is the necessary step forward to lower the cost of all space operations. It is the next logical stride to take in our attempt to obtain those benefits which our industrial technology and recent successes in space have made available to us.

Ms. ABZUG. Will the gentleman yield for a question?

Mr. TEAGUE of Texas. I am happy to yield to the gentlewoman from New York.

Ms. ABZUG. The question that I wished to ask is: "What is to be done with the Skylab program concerning the effect on putting into performance the Space Shuttle program in terms of what would be necessary to show an improvement in the Skylab program in order to put into effect the Space Shuttle program, and also in terms of the time when we could put the Space Shuttle into effect in view of the fact that the Skylab program has not been performing effectively, and as it is presently so doing?"

Mr. TEAGUE of Texas. As of last year I had a long conversation with Dr. Low, and Mr. Myers, who are the top people in the Skylab program and NASA, and they assured me that the Skylab program is not the failure that is being pictured by the news media, and that they expect to get good results. We have also been talking in terms of rescue capabilities, as I am sure the gentlewoman knows, and this is almost such a rescue capability.

I will be glad to have some of the other Members tell the gentlewoman more about this, because they are better versed in the subject than I am.

But I would add that the Skylab program and the Space Shuttle program are two completely separate programs, and it is expected that we will learn many things from the Skylab program that will be of extreme help in the Space Shuttle program. But I must stress that these are two different and separate programs.

I would ask the distinguished gentleman from Florida (Mr. FUQUA) who is the chairman of the Manned Space Subcommittee, whether the gentleman would care to comment further upon that?

Mr. FUQUA. Mr. Chairman, in response to the inquiry of the gentlewoman from New York, let me state that the Skylab is part of the space flight operations line item, and that the Space Shuttle is also a line item in the budget, and they are not related.

I might state further that the Space Shuttle will be a reusable vehicle that can be launched over and over again. And insofar as the Skylab that is now in orbit, I might say that if we now had the

Space Shuttle in operation that we would then be able to go up there and repair that Skylab. But, as I say, these are two entirely different programs.

As the distinguished chairman, the gentleman from Texas (Mr. TEAGUE) pointed out, it is anticipated that we will have a completely successful mission with the present launch, and the launch that is coming this Friday. Then we will have Skylab No. 2 launched. And we believe that we can have almost a 100-percent, completely successful performance in the abilities and performance of the Skylab program.

Ms. ABZUG. If the gentleman will yield further, I would like to ask an additional question, and that is, is it not so that we look to the Skylab for the purpose of determining certain rather important aspects in the manned space program; namely, what are the conditions that are necessary to permit man to remain in space and, secondly, how long can man remain in space orbit, and so on?

Mr. FUQUA. As the gentlewoman knows, the longest mission we have had has been 14 days. The Russians have had a longer mission than this, but we are trying to determine man's ability to survive in space for prolonged periods of time. This first Skylab will primarily be a medical mission, but it is also doing a great deal of work in Earth resources and a great deal of work in solar experiments.

Ms. ABZUG. Then insofar as it will determine how long man can remain in space and what the conditions are, it does have a definite relationship to a future program such as a Space Shuttle, which really relies upon determining certain scientific facts as to man's ability to shuttle back and forth.

Mr. FUQUA. We know man's ability to shuttle back and forth, but the Space Shuttle is designed for up to 30 days in space, so this does have an effect on proving man's ability. We think man can do this without any adverse reaction.

Ms. ABZUG. We have no actual proof of that as yet. It was hoped we could get some proof of that, or not get some proof, through Skylab operations; is that not so?

Mr. FUQUA. This is absolutely true, plus the fact that the Soviets have had men in space for longer than 14 days. Then in our cooperative programs we have now, we are examining information that they have provided.

Ms. ABZUG. I thank the gentleman.

Mr. TEAGUE of Texas. I am sure that the gentlewoman knows and understands that there are many scientific experiments on the Skylab besides experiments with the crew.

Ms. ABZUG. I do, sir. I thank the gentleman.

Mr. TEAGUE of Texas. Mr. Chairman, I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, one thing I wanted to point out to the gentlewoman from New York was that part of the problem that came up in Skylab came up because of the G forces resulting from launching. The force of gravity is not a problem with the shuttle. It is also important that 50 percent of the failures we have had in the last 15 years have been

at launch or within days of launch. With the use of the shuttle we will be able to place them in orbit, repair them in space and bring them back if necessary. In essence the shuttle is the best, most economic, and most sensible way to proceed.

Mr. MOSHER. Mr. Chairman, I yield myself such time as I may consume. And I certainly will consume very little.

First, I want to assure the House that this NASA authorization bill in the form it comes to the floor was approved in the Science Committee without any opposition from minority members. So far as I am aware, it does have complete support on our minority side of the committee, as it also does on the majority side.

Second, I make the point that many of us on the minority side of the committee were originally very reluctant to approve a total authorization for NASA that is larger than the administration's budget request.

But I assure you that we do now agree to the relatively small total increase in this bill, an increase of 1.9 percent above the budget request. We are convinced it is warranted, on the basis of thorough consideration in our NASA subcommittees.

And I want to say right here that our subcommittee chairmen and ranking minority members have done a really excellent job in perfecting this legislation.

Our new Science Committee chairman, the gentleman from Texas (Mr. TEAGUE) is providing dynamic leadership for all us despite his recent, very unfortunate illness.

It is great having "the Tiger" back here on the House floor with us today.

Mr. Chairman, I first point out that the fiscal year 1974 NASA budget represents one of the sharpest annual declines the space budget has ever witnessed. This year's budget request was reduced more than 13 percent from fiscal year 1973. Taking into account the annual increase in cost of labor and goods, the space budget was in effect reduced by almost 20 percent.

I also would point out that the fiscal year 1974 budget is lower than that of fiscal year 1962 when the space program was at its very inception. Those are very significant facts. Frankly, I hope that the committee's relatively small increase will work to halt a still further erosion in our space efforts.

This country still enjoys a superiority in space technology which is worth maintaining. The many firsts the United States has recorded have so far out-spaced the accomplishments of other members of the international space community that we too easily tend to take for granted our preeminence. There is a danger that we have progressed so far so fast that we will lose interest in the challenge and in dedication to the necessities of the future.

I consider it very foolish shortsightedness, if we reduce too severely the pace of our space activity. Although the Congress must recognize the imperative need to invest every increasing dollar in health, welfare, and education programs, to name only three examples, we must recognize that many of the dol-

lars we spend in the space program do in fact contribute directly and immediately to the solution of those other most pressing needs.

I cite as an example the present manned Skylab mission. One of the first two tasks assigned the astronauts will be in water management—evaluation of the Mississippi flood disaster—and geology—observation and investigation of the California San Andreas Fault. Also included in the busy schedule of the astronauts will be studies in ecology, particularly pollution detection and monitoring, oceanography, agriculture, geography, and cartography to mention a few of the many fields.

The point I make is that a significant portion of the emphasis within the space program is placed upon investigating and solving some of our most critical terrestrial problems.

A superb example of a key NASA program contributing directly to our general health and welfare is the Earth Resources Technology Satellite—ERTS-1. This experimental spacecraft was placed into orbit only last July, but the spacecraft's performance has already exceeded even the highest expectations of its supporters.

The ERTS is a forerunner of a more advanced and expanded operational system which is aimed at providing a comprehensive and continuous survey of the earth's total resources. Thus far, ERTS-1 has found nickel deposits in Canada and South Africa and copper ranges in Pakistan. It has charted unknown lakes in Brazil; it has enabled land use maps to be drawn for cities such as Chicago and Minneapolis, and for total States such as Rhode Island and Wisconsin. And in terms of its environmental applications, in Virginia, the spacecraft has pinpointed every single major smoke plume in the entire state including a number which had previously gone unidentified.

The ERTS program, among a number of others including the Space Shuttle, nuclear propulsion, aeronautics research in aircraft noise and air pollution, and airborne earth resources research, all were beneficiaries of the nominal dollar increase voted by the committee.

Mr. Chairman, I emphasize that I support each and every one of these upward budget modifications and consider them highly important in order to preserve this Nation's unique capabilities in the space and aeronautics field.

As I emphasized at the outset of my statement, I regret very much the stringency of this year's budget. Irreparable damage is being done to the program in terms of cutbacks and even closures of major regional centers plus extensive manpower reductions. It is my sincere hope to see this highly detrimental trend reversed and I see the recommendations by this committee as a positive step in this direction.

Mr. Chairman, the authorization bill now before the House is the result of a very detailed analysis of each single program proposed by NASA. I believe that the \$3.1 billion we request here represents a well-balanced program in terms

of the resources we have available and I believe it is a program which is sufficient to maintain the vitality of our very important space effort.

I strongly urge approval of this committee bill without amendment.

Mr. TEAGUE of Texas. Mr. Chairman, I certainly would like to express my appreciation for the kind words of the gentleman from Ohio.

I would like to add the committee has done a great job. As I said earlier, all of the subcommittees have worked very hard. Their process of work has been to go to the different centers and have an evening working session and then the next day they go out to the centers and see the hardware and what is being done.

Mr. Chairman, I have no further request for time.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I rise in support of H.R. 7528, the NASA authorization bill for fiscal year 1974.

A very important part of NASA's role in our country, is to perform the experimentation which will lead toward the understanding and implementation of space exploration for human good. In recent years NASA's Space Science and Applications programs have begun to demonstrate the great practical potential that space technology has for earthly use. It is also becoming very evident that money spent wisely on space is a good investment in the future.

An excellent example of practical space application is the Earth Resources Technology Satellite—ERTS. The NASA ERTS program was designed to gather information about the earth's surface by remote sensing techniques and to develop applications of these techniques of real and practical value to our farming industry, forestry, our air, our oceans and our rivers, and many other aspects of our environment on a repetitive and long-term basis.

Though the ERTS-1 satellite has been in space for less than 1 year, its practical usefulness has become very evident. ERTS-1 imagery has shown structural features all over the earth which have never before been recognizable from the ground, such as seismically active faults and major structural formations.

Using a single ERTS image, a Dartmouth College team was able to produce a land-use map of the State of Rhode Island in 24 hours.

ERTS-1 data has been used in mapping southern Atlantic coastal marshlands from the South Carolina border to Georgia.

ERTS data may also be used for determining the extent and intensity of forest fires, forest insect infestation, wind soil erosion, and for inventory of our forest reserves.

The Ohio Department of Development is using ERTS data for mapping and inventory strip mined areas in southeastern Ohio. This is a tool for State planning purposes which has not been previously available.

ERTS data has been shown effective

in monitoring environmental pollution ranging from air pollution due to industrial and automotive exhausts, to water pollution from industrial discharges and municipal waste disposal.

Mr. Thomas O'Toole, in a recent newspaper article, emphasizes the importance of ERTS when he said:

When the space agency put its first Earth Resources Technology Satellite into orbit last July, the scientific community scorned the \$200 million project as an adventure that would be best remembered for its waste.

Nothing has been further from the truth.

The windmill-shaped spacecraft has already charted most of America's croplands, its watersheds and even its pollution. It has found copper in Pakistan and oil in Alaska. It has identified all the major smoke plumes in Virginia, some of them unknown to the state's environmentalists. It made a geological map of Wyoming in one day, a feat that would have taken geologists 20 years.

"You can't predict inventions and you can't predict breakthroughs," NASA Administrator James C. Fletcher said last week at the end of a week-long symposium on ERTS findings. "We're getting much more out of this program than anybody predicted."

The satellite has taken more than 160,000 pictures of earth, photographed 90 per cent of the United States, 75 per cent of the world's land mass and accumulated the picture equivalent of eight times the earth's acreage. The pictures include 20 per cent of the Soviet Union and the People's Republic of China.

The satellite has pinpointed all the strip mines in Indiana, charted all of the burned out regions of California's forest land and drawn up a land-use map of the cities of Chicago, Indianapolis and Minneapolis as well as of the states of Rhode Island, Michigan, Wisconsin and Minnesota.

"It took our computer 17 minutes to classify 2,500 square miles of land photographed by ERTS," said D. W. Moonahan of the space agency's Mississippi Test Facility. "That is a cost savings over aerial mapping techniques that we can't even fathom right now."

The satellite found lakes in Brazil that mappers had to relocate as much as 20 miles from their previous location. It discovered that the snow runoff into Arizona's Verde River valley would not be as severe this winter as it had been in the past, a finding that closed 40 per cent fewer roads this year than last.

I have cited just a few examples indicating the real and even greater potential usefulness of the data coming from one program within NASA. There are many other programs within NASA whose applicability may not be quite so obvious, but will still prove invaluable in helping us understand our Earth, its capabilities, and its limitations.

The budget authorized by the Committee on Science and Astronautics this year is a responsible one. Full recognition was given to the current national budgetary posture. At the same time, those programs which were deemed of highest national priority and of most immediate usefulness to us here on Earth were given the full support of our committee. I urge its favorable consideration by my colleagues in the House.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Chairman, the NASA

budget which the Committee on Science and Astronautics has approved for this coming fiscal year is a responsible one. It is a compromise between the large space effort that many of us as Members of Congress would like to see the United States undertake and the realization that space exploration must take its place among our other national priorities.

The NASA budget we have authorized for this next year will not permit the United States to pursue the exploration of space at a level indicative of desire for world leadership. However, it will allow the pursuit of several very important national goals. Among these goals are the development of the Space Shuttle, continuation of the earth resources technology satellite program, and the Skylab missions.

The earth resources technology satellites and the Skylab missions are of prime importance because they represent the means by which we can most immediately increase our knowledge of our potential resources lying beneath the surface of our lands, our rivers, and our oceans. These missions will also provide a great step forward in detecting and eliminating our air and water pollution.

Many benefits have already accrued to us through our exploitation of space. Great advances have been made in communications, weather forecasting, medicine, education, and transportation. In the future the space program will play a major role in addressing such pressing problems as urban redevelopment, mass transit systems, development of energy resources, prevention of natural disasters, and others. However, the full utilization of space is dependent upon our Nation developing an economical and cost-effective means, of delivering our satellites to space and maintaining them once they are in operation. The answer to this problem is, of course, the Space Shuttle.

With the availability of the Space Shuttle, this Nation will be able to implement fully operational systems in many applications areas which can now only be pursued on a research level due to the high cost involved. As a matter of fact, at the same time we are developing a low-cost space transportation system through the Shuttle program, we will be adding over \$12 billion to our gross national product. Over \$2.6 billion in Federal tax receipts and more than 126,000 total jobs will be generated in the coming years by the Space Shuttle development program.

In addition, the most recent NASA budget of \$3.3 billion in 1972 dollars indicates that on the order of \$12-13 billion in space program costs will be saved through 1991 by use of the Shuttle.

The space program affects every one of our lives every single day in more ways than we commonly appreciate. The spin-off benefits of the space program are endless. The fields and areas which have benefited by space technology and space techniques are as varied and as numerous as the benefits themselves.

To me, the space program is a people-

oriented program directed at solving our most pressing societal needs. The modest but responsible NASA budget which our committee has authorized for the coming year is one to which we should lend our full support and encouragement.

Mr. Chairman, I would like to ask a question of the chairman of the Subcommittee on Manned Space Flight, the gentleman from Florida (Mr. FUQUA). This is the question we discussed in our many hours of hearings. I am referring to page 13 of the bill, section 7, on section 203(b). Mr. Chairman, Is it true that there was no intention for NASA to preclude present contractors from renegotiating their present contracts which would include the responsibilities included in the gentleman's agreement?

Mr. FUQUA. Absolutely there is no intention to prohibit the present contractors from renegotiating the contracts as concessioners in the various segments.

Mr. WINN. I thank the gentleman for that clarification.

Mr. Chairman, I take this time to say I would like to go on record as being very strongly in favor of H.R. 7528.

Mr. MOSHER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I have searched through the report accompanying the bill and I find no comparative figures for the authorization or actual space appropriation for last year. Will some member of the committee advise me as to how this compares with what was actually appropriated last year and whether there were any supplementals to add to it?

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

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

Mr. FREY. Mr. Chairman, I believe last year's authorization bill was for \$3,444,000,000. It was about \$370 million more than this year. In other words the budget this year is approximately 13 percent less than the authorization last year.

Mr. GROSS. Was there a supplemental by any chance?

Mr. FREY. No.

Mr. GROSS. Then this bill is slightly below last year?

Mr. FREY. Yes, it is 13 percent below last year. It has continued to go down in the last 5 years, and the space budget has been cut about in half.

Mr. GROSS. This authorization is \$3,073,000,000 and last year it was \$3.4 billion?

Mr. FREY. About \$3.444 billion.

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

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

Mr. MOSHER. Mr. Chairman, this represents a very precipitous reduction from last year, something like 13 percent. I think it is the lowest authorization we have approved in some 10 years for NASA. It is the lowest since 1962.

Mr. GROSS. Well, the gentleman may know where he is going to get the money, the \$3,073,000,000. I do not. I think it is

always a good question to ask around here when dealing in \$3 billion, where it is expected to get the money. I assume this is going to have to be borrowed. Most of it is these days.

The gentleman says this is a reduction. In terms of the financial crisis that faces this country, this is no part of the reduction we ought to have in the moondoggle program and assorted other projects. However, I assume there is no way this bill can be cut, for I doubt that there is any disposition on the part of the House to realistically reduce this spending to meet fiscal responsibility.

Mr. Chairman, on page 6, what is the \$35,000 for? Is that some kind of representation allowance or entertainment fund?

Mr. TEAGUE of Texas. It is a representation allowance for the use of the Administrator of NASA.

Mr. GROSS. That will not begin to cover the hire of chartered airplanes to haul Members of Congress and others down to Florida for the launchings, will it?

Mr. TEAGUE of Texas. I doubt it. I do not know where that money comes from. I am sure it comes somewhere out of this budget, but I cannot name the exact spot.

Mr. GROSS. Is this an increase in the representation allowance; that goodtime Charlie allowance? Is this an increase or a cut?

Mr. TEAGUE of Texas. It is exactly the same as it was last year.

Mr. GROSS. Exactly the same as it was last year?

Mr. TEAGUE of Texas. Correct.

Mr. GROSS. Despite the fact that the dollar has been devalued?

Mr. TEAGUE of Texas. Mr. Chairman, I would like to say to the gentleman from Iowa that it is in our report. We are not leaving these comparative figures out, because we have the comparison from A to Z. I will be glad to furnish it to the gentleman. It was just an oversight that they were not put in the report.

Mr. GROSS. On page 8 of the bill, beginning on line 15, why this grant of power to the administrator? I do not know how much money is involved, but this appears to be quite a grant of power to the administrator.

If there is no answer to that, perhaps we can go to page 13. Can someone help me out with the language beginning on line 5 about concessions and concessionaires and so forth and so on? Where is this money to be spent and for what purpose?

Mr. TEAGUE of Texas. Mr. Chairman, I understand the previous language the gentleman from Iowa was talking about, does not give the administrator more power. It is limiting his power.

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

Mr. MOSHER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa.

Mr. GROSS. Would the gentleman please repeat his answer?

Mr. TEAGUE of Texas. It is the understanding of this gentleman that it is not a grant of additional power to the ad-

ministrator. It limits his authority to transfer. He does need some transfer authority of funds, or some authority to transfer funds from one program to another.

Mr. GROSS. Then it is a grant of power?

Mr. TEAGUE of Texas. He has had it all the time.

Mr. GROSS. That does not make it acceptable.

Mr. TEAGUE of Texas. His transfer request comes to Congress for approval or disapproval. We do have some say over it and we have the power to disapprove it if we wish to do so.

Mr. GROSS. With regard to the concessions, what does this mean and where are the concessions to be installed or authorized?

Mr. TEAGUE of Texas. Mr. Chairman, the two gentlemen from Florida, of course, can give better answers than I can, but this visitors' center has been kind of a project of mine and is the one place this Federal Government is making money, in this visitors' center at Cape Kennedy.

They have a touring program there. There is a contractor with buses to take people to the centers. The center there is the minimum of what one could expect as a visitors' center. This permits them to use the money. It does not cost money from the Treasury. It takes money they make from the concession and allows them to improve the convenience of the center there.

Mr. GROSS. Does this mean that the Members of Congress who go down there pay a fee to enjoy these concessions, or whatever they are? I do not know the nature of them.

Mr. TEAGUE of Texas. If a Member of Congress or anybody else in the United States goes down there and goes to the visitors' center and expects to get on one of those buses with a tour guide and tour it, he will pay for it.

Mr. GROSS. I thank the gentleman. That is the first time I knew Members of Congress were likely to pay for concessions anywhere when on a junket.

Mr. TEAGUE of Texas. There is not any question.

Mr. GROSS. So when they go down for a launching they have to pay their way; is that correct?

Mr. TEAGUE of Texas. There is not any question that if any Member of Congress should want to go to one of the space centers and tour it he would not have to pay for it. If he goes down there and goes to the visitors' center and the normal channels, he would pay for it.

Mr. GROSS. Is there a concession to be set up over in the proposed visitors' center here, or is this just a rumor?

Mr. TEAGUE of Texas. It is already set up. This is just a case of disposing of the money being handled. As I remember it, last year there was some \$600,000, or more than that. Probably the gentlemen from Florida, Mr. FREY or Mr. FUQUA, could answer better than I can.

Mr. GROSS. If they are doing so well in this department, why the \$3 billion?

Mr. TEAGUE of Texas. I do not know what \$3 billion the gentleman is talking about.

Mr. GROSS. I am talking about the \$3 billion that is proposed to be authorized in this bill.

Mr. TEAGUE of Texas. If we are to have a space program, we have to pay for it. I believe we have a good space program. We have a successful space program. It is one of the things around the world we get credit for and get some praise for.

Mr. GROSS. I do not know about that, but I do know we are in bad financial shape in this country. I had hoped the committee would cut this bill down to about \$2 billion or even \$1.5 billion. This business ought to be phased out and halted until we can get on our financial feet in this country. We are looking trouble right square in the face and for the life of me I do not understand why we should authorize still another \$3 billion for the "Moondoggle" and assorted other projects that are not essential to the welfare of all our citizens.

Unless this bill is cut, and, drastically, I have no choice but to vote against it for I will not be a party to bankrupting the Nation.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I rise in opposition to this bill, because I cannot in good conscience remain silent.

We are told that we need to spend \$3 billion in this Nation for our space program, but in the same breath we are told that there is not enough money in this country for us to finance a public water and sewer program.

In my own congressional district, 65 percent of the homes do not have public water and sewer systems. There are areas in my congressional district where the drinking water has been condemned. Yet we are told there is not enough money for these kinds of programs.

Indeed, we are told there is not enough money to fund a highway safety program in this Nation, yet 56,000 Americans were killed last year on the highways, and there is overwhelming evidence that half of those lives could have been saved if we were willing to spend the money to have a comprehensive highway safety program.

We are told that there is not enough money. So I say there is something wrong with our value system in this country. There is something wrong when we are asked to spend \$3 billion in outer space and told we do not have enough money for these vital programs at home.

There is something wrong when we are more willing to put a man in outer space than to put him in a modern bathroom.

I say we should oppose this bill, because we have our value system all mixed up.

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

Mr. SHUSTER. I am happy to yield to the gentleman from Florida.

Mr. FREY. I should like to point out to the gentleman, concerning one of the statements he made, that as a result of the work NASA has done we have been able to save lives on the highway. As a matter of fact, in the report, on page 684—

Mr. SHUSTER. Is the gentleman suggesting that the cost effectiveness ratio of \$1 spent by NASA for safety is more effective than that same \$1 spent for highway safety?

Mr. FREY. Mr. Chairman, I was trying to point out, if the gentleman will let me finish and since he yielded to me, that there are many areas where the space program does provide help right here on Earth.

The California Highway Department found that roads built through the research by NASA saved 93 percent of fatal accidents and thus saved many lives. It is one small project with little dollars expended—and only an example of what has been accomplished.

Mr. SHUSTER. Mr. Chairman, will the gentleman from Florida (Mr. FREY) answer one question for me?

Mr. FREY. Surely.

Mr. SHUSTER. Does the gentleman assert that \$1 spent on the NASA program is more effective in saving lives than \$1 spent on the highway safety program?

Does the gentleman assert that or does he not?

Mr. FREY. In this specific case, yes. The facts are clear.

Mr. SHUSTER. Then I say that I must disagree with the gentleman, and I believe that anybody with an open mind would find himself in disagreement with that kind of an assertion.

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

Mr. SHUSTER. I would be happy to yield to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I appreciate the gentleman yielding to me.

I note that he made one error—and again I would not want to embarrass him—when he said \$3 million was being spent on this program.

How much is spent on the good Earth, and how does that affect our balance of payments in relation to trips to the Moon and our programs in space?

Mr. SHUSTER. Mr. Chairman, the money is spent on programs that are aimed to outer space research.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. RONCALLO).

Mr. RONCALLO of New York. Mr. Chairman, I rise in support of H.R. 7528, and I rise to pay tribute to the great men and women of the aerospace industry of Long Island, N.Y., for the work that they have accomplished on behalf of our Nation.

I want to remind my colleagues at the very start that it was the team of Grumman Aviation experts, in Mission Control in Houston and on an open phone line from their Bethpage, L.I., headquarters, that brought the Apollo 13 astronauts back safely from the moon using the capabilities of the faultless Grumman-built lunar excursion module when the Apollo service module suffered an explosion.

The Space Shuttle will provide nearly 700 jobs and \$53 million Federal dollars to Long Island. The project is important, however, not just to Long Island, not just to the space program as a whole, and certainly not just to considerations of national pride. It is rather an indication of how the United States is going to manage our economy in the post-Vietnam peacetime era.

Our challenge today is to reach full employment without a major war effort. We have many worthwhile social programs, but I believe it is far better to direct the Federal effort toward encouraging jobs in private industry and keeping presently employed people at work contributing to society at the highest level of their ability, rather than living a nonproductive and meaningless existence on the dole.

Also, where does the money for social programs come from—the money needed to assist those who cannot work or who cannot find jobs? This money does not grow on trees; it comes from taxes, mostly corporate taxes and income taxes from people who are working.

The Apollo program for example, just about paid for itself through taxes from prime contractors, subcontractors, and individual employees. It has been estimated that Federal dollars spent on major programs multiply 4 to 5 times as they spread through the economy. The money is spent and respent, then taxed and retaxed.

The Shuttle represents a whole new concept in space spending. As the name implies, the vehicles will be reusable. The Shuttle can be returned to Earth intact, flown home like a regular airplane and then sent up again on a new mission. The money is not burned up in the atmosphere on the way home.

If we had a Space Shuttle on hand today, we would probably be having an easier time with the problem Skylab is presently experiencing. With its expanded cargo space, the Shuttle could have been sent up on short notice with a full load of repair parts and tools. Perhaps even more importantly, its potential for space rescue is limitless.

Mr. Chairman, Long Island's two major aerospace companies, Grumman and Fairchild Republic, as well as subcontractors such as Sperry, Airborne Instruments, and Fairchild Camera, have made a unique contribution to our security and well-being for over 40 years.

I can state categorically that we would not have won World War II without Grumman Aviation. Its F-4F Wildcat and F-6F Hellcat were the Navy carrier planes that carried us to victory in the Pacific. The Royal Navy used the Martlet model of these planes in the Atlantic theater of operations. In Korea the Grumman Panther series were our basic carrier fighters as well. The current F-14 is the finest Navy plane ever built, so good in fact that when Grumman had financial difficulties, the Navy insisted that production continue.

Navy test pilot Butch Voris, founder of the Blue Angels and later with Grumman, reminded me today that the Navy's

precision flying team used Grumman aircraft exclusively for the first 23 years of its existence, ending up with the high-performance F-11F Tiger.

In the space program, in addition to the LEM, Grumman built two orbiting astronomical laboratories to study outer stellar space, the birth of stars, and indeed the very origins of the universe. The contract called for a 90-day guarantee. The first OAO went up 4 years ago and was only recently shut down. The second, now 2 years old, is still providing our scientists with meaningful data. This country is getting more than its money's worth when it deals with Grumman and its employees.

Nor is Grumman adverse to risking its own capital to further our country's goals. It constructed its space building at a cost of some \$2 million on pure speculation, before it received the LEM contract, so it was able to go into operation immediately. It would not have received a penny of Federal funds for the building if the contract had not been signed.

In addition to Grumman, which will build the wing for the Space Shuttle, Fairchild Republic Co. of Farmingdale, L.I., will build the vertical tail. Republic has also made an unusually fine contribution to our Nation.

Back in the 1930's, when it was called Seversky Aircraft, it built the P-35 for the Army Air Corps as well as other high-performance aircraft. In World War II, Republic's P-47 Thunderbolt was the workhorse for the air corps in both Europe and the Pacific. They provided us with the amazing number of 15,300 of these fine planes. In Korea it was the F-84 Thunderstreak jet and in Vietnam the F-105 which made such important contributions to our effort. Now we have the A-10, which will provide low-cost close air support for the Air Force and probably the Marine Corps and our foreign allies as well.

Republic is also a major subcontractor for other aircraft. It provides the aft fuselage for the F-4 and both the aft fuselage and the vertical tail for the F-14.

Fairchild Republic has already done much for the space program. It provided booster components, tooling, and research for the Saturn rocket. In Project Fire it built a test vehicle for the development of Apollo design concepts. When the Air Force had to cancel its manned orbital laboratory long after the project was underway, Fairchild Republic lost \$1 million of its \$3 million investment.

In the current Skylab program, Fairchild Republic is responsible for a major portion of the primary medical experiments, those dealing with waste collection and management, so important in the confined environment of a space ship. I am told that these experiments will still be carried out despite the present physical difficulties with the Skylab.

Mr. Chairman, Fairchild Republic now employs about 2,000 workers instead of the 32,000 it had in the mid-1950's. Grumman has had to drop 10,000 in the last 2 years. These workers have made

the finest high quality contribution to America's defense and space programs that this country has ever known. Let us not sell them, the Long Island economy, and the economy of the entire Nation down the drain and put more willing workers on welfare.

I urge all of my colleagues to vote in favor of the bill before us today with the Space Shuttle program intact.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, the importance of our national space program has never been greater than it is today. We have done our homework in space—now we must have the determination—the will—to capitalize on the achievements of Mercury, Gemini, and Apollo, as well as our highly successful weather communications and scientific satellite programs. Without the new technology generated by a healthy and aggressive space program our well-being materially and intellectually can, and, I believe, will deteriorate. Consider the current *Skylab*, for example. With all the difficulties encountered it appears that there is a reasonable opportunity to recover and perform essentially all of the planned mission. Only a few years ago this would have been impossible. Two ingredients important to future space effort are essential: First, the ability of man to intervene and the ability of man to make multiple visits to the spacecraft. What could have been a complete failure will now likely be a success because of intervention and multiple visits. These key ingredients are only available in a limited sense with *Skylab*, but with the development of the Space Shuttle, will become routine and low cost. *Skylab*'s problems and their solution are a limited but significant demonstration of the importance of the space shuttle low-cost transportation system development.

Skylab represents the beginning of a new space era—we have explored, and to a limited extent, utilized space—now we are entering a period of unparalleled space utilization into mankind's direct benefit. *Skylab* reinforces our scientific exploration through solar studies and other onboard scientific investigations. At the same time a detailed Earth resources survey will take place contributing to solution of problems in agriculture, geology, water management, regional planning, atmospheric conditions, and many other areas. While this is being done detailed study of the effects of long duration flights on man and the systems which he uses will be accomplished.

Skylab can be thought of as a bridge between our first venturing into space and learning the value of its utilization and the coming era of space commerce. On *Skylab* 16 experiments are devoted to material processing which includes melting, brazing, and forming metals as well as other experiments designed to define these processes and materials which can be derived from a "zero G" and high vacuum environment. There are 178 investigative tasks in earth resources onboard *Skylab*. Principal investigators both domestic and international

are already over the 140 mark, demonstrating the importance of earth resource surveys to nations throughout the world.

Skylab looks outward at the Sun and stars, inward at the problems and material wealth of the Earth while demonstrating the utility of near space. While solving the difficult technical problems encountered on launch it should not be forgotten that *Skylab* is a bridge important to our Nation's technological future which in turn is an essential ingredient to our future national well-being.

Included in the bill now before this body is \$500 million for the first real major increment of the Space Shuttle, the Nation's first reusable space transportation system.

The NASA request for the 1974 increment of the Space Shuttle system was \$475 million, \$85 million less than previously planned for the forthcoming fiscal year. During the committee's review of the authorization request, \$25 million was added to the request to increase program effort in the critical area of avionics for the Shuttle orbiter and to slightly accelerate the contractor manpower buildup in the design and development areas particularly in the subcontract elements recently awarded for the development of the wing, tail, mid-fuselage, and the orbiting maneuvering system pods. As a result of fiscal constraints, the program has already slipped 9 months, and this modest addition should tend to offset some of the potential increased costs that could result from the slippage in programmed target dates.

The Shuttle program is absolutely essential to maintaining, for the United States, a continuously advancing technology. In establishing the Space Shuttle as a national goal in January 1972, the President stated:

It will go a long way towards delivering the rich benefits of practical space utilization and the valuable spinoffs from space efforts . . . because the space shuttle will give us routine access to space by sharply reducing costs in dollars and preparation time.

The estimated cost of developing the Shuttle is \$5.15 billion based upon 1971 dollar evaluation. The Shuttle program will: replace all but the smaller launch vehicle systems; reduce launch and payload costs by recovery and reuse of systems placed in orbit; continue nationwide involvement in the space program; create jobs involving more than 750,000 man-years of effort during this decade; increase the gross national product by \$12 billion; result in Federal tax receipts of \$2.6 billion—one-half of the initial investment; enhance international cooperation in space; and increase sale of services and space hardware to other nations.

Today's boosters, manned spacecraft, and automated satellites are not reusable and, once expended, a replacement booster and the spacecraft must be manufactured at a great expense. The Space Shuttle will replace all, but the smallest U.S. space vehicles; that is, the scout launch vehicle. It will significantly reduce the cost of space operations, because it will combine the advantages of

airplanes and spacecraft, and will fly repeatedly to space and back to Earth.

While many of us have traditionally subdivided space operations into categories such as science, applications, military, et cetera, it is possible to consider space activity as consisting of two major elements, the pioneering element and the operational element. Columbus' voyage to America was pioneering. Pan Am's operations across the Atlantic are operational. In similar pioneering fashion *Explorer I* showed that we could place a system in orbit. *Intelsat IV* is an operational system. How does the Shuttle impact this situation? In today's operations both the pioneering and operational systems share a common attribute, they are expended—destroyed—when they are used.

Launch vehicles plunge back into the atmosphere and burn up. Spacecraft—with comparatively few exceptions; for example, the manned entry vehicles—stay in orbit unattended until they die, which may be several years after launch or several minutes. Then they drift around the sky as pieces of space hunk, a hazard to our future navigation of the spaceways. Even Columbus managed to get two of his three ships back to base, but we operate in a mode equivalent to Pan Am solemnly setting fire to each 747 after each Atlantic crossing.

The Shuttle introduces the obvious missing ingredient to space activity; namely, reuse. Reuse of launch vehicles—made possible by the basic design of the launch vehicle, the Space Shuttle itself. Reuse of spacecraft—made possible by the ability of the Space Shuttle to haul payloads from orbit to Earth with even greater facility than from Earth to orbit.

The fundamental differences between pioneering and operations is that the pioneering effort is a short term single expedition into the unknown, the operational activity extends over a relatively long period of time and deals with the known. While the Shuttle offers benefits to both forms of activity it may well offer its major advantages to the operational mission.

The estimated cost per flight for the shuttle is \$10,500,000 in 1971 dollars while a *Saturn I-B* launch is considerably more expensive.

In addition, because of the multiple payload carrying capability of the Shuttle, the Shuttle costs will be apportioned to the user in accordance with the particular services provided to each user on the mission.

The cost of payloads and their characteristics have by far the greatest influence on the overall cost of the space transportation system. We have been forced to develop longer life satellites through design sophistication and redundancy. But satellites can be less expensive if resupply in orbit, maintenance, recovery, and reuse were practical. That is exactly what the Shuttle will do.

For less transportation cost, it will place, service, and retrieve, where profitable, automated satellites, and because it will do this with a reusable orbiter with a large cargo space, the satellites themselves can be built for a lower price. This

is where the Shuttle's greatest economic benefit lies.

The Shuttle is not just a continuation of the manned space flight program as we have known it in the past. Manned space flight has matured to the point where many users now become involved in the space transportation system so that the cost of space operations of all kinds can be reduced.

In one typical mission model, 73 percent of the payloads planned for the Shuttle are unmanned automated satellites. Twenty-seven percent will utilize the skills and services of attending scientists, engineers, and technicians. Millions of dollars will be saved by using satellite equipment over and over again, and by using low-cost standard components that can be replaced when they wear out.

The Shuttle will be utilized by many Government agencies and commercial interests. The Department of Defense will use the Shuttle and provide and operate a west coast facility at Vandenberg Air Force Base. They have indicated that they plan to use the Shuttle for essentially all their missions when it becomes operationally available. Present forecasts provided by the Air Force indicate a spacecraft flight rate of about 20 per year during the decade of the 1980's.

I think one of the greatest economical advantages of developing a reusable space transportation system will be realized in the reduction in the cost of developing payloads. For example, an analysis of developing the synchronous equatorial orbiter revealed that if flown on an expendable launch vehicle, and building in all of the redundant systems required for an unattended system, the cost would be \$209 million. Using the low-cost design approach, the SEO program flown on the Shuttle would be \$125 million, a saving of 40 percent.

The overall cost savings in missions for the period 1980 through 1991 as reflected in the current mission model studies are very attractive. The present predicted requirements for this period indicate that the missions that should be flown to meet scientific and technological objectives for this period total 1,031. This could be accomplished on 779 shuttle flights and include sortie lab missions in which no payloads are placed in orbit from the shuttle; revisits to previously placed satellites; recovered, returned to earth satellites for refurbishment; and missions to place satellites in orbit.

Were these missions flown on currently available launch vehicles and with the required redundancy built into the satellite system, the cost would be on the order of \$66.2 billion. Using the shuttle concept the cost would be \$50.2 billion, or a savings of \$16 billion over the 12-year period. This assumes, of course, that the presently envisioned program of required missions prevail.

If permitted to proceed along this line, space will become available to a greatly expanded number of users for the simple reason that the risk of sending a payload into orbit will be no greater than shipping a cargo by air, truck or rail; and the cost will become more reasonable as the preparations for going into orbit approach those of commercial ship-

ping. The major impact of the shuttle and the total space transportation system is expected to be in the cost of the payloads. The extensive reliability provisions and proof-testing required in today's satellites is the major reason for their high cost. As these restrictions are relaxed, the preparation time and cost will taper off and traffic will increase. Not only will the shuttle carry its load and return to Earth like a tractor trailer, but the payloads themselves can be brought back to be repaired or modernized as necessary. Nor does reusability stop there. The theme of reusability will be continued into the other elements of the space transportation system, such as the tug, as resources become available for their development.

The space program has been trimmed to the bone, to concentrate resources for the development of the reusable shuttle development. The time is opportune; the technology is at hand to direct the space program away from its missile-oriented origins and to adopt the economical operational techniques developed by the airline industry in the competitive commercial marketplace.

The present budget is, therefore, greatly constrained in order to make this capability achievable in today's financial environment. The plan is not, however, without its drawbacks. Great as the promise is, the plan unfortunately places the Nation into an extended period of austerity with respect to other manned space flight activity. There is an absolute gap of men in space from the windup of the Skylab missions until shuttle hardware reaches readiness for the first shuttle orbital flights. This period lasts over 4 years according to current planning. Any change in available funding could compress or extend the gap to some degree. In my opinion this places this Nation in a position of precarious pre-eminence in world space leadership.

The present administration, in my opinion, has pointed us in the right direction, and in providing the kind of leadership that we require, by sponsoring and placing the weight of the Presidency behind our next venture into space, the space shuttle.

I see our country, and we as its representatives, faced with a dilemma. But sometimes a dilemma is a good thing, because it tends to simplify the thought process. And, as a matter of fact, my own thoughts have been so simplified. We—all of us—are faced with a choice, and unless we decide to do nothing at all, then we must make a selection of one thing or another. Here—and I do not mean to oversimplify—we have a choice of going forward or of stopping dead in our tracks, which in the case of space exploration—or any technological development program—is the same as going backwards, because our stopping means that we are going to be left behind.

Americans are leaders by instinct. We have never in this country aimed at or been satisfied by being second, being almost as good as someone else. And our instinct in the direction of leadership has been an admirable one, in my opinion. Our instinct for leadership has equally been an instinct not just for the good of our own people but for the good

of all people on this Earth. We actually want the quality of life on this Earth to be improved for everybody. Quite naturally we seek this improvement for our own people first, because that is our responsibility. But underlying this feeling is the belief, always I think a correct one, that if we improve ourselves then we improve those who must inhabit this world with us.

But can we be sure that this feeling is shared by all the nations of the Earth? Can we be sure that the conquest of space if won by someone other than ourselves, will be for the benefit of all mankind, or might the conquest by someone else lead to an end quite different from that to which our instinct drives us? I do not know the answer, but I do know that I do not want to take the chance.

Perhaps the day will come when all nations of the Earth will be joined as partners in the space effort, perhaps driven to partnership by the sheer necessity of our common life on Earth. Perhaps that will come about, but it is not with us today.

We have indeed extended mankind's horizon, from Earth into outer space. We have taken one giant step. It is time for the second one, and the distance of this second stride will be measured by the support that all of us here in the Congress give to the Space Shuttle program.

There is another aspect I would like to mention concerning space research and technology. This matter came to the attention of the Manned Space Flight Subcommittee during our tour of shuttle contractor facilities. It is a study program undertaken by industry, without Federal funds, as a move to partially solve the energy crisis facing our Nation.

During scheduled hearings at Rockwell International, the prime contractor for the shuttle orbiter development, we learned that that company had done extensive preliminary study work on a satellite system designed to receive energy developed in primary powerplants on Earth, converted to microwave frequencies, transmitted to a synchronous orbit satellite and then beamed to earth in microwave form and then reconverted to usable energy.

The Shuttle is, of national value because of what it makes possible, not because of what it is.

One of the options the Shuttle offers us in the relatively near future is the contribution to the energy crisis as we have it now, and to some long-range solutions in this respect.

An important part of the energy crisis is the transfer of energy, not just the availability of primary energy sources. We have no shortage of primary energy on this planet considering both fossil and nonfossil resources. But to move the energy from source to load center effectively is often a key problem.

If the technique of transferring energy were developed by microwave beam instead of just shipping it or conducting it in transmission lines, then the entire picture of our energy crisis changes. There will be a large number of aspects and benefits involved in this.

In the space transmission system the primary power would still be generated on Earth. A primary electric powerplant

which uses nuclear, fossil, solar, geothermal energy, any energy source that generates electricity, and converts the electricity through amplifier tubes to microwave energy. Transmitter antennas shape the energy to a beam which then is focused onto a reflector satellite where it is reflected, beamed back into the receiver area where you have an electromagnetic powerplant which converts the beam to electricity from where it is then redistributed in the conventional manner on a regional basis.

Such a system would uncouple power generation from consumption. This is very important, because at the present time we can apply electrical power transmission only over limited distances, not over thousands of kilometers—certainly not in a very cost effective manner. The system would make it possible to utilize a suitable energy source anywhere, let us say the California geothermal sources or the Arizona-New Mexico deserts and beam power into Florida or into Kansas, into New York, or to South America. Practically all these other system features are an outgrowth of this basic characteristic. It permits the establishment of our integrated nuclear facility where power generation, fuel processing and storage of the dangerous plutonium 239, as well as waste burial are combined in one individual facility; no shipping of the material over public highways. The facility would be removed from populated or ecologically sensitive areas.

By the same token, the freedom of using energy sources anywhere encourages the use of national deserts for solar power generation. There are large energy reserves in the southern and southwestern States with an enormous amount of solar radiation energy. But to get it and use it thousands of miles away is a problem. It also facilitates the use of geothermal and other primary sources almost independent of location.

From a global point of view the same criteria apply. There are the high burdened areas and up North there are vast regions where actually heat waste producing powerplants, such as nuclear powerplants, should preferably be located; or where oil facilities could be utilized directly on the spot here, in Alaska, or in any other part of the country without the need to pipe it or ship it to locations in a high burdened area where it must be burned, adding to the regions already significant ecological burden.

So, in principle, then, we could use our Alaskan oil on location, if we wanted to, rather than go through all the agony of piping and shipping—and I realize that for this particular case the situation is a little late. But, in principle, if we had other discoveries of a similar type, rather than piping and shipping it, we could transmit it into satellite complexes. We could use nuclear powerplants, our desert areas, our geothermal sources, and not only meet our own energy requirements over large distances, but also export it, and provide much needed power to developing countries.

Electricity is an extremely useful form of energy for developing countries.

I sincerely hope that our immediate future funding prospects will permit Federal appropriations to be applied to this worthwhile extension of energy development and transmission as a step toward solving the energy crisis that we face.

Further, the implementation of systems of this nature represent an ideal application of the Space Shuttle system.

There is one further point I would like to make in closing and that has to do with the personnel still working for the space program. Although their numbers will have dwindled from a peak work force of roughly 410,000 in fiscal year 1965 to a new low of 126,000 personnel by end fiscal year 1974, this tremendously competent team of scientists, engineers, technicians, clerks, and laborers, both civil service and contract employees, still continue to put forth their best efforts for the space program. Despite drastic cutbacks in funding, which have caused major reductions-in-force and prospects of further reductions, this truly outstanding team continues to function superbly. Surprisingly, in my visits to NASA field installations and contractors' plants I have found that although the morale of the work force has been affected by the cutbacks, there is absolutely no evidence of sloppy workmanship or "who cares" attitudes on the part of employees. This is a wonderful tribute to the professionalism of the space team and I think they are to be commended for their diligence.

Mr. Chairman, the bill before us is an austere measure in comparison to previous years and one that will set the pattern for the future technological progress of the United States. I urge its passage as presented by the Committee on Science and Astronautics.

Mr. TEAGUE of Texas. Mr. Chairman, I do have further requests for time.

At this time, I yield such time as she may consume to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I would like to direct a couple of questions to the chairman of the subcommittee, Mr. FUQUA, which might clarify some of this discussion.

I notice in reading the report, and as indeed I recall our discussion of this issue on the floor in the last session of Congress on the appropriation, that the Space Shuttle is planned to be used for military purposes.

I am interested in the discussion of costs, because although there may be an overall decrease as between this authorization and the one last year, we do have a very substantial increase in the Space Shuttle this year, from \$200 million to roughly \$600 million. I would like to know how much of that \$600 million Space Shuttle allocation will be used for military purposes.

Mr. TEAGUE of Texas. Of course, in a major program such as the Shuttle, costs will increase as you go into developing hardware and what-not.

Ms. ABZUG. I am well aware of that. I know ultimately it will be costing the American people upward of \$20 billion. I want to know how much of it is intended

to be allocated for military purposes, and whether it really belongs in a manned space program designed to help the environment and to carry on biological research and improvement of man's and woman's place on this Earth.

Mr. TEAGUE of Texas. At the moment it is my understanding a number of scientific experiments in Skylab are military experiments, but it is my opinion there is no one on Earth who can tell you the division of money between what the military might gain. Nearly everything we learn in the civilian space program contributes in some way to the military. In the communications satellite and the weather satellite programs, there is no question that they have been of untold benefit to the military. As other things develop there is no question as far as defense is concerned that there will be a contribution. It seems to me it follows that our experiments in space will eventually produce results in the military arena. We must be qualified at least to participate in it if there is such a need. I do not think that any human being can separate the costs today as between military and civilian activities.

Ms. ABZUG. You know, Mr. Chairman, you and I may differ as to what the value might be of experiments in space. I have made my position clear in the past before your committee and this House, and I can understand unmanned space activities of a nonmilitary character, in order to find out how we can improve life on Earth, but I am not certain that we want to get involved in the kind of conflagration in space that we have had—and that we are having such great difficulty in getting out of—on Earth.

I object to not getting any clarification as to how much of this is really intended to be a commitment to a new form of military program that will possibly result not in an upward but rather a downward direction for mankind.

If we are going to be committing a great proportion of this project to military use, perhaps it is in the wrong budget. The Department of Defense budget is the only budget in this country that has not been slashed but is indeed being increased. Perhaps if it is clearly stated by this committee how much will be committed to the military, then we might move it to a more appropriate place and evaluate it in the proper context.

Mr. TEAGUE of Texas. I can say very truthfully to the gentlewoman that there is not one penny in that Space Shuttle program that is committed to the military. There is no question but our military and civilian people cooperate in the form of knowledge and information, but as far as money is concerned, there is not one penny in that budget committed to the military in any way, form, or fashion.

Ms. ABZUG. I do not know what your present recollection is, Mr. Chairman, of this, but as I recall our last debate in 1972 the opinion given or the statement made in the "Mathematica" report on the Space Shuttle system was that one-quarter of its use would be military. Do you have any figures with respect to what percentage of the Space Shuttle pro-

gram would be military in character as against civilian in character?

Mr. TEAGUE of Texas. I do not know where that one-quarter business comes from, but do you know the charter of NASA and its law creating NASA specified that it will not be military and that it will be committed to peace and to civilian life? Where that one-fourth came from I do not know.

Ms. ABZUG. It was the Mathematica report that was presented in the hearings last year before the committee which estimated that one-fourth of its use would be military in character. Air Force Secretary Seamans testified at the same time and said it could accommodate both DOD and NASA, and I believe the gentleman from Texas (Mr. TEAGUE) in writing about it in the April 1972 issue of "Aerospace" said that "the Shuttle is being designed with careful attention to the special requirements of the military services."

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

Mr. TEAGUE of Texas. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I might point out that approximately 30 percent of this expenditure is wrapped up in the military, and the other 70 percent is in NASA.

Ms. ABZUG. If the gentleman from Texas will yield further, in other words, what we are being asked to approve in the authorization before us for the Space Shuttle is the sum of \$600 million of which 30 percent—or nearly \$200 million—would be for military purposes.

Mr. BELL. If the gentleman will yield further, \$500 million is authorized.

Ms. ABZUG. I know that there is a figure of \$500 million that is used.

Mr. BELL. If the gentlewoman will permit me to continue—

Ms. ABZUG. I would prefer to complete my answer before the gentleman continues.

The CHAIRMAN. The Chair will state that the gentleman from Texas (Mr. TEAGUE) has control of the time.

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

Mr. TEAGUE of Texas. I would prefer to let the gentlewoman from New York finish, and I will continue to yield to the gentlewoman.

Ms. ABZUG. I thank the gentleman for yielding me the additional time.

Mr. Chairman, as I read the bill I see that there is an authorization of some \$500 million for construction of the Shuttle itself, and then for various Space Shuttle facilities in various parts of the country, an additional \$67,200,000. So I simply use the rough figures of \$600 million.

Mr. BELL. Mr. Chairman, if the gentleman will yield, I do believe that we should recall one point, and that is that we should look at the Space Shuttle program as a step toward space travel so that rather than discarding millions and millions of dollars worth of vehicles that we now dispose of in the atmosphere on the way up, under the Space Shuttle program we reuse vehicles.

In addition to that, there is another point that we should remember, and that is the fact that we will have millions of dollars invested in orbiting vehicles, and through the Space Shuttle program those vehicles can be repaired rather than discarded, as they are now, and thus not lose more and more millions of dollars. I think that that is a very important part and parcel of the Space Shuttle program, which makes it very worth while.

Ms. ABZUG. If the gentleman from Texas will yield further, I find it a very interesting point, and a point that has been stated over and over again, that we can save money through the Space Shuttle program, but in addition to that we have more serious problems. One of the problems, it seems to me, is that we are now not even clear as to how long a duration in space it is possible for human beings to endure. Our longest manned experience thus far has been 14 days. The Skylab is intended to bring that to 28 days, but we do not know now what the results of the Skylab program will be. Therefore it seems premature to embark at this time on a Space Shuttle project that will eventually cost many billions of dollars—and that is even now to be authorized at \$600 million—that would permit man to stay in space for maybe 30 days or more at a time, when we do not know whether that is viable. And, all this comes at a time when we desperately need the use of that money here at home.

Mr. TEAGUE of Texas. Mr. Chairman, I would inquire if the gentleman from Michigan (Mr. CONYERS) is seeking time?

Mr. CONYERS. Mr. Chairman, I would like time.

Mr. TEAGUE of Texas. How much time would the gentleman from Michigan desire?

Mr. CONYERS. Mr. Chairman, I would desire as much time as I will consume.

The CHAIRMAN. The Chair will state that the gentleman from Texas has 3 minutes remaining.

Mr. TEAGUE of Texas. The Chairman has stated that I have 3 minutes remaining. I would hope that we could finish the debate before 3 o'clock, when we are to recess.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding me this time. It is very generous of the gentleman.

Mr. Chairman and members of the Committee, I must point out to the Members that in the First District of Michigan, and in the city of Detroit, we have an unemployment rate of 8 percent. The young people are unemployed to the extent of 33 percent so far, and school has not as yet let out. We have libraries that are being closed, that are going to be short \$1 million in Federal funds. We have no health maintenance organizations. The Detroit Board of Education runs a deficit of \$40 million annually. Our drug abuse programs are in disarray. I want to ask where is our sense of prior-

ities in this Congress? I am in favor of Florida and Texas, I suppose, getting their share of beneficial projects, but when we have these programs that deal with the dismantling of OEO, programs for the poor, where are those who support some \$3½ billion being spent through the Congress at record rate so we can quit at 3 o'clock? I cannot support this legislation. If you represented the First District of Michigan, or any other major city, you might have some problem squaring the lack of "prioritizing" that goes on in the Congress.

In addition, Mr. Chairman, the question has been raised before about the NASA tracking station in South Africa where there exists one of the most vicious racist apartheid situations in the world. Can anybody throw any light on that in the few minutes that we have remaining on this committee?

Mr. Chairman, I was asking a question about the tracking station of NASA in South Africa. Can the gentleman give us any information on the apartheid practices that have been a thorn in the side of not only NASA but also of a growing number of Members of Congress and our citizenry at large?

Mr. TEAGUE of Texas. Before NASA was ever created, our Government entered into a contract with the Government of South Africa under something called a Council for—

Mr. CONYERS. CSIR.

Mr. TEAGUE of Texas. CSIR. And that contract is for 15 years. It will be up in 2 years. I offered to make a trip down there with the gentleman from New York (Mr. RANGEL). I do not approve of their actions, but in our contract we agreed with them that if they would furnish the personnel, we would furnish the equipment. As I understand, that is the way it is.

Mr. CONYERS. What about the apartheid situation? That is what I want to find out about.

Mr. TEAGUE of Texas. Someone here has the exact figures on the number of whites.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TEAGUE of Texas. The Chair would be glad to discuss this with the gentleman from Michigan when we have some time.

Mr. CONYERS. When we have some time? After this bill is passed?

Mr. MOSHER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, listening to the remarks of some of the Members of the House on this bill, it seems to me we are putting the emphasis on the more esoteric—perhaps "dramatic" is a better word—aspects of the space program to the derogation of the balance of the purpose of this legislation. I would remind the Members that the name of this bill and the name of this agency is the National Aeronautics and Space Agency; \$180 million of direct domestic aeronautic research is included in and will be authorized by this proposal. The United States is and has been historically

the leader in the development, construction and international sale of aircraft for commercial transportation purposes, an activity that represented benefits in the U.S. balance-of-trade deficits last year of well in excess of \$3.4 billion. Included in this bill are questions of airport congestion and safety, and if I were a Member from a metropolitan area of this Nation, I would be concerned with and supporting the retrofit program for the JT-3D engines. I would be concerned about the other noise abatement proposals that are included in the aeronautical portions of this bill. I would be concerned about the two-stage instrument-approach procedures in this Nation and for the research on this subject that is included in the bill and the wake turbulence effect research efforts, a phenomenon that killed a Member of this House and over 100 others in a crash in the Chicago area last year.

I would suggest to the Members that a midair collision will certainly ruin their lunch hour, so let us think about that when we consider this legislation.

Airport congestion, air traffic safety, noise abatement from aircraft movements, and basic and applied aeronautics research is a fundamental portion of NASA activities.

I urge my colleagues to support this legislation as reported by the committee.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in support of H.R. 7528. I agree with the distinguished chairman of the Subcommittee on Aeronautics and Space Technology, Mr. HECHLER of West Virginia, that we have examined this budget request very carefully. It is neither lightly nor casually that we recommend the small increases described in our report and in the chairman's statement. Today I would add my views on one of the specific increases in aeronautical research and development.

We as a nation are getting ourselves into future trouble by continuing to cut back or terminate vital aviation programs. The quiet, experimental STOL aircraft—or QUESTOL as it is known—is one such program.

The QUESTOL experimental airplane program is of crucial importance to the future of the U.S. aerospace industry. It was reviewed and approved by Congress last year. Fiscal year 1973 funds were authorized and appropriated and later impounded by OMB. Finally, this year, the program was terminated. The need for this aeronautical research continues, however, and the timing of it becomes more critical. Technology developed through QUESTOL flight testing will make significant contributions to the solution of at least three major problems now facing this country.

This year's NASA-OMB action in terminating the QUESTOL program can only work against our national interest by causing delays in the availability of a quiet, short-haul transportation system. Such a delay raises the distinct possibility that foreign aircraft could be purchased to meet the very evident U.S. need for this type of aircraft.

Foreign aerospace competition is threatening to seriously challenge the U.S. industry that is now making a positive contribution to the balance of trade.

For the first time in 93 years, the U.S. surplus in international trade turned into a deficit in 1968 and the balance of payments has continued to worsen since then. In the early "jet-age" years, 1960 through 1966, the aerospace net contribution averaged approximately \$1.5 billion per year. From 1966 this has increased by 22 percent per year through 1971 to a high of \$3.8 billion. During the same period the U.S. total trade balance declined to a deficit of \$2.1 billion. The results for 1972 are even more startling. While the aerospace net trade balance declined only slightly at \$3.4 billion, the total U.S. trade deficit declined to \$6.4 billion. U.S. trade registered its best gains in 18 months in March, showing a deficit of only \$53 million as exports hit a record figure, while imports declined. The February deficit was \$476 million. Aerospace exports were a major contributor to this March record. If this favorable aerospace contribution is to continue we must address the research areas that the foreign competition seems to be concentrating on—the quiet, short-haul segment of the air transportation system. Foreign aerospace companies, with substantial Government support, have been developing new commercial transports to meet near term requirements. All of these projects are Government financed, with the backing ranging from 65 to 100 percent; the average backing is at about 80 percent. This policy by foreign governments represents a new and formidable competitive situation for the United States and indicates the magnitude of the foreign desire to break into the world market for commercial transports. A number of international consortia have been formed to develop new airplanes for the short-haul transportation market. If the U.S. airlines are to avoid importing their future short-haul air transports, the United States must develop the technology, so that U.S. manufacturers can invest their funds in the development and production of commercial aircraft.

It was interesting to me to note what some domestic air carrier personnel had to say regarding foreign competition and our balance-of-payments situation. Mr. Robert Six, president of Continental Airlines, stated:

This program must go forward not only to eventually keep our balance of payments at an even level, but to further develop a proposed short-haul transport which is needed in this country.

And Edward E. Carlson, president of United Airlines, had this to say:

At United, we believe that a strong transportation system is crucial to this Nation's economic health.

It is obvious that the demand for air transportation in the United States and around the world is continuing to grow rapidly. Predictions for future growth vary, but the upward trend is expected to continue and reach about 500 million air passengers in the United States alone by the mid-1980's. Many of our major airports have already reached their saturation points and have no room to grow. The result is congestion which jeopardizes economic growth and adds sharply to costs—from the cost to airlines of de-

lay and increased burning of fuel while waiting to takeoff and land to the air passenger cost in wasted time and his growing impatience. QUESTOL research will provide the technology to produce a new short-haul airplane that can land and take off from shorter runways. This would provide the alternative of using existing shorter runways of airports currently used by scheduled airlines or adding new short runways in space available within the confines of the major hub airports. This would require a new short-haul system that could operate on a non-interference basis with the existing long-haul system. The experimental QUESTOL airplane program will provide techniques to introduce a routine and safe short-haul transportation system. QUESTOL research is required to build the technology base in the low-speed regime to the point at which industry can proceed with confidence in designing an economical, environmentally acceptable, short-haul airplane.

Again I would like to quote from two airline executives who must daily face congestion problems at our major airports.

Mr. Harding Lawrence, president of Braniff, painted the picture this way:

The aviation industry in this country is facing a growing congestion problem. There is no ready solution at this time. Even with the introduction of the current series of larger aircraft, the problem continues to grow. A new short-haul air transportation system could be a reasonable answer in this area. To do this we must develop the technology required to design an efficient aircraft for such a system. It appears to me that the NASA program provides a sound basis for a competent technical investigation of all key areas needing solution. . . . I request that you and your Committee put forth all possible efforts to achieve timely funding for QUESTOL.

And Mr. Carlson, of United, put it this way:

In the overall scheme of a strong, efficient, air transportation system, which includes transporting the traveler from the major hubs to out-lying areas, we feel that during the next decade a short take-off and landing aircraft will be a key element in improving the productivity of the small carriers—a plus for the small city customer—as well as alleviating current (congestion) pressures on such major terminals as Chicago and New York where service will suffer if means are not devised to redistribute some of the air traffic there.

Our environmental health vis-a-vis increased air transportation must also receive continuing consideration. Noise and air pollution are growing to the point where they are becoming unbearable. Increased land requirements for more runways are receiving strong public protest. QUESTOL research will address each of these adverse environmental problems. To solve the noise problem effectively, an airframe and quiet engine must be combined in a single research airplane. QUESTOL does this. It is impossible to arrive at the most economic balance between flight path techniques and engine silencing on individual bases. Detailed design guidance is required to effectively assess the trade-offs between reduction of noise by flight path techniques and by application of acoustic treatment to the engine. QUES-

TOL flight testing will also provide vital information in the areas of runway performance, flight path control precision, touchdown dispersion, air traffic control interface requirements, terminal area navigation, new avionic requirements, and many other variables associated with a new acceptable short-haul system.

In conclusion, Mr. Speaker, the Air Force advanced medium STOL prototype program, which some say can do the job of QUESTOL, is centered around specific point design airplanes for the military requirement and correctly provides for a relatively narrow range of research. The AMST, however, does not address the very important question of noise, nor is it directed toward defining civil certification criteria, both of which are points of vital concern in the development of a civil airliner. QUESTOL is the only planned program that provides for the orderly development of technology required to support civil aviation needs. This QUESTOL research is clearly a NASA responsibility as established by the National Aeronautics and Space Act of 1958, and I hope that my colleagues will see fit to support the partial restoration of funding for it in this authorization bill before us today.

Mr. MILFORD. Mr. Chairman, I have heard statements on the floor today insisting that the money, currently being considered for authorization under this bill could be better spent on highway safety. I have listened as my colleagues have argued that more benefit would result from putting the money directly into solving the problems of the big cities. These arguments fall short, and reflect a lack of background thought and investigation.

I would like to address myself, as a scientist and aviation consultant, to these concepts.

First, I submit that we are today, right this very minute, saving more lives from the spin-off technology from seemingly unrelated NASA activities than we could hope to save by throwing this relatively meager amount of money directly into roadbuilding, highways, urban improvement, or almost any other activity.

NASA technology has developed design techniques for spacecraft that have been incorporated into automobiles in ways that would never have been conceived by the automobile industry, and our cars are safer because of NASA research.

NASA has developed testing techniques which have resulted in improved automobile tire safety. There is less tire failure because of NASA research. The automobile tire industry could never have afforded to develop these techniques. Antiskid devices designed for spacecraft stability have been applied to trucks. Here is another direct contribution to highway safety.

In my district in Texas countless lives have been saved in the city of Lewisville because of NASA research. One of those lives is one of my staff assistants who lived in Denton, Tex. His drive to and from work every day took him through Lewisville on Interstate Highway 35-E. This particular section of this highway was a major accident problem. The curve

and slope of the highway caused it to be slick and highly dangerous during any kind of precipitation. NASA research, in its efforts to stop aircraft "planing" or skidding at high speeds on wet runways developed a pavement grooving technique that eased this problem. This technique was applied to the Lewisville section of I-35 and resulted in my staff member being able to control a dangerous high-speed skid rather than lose control on wet pavement. This is direct, productive, and valuable use of that often misunderstood term, "space research."

Another case: NASA-developed computer techniques—NASTRAN—is currently being used by the Ford Motor Co. in predicting the performance of steering linkages and other components of its 1973 line of light trucks.

By incorporating NASTRAN predictions into its design process, Ford's advanced analytical technology department reported a 60-percent improvement in predicting the behavior of components under stress and a time saving of two-thirds in achieving such calculations.

Design engineers predict the computer program will be particularly effective in solving design problems related to reducing high-speed vibrations and designing various suspension components. Again, Mr. Chairman, I submit that these are design concepts that would not have been available today without NASA technology. Again, we are involved in saving lives.

Additional developments in an energy absorber to be used at dangerous impact points in highways has been developed as a spinoff of space technology. The "frangible tube energy absorber" has possible commercial application in automobile bumpers, elevator shock absorbers, truck trailer support, and highway guardrails. NASA has granted to the University of Denver the exclusive rights for a 7-year period to make, use, and sell the invention for three specific uses: trailer support wheel structures, passenger automobile bumpers, and elevators.

The Department of Transportation has under consideration the use of this invention on highway guard rails. This device is an energy absorber made of hard metal alloy which is pressed against a suitably shaped die by a downward force causing the tube to shatter, and thereby absorb shock.

There are many more examples of increased transportation safety in all areas of vehicle movement, but I want to use the rest of my time to address urban problems.

NASA research has resulted in techniques that can prevent minor school disturbances from becoming major ones. An alarm system that shows a potential for keeping small school disorders from becoming big ones and a computer that keeps attendance records have been developed by the National Aeronautics and Space Administration Jet Propulsion Lab. Both are a part of NASA Office of Advance Research and Technology.

NASA technology is now assisting cities in collecting samples of air pollution

which will enable the cities to work toward solutions of their air pollution problems. All of the residents of urban areas—and all Americans—depend on our farming industry for food. NASA research has developed techniques for early detection of crop damage—corn blight, for example—that will eventually aid in reducing the cost of food and will insure that we maintain an ample food supply.

Mr. Chairman, I shall conclude my remarks by saying that the spinoff of space technology covers almost every technological aspect of every day life, from the housewife cooking in a nonstick skillet to the development of a linear induction mass transit system.

Space has been our best salesman abroad. It has demonstrated our capabilities, our good will, and enhanced U.S. prestige throughout the world.

The transfer of new knowledge derived from space exploration continues both by intent and coincidence. The possibilities exceed our ability to predict them.

The manned space center in Houston is currently correlating all these various spinoff products into a meaningful useful single point. From this, they hope to work with the cities, counties, and agencies in implementing these spinoff products and concepts to reduce the problems of mankind.

Mr. Chairman, my own research has turned up a list of 40 space-developed technology advances which have a place in the life of every American. I would like to have this list placed in the RECORD.

The list follows:

1. Aircraft engine noise abatement research advances.
2. Devices used to reduce high school disorders.
3. Advances in pollution sampling.
4. Smog detection and evaluation.
5. Laser monitor of basic ocean food source—plankton.
6. Corn blight detection.
7. Ultra thin, inconspicuous light plates for homes.
8. Reliable starting systems for chain saws.
9. Spray-on life system sensors.
10. Advances in ordinary battery life.
11. Advances in surveying to determine exact property lines.
12. Infra-red optical equipment to check tire safety.
13. Structural analysis computer program which is aiding auto manufacturers in car design—architects' design of skyscrapers—analysis of bridge suspension units—assist in designing steering linkages of American autos.
14. Advances in time-measurement produce low-cost, extremely accurate digital clocks for home and industry.
15. Simple, accurate and easy-to-use device to map individual vision patterns and test eyes.
16. Devices for eye surgery that can simplify removal of cataracts of the eyes—a very common disease of older Americans.
17. Advances in wheel chair motorization and design.
18. Movies made possible of the beating heart of a cardiac patient.
19. New clothing protection aids in fireproofing children's pajamas and other types of clothing.
20. Device that sounds alarm in nurses' station when infants breathing stops.

21. Multiple advances in fire-safety in home building.

22. Compact lift station that has been adapted for sewage plant usage—advance NASA technology.

23. Solid and liquid waste disposal advances—great aid to over-burdened cities.

24. Water reclamation advances.

25. Great advances in underwater gear.

26. Energy absorber used on highway intersections to break high speed impact of dividers, etc.

27. International live TV coverage of "sports"—Olympic games.

28. Fireproof clothing for firemen.

29. Warmer "hunting" underwear.

30. Light-weight hunting rifle stocks—advances in plastics.

31. Thermal magic cooking pin—that cooks meat with no other heat source.

32. Sportsman's blanket that is light weight—keeps heat in or out depending on the need—also can be used as a tent.

33. High energy food sticks.

34. New design concepts that prevent auto tires from hydro-planing on wet pavement.

35. Crop acreage control programs—help reduce cost of food.

36. A new type of virtually indestructible pipe for home usage.

37. Units that will detect shock early in accident victims—shock that is a major killer in traumatic injury accidents.

38. Aerospace firms that are NASA related are using space technology to come up with Mass Transit Vehicles that are easily operable and non-polluting.

39. Great advances in commercial aviation safety resultant from NASA research.

40. Fire retardant paint for houses that completely fire-proofs any wood.

Mr. FUQUA. Mr. Chairman, for 7 out of the past 8 years the budget for the National Aeronautics and Space Administration has declined. The budget proposed for fiscal year 1974 by this committee is another year of decline. In testimony before the full committee, under the distinguished leadership of the gentleman from Texas (Mr. TEAGUE) and the Subcommittee on Manned Space Flight, NASA has stated that there was a decrease of \$155.4 million from the amount NASA had requested of the Office of Management and Budget for Manned Space Flight programs for fiscal year 1974. The reason I cite these facts is to point out the continuing critical position NASA finds itself in in accomplishing its programs.

In testimony before your committee, Dr. Fletcher, Administrator of NASA, has clearly pointed out that a total budget of \$3.4 billion for NASA needs to be sustained to assure a maximum gain from the programs undertaken. You will note that this budget is \$300 million below that level. In the area of manned space flight alone, NASA's request falls short of \$155.4 million of the request made to the Office of Management and Budget, as I have already stated.

The outstandingly successful Apollo program has been concluded, and it made major scientific and technological contributions to this Nation and to the world. It continues to benefit our Nation by providing hardware and technology that is being utilized in the Skylab program and will be utilized again in the Apollo-Soyuz test program. The flight portion of Skylab is now underway and will be concluded

this year. It is expected that Skylab will recover from its current problems. A significant but slow start has been made in developing a low-cost space transportation system, the Space Shuttle. The current programs—Skylab and Space Shuttle have both had major cuts before the budget submission to the Congress. Skylab was reduced in the Office of Management and Budget review by \$24.6 million, and the Space Shuttle by \$85 million. Subsequent to this, following hearings and consideration by the full committee and the Subcommittee on Manned Space Flight, a further reduction was made in the Skylab program of \$10 million. This reduction was made because of the successful management of that program—successful to the point where the committee felt that this reduction could be made with minimum risk to program performance. It is still expected that this will be the case even with the current problems experienced in Skylab.

An increase of \$3 million was made in the area of space life sciences to assure that the technology of space suit development would be sustained to support currently authorized programs in the years ahead.

Finally, \$25 million was added to the Space Shuttle program so that additional personnel could be added in the subcontractor's program at an early date to help circumvent the typical problems in advanced development programs that normally arise and add assurance of maintaining or improving the planned total cost, performance, and schedule in the Shuttle program.

The remainder of the manned space flight portion of the NASA authorization is as requested by NASA.

The committee feels that it is a minimum program, which if not adequately supported will not only decrease the benefits derived from our space efforts but will seriously erode the space technology base necessary to the well-being of all the citizens of this Nation in the years ahead.

It is significant to note that the entire manned space flight effort for fiscal year 1974 as recommended by your committee would be \$174.4 million less than funds authorized in fiscal year 1973, and \$107.2 million less than the operating plan being utilized by NASA for the remainder of fiscal year 1973.

I would like to second the remarks of the distinguished chairman of the Committee on Science and Astronautics by reiterating that our national well-being is closely tied to an expanding technology, and that our national space program is in the forefront of providing that technology. It is time to stop the decline in funding in our national space program because of its significant contributions to the Nation. I commend to my colleagues on both sides of the aisle the authorization recommended in this bill by your committee.

I am including in my remarks a table summarizing the actions taken by the committee in the manned space flight portion of the budget.

Budget line item	[In thousands of dollars]	
	Fiscal year 1974 budget request	Subcommittee recommendation
Space flight operations.....	\$555,500	\$548,500
Skylab.....	(233,800)	(223,800)
Apollo/Soyuz test project.....	(90,000)	(90,000)
Development test and mission operations.....	(199,200)	(199,200)
Space life sciences.....	(19,000)	(22,000)
Mission systems and integration.....	(13,500)	(13,500)
Space Shuttle.....	475,000	500,000
Advanced missions.....	1,500	1,500
Total R. & D.....	1,032,000	1,050,000
Construction of facilities.....	68,285	68,285
Research and program management.....	332,468	332,468
Manned space flight total.....	1,432,753	1,450,753

Mr. Chairman, the Subcommittee on Manned Space Flight held a month of intensive hearings in Washington and in addition held hearings in the field to fully examine the manned space flight portion of the NASA budget. Testimony was taken from NASA management, industry, the Air Force, and citizens groups relative to manned space flight. You will note from the summary that the committee recommends only three changes to the NASA budget request for manned space flight for fiscal year 1974. They are:

Skylab—a reduction of \$10 million; Space life sciences—an increase of \$3 million; and

Space Shuttle—an increase of \$25 million.

To place these changes recommended by your committee in perspective it should be noted that:

The NASA manned space flight research and development request for fiscal year 1974 is \$174.4 million less than the funds authorized for fiscal year 1973.

The NASA manned space flight research and development request for fiscal year 1974 is \$107.2 million less than the operating plan for the remainder of fiscal year 1973, and

No funds are included in the fiscal year 1974 budget for Apollo which will have been concluded.

In examining the budget request submitted by NASA it is clear that this budget has been reduced to a level which severely limits NASA program opportunities. This level of effort also assumes that success will be achieved with little or no development program problems. Such a posture could easily lead to higher program costs in future years when the typical problems of space development work are encountered.

Notwithstanding these considerations, the committee felt that the need for restraint in budgeting also was essential. Therefore, the following program amounts are recommended:

SPACE FLIGHT OPERATIONS

NASA requested \$555,500,000 for space flight operations in fiscal year 1974. Of the five areas within this line item, your committee made two changes as follows:

SKYLAB

On May 14, 1973 Skylab was launched with three visits planned during the balance of the year. The success of NASA Skylab management has given confidence to their projections of costs. Based on this confidence it appears that a reduction of \$10 million in the Skylab program will not adversely affect total program cost, performance or schedule. The committee notes that this reduction reflects a "success-postured" program, but believes that past NASA performance in the Skylab justifies this confidence even with the current problems. Therefore, the committee recommends a total of \$223,800,000 for Skylab for fiscal year 1974, a reduction of \$10 million from the NASA request.

SPACE LIFE SCIENCES

NASA requested \$19 million for space life sciences for fiscal year 1974. In reviewing this item it was found that the industrial team which provides space suits will shortly be dispersed. There continues a need to assure that space suit requirements for the shuttle are met. Both continuity of know-how and ultimate total costs were considered by your committee. The need for both inter-vehicle and extravehicle suits which minimize custom sizing for each individual are called for. Improvement in hand mobility and glove "feel" will be required in suits used in shuttle operations. The committee recommends the addition of \$3 million to space life sciences for continued space suit development in fiscal year 1974 bringing the total to \$22 million. By this action the continuity of skills in this highly specialized area can be maintained while needed improvements in space suits are continued.

SPACE SHUTTLE

NASA requested \$475 million for the Space Shuttle in fiscal year 1974. As has been brought out in testimony before the committee, the Space Shuttle program buildup has been constrained by tight cost ceilings in fiscal year 1973. This has resulted in a slower manpower buildup in the orbiter contractor's work force and has delayed the buildup of subcontractor manpower. An increase of \$25 million for the Space Shuttle program in fiscal year 1974 will provide a more effective program implementation and increased confidence in attaining the key program milestones of first horizontal flight in 1976 and the first manned orbital flight in 1978.

This additional funding would be utilized to increase the program effort in critical avionics activities in support of the first horizontal flight, and increase manpower on design and development tasks for four major subcontracts that have just been awarded. These subcontracts were for the orbiter wing, tail, mid-fuselage, and the orbital maneuvering system pods. The manpower levels for thermal protection system subcontracts to be awarded this quarter would also be increased to insure that the total program effort can build up effectively and help attain the schedule NASA has already had to slip 9 months because

of severe funding restrictions in fiscal years 1973 and 1974.

In summary, the net effect of this addition of \$25,000,000 to the Shuttle program should add confidence to meeting schedules and to holding total program costs at or below the current projection. Therefore, your committee recommends \$500,000,000 for the Shuttle program for fiscal year 1974.

As indicated there are other areas of research and development in the manned space flight portion of the NASA authorization which merit increased funding; however, it was the judgment of your committee that in the context of fiscal responsibility that NASA manned space flight programs must accept a level of funding which does not allow for unforeseen development problems and creates a higher risk of increased total program costs.

With this in mind, the committee recommends a total of \$1,050,000,000 for research and development for manned space flight in fiscal year 1974, which is \$107,200,000 less than the operating plan for the remainder of fiscal year 1973.

CONSTRUCTION OF FACILITIES

NASA has requested \$68,285,000 for construction in support of manned space flight activities, excluding facility planning and design, minor construction and rehabilitation and modification work at the field centers programmed as part of agencywide project proposals.

Of the \$68.3 million basic construction request, \$67,200,000 is proposed for nine projects directly in support of the Space Shuttle program. Eight of these projects are for the modification of existing facilities totaling \$39.0 million and one is for the construction of the orbiter landing facilities at an estimated cost of \$28.2 million at the Kennedy Space Center.

In general, the construction requirements for the shuttle in fiscal year 1974 consist of:

Research and development facilities—\$19,490,000, for modifications to existing facilities at the White Sands Test Facility, N. Mex.; the Johnson Space Center, Clearlake, Tex.; the Mississippi Test Facility, Bay St. Louis, Miss.; and the Marshall Space Flight Center, Huntsville, Ala.

Manufacturing and final assembly facilities—\$19,510,000, for modifications to existing facilities at the NASA Industrial Plant, Downey, Calif.; the Air Force Plant No. 42, Palmdale, Calif.; and the Michoud Assembly Facility in New Orleans.

Launch and landing facilities—\$28,200,000, for the construction of the orbiter landing facilities at the Kennedy Space Center, Fla.

The latter project is the first new facility to be constructed in support of the Shuttle. Thus far in the program, NASA has made maximum use of existing facilities to meet the Shuttle needs in accordance with the strong position taken by the committee in this regard 3 years ago.

The one non-Shuttle-related facility included in the fiscal year 1974 request is \$1,085,000 for the modification to the

power system at the Slidell Computer Complex, Slidell, La., to provide redundant uninterruptible power for the operation of critical computer equipment. Annual losses due to power outages have ranged from \$140,000 to \$315,000. The proposed modification will minimize losses of this nature.

The committee has reviewed the fiscal year 1974 construction request in detail, not only on the basis of testimony received, but through staff conferences and onsite analyses in the field. All construction in support of the Space Shuttle is time-sensitive to the development effort and must be started in fiscal year 1974 to meet the program milestones. The one non-Shuttle-related project is badly needed to reduce computer downtime and eliminate unnecessary operating costs.

The committee recommends that the fiscal year 1974 construction request of \$68,285,000 in support of manned space flight activities be approved.

RESEARCH AND PROGRAM MANAGEMENT

The fiscal year 1974 request for research and program management for manned space flight activities totals \$332,468,000 or 47 percent of the total NASA request. These funds are required to provide the civil service manpower necessary for inhouse research, planning, management and support of the ongoing research and development effort, as well as the costs of operating, maintaining and supporting the three manned space flight field centers and their satellite installations.

Included in the amount under consideration is the estimated costs of salaries, maintenance and operating expense for the Kennedy Space Center—including support for the NASA element at the Western Test Range—\$90.4 million; the Johnson Space Center—including the White Sands Test Facility—\$109.2 million; the Marshall Space Flight Center—including the Mississippi Test Facility, the Michoud Assembly Facility, and the Slidell Computer Complex—\$132.9 million.

This year's request is \$20 million less than funded for fiscal year 1972 and \$4.2 million less than included in the current fiscal year 1973 budget operating plan for manned space flight.

Personnel compensation and benefits constitute 74.2 percent of the fiscal year 1974 Research and Program Management request for manned space flight. In this connection it should be noted that the civil service strength at the manned space flight centers will be further reduced by 825 permanent positions during fiscal year 1974. This will result in a strength of 10,525 personnel at the end of fiscal year 1974, a reduction of 2,080 personnel, or 16.5 percent since fiscal year 1971.

With regard to the personnel situation at the manned space flight centers, the committee continues to be concerned with the declining input of young engineers and scientists into the space program. Although the scientific and engineering element of the workforce remains relatively stable at about 52 percent at the three field centers, the average age of the scientist and engineer

continues to increase about one year per year, indicating that efforts to attract younger professionals have not been adequate.

The combination of a declining space budget, an unbroken series of annual reductions-in-force in recent years, conducted under regulations which penalize less senior personnel, and employment restrictions curtailing recruitment, has depleted the junior professional ranks. According to testimony received, the latest college recruiting figures on a NASA-wide basis show that from a peak input of 965 which occurred in 1966, recruitment fell to 56 in fiscal year 1972 and rose only to 118 for the first half of fiscal year 1973.

The committee has adopted a strong position in again urging NASA to take more positive action toward building up the junior professional work force throughout the agency.

The committee has reviewed each of the functional categories of expense included in the manned space flight research and program management request, not only in testimony, but through onsite analyses at the field centers. Authorization being requested for fiscal year 1974 is less than that enacted in fiscal year 1973, not only for personnel compensation and benefits, but also for the other accounts—travel, facilities services, technical services and administrative support.

The committee considers that the manned space flight research and program management program for fiscal year 1974 is austere and recommends approval of the \$332,468,000 requested for these purposes.

SUMMARY

In summary the committee has made adjustments in the manned space flight portion of the fiscal year 1974 request, and recommends that the committee approve for authorization a total of \$1,450,753,000 consisting of: \$1,050,000,000 for research and development; \$68,285,000 for construction of facilities; and \$332,468,000 for research and program management.

Mr. HECHLER of West Virginia. It is really great to have our distinguished chairman (Mr. TEAGUE of Texas) here on the floor after leaving the hospital in order to handle this bill. Through "Tiger's" leadership, the Committee on Science and Astronautics has rigorously examined the budget request. The Subcommittee on Aeronautics and Space Development which I have the honor to chair, voted an increase of \$34,500,000 for a total of \$715,066,000, as compared with the budget request of \$680,560,000 in our area. This does not include \$25,000,000 of fiscal year 1973 funds which were impounded in the aeronautical R. & D. area and held for application during fiscal year 1974.

The continuing decline in NASA's total budget from its high point in 1965 has led to drastic cutbacks and terminations. Some of these actions have seriously impaired and disrupted efforts to solve problems which have been identified as critical by the Congress, Government agencies, and individual citizens.

PRIOR YEAR BUDGETS

The fiscal year 1974 NASA total request of \$3.016 billion must be compared with the amounts appropriated in previous years.

Fiscal year:

1973	-----	\$3.407
1972	-----	3.310
1971	-----	3.312
1970	-----	3.749

A high of \$5.250 billion was appropriated for fiscal year 1965.

Industry employment on NASA programs topped out at 376,000 in June 1965 and will have declined to 103,380 by June 1973. There is a comparable decline of NASA employees: 33,200 in June 1965 to 26,850 by June 1973. The decrease in employment—NASA and industry—amounts to 279,670 people, or 68.3 percent since June 1965.

The committee strongly believes that the fiscal year 1971 and 1972 levels of about \$3.3 billion should have been the "bottom out" point in NASA's budget decline. Going below that amount has led to the termination or cutback of numerous programs important to solving such major national problems as these:

Alleviating aircraft noise;

Maintaining our competitive position in aerospace exports;

Achieving a low cost space transportation capability on an optimum schedule;

Reducing airport congestion and increasing aviation safety; and

Expanding our applications capability in space—earth resources, communications, navigation, and so forth.

AIRCRAFT NOISE

Every Member of the House knows that air traffic congestion in terminal areas has led to potentially unsafe flying conditions, long irritating delays for travelers, and higher costs for all concerned. For millions of citizens, sleepless nights and day after day of pounding aircraft noise have become a dreadful way of life. Solutions to these problems cannot be postponed to some indefinite future. The time must be now.

During the debate last year on the NASA authorization, I described how our committee had held extensive hearings on the results of a 2½-year joint study by the Department of Transportation and NASA—commonly called the CARD study.

A major conclusion of that study was that aircraft noise is the No. 1 problem in civil aviation. Two other major problems pinpointed in the study were terminal congestion and the lack of a short haul air transportation system.

In its September 1972 comprehensive report, "Civil Aviation Research and Development: Policies, Programs and Problems," the committee agreed with the CARD conclusions on noise abatement, congestion and safety, and short haul transportation. The committee strongly urged expedited work to solve these problems and spelled out specific steps which should be taken. Let me tell you about these problems and describe what has happened.

First, there is the aircraft noise problem for which an increase of \$14 million

is recommended in this budget request. After the 1973 NASA budget was authorized and appropriated, the Office of Management and Budget decided that it knew better than the Congress about the aircraft noise problem. NASA had requested \$9 million for a new noise program for fiscal year 1973, but Congress authorized and appropriated \$30 million to insure more rapid action to quiet the engines of the current narrow-body jets—DC-8, 707, 737, DC-9 and 727—with what is called a new quiet front fan. However, OMB and NASA reduced the program for fiscal year 1973 to \$21 million. On top of that, OMB withheld \$15.4 million and released only \$5.6 million to NASA.

In January of this year, OMB released the remaining \$15.4 million but limited the program in such a way as to force NASA to choose between the JT-3D engine—DC-8 and 707—and the JT-8D—727, 737, DC-9. NASA picked the JT-8D powered aircraft because there are more of them, they take off and land more frequently and are expected to be around longer. But this decision left the most noisy aircraft—the four-engined DC-8 and 707—free to hammer at our ears for the next 10 or 15 years.

One other modification is being investigated: the FAA has expanded on some earlier NASA research which is based on putting sound absorbing materials inside the covers of the engines. Tests show that this method provides some relief but not nearly to the extent of the new front fan approach.

Based on testimony taken during the hearings and extensive discussion, the committee determined that the JT-3D modification is technically feasible and a substantial number of 4-engine jet aircraft would be flying well into the 1980's. Therefore, it was concluded that to achieve substantial aircraft noise reductions, reinstatement of the JT-3D part of the program was warranted from technological and fleet-life points of view.

FLIGHT TESTING

In the initial submission of the fiscal year 1974 budget request, the JT-8D program allowed only for ground testing of the three aircraft involved. Questioning of a DOT witness led the committee to the conclusion that the FAA would not undertake a rulemaking process unless flight testing was conducted. NASA has also recognized this major defect in their program and began working with Boeing and Douglas in an effort to devise a program which incorporates flight testing but stays within the \$40 million program ceiling. The Congress should insist upon the adoption of a program which would quickly acquire the data necessary for the FAA to take rulemaking action. Such a program necessarily involves flight testing at the earliest possible date and prompt action thereafter by the FAA.

The committee voted to amend the NASA request so that the increase of \$14 million is reserved for the JT-3D refan retrofit; additionally, the committee voted to reserve \$18 million currently in the fiscal year 1974 NASA budget request for the JT-8D for use only on that program.

QUESTOL

An increase of \$20 million in aeronautical R. & D. is recommended to reinstate the quiet experimental short take-off and landing—Questol—program. To help solve the terminal area congestion and safety problems, the CARD study recommended, and the committee agreed, that work should proceed on a new short haul air transportation system. As part of this work, the Questol program was approved by the Congress in the fiscal year 1972 budget. Its purpose was to develop two experimental flight vehicles to be used to produce flight validated quiet-propulsive-lift technology. Subsequently it was cut to one vehicle to lower program costs. The data resulting from the program was to be used as a foundation for design and certification criteria, noise regulation, life-concept selection, and terminal area operation.

The fiscal year 1973 program amount approved by the Congress was \$27,500,000; however, except for \$500,000, the funds were impounded by the OMB. In November 1973, NASA was permitted to select a contractor, Lockheed-Georgia. Preliminary design work was accomplished with the \$500,000. In January 1973, the program was terminated and NASA was given instructions to work out a cooperative arrangement with the Air Force on the Advanced Medium STOL Transport—AMST. The essential difference between the two programs is that Questol was specifically planned with a great deal of inherent research flexibility directed toward the commercial market, whereas the AMST prototypes to be produced by Boeing and Douglas are specific point designs providing for a relatively narrow range of research and development directly related to a military requirement.

The important role that QUESTOL was to play in laying the groundwork for a quiet short-haul air transportation system is the basic reason for the committee's decision to reinstate the program. It was concluded that relying on the military prototypes would substantially limit the usefulness of research data and drastically delay availability of information necessary to permit the United States to achieve a competitive position in the quiet short haul field of aviation.

Aside from the foreign competitive aspects of this field which are severe, there are urgent domestic reasons to proceed with this technology. As noted earlier, reducing aircraft noise and congestion are important objectives in aviation. Closely related to the problem of congestion around air terminals is the subject of safety and midair collision: a transportation system based on QUESTOL and other related work should reduce congestion and provide for safer operations.

AVIATION SAFETY

While safety considerations are related to the QUESTOL program, the committee believes that aviation safety must be singled out for continuing attention by the Congress and all parties concerned—public and private. While noting that NASA's role in safety has been greatly diminished and that the major part of the Federal Government's responsibilities in aviation safety rest within the FAA,

the committee urges NASA to seek out every possible way to insure that its capabilities are used in solving aviation safety problems. The year 1972 saw a disturbing rise in the number of scheduled carrier accidents and passenger fatalities.

NUCLEAR RESEARCH

An increase of \$10 million from \$1 million to \$11 million is recommended for advanced nuclear power and propulsion research. The committee does not agree with NASA's and the AEC's abandonment of nearly the entire field of nuclear power and propulsion for space. The increase voted by the committee is designed to permit the retention of a relatively small nucleus of work with emphasis on various areas of advanced technology. Another objective inherent in the committee's action is to emphasize the transfer of appropriate results acquired from the nearly \$1,500,000,000 spent on nuclear power and propulsion during the past decade or so.

There are important potential benefits of broad concern to the Nation. Work has been accomplished in the past which potentially can be related to solution for our serious energy problems. Among potential applications are these:

One. Central power station topping cycle power units;

Two. Oceanographic nuclear power supplies;

Three. Compact mobile power generators for electric trains, buses, trucks, autos;

Four. Utility peak load power generators—standby power systems; and

Five. Apartment building total energy powerplants.

In later years the work could definitely be applied to uses in space and would greatly reduce the prospect of "lost R. & D." which will result from the currently planned termination.

The \$10 million would be generally allocated to four research areas in the following priority:

First. Thermionics: numerous terrestrial payoffs, space power, and electric propulsion;

Second. Gas core reactors: new sources of extremely high energy for the future;

Third. High temperature gas cooled reactors: evaluate for process heat—coal gasification, hydrogen generation, iron ore reduction, et cetera; and

Fourth. Medium power nuclear electric: maintain technology base for potential applications: NASA, commercial, DOD—electric power source in the 2-20 kilowatt range.

There is no other place in the Federal Government or industry where much of this research is being done. Complete abandonment of the work, which is relatively small, is very difficult to understand—even in the present budget climate. For example, it is nearly certain that any sensible energy research program undertaken by this Nation would involve a significant part of this continued program.

TRACKING NETWORK

A decrease of \$10 million from \$250 to \$240 million is recommended for tracking and data acquisition. The reduction in tracking and data acquisition

is primarily an action by the Committee to offset partially, some of the high priority increases discussed above. The decrease is not related to any specific component of the tracking and data acquisition program; however, a preliminary review suggests that declining utilization of the manned space flight network in coming years calls for very close scrutiny of the expenditures in this area. Of particular concern is the level of contractor staffing at a number of stations.

Because of the drastically changed nature of the workload planned for the tracking and data acquisition networks during the next 5 or 6 years, a thorough and detailed review of the tracking and data acquisition program is necessary beyond that which has been carried during the authorization hearings this year.

TECHNOLOGY UTILIZATION

An increase of \$500,000 from \$4 million to \$4,500,000 is recommended for technology utilization. For many years the committee has strongly supported this program. This position has been taken because of a firm belief in the basic principle behind the technology utilization program: scientific, technological and management knowledge acquired with public funds should be made available to the public sector for its benefit as quickly and efficiently as possible.

The \$500,000 increase would be used for the following purposes: \$225,000 for new technology dissemination to industry and State and local governments through Regional Dissemination Centers; and \$245,000 for technology applications in supporting public sector requirements in health care, environmental control, transportation and public safety.

Mr. Chairman, members of the subcommittee of both sides struggled with the problem of increasing funds in the inflation-prone economy we now live in. Individually and collectively we weighed the issues and concluded that measures to attack the problems of aircraft noise, safety, congestion, and technology transfer are urgent. The payoffs from the relatively modest increase of \$34.5 million will be large.

More quietness near airports for millions of citizens.

Less air congestion and safer, more economical operations.

Greater use of technology produced in Government-funded programs in solving civil problems.

I urge your support of the bill before you today as a commitment to solving the problems which I have described for you.

Mr. FLOWERS. Mr. Chairman, I rise in support of the bill H.R. 7528, the fiscal year 1974 NASA authorization bill.

We have before us an annual authorization bill put together under very constrained budgetary conditions. The request for space included in the President's budget this year totaled \$3,016,000,000. This represents the lowest request for the national space effort submitted to the Congress since fiscal year 1962.

During the budgetary review process, the NASA total requirements for fiscal

year 1974 was reduced from a firm balanced program of \$3,540,400,000 by the Office of Management and Budget to the slightly over \$3 billion budget submitted to the Congress.

Further limitations on expenditures for the current fiscal year 1973 were imposed upon NASA by the Office of Management and Budget by the withholding of \$345.5 million of the \$3.4 billion appropriated by the Congress last year.

These stringent budget limitations for fiscal years 1973 and 1974 have forced the cancellation of the NERVA program in which over a billion dollars has been invested; the suspension of efforts on the high energy astronomy observatory program; the delay of the second Earth resources technology satellite for 2 years; a delay of 1 year on the TIROS N meteorological satellite; the phasing out of NASA's work in experimental communications satellites; and the cancellation of the follow-on advanced technology satellite. With the exception of the NERVA program, all of these cancellations or deferrals are in the space applications program in which space technology is directly applied to the benefit of man.

In addition to the curtailment of these research and development efforts, budgetary restraints will cause a further reduction of 1,880 positions in the NASA civil service complement and the closing of the Plum Brook Station in Ohio. These personnel reductions will lower the NASA strength to 24,970 personnel by the end of fiscal year 1974, which is the lowest strength since June 1962. Coupled with this will be further reductions in contractor employment on NASA programs. The number of personnel working on NASA contracts is estimated to reach a new low of slightly over 100,000 personnel by the end of fiscal year 1974, the lowest rate of contract employment on space activities since June 1961.

These continuing drastic cutbacks in personnel are having a serious impact on local communities throughout the country. For example, at the Marshall Space Flight Center located in Huntsville, Ala., a reduction-in-force of 650 civil service personnel will be required during fiscal year 1974 as a result of fiscal constraints representing a cut of over 10 percent in the work force. This, coupled with a reduction of 1,088 in contract service support employees, will cause undue economic hardships on the local community. This is only one community affected by the cutbacks in the space effort. When you add to this the impacts in hundreds of other communities throughout the Nation it is readily discernible that the national economy will experience further downturns, a trend which must be halted!

The Congress was informed 2 years ago that the NASA budget had leveled out at about \$3.3 billion. Last year the Congress approved the President's request of \$3.4 billion, encompassing a program which, according to testimony, was planned and configured so as not to require any increases in future NASA budgets above the \$3.4 billion level, except as necessary to meet the effects of inflation. This stabilization of the an-

nual level of effort was well received by most of us who are associated with annual space legislation, since perturbations in space spending cause increased costs in meeting program objectives and create obstacles in managing dynamic research programs of this nature. The reduction in planned fiscal year 1974 expenditures create further perturbations which in the final analysis will eventually cost the taxpayer more to accomplish the same missions, which could be avoided if a stabilized space expenditure level could be achieved.

The Committee on Science and Astronautics had added \$57.5 million or 1.9 percent to the President's request for fiscal year 1974, a very modest increase under the circumstances. This increase will give added emphasis to the Space Shuttle, applications, aeronautics, and space benefits programs, and represents a small step forward toward maintaining a stabilized and progressive annual space effort. More could be done, but this would be extremely difficult under the present budgetary environment. We are convinced that this is the best solution within present constraints.

There are many more things that could be done making use of residual Apollo hardware. There exists in inventory at the present time \$400 million in Apollo hardware which is presently uncommitted. Another \$560 million in Apollo hardware is committed as backup for the Skylab and Apollo/Soyuz test projects. This represents almost a billion dollars worth of hardware already paid for which could be put to use if fiscal restraints were eased to permit the scheduling of missions within a stabilized ceiling of space spending.

Missions such as polar earth surveys could bring spectacular results of perhaps immediate and significant benefits to all the peoples of the world. A second Skylab could be flown to augment the crippled Skylab A now in orbit, thereby realizing all of the benefits originally envisioned from the program. Such a mission could be accomplished as an international cooperative effort, possibly as a joint venture with the Soviet Union.

These, and many more rewarding missions could be flown that would be of direct benefit to mankind if fiscal restraints were lifted. I sincerely hope the administration recognizes the serious effects on the national economy that are being caused by the cutbacks in space spending and that some remedial action will be taken to stabilize the level of effort in the near future.

I strongly endorse the Space Shuttle effort, and while I advocate increased expenditures that would permit the use of uncommitted Apollo hardware for other missions, I do not think these missions should be programmed at the expense of the Shuttle. A stabilized program of \$3.4 million would permit this Nation to realize a better return on our investment made to date by using existing and already paid-for space hardware.

Mr. Chairman, finally, I recognize that in the allocation of funds to support the multitude of Federal agencies and programs each year, hard decisions must be made based upon an overall consid-

eration of national priorities and needs. And on this basis, there are some who have urged further sharp reductions in the Nation's space effort. But, when we consider the very real benefits of NASA's program—in advancing scientific knowledge, in exploration, in the practical applications of aeronautics and space, and perhaps most importantly in meeting the need for the United States to have a continuously advancing technology—and when we consider that the NASA portion of the overall Federal budget for fiscal year 1974 amounts to less than 1.2 percent, down from 4.3 percent in 1965, a factor of more than three—I am firmly convinced that our national space program more than justifies its present place in any objective ranking of national priorities.

I heartily recommend that H.R. 7528 now before this body to authorize \$3,073,500,000 for the National Aeronautic and Space Administration be passed.

Mr. COTTER. Mr. Chairman, I rise in strong and unequivocal support of H.R. 7528, the NASA Authorization Act. This is a very good bill and the product of intensive work by members of the House Science and Astronautics Committee.

I would be remiss if I did not mention the excellent leadership of our chairman, the distinguished gentleman from Texas (Mr. TEAGUE), and the other subcommittee chairmen I have been privileged to work with, the distinguished gentleman from Georgia (Mr. DAVIS) and the distinguished gentleman from West Virginia (Mr. HECKLER).

This bill represents a reduction of \$33 million from the administration's total budget request and I believe is a prudent budget for both space exploration and needed research and development.

I will not go into a detailed breakdown of this budget since this has been amply described by other members of the committee. However, I want to describe one program that I believe has exceptional merit.

At a time when the American people are properly concerned about the environmental impact of various means of transportation, it is understandable that one of their major concerns is airplane engine noise. It was this concern in 1972 that prompted the Subcommittee on Aeronautics and Space Technology to fight for a refan retrofit program that would significantly lower the noise level of engines on existing jet aircraft. Then the Congress, in 1972, approved this initiative and the 3-year refan retrofit program was funded for \$130 million.

This program, as originally approved by Congress, would have allocated enough money to provide for the complete research and development of noise suppression equipment to retrofit both the JT-8D engines that are on the 727's, 737's, and DC-9's, and the JT-3D engines that are on the DC-8's and 707's.

Unfortunately, congressional intent was violated by OMB and NASA, and in January of 1973 they decided unilaterally to cancel the JT-3D program.

During questioning in the subcommittee, I, together with my distinguished colleague from New York (Mr. WYDLER), ascertained two important facts. First,

the JT-3D engine, which is on the DC-8's and 707's, will still be flying in large numbers during the 1980's and, therefore, will contribute to noise pollution over our urban areas.

Second, we discerned a hesitancy in NASA to go ahead with this program in spite of renewed and continuing congressional interest and support. I, therefore, offered an amendment to specifically authorize both the retrofit programs for the JT-8D and JT-3D engines. The cost of this program is \$14 million for this year for the JT-3D and \$18 million for the JT-8D. The total price tag is still around the \$130 million that we authorized last year and the cost for the JT-3D is \$33 million according to NASA.

There is another important factor to keep in mind. This is one of the few programs that require the return of U.S. R. & D. money when they go into full production. Therefore, it is highly probable that this investment by NASA will be recouped when the manufacturer begins full scale production of the refan retrofit kits.

Another important feature of the refan program as opposed to nacelles or other acoustically treated engines is that refan programs do not cut down on engine performance and are effective in suppressing jet takeoff roar—a leading source of noise pollution.

I urge my colleagues to support H.R. 7528.

Mr. SYMINGTON. Mr. Chairman, I rise in support of H.R. 7528, the NASA authorization bill for fiscal year 1974.

The bill before us today reflects still another decline in the budget of the space agency—for the 7th year in a row. Frankly, Mr. Chairman, it is hard to understand why the space program should have become the whipping boy during the Nation's current economic distress. The space program has been extraordinarily successful. Furthermore, there seems to be general agreement that the space program represents an important part of this Nation's investment in the future—an investment in research and development oriented toward civil needs, rather than military objectives. Finally, the technology generated by the space effort has already proven its usefulness to modern society in many ways.

Yet, in spite of the successes of the past 15 years, and the demonstrable value of space technology to improving the quality of our lives, the Nation's investment in space continues to decline.

Most distressing to me as the chairman of the Subcommittee on Space Science and Applications is the fact that the space applications program has been cut approximately 20 percent this year, the largest reduction by far in any portion of the NASA budget.

The reduction in space applications is unwise in my view, and it is clearly contradictory to NASA's stated public policy announced in December 1971 when a separate Office of Applications was established with a new Associate Administrator at its head.

This major reorganization within NASA was designed to give greater emphasis to space applications in the future, according to Dr. James Fletcher, the Administrator of NASA.

This reorganization and the new emphasis on applications occurred after several years of urging by many Members of Congress, notably my distinguished predecessors as chairmen of the Subcommittee on Space Science and Applications, the gentleman from Minnesota (Mr. KARTH) and the gentleman from Virginia (Mr. DOWNING).

Mr. Chairman, if ever there was a program that had already proved its value to mankind and one which holds out even greater promise for the future, it is the space applications program. I am referring, of course, to those satellite systems which provide communications services, meteorological observations, earth resources surveys, navigation and air traffic control data, among other things. These systems already provide services and information worth hundreds of millions of dollars annually; and the future is even brighter.

Let me make a few remarks about communications. In the short time since the beginning of the space effort, a mere 15 years ago, research and development conducted by NASA has led to the establishment of a profitable private enterprise—Comsat—which now makes available modern, dependable, low-cost communications around the globe, including places that were virtually inaccessible prior to the advent of satellite systems. A novelty just a few years ago, the satellite is now an integral part of the international communications system. People everywhere have come to depend upon communications satellites for high-quality intercontinental voice, television, and data transmissions.

It is especially noteworthy that the relatively small investment by NASA in communications research and development during the last decade has established the United States as the undisputed leader among the nations of the world in this important new technology.

While advances in space communications technology have been truly astonishing, much remains to be done. It is now reasonable to predict the development of such things as direct broadcast satellites which may someday revolutionize our educational system. Other areas of interest include: development of laser communications, higher gain antennas, higher power transmitters—the list of possible advances is very long indeed.

Yet, despite the successes of the past and the challenging work that remains for the future, NASA has notified the Congress that a decision was taken recently to phase out virtually all communications research and development beginning this year. To many of us, this decision seems incredible.

NASA's explanation is that private enterprise is so well established in the space communications business that future research and development can be left to the private sector. Certainly, private enterprise should be encouraged to take on as much of the research and development in communications as possible. No doubt there will be substantial research and development performed in the laboratories of Comsat and the other great American communications companies.

We are told, however, that their efforts

will be directed primarily toward refining and upgrading existing technology. Research that looks farther into the future, and which seems unlikely to generate earnings in the relatively short term is unlikely to be undertaken by private industry.

After all, the managers of companies like Comsat must answer to private investors for the work done in their laboratories, and the resources devoted to such work. Their shareholders have a right to expect a reasonable return on their investment in the foreseeable future, and the managers therefore tend to direct their research efforts into ventures that are likely to be economically viable in 5 years or less. Everyone accepts this premise of our free enterprise system.

But we, as a society, also have an obligation to invest in the long range future. In point of fact, the United States has a long history of using public resources for research and development in such fields as aeronautics, atomic energy, and many other areas once considered exotic. As a result of such investments in the past, a number of vigorous and profitable industries have come into being during recent decades. The United States leads all other nations, for example, in the production of aircraft and aircraft engines. America's computer industry is unchallenged in the world market. The United States also leads the world in the peaceful use of atomic energy.

Just as we have invested, as a Nation, in the advance of various technologies in the past, I believe we should continue to make appropriate investments in research that will lead to the next generation of communications satellites, and even beyond. Accordingly, our committee has urged NASA to reconsider its decision to withdraw from communications R. & D.

Another element in the space applications program that fared rather badly during preparation of the NASA budget for the next fiscal year was the Earth Resources Technology Satellite—ERTS—project.

The first ERTS satellite was launched last July, and although it has experienced problems with tape recorders and one of the major experiments, it has been a great success. A few weeks ago, I attended a symposium during which the results of ERTS-1 were discussed. More than 100 papers were submitted by the experimenters involved in the program, and some 600 scientists from the United States and several foreign countries were present. The enthusiasm among the participants was quite contagious.

The usefulness of the ERTS data has been amply demonstrated. Moreover, much of the information from ERTS would be more costly and more difficult—in some cases impossible—to obtain in any other way.

This remarkable satellite produces photo-like images of the Earth's surface 100 miles on a side in various bands in the spectrum.

The satellite circles the globe 14 times a day, taking pictures of the same area—every area—on Earth every 18 days, at

the same sun angle. The potential for detecting changes in our natural resources is obvious. It is important to know, for example, where and to what extent a river has overrun its banks in a flood situation, and after the waters recede, what has happened to the surrounding land area. Only repetitive coverage can give us this information. ERTS-1 has provided this information in connection with the recent flooding of the Mississippi River. Perhaps some of my colleagues have seen the "before and after" ERTS pictures of the Mississippi River flood.

Over 300 scientists are examining ERTS data under contract to NASA. They are required to report their findings and conclusions, and abstracts of their reports are published weekly by the National Technical Information Service of the Department of Commerce. They have indicated that Federal, State and local agencies are acquiring truly significant information useful to land-use planners, geologists, hydrologists, and managers in many other fields.

Recently the second tape recorder aboard ERTS-1 failed, and the spacecraft is now limping along, providing data only in real time over North America.

The second ERTS satellite was originally scheduled for launch in November of this year, as a back-up to ERTS-1. In presenting the fiscal year 1974 budget to Congress, however, NASA officials informed us that ERTS-B had been rescheduled for launch in 1976 due to budget constraints. This action was taken in order to save a tiny fraction of the cost of the mission during the next fiscal year. They admitted, of course, that the delay would increase the total cost of the project substantially.

Should NASA persist in the long delay until 1976 for the launch of ERTS-B, a lengthy hiatus in the acquisition of this important data seems assured.

Our committee has acted to prevent this from happening. We have made clear our intention that ERTS-B should be prepared for launch at the earliest practicable time, and the bill before us today authorizes an additional \$7 million for that purpose.

Mr. Chairman, the space applications budget for fiscal year 1974 is the lowest it has been in several years. NASA requested authorization for only \$147 million, compared to almost \$195 million last year. The result is that a proposed experimental navigation satellite called ATS-C-2 was disapproved; the next generation meteorological satellite called TIROS-N will be delayed for at least 1 year; a communications satellite called ATS-G, on which more than \$13 million has already been spent has been canceled. In short, that part of the NASA program which has the greatest economic impact on our society, and which is most widely understood and supported by the American public and the Congress is being shortchanged.

Before concluding my remarks, I want to mention the other major division within NASA over which the Subcommittee on Space Science and Applica-

tions has jurisdiction—the Office of Space Science.

NASA requested a total of \$553 million for the Space Science program. In an effort to remain within the budget proposed by the administration, the committee reduced this amount by \$7 million in order to provide additional funding for the ERTS-B project, mentioned earlier.

The Space Science program utilizes sounding rockets, satellites and probes to make observations above the Earth's atmosphere.

Since our protective atmosphere absorbs most of the radiations that reach the vicinity of the Earth from the sun and other celestial bodies, it is essential to place instruments above the atmosphere in order to measure and observe phenomena which hold the secrets to the fundamental laws and principles of nature.

Solar observatories study the Sun in an effort to understand how this controlled nuclear fusion reactor operates. Scientists believe that understanding the dynamics of the Sun may some day lead to a method for controlling nuclear fusion here on Earth. When that day comes, mankind will have available an unlimited and virtually pollution-free energy source. That day may be far into the future, but a vigorous solar physics program may help to hasten its coming.

In addition, solar energy impinging upon the Earth's atmosphere and surface causes the wind circulation patterns which move major weather systems around the globe. It follows that a better understanding of the Sun's dynamics will contribute to a better understanding of the Earth's weather and climate.

Astronomy, one of the oldest sciences, has also commanded a large effort in the Space Science program. Recently there have been discoveries of phenomena in the universe which have been given such esoteric names as quasars, pulsars, black holes, neutron stars, and supernovas. Our understanding of these phenomena is very limited at the present time and our scientists are eager to place instruments in orbit above the atmosphere which will measure and observe the high energy radiations emanating from these astronomical curiosities. We are told that science may be on the verge of a golden age of discovery which will lead to man's understanding of the origin and evolution of the universe.

Finally, I would like to speak briefly about the Planetary Exploration program. By launching spacecraft to the vicinity of the other bodies which make up our solar system scientists have been able to make more detailed observations of the planets.

I hardly need to remind anyone of the remarkably successful Mariner 9 mission to Mars which was completed some months ago. As a result of that mission, most of the surface of Mars has been mapped, new data has been received regarding the Martian atmosphere and topography, and sites have been selected for the next mission to Mars, the Viking soft-landing mission in 1976.

In conclusion, Mr. Chairman, I want to urge all my colleagues to support the NASA authorization bill for fiscal year 1974. As I have already indicated, I would

prefer to have a more vigorous space effort, and I regret the continued decline in the NASA budget. I am especially unhappy about the drastic reduction in the applications program, and I am sure that I express the views of my colleagues on the Subcommittee on Space Science and Applications when I urge NASA to reverse the trend in this important work. I hope that the administration will achieve a better balance in next year's program. By that I mean Space Applications should receive a larger portion of the total NASA budget.

Mr. CAMP. Mr. Chairman, I rise in favor of H.R. 7528 to authorize appropriations for the National Aeronautics and Space Administration for fiscal year 1974.

I would like to preface my remarks by complimenting both our distinguished chairman and our ranking minority member for their leadership in formulating a very carefully constructed piece of legislation.

Mr. Chairman, this bill will authorize \$3.074 billion for our Nation's space effort for the next fiscal year. This figure represents the lowest space budget in over a decade and as a result, imposes upon NASA a number of very critical financial constraints. I personally feel that the \$58 million increase voted by the committee, as it was spread between 8 separate programs, is a very necessary step in restoring some important programs which had either been deferred or eliminated.

In my opinion, many of the programs impacted by the general cutback in space funding are absolutely vital to our continued advance in space. I cite as one example the earth resources technology satellite which has been orbiting the Earth since last July.

This amazing spacecraft is taking man's most detailed look at the world's surface as it circles the globe 14 times a day sending back an incredible amount of data on what man and nature are doing to our planet. Since the satellite was launched, ERTS has taken almost 200,000 pictures, photographing the entire United States and 75 percent of the world's land mass—including a sizable portion of the Soviet Union and China.

But what has been most impressive to me about this program is the unanimity with which scientists and space officials have extolled its value. These experts have been impressed in particular by the promising outlook for ERTS surveys of the more remote regions of our globe which represent major unknowns in terms of potential resources and use.

I also find it highly encouraging that ERTS has provided information of such immediate value—locating new nickel deposits in Western Canada and South Africa; determining the extent of forest fire damage in the southwest United States; pinpointing smoke pollution in industrial centers such as Pittsburgh, Chicago, and Minneapolis; plus determining sewage and sludge sources in the New York harbor area.

This work, of course, is just one aspect of the total effort of ERTS in such varied fields as agriculture, forestry, geology, hydrology, geography, cartography, oceanography, meteorology and environmental control. There can be no question

but that space age technology, and in particular ERTS technology, will play a highly significant role in global planning.

I address myself in particular to the ERTS program as this was one among a number of vital programs which were originally recommended for postponement. The Science Committee made the very farsighted recommendation, however, in directing more money to this activity in order that the second spacecraft in the ERTS series be prepared for launch as soon as possible. This action is certainly deserving of our fullest support.

In a related action, the science committee also added \$5 million to the fiscal year 1974 request in order to replace the Convair 990 earth resources research aircraft which was destroyed in a recent mid-air collision. This unique aircraft was fitted with more than \$1 million worth of instrumentation for studies of astronomy, meteorology, oceanography, and a number of other basic sciences. Although the work of the aircraft very closely complemented that of the ERTS satellite, in a larger sense, the plane was an airborne test bed used in the development and application of much of NASA's remote sensing equipment. The aircraft's greatest value was as a flying laboratory for instruments and experiments scheduled to be launched in space-craft. In fact, 90 percent of the instruments used on the highly successful Nimbus weather satellites were tested initially on the plane, and in recent months, the aircraft was used to simulate characteristics of the Space Shuttle.

Let me close by commenting briefly on two other very important space efforts—both of which are in the manned program.

In 1975, this country, in cooperation with the Soviet Union, will conduct an unprecedented joint manned space flight project, the Apollo-Soyuz Test Project—ASTP. ASTP is a radical departure from the competitive nature of all other United States and Soviet space activities with the program representing a major step toward making space a place where the community of man can work in total harmony. I am particularly pleased that a fellow native Oklahoman, Astronaut Tom Stafford, will be commanding the mission. This Nation could have picked no finer ambassador of good will.

I will comment finally on the Space Shuttle program—a concept which I personally feel represents the keystone in our fuller exploitation of space. The Shuttle is so superior to current launch vehicles that I foresee its application to almost all scientific, commercial, national security, and cooperative international space projects launched during the 1980's and beyond. With the versatility and economy of this vehicle, the United States will be able to place into space scientists and engineers, as well as most any size and shape of manned and unmanned vehicles.

Just as important, the estimates concerning cost savings continue to be highly favorable. I have made it a point of following the various studies regarding Space Shuttle economics and I remain convinced that the Shuttle offers significant flexibility, utility, and cost

savings over more conventional launch techniques.

Mr. Chairman, the authorization bill now before the House is the result of a very detailed analysis of every single program proposed by NASA. Although we are imposing severe financial constraints upon NASA, I feel assured that the vigor of our space effort will be preserved.

I strongly urge approval of the committee bill without amendment.

Mr. JONES of Alabama. Mr. Chairman, the gentleman from Texas (Mr. TEAGUE) and his committee have brought to the House an authorization designed to carry forward our national space effort during the new year. I urge total support of the committee's recommendations.

Members of the committee have studied in detail the space exploration program and they are well acquainted with the potentials which could be realized in greater benefits to all the people of the country with allocation of additional resources to this vital effort. The program they recommend for fiscal year 1974 is substantially within the range provided for in the President's budget request.

Unfortunately, this reflects a continually smaller portion of the total Federal budget.

I am confident the balancing of the desired program with the budget limitations has been a difficult task for the knowledgeable members of the Committee on Science and Astronautics.

The committee is to be particularly commended for urging NASA to reestablish a vigorous solar physics program at the earliest practicable opportunity.

Space physics and astronomy promise to be of great significance to mankind because the Sun is the ultimate source of all energy on Earth. Understanding better how the Sun functions, an objective of several programs which have been suspended by NASA, may help scientists produce new and more pollution-free sources of energy, an urgent need now.

The committee again urges a more vigorous space applications program, a concept I endorse to the maximum. The space applications program has enormous potential economic impact and direct meaning to all the people. Understanding the value of the scientific technological dividends of the space effort is essential to the kind of public support which is necessary for the levels of investment the Nation needs to make.

The committee's recommendations merit support and approval.

Mr. DOWNING. Mr. Chairman, I rise in support of H.R. 7528, the NASA authorization bill for fiscal year 1974.

It is essential that the United States continue to support a well-balanced space program for many reasons, not the least of which is its effect upon the national economy, particularly upon our position among the trading nations of the world.

As Members of this House are all painfully aware, in recent years this country has experienced a growing balance of payments deficit, and for the first time in the 20th century, last year the United States had a trade deficit. This

trend must be reversed if the health of the American economy is to be preserved.

For two decades following World War II, much of the goods sold abroad, and most of the goods sold in the United States, were produced by American industry. But in recent years many American products have found themselves at a competitive disadvantage in the world marketplace. This is especially true of what may be described as low-technology products—such things as textiles, footwear, iron, and steel.

America has retained its strong competitive position, however, in high-technology products, such as aircraft, electronics, computers, and machine tools. In point of fact, exports of those products continue to exceed imports by a substantial margin, and have helped to keep our balance-of-payments deficits within manageable bounds in recent years.

The basic reason for our continued strong position in high-technology products has been the strength of American science and technology. Our sizable investment in research and development has given our industry the ability to produce technology-intensive products more efficiently than our competitors in the world market. For example, during the past decade American aerospace products totaled \$28 billion against only \$3 billion imports for a net favorable trade balance of \$25 billion. Therefore, in a very real sense American science and technology have proven to be essential components of our national economic strength, and have measurably contributed to the fact that our international trade has been kept within reasonable balance.

Yet, the trend is clear, and during the past few years it has become obvious that other nations are swiftly moving into position to challenge American supremacy in high-technology products, by improving the technological competence of their own industries. European aerospace consortiums can be expected to concentrate the efforts and resources of previously scattered and competitive companies, thereby putting additional pressure on the American aerospace industry.

The realities of the situation are such that the U.S. Government can no longer remain complacent about our world trading position.

Mr. Chairman, I submit that the national space program constitutes one of the most important elements in the strength of American science and technology. It represents a substantial portion of this Nation's investment in research and development, primarily in the aerospace industry—the single largest manufacturing industry in the country in spite of several lean years during which it has lost about one-third of its work force.

We must continue to look to the space program to generate those inventions, those innovations, those advances across a wide range of disciplines which will form the basis for tomorrow's industrial production and the enhanced productivity of American labor.

Mr. Chairman, the competition for world markets is getting tougher all the time, and the United States cannot afford

not to invest in the future. The space program is such an investment.

Mr. BELL. Mr. Chairman, we face a crucial time in the history of our Nation's space program.

We have spent the past 15 years and billions of dollars to reach the point we are at today—the point at which we have the engineering capability in space to get real and highly valuable scientific information of vast benefit to our people here on the Earth.

It would be nothing short of foolhardy to impair the space program on the very threshold of its true usefulness.

The age of the space spectacular may have passed, but the age of making use of the values of space to aid mankind are just beginning, if this Congress has the foresight to persevere.

I would like to address my remarks to one of the most important facets of this legislation. The Space Shuttle.

The important feature of the Shuttle is that it represents the first attack on the high costs of space flight.

The essence of the Shuttle is reusability.

All launch vehicles to date have been capable of only one launch.

By creating a reusable space transportation system, the costs of any single launch will go down dramatically.

And once space flight has become more economical, it will become economically feasible to repair and maintain satellites which have malfunctioned in orbit. Instead of permitting a satellite to go unrepaired and consequently inadequately used and thus discard millions of dollars worth of valuable hardware.

The courageous but necessarily makeshift operation to be mounted shortly to save the Skylab vehicle, for example, will become a matter of routine once the Space Shuttle is established, and the savings will be enormous.

The Shuttle will enable the space program to provide benefits of immediate value to the Earth—its people and its physical environment, by providing a transportation workhorse.

The applications which come immediately to mind through such a program involve such areas as weather forecasting, communications, medicine, agriculture, and resources.

For example, the Shuttle may well help alleviate the energy crisis by being able to transport into orbit, and then repair and maintain massive solar energy collectors which would relay energy to Earth for conventional uses.

And the Shuttle will aid environmental protection by making feasible the continual use of space sensors and infrared scanners to detect and determine the source of air pollutants and oil, sewage, and thermal pollution of bodies of water.

The Science Committee has recommended a budget at a minimum level, sharply reduced from previous years to reflect proper national budgetary priorities.

However, Mr. Chairman, if America is to have any space program at all—and America must and America will—then the Space Shuttle program is the most economical way to accomplish it.

I urge that the committee bill be approved without amendment.

Mr. GUNTER. Mr. Chairman, in anticipation of the Space Shuttle being considered on the floor today, I have attended hearings, read committee reports, speeches given on the floor and to interested groups outside of the Congress, insertions in the appendix of the RECORD—just about everything that I could find. I read the pros and I read the cons.

To tell the truth it has been quite an experience because the expressions of opinion both by experts and nonexperts, and by those for the Space Shuttle and those against it, reflect in a most tangible way the hopes and aspirations as well as the fears and concerns of our Nation today.

Indeed the Space Shuttle has caused a reexamination of a large part of the spectrum of our national interests, from jobs and paychecks all the way through our environmental concerns to the very viability of this Nation from the standpoint of our ability to defend ourselves. The program in one way or another touches on a great variety of important and sensitive parts of the life of this Nation.

I have read about the great advantages that would accrue from the program to our own communications system and to the intercommunication with other nations, of the surveillance of the spread of crop disease, the exploration of our mineral reserves, the forecasting of weather, the improvements that could be made in land use; quite literally a wealth of considerations that would be affected by the existence and progress of a Space Shuttle program.

In the process have I become an expert? The answer is "No." The Space Shuttle program and the great diversity of elements that make it up, along with the seemingly infinite number of jobs that can be done through the prosecution of the program, make it quite apparent to me that true expertise could be achieved only in one, or a very few, aspects of the total program. If my study has not produced an expert, then what has it produced? The answer to this is quite simple: It has made me a believer, a believer that in the ordering of our national priorities the Space Shuttle ranks right along, neck and neck, with other national concerns that embody, shall we say, greater emotional appeal.

Many of the arguments presented are put forward as an "either/or" proposition. The attitude here appears to be that the Space Shuttle will take money—and talent—that could be very much better applied and devoted to other concerns. Many of the arguments presented are appealing; they show deep human concern. And I feel I should note that there is very little discernable expression of self-interest in the presentation of the arguments for greatly enhanced social programs instead of the Space Shuttle. We are told that differences of opinion is what make horse races, and it is differences of opinion that cause such widely diverse opinions as to what our national priorities should be.

My own reaction to arguments that oppose the Space Shuttle on the grounds of putting our money to other use is that in the comparison and in the weighing

of all of these various programs, the Space Shuttle program is considered to be and is dealt with as if it were a kind of luxury, a thing that could wait until other problems are solved, something that could wait until other problems are solved, something that is not needed right now. It is here that I think that a fundamental mistake is being made.

And some of the arguments against the program give every appearance of being hard-headed, unemotional almost clinical and without any apparent concern that the program would deprive other programs of sustenance they should have. These people attack the program with what purports to be a sharp and objective pencil. Here we find a kind of exotic mathematics in which payload is multiplied by missions and then divided by needed capacity, with the result of the equation being that we have not enough unanswered questions, enough payloads worth putting into space to warrant the pursuit of the Space Shuttle program at all. In these somewhat mysterious and arcane formulae no consideration seems to have been given to the great variety of orbits that will be involved, the similarly great variety of types of "packages" that will be sent into space in these various orbits, or the fact that "payload" is itself a very difficult term to define, since what is "payload" on one mission may well be part of the propulsion or other technical or mechanical complement of another mission. It is with some patience, and with I hope some humility, that I suggest that these mathematical conclusions are interesting only in their creativeness. To me, however, their lack of true understanding of the basic purposes of the Space Shuttle program nullify their apparent plausibility.

A task force spent about 2 years examining most carefully and most precisely into every one of these arithmetic considerations and arrived at conclusions that I, for one, would have great hesitancy in questioning. I can understand the written word and I think my mental processes are of at least average quality, and I can state it as to be my own conclusion from all that I have read and thought about, and made judgments about, that it would be a serious dereliction of our duty to the people of this country to fail to proceed with the space shuttle program.

One last thought: If we should now substantially slow down or stop our program in space, we would, I am absolutely convinced, be involved at some time in the future with the expenditure of nothing less than astronomical sums to get it going again. Our very large investment to date would be essentially lost, the people engaged in the program—many of them quite unusual people—would be dispersed throughout industry; the techniques that have been developed, the progress that we have made in heat resistant materials, in propulsion systems, all of these things and many others would in great part have to be started again, many of them almost from scratch. And the first several hundreds of millions of dollars that would be required to bring ourselves only to the point that we are today would give us nothing but a lesson in the destructive

power of inconsistency and lack of foresight.

Mr. VANIK. Mr. Chairman, we are all justly proud of the brilliant work which has been accomplished by the employees of NASA and of the courage displayed during the past decade by our Nation's astronauts—some of whom gave their lives in this great adventure. The dedication, the expertise, the genius of the NASA-mission teams has been unmatched.

But, Mr. Chairman, I am increasingly discouraged by the direction and management of NASA headquarters here in Washington. Rather than seeking new missions which can translate the achievements of the past into solutions for the present and future problems of mankind, they continue to press for more funds for highly questionable and unnecessary new programs. The NASA authorization legislation before the House today fails to provide for the development of new research missions needed here on Earth. While the critical problems of living challenge us on Earth, we insist on spending millions of dollars on the glamorous contraptions we are constantly throwing into space.

The situation we find ourselves in is unfortunate—and potentially tragic.

The great space odysseys of the sixties demonstrated the immense power of technology. There now appears no obstacle, except time, which man in his quest for knowledge cannot challenge. Despite our successes of the past we run the danger of being entrapped by them. With the completion of the moon landings, NASA has become an institution in search of a mission. Up to now, however, we have only been able to cook up ill-conceived programs such as the Space Shuttle.

The Space Shuttle represents an expense of billions of dollars to the American taxpayer without apparent return. The object of the program is to develop a recoverable launch vehicle to serve our space program in the last two decades of this century. However, the program neglects the fact that we already have available expendable rocket technologies which can more than meet our future space needs.

I was disappointed to see the committee recommend enlargening NASA's request for the program by \$25 million to a total of \$500 million. If we pass this authorization, we will be placing ourselves in the difficult position of spending money in order to save it. To quote from the committee report:

The net effect of this additional \$25,000,000 to the Shuttle Program should add confidence to meeting schedules and to holding program costs at or below current projections.

The cost effectiveness of the Space Shuttle is a hotly debated issue. A preliminary report released last year on the project concluded that the shuttle would not be justified economically if it experienced cost overruns of over 20 percent. But, noted the GAO, similar programs continue to exhibit an average growth of over 40 percent.

The impact of the Space Shuttle goes beyond the needless expenditure of

funds. The project has an important impact on the entire direction of NASA. The extravagance of the Space Shuttle has soaked vital funds from other, more purposeful, pursuits of NASA. The committee has realized this problem by recommending the reinstitution of the second Earth resources technology of satellite—ERTS-B. Despite these efforts the central problem remains. Physicist James Van Allen has stated:

Ironically, not only is the shuttle not a proven necessity, but also it seems certainly to gravely impair or destroy advancement in NASA's substantive mission areas.

The irony of the Space Shuttle is heightened further by the fact that one-third to one-half of all Space Shuttle flights will be for military purposes, but none of the development funds are being supplied by the budget of the Department of Defense. Apparently, the Defense Department views the program with a low priority.

NASA desperately needs new direction. The technological achievements of the past risk becoming more and more remote from the general welfare of mankind.

Serious problems—problems which require the energy and ingenuity of NASA—confront us here and now. Our present energy shortages present a prime example. The vast untapped energy source of the Sun has hardly been mentioned in computing the shifting equations of our energy crisis. Vital work already accomplished by NASA must be expanded and moved to a top priority. In addition, there are an entire range of research questions posed by the inefficient production, conversion, transmission and use of energy, as well the research for new clean sources of energy.

Mr. Chairman, this legislation does not reflect the new directions NASA needs and the new priorities our Nation must have.

Mr. MOSHER. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space flight operations, \$548,500,000;
 (2) Space Shuttle, \$500,000,000;
 (3) Advanced missions, \$1,500,000;
 (4) Physics and astronomy, \$59,600,000;
 (5) Lunar and planetary exploration, \$309,000,000;

(6) Launch vehicle procurement, \$177,400,000;

(7) Space applications, \$159,000,000;

(8) Aeronautical research and technology, \$180,000,000; of this amount \$14,000,000 is reserved for the JT-3D Refan Retrofit Research Program and \$18,000,000 is reserved for the JT-8D Refan Retrofit Research Program;

(9) Space and nuclear research and technology, \$75,000,000;

(10) Tracking and data acquisition, \$240,000,000;

(11) Technology utilization, \$4,500,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Replacement of transportation facility, Goddard Space Flight Center, \$660,000;

(2) Rehabilitation of vibration laboratory, Goddard Space Flight Center, \$710,000;

(3) Modifications of and addition to 25-foot space simulator building, Jet Propulsion Laboratory, \$740,000;

(4) Modification of planetary mission support facilities, Jet Propulsion Laboratory, \$580,000;

(5) Rehabilitation and modification of 600 p.s.i. air supply system, Langley Research Center, \$2,410,000;

(6) Construction of systems engineering building, Langley Research Center, \$1,620,000;

(7) Rehabilitation of airfield pavement, Wallops Station, \$570,000;

(8) Rehabilitation of communication system, Wallops Station, \$575,000;

(9) Modification for fire protection improvements at various tracking and data stations, \$1,885,000;

(10) Modification of space launch complex 2 west, Vandenberg Air Force Base, \$980,000;

(11) Modification of power system, Slidell Computer Complex, \$1,085,000;

(12) Space Shuttle facilities at various locations, \$67,200,000, as follows:

(A) Modification for auxiliary propulsion and power systems test facilities, White Sands Test Facility;

(B) Modifications for Shuttle avionics integration laboratory, Lyndon B. Johnson Space Center;

(C) Modifications for radiant heating verification facility, Lyndon B. Johnson Space Center;

(D) Modifications for the Orbiter propulsion system test facilities, Mississippi Test Facility;

(E) Modifications for external tank structural test facilities, Marshall Flight Center;

(F) Modification of manufacturing and subassembly facilities for the Orbiter, NASA Industrial Plant, Downey, California.

(G) Modification of and addition to final assembly, and checkout facilities for the Orbiter, Air Force Plant No. 42, Palmdale, California.

(H) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility;

(I) Construction of Orbiter landing facilities, John F. Kennedy Space Center;

(13) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$14,785,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$4,600,000;

(15) Facility planning and design and not otherwise provided for, \$13,800,000.

(c) For "Research and program management," \$707,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administrator for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in

accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Aeronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsection 1(a) and 1(c), not in excess of \$10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of \$25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of \$250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in

subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Aeronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Aeronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime

was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payments to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c) (1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. Section 203(b) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)), is amended by inserting immediately after paragraph (10) the following new paragraph:

"(11) to provide by concession, without regard to section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), on such terms as the Administrator may deem to be appropriate and to be necessary to protect the concessioner against loss of his investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed, and the consideration paid by him for the concession shall be based on the probable value of such opportunity and

not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement he constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by him, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation."

Sec. 8. Title II of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471 et seq.), is amended by adding at the end thereof the following new section:

"DISPOSAL OF EXCESS LAND

"SEC. 207. Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of \$50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science and Astronautics of the House of Representatives and the President and the Committee on Aeronautical and Space Sciences of the Senate of a report by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action."

Sec. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1974".

Mr. TEAGUE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the bill 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.

Mr. GROSS. Mr. Chairman, I move to strike the last 15 words.

Mr. Chairman, I would like to ask someone connected with this bill what the language means which is to be found on page 67 of the report and which reads as follows:

(d) provide an expanded supersonic technology base in those technical areas critical to the potential future development of an environmentally acceptable and economically viable supersonic transport, thus providing the knowledge and maintaining the options for an informed future decision;

Am I being informed here that the Science and Astronautics Committee is recommending that some of the money to be expended under the terms of this bill is going to be used to come through the back door with legislation to promote the supersonic transport that Congress scuttled not so long ago?

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, as one who voted against the supersonic transport plane, I am very sensitive about the inclusion of any authorization in this bill that would authorize the supersonic transport plane. I assure the gentleman there are no funds in this bill for that.

Mr. GROSS. I am not talking necessarily about funds in this bill for an actual supersonic transport. I am talking about funds being expended for the purpose of propagandizing throughout this country or by other means to revive the supersonic transport.

Mr. HECHLER of West Virginia. Of course the committee has no control over the civil service or other personnel at NASA concerning their speeches and public statements they make.

Mr. GROSS. But this is a direction in the report to expend money for the purpose, among others, of providing future development of a supersonic transport. The gentleman can cut that as thick or as thin as he wants to cut it.

Mr. HECHLER of West Virginia. If the gentleman will yield further I would simply say this is an authorization for advanced research for the future. It has nothing whatsoever to do with development of the supersonic transport plane.

Mr. GROSS. Why then is the supersonic transport specified in the report on the bill?

Mr. HECHLER of West Virginia. I would simply suggest that it would be very shortsighted if a committee such as the Committee on Science and Astronautics did not look into all aspects of the development of aeronautics in the future.

Mr. GROSS. I will say to the gentleman that this to me is a backdoor approach now to expend funds, some part of the \$3 billion and I do not know how much, on the supersonic transport. I cannot read anything else into it because it is specified here and I am surprised that anyone on the committee, who is opposed to the supersonic transport, did not get this language removed from the report if it has no meaning.

Mr. TEAGUE of Texas. 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. ROBERTS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, had come to no resolution thereon.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 157]

Adams	Forsythe	Rooney, N.Y.
Badillo	Fulton	Rooney, Pa.
Biaggi	Gude	Rosenthal
Carter	Ichord	Royal
Chamberlain	Keating	Ryan
Clark	King	Satterfield
Clawson, Del	Macdonald	Udall
Denholm	Melcher	Walde
Eilberg	Mills, Ark.	Railsback
Foley		

The SPEAKER. On this rollcall 405 Members have recorded their presence by electronic device, a quorum.

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. May the Chair advise the Members that Members will please be seated and remain still for the next few minutes while the official photographs of the House are taken. When the process has been completed the Chair will advise the Members, and the business of the House will then proceed. Since some of the photographs are being taken by time exposure, it is important that Members remain still during this period.

(The official photographs of the House were taken.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE).

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 H.R. 7528, with Mr. ROBERTS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose, it had agreed that the bill be considered as read and open to amendment at any point.

AMENDMENTS OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer amendments. There are really three amendments, but they deal with one subject, the Space Shuttle, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Ms. ABZUG: Page 1, line 8, strike out all of paragraph (2) and redesignate the succeeding paragraphs accordingly.

Page 3, line 15 through page 4, line 18, strike out all of paragraph (12) and redesignate the succeeding paragraphs accordingly.

Page 15, after line 22, add the following new section:

"SEC. 10. No amount appropriated pursuant to this Act shall be used to further in any way the research, development or construction of any reusable space transportation system or space shuttle or facilities therefor."

Ms. ABZUG. Mr. Chairman, the effect of this amendment would be to delete from the bill the nearly \$600 million authorized for the Space Shuttle program for fiscal year 1974 and to prohibit the use of any of the funds available to NASA during fiscal year 1974 for the development of such a system or facilities for such a system.

For fiscal year 1972 we appropriated \$100 million for research and development of the Shuttle. We were told that this sum was just to see whether development was feasible. A similar explanation was offered when we appropriated \$200 million for research and development for fiscal year 1973.

Now, with no proof of its feasibility, the Shuttle is presented to us as a full-blown, full-scale project. Everyone knows that the success of the overall program rests upon the development of expensive space stations. No definitive evidence of man's ability to withstand the absence of gravity for long periods of time is available.

The Sky Lab mission is at this moment faltering, and in the general debate which preceded this discussion it was stated that it would take some time before we could determine what would happen in the Sky Lab experiment. If we cannot prove that man can stay in space beyond the 14-day period that we have already done, at least for the 30 days' minimum needed for the Space Shuttle program, the appropriation requested here is at the very least premature.

NASA no longer includes this program under "space flight operations." It has given it its own separate line in the budget. It is now authorized at a level of nearly \$600 million, no longer for research and development but for actual construction. It is now also considering two spinoffs from the Shuttle, one a baby Shuttle of some sort.

After several years of denials and evasions, it has finally admitted flatly that at least 30 percent and therefore the principal purpose of the Space Shuttle is military. Now that the Pentagon has reduced most of Indochina to rubble, it is apparently prepared to try its hand at extraterrestrial targets.

It has been argued the Space Shuttle would enable us to leave the Earth when it becomes too crowded or too polluted for existence here. I can understand people wanting to leave the planet, especially—at this time—some people at the White House. Nevertheless I think the Space Shuttle will be so stuffed with armaments that there may be no room for people.

Mr. Chairman, our Nation has other needs which are far more important than the Space Shuttle. We are talking about more than a half billion dollars for this coming year for the Space Shuttle and the amount has been projected to swell in years to come to between \$8 billion and \$20 billion for the entire program. Recently President Nixon vetoed a \$2.6 billion vocational educational bill as too inflationary. He wanted a bill of just under \$2 billion for the same 3-year period. Is that \$600 million better spent on the Space Shuttle than on the physically and mentally handicapped? What kind of commentary on our Nation is this kind of value system?

Millions of our people live in grossly substandard housing. Tens of thousands need new housing units which could be constructed with money to be used for the Space Shuttle.

With such problems as these here at home I cannot vote to put \$600 million into so questionable an item as the Space Shuttle. Even if it has some potential value to us I see no reason why we cannot wait a few years before beginning it in earnest, particularly since there can be no proof it will be successful until we have the results, which other experiments such as Skylab will provide, which would indicate how long man can be sustained in a situation of no gravity.

This is basically a long-term program, but by taking the step into actual construction now we may be committing ourselves to future expenditures that we may be wholly unable to afford, that will sap the resources we need for decent housing, for sufficient jobs for the millions who want them and cannot get them, for pollution abatement so we can remain alive on the Earth, and for child care so the mothers can work and not have to accept welfare. I believe there is much argument to be made about the kind of experiments we can get from space technology but it cannot offset the fact that this is premature and should not be authorized at this time. I hope the Members will support this amendment.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there has been no major project by our country that has received more careful study and closer evaluation than the Shuttle. The Shuttle is our space program for the seventies. It will provide a much cheaper means of transportation within space.

Mr. Chairman, we debated this question last year and voted on it and it was defeated. Mr. Chairman, I ask for a vote on the amendment.

Mr. Chairman, the lady from New York (Ms. ABZUG) proposes today to delete the Space Shuttle program from the bill before us. The contention is made that there is neither justification nor feasibility for a low-cost space transportation system. Over 1,300 pages of testimony this year by senior NASA officials, leaders of the NASA field centers, industry and private citizens, as well as comparable testimony in the last 2 years, amply demonstrates that the Space Shuttle is not only feasible but

essential and that its justification is strongly based in sound economics.

Because the able lady from New York is unaware of the thorough homework that has been done on this program, I believe it is important to point out several key aspects of the Space Shuttle program.

First, the Space Shuttle will replace all existing expendable launch systems. Secondly, launch and payload costs will be reduced by recovery and reuse. In terms of economics the development of the Space Shuttle, with a fixed development investment of \$5.15 billion will increase the gross national product by \$12 billion and consequently increase Federal tax receipts through 1980 by \$2.6 billion while fostering international space cooperation. In this decade alone the Space Shuttle program will generate 750,000 man years of productive effort.

The Space Shuttle will provide a system to benefit our Nation, help preserve and manage our environment, and serve the people of this Nation and the world. This will be done through delivering and placing in Earth orbit, satellites, propulsion stages, which can be retrieved for repair and reuse, or serviced and refurbished in space. Both laboratory work and short-duration payloads can be accommodated by the Space Shuttle at low cost while providing safe and comfortable transportation for the people onboard the Shuttle. Operations in the Shuttle will be directed to medical and health care, research, materials and manufacturing processes research, biological, life science, space physics and advanced technology. Scientific satellites will also benefit from this low cost transportation system—astronomy, physics and planetary exploration. Perhaps the most important area will likely be in earth resource exploration, inventory and development. These will include geography, photography, agriculture, forestry and range management, hydrology and water pollution assessment, minerals and fuels evaluation, oceanography and land use and planning.

In addition to this the Shuttle will provide a more effective low cost means of accomplishing communications navigation, meteorology and weather satellite activity.

As I have stated the Space Shuttle program is probably the most thoroughly examined and evaluated program in the history of Federal projects. A firm commitment in cost, performance and schedule has been based on thorough and detailed studies for over 3 years. The Shuttle is not only an essential part of our national space program but important to the economic well-being and future of this Nation. I urge defeat of this amendment.

Mr. TEAGUE of California. Mr. Chairman, I congratulate the gentleman from Texas on his return after regaining his health.

Mr. Chairman, I concur with the gentleman from Texas in his opposition to the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York (Ms. ABZUG).

The question was taken; and on a divi-

sion (demanded by Ms. ABZUG) there were—ayes 20, noes 95.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. RANGEL

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

The Clerk read as follows:

Amendment offered by Mr. RANGEL: Following item (a)(10), line 13 on page 2 of the bill, the following new proviso shall be added: "Provided, That none of this sum or past amounts authorized to be appropriated for tracking and data acquisition shall be expended in the nation of South Africa."

One shall be added to the number of each following line.

Mr. RANGEL. Mr. Chairman, my colleagues, we come here once again to determine just what role the American Government and the American taxpayers will play in supporting a government which we all recognize to be racist in nature. Of course, I refer to the Union of South Africa, where we find one of our tracking stations located and which is controlled by a government which recognizes no degree of social justice as it relates to the black man trying to survive in his homeland.

Last year, it was entertaining for me to see the responses which were made to my plea to my colleagues asking them to excise this from this particular powerful and important piece of legislation. Some of my colleagues stood up and said that they had voted for civil rights bills ever since they have been Members of the U.S. Congress. Others said that the United States had no power to influence other governments, even though they disagreed with their policy. Some even went so far as to say that it was un-American to say anything against any space program which had allowed the American people to feel such a deep-seated feeling of pride.

Mr. Chairman, I ask the Members, are we really talking about striking out any space program when the experts have already said that they can exist and the programs can go on without our sitting down and negotiating with the Union of South Africa?

Must we continue to disregard the very high standards of human justice by saying that NASA can now exempt itself from the very policies enunciated in February 1971 by the President of the United States?

It was President Nixon who said that America cannot stand by and allow political and racist injustice to take place in South Africa, and that we must influence business, and indeed our Government relations to make certain that all people have a right to participate in the political society.

Some Members were shocked when we recognized Russia. Others, of course, are still shocked that we may get closer to China. It may come in our lifetime that this country will be forced to politically deal with the continent of Africa.

I just hope, as we look at this bill, that we cannot in good conscience say it is fair. No matter what contribution the Union of South Africa is making toward our space projects, we cannot say that blacks are not entitled to medical care, we cannot say that children of blacks are not entitled to education, we cannot say

that while \$2,000 is the highest any black African can aspire to achieve in his homeland that his white untrained counterpart can receive \$1,900 as the lowest possible for a white trainee.

I do not see how we can say that where 59 blacks represent 23 percent of the total manpower at the space station they should receive only 5 percent of the American taxpayer dollars that go to pay for it.

Experts have testified in front of a variety of committees that if, through some act of God, this station were destroyed the space program could go on.

I am not asking for destruction. I am asking for rehabilitation. I am asking that we consider Madagascar, which I understand could be used and is only 6° off of the same space we have in Johannesburg.

There are three other countries with great expertise, where they say this can happen.

I say that somewhere along the line America has to deal not only with whether or not we vote for civil rights for black Americans here but also with whether or not we vote American taxpayers' money to support a nation which has rebuffed some of our colleagues from going there, a nation which, in respect to the hundreds of trips NASA has had with visitors going there, has not had one black American to make that visit.

I am certain Members will agree that we should not support any nation which refuses to allow Jewish Americans to go to Arab nations, or Protestant Americans to go to Catholic nations, or any nation which excludes any American citizen from going where we send our money.

I am saying something that is not un-American. I want the space program to succeed, as an American. I am asking the Members, making an appeal to them, as to what they would do if they happened to be black, if they happened to live in homeland Africa. If it were controlled by minorities, would they want a great nation like America to support their oppressors?

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I should like the Members to know that this is something which is not unimportant. That station in South Africa is one of the most important tracking stations we have.

In fact, for the safety of our program we have to have a tracking station in that area.

That tracking station was not put there for the good of South Africa. It was put there because we had to have one in that area.

NASA has considered other areas. We have considered one in that area. We have considered other countries. None of them will fill the needs we have for a tracking station in South Africa.

Before NASA was ever created there was an agreement between our Government and the Government of South Africa, on a 15-year contract, which will be up in 1975. It was agreed that the country of South Africa would furnish the personnel. We did not specify any requirement as to blacks or whites or what not.

There are two tracking stations involved. In one of these tracking stations there are three white people and three black people working.

In the other station, the big station, which I believe the gentleman from New York (Mr. RANGEL) referred to, the white people working far outnumber the blacks. I do not know the exact number.

Mr. RANGEL. It is close to 300, Mr. Chairman. While there are only 60 blacks, none of the blacks hold any degree of technical jobs, and the South African Government refuses them any training for technical jobs, so there is no upward mobility for South African blacks in their own country.

Mr. TEAGUE of Texas. In Australia and in Spain we have exactly the same kind of contract.

I do not know, but with respect to the station in South Africa it just does not seem to me that in our space authorization bill we should endanger a very important part of our whole tracking system around the world. I do not feel this is an item that should be a factor in our authorization bill.

There must be a better way of handling it. Surely there can be some kind of communication between our Government and their government where they would try to train black technical personnel.

Mr. Chairman, it is my understanding that in that station most of the higher salaried level people are white, that the lower level are the black people, but surely the place to change that is not in our authorization bill on the space program. I will go with the gentleman to the State Department or any place he wants to go and try to see if we can confer with that country and see if they will not train some of the black people in technical areas where they can get some of the better salaried positions. But surely this is not the place to do it, in our space authorization bill, and I hope the amendment will be voted down.

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

Mr. TEAGUE of Texas. I will be glad to yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I will ask the gentleman, is it not a fact that experts from NASA have testified at a variety of congressional subcommittee hearings, particularly the Subcommittee on Africa, to indicate there are alternatives to the Johannesburg tracking station. Is it not a further fact that questions were asked by one subcommittee as to what would happen to our Nation's space program if we did not have Johannesburg? Would we have alternatives?

Certainly to my recollection, as a former member of this distinguished committee, the expense would be close to \$30 million to consider another tracking station, and if that is true, Mr. Chairman, it is a small price to pay for human dignity, the amount of \$30 million.

Mr. TEAGUE of Texas. Mr. Chairman, the only part of the gentleman's question I am qualified to answer is the gentleman's inquiry concerning the alter-

natives, and may I say I have been assured that they have tried every alternative they know of, including tracking ships.

Mr. Chairman, I was not on the subcommittee, and I did not hear the testimony; the gentleman from West Virginia (Mr. HECHLER), who is present, was on that subcommittee. But I was assured that they had studied every alternative they knew of—and they named them—of going to other countries. Zanzibar was one of them.

Mr. RANGEL. Perhaps the gentleman from West Virginia (Mr. HECHLER) could apprise us as to the alternatives we would have which would not affect our space program.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Texas (Mr. TEAGUE) yield so that I may answer the question?

Mr. TEAGUE of Texas. I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, may I say that I have here a NASA study made in 1968 which would indicate it would be possible to construct a deep space station to replace the one at Johannesburg, and it could be constructed at Botswana at a cost of \$32,340,000. The cost of construction has now escalated and it has inflated to the present cost of about \$35 million or more. Of course, there would be an additional problem of recruiting technical personnel in Botswana.

Mr. Chairman, the facts otherwise presented by the gentleman from New York (Mr. RANGEL) appear to be correct, but it would take about 3 to 4 years for the construction of this station in Botswana. I would like to add that because of the efforts of the gentleman from New York (Mr. RANGEL) a number of improvements in housing, educational facilities, and medical care have been made at the Johannesburg installation. But the relative salaries of black and white personnel are shockingly unequal and inequitable.

The CHAIRMAN. The time of the gentleman from Texas (Mr. TEAGUE) has expired.

(On request of Mr. RANGEL and by unanimous consent, Mr. TEAGUE of Texas was allowed to proceed for 2 additional minutes.)

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

Mr. TEAGUE of Texas. I yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, in view of what we have heard and since no one really wants to damage the space project and the progress that we have made, I will say this:

This is the third time I have found myself in the well of this House. If all that I have said has been true and the only thing we are talking about really is 3 more years—because I am certain we can all sleep better with ourselves in 2 more years—why is it we cannot say this contract will be null and void as it stands with the Union of South Africa? Why can America not say, "We will stop here and develop some place else"? And I think in that event what America will be doing and what this Government will be doing is providing the leadership for

these American companies that are joining the suppressors of human rights.

Mr. Chairman, it seems to me if we were to delete this section right now, NASA would be able to come forth with a plan that would not serve as a deterrent in terms of our space program, and I think \$35 million is a small price to pay in terms of human dignity.

A NASA spokesman, Mr. Shapley before the African Subcommittee, April 6, 1973, has himself admitted that "the situation will never be satisfactory to us as long as South Africa's apartheid practices continue." He added that NASA is "dependent in our operations on the service that we get from this station." Talking of the CSIR, he said:

The station is, in fact, under their control and it is in the interest of the functions that we perform to have the service continue to be available to us.

In other words, this operation of the CSIR, carrying out a service of management, staffing, and operation on an apartheid basis, is an essential aspect of the location of the station in South Africa. The other aspect is the geographical location, which could be provided equally well by Botswana, Lesotho Swaziland, or Malagasy.

Under the contract, CSIR actually operates the station, and determines the number of personnel at different activities. Discrimination is, therefore, applied at their discretion, and NASA has no power to interfere. Although the U.S. taxpayer is financing the service, NASA as the agency responsible is not able to control the extent of discrimination involved in the spending of these funds, and certainly cannot maintain the standards of social justice which have been established by the U.S. Congress for U.S. Government agencies as well as private employers. An EEOC—Equal Employment Opportunity Commission—spokesman, at the same hearing, stated unequivocally that the "improvements" at the station, if set beside equal employment policies of the United States, would certainly not meet the necessary standards. NASA commented:

It certainly would not meet any of NASA's guidelines for its own operations.

The facts of the case, after all the "improvements" agreed on formally between NASA and CSIR in special consultations, show discrimination in hiring, training, wages and fringe benefits, promotion, and even work facilities. Under the technical training schemes provided by NASA for CSIR personnel, 28 whites have received special courses, and no blacks at all. Even though NASA is paying for this training scheme, the CSIR is deliberately excluding all blacks from participation. NASA have explained that—

Until steps are taken by CSIR to recruit black employees in the technician category, NASA is not in a position to assist in their training.

There is no provision for primary schooling for children of black employees, and none for them to go on to secondary school; the planned programs took so long to be cleared by South African Government agencies that the pri-

mary school has not even been started. There are gross disparities in the sick leave and annual vacation given to white and black employees. There is no hospital provision for blacks or their families. Out of 203 technical staff, none are black. The top black salary for a skilled laboratory assistant at the station, \$2,005 per annum, barely overlaps with the lowest white salary, \$1,930 for a raw trainee. On March 1, 1973, the 59 black CSIR employees who made up 23 percent of the total labor force also receive under 3 percent of the pensions, and no medical benefits at all. The details are as follows:

	Salaries	Pensions	Unemployment insurance	Medical
Whites.....	\$1,431,047	\$105,325	\$512	\$26,474
Blacks.....				
Total.....	78,116	3,117	184	-----

Most of the salaries for black employees, starting at \$801 per annum, are below the minimum effective level of \$1,932 per annum, the amount set by South African experts as the absolute minimum which keeps the average-sized family from malnutrition and starvation, and the minimum recommended by the U.S. State Department for U.S. private investors in South Africa. The improvements, which comprise wage raises—the levels were even lower before than they are now—houses for black employees, the construction of a black primary school for their children, assistance with secondary education away from home, provision of lunch canteen facilities, and medical assistance, do not begin to provide even a subsistence income to the black employees, let alone equality with the whites. Even these improvements were announced by NASA as major concessions by CSIR, so that the implication is that there will not be any further progress.

They were made only after the station was questioned in Congress, and there is no evidence of any sense of social responsibility on the part of the station management, or any commitment to self-sustaining programs. There does not even seem to be provision for regular cost-of-living raises for black employees, so that the small real gains made so far are likely to be eroded within a year or two—since the cost of living for the poorest people in South Africa is rising very steeply, and in fact accelerating; the current rate is well over 10 percent per year.

It is impossible to justify the operation of a station through CSIR, a South African Government agency which imposes apartheid labor structures on the NASA station, not only in the context of South African legislation, but as an element of South African Government policy. The use of U.S. taxpayers' funds is, therefore, subject to apartheid policies. Even if NASA proposes to spend money on such things as a primary school, the CSIR has a veto on this expenditure. In the case of training programs, the CSIR can impose a strict racial pattern of whites only, even for those trainees studying in the United States, by merely

refusing to recruit black high school graduates.

CSIR, and the whole economic environment and labor market in South Africa, allows NASA to make savings on its operational costs for the South African station. Apartheid is a strong element in its attractiveness for NASA. It would be far more expensive to operate on a basis of equal opportunity employment policies, in an independent African country. The poverty wages and gross racial discrimination in employment at the station, represent a direct subsidy by the oppressed black people of South Africa for an agency of the richest country in the world. So the U.S. Government is directly benefiting from apartheid, in the way that it discourages private companies from doing. As long as it stays in South Africa, it is locked into apartheid. This is seen by such companies as a token of hypocrisy; they use the tracking station as an excuse for their own refusal to apply equal employment standards to their operations in South Africa.

NASA has another African tracking station, in Madagascar, where the achievements in training local Africans make the so-called "improvements" at the South African facility seem pitiful. The station in Madagascar is operated directly by NASA, through a U.S. contractor, and it includes a vigorous program for training local personnel, covering all job requirements without any job restrictions. The result of this is apparent in that since 1969, U.S. personnel fell from 110 to 60; Malagasy personnel increased from 125 to 148, and of these technical and administrative positions were occupied by 45 in 1969, rising to 73 now. In South Africa, there are no blacks in technical or managerial positions.

The conclusion to be drawn from this is that the sooner NASA transfers the functions of its South African facility to other African stations, both existing and new ones, the quicker it will reach a stage where the facility can be supported largely by local personnel and supporting facilities. Insofar as the cost—\$35 million—of new facilities in Botswana, Lesotho or Swaziland—which are technically feasible alternatives to South Africa—is increased by the need to provide roads, buildings, communications, and other services, this would be an invaluable contribution to the development of these desperately poor countries. It is already U.S. Government policy to encourage private investment in these three countries as an alternative to South Africa. NASA should be taking the lead in this, as a U.S. Government agency, perhaps with special allocations from the foreign aid budget to supply the necessary infrastructure. Every year that goes by with NASA training only white South Africans is a loss to the development of free Africa, which desperately needs massive inputs of scientific and technical training of the kind that NASA can help provide. The operation of the facility through U.S. contractors, which would be necessary in Botswana, Lesotho or Swaziland, is a standard practice for NASA—for example, on Ascension. A fa-

cility in Botswana could draw on the high school graduates of many neighboring African countries with advanced educational systems, such as Zambia.

Mr. Chairman, I urge an "aye" vote on the amendment.

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

The question was taken; and on a division (demanded by Mr. RANGEL) there were—ayes 36, noes 64.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 104, noes 294, not voting 35, as follows:

[Roll No. 158]

AYES—104

Abzug	Fraser	Patten
Addabbo	Frenzel	Pike
Anderson,	Gonzalez	Rangel
Calif.	Grasso	Rees
Aspin	Green, Pa.	Reid
Barrett	Gude	Reuss
Bergland	Harrington	Riegle
Bingham	Hawkins	Rinaldo
Blatnik	Hechler, W. Va.	Robison, N.Y.
Boand	Heckler, Mass.	Rodino
Brademas	Heilstoski	Roncalio, Wyo.
Brasco	Hicks	Rosenthal
Breckinridge	Holtzman	Rostenkowski
Buchanan	Howard	Ryan
Burke, Calif.	Hungate	Sarbanes
Burke, Mass.	Jordan	Schroeder
Burton	Kastenmeier	Seiberling
Carey, N.Y.	Kazan	Stanton,
Chisholm	Koch	J. William
Clay	Kyros	Stanton,
Cohen	McClory	James V.
Conyers	McKinney	Stark
Corman	Madden	Stokes
Culver	Meeds	Studds
Daniels,	Metcalfe	Thompson, N.J.
Dominick V.	Mezvinsky	Towell, Nev.
de la Garza	Minish	Ullman
Dellenback	Mink	Van Deerlin
Dellums	Mitchell, Md.	Vanik
Diggs	Moakley	Whalen
Donohue	Moorhead, Pa.	Wolff
Drinan	Mosher	Yates
Eckhardt	Moss	Young, Ga.
Edwards, Calif.	Murphy, Ill.	
Evans, Colo.	Murphy, N.Y.	
Findley	Nix	
Ford,	Obey	
William D.	Owens	

NOES—294

Abdnor	Butler	Dorn
Alexander	Byron	Downing
Andrews, N.C.	Camp	Duncan
Andrews, N. Dak.	Carney, Ohio	du Pont
Annunzio	Casey, Tex.	Edwards, Ala.
Archer	Cederberg	Eriksen
Armstrong	Chappell	Esch
Ashbrook	Clancy	Eshleman
Ashley	Clark	Evins, Tenn.
Bafalis	Clausen,	Fascell
Baker	Don H.	Fisher
Beard	Cleveland	Flood
Bell	Cochran	Flowers
Bennett	Collier	Flynt
Bevill	Collins	Foley
Biester	Conable	Ford, Gerald R.
Blackburn	Conlan	Fountain
Boggs	Conte	Frelinghuysen
Bolling	Cotter	Frey
Bowen	Coughlin	Froehlich
Bray	Crane	Fuqua
Breaux	Cronin	Gaydos
Brinkley	Daniel, Dan	Gettys
Brooks	Daniel, Robert	Giaimo
Broomfield	W., Jr.	Gibbons
Brotzman	Danielson	Ginn
Brown, Calif.	Davis, S.C.	Goldwater
Brown, Mich.	Davis, Wis.	Goodling
Brown, Ohio	Delaney	Gray
Broyhill, N.C.	Dennis	Green, Oreg.
Broyhill, Va.	Dent	Griffiths
Burgener	Derwinski	Gross
Burke, Fla.	Devine	Grover
Burleson, Tex.	Dickinson	Gubser
Burlison, Mo.	Dingell	Gunter

Haley	Mathis, Ga.	Shuster
Hamilton	Matsunaga	Sikes
Hammer-	Mayne	Sisk
schmidt	Mazzoli	Skubitz
Hanley	Michel	Smith, Iowa
Hanna	Milford	Smith, N.Y.
Hanrahan	Miller	Snyder
Hansen, Idaho	Mills, Md.	Spence
Harsha	Minshall, Ohio	Staggers
Harvey	Mizell	Steed
Hastings	Mollohan	Steele
Hays	Montgomery	Steelman
Hebert	Moorhead,	Steiger, Ariz.
Heinz	Calif.	Steiger, Wis.
Henderson	Morgan	Stephens
Hillis	Myers	Stratton
Hinshaw	Natcher	Stubblefield
Hogan	Nelsen	Stuckey
Hollifield	Nichols	Sullivan
Holt	O'Brien	Symington
Horton	O'Hara	Talcott
Hosmer	O'Neill	Taylor, N.C.
Huber	Parris	Teague, Calif.
Hudnut	Passman	Teague, Tex.
Hunt	Patman	Thomson, Wis.
Hutchinson	Pepper	Thone
Ichord	Perkins	Thornton
Jarman	Pettis	Tiernan
Johnson, Calif.	Peyser	Treen
Johnson, Colo.	Pickle	Vander Jagt
Johnson, Pa.	Poage	Veysey
Jones, Ala.	Podell	Vigorito
Jones, N.C.	Powell, Ohio	Waggoner
Jones, Okla.	Preyer	Walsh
Jones, Tenn.	Price, Ill.	Wampler
Karth	Price, Tex.	Ware
Kemp	Pritchard	White
Ketchum	Quie	Whitehurst
Landgrebe	Quillen	Whitten
Latta	Randall	Widnall
Leggett	Rarick	Wiggins
Lehman	Regula	Williams
Lent	Rhodes	Wilson, Bob
Litton	Roberts	Wilson, Charles H.
Long, La.	Robinson, Va.	Wilson, Calif.
Long, Md.	Roe	Charles, Tex.
Lott	Rogers	Wilson, Winn
Lujan	Roncallo, N.Y.	Charles, Tex.
McCloskey	Rose	Wright
McCollister	Roush	Wyatt
McCormack	Rousselot	Wyder
McDade	Roy	Wylie
McEwen	Runnels	Wyman
McFall	Ruppe	Zablocki
McSpadden	Ruth	Zion
Macdonald	St Germain	Zwach
Madigan	Sandman	
Mahan	Sarasin	
Mallary	Saylor	
Mann	Scherle	
Maraziti	Schneebeli	
Martin, Nebr.	Sebelius	
Martin, N.C.	Shipley	
Mathias, Calif.	Shoup	
	Shriver	

NOT VOTING—35

Adams	Forsythe	Mitchell, N.Y.
Anderson, Ill.	Fulton	Nedzi
Arends	Gilman	Railsback
Badillo	Hansen, Wash.	Rooney, N.Y.
Biaggi	Keating	Rooney, Pa.
Carter	King	Royal
Chamberlain	Kluczynski	Satterfield
Clawson, Del	Kuykendall	Slack
Denholm	Landrum	Taylor, Mo.
Dulski	Maillard	Udall
Eilberg	Melcher	Walde
Fish	Mills, Ark.	

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. ROBERTS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, pursuant to House Resolution 409, he reported the bill back to the House.

THE SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. MYERS

MR. MYERS. Mr. Speaker, I offer a motion to recommit.

THE SPEAKER. Is the gentleman opposed to the bill?

MR. MYERS. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. MYERS moves to recommit the bill H.R. 7528 to the Committee on Science and Astronautics.

THE SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

The motion to recommit was rejected.

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

MR. GROSS. 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 322, nays 73, not voting 38, as follows:

[Roll No. 159]

YEAS—322

Abdnor	Clancy	Frey	
Addabbo	Clark	Fuqua	
Alexander	Clausen	Gaydos	
Anderson,	Don H.	Gettys	
Calif.	Cleveland	Gialmo	
Andrews, N.C.	Cochran	Gibbons	
Andrews,	Cohen	Goldwater	
N. Dak.	Collins	Gonzalez	
Annunzio	Conlan	Grasso	
Archer	Conte	Gray	
Arends	Corman	Green, Oreg.	
Armstrong	Cotter	Green, Pa.	
Ashbrook	Coughlin	Griffiths	
Bafalis	Crane	Grover	
Baker	Cronin	Gubser	
Barrett	Culver	Gude	
Beard	Daniel, Dan	Gunter	
Bell	Daniel, Robert	Haley	
Bennett	W., Jr.	Hamilton	
Bergland	Daniels	Hammer-	
Bevill	Dominick V.	schmidt	
Bluster	Danielson	Hanley	
Bingham	Davis, S.C.	Hanna	
Blackburn	Davis, Wis.	Hansen, Idaho	
Blatnik	de la Garza	Harrington	
Boggs	Delaney	Harsha	
Boland	Dennis	Harvey	
Boiling	Derwinski	Hastings	
Bowen	Devine	Hawkins	
Brasco	Dickinson	Hébert	
Breaux	Dingell	Hechler, W. Va.	
Breckinridge	Donohue	Heckler, Mass.	
Brooks	Dorn	Heinz	
Broomfield	Downing	Heilstoski	
Brotzman	Drinan	Henderson	
Brown, Calif.	Duncan	Hillis	
Brown, Mich.	du Pont	Hinshaw	
Broyhill, N.C.	Eckhardt	Hogan	
Broyhill, Va.	Edwards, Ala.	Hollifield	
Buchanan	Edwards, Calif.	Holt	
Burgener	Erlenborn	Horton	
Burke, Calif.	Esch	Hosmer	
Burke, Fla.	Eshleman	Howard	
Burke, Mass.	Fascell	Huber	
Burleson, Tex.	Findley	Hudnut	
Burlison, Mo.	Fisher	Hunt	
Burton	Flood	Jarman	
Butler	Flowers	Johnson, Calif.	
Byron	Flynt	Johnson, Colo.	
Camp	Foley	Johnson, Pa.	
Carey, N.Y.	Ford, Gerald R.	Jones, Ala.	
Carney, Ohio	Ford,	Jones, Okla.	
Casey, Tex.	William D.	Jones, Tenn.	
Cederberg	Fountain	Jordan	
Chamberlain	Frelinghuysen	Karth	
Chappell	Frenzel	Kastenmeier	

NAYS—73

Abzug	Hungate	Rose
Ashley	Hutchinson	Rosenthal
Aspin	Ichord	Roy
Brademas	Jones, N.C.	Ruppe
Bray	Kyros	Schneebeli
Brinkley	Landgrebe	Schroeder
Chisholm	Latta	Selberling
Clay	Long, Md.	Shuster
Collier	Madden	Skubitz
Conable	Mazzoli	Snyder
Conyers	Metcalfe	Stark
Dellenback	Miller	Steiger, Wis.
DeLums	Mink	Stokes
Diggs	Mitchell, Md.	Studds
Evans, Colo.	Moakley	Sullivan
Fraser	Murphy, Ill.	Symms
Froehlich	Myers	Thompson, N.J.
Ginn	Neisen	Thomson, Wis.
Goodling	Nix	Vanik
Gross	Obey	Wyatt
Guyer	Owens	Yates
Hanrahan	Randall	Young, Ga.
Hays	Rangel	Zwach
Hicks	Reuss	
Holtzman	Riegle	

NOT VOTING—38

Adams	Fish	Mills, Ark.
Anderson, Ill.	Forsythe	Mitchell, N.Y.
Badillo	Fulton	Railsback
Biaggi	Gilman	Rooney, N.Y.
Brown, Ohio	Hansen, Wash.	Rooney, Pa.
Carter	Keating	Royal
Clawson, Del	King	Satterfield
Davis, Ga.	Kluczynski	Slack
Denholm	Kuykendall	Steelman
Dent	Landrum	Taylor, Mo.
Dulski	Mahon	Udall
Ellberg	Mailliard	Waldie
Evins, Tenn.	Melcher	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Anderson of Illinois.

Mr. Evans of Tennessee with Mr. Kuykendall.

Mr. Dulski with Mr. Fish.

Mr. Kluczynski with Mr. Railsback.

Mr. Blaggi with Mr. King.

Mr. Adams with Mr. Brown of Ohio.

Mr. Slack with Mr. Taylor of Missouri.

Mr. Waldie with Mr. Badillo.

Mrs. Hansen of Washington with Mr. Steelman.

Mr. Melcher with Mr. Keating.

Mr. Landrum with Mr. Carter.

Mr. Roybal with Mr. Del Clawson.

Mr. Rooney of Pennsylvania with Mr. Gilman.

Mr. Davis of Georgia with Mr. Udall.

Mr. Dent with Mr. Forsythe.

Mr. Elberg with Mr. Mitchell of New York.

Mr. Mills of Arkansas with Mr. Mailliard.

Mr. Mahon with Mr. Fulton.

Mr. Satterfield with Mr. Denholm.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 2246. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; and

H. Con. Res. 221. Concurrent resolution entitled concurrent resolution providing for an adjournment of the House from May 24, 1973, until May 29, 1973.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2246) entitled "An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTOYA, Mr. RANDOLPH, Mr. BURDICK, Mr. McClure, and Mr. STAFFORD to be the conferees on the part of the Senate.

ADJOURNMENT OF CONGRESS OVER MEMORIAL DAY HOLIDAY

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 221) providing for an adjournment of the House from May 24, 1973, until May 29, 1973, together with the Senate amendments thereto.

The clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "1973," and insert: "1973, and that when the Senate adjourns on Wednesday, May 23, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, May 29, 1973."

Amend the title so as to read: "Concurrent resolution providing for the adjournment of the two Houses of Congress over the Memorial Day Holiday."

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DAMAGE CAUSED BY SLOPPY REPORTING

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

Mr. KUYKENDALL. Mr. Speaker, a recent article in New York magazine, authored by a Mr. James Brady, gives me great concern, as it should give concern to all of us, for it is a classic example of how damaging sloppy reporting and distortion of the facts can be.

In a few brief paragraphs, Mr. Brady casts a cloud of fear and suspicion over the entire aviation industry, the safeguards employed by them, the government agency that monitors them, and the ticket-buying passengers who depend on them.

Mr. Brady's entire article is based on the fact that traces of cyanide were found after the December airline crash in Chicago that took the lives of 45 people. Because the wife of a man involved in the Watergate case was one of those victims, he paints a murky picture of conspiracy to murder by sabotage, and he hints that the National Transportation Safety Board is a party to this conspiracy because it has not released its crash report.

Well, Mr. Speaker, the facts that any reporter could have obtained in less than 10 minutes, make Mr. Brady look pretty silly, and his magazine ought to be ashamed of itself.

The safety board has released an interim report, available to anyone. Yes, sir, there were traces of cyanide found in the bodies of seven victims, including the pilot. Anytime there is a fire death in which burning fabric or plastic is involved, including wool or cotton fabric, inhalation of the smoke and fumes will produce cyanide traces in the blood.

This is no earth-shaking revelation, Mr. Speaker, it has been known to pathologists for years.

Death by cyanide poisoning is instantaneous, as those of us old enough to remember the suicides of Heinrich Himmler and Herman Goering should know. But the pilot of the Chicago United plane lived for a few minutes after the crash. How in the world could anyone go about producing an airplane crash by the use of cyanide?

Mr. Speaker, the National Transportation Safety Board reports directly to the Transportation and Aeronautics Subcommittee, of which I am a member. Their work is painstaking and accurate, and is not accomplished overnight.

Nevertheless, some of their preliminary findings have been released, and were available to Mr. Brady, or any reporter.

I am afraid, Mr. Speaker, that the very name "Watergate" is now sufficient grounds to make a very small minority of people in the journalistic world forget everything they ever learned about responsibility and integrity. In this case, the disservice that Mr. Brady and the New York magazine have rendered is not to some obscure bureaucrat, but to the entire aviation industry and to the people who buy the tickets to fly with them.

INTRODUCTION OF INDEPENDENT OIL MARKETERS SUPPLY ACT OF 1973 AND JOINT RESOLUTION ON IMPORT SYSTEM

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

Mr. MACDONALD. Mr. Speaker, I am introducing a measure today on behalf of myself and 37 of my colleagues to prevent the major oil companies from using the present gasoline shortage as an excuse to cripple the independent businessmen who compete with them on the retail level. Senator EDWARD M. KENNEDY has introduced companion legislation in the Senate.

The President's announcement on May 10 of his voluntary allocation plan for the major oil companies came just 3 days after I initially introduced this legislation to make allocations mandatory. However, in light of past demonstrated lack of foresight on economic issues and given the oil companies' inclination to exploit fuel supply problems to expand profits, there is ample reason to fear spotty compliance and uneven results from the major oil companies. I ask you to keep in mind that just 3 short weeks ago we heard from administration spokesmen urging defeat of any kind of legislation that would result in controls over the fuel distribution system.

This legislation has been shaped with these facts in mind. The bill stipulates that if an overall shortage of fuel prompts a refiner to reduce deliveries to an independent distributor, he must reduce deliveries to his own company controlled distributor by the same percentage. The legislation also requires a refiner to deal identically with all its retail marketers when applying any price increases.

No distinction will be permitted between brand-named and privately named outlets. Although the bill will have immediate impact on the present gasoline shortage, it also covers No. 2 fuel oil, which we have been told will be in short supply again next winter. Diesel fuel and kerosene are also covered.

The joint resolution I am submitting directs the Interior Department to evaluate the major refiner's treatment of its independent marketers before granting a renewal of its oil import license. If a major refiner is found to have discriminated against the independents in supply allocations or pricing policies, it can, and should, be denied the license.

It must be emphasized that the plight of the independents is steadily worsening, and that their survival is vital to the interests of the American consumer. Nearly 600 gasoline stations across the country have already closed due to short supplies while another 1,400 are in imminent danger of closing. These developments are especially disturbing when we realize that independent distributors provide the only price competition in the gasoline business. For in fact the majors are in competition with each other only as to such frills as credit card plans and

advertising content. Meanwhile, every cent increase in gasoline prices hits the American consumers with a staggering \$1 billion increase annually.

Presently, as the voluntary plan exerts its unpredictable effect, threats to the consumer are being compounded. Farmers cannot harvest their crops, construction companies cannot operate their equipment, due to cutoffs of gasoline and diesel fuel. No voluntary arrangement will be sufficient to cope with such accelerating confusion as has been demonstrated by phase 3 of the price control plan.

In this present period, while we are readying mandatory legislation, the administration and the oil refiners have in effect a short grace period in which to gain back the Nation's confidence. However, they should be made to keep us continually informed about the progress or lack thereof that is being made under the voluntary plan. How many major companies are complying? Which ones? How many additional reports of station closings is the Office of Oil and Gas receiving? How many of the stations which have already closed are managing to reopen? Presently, in a manner to which it is getting accustomed, Congress is being denied the information it needs to consider proper legislation.

It is gratifying that the administration says it is planning to hold hearings on the possibility of making its voluntary scheme mandatory through the discretionary authority already granted by Congress. Let us hope, however, that the ad hoc board to be appointed will include representatives of the consuming public and not just bureaucratic and corporate officials.

One sign of good faith by the major oil companies would be the immediate resolution of the paradox of a gasoline shortage on the one hand and unused refinery capacity on the other. There are now 47 independently owned refineries in the United States operating at only 70 percent capacity, because the same major companies who are trying to shut off independent retailers are also shutting off independent refineries. The Federal Government should get tough with these major firms until they begin to channel crude oil to the independent refineries in an effort to increase supplies of refined products like gasoline and No. 2 home heating oil. An apparent reluctance to take such steps has further aggravated the fuel shortage for independent retailers and for the American public.

(The referred to material follows:)

CO-SPONSORS

Herman Badillo (D-N.Y.).
Fernand J. St Germain (D-R.I.).
Lionel Van Deerlin (D-Calif.).
Benjamin S. Rosenthal (D-N.Y.).
Samuel S. Stratton (D-N.Y.).
Robert F. Drinan (D-Mass.).
Gus Yatron (D-Pa.).
Robert A. Roe (D-N.Y.).
David R. Obey (D-Wis.).
Bertram L. Podell (D-N.Y.).
Henry B. Gonzalez (D-Tex.).
Paul W. Cronin (R-Mass.).
Edward P. Boland (D-Mass.).
Morgan F. Murphy (D-Ill.).

Claude Pepper (D-Fla.).
 Sidney R. Yates (D-Ill.).
 Harold D. Donohue (D-Mass.).
 Frank Thompson, Jr. (D-N.J.).
 James A. Burke (D-Mass.).
 Bob Eckhardt (D-Tex.).
 Frank Annunzio (D-Ill.).
 Alphonzo Bell (R-Calif.).
 Michael McCormack (D-Wash.).
 Michael Harrington (D-Mass.).
 John Moss (D-Calif.).
 Pete Stark (D-Calif.).
 Gerry E. Studds (D-Mass.).
 Paul S. Sarbanes (D-Md.).
 Joseph Moakley (D-Mass.).
 Augustus Hawkins (D-Calif.).
 Donald Riegle (D-Mich.).
 James Harvey (R-Mich.).
 John M. Murphy (D-N.Y.).
 Robert McClory (R-Ill.).
 James J. Howard (D-N.J.).
 John B. Breckinridge (D-Ky.).
 Margaret Heckler (R-Mass.).
 William R. Cotter (D-Conn.).

H.R. 8090

A bill to provide for the continued supply of petroleum products to independent oil marketers

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 "Independent Oil Marketers Supply Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) Present and prospective shortages of petroleum products constitute a serious threat to the survival of independent marketers and small businessmen.

(2) Such independent marketers provide an essential element of competition by offering alternative sources of supply and lower prices to consumers.

(3) The demise of the independent marketers will result in the petroleum market being completely controlled by a small number of large integrated refining companies.

(b) The purpose of this Act is to assure that independent marketers of gasoline, home heating oil and other petroleum products are not subjected to unfair methods of competition and unfair trade and marketing practices during periods of supply shortage.

DEFINITIONS

SEC. 3. As used in this Act, the term—
 (1) "refiner" means a person engaged in commerce in the business of refining crude oil into petroleum products, whose total average refinery input of crude oil exceeds thirty thousand barrels per day;

(2) "independent marketers" includes, but is not limited to, terminal operators, jobbers, dealers, or distributors, at the wholesale or retail level, marketing under a refiner brand or a private brand, which are not owned or controlled by a refiner;

(3) "controlled marketers" includes, but is not limited to, terminal operators, jobbers, dealers, or distributors, marketing under a refiner brand or a private brand, which are owned or controlled by a refiner;

(4) "petroleum product" means gasoline, numbered 2 fuel oil, diesel fuel, kerosene; and

(5) "base period" means the period from October 1, 1971, through September 30, 1972.

PROHIBITED ACT

SEC. 4. (a) No refiner who during the base period was in the business of furnishing any petroleum product to controlled marketers for resale or sale to the public shall fail to offer to supply that product to independent marketers at reasonable prices in reasonable quantities, so long as he continues to furnish that product to controlled marketers.

(b) It shall be, *prima facie*, a violation of

the provisions of subsection (a) for any refiner—

(1) to fail to offer to supply to an independent marketer, during any calendar month beginning after the date of enactment of this Act, a quantity of any petroleum product not less than the quantity that was supplied by him to that independent marketer during the corresponding month of the base period reduced by a percentage not to exceed the greater of—

(A) the percentage by which the quantity of such product furnished by the refiner to controlled marketers during the month next preceding was reduced from the quantity furnished to such controlled marketers during the corresponding month of the base period, or

(B) the percentage by which crude oil processed by that refiner during the month next preceding was reduced from the quantity processed by him during the corresponding month of the base period; or

(2) to sell a petroleum product to an independent marketer at any price during such month which is greater than—

(A) the average price at which he sold such product to such independent marketer during the corresponding month of the base period, increased by

(B) a percentage equal to the percentage by which the average price for such product sold during such month to controlled marketers exceeds the average price for such product sold to such controlled marketers during the corresponding month of the base period.

UNFAIR TRADE PRACTICE

SEC. 5. Violation of the provisions of section 4(a) of this Act shall be an unfair act or practice in commerce in violation of the provisions of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

SEC. 6. The Federal Trade Commission shall report to the Congress within 6 months of the date of enactment of the Act whether any additional legislation is required to prevent acts or practices in commerce which adversely affect any independent marketer as defined in this Act.

SUMMER NEIGHBORHOOD YOUTH CORPS FUNDING

(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, once again it is necessary for the Congress to provide emergency funds for summer employment for our youth. In each of the past 4 years we have legislated "crash" funding for the so-called Summer Neighborhood Youth Corps. We have had, in each of those years, youth summer employment legislation before us. This year we have none.

As a result of the administration's action, the Neighborhood Youth Corps for this summer exists literally in limbo. There is, according to the proposed fiscal year 1974 budget, no money available for summer jobs for youth. The President has suggested that funds from the Emergency Employment Act be used to supply token job opportunities for urban youth. The city of Chicago has been informed that they will receive \$5.8 million of the EEA money available through the Department of Labor for jobs this summer. This figure represents a cut of \$8 million from the summer 1972 figure. Last summer in Chicago 33,000 youngsters were

employed through the Neighborhood Youth Corps. This summer 100,000 Chicago young people qualify for, and want summer employment, but only 13,000 will be employed. If the administration succeeds, there will be no Neighborhood Youth Corps in June 1973.

Without emergency action by the Congress, my city will be left with an estimated 39,000 unemployed high school dropouts between the ages of 16 and 21. Also, there will be 42,000 active high school students who will not be able to return to school in the fall because of a lack of summer employment. Twenty-five percent of Chicago's population is between 8 and 21 years of age. It is absolutely imperative that these young people are given the opportunity to work. It is imperative for their immediate- and long-term futures. It is imperative for the future of Chicago. My city is not an exception—we are only one of those 114 largest cities in the United States that will be severely affected by the termination of the Neighborhood Youth Corps.

Mr. Speaker, the Senate has initiated action to add Summer Neighborhood Youth Corps funds to the second supplemental appropriations bill. If this occurs, I urge all of my colleagues to support this action when the bill returns to the House. Certainly, this situation demands immediate action.

THE PRESIDENT'S "EXPLANATION"

(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, yesterday we received another installment of the tortuous, convoluted "explanation" of his relationship to Watergate that the President continues to spin out. As usual he raised more questions than answers.

He admits that he bypassed the regular law enforcement agencies and set up a Special Investigations Unit—the famous "plumbers"—in the White House, and that it included E. Howard Hunt, later convicted in the Watergate burglary.

He admits that he authorized a plan which allowed "surreptitious entry—breaking and entering, in effect." Does this mean that the President of the United States approved felonies?

He admits he authorized wiretaps under conditions of dubious legality which were in fact later ruled illegal by the U.S. Supreme Court. These were wiretaps of persons selected on the basis of materials in security files. Files gathered by whom, when, under what conditions? Authorized by whom?

Another purpose of the Special Investigations Unit, Mr. Nixon says, was "to prepare an accurate history of certain crucial national security matters which occurred under prior administrations." Does this include Mr. Hunt's attempt to "correct" history by forging cables purporting to be from John F. Kennedy?

The campus disturbances which Mr. Nixon claims as the rationale for his

questionable activities were in fact reactions to his illegal and murderous invasion of Cambodia.

Mr. Nixon claims that until the New York Times and the Washington Post printed the Pentagon papers, "no senior official of the Government had read them—most officials did not know they existed." For Heaven's sake, why not? Who is running this country? Is it the generals or the civilians?

Why, why, why? We can only ask, while daily our heads reel with new revelations. Has not the time come when these and many other questions must be asked, officially, by the body entrusted with this responsibility under the Constitution—the House of Representatives?

WAR POWERS OF THE PRESIDENT AND OF THE CONGRESS

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Indiana (Mr. DENNIS) is recognized for 60 minutes.

Mr. DENNIS. Mr. Speaker, I propose to discuss briefly this afternoon, with such other Members as may decide to join in, if any, one of the truly great constitutional questions of our country, and that is the question of the war powers of the President and of the Congress.

This obviously is a vital question, and it is not a new one, because it has been with us throughout our constitutional history. It is a question which certainly should be approached in a very serious and sober manner, and which certainly ought not to be approached in any sort of a partisan way.

What we need to determine in this important field is, first, whether any legislation is needed, and then, if we think legislation is needed, we should try very hard indeed, because of the importance to the Nation, to write good and wise legislation, because this is preeminently a field where a bad piece of legislation is much worse than no legislation at all.

What one has to seek is a long-range solution to the problem. As I said earlier, the problem is not a new problem, and it certainly is not. Article I, section 8 of the Constitution, lists the powers of the Congress in this field, and does so in a reasonably specific manner. Article II deals with the powers of the Executive in this field in what I would say is a more general and less specific manner.

Practice has varied. In our earlier days I think the practice favored the power of the legislative branch. Lately, to the alarm of many, the scales seem to be tipping in favor of the executive. But I think the basic theory of our constitutional setup can be fairly stated to be that the Congress should decide the basic policy question of whether to go to war, at least in the absence of an emergency situation, and then the executive has the authority to conduct the war once we have decided to embark on that course of conduct.

Everyone agrees, I think, in a broad general way, that both constitutional theory and wise and effective practice re-

quire joint participation by the legislative and the executive branches, and also require broad public support in this highly important endeavor.

It is very difficult, Mr. Speaker, to draft satisfactory legislation in this field. There are a good many wise people who say, "Leave it alone"; that the best thing to do is to rely, as we have in the past, on the good judgment and restraint of both the legislature and the executive, let things work out in practice, and not try to be specific. It has even been suggested that maybe the Framers, who were not too specific, had the benefit of that kind of a situation in mind.

The difficulty with that theory is that of late years that mutual restraint has apparently not existed to the extent it should. We have had an erosion of congressional power. We have had an increase of Executive power. And again I may say that this has been true in a number of administrations of both parties, and that it is not a partisan matter at all.

That has led me to believe, along with other people, that, if it can be done, we ought to try to frame some satisfactory legislation and give ourselves some guidelines.

But it is not an easy thing to do. Any legislation, I think, should have certain basic objectives. What we ought to try to do, if we venture into this field at all, is to insure significant participation by the Congress as the direct representatives of the people in the decision of peace or war, and at the same time we have to try to do this without unduly tying the hands of the Executive, or interfering with his necessary ability to deal with emergency situations which are going to arise from time to time and which will require quick action. It is not easy to reconcile those goals, and yet any legislation which fails to keep them in mind and which fails to strike a proper balance between them, it seems to me, is bound to be undesirable.

There are several bills at the present time before the Congress and which make the discussion of this particular topic at this particular time a timely one. In the last session the Senate passed a war powers bill which was chiefly authored by Senator JAVITS. We passed a war powers bill—quite a different one—here. Nothing passed the Congress, but the matter is still alive, and our Committee on Foreign Affairs has been marking up a war powers bill this week, and I understand it is likely to complete that process next week, so that it appears we are likely to have some kind of legislation here on the floor. It would seem that, perhaps, for the first time, there is a reasonable possibility that something in the legislative way actually might be adopted.

It is for that reason that I think it is important to consider at this time where we are going, what we are doing, and what kind of legislation, if any, we are going to have. There are a number of bills in the hopper I am sure, but so far as I am aware, there are essentially three bills before the Congress.

One is a bill, again by the distinguished Senator from New York (Senator JAVITS). The other, which is being worked

on at the present time by our Committee on Foreign Affairs, is one introduced, basically, by our distinguished colleague from Wisconsin (Mr. ZABLOCKI). The third is a bill which I, myself, along with a number of other Members of this House, have had the honor to introduce. I think it is fair to say that the Javits bill and the Zablocki bill are better known than the Dennis bill, but that is, in my judgment, an unfortunate circumstance; because I think, for reasons I will discuss here briefly, frankly—and with all respect to those distinguished gentlemen—that I have a better bill, and I want to bring it to the attention of my colleagues who may, hopefully, look at it in the RECORD, even if they are not crowding the benches this afternoon.

Some analysis of these three measures seems to me to be in order. Really, that is what we are all going to have to do, is give some analysis to these measures.

Senator JAVITS has been a pioneer in this field, and he deserves a great deal of credit for being a pioneer and working on it. Basically his bill, as I understand it—I am not trying to state everything in the bill, but just outlining it—provides essentially this. He says that in the absence of any declaration of war by the Congress, the President shall commit our Armed Forces to combat in four listed situations only. One of them is to repel an attack on the United States or American territory. Another is to repel an armed attack on our Armed Forces outside of the United States. The third is to protect U.S. citizens while evacuating them from some foreign country; and the fourth is pursuant to some kind of specific statutory authority, and he says that such authority shall not be inferred either from law or treaty hereinafter adopted or enacted, or from existing law or treaty; it has got to be specific authorization.

In those four situations only, according to him, the President can go ahead without congressional authority and commit troops to combat. When he does it, he has to make a report to the Congress on what he has done, and then, unless the Congress approves the action affirmatively within 30 days, he has to stop doing it and withdraw the troops and terminate the action.

I respectfully submit that that provision is a great and, I think, a fatal weakness in the bill offered by Senator JAVITS. In the first place I do not believe we can foresee adequately all of the emergency situations which may arise, and where everyone might think that the President ought to be entitled under the circumstances to commit troops to combat without prior congressional authority. So I think it is impossible to limit those to only four situations. Some other situation might arise that we have not provided for.

Second, if such action is once taken, I do not think it is practical to limit such an action to an automatic 30-day cutoff unless Congress approves it. That is a very short period of time. I just do not believe, from a military point of view—even though he has got a little leeway

to do something longer in order to protect the troops for withdrawal purposes—that it is a practical proposition.

Finally, and I believe this is a very basic defect in Senator JAVITS' bill, which was pointed out by Senator COOPER in a minority report in the Senate in the last session, at least three of the four categories he has listed, the first three and particularly the first one, which is the defense of the United States from armed attack, are undoubtedly inherent constitutional powers of the President which he does not need legislation to exercise.

The President has a right and a duty to protect the United States from armed attack, and, that being true, I do not think it is possible, constitutionally, for us to say here that he can only protect the United States from armed attack over a period of 30 days unless we do something about it. I just do not believe we could do that, I do not think we want to do that, or that it is constitutional to attempt to do that.

I think that is a fatal defect in the JAVITS' proposal.

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

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

Mr. ROUSSELOT. Mr. Speaker, I wish to compliment my colleague, the gentleman from Indiana (Mr. DENNIS), for his extremely thoughtful research on this whole subject of the "warmaking powers." It is significant that the gentleman from Indiana has taken the time today to review this important issue because the same subject is presently being debated, discussed, and worked on as specific legislation in the Foreign Affairs Committee.

Mr. Speaker, the debate over the warmaking powers has raged in the Halls of this Congress, both the Senate and the House, for many years. The lessons of the Korean and Vietnam conflicts have demonstrated the absolute need for congressional action to clarify the warmaking powers of the Congress and the President.

The legislation originally introduced by Congressman DAVID DENNIS, of Indiana, H.R. 3046, and which I have cosponsored, addresses itself very specifically to the issues raised in that debate and, in my judgment, would clarify the atmosphere of disagreement and dissension that has flared since the so-called U.S. police action of Korea in which we provided the major portion of the military manpower and weapons.

The Congress must assume its proper constitutional role as mandated in article I, section 8 of the Constitution which gives to the Congress the power to provide for the common defense, to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the Government and regulation of the land and naval forces, and to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

The provisions of this legislation in which I have joined with Mr. DENNIS include:

First, in the absence of a declaration

of war by the Congress or of a military attack upon the United States, its territories or possessions, the President would be prohibited from committing our Armed Forces to combat or introducing troops into a situation where combat is imminent without specific authorization by the Congress. The legislation does, however, recognize that the President must be free to act in an emergency if he so determines.

Second, if the President does determine that such an emergency exists and he commits our military forces in the absence of a declaration of war by the Congress or of a military attack upon the United States, its territories or possessions, and without prior congressional authorization, he must submit a full written report to the Congress within 24 hours.

Third, the Congress then has 90 days to either authorize the continuance of this action, or disapprove of the action and require the termination of our involvement.

Fourth, if the Congress approves of the President's action, this legislation would require that the President report at 6-month intervals on the hostilities, and that the Congress must then either approve or disapprove of the continuing of our involvement after each report.

Fifth, if the Congress disapproved continuing our involvement at any time, the President would be required to withdraw our Armed Forces as expeditiously as possible consistent with protecting the safety of our forces, and the safety and defense of the United States and its citizens, its territories and possessions, and the reasonable safety of any allied forces that may be involved.

Sixth, if the Congress should fail to adopt the appropriate legislation either approving or disapproving the Presidential action, this inaction would be interpreted as an approval to continue our involvement, but it would in no way relieve the President of his obligation of periodically reporting to the Congress.

Seventh, this legislation would not alter or abrogate our treaty obligations.

Eighth, the act would take effect on the date of its enactment but would not apply to hostilities in which the Armed Forces are involved on the effective date.

The most serious and costly eroding of the checks and balances between the legislative and executive branches with regard to the war-making powers has come within the last 25 years. Our Founding Fathers were determined that no American President should have the powers of a king to commit our Nation to a war without its consent through its elected Representatives in the House and Senate. In 1793 James Madison—who was the major draftsman of the Constitution—wrote:

Every just view that can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the Constitution, that the power to declare war, including the power of judging of the causes of war, is *fully and exclusively* vested in the legislature; that the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war; that the right of convening and inform-

ing Congress, whenever such a question seems to call for a decision, is all the right which the Constitution has deemed requisite and proper . . .

However, in framing our Constitution, our Founding Fathers drew a clear distinction between offensive and defensive actions. In 1801, Alexander Hamilton wrote:

That instrument has only provided affirmatively, that, "The Congress shall have power to declare war"; the plain meaning of which is, that it is the peculiar and exclusive province of Congress, *when the nation is at peace*, to change that state into a state of war; whether from calculations of policy, or from provocations or injuries received; in other words, it belongs to Congress only, *to go to war*. But when a foreign nation declares or openly and avowedly makes war upon the United States, they are then by the very fact *already at war*, and any declaration on the part of Congress is nugatory; it is at least unnecessary.

In summary, the words of Justice Jackson in the 1952 steel seizure case are pertinent in our discussion today:

We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

Mr. DENNIS. Mr. Speaker, I am very grateful to my distinguished colleague from California (Mr. ROUSSELOT) for his contribution.

Mr. Speaker, I would like to say in reference to one thing the gentleman from California said, that I quite agree with him that this is something which ought to be considered, as I said in the beginning, in sobriety and not in heat.

Mr. Speaker, I got into this thing a year or more ago in starting the research I have been engaged in since. I did not think introducing this type of legislation—looking toward the future and seeking a long-range solution—was really desirable while we were engaged in a shooting war, but I did introduce it in January of this session, when the shooting war had terminated, and at an early opportunity because I feel that it is entitled to priority. While it was introduced in January of 1973, I had been thinking about it for some length of time.

Mr. ROUSSELOT. Mr. Speaker, if the gentleman will yield again, I think that is another reason why taking the time today to discuss the "war making power" issue in a more somber atmosphere when we are not engaged so extensively overseas, is a substantial step at the right time and place. It again shows a very thoughtful and careful contribution of the gentleman from Indiana. Had he been tempted to bring this legislation to us during the Vietnam war it probably would have had many more political ramifications and would not have received the kind of careful review and debate that I think we can now give it.

Mr. Speaker, again I compliment our distinguished colleague from Indiana for his very careful research, and constructive legislative act (H.R. 3046).

Mr. DENNIS. I thank my distinguished cosponsor for his remarks.

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

Mr. DENNIS. I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I too wish to commend my friend from Indiana for his very scholarly, extemporaneous presentation to the Members of the House here today on this very pressing and very difficult question of constitutionality as it relates to warring powers.

I believe the contributions the gentleman is making here today will be recognized and recorded as being very significant and very timely.

There is a point I should like to stress, hopefully to provoke a response from the gentleman. As I view the problems of the past 10 years, the question of authority has left a very gray area. I believe this has been disturbing to people throughout the land. All of the questions of morality are centered around the fact that we have a gray area as it relates to authority in this one field.

First I want to state that the question of authority on nuclear warfare, heaven forbid, is very clearcut. This is with the executive branch. The President of the United States has absolute authority and control over our nuclear weapons systems and whether or not to impose them.

There is no question as to who has the authority on conventional warfare. This lies with the Congress of the United States.

But there is one thing I believe Congress and the executive branch over the years have been guilty of; they have not addressed themselves to the gray area of unconventional warfare and guerrilla warfare techniques which are employed. As I view it, we will have to look in the direction of considering a restructuring of our security alliances in order to bring about the kinds of security commitments and guidelines necessary to clearly spell out the responsibilities of the United States and our so-called allies.

I believe SEATO has been totally inadequate to meet the threat to security in that section of the world. The United Nations has proved itself to be totally incapable and unwilling to be a peace-keeping organization.

I believe the Executive and the Congress are going to have to sit down and work out the new guidelines and new understandings of responsibility for future security commitments, and hopefully a new treaty on these guidelines.

I wonder if the gentleman could respond as to how his legislation would dovetail with the point of view I have expressed here today?

Mr. DENNIS. My bill, which I am going to discuss in a moment, would not interfere in any way with what the gentleman is suggesting. It would not deal with it, either, specifically, because I have tried to stay out of the treaty situation here.

I realize that we have some treaty obligations already. I also realize some of them are a little bit vague about just what they may mean.

I thought we had bitten off enough territory here on the war powers. I did not want to try to get into that subject matter in this bill.

What I have said in this bill is that it affects in no way our treaty obligations presently existing, whatever they may

be. I have not made any attempt to say what they are or are not. I have my thoughts and ideas about that, as the gentleman does, but in the bill I merely say that whatever existing treaty obligations may be, without discussing what they are or may be, they are not affected. The bill operates only prospectively.

Mr. DON H. CLAUSEN. I would simply conclude by stating in no way do I believe we in the Congress or those in the executive branch should necessarily take the initiative to advance something on our own, because it then becomes our plan, but I do believe it becomes necessary for us to tell those countries of the world which have a desire to build free institutions and hopefully free nations, with freedom being the prevailing objective, that it is up to them to start thinking in terms of developing a regional security pact as a backup to their own internal security infrastructure.

I believe that this has to come in the future. And then if it becomes necessary for us to become a participant to a degree in that regional security organization—I am thinking in terms of the Pacific Basin community countries—then we would listen to anything they would advance to us, but it is not up to us to take the initiative.

Mr. DENNIS. Mr. Speaker, I think the gentleman has a very valuable suggestion and idea, and I appreciate his contribution.

Mr. Speaker, I would like to conclude my remarks by briefly analyzing the other two bills which I mentioned, the one introduced by the gentleman from Wisconsin (Mr. ZABLOCKI) and my own, and then make a few comments in pointing out the merits and the demerits, as I see them, of these various measures, and making some suggestion as to what perhaps we might do.

The distinguished gentleman from Wisconsin (Mr. ZABLOCKI) who is chairman of the subcommittee considering this matter, has a bill, and I will say, as far as I am concerned, it is a better bill than the one of Senator JAVITS; but I think again that it has some rather strong defects, which I shall discuss in a moment.

But first, what this bill provides basically is as follows:

First of all, he says that wherever possible "the President should consult with the Congress before committing troops to combat," which is certainly a sound idea. He recognizes, as I do, that there may be emergency situations where such consultation is not possible. Unlike Senator JAVITS, he does not attempt to spell those out, which I think is very wise. He provides, however, that when and if the President has committed troops to combat situations without prior consultation with the Congress, he must make a report to the Congress promptly of what he has done.

Mr. Speaker, this provision applies not only to combat, but to sending troops abroad equipped for combat, or enlarging troop commitments which are already present abroad.

The President must make a prompt report to the Congress of what he has done.

Then, under the Zablocki bill, the President shall terminate that action and bring it to a close within 120 days after he has submitted his report, unless, again, we act affirmatively in the Congress to approve the action taken, either by a declaration of war or by other legislative approval.

So his approach there is quite similar to that of Senator JAVITS', except that he has provided a much longer period of time, 120 days instead of 30 days, that the operation can run before it terminates. But again he requires an affirmative action by the Congress to approve it, or else the action taken by the President has to terminate.

Mr. Speaker, I personally do not regard that as a very practical approach, from a practical military point of view, and I also point out that, since it requires an affirmative action by the Congress and since the rules in the Senate provide for unlimited debate, unless they can vote a cloture, a small minority of Senators could prevent the necessary approval and cause 120 days to run, even though a large majority of both Houses of the Congress wanted to approve the President's action. I think that is a very serious defect in respect to requiring affirmative action on our part in order to prevent an automatic termination.

My approach is this—and it is, I submit, much better—to provide that, once the President has taken this emergency action and has made a report to the Congress, which he ought to do, and we have a chance to vote on it, which we should have, a direct chance to vote, it should take a vote against what he has done to end it. If we do not like it, we can vote it down, but I do not think we ought to have it automatically terminate unless we vote it up, in these situations.

Then the gentleman from Wisconsin (Mr. ZABLOCKI) provided for another feature, which I think is also a defect in his measure.

He says that when forces engage in hostilities outside the United States the hostilities can be terminated at any time by the Congress by means of a concurrent resolution. Now, I have no objection as I said a moment ago, to having Congress vote to terminate the hostilities, but I do question very seriously whether a concurrent resolution is the proper vehicle.

Concurrent resolutions, unlike bills or joint resolutions, as my colleagues know, do not normally require signature by the President. I assume the reason for saying "by concurrent resolution" is in order to attempt to avoid a possible Presidential veto. I think there is a possibly fatal constitutional problem there.

When we legislate, the legislative process contemplates and requires action by both Houses of Congress and by the President in signing or vetoing a bill. We do not normally use concurrent resolutions for legislation; we use them to express the sense of Congress or to set a date for adjournment or to declare that May 10 is Santa Claus Day or something like that. We do not legislate by means of a concurrent resolution, and if you attempt to use it for legislation, I am not sure

that it would not require under the Constitution signature by the President like anything else, if you can use it that way at all.

So I think by providing for voting down the action of the President by concurrent resolution the Zablocki bill interjects an unnecessary constitutional problem into his statutory scheme. Those are basically the provisions of Mr. ZABLOCKI's bill.

Now, Mr. Speaker, my own bill I have already hinted at, but I will briefly give you a summary of it as I gave it to this House when I introduced it.

My bill provides that when there has been no declaration of war by the Congress nor any attack on American territory the President shall not commit the Armed Forces of the United States to combat or to situations abroad where combat is imminent or likely without prior congressional approval, thus establishing that principle, except in cases of emergency or necessity, the existence of which emergency or necessity shall, however, be determined by the President.

I leave it up to him so as to leave him flexibility. I do not try to tell him when he can do it or when he cannot. If he thinks it is an emergency or a necessity that requires him to act without the prior congressional approval which he should normally get, then he can go ahead and take the responsibility of doing it. But, second, if the President determines that an emergency exists which justifies and requires the commitment of troops to combat or to combat situations abroad without prior congressional approval, he shall immediately make a report to the Congress, in writing, describing his action and the reasons for it, and stating what he has done and why.

Then my bill requires that the Congress shall—and we are required to—within 90 days thereafter take legislative action, by a bill or a resolution appropriate to the purpose, either to approve or disapprove what the President has done. We are required to act and we have 90 days to do it. We must vote approval or disapproval of his conduct.

Then I provide next that if we approve the action taken, the President shall thereafter make periodic reports as to the progress of the hostilities, if any, and what the current situation is, at intervals of not more than 6 months; and within 30 days after each one of those periodic reports we are again required to vote either approval or disapproval.

This, it seems to me, would assure congressional participation in the matter of going to war and in the matter of continuing in war.

But not until or unless we vote disapproval would the President be required to terminate the action which he had taken. If and whenever we might vote disapproval, then the bill provides that the President shall thereupon terminate the action taken and disengage the troops involved as expeditiously as it may be possible to do so, having regard to and consistent with the safety of the Armed Forces of the United States, the necessary defense and protection of

the United States, its territories and possessions, the safety of citizens and nationals of the United States who may be involved, and the reasonable safety and necessities, after due and reasonable notice, of allied or friendly nationals and troops.

That has to be a fairly broad guideline, because I do not think you can make it any more specific. Those are the things, however, which the President has to bear in mind, and bear them in mind so as to terminate his action just as expeditiously as he can, having those things in mind—if and when we vote the disapproval.

The bill does not apply to any hostilities which may be in progress at the time of its passage. As I said a moment ago, it does not alter or affect any existing treaty obligations whatever they may be.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I will be happy to yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Speaker, I thank the gentleman for yielding, and I want to congratulate the gentleman from Indiana (Mr. DENNIS) for introducing H.R. 3046, in which I am proud to be a cosponsor.

I think it is time, as the gentleman from Indiana has so eloquently said, that we do make more certain the role of the Congress in warmaking during this time of undeclared wars that the world has seen so much of.

I think the bill introduced by the gentleman from Indiana (Mr. DENNIS) H.R. 3046, very adequately does spell out the roles of the President and the Congress when there has been no declaration of war or no military attack upon this country.

I think the bill is reasonable. I think it definitely puts the responsibility on the Congress to take action.

We have seen during the continuation of the war in Vietnam for these many years that once the action was entered into, once the troops were engaged, that the Congress, without statutory responsibility to do so, shied away really from declaring any kind of national policy but preferred, really, to leave it to the President to say not only how the war should be engaged in, but how long it should go on.

So, Mr. Speaker, I think that this bill is a great step forward to limit the powers of the President in leading the Armed Forces of this country in undeclared war, and in putting the responsibility here in the Congress where it constitutionally belongs to say whether this country shall be engaged in war or actions which have all of the attributes of war except a formal declaration.

But I would say this, speaking for myself, that I am not wedded to the terms of this bill, although I think this bill is a very reasonable one and a good one. I think that the bill adequately expresses the philosophy that should be guiding our President and our Congress, and this country, in these kinds of undeclared wars that the world and the countries of the world have seemed to accept as a method of doing business in the last few years.

So, Mr. Speaker, again I congratulate the gentleman from Indiana (Mr. DENNIS) for having introduced this legislation, and I am proud to be a cosponsor of the legislation.

Mr. DENNIS. I thank the gentleman from New York for his remarks and for his cosponsorship and support of the measure.

Like the gentleman, I am not necessarily wedded to all the dots of the i's and crosses of the t's of this particular bill of ours, but I do think, for some of the reasons I have pointed out, that it has merit, and that it has some merit over the other bills which I have discussed; and I hope that it will be given serious consideration by the Committee on Foreign Affairs for that reason.

In analyzing the bill just quickly again, I might point out one other thing I think I have not touched upon, and that is that our bill does not go into operation at all where there has been an attack upon the United States. It says,

In the absence of a declaration of war or an attack upon the United States.

That avoids the constitutional problem in Senator JAVITS' bill where he would limit to 30 days in the absence of affirmative congressional action the right of the President to defend the United States from attack. I do not think we can do that, as I said before, but the question does not arise under our bill, because if there is an attack on this country our bill does not go into operation at all.

To sum up, we recognize in this measure the principle that normally there should be prior congressional approval before troops are committed to combat. We recognize, further, that emergencies may exist which make that impossible. We do not try to categorize them. We leave it to the President to determine what they are, but he knows that when he does determine that such emergency arises and does commit troops to combat without prior congressional approval, he is going to have to make a report to Congress, explain what he has done, and why, and that the Congress, within a relatively short period of time, is going to be required to vote on it, up or down, and that thereafter he has got to make periodic reports, and again the Congress will vote on them, up or down. That, I submit, without hampering the Executive or unduly tying his hands, or making it impossible to reach emergency situations, is still designed to insure that the representatives of the people in Congress assembled have a direct participation, and a continuing participation, in the warmaking effort.

I recommend the bill to the serious attention of the Committee on Foreign Affairs, and I hope that they will come out with something more or less along these lines that we can support and live with; because, as I said at the beginning, a bad bill here is worse than no bill at all. That is a very true thing. We might have to vote a bad bill down when a good bill, a viable bill, could be supported.

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

Mr. DENNIS. I yield to my colleague, the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

I, too, cosponsored this legislation, and I think that it is a very fine piece of legislation. I am happy to have an opportunity to participate with him in the special order today, and I think he has done an excellent job in outlining the provisions of the bill, what it would do, and the necessity of why we need such legislation.

Certainly the situation we find in our country today is far different from the problems that faced our Founding Fathers many years ago when they drew the document of our Constitution, one of the most perfect documents in the framework of government that man has ever been able to devise; but one must remember that, as brilliant as these men were, they lived in an entirely different day and age and in no way contemplated our problems. They were fighting for our freedom. Twice in their lifetime—once in the Revolution and many of them again in the war of 1812—they were fighting for our freedom as a small, young, struggling nation. I doubt if any of them ever in their greatest wisdom and moments of vision foresaw the time when we would be a major power or superpower of the world with treaty obligations for the defense of freedom, not only at home, but all over the world.

Therefore, I think the provisions that they put into the Constitution concerning war and warmaking powers were very adequate in their day and age.

Actually that functioned well even up to World War I, where after debate Congress took the action and we went to war to defend democracy not here but abroad. In World War II it worked well when we were attacked and responded to attack by foreign powers. But since that time our entrance into the Southeast Asian military conflict has been an entirely different matter and one that requires perhaps a change in our thinking in this country. Certainly one can be a Monday morning quarterback and look back on what happened in the last decade and how things could have been so much better had we had this bill or had Congress sat down and debated rationally our involvement there and perhaps by resolution or statutes declared some state of war. I think many of the problems that besieged our Nation would not have taken place if that had been the case.

But that is over now and I certainly agree with the gentleman that this important matter should be resolved perhaps in a generation of peace and not in a wartime situation, and that it is one of the most serious problems that faces the country in the long run. I know the gentleman has spent a great deal of time in working out this bill which would redefine the congressional authority and our responsibilities, particularly in waging war and particularly in situations of our troops going abroad or where conflict is imminent and war will result.

I stress this objective because I think it is the challenge not only of the 1960's and 1970's in America but it may well be the challenge we have to contend with in the future, and we have not met it well to date. We have allowed ourselves to

follow in the footsteps of strong Presidents or to be dragged along by them after the fact and maybe rubberstamp the actions of the Presidents by appropriations measures and things of this kind and by merely passively reacting.

It may have given some confidence that Congress would give its consent by at least a backhanded appropriation measure such as we faced the other day in the House with a supplemental appropriation for funds to continue operations in Cambodia. I think it was the very epitome of this attitude when we had demonstrations recently by the Secretary of Defense when he stated that if Congress did not allow the transfer of funds for the Cambodian operations the Defense Department would find the funds elsewhere and do it anyway.

This is not covered by the Constitution and I think the Founding Fathers would be very shocked if they were here today and could see how far that has changed.

I certainly think the bill offered by the gentleman from Indiana is a very reasonable and very practical approach to the problem. I think we can function as a nation under it. The President's hands will not be tied in times of emergency but Congress will have full participation and in that way each of us as Representatives from our districts will have the input of our people and the elected Representatives in the Congress will have an input into this important area of foreign policy for our country.

Again I congratulate the gentleman for drafting and presenting to the Congress this much-needed piece of legislation.

Mr. DENNIS. I thank my friend, the gentleman from Indiana (Mr. HILLIS) for his discussion this afternoon and also his cosponsorship of my bill. This is a very difficult bill, as I have said before, to try to draft. It is easy to make mistakes. What we are having here this afternoon is a sort of an educational session. I am sorry more people are not present, although I can readily understand why they are not. I am usually here for special orders myself; but this is a very important matter, and the point of having taken the discussion this afternoon is to open it up and to put something on the record so hopefully, it will encourage other people, even if they do not contribute to the discussion today, to consider the matter and perhaps have something to contribute at a later date—because as I say, our Committee on Foreign Affairs is getting ready to bring out some kind of bill.

Mr. Speaker, I think it is important for us all to try to get as good a measure as we can get.

Mr. Speaker, if there are no other Members who wish to contribute, I am prepared to yield back the balance of my time.

Mr. CLEVELAND. Mr. Speaker, I rise to urge support for legislation to effectively assert the constitutional authority of the Congress over the commitment of the Armed Forces of the Nation to hostilities overseas.

If the events of the postwar decades have taught us anything, it is that our ability to function on the international

scene requires the pursuit of national policies reflecting the will of a unified nation. This is what I believe the framers intended when they devised a Constitution reserving to the Congress the power to declare war, and to the Executive the power over its conduct.

This shared responsibility urgently requires further definition in an age of great-power nuclear deterrent, and "brush fire" wars in far off lands. The dangers to our country will lie increasingly in threats of military aggression against our allies or others whose fate involves our vital interests. Over the decades ahead, we may well face the twin dangers of increasing isolation on the one hand, and the danger of involvement in small conflicts which can expand to a degree initially unforeseen, on the other. Our security thus will depend on our strength, vision, and clearheaded policies, conceived and carried out in substantial unity.

LESSONS OF TWO DECADES

I therefore commend the approach embodied in H.R. 6318, cosponsored by the gentleman from Indiana (Mr. DENNIS), myself, and others, as a reasonable step toward reversing the excessive assertion of Executive power in this field. Had it been in effect during the early 1960's, I submit that it would have deterred our gradual immersion in the Vietnam conflict or enabled us to bring it to a swift and decisive conclusion. Had it been in effect during the early 1970's I am sure we would not have found this body taking the action it did on the Supplemental Appropriations Act to drastically curb the President's flexibility at a time of delicate peace negotiations. As Members will recall, I opposed that action on May 10 and in the process urged swift consideration and enactment of effective war powers legislation to preclude any recurrence.

At the same time, I wish to urge caution in formulating corrective legislation. I can think of no other area in which how we do what we do is of greater importance. My concern is that in redressing the balance we do not merely shift the imbalance from downtown to Capitol Hill and needlessly tie the hands of the President—the incumbent or any successor. It would compound the tragedy of Vietnam if our response to our agony there—which among other things was a test of our fealty to commitment—were to reduce our ability to honor commitments in the future. On the contrary, the shared responsibility which our legislation seeks would strengthen that ability.

I shall not argue further in support of the principle of congressional authority in this field, except to recall one objective I stated in cosponsoring this legislation on March 29:

I seek to focus accountability on the Congress . . . so that Members will share with the administration the full consequences of action—and inaction—by Military Establishment of this nation in response to varying degrees of threat to our security.

The objective is thus to restrain the Executive at times, and at others to protect him from partisan or ill-informed criticism from a privileged sanctuary—which Congress would remain if it de-

privided itself of explicit authority in this area.

Briefly summarized, absent an attack on this country or a declaration of war, this legislation would prevent U.S. forces from being committed to combat without a declaration of emergency by the President, later reviewed by Congress periodically for affirmative votes of approval or disapproval. Many pending measures recognize the principle.

NO DECISION BY INDECISION

My concern at the moment, however, is that two of these—House Joint Resolution 542, now under consideration in the Foreign Affairs Committee, and S. 440, pending in the Senate—require affirmative approval for continuation of a President's action once begun. Inaction would constitute a requirement by Congress to disengage. By contrast, the measure I support would put the burden on Congress by requiring an affirmative vote to terminate an emergency action. I submit that if we legislate a war powers measure in the name of congressional responsibility, we should commit ourselves to do no less. It would be an abdication of responsibility to say, before the fact, that an action commenced by the President in an emergency must be terminated within a predetermined time period because Congress refuses to act on the merits: inaction comes too easily within the Halls of Congress.

It is most important that any war powers bill enacted by the Congress be understood at home and abroad as having broad support in this body, including that of those who have supported the President's Indochina actions, as I have, as well as opponents.

The approach I favor is by no means perfect. I doubt that any measure of this sort could be at this juncture. But I believe it answers many of the objections of those of us who seek to establish in legislation a principle divorced to the maximum possible from the current conflict in Indochina. I believe it represents a major contribution toward the balance between the Congress and the Executive envisioned by those who drafted the Constitution.

There has been enough talk about the erosion of Congress, accretion of executive power and, yes, the arrogance of its exercise; enough of an adversary relationship with a White House under siege. Let us put an end to the talk and get on with the task of clearly defining the role of Congress in foreign policy. And let it be a good-faith effort, not a mere sequel to the Cambodia bombing cutoff vote. The bill I am cosponsoring represents a good beginning.

Mr. RHODES. Mr. Speaker, the Congress of the United States is currently attempting to regain some of its lost initiative and live up to its constitutional responsibility on several important scores. One of these areas is the question of war powers. The Constitution clearly states that—

Congress shall have the power to declare war and to raise and support armies.

Yet we all know too well that the legislative have not fulfilled this responsibility in the past. Instead, another constitutional provision—that "the Pres-

ident shall be Commander in Chief of the Army and Navy of the U.S."—has dictated our involvement in international areas of conflict.

The legislation currently before the House is designed to enable the Congress to recover lost power and at last live up to its responsibilities in the field of foreign affairs.

The bill provides that in the absence of a congressional declaration of war, or of a military attack on the United States, there shall be no commitment of U.S. troops to combat, except in cases of exceptional emergency. If the President, in declaring such an emergency, commits troops to combat without prior congressional consent, he will immediately issue a full report to Congress, detailing the rationale for his action. The Congress will then have 90 days to approve or disapprove of the President's action. If approved the President shall thereafter make periodic reports to Congress on the situation at least every 6 months and Congress will have 30 days to express consent or disapproval. In a case where Congress disapproves of troop commitment, the President will be bound to terminate all action and disengage all troops.

This legislation is in no way designed to usurp the powers of the Executive. It is designed to articulate the constitutional responsibility of the Congress. Its need is dictated not only by the importance of maintaining a viable system of checks and balances, but also by the belief that major decisions in America must be national decisions. We in the Congress have an ongoing responsibility to represent the people we serve. Let us adopt this legislation so that future decisions on matters of war will be decisions made by the direct representatives of the people.

Many of us who were in Congress when the Tonkin Gulf resolution was adopted have a strong desire to insure that no Congress is ever again placed in a similar position—being asked to take irrevocable action hastily, and without sufficient evidence to act intelligently. This bill, hopefully, will serve future Congresses in that manner.

GENERAL LEAVE

Mr. DENNIS. Mr. Speaker, I ask unanimous consent that all Members who may be interested may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

WITHHOLDING OF MARYLAND AND VIRGINIA TAXES FOR EMPLOYEES OF ARCHITECT OF THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, today I am reintroducing legislation which authorizes the Architect of the Capitol to enter into agreements with the States of

Maryland and Virginia to withhold State income taxes from the pay of those employees under his jurisdiction who voluntarily agree to such action.

At the present time, no such tax can be withheld because the Architect of the Capitol lacks the legislative authority to do so. At the same time, however, the payroll systems of the Architect's Office are equipped to permit such deductions to be made without requiring any additional equipment or changes in existing payroll procedures.

Inasmuch as the Architect already has the authority and currently withholds such tax for the residents of the District of Columbia, an extension of this convenience to residents of Maryland and Virginia seems only fair and reasonable.

With the filing of our State taxes still relatively fresh in our memories, I feel sure every Member here will sympathize with what I am trying to do.

Every year I receive many letters and phone calls from employees of the Architect of the Capitol who urge me to take action to accomplish the enactment of this legislation. Many have stated, "This is the best way to assure the State of its money and to ease the budget of the taxpayer."

I have introduced similar legislation in both the 91st and 92d Congresses. The necessity of the legislation is clear and the implementation would be relatively simple. All that needs to be done is for Congress to take the time to consider this proposal.

Mr. Speaker, I include the bill at this point in the RECORD:

H.R. 8084

A bill to authorize voluntary withholding of Maryland and Virginia income taxes in the case of officers and employees of the Architect of the Capitol

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 55 of title 5 of the United States Code is amended by inserting after section 5516 the following new section: "§ 5516A. Voluntary withholding of Maryland and Virginia income taxes; officers and employees of the Architect of the Capitol

"The Architect of the Capitol shall enter into an agreement with the State of Maryland and an agreement with the State of Virginia at the request for agreement from the proper State official. The agreement shall provide that the appropriate disbursing officer shall withhold State income taxes in the case of each employee under the jurisdiction of the Architect of the Capitol who is subject to such income tax and who voluntarily agrees to such withholding."

(b) The table of sections for such subchapter is amended by inserting after the item relating to section 5516 the following:

"5516A. Voluntary withholding of Maryland and Virginia income taxes; officers and employees of the Architect of the Capitol."

VEYSEY ASKS COLLECTIVE BARGAINING PROTECTION FOR FARM-WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 15 minutes.

Mr. VEYSEY. Mr. Speaker, I rise to call your attention to legislation I am in-

troducing which is of vital importance to my congressional district, the State of California, and to every agricultural area in the Nation. It is also a paramount concern to each of us who champions the rights assured every American by the Constitution and the Bill of Rights.

My legislation would provide to American farmworkers, the same protection under law that the rest of the Nation's labor force has had for generations, giving them the machinery for collective bargaining and the right to choose their union representation, by secret ballot, and without coercion.

Several short years ago the Nation's farm labor strife was concentrated in the grape vineyards of California, where Cesar Chavez was attempting to convince farmworkers that they should join his United Farm Workers Organizing Committee. The struggle then moved to the growers doorstep, where UFWOC hoped to negotiate contracts for workers in lieu of worker elections. And finally, the battle went to the streets and the supermarkets, where economic pressures through the grape boycott, finally forced growers to sign grapeworkers into the Chavez-led union.

Throughout these turbulent years, everyone concerned suffered severely. Growers lost entire crops, farmworkers lost their livelihoods, violence became the byword, packing sheds and farmbuildings were burned out, farmworkers' families were harassed, and the Nation's consumers were subjected to a campaign of propaganda and intimidation.

Finally, the grape growers relented, and signed contracts with the UFWOC—or the National Farmworkers Union as it is now known. And the first large-scale agricultural industry was unionized.

Then the Teamsters Union entered the picture. The Teamsters—one of the Nation's most experienced and most effective union organizations—had represented many agricultural related workers in California for many years, and when lettuce packing shed and harvesting operations overlapped in the Salinas area, there arose a question of which union—the UFW or the Teamsters—had jurisdiction over the particular workers involved. Quickly, the question broadened to include lettuce fieldworkers as well.

Again the farmworker was not asked which he wanted, and the Teamsters began to negotiate with lettuce growers who had not yet signed UFW contracts.

Eventually, then, the lettuce industry there signed Teamster contracts, and the action moved from the Salinas Valley to the Imperial Valley where lettuce and a variety of other crops demand high labor. Again the Teamsters moved out in front, with growers, fearing particularly, the poor performance record the UFW has demonstrated by failing to provide enough qualified labor under some grape contracts. Most growers who opted for Teamster contracts were taking what they considered the lesser of two evils. So we came to the current harvest season with the Chavez-led NFW holding most of the union contracts in the grape industry, and the Teamsters holding most of the contracts in the lettuce industry. And nowhere through all of this,

were farmworkers asked what they wanted, or given a vote in the selection of a union.

Then, the trouble became more complicated. The Teamsters, bolstered by their successes in the lettuce industry, decided to challenge for the expiring UFW contracts in the grape vineyards. And growers, some of whom had bad experiences with the UFW, began to sign with the Teamsters, setting the stage for another round of violence, intimidation, rioting, and ultimately, arrests as the UFW lost one contract after another.

Again there was no voice or vote by the workers involved.

Mr. Speaker, the farm labor warfare has now been ravaging California agriculture for over 10 years. It has drawn civil rights leaders, philanthropists, clergy, politicians, and virtually every other crusader in the Nation into the battle. And despite the severity of the problem, despite the fact the two main principles involved, the worker and the farmer desperately want the protection of law. We have not been able to provide them that protection.

My legislation would do that. It would set up a National Farm Labor Relations Board to deal with the labor problems of the Nation's farmers and farmworkers. It would guarantee farmworkers a secret ballot vote to chose their union representatives. It would remove the secondary boycott as a weapon in farm labor relations, just as it was withdrawn long ago in labor regulations affecting other industries.

My legislation, in short, would guarantee agricultural workers the right to collective bargaining, and the right to choose their own agent without fear of coercion or reprisal. At the same time, it would assure the Nation's farmers protection from secondary boycotts and other forms of intimidation, while providing the machinery to establish responsible, stable, union-employer relationships where the employees so desire.

Mr. Speaker, we must move to solve this problem, and we must move quickly. Chavez' grape contracts throughout the Central Valley of California will expire this summer. The Teamsters are waiting eagerly in the wings to compete for those contracts. The growers are caught in the middle, under intensive pressure from both. And the farmworkers—the objects of this 10-year juggernaut—have no voice whatsoever in this brawl over their destiny.

Unless we take action now, California's grape vineyards will surely become a full-blown battleground in the summer of 1973.

THE DEFENSE EMERGENCY PROCEDURES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 15 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing for appropriate reference the "Defense Emergency Procedures Act of 1973," a bill to provide a procedure for the exercise of congressional and executive powers over the use of any

Armed Forces of the United States in military hostilities. I introduce this bill for the purpose of discussion at a time when war powers legislation is moving forward in both bodies of Congress. Last Friday, May 18, the Javits war powers bill, S. 440, was reported from the Senate Foreign Relations Committee by a vote of 16 to 0. This week and next week the House Committee on Foreign Affairs is in the process of marking up the Zablocki war powers resolution, House Joint Resolution 542, which last week cleared subcommittee by an 8-to-1 vote. I think both committees of Congress are to be commended on moving expeditiously in this session on this most important piece of legislation which died in the House-Senate conference last year, because of the great disparities in the two bills: while the House version simply required consultation with the Congress by the President over the emergency use of U.S. troops and a detailed and periodic reporting once the troops had been deployed, the Senate version required the withdrawal of the troops after 30 days unless the Congress specifically approved their continued use beyond that period.

This year the House Foreign Affairs Subcommittee has reported out a much stronger version than last year's resolution, in some respects even stronger than the Javits bill. This fact coupled with early action in both bodies bodes well for the prospects of compromise and enactment in this Congress.

The House bill currently pending in committee places a 120-day time limit on the engagement of U.S. forces in hostilities in the absence of a declaration of war or a specific congressional authorization for their continued use beyond that period; and it also provides for a termination of that authority before the expiration of the 120-day period if the Congress passes a concurrent resolution of termination. Bills or resolutions of either continued authority or of termination would be channeled through the House Foreign Affairs or Senate Foreign Relations Committees, would have to be reported and acted upon within a specified time, and thus would be privileged business.

The Senate bill terminates the President's authority after 30 days unless the President certifies in writing to the Congress that more time is needed to insure the safety of the troops in the process of their prompt disengagement. The Senate bills or resolutions of continued authority or termination prior to the expiration of the 30-day deadline could come directly to the floor without going through any committee if cosponsored by one-third of the membership of either body.

The House bill provides, "in every possible instance," that the President consult with the leadership of Congress and appropriate committees prior to committing troops to hostilities and that he periodically consult with the leadership and appropriate committees after committing our troops. The Senate bill does not contain this provision. Both bills, however, do require that the President make a full report in writing to Congress promptly after engaging our troops in hostilities or imminent hostili-

ties. But while the Senate bill attempts to define under which situations the President can commit U.S. troops without prior or specific approval of Congress, the House bill does not and instead simply requires that any actions be consistent with his statutory and constitutional authority. The House bill does, however, define the types of military actions which would require compliance with the reporting and time limitation provisions. Finally, the Senate bill would not apply to hostilities in which the United States is currently engaged; the House bill makes no such exemption.

My own bill is offered as something of a compromise between these two versions, though it draws more heavily on the House bill which I find superior, and also draws on H.R. 6724 as introduced in this session by the gentleman from New York (Mr. HORTON) to establish a Joint Committee on National Security. Under my bill, the Joint Committee on National Security would be comprised of 26 Members including the Speaker of the House; the President pro tempore of the Senate; the majority and minority leaders of the House and Senate; the chairmen and ranking minority members of the House and Senate Appropriations and Armed Services Committees, the House Foreign Affairs and Senate Foreign Relations Committees; the chairman, vice chairman, and ranking minority members of the Joint Committee on Atomic Energy; and two at-large Members from each party in each body. The Speaker of the House and President pro tempore of the Senate would serve as cochairmen of the joint committee.

The joint committee would be the officially designated body of Congress to be consulted by the President during defense emergencies, to receive the President's reports, and to transmit these and other information and recommendations to the appropriate committees of Congress. The creation of the joint committee would not alter the existing responsibilities of the standing committees of the Congress, nor would it have the power to report legislation.

Under my bill, the President would, when possible, consult with the joint committee prior to engaging our troops in hostilities, his report on such actions would be transmitted through the joint committee. His authority for the use of troops without a declaration of war would end after 90 calendar days of their introduction into hostilities or imminent hostilities unless the Congress, by bill or joint resolution, specifically approved their continued use. Such bills or joint resolutions would be channeled through the House Foreign Affairs and Senate Foreign Relations Committees, and would be reported to the floor along with recommendations not later than 30 days prior to the expiration of the 90-day period and acted upon within 3 legislative days. The bill or joint resolutions would then go to the appropriate committee of the other body which would have to re-

port it out with recommendations not later than 15 days prior to the expiration of the 90-day deadline and acted on within 3 legislative days.

My bill also provides for joint resolutions of termination prior to the expiration of the 90-day period. These resolutions would be referred to the House Armed Services or Senate Armed Services Committees, and would, if cosponsored by at least one-fourth of the membership of either body, be reported with recommendations within 7 legislative days of the introduction of the joint resolution with the requisite cosponsorship; and would be acted upon by the first body within 3 legislative days. The appropriate committee of the other body would then have 7 legislative days to report out the resolution with recommendations, and again this would be acted on within 3 legislative days.

Like the House bill, my bill specifies that the act in no way alters the existing authority of the President or Congress or the provisions of existing treaties. Like the Senate bill it contains a "separability clause" in case any part of the act is held invalid by the courts. And like the House bill it takes effect on the date of enactment and does not exempt from the provisions of the bill hostilities in which the United States is currently engaged.

Mr. Speaker, in addition to the new feature in my bill of a Joint Committee on National Security, I think I should point out some of the other significant departures from the bill currently pending in the House Foreign Affairs Committee and the reasons for these changes. First, I have provided that resolutions of termination be joint resolutions rather than concurrent resolutions as provided for in the House version. I have done this because I have a serious question about the constitutionality of concurrent resolutions having the binding effect of law. Senator ERVIN conceded as much in his appearance before the House Rules Committee in testimony on impoundment control legislation. While I appreciate the fact that a joint resolution, unlike a concurrent resolution, would be subject to a presidential veto and thus would require a two-thirds override vote, it seems to me that it is better to enact a termination provision which clearly is constitutional and has the force of law than one which may only be interpreted as a "sense of Congress" resolution by the President. It is obvious that if this issue were thrown into the courts, it would not be resolved before the expiration of the 90-day deadline anyway and, therefore, would be lost as far as the first situation arising under this bill is concerned.

Another departure in my bill from the bill pending in the House Foreign Affairs Committee is the provision for referring joint resolutions of termination to the Armed Services Committees of the House and Senate rather than the Foreign Affairs and Foreign Relations Committees. I have done this, because it seems to me the question of early termination is more a military than a foreign policy one, and thus should be dealt with by the com-

mittees directly concerned with military matters. On the other hand, I fully concur with the idea of bringing resolutions or bills for continued authority through the Foreign Relations and Foreign Affairs Committees, because these clearly do involve foreign policy decisions and commitments.

Shifting resolutions of termination to the Armed Services Committees would not be consigning them to their death beds since my bill provides that any such resolution which is sponsored by at least one-fourth of the House or Senate membership must be reported to the floor of that House within 7 legislative days, regardless of the recommendations of that committee. The House bill requires that they be reported out within 15 calendar days with no requirement of minimum cosponsorship. I think this is a mistake, because in requiring the committee to report out "any resolution" of termination the Zablocki bill would open the way for a whole spate of such resolutions, introduced one after another, day after day, and each and everyone of these would have to be reported to the floor for action not later than 15 calendar days after their introduction. My bill, on the other hand, by requiring that such resolutions have at least one-fourth of the membership of either body as cosponsors before they must be reported, would lessen considerably the possibility of consuming a great deal of floor time considering numerous identical resolutions, because it would require a concentration of effort around the cosponsorship of a single resolution. That is not to say that my bill precludes the possibility of floor action on any more than one such resolution of termination prior to the 90-day deadline, but it certainly would reduce the frivolous abuse of this privilege—and these are privileged resolutions.

Mr. Speaker, these in brief are the provisions of my Defense Emergency Procedures Act of 1973 and a comparative summary of my bill and that now pending in the House Foreign Affairs Committee. I hope that in introducing this measure I am able to contribute to the healthy and considered debate and discussion which must precede final congressional action on a war powers measure. I have long felt that the Congress must act to restore its war powers responsibilities and prerogatives under the Constitution if we are to avoid future involvement in undeclared wars without the full and specific approval of the Congress, and just as importantly, without full consultation and exchange of essential information between the President and the Congress. Our Constitution has wisely provided for shared powers between the legislative and executive branch in the area of foreign policy and matters of war and peace. I think the passage of a strong war powers bill which carefully delineates these powers and responsibilities will help to insure the revitalization of the Congress and the overall strengthening of our system of government.

At this point in the RECORD, Mr. Speaker, I include the full text of my Defense Emergency Procedures Act of 1973:

H.R. 8066

A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes

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

SHORT TITLE

SECTION 1. This measure may be cited as the "Defense Emergency Procedures Act of 1973."

JOINT COMMITTEE ON NATIONAL SECURITY

SEC. 2. There is established a Joint Committee on National Security (hereafter referred to as the "joint committee") to be composed of twenty-six members as follows:

- (1) The Speaker of the House of Representatives;
- (2) The President pro tempore of the Senate;
- (3) The Majority Leader of the House of Representatives;
- (4) The Majority Leader of the Senate;
- (5) The Minority Leader of the House of Representatives;
- (6) The Minority Leader of the Senate;
- (7) The Chairman and ranking minority member of each of the following committees:
 - (A) The Committee on Foreign Relations of the Senate;
 - (B) The Committee on Foreign Affairs of the House of Representatives;
 - (C) The Committee on Armed Services of the Senate;
 - (D) The Committee on Armed Services of the House of Representatives;
 - (E) The Committee on Appropriations of the Senate;
 - (F) The Committee on Appropriations of the House of Representatives;
- (8) The Chairman, Vice-Chairman and ranking minority members of the Joint Committee on Atomic Energy;
- (9) One Member of the House of Representatives who is not a member of any committee referred to in this section, to be appointed by the Speaker of the House of Representatives;
- (10) One Member of the Senate who is not a member of any committee referred to in this section, to be appointed by the President pro tempore of the Senate;
- (11) One Member of the House of Representatives who is not a member of any committee referred to in this section, to be appointed by the Minority Leader of the House of Representatives;
- (12) One Member of the Senate who is not a member of any committee referred to in this section, to be appointed by the Minority Leader of the Senate.

The Speaker of the House of Representatives and the President pro tempore of the Senate shall serve as co-chairmen of the joint committee. Any vacancy occurring in the membership of the joint committee shall be filled in the same manner as in the case of the original selection.

DUTIES OF THE JOINT COMMITTEE

SEC. 3. (a) It shall be the duty of the joint committee to convene at the call of the co-chairmen to receive any report required under section 4 of this Act and to report to those committees of both Houses of Congress which will consider legislation referred to in this Act;

(b) The joint committee shall be the officially designated body of Congress to be consulted by the President and his national security and military advisers, and to receive and transmit information to other committees of the Congress concerning actions taken and reports received, referred to in this Act;

(c) The President, in every possible instance, shall convene and consult with the joint committee before the introduction of the Armed Forces of the United States in

hostilities or in situations in which hostilities may be imminent, and after such introduction shall consult regularly with the joint committee until such Armed Forces of the United States are no longer engaged in hostilities;

(d) The establishment of the joint committee shall not affect the duties and responsibilities of other committees of the Senate or of the House of Representatives;

(e) The joint committee has no authority to report legislation to the floor of either House, but it shall transmit information under this Act together with its recommendations for legislation to be considered or adopted.

REPORTING

SEC. 4. In any case in which the President, without a declaration of war by the Congress—

(1) introduces the Armed Forces of the United States in hostilities outside the territory of the United States, its possessions and territories;

(2) introduces the Armed Forces of the United States equipped for combat into the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, replacement, repair or training of the Armed Forces of the United States; or

(3) substantially enlarges the Armed Forces of the United States equipped for combat already located in a foreign nation; the President shall submit within forty-eight hours to the joint committee a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional and legislative provisions under the authority of which he took such action;

(C) the estimated scope of activities;

(D) the estimated financial cost of such use or enlargement of forces; and

(E) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to the use of the Armed Forces of the United States abroad.

NINETY-DAY LIMITATION

SEC. 5. (a) Within ninety calendar days after a report is submitted or is required to be submitted pursuant to section 4, the President shall terminate the use of the Armed Forces of the United States with respect to which such report was submitted unless the Congress enacts a declaration of war or a specific authorization for the use of the Armed Forces of the United States.

(b) Notwithstanding subsection (a), at any time that the Armed Forces of the United States are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of the Congress, such forces shall be disengaged by the President if the Congress so directs by joint resolution.

CONGRESSIONAL PRIORITY PROCEDURE

SEC. 6. (a) Any bill or joint resolution introduced pursuant to section 5(a) at least forty-five days before the expiration of the ninety-day period specified in said section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, and shall be reported out by such committee, together with its recommendations, not later than thirty days before the expiration of the ninety-day period specified in said section.

(b) Any bill or joint resolution so reported shall become the pending business of the House in question and shall be voted on within three legislative days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such bill or joint resolution passed by one House shall be referred to the appropriate

committee of the other House and shall be reported out not later than fifteen days before the expiration of the ninety-day period specified in said section. The bill or joint resolution so reported shall become the pending business of the House in question and shall be voted on within three legislative days after it has been reported, unless such House shall otherwise determine by yeas and nays.

SEC. 7. (a) Any joint resolution introduced pursuant to section 5(b) shall be referred to the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate, as the case may be, and shall, if sponsored or cosponsored by at least one-fourth of the Members of the House of Congress in which it is introduced, be reported out by such committee together with its recommendations within seven legislative days.

(b) Any joint resolution so reported shall become the pending business of the House in question and shall be voted on within three legislative days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out by such committee together with its recommendations within seven legislative days and shall thereupon become the pending business of such House and shall be voted upon within three legislative days, unless such House shall determine otherwise by yeas and nays.

INTERPRETATION OF ACT

SEC. 8. Nothing in this Act (a) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties;

(b) Shall be construed to represent congressional acceptance of the proposition that Executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party; or

(c) Shall be construed as granting any authority to the President with respect to the use of the Armed Forces of the United States in hostilities or in situations in which hostilities may be imminent in the territory, airspace, or waters of a foreign nation which he would not have had in the absence hereof.

SEPARABILITY CLAUSE

SEC. 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the applications of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE

SEC. 8. This Act shall take effect on the date of enactment.

FEDERAL FIREFIGHTERS WORKWEEK BILL REINTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

MR. MATSUNAGA. Mr. Speaker, yesterday I reintroduced with 14 cosponsors my bill to shorten the workweek of federally employed firefighters, originally designated as H.R. 2066.

The legislation is intended to provide long-delayed relief for Federal firefighters who respond to the call when a fire breaks out near an ammunition dump or an Air Force fuel storage tank. They face the same, if not greater dangers than their counterparts in municipal fire departments; yet for the past quar-

ter of a century they have been working a 72-hour week—nearly 1½ times as long as the 50-hour week of the average municipal firefighter.

To compound the obvious inequity, the Federal fireman is not even compensated for his longer working hours by higher pay. For working approximately 30 percent more hours than his municipal counterpart, he receives \$3,609 less annually—\$8,061, compared to \$11,670. Even if he receives maximum premium pay for holiday and night duty, standby service and irregular hours, the Federal fireman can receive no more than \$10,064.

To partially redress this inequity, I have introduced this legislation to shorten the Federal firefighter's workweek from 72 hours to a prudent, but still substantial, 56 hours. This is still well above the municipal average, and the bill does not deal at all with the pay differential. But it at least moves toward a balance that would, hopefully, slow losses of trained Federal personnel to city fire departments, permit stricter adherence to existing Federal personnel standards, and attract high quality firefighters to the Federal force in the future.

I am pleased to be joined today in this effort by a bipartisan group of 14 cosponsors, who believe in equity for deserving Federal employees. I include their names at this point in the RECORD:

COSPONSORS FOR FEDERAL FIREFIGHTERS
WORKWEEK BILL

Charles Carney, Don Edwards, Michael Harrington, Augustus Hawkins, Robert Leggett, Edward Madigan, John Melcher.

Joe Moakley, John Moss, Robert Nix, Bertram Podell, William Roy, William Whitehurst, Antonio Won Pat.

THE ROLE OF THE NEWS MEDIA:
AN INTERVIEW WITH HOWARD K.
SMITH AND PETER LISAGOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, every month I am privileged to moderate a discussion program, "Washington Insight," on television station WSJV-TV, the ABC affiliate in South Bend-Elkhart, Ind.

I ask unanimous consent to insert at this point in the RECORD the transcript of the interview which will be shown today, March 23, 1973, on the subject of "The Role of the News Media."

I was honored to be able, for this edition of "Washington Insight," to interview two of the most distinguished journalists in the United States, Howard K. Smith of the ABC Evening News, and Peter Lisagor, Washington bureau chief of the Chicago Daily News.

The transcript follows:

TRANSCRIPT

Mr. BRADEMAS. Welcome to another edition of "Washington Insight". Our subject today is the role of the news media in American life with particular attention to coverage of the activities of the Federal government in recent weeks.

As we all know, the television and press have gained new prominence in the United States, and I am honored to have as my guests today to discuss the role of the media, two of the nation's most distinguished jour-

nalists, men whose careers in covering the news span over half a century with more than half that time spent covering events here in Washington, D.C.

Peter Lisagor is the Washington Bureau Chief of the *Chicago Daily News*. He's also a former professional baseball player and was a Neiman fellow at Harvard University. Here in Washington he is widely respected for his impartiality and was once described by a colleague as a man who can "walk down the middle of the street and shoot windows out from both sides."

Howard K. Smith is the well-known co-anchorman and commentator on the ABC Evening News. He has also the distinction of being a former track star at Tulane University. He won the Paul White Memorial Award for distinguished reporting, was a Rhodes scholar at Oxford and has authored several books; the last aptly entitled "Washington, D.C."

Gentlemen, we meet at a time when the role of the press and television, particularly the national press and television, has been under extensive questioning but also at a time when the news media are credited with much of the responsibility for bringing the Watergate affair to the nation's attention. But, beginning with you, Mr. Smith, I'd like to put this question: in view of the evidence, apparently, that the Administration has been so long involved in Watergate, why did it take the nation's news corps so long to get around to finding out about it and telling the nation the news?

WATERGATE: PRESS SHOULDN'T GLOAT

Mr. SMITH. You've complimented the news corps. I think, as Dave Broder said in a column recently, "The news corps shouldn't gloat, the Washington Post did it." And I humbly yield to the Post on that. It took so long on our part because we thought that the thing was so incredible and ridiculous that some few people, superpatriots, worried about the nation, anxious to reelect Nixon, did it without anybody's knowing about it, anybody important. That's why we missed it.

Mr. BRADEMAS. What do you think, Mr. Lisagor?

Mr. LISAGOR. Well, I think one of the interesting things about it is that if the Watergate burglary had not occurred we might still not know what was going on in that extremely secure and quite secluded Administration setup in the White House which is without a doubt the most buttoned-up tight operation in my experience in Washington and, one might say, because of a fluke and two very energetic and responsible police reporters hanging tough and following it through, only because of that fluke do we now know what we know which is that at the center of the Nixon Administration was an effort really to compromise some sensitive agencies simply in the interest of a political objective.

Mr. BRADEMAS. I don't think that we in Congress can take very much credit for having contributed to these revelations. I think we also should credit a courageous Republican judge, Judge John Sirica. In view of what both of you have said, aren't there some lessons here about the capacity of the news media effectively to tell the American people what's going on? Mr. Smith, what about that?

U.S. PRESS IS WORLD'S FREEST

Mr. SMITH. Yes, I think there are but the lesson to me is that our news system is a very good one. Our press is the freest in the world. I have lived abroad for twenty years in about 14 countries and worked in about 50 or 60 under their press regulations and in no country, not even the most civilized, is there such freedom as there is in this country. And I think only that permitted this to happen. For example, the Pentagon papers leak could not happen in Great Britain. The Official Secrets Act would stop it cold before it happens.

Mr. BRADEMAS. Mr. Lisagor, the President after his Watergate speech, as I understand it, stopped by to tell you gentlemen that you should make his life difficult from now on. Do you think there will be a change in his attitude toward the media?

Mr. LISAGOR. Not really. There is a chastening effect at the White House now. They are making overtures to the press, telling us nothing really, but being a little more civil, a little less contemptuous, a little less disdainful, just as they are being toward the Congress and toward the people.

One would hope that one of the consequences of Watergate is that they would return to the civilities of three co-equal branches of government, the recognition of the press' role in our open society and really to the resurrection, if you will, of the Cabinet, which was dropped through a trap door in Nixon's first Administration. One would hope that all that happens. There are signs that it might. I am very skeptical about it because I think if they weather this through, they will return to what is a comfortable practice and habit for them.

Mr. BRADEMAS. Mr. Smith, because of your career as a television commentator, I wonder if you could tell us if you feel that, as distinguished from newspaper, television has been at a disadvantage in covering the Watergate events?

WAS TELEVISION AT A DISADVANTAGE?

Mr. SMITH. Television certainly does a less good job at investigative reporting than newspapers do. In part, in our case especially, it's due to the fact that only in the past year have we acquired and found enough good men to cover the news from day to day. Investigative reporting requires an investment of several reporters over several months during which they produce nothing. We haven't been able to afford that yet. We need every man on the air every day.

Mr. BRADEMAS. What do you think about Senator Proxmire's comment the other day that the press was guilty of McCarthyism in its coverage of the Watergate?

Mr. SMITH. I think any warning to the press should be made and I think he should have made that. I don't think it was justified but nonetheless I'm glad he said it, because I'm worried, too, about issuing hearsay evidence without response from the other side. But the distinction between this and the McCarthy allegations is that the other side isn't talking. That when Owen Lattimore was accused of something, you could go to him and get his side of it; now you can't get the other side.

BREAKING DOWN CONFLICTING INFORMATION

Mr. BRADEMAS. Mr. Lisagor, have you had any news on the Watergate leaked to you?

Mr. LISAGOR. No, I haven't. I don't think very much news was leaked. That's another aspect of Watergate that's intriguing. The two reporters developed their sources painstakingly and, as I said earlier, responsibly. They had nothing leaked to them. This is literally true by their own evidence. They went out and dug this stuff up. Now we have had suspicions for a long time that things weren't what they ought to be around the White House. Things were just too tight, too utterly tight. There was too much power concentrated there.

And we could suspect a lot of things but nothing was leaked, and nothing was leaked to the reporters who broke this story or to the Washington Post. Once it began to break, then people ran for the lifeboats and began to make telephone calls saying, you ought to look into this and you ought to look into that.

For example, I had an experience with one of the principals in the Watergate case. He happened to run the Inaugural and I went down to see him at Fort McNair to talk about the Inaugural. He said, "Now, no questions on Watergate." I said, "Fine". When I got there, all he wanted to talk about was Water-

gate. He did it off the record and he lied to me, in the light of subsequent events, from top to bottom and this is what we had to contend with.

Mr. BRADEMAS. I want to put the Watergate event in a rather broader context if I may and Mr. Smith, I turn to you and ask about the fundamental question going through all of this, and I refer, of course, to the attitude of the Nixon Administration toward the press in the United States. Now, I understand that you have said that you don't think Vice President Agnew's attacks have really hurt the press very much. What about that?

AGNEW HAD A RIGHT TO CRITICIZE, BUT—

Mr. SMITH. I felt that Vice President Agnew's original criticism had many points of justification. Therefore—and I don't mind being criticized—I don't think a man loses his rights of freedom of speech when he becomes Vice President. So it was all right with me. Some of it I disagreed with, but I think later actions, especially since the landslide victory and the hostility, have surprised me and surprised me especially because Nixon wasn't treated badly by the press in the election. I would say McGovern had more to complain about than Nixon did. But it has been a hostile line. Clay Whitehead, who threatened censorship of the local stations that carry our news, says we engage in elitist gossip. I don't know how, if Harry Reasoner engages in elitist gossip, how do you turn him off and do you know whether he has uttered elitist gossip or not.

Anyhow, it was intimidation, and I became worried too about the courts putting reporters in jail for failing to reveal confidences, to break confidences in rather minor instances. In some cases, I think reporters should break confidences but altogether I found a hostile line growing towards the press that I couldn't understand.

Mr. LISAGOR. I wanted to jump in because I believe Mr. Agnew had every right in the world to criticize the press but he chose absolutely the wrong ground on which to criticize it. Particularly television. That was the ground on the basic right to dissent. His first criticism of television was the instant analysis, criticism of instant analysis which was not, incidentally, instant analysis.

If he had criticized television because of an inherent basic distortion in that camera, and therefore a distortion in what the camera showed, he would have been on far safer ground.

ADMINISTRATION INSENSITIVE TO FIRST AMENDMENT

What Mr. Agnew's criticism showed was an insensitivity toward the Constitution, particularly the First Amendment that, as Howard points out, ran through the whole of the Administration. We were aware of this, it was more than just simply a hostility toward our function. It really was an insensitivity towards, you know, the way this society must function. The First Amendment is a weak reed on which to lean. We in the press have known the fragility of it, but it's the best reed we've got and we have to lean on it. They were just totally insensitive to that.

CONGRESS IS IN THE SAME BOAT

Mr. BRADEMAS. Of course, that's interesting to me that you make that point about the fragility of this relationship because many of us in Congress, I may say, have felt the Administration has had much the same attitude toward us in our constitutional system and, rather than quarreling with us, as the Founding Fathers, in effect, intended, the Administration has set out really to destroy us by the various policies and approaches they've adopted.

Mr. Smith, let me come back with something you said about Clay Whitehead, who directs the White House Office of Telecommunications Policy. Do you think that the Administration is hoping to seduce local tele-

vision stations across the country into censoring network news as a tradeoff for a five-year rather than a three-year renewal of local television station licenses?

Mr. SMITH. No, I think it won't affect the daily news at all. As I say, you can't tell whether a man is going to utter elitist gossip until it's too late. You can't cut him off then. Local stations generally do not like to take controversial documentaries, which don't pay very much anyhow. Mr. Whitehead has given them a good excuse and a reward not to take controversial documentaries, and it's the controversial documentaries that will be hurt more than the news.

PRESS COUNCIL WOULD BE INEFFECTIVE

Mr. BRADEMAS. Mr. Lisagor, one of the subjects that has been in part stimulated by all of the discussion of the role of the press in the United States is the proposal that there should be established a Press Council. One of these, I understand, is used in England, but I wonder if you could explain that and tell us how you feel about it?

Mr. LISAGOR. Well, a Press Council is simply a kind of auditor or monitor of the press and I don't think much of it because there is in this country a number of press associations. The American Society of Newspaper Editors is the one I have in mind when I make this statement.

No profession, not one, undergoes as much self-analysis and self-criticism as does the American press. Now, I must hasten to add little or nothing is done about that self-analysis and self-criticism. They come to Washington or some other city and they hold these meetings and they criticize themselves to a fair-thee-well and then go back and go on about their business unfortunately. There is Sigma Delta Chi; there are other organizations which constantly undergo self-scrutiny.

Press Councils? You know, I just don't like in our society to have this kind of a Board of Lords set up overlooking the performance of the press. I don't think they do that very well, and besides I've always felt that there is really enough self-corrective and competitive process in this country to keep us from going off the deep end.

Mr. BRADEMAS. Well, now let me press you on that and let Mr. Smith comment. In terms of circulation, of readership, probably 90% or so of the newspapers published in the country last year endorsed Mr. Nixon. You speak of the self-corrective; yet we talk about the shortcomings of the press in finding out what happened in Watergate. Was that self-corrective really working?

PRESS SHOULD CORRECT ITSELF

Mr. LISAGOR. Let me remind you though, in the Roosevelt years, 90% of the press opposed President Roosevelt and he was elected by a whopping majority each time. So to cite the Nixon experience in 1972, it is not quite right. But as far as the corrective in the Watergate is concerned, that isn't a good example really.

But if television, for example, were to go out with something wild or crazy, there would be people investigating that on the print side. Similarly, if the print people get out of line, the television people would tend to correct it. But that isn't really what I mean.

We have all kinds of magazines and news papers with varying philosophies in their approach to the news. A little lady came up to me and said it all. She said, "I don't believe in the media." I said, "Why?"

She said, "Because you lie." I said, "How do you know we lie?" "I read it," she said.

Mr. BRADEMAS. What about that, Mr. Smith?

NEWS PEOPLE AREN'T PERFECT

Mr. SMITH. Well, I think that if you are saying are we perfect, the answer is obviously "no." No, we have a long way to go, but I have great faith in the corrective effect of competition and in fact the number of big city newspapers has declined; the number of newspapers has increased.

Mr. BRADEMAS. Let me suggest something that from my point of view is a marvelous field for you to try to be corrective or to improve in any event.

I refer to the coverage of the activities of the Members of Congress, Members of the House of Representatives even more so than of the Senate. This observation is to some extent self-serving but, it seems to me, that given the enormous power that the White House has to make an impact on the public which is both understandable and I think appropriate, that's political power—and yet here in the House, given that there are so many of us, I could count on the fingers of one hand the really first-class journalists in Washington who understand the House of Representatives. In large part, we're simply ignored. Why doesn't the press, why doesn't television, do a better job of covering Congress, generally, and the House of Representatives particularly?

WHY ISN'T CONGRESS COVERED BETTER?

Mr. SMITH. Well, first of all because the President makes decisions, he comes out with a decision, it's often dramatic, but the House doesn't come out with many—it takes you a hell of a long time to come to a decision.

When Lyndon Johnson wanted to do something about raising taxes the first year, he didn't ask for it because he knew that Wilbur Mills wouldn't agree to it. The second year he had to ask for it but it took Wilbur Mills another year to agree to it.

It so happens that in that first year the British had to raise taxes too. It took them a month to debate it and pass the bill. It took you really in fact two years.

Now it's very hard for us to get the public interested in a process that drags on like that.

Mr. LISAGOR. I may add, 435 disparate voices versus one strong, powerful, almost monolithic voice in the President. Secondly, no discipline whatsoever, no party discipline in the House of Representatives. You Democrats, if I may say so, go off in a dozen different directions and so do the Republicans.

Now you know what self-respecting journalist is going to waste his time really trying to piece this thing together? Until you begin to exercise some discipline yourself, until you begin to computerize the data on which you must operate, you are going to have a hard time getting in the paper, just as Latin American news does.

OPEN CONGRESS TO TELEVISION

Mr. SMITH. I'm going to make a proposal to you. The drama that is inherent in conflict on the floor, and it rarely happens, should be made clear to the public. I suggest you set aside a day every week when you let television cover the House of Representatives. Let your managers decide on bringing up good issues on those days and I'll bet you would get an audience.

Mr. BRADEMAS. I would have no objection to that whatsoever. I would have to disagree with both of you, however, in terms of your defense. Because what you've done is to complain about the nature of the institution rather than suggest that you yourselves might correct your institutions to cover the way in which the American Congress actually operates.

You've esuggested, for example, Mr. Lisagor, that we have no party discipline. You've suggested that the British system, Mr. Smith, enables decisions by the Parliament or the government to be made more quickly. But I respond to you that I think you ought not to tell us in Congress that we ought to have a disciplined party system or a parliamentary system of government in order for the American news media intelligently to cover our activities. So I would lay my criticism right back on you.

Mr. SMITH. You're right. I'm shocked, coming from England where the Parliamentary

correspondents are essayists who write really fascinating stories every day of the goings on in Parliament. We don't have anything like that here. There isn't that interest in either House, though the Senate comes off better than you do for publicity. But I think in part it is your own fault, in part ours.

Mr. LISAGOR. One other thing is that you have to re-define news really, to subscribe to your view, but I really would like to see, as Howard suggests, a kind of theatrical performance which is precisely what it would be. Every ham in the House would want to get up there on this given day and I think you would just get a babble, I don't think you would get any issues illuminated; I don't think you would get any issues clarified or defined, but you would have every hambone who was running for something up there dominating the camera. That would be my suspicion.

Mr. SMITH. Don't underestimate the amount of ham there is already there. Like Strom Thurmond the other day protesting that Muskie had Ellsberg there for political reasons, as though people had politics on Capitol Hill! Well, the ham is there, and I would like to see some of it.

Mr. BRADEMAS. Well, first of all I would gladly endorse your proposal to set aside one day a week or even every day, as far as that goes, to cover the House and Senate, but that would put the country to sleep. But I must say that, speaking of television, for example, even when we've opened the Committees, as they have been opened to television, that for the most part, even when there are bills where some decisions are being made, television doesn't come. The same is true of the working journalists of the newspapers. There simply aren't enough of them, it seems to me. They are very able but there are just not enough of them on the Hill for them to cover it effectively.

Let me turn to another subject to which we've already made some reference, and that has to do with the protection of news sources of newsmen. Congress has been considering, as you know, several proposals to provide for a press shield and I'd be interested in your own reaction. Mr. Smith, maybe you could tell us what you feel about such proposals?

WAREY OF PRESS SHIELD

Mr. SMITH. I'm opposed to any press shield. I've lived in countries where Parliament has issued regulations allegedly to protect the press and it generally turns out that Parliament gets mad, too, at the press and changes the regulations a little. In this country there are none; there is only the First Amendment. And I would like to speak for that. I would like to argue every court case just on the clear, clean First Amendment. I think a shield law is an almost panic-stricken rush of some reporters away from the White House, saying the White House is about to regulate us, please you regulate us. I say I don't want either one of you to regulate us.

Mr. BRADEMAS. Mr. Lisagor, how do you feel about it?

Mr. LISAGOR. I would take my chances with the First Amendment, as frail a crutch as I suggested earlier that it is. Congress can't take away what is given and I would rather take my chances on the First Amendment than I would with shield laws.

Mr. BRADEMAS. I want to turn to a rather more general question right now and that has to do with the observation made by Edward J. Epstein, who wrote a book about television, published the other day, Mr. Smith, called "News from Nowhere." He said that the pictures of society that are shown on television are largely, though not entirely, shaped by organizational considerations. Do you think that in light of that kind of a charge television news presents an accurate picture of American life?

TELEVISION DOESN'T HAVE ENOUGH NEWS TIME

Mr. SMITH. No, it doesn't. Our imperfections have always existed and I'm afraid they will always be there. We try very hard and conscientiously to do so. But we fail. Sometimes we've got interesting film of an incident that really isn't as meaningful as the whole story is.

Let me run down television news for a while. Television news has thirty minutes, allegedly. Take five commercials out of that and that will give you a good deal less. In our case, take a commentary out and that's still a good deal less. In our case also we run headlines. We don't have much more than 18 minutes to give to news service so I would recommend to your viewers here that they start reading newspapers. I hope we in television provoke them and give them vivid provocations, but they have to read newspapers.

Mr. BRADEMAS. You heard that, Mr. Lisagor. An unsolicited testimonial!

Mr. LISAGOR. I think that's a very honest appraisal of the limitations of that camera and what can be done with it, I really do. You have to get a superficial sweep of the news each evening. It's inescapable, you know, and people ought to understand it. But unfortunately they do not. Despite what the figures show, 80% of the American people still get the bulk of their news from Howard K. Smith's type of evening news cast.

Mr. SMITH. That worries me.

Mr. BRADEMAS. How do you get a sense, Mr. Lisagor, of whether you are getting through to people. How do you get some judgment about your effectiveness as a journalist?

WHAT INTERESTS READERS?

Mr. LISAGOR. It's a good question and a difficult one to answer. I work for a provincial newspaper, the Chicago Daily News. A good paper but it's out there west of the Allegheny Mountains. My editors reflect to me something that they feel about the readership. That's the way we do it. We hope to get out once in a while and find out what interests our readers just as you do as a Congressman.

But as I say, the definition of news is such in this town that we do run as herds, we do run what we think is the top news story of the day and it may not interest you. It may interest no one out there; they may be interested in something over in HEW that crosses their lives each day, not something that's happening in Congress over a bill that has to do with defense procurement. It doesn't come close, doesn't cut them to the bone. We always have to watch and guard against this thing but all too often—Howard spoke of imperfections and this is an imperfect society—we are full of imperfections. All too often, we miss the boat on what really concerns the American people and ought to concern them.

Mr. BRADEMAS. Mr. Smith?

PROBLEMS OF PACK JOURNALISM

Mr. SMITH. The advantage we have is that the telephone starts ringing the moment you get off the air and you get a great deal of mail every day. After one program I did we got 80,000 letters. Eighty thousand letters would fill this room up three feet. This is a much bigger room than these people can see. It scared the devil out of ABC. We discovered it was organized, something like what you've been reading about in the Watergate case, but still that's a lot of letters. People react promptly to television. Which is what frightens me a little because they watch us and whether they say they believe us or not, they attend to us.

Mr. BRADEMAS. What do you think about what Mr. Lisagor said? I think you've used the term "vogue news" yourself in describing the phenomenon of attending to a particular trend. Anything further to add to that?

Mr. SMITH. No, I think the herd instinct expression is one that I would use, too. I frankly try deliberately to find out which way the herd is going and run the other way. I don't know whether I succeed but I do get in lots of trouble as a result. But I think there is such a tendency.

Mr. LISAGOR. I'm not talking so much about opinion now, Howard, I am talking about what we define as the news that is important. It's the hard news that I'm talking about and all too often we define it as everybody else defines it instead of thinking, "Now of what concern is this really to the bulk of our readership, or your viewership?" and go define something that really does matter to them.

Mr. BRADEMAS. Let me ask each of you as we conclude our discussion here, if you would like to sum up in 30 seconds each, how you see the future of the press and television in relation to the freedoms of the country? Mr. Smith?

OPTIMISTIC ABOUT THE PRESS' FUTURE

Mr. SMITH. Well, I'm extremely optimistic, but I always have been; I've never had the worries in even the worst times that my colleagues have had because I have had 20 years of vaccination, living in other countries, some of them allegedly free, where restrictions on the press are tremendous. In Britain I won't expand on it, but the Official Secrets Act is cruel, and we refused to accept it, incidentally, when I was there.

Mr. LISAGOR. We have had a distortion in recent years because the adversary relationship which I think is wholesome turned into hostility but I, like Howard, am very optimistic about the press' role. We have to watch it all the time. We can't gloat about it; we can't feel here an orgy of self-congratulations over Watergate. We've got to stay with it every day of our lives. It's too important really to applaud ourselves about any given job we do. It's an integral part; it's an organic necessity, an integral part of this open society we have.

Mr. BRADEMAS. I'm sure you have enjoyed, even as have I, this opportunity to talk about the role of the media in American life with two of the nation's most distinguished journalists, Howard K. Smith of ABC and Peter Lisagor of the Chicago Daily News.

This is Congressman John Brademas thanking you for joining us on another edition of "Washington Insight."

A LETTER TO RICHARD NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, the current edition of "The New Republic" includes a letter to President Nixon from Arthur Bestor, professor of history at the University of Washington.

Professor Bestor's thoughtful missive notes that the Watergate incident "was only one episode in a continuous sequence of 'dirty tricks,'" and suggests that even if Mr. Nixon was unaware of the burglary, the massive White House coverup which followed it, and the numerous other questionable activities in which his associates have engaged, he has demonstrated a lack of ability to administer the Government and should resign from office.

I include at the conclusion of my remarks the full text of Professor Bestor's eloquent letter and the results of a Time magazine poll which speak eloquently for themselves:

A LETTER TO RICHARD NIXON: THE PRESIDENT SHOULD RESIGN

RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: In the interests of honor, integrity and decency in American public life, you, sir, should resign the presidency upon which you have brought unparalleled disgrace.

Whether you had advance knowledge of the crime perpetrated at Watergate is not the crucial question. The persons who have been implicated in the burglary and the subsequent cover-up were members of your administration, chosen and vouched for by you or by persons appointed by you and acting under your authority. The burglary at Watergate, it is now evident, was only one episode in a continuous sequence of "dirty tricks" (the current euphemism for crimes committed under White House auspices). Many of the shameful deeds were perpetrated by a committee the sole purpose of which was to bring about your reelection. The various activities that are now becoming known—ranging from the forgery of documents to the burning of "sensitive" files, from the "washing" of money (thieves' argot) to the rifling of a psychiatrist's office—were carried out for your benefit, by persons well known to you, working in White House offices over which no one but you could or did exercise supervision and control.

It is exceedingly difficult to believe that all this was done, over periods measured in months and even years, without the slightest inkling reaching you. It is exceedingly difficult to believe that the whole tone of the administration was set by subordinates, acting directly contrary to your wishes. It is exceedingly difficult to believe that the readiness of your henchmen to violate the law time after time was the result of their own innate criminal propensities, and not the result of an understanding or belief on their part that you, as the ultimate beneficiary, would approve, albeit in silence and secrecy.

Even if one suppresses these grave suspicions and accepts the view that these violations of honor, decency and law took place without the slightest knowledge or indication of approval on your part, one cannot escape the other horn of the dilemma. Such an explanation of what has happened can only mean that you have proved yourself, by sheer administrative incapacity, unfit to hold any post of governmental responsibility. Two members of your Cabinet, selected by you, are under indictment; the interim head of the FBI, appointed by you, has resigned under fire; you yourself have dismissed the legal counsel that you appointed and that you put in charge of the Watergate investigation; you have found it necessary to accept the resignations of the two top members of the White House staff in the light of mounting evidence of involvement on their part. To record these facts (at the same time assuming that you are innocent of any complicity) is simply to say that you have proved yourself an utterly incompetent judge of men and an utterly incompetent administrator. You have lavished high offices upon unworthy men and you have been unable to keep track of, let alone control, the things going on in the executive offices of the President, under your immediate control.

The nation faces grave domestic problems, which can be successfully handled only by an honest and honorable body of public servants. You have been unable to maintain standards of this kind for your immediate, personally selected staff. How can we trust you to set the tone for the government as a whole?

The nation must deal, in foreign affairs, with the shrewdest of the world's leaders. A few, at least, may be as devious and underhanded as the Deans, the Haldemans, the

Ehrlichmans, the Mitchells, the Magruders, the Segretti and the rest, who have (if your own excuses are to be believed) hoodwinked you under your very nose. Can we safely trust the fate of our country in a dangerous world to the management of a man so blind and so unwary?

To alter slightly the concluding words of your Checkers-II speech of the 30th of April: God help America!

Yours, as in duty bound,

ARTHUR BESTOR.

[From Time magazine, May 28, 1973]

Did PRESIDENT NIXON REALLY KNOW?

A nationwide telephone poll of 1,037 voters conducted for Time last Wednesday, Thursday and Friday by Crossley Surveys, Inc., reveals that the American public is evenly divided on whether President Nixon knew of and approved in advance the Watergate burglary and bugging. But almost three out of five people surveyed refuse to believe his denials that he knew of the cover-up that followed.*

While only one in four would approve of impeaching Nixon if he was merely aware of the cover-up, nearly half believe that he should be removed from office if it is shown that he knew about the plot in advance. Of the people in the sample, 62% voted for Nixon in November. The questions:

Do you believe President Nixon knew in advance of the Watergate bugging and approved it?

	Percent
Yes	41
No	41
No opinion	18

Do you believe President Nixon knew of the cover-up that followed?

	Percent
Yes	58
No	25
No opinion	17

Democrats, who made up 36% of those polled, and Independents, who accounted for 38% of the sample, were more suspicious of the President than Republicans, who totaled 23%. Fully 52% of the Democrats and 42% of the Independents believed Nixon knew of the bugging in advance, while only 20% of the Republicans thought so. The opposition was even more willing to accuse Nixon of covering up; 68% of Democrats and 62% of Independents believed that he was aware of efforts to conceal White House involvement; 37% of Republicans felt he knew about such activities.

If President Nixon knew of the bugging in advance and approved it, do you think he should be removed from office through the process of impeachment?

	Percent
Yes	44
No	42
No opinion	14

If President Nixon knew only about the cover-up that followed, do you think he should be removed from office through the process of impeachment?

	Percent
Yes	24
No	63
No opinion	13

Democratic and Independent votes outnumbered Republican ones on the question of impeaching the President for prior knowledge of the bugging plot. Only 32% of the Republicans felt that removal from office would be justified in this instance, but 51% of Democrats and 44% of Independents thought so. A majority of all groups agreed that impeachment was unjustified if Nixon merely knew of the cover-up; 77% of Republicans, 54% of Democrats and 62% of Independents voted no.

Do you think President Nixon is doing everything possible to get to the bottom of this scandal?

	Percent
Yes	53
No	38
No opinion	9

Which of the following statements best describes how you think the Watergate scandal compares to other political scandals?

	Percent
Much more serious	34
Somewhat more serious	26
No difference	27
Less serious	8
No opinion	5

Do you think the news media are treating President Nixon fairly on the Watergate issue?

	Percent
Yes	60
No	28
No opinion	12

Nixon has clearly lost support among people who cast their ballots for him last November. When asked whether they would have voted for him if they had known then what they know now about Watergate, 70% of the Nixon voters said yes. While this change might not by itself have cost Nixon his victory, given many imponderables, it would have made the election a squeaker.

ASKS CONFEREES TO SUPPORT SENATE ON CAMBODIA BOMBING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL), is recognized for 5 minutes.

Mr. PODELL. Mr. Speaker, in the past 2 weeks Congress has demonstrated its intention to end American bombing of Cambodia and Laos. The House of Representatives signaled its determination by approving Representative ADDABBO's amendment to the appropriations bill denying the Defense Department's request to transfer funds to pay for the bombing.

However, the House left a loophole for the administration. Even before we voted on the amendment Secretary of Defense Richardson had informed Congress and the American people that the request was one of courtesy only and was not binding on the administration. He presented the all too familiar argument that the President is empowered to do anything he believes necessary to fulfill his responsibilities to the Nation. Therefore, Mr. Richardson assured us they would find the money somewhere.

Fortunately the Senate Appropriations Committee has acted to close the loophole, by explicitly prohibiting the use of any appropriated funds whatsoever for the bombing in Indochina. I doubt that the administration will be able to carry on the bombing with voluntary contributions. I do not believe the President is willing to totally abandon the law of the United States.

When the choice is clearly before him to either stop bombing or act before the Congress, the American people, and the world in clear violation of the law and the Constitution, he will stop the bombing.

The Senate committee's action provides the quickest and simplest vehicle to achieve the goal of Congress. I am confident the Senate will pass this bill. I urge my colleagues to support the Sen-

*The poll was substantially concluded before the President's latest and strongest denial on Friday.

ate version with regards to the bombing when the appropriations bill goes to a conference committee of the two Houses.

The administration is already acting on shaky constitutional grounds in bombing Cambodia without congressional authorization. The House version will increase the shakiness of their position but it will not topple it. Any relief the courts might provide would come too late. Relief must come now; the bombing and destruction must finally end.

We are in danger of renewing the cycle which created the Vietnam war; one of ever-deepening involvement. Soon there will be a new group of POWs captured in the fighting over Cambodia and Laos. These new prisoners will provide an opportunity for President Nixon to claim unlimited rights as Commander in Chief to protect American soldiers. Once again he will have to "force" Hanoi into submission by tactics such as mass bombings or mining Haiphong Harbor. All of us who hope to avoid this replay must support the bill passed by the Senate Appropriations Committee.

The unanimous vote of the Senate committee proves this is no longer a partisan issue or a liberal versus conservative issue. It pits the clear intent of Congress against the bankrupt position of the administration. The country will simply not support any more American fighting in Southeast Asia.

UNWISE DECISION BY OMB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS), is recognized for 10 minutes.

Mr. DANIELS. Mr. Speaker, I rise today to condemn a recent unwise decision by Director Roy Ash of the U.S. Office Management and Budget which, unfortunately, was concurred in by President Nixon.

Mr. Speaker, section 113 of the River and Harbor Act of 1970 (Public Law 91-116) authorized the removal of debris and the disposal of derelict vessels in New York Harbor as well as the removal of deteriorated shore structures.

Mr. Ash unhappily for us decided that while the cleanup of the harbor was desirable "no justification exists at this time for assumption by the Federal Government of the financial responsibility of such a program." Accordingly, he nixed a recommendation by the Army Corps of Engineers that the corps commence work on the project. Again we have an instance of the "New Federalism" preached by the present administration. This is a system where the Federal Government keeps its money and tells local government to get busy doing what it cannot afford to do. In effect, guaranteeing that no action will be taken.

This is a classic instance of penny wise and pound foolish which has marked the attitude of the Nixon administration. The rebuilding of the Jersey City and Hudson County waterfront would vastly stimulate our local economy, cut the welfare rolls and substantially aid in increasing employment in an area marked by chronic unemployment. It would revitalize a semidormant part of New York

Harbor. Obviously its rehabilitation would bring in millions of tax dollars.

Mr. Speaker, I am at a loss as to why Mr. Ash has vetoed this badly needed project.

Mr. Speaker, it seems to me that OMB is simply unaware of the constitutional mandate in regard to navigable waters and is simply passing the buck to local government with the full knowledge that local government simply cannot afford to do the job that needs doing.

Mr. Speaker, Mayor Paul T. Jordan of Jersey City has unveiled a comprehensive plan for redevelopment of the Jersey City waterfront. He hopes to make this long neglected part of our city a showplace for other waterfront cities across the Nation. It seems to me that the Federal Government ought to be cooperating just a little with his efforts in this area. I am astounded that despite all their pious preachings the Nixon administration will not cooperate with local government and local business and local labor when they are laboring to work together. Where is the cooperative federalism we have heard so much about?

ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINN) is recognized for 5 minutes.

Mr. GINN. Mr. Speaker, never have I felt the need for a stronger congressional role than in the pending energy crisis. A coordinated government policy is needed to solve both our immediate and long-range energy problems. It is time to separate the facts from the fiction.

Today's shortage of fuel is a fact. In Georgia, gasoline rationing has begun, independent marketers are being forced out of business and the uncertain availability of agricultural fuels is alarming Georgia farmers.

In a letter last week to Secretary of Agriculture Earl Butz, I urged him to insure that adequate fuel supplies are made available to all farmers. Citing the dependency on fuel oil and LP gas of Georgia tobacco farmers, particularly during the summer months, I urged him to insure that the administration's voluntary allocation plan would be sufficient to meet all farming fuel needs.

The shortage, frightening to the farmer, has already played havoc on the independent marketers and distributors, often the suppliers of agricultural fuels. Innovators in terms of marketing and efficiency, these small businessmen provide the only element of competition in the industry. Mr. Alan Ward of the FTC in testimony before a Senate committee earlier this month said that "any substantial weakening of the independents . . . would be disastrous for competition," and for this reason I am introducing legislation designed to insure the independents at least a reasonable chance of survival.

Last fall, then OEP Director General Lincoln testified before a Senate committee that there would be no winter fuel shortage. OEP was wrong. The information, supplied by industry, was wrong. Ask any New Englander.

It occurs to me that similar misinformation might possibly be the basis of much of the crisis that we are hearing today. Could there be some credibility to the theory that this is a PR crisis—a public relations effort on the part of industry to convince us of the necessity of higher prices and lower environmental standards? Or are they, as their ads proclaim, merely intent on educating and alerting the consumer? Whichever, they are spending a great deal of money.

I think it is time the Congress made these determinations. Delay can mean disaster, for the industry, for the farmer, for the consumer, for our national security.

We are at least certain of this much. The days of cheap energy are over. With our high standard of living and insatiable appetite for energy we, 6 percent of the world's population, consume one-third of the world's energy. And our energy demand is doubling every 14 years.

The seriousness of the crisis, I feel is best reflected in two places—our dollar drain and our dependency on imported oil.

In 1970 the President's Task Force on Oil Imports gave assurances that the question of imports was under control through 1980. Today, less than 3 years later our oil imports of 6.1 million barrels a day have exceeded that projection for 1980.

The cost to us today—\$9 billion dollars. Tomorrow—\$30 billion dollars. An error judgment, a faulty projection just 2 years ago, further strains our weakening balance of payments.

Equally alarming is the projection that by 1980 we will import 50 percent of our domestic oil requirements, most of it from the volatile Middle East. We have just seen—this past week in the Libyan situation—how oil can and will be used as a political weapon. The situation is dangerous.

The President's recent energy message was a step in the right direction toward a new national energy policy. One step, but we need strides.

We need an apollo-type commitment to solve the long-range energy problems, and it is up to the Congress to offer the direction and the resources.

Here in the Congress we can best deal with our immediate energy problems. We are closer to the problems of our local and State governments, closer to the needs of the people. Industry misconception, error judgment, an "it can't happen here" attitude—all have contributed to a misguided policy of the past. I think it is time for new direction. Congress must take the initiative.

I, for one, am not going to sit idly by and let the fuel shortage problem curtail crop production. While the situation today is serious, the situation during summers of 1974 and 1975 may be critical. I pointed out, in a recent letter to Secretary Butz, that "the farmer cannot rely on red tape to run his tractor and bureaucratic excuses to fire the heaters in his barns."

Nor am I going to be content to watch a fuel shortage bring small businesses and industries to a standstill. We have enough difficulty with our national goals of full employment and reducing our

welfare rolls without allowing governmental policy to contribute to more of the same.

Sixty-four Government agencies and departments have attempted to deal with our energy problems, but I think a solution depends on a new, national policy. Delay is dangerous. Committees of the Congress have done a thorough job of analyzing the situation—it is a good beginning.

As Members of Congress, it is up to us—we know the needs at home and we must provide solutions for the future.

Clearly, "the buck stops here."

COMMENTS ON THE ITHACA MEDICAL CENTER

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

Mr. KOCH. Mr. Speaker, many communities in this country are suffering unnecessary hardships because of the poorly operated methadone dispensing clinics in their neighborhoods. There is one such clinic on the upper east side in my district, the Ithaca Medical Center.

This is a clinic that simply dispenses methadone to addicts; it does not provide a comprehensive therapy program. And, it is a center that serves both employed and unemployed patients. Consequently, many of its patients not only come to the clinic for their daily methadone treatments, but also linger in the neighborhood harassing its residents.

In early March, the Ithaca Medical Center was the subject of a drug raid by the Bureau of Narcotics and the New York City Police Department. Ten persons were arrested in the clinic for illegally selling methadone. On Monday, May 21, the center was severely damaged by a fire and for 2 days the patients queued up in the streets to receive their "tang" from a van.

Despite the fire, despite the City Addiction Services Agency's agreement to assist in the referral of patients to other clinics, despite the center's problems in March, and despite the community's strong opposition to its continued operation, the Ithaca Medical Center was allowed to reopen for business today.

Mr. Speaker, this clinic is receiving \$4.50 a day for each patient from medicaid. This means that with some 450 patients it is receiving over \$12,000 a week in medicaid payments. Bear in mind this is a private practice for profit. It seems to me that the Federal Government has a responsibility for the conditions under which this so-called medical service is dispensed. If the treatment at this location involved any persons other than addicts, the structure would undoubtedly have been found unsafe for occupancy.

The Federal Government and a State licensing such facilities' operation also have a responsibility that such clinics do not create an undue burden and hazard for the neighborhood in which they are located.

During the past several months I have pressed the State health department and the City Addiction Services Agency

to be more stringent in their demands and regulations of the operation of such private clinics. I have also been in communication with the Food and Drug Administration, and the Bureau of Narcotics and Dangerous Drugs. I have recommended that a distinction be made between employed and unemployed methadone patients, that is, between stabilized and nonstabilized patients and that only employed patients be treated in clinics in residential areas. Finally I have urged that the number of clinics located in any neighborhood and the number of patients per clinic be regulated as well.

The laxity of present regulations allows the Ithaca Medical Center and many clinics like it to continue to operate at high costs to the taxpayer and the community in which they are located. The State attorney general's office, in a trial set for May 31, will seek an injunction against the continued operation of the Ithaca Medical Center on the basis that its present operation constitutes a public nuisance.

As legislators we should not have to wait for court action. Cities like New York must provide methadone facilities to treat its addict population. But, in doing so, we must strike a balance between the addicts' needs and the public's right to protection.

AUTHORIZATION FOR ACTION

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, with the Honorable AUGUSTUS F. HAWKINS, chairman of the Subcommittee on Equal Opportunities, and the Honorable WILLIAM A. STEIGER, the ranking minority member of the subcommittee, I have introduced H.R. 7265, the Domestic Volunteer Service Act of 1973.

The basic purpose of this legislation is to provide statutory authorization for ACTION, the volunteer agency which came into being on July 1, 1971, as a result of Reorganization Plan No. 1 of 1971. The reorganization plan consolidated into a single agency a number of voluntary action programs, including Volunteers in Service to America—VISTA—the Peace Corps, the National Student Volunteer Program, the Foster Grandparents Program, the Retired Senior Volunteer Program—RSVP—the Service Corps of Retired Executives—SCORE—and Active Corps of Executives—ACE.

While ACTION has not been authorized by statute, the programs under its administrative control have fallen under four different pieces of legislation. VISTA was previously administered by the Office of Economic Opportunity, and its authority will end when title VIII of the Economic Opportunity Act of 1964 expires.

The National Student Volunteer Program was also under OEO. The Peace Corps has its own authority. The Foster Grandparents Program and RSVP have come under the Department of Health, Education, and Welfare, and the SCORE

and ACE programs were administered by the Small Business Administration.

The Domestic Volunteer Service Act supersedes the provisions of Reorganization Plan No. 1 by providing a 3-year authorization for the ACTION agency through positive law. The bill would also provide for the operation of all domestic volunteer programs operated by the ACTION agency for a similar period of time. The bill does not continue the consolidation of the Peace Corps with Domestic programs since it is felt that separating these programs from the one under the jurisdiction of the Committee on Foreign Affairs will provide for more expeditious consideration of the legislation.

Title I of H.R. 7265 extends VISTA, provides authority for University Year for Action and similar service-learning programs on the secondary, the secondary vocational, or postsecondary school levels, and provides the ACTION agency with demonstration authority to develop special emphasis programs designed to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty.

It also establishes special emphasis programs to provide alternatives to the incarceration of youthful law offenders, promote educational opportunities for veterans, and provide community-based peer group outreach and counseling and outpatient services for drug users.

Title II provides for the RSVP program, the foster grandparent program, and for new older American community service programs. It also authorizes the Director of the agency to carry out programs similar to Foster Grandparents, but under the category of Older American Community Service programs. In the latter new programs, low-income retired Americans aged 55 and over would work with underprivileged older persons in the same manner as Foster Grandparents work with children.

Title III continues the National Volunteer programs to assist small businesses and promote voluntary service by small business proprietors. These are the SCORE/ACE programs under which retired businessmen use their knowledge and experience to assist small businessmen in carrying out successful business activities.

Title IV is the statutory authority for ACTION, while title V authorizes appropriations of \$148 million in fiscal year 1974, \$180.5 million in fiscal year 1975, and \$218 million in fiscal year 1976. The authorizations are earmarked by program. Title VI contains miscellaneous provisions to repeal any existing statutory authority for the programs extended and make technical amendments to other laws.

Overall, this comprehensive bill is designed to promote volunteer efforts to eliminate poverty and social ills in accordance with the traditional and fundamental American ideals of helping others. This is a sound and conservative approach toward enlisting the power of individual citizens in the pursuit of these goals, rather than relying on a governmental approach. Governmental involve-

ment is only slight, and for the purpose of providing direction and support for the voluntary efforts of individuals. I believe this legislation deserves the overwhelming support of my colleagues and I hope it is adopted as soon as possible.

For the benefit of my colleagues, I would like to insert at this point an article setting forth the views of the current ACTION director as to the goals of the agency.

The article follows:

[From the Washington Post, May 12, 1973]

ACTION CHIEF VOWS EXPANSION

(By Lou Cannon)

The newly appointed director of Action pledged yesterday that he would expand the efforts of Vista, Peace Corps and other volunteer programs with the help of labor unions, service clubs and ethnic fraternal groups.

"Two years from now this program should be twice the size it is right now," said Michael P. Balzano. "I was told to bring this program into every community. A year from now they're going to know what Action is."

Balzano, a 37-year-old one-time garbage-man who worked his way from functional illiteracy to a PhD. at Georgetown, is one of the few Democrats to head an agency during the Nixon administration's second term. In an interview yesterday Balzano said he had "no intention of changing party affiliation" and would administer the agency on a non-partisan basis.

Balzano's predecessor, Joseph Blatchford, was the target of political criticism from some Vista volunteers for serving as a presidential surrogate during the 1972 campaign. In the past, some volunteers also have been criticized for partisan political activity.

Action has several Democrats in key positions, and they reportedly were due to be replaced by Republicans during the Nixon second term.

Balzano said, however, that no job will be changed on a political basis.

"I can't afford to lose good people," he said.

Balzano said the agency will move in two directions under his leadership. He said the agency's 10 regional directors will be given more authority and that local officials and private groups will be consulted extensively in communities where volunteers serve.

Balzano, an Italian-American, said that he expected heavy support from ethnic groups who previously have avoided Action programs.

"The ethnics are not Archie Bunkers," he said. "They want to help."

Balzano believes that ethnics and others have stayed away from Action because they vaguely associate the agency's activities with demonstrations.

"The great problem is that most people don't even know what Action is," he said. "They think it's OEO, community action. As a result, the great body of American people are not volunteering. Most of our people are under 30 or over 60."

Balzano said he believes that President Nixon strongly supports the goals of the agency, including the Peace Corps. At a Jan. 31 press conference Mr. Nixon referred to Peace Corps service as a "junket" in the course of opposing amnesty for draft evaders.

But Balzano said that the President had talked to him of making the Peace Corps "an army for peace" that had an important role to play in "doing the kind of things that show what is good about America."

Balzano said he regards Action as "a conservative program that is absolutely traditional."

"Voluntarism is an American concept," he said. "We were dumped into a wilderness and had to build something. Voluntarism became a way of life in America, and we've just begun to explore its potential."

NEW PRESIDENTIAL ELECTIONS

(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, New York Times columnist Tom Wicker in a recent editorial raises the interesting and, I think, important question:

Is there some point at which an election might be seen as an essential fraud, and therefore, illegal, even though fraudulent activity did not in fact make a winner of a man who would otherwise have been a loser?

The question, of course, arises with respect to Watergate.

The obvious next question is, If the 1972 Presidential election comes to be regarded as what Mr. Wicker terms an "essential fraud," what can be done about it? As Mr. Wicker rightly points out, the Constitution makes no provision for a fraudulent election to be thrown out and new elections held. Yet that would appear to be a reasonable solution.

I have proposed that Congress be empowered to call new Presidential elections by statute, and I introduced a resolution on May 9, 1973, proposing to amend the Constitution for that purpose. The resolution, House Joint Resolution 547, would enable the Congress to call new Presidential elections whenever it might determine that "the President has lost the confidence of the people to so great an extent that he can no longer effectively perform his responsibilities." Presumably, such loss of confidence would occur in any case where a President or his close associates were found to have tampered fraudulently with the election process. Hinging new elections to a congressional determination of Presidential inability to govern opens the way for new elections without having to determine whether or not election fraud actually changed the election outcome.

Mr. Speaker, as I stated in my original statement on this idea, congressional power to call new Presidential elections would serve particularly well in cases of election fraud because, unlike impeachment, it would not turn the White House over to the Vice President who, even if personally innocent, would have profited from the same electoral taint as his Presidential running mate.

Mr. Speaker, I submit for the RECORD at this point the article by Tom Wicker to which I have referred from the May 20, 1973, New York Times:

[From the New York Times, May 20, 1973]

THINKING ABOUT THE UNTHINKABLE

(By Tom Wicker)

In August, 1970, Life magazine published an article that accused Democratic Senator Joseph D. Tydings of Maryland of misusing his position to promote the interests of a company in which he later held stock. Mr. Tydings repeatedly denied the charge, but the article almost certainly contributed to his defeat later that year by J. Glenn Beall Jr., a Republican.

On Aug. 22, 1970, Ron Ziegler, President Nixon's press secretary, was asked if the White House had assisted Life in compiling its story. "Any suggestion that the White House would have been involved . . . with Life regarding the publishing of this story would be incorrect," Mr. Ziegler replied in his familiar style, sprinkled with the elusive "would be" instead of the definite "was."

But David Wise, the former Washington bureau chief of The Herald Tribune, has written in a fascinating new book, "The Politics of Lying," that the White House not only "would be" but in fact "was" heavily involved in getting the Tydings story into print.

William Lambert, the author of the Life article, told Mr. Wise that Charles Colson, then special counsel to the President, even made a call from his White House office to the Government official who then became the source of the story—thus invoking the well-known power of the White House and the Presidency to get a piece of investigative journalism into print.

It was also, of course, a story that served the White House purpose of putting a Republican in Mr. Tydings' Senate seat; and it will not be lost upon followers of the tangled Watergate affair that Mr. Wise's ironic anecdote involves the same inimitable Charles Colson who egged on E. Howard Hunt, by the latter's testimony, to forge a cable purporting to link President Kennedy to the murder of Ngo Dinh Diem.

David Wise participated last week in a panel discussion of secrecy in Government sponsored at New York University by the Committee for Public Safety. Another participant was former Democratic Senator Albert Gore of Tennessee.

During a break in the proceedings, Mr. Gore talked about his own defeat on the same election day in 1970 in which Joseph Tydings was beaten. It appeared to him, he said, that some of the tactics used in that year were early manifestations of the efforts to subvert the 1972 election that are now being discussed under the symbolic heading of "Watergate."

Mr. Gore had specific reference to what he said was false and misleading advertising used against him so massively and so late in his campaign that he could not answer it all—particularly charges that he was "opposed to prayer." The manager of the opposition campaign was one Kenneth Reitz, a political technician with good Washington connections. There is no necessary or demonstrated connection, but the same Kenneth Reitz resigned quite suddenly on April 24 from a Republican National Committee post, after having served as director of inaugural activities and in 1972 as the youth director of the Committee for the Re-Election of the President.

Mr. Reitz has been accused by the General Accounting Office of having been "paymaster" for a \$450-a-month operation to infiltrate "radical groups" in 1972. In his official position then, he had a staff of 120 and a budget of \$1 million.

The point here is not to defend Mr. Tydings or Mr. Gore; it is rather that the false White House denial of its involvement in one campaign, and the charge of false advertising in another campaign headed by a man later linked to the 1972 scandals, tend to support other suggestions that there was an organized and on-going national effort, centered among some of Mr. Nixon's closest political associates, to subvert the political process.

If that should be demonstrated convincingly by the Senate Watergate hearings, or in court, what is to be done about it—not just to prevent its happening again but to redress whatever electoral injustices there might have been?

At what point, if any, could it ever be said that the 1972 Nixon-McGovern election was a fraud? Mr. Nixon's margin was so huge that even the most widespread irregularities might not have changed the fact of the outcome. But is there some point at which an election might be seen as an essential fraud, and therefore illegal, even though fraudulent activity did not in fact make a winner of a man who would otherwise have been a loser?

Suppose, for example, it were shown convincingly that although Mr. Nixon defeated

George McGovern fairly, Watergate tactics had in fact so influenced the choice of Mr. McGovern by the Democrats that the year-long electoral process had been fatally tainted? Impeachment and removal of the President would be an insufficient response to that sad situation, since the Vice President, even if innocent, would have profited from the same electoral taint. The Constitution says nothing about a special election, since it says nothing about such circumstances; no doubt the Founding Fathers, unlike their descendants, could not even imagine the possibility.

**AWARD TO ROBERT M. MENAUGH,
OUTSTANDING EMPLOYEE OF
THE HOUSE**

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

Mr. GERALD R. FORD. Mr. Speaker, Robert McFadden Menaugh, superintendent of the House radio-television gallery, today was presented by former Speaker John W. McCormack with the John W. McCormack Award as the outstanding employee of the House.

On May 20, 1939, then Speaker William B. Bankhead appointed Bob as the first superintendent of the House radio gallery, later to be known as the radio-TV gallery. Bob has now served with five Speakers.

The establishment of the gallery was approved by a House resolution a few weeks prior, crowning a 2-year effort by a handful of radio journalists. The House press gallery—which was then over a hundred years old—had barred membership to radio newsmen.

Shortly after his appointment as House radio gallery superintendent, Bob was called on to help set up the Senate radio gallery and for a while helped run both galleries.

Mr. Menaugh left the gallery in 1941 to enter the Army. He spent 4 years in the Pentagon, most of the time as executive officer of the War Intelligence Division of the War Department, Bureau of Public Relations. He achieved the rank of major.

After the war, Bob returned to his duties at the gallery as superintendent, where he serves today. In his years as superintendent of the House radio-TV gallery, Bob Menaugh has not only witnessed a great deal of history, he has helped make it.

It was under his leadership that television news coverage made its early beginnings on the Hill. A notable moment in this regard was the arrangement made for the first live televised broadcast of a State of the Union, joint session event.

In connection with eight inaugurations, Bob has assisted the joint committee for that event in planning the stands for the east front of the Capitol. Five modifications have been made to the center stand to accommodate the increasing use of television and radio.

At the request of both national political parties the executive committee of the Radio-TV Correspondents' Galleries accepted the job of accrediting and issuing credentials to the scores of radio-TV reporters covering these events. Bob has headed the staff handling these arrange-

ments, which included 18 conventions, beginning in 1940.

Helping Congress understand the needs and the intricacies of the electronic media has been a task which Bob Menaugh has handled with understanding, patience and foresight.

Under his guidance, the House Radio-TV Gallery has grown from a small room, now partially occupied by the Rules Committee, located between the two front elevators in the east front of the Capitol, to a modern complex of studios and work rooms just above the House Chamber, from which correspondents work when covering the House.

When Bob first took over the operations of the Gallery, there were 26 reporters accredited from a handful of organizations. Today there are over 500 accredited radio-TV correspondents representing 115 organizations.

Menaugh was born in southern Indiana, so far south the small city of Salem is almost a Louisville suburb. In 1936 he married Miss Helen Hitch of Indianapolis. They reside in Alexandria, Va. They are active in the Westminster Presbyterian Church where Bob has served as deacon. They have one daughter, Judy, married and living in Flint, Mich., where she is director of public relations for the Flint Institute of Art.

PRESIDENT'S STATEMENT ON NATIONAL SECURITY AND WATERGATE

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

Mr. GERALD R. FORD. Mr. Speaker, it is my privilege and pleasure to submit for the RECORD an important statement made by the President of the United States, prefaced by a brief summary of that statement. The President's statement is an honest and forthright recollection. I have complete faith in his statement he had no prior knowledge of Watergate and had no information as to any alleged coverup.

It is essential that we keep these matters in context and perspective, and so I commend this detailed account to your attention.

THE WHITE HOUSE.

ACCOMPANYING STATEMENT BY THE PRESIDENT

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have

set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1) I had no prior knowledge of the Watergate operation.

2) I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.

3) At no time did I authorize any offer of Executive clemency for the Watergate defendants, nor did I know of any such offer.

4) I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.

5) At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.

6) It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.

7) I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate, and those guilty of any illegal actions brought to justice.

THE WHITE HOUSE.

STATEMENT BY THE PRESIDENT

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

The purpose of this statement is threefold: First, to set forth the facts about my own relationship to the Watergate matter.

Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere.

Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security "cover" on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled with the Watergate case.

The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

The second operation was a reassessment, which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operations. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

The third operation was the establishment, in 1971, of a Special Investigations Unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior Administrations, on which the Government's records were incomplete.

Here is the background of these three security operations initiated in my Administration.

1969 WIRETAPS

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them extensive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February, 1971. Fewer than 20 taps, of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials. I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with long-standing precedent.

The persons who were subject to these wiretaps were determined through coordination among the Director of the FBI, my Assistant for National Security Affairs, and the Attorney General. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

THE 1970 INTELLIGENCE PLAN

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State. The 1969-70 school year brought nearly 1,800 campus demonstrations, and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the

relationships between the FBI and other intelligence agencies had been deteriorating. By May, 1970, FBI Director Hoover shut off his agency's liaison with the CIA altogether.

On June 5, 1970, I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence Agency (General Donald V. Bennett), and the Director of the National Security Agency (Admiral Noel Gayler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified five days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July, 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December, 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

THE SPECIAL INVESTIGATIONS UNIT

On Sunday, June 13, 1971, *The New York Times* published the first installment of what came to be known as "The Pentagon Papers." Not until a few hours before publication did any responsible Government official know that they had been stolen. Most officials did not know they existed. No senior official of the Government had read them or knew with certainty what they contained.

All the Government knew, at first, was that the papers comprised 47 volumes and some 7,000 pages, which had been taken from the most sensitive files of the Departments of State and Defense and the CIA, covering military and diplomatic moves in a war that was still going on.

Moreover, a majority of the documents published with the first three installments in *The Times* had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Again the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions.

Therefore during the week following the *Pentagon Papers* publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egill Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and function were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman and Dean.

At about that time the unit was created, Daniel Ellsberg was identified as the person who had given the *Pentagon Papers* to *The New York Times*. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I, at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam War, on which the Government's records were inadequate (many previous records having been removed with the change of Administrations) and which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks, including one that seriously compromised the U.S. negotiating position in the SALT talks.

The work of the unit tapered off around the end of 1971. The nature of its work was such that it involved matters that, from a national security standpoint, were highly sensitive then and remain so today.

These intelligence activities had no connection with the break-in of the Democratic headquarters, or the aftermath.

I considered it my responsibility to see that the Watergate investigation did not impinge adversely upon the national security area. For example, on April 18th, 1973, when I learned that Mr. Hunt, a former member of the Special Investigations Unit at the White House, was to be questioned by the U.S. Attorney, I directed Assistant Attorney General Petersen to pursue every issue involving Watergate but to confine his investigation to Watergate and related matters

and to stay out of national security matters. Subsequently, on April 25, 1973, Attorney General Kleindienst informed me that because the Government had clear evidence that Mr. Hunt was involved in the break-in of the office of the psychiatrist who had treated Mr. Ellsberg, he, the Attorney General, believed that despite the fact that no evidence had been obtained from Hunt's acts, a report should nevertheless be made to the court trying the Ellsberg case. I concurred, and directed that the information be transmitted to Judge Byrne immediately.

WATERGATE

The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign; if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice and, with the five burglars themselves already in custody, I assumed that they would be.

Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the Special Investigations Unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the Special Investigations Unit itself.

In this area, I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the Special Investigations Unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in or of related acts be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement

of members of the Administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fund raising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fund raising. Nor did I authorize any offer of Executive clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurance that Mr. Dean's own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

(1) I had no prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

(2) Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal wiretaps, which I felt were necessary from a national security standpoint and, in the climate then prevailing, also necessary from a domestic security standpoint.

(3) People who had been involved in the national security operations later, without my knowledge or approval, undertook illegal activities in the political campaign of 1972.

(4) Elements of the early post-Watergate reports led me to suspect, incorrectly, that the CIA had been in some way involved. They also led me to surmise, correctly, that since persons originally recruited for covert national security activities had participated in Watergate, an unrestricted investigation of Watergate might lead to and expose those covert national security operations.

(5) I sought to prevent the exposure of these covert national security activities, while encouraging those conducting the investigation to pursue their inquiry into the Watergate itself. I so instructed my staff, the Attorney General and the Acting Director of the FBI.

(6) I also specifically instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the FBI would not carry its investigation into areas that might compromise these covert national security activities, or those of the CIA.

(7) At no time did I authorize or know about any offer of Executive clemency for the Watergate defendants. Neither did I know until the time of my own investigation, of any efforts to provide them with funds.

With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up and less to the reassurances.

With hindsight, several other things also become clear:

With respect to campaign practices, and also with respect to campaign finances, it should now be obvious that no campaign in history has ever been subjected to the kind of intensive and searching inquiry that has been focused on the campaign waged in my behalf in 1972.

It is clear that unethical, as well as illegal, activities took place in the course of that campaign.

None of these took place with my specific approval or knowledge. To the extent that I may in any way have contributed to the climate in which they took place, I did not intend to; to the extent that I failed to prevent them, I should have been more vigilant.

It was to help ensure against any repetition of this in the future that last week I proposed the establishment of a top-level, bipartisan, independent commission to recommend a comprehensive reform of campaign laws and practices. Given the priority

I believe it deserves, such reform should be possible before the next Congressional elections in 1974.

It now appears that there were persons who may have gone beyond my directives, and sought to expand on my efforts to protect the national security operations in order to cover up any involvement they or certain others might have had in Watergate. The extent to which this is true, and who may have participated and to what degree, are questions that it would not be proper to address here. The proper forum for settling these matters is in the courts.

To the extent that I have been able to determine what probably happened in the tangled course of this affair, on the basis of my own recollections and of the conflicting accounts and evidence that I have seen, it would appear that one factor at work was that at critical points various people, each with his own perspective and his own responsibilities, saw the same situation with different eyes and heard the same words with different ears. What might have seemed insignificant to one seemed significant to another; what one saw in terms of public responsibility, another saw in terms of political opportunity; and mixed through it all, I am sure, was a concern on the part of many that the Watergate scandal should not be allowed to get in the way of what the Administration sought to achieve.

The truth about Watergate should be brought out—in an orderly way, recognizing that the safeguards of judicial procedure are designed to find the truth, not to hide the truth.

With his selection of Archibald Cox—who served both President Kennedy and President Johnson as Solicitor General—as the special supervisory prosecutor for matters related to the case, Attorney General-designate Richardson has demonstrated his own determination to see the truth brought out. In this effort he has my full support.

Considering the number of persons involved in this case whose testimony might be subject to a claim of Executive privilege, I recognize that a clear definition of that claim has become central to the effort to arrive at the truth.

Accordingly, Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up.

I want to emphasize that this statement is limited to my own recollections of what I said and did relating to security and to the Watergate. I have specifically avoided any attempt to explain what other parties may have said and done. My own information on those other matters is fragmentary, and to some extent contradictory. Additional information may be forthcoming of which I am unaware. It is also my understanding that the information which has been conveyed to me has also become available to those prosecuting these matters. Under such circumstances, it would be prejudicial and unfair of me to render my opinions on the activities of others; those judgments must be left to the judicial process, our best hope for achieving the just result that we all seek.

As more information is developed, I have no doubt that more questions will be raised. To the extent that I am able, I shall also seek to set forth the facts as known to me with respect to those questions.

MRS. WALTER SANFORD, SHERBURNE, N.Y.

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

Mr. HANLEY. Mr. Speaker, I would like, at this time, to bring to the attention of my colleagues the attainment of a rare record of service by one of my constituents, Mrs. Walter Sanford of Sherburne, N.Y.

Some 56 years ago the Chenango County chapter of the American Red Cross was founded primarily through the efforts of Mrs. Sanford. During the ensuing years she has given unselfishly to the advancement of this great organization. Mrs. Sanford served in an executive capacity for the Chenango chapter first as vice chairman and board member for many years. She consequently took on the duties of general chairman for her community, a post she held until 1966.

Mrs. Sanford continues to be an invaluable volunteer to the Red Cross and continues to serve as a life member of the board of directors. At 91 years of age Mrs. Sanford is the only living charter member of the Chenango County chapter of the American Red Cross.

I am sure my fellow members join me in congratulating Mrs. Sanford in compiling such a record of lifelong service to the alleviation of human suffering and the betterment of mankind.

PROMOTION OF SUBSTITUTE EMPLOYEES IN POSTAL FIELD SERVICE

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

Mr. HANLEY. Mr. Speaker, I have introduced today legislation to repeal section 3364 of title 5 of the United States Code, which relates to the procedures for promotion of substitute employees in the postal field service.

While it would seem that this section of title 5 is no longer operable, as a result of the Postal Reorganization Act of 1970, it remains on the books. I object to the paragraph in section 3364 which would appear to authorize sex discrimination in the promotion of substitute employees to the regular postal force.

I believe that this language should be struck from the United States Code so that there can be no mistake about the fact that the U.S. Postal Service does not sanction sex discrimination in the promotion of its employees.

Further, I feel that the language should be removed by an affirmative act of Congress rather than by a court decision or by the editors of the United States Code.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. HANSEN of Washington, for May 24 and May 29, on account of official district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. HOLT) to revise and extend

their remarks and include extraneous matter:)

Mr. ROBISON of New York, for 15 minutes, May 24.

Mr. HOGAN, for 15 minutes, today.

Mr. VEYSEY, for 15 minutes, today.

Mr. ANDERSON of Illinois, for 15 minutes, today.

(The following Members (at the request of Mr. THORNTON) and to revise and extend their remarks and include extraneous matter:)

Mr. MATSUNAGA, for 15 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. PODELL, for 5 minutes, today.

Mr. DOMINICK V. DANIELS, for 10 minutes, today.

Mr. GINN, for 5 minutes, today.

Miss HOLTZMAN, for 5 minutes, today.

(The following Members (at the request of Mr. POWELL of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. GOLDWATER, for 30 minutes, May 24.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DON H. CLAUSEN.

Mr. EVINS of Tennessee, notwithstanding the fact that it exceeds two pages of the RECORD, and is estimated by the Public Printer to cost \$552.50.

(The following Members (at the request of Mrs. HOLT) and to include extraneous matter:)

Mr. STEIGER of Arizona in two instances.

Mr. RONCALLO of New York in two instances.

Mr. ROBISON of New York.

Mr. ZWACH.

Mr. HOGAN in two instances.

Mr. WYMAN in two instances.

Mr. GROSS.

Mr. McCLOY in two instances.

Mr. KEMP in two instances.

Mr. FREY.

Mr. TOWELL of Nevada.

Mr. GUDIE in five instances.

Mr. PETTIS in six instances.

Mr. SHRIVER in two instances.

Mr. MICHEL in five instances.

Mr. HUBER in three instances.

Mr. KUYKENDALL in two instances.

Mr. TREEN in two instances.

Mr. THONE.

Mr. WYATT.

Mr. ANDERSON of Illinois.

Mr. COLLINS in four instances.

Mr. BROTHMAN.

(The following Members (at the request of Mr. THORNTON) and to include extraneous matter:)

Mr. HOWARD.

Mr. BRADEMAS in eight instances.

Mr. RARICK in three instances.

Mr. JONES of Alabama in five instances.

Mr. GONZALEZ in three instances.

Mr. MACDONALD in three instances.

Mr. FRASER in five instances.

Mr. GRIFFITHS.

Ms. ABZUG in five instances.

Mr. O'NEILL in two instances.

Mr. HANNA in six instances.

Mr. WALDIE in two instances.

Mr. BURTON.

Mr. COTTER.

Mr. HUNGATE.

Mr. GINN in two instances.

Mr. NEDZI in three instances.

Mr. DOMINICK V. DANIELS.

Mr. DULSKI in six instances.

Mr. SISK.

Mr. MATSUNAGA in six instances.

Mr. CAREY of New York.

Mr. REES in three instances.

Mr. BOWEN.

Mr. BROWN of California in 10 instances.

Mr. BIAGGI in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 514. An act to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

S. 1016. An act to provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1201. An act to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1385. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

S. 1697. An act to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California; to the Committee on Agriculture.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 112. Joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

ADJOURNMENT

Mr. THORNTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, May 24, 1973, at 11 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:

953. A communication from the President of the United States, transmitting proposed amendments to the request for appropriations in the budget for fiscal year 1974 (H. Doc. No. 93-104); to the Committee on Appropriations and ordered to be printed.

954. A letter from the Acting Assistant Secretary of Defense (Comptroller) transmitting a report of the value of property, supplies, and commodities provided by the Berlin Magistrate, and under German Offset Agreement for the quarter ended March 31, 1973, pursuant to section 720 of Public Law 92-570; to the Committee on Appropriations.

955. A letter from the Deputy Assistant Secretary of the Interior transmitting a copy of a proposed contract with FMC Corp., San Jose, Calif., for a research project entitled "Improved Sensors and Fire Control Systems—Long Term Validation Testing," pursuant to Public Law 89-572; to the Committee on Interior and Insular Affairs.

956. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 28, United States Code, to provide in civil cases for juries of six persons, and for other purposes; to the Committee on the Judiciary.

957. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; to the Committee on Ways and Means.

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. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7357. A bill to amend section 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes; with amendment (Rept. No. 93-222). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. H.R. 7645. A bill to authorize appropriations for the Department of State, and for other purposes; with amendment (Rept. No. 93-223). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7724. A bill to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes; (Rept. No. 93-224). 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. ADDABBO:

H.R. 8062. A bill to prohibit the unauthorized disclosure of checks, drafts, or similar instruments by financial institutions, unless required by court order, and for other purposes; to the Committee on Banking and Currency.

By Mr. ANDERSON of California:

H.R. 8063. A bill to amend the Elementary and Secondary Education Act of 1965 to as-

sist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

H.R. 8064. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 8065. A bill to discourage the use of painful devices in the trapping of animals and birds; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of Illinois:

H.R. 8066. A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes; to the Committee on Rules.

By Mr. ASPIN (for himself, Mr. ADAMS, and Mr. WOLFF):

H.R. 8067. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mrs. CHISHOLM, Mr. EDWARDS of California, Mr. MITCHELL of Maryland, Mr. VANIK, Mr. WALDIE, Mr. CORMAN, and Mr. DELLUMS):

H.R. 8068. A bill to provide for the continued sale of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND:

H.R. 8069. A bill to authorize and direct the establishment and maintenance of reserve supplies of soybeans, corn, grain, sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities, such reserve to be isolated from normal marketing channels and withheld from the market except as herein provided; and to protect producers of such commodities against an unfair loss of income resulting from excess production following a period of exceptionally high demand, and for other purposes; to the Committee on Agriculture.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mr. HANSEN of Idaho, and Mr. PEYSER):

H.R. 8070. A bill to authorize grants for vocational rehabilitation services and for other purposes; to the Committee on Education and Labor.

By Mr. BREAUX:

H.R. 8071. A bill to amend title 38 of the United States Code to clarify the circumstances under which the Administrator of Veterans' Affairs may pay for care and treatment rendered to veterans by private hospitals in emergencies; to the Committee on Veterans' Affairs.

H.R. 8072. A bill to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. BROTZMAN:

H.R. 8073. A bill to amend title 5, United States Code, to make it clear that civil service survivor annuities are exempt from State inheritance taxes; to the Committee on Post Office and Civil Service.

By Mr. CAMP:

H.R. 8074. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

H.R. 8075. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. CRONIN:

H.R. 8076. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 8077. A bill to amend section 1903 of the Social Security Act to remove limits on payments for skilled nursing homes and intermediate care facilities; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. CORMAN, Mr. DIGGS, and Mr. STOKES):

H.R. 8078. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mrs. HOLT, Mr. HOGAN, Mr. BROYHILL of Virginia, and Mr. PARRIS):

H.R. 8079. A bill to make permanent the temporary provisions of law under which assistance is provided for the construction and operation of schools in federally impacted areas; to the Committee on Education and Labor.

By Mr. GUDE:

H.R. 8080. A bill to amend the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 8081. A bill to repeal section 3364, title 5 United States Code, relating to promotion of substitute employees in the postal field service; to the Committee on Post Office and Civil Service.

By Mr. HARSHA (for himself, Mr. BAKER, and Mr. COCHRAN):

H.R. 8082. A bill to provide for disaster assistance, and for other purposes; to the Committee on Public Works.

By Mr. HECHLER of West Virginia:

H.R. 8083. A bill to amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules, and other equines; to the Committee on Agriculture.

By Mr. HOGAN:

H.R. 8084. A bill to authorize voluntary withholding of Maryland and Virginia income taxes in the case of officers and employees of the Architect of the Capitol; to the Committee on Ways and Means.

By Mr. HORTON (for himself and Mr. CLEVELAND):

H.R. 8085. A bill to amend section 552 of title 5 of the United States Code to limit exemptions to disclosure of information, to establish a Freedom of Information Commission, and to further amend the Freedom of Information Act; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. BROWN of California, Mr. HINSHAW, Mr. ROY, and Mr. TALCOTT):

H.R. 8086. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. JONES of Tennessee:

H.R. 8087. A bill to amend the Agricultural Adjustment Act of 1938 with respect to peanuts; to the Committee on Agriculture.

By Mr. KEMP (for himself, Mr. FRENZEL, Mr. KEATING, Mr. BUTLER, Mr. BURGENER, Mr. HASTINGS, Mr. FREY, Mr. BROWN of Ohio, and Mr. HARVEY):

H.R. 8088. A bill to amend the Federal Election Campaign Act of 1971 to establish a Federal Elections Commission; to the Committee on House Administration.

By Mr. MACDONALD (for himself, Mr. BADILLO, Mr. ST GERMAIN, Mr. VAN

DEERLIN, Mr. ROSENTHAL, Mr. STRATTON, Mr. DRINAN, Mr. YATRON, Mr. ROE, Mr. OBEY, Mr. PODELL, Mr. GONZALEZ, Mr. CRONIN, Mr. BOLAND, Mr. MURPHY of Illinois, Mr. PEPPER, Mr. YATES, Mr. DONOHUE, Mr. THOMPSON of New Jersey, Mr. BURKE of Massachusetts, Mr. ECKHARDT, Mr. ANNUNZIO, Mr. BELL, Mr. McCORMACK, and Mr. HARRINGTON):

H.R. 8089. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD (for himself, Mr. MOSS, Mr. STUDS, Mr. STARK, Mr. SARBINES, Mr. MOAKLEY, Mr. HAWKINS, Mr. RIEGLE, Mr. HARVEY, Mr. MURPHY of New York, Mr. McCLORY, Mr. HOWARD, Mr. BRECKINRIDGE, Mrs. HECKLER of Massachusetts, and Mr. COTTER):

H.R. 8090. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 8091. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. REID:

H.R. 8092. A bill to reduce street crime in the United States by substantially increasing police manpower and by providing emergency narcotics treatment in areas designated as high narcotics-related crime areas; to the Committee on the Judiciary.

By Mr. RONCALLO of New York:

H.R. 8093. A bill to permit State and local governments to prescribe curfews and other airport noise regulations for airports in their jurisdictions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RUNNELS:

H.R. 8094. A bill to direct the Secretary of Interior to redesignate the Alamogordo Reservoir, N. Mex., as Lake Sumner; to the Committee on Public Works.

By Mr. SIKES:

H.R. 8095. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any non-market economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 8096. A bill to grant a child adopted by a single U.S. citizen the same immigrant status as a child adopted by a U.S. citizen and his spouse, and to permit a U.S. citizen to file for immediate relative status for more than two adopted children; to the Committee on the Judiciary.

By Mrs. SULLIVAN (for herself, Mr. CLARK, Mr. DOWNING, Mr. JONES of North Carolina, Mr. GROVER, Mr. MAILLARD, Mr. MOSHER, and Mr. PRITCHARD):

H.R. 8097. A bill to amend the Shipping Act, 1916, in order to facilitate intermodal transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SYMINGTON (for himself, Mr. COUGHLIN, Mr. RINALDO, and Mr. CHARLES H. WILSON of California):

H.R. 8098. A bill to protect the public health and safety by assisting local fire protection districts and departments maintain and improve their firefighting and rescue operations; to the Committee on Science and Astronautics.

By Mr. SYMMS (for himself, Mr. BAFALIS, Mr. BYRON, Mr. YATRON, Mr. RARICK, Mr. KETCHUM, Mr. HAWKINS, Mr. POWELL of Ohio, Mr. HALEY, Mr.

ROBERT W. DANIEL, JR., Mr. BLACKBURN, Mr. TOWELL of Nevada, Mr. HOWARD, Mr. GUNTER, Mr. BREAUX, Mr. SCHERLE, Mr. CRANE, Mr. FISHER, Mr. COLLINS, Mr. ROUSSELOT, Mr. PARRIS, Mr. ASHBOOK, and Mr. CONLAN):

H.R. 8099. A bill to prohibit the United States from furnishing any assistance to North Vietnam; to the Committee on Foreign Affairs.

By Mr. VEYSEY:

H.R. 8100. A bill to establish a Farm Labor Relations Board to prescribe and protect the collective-bargaining rights of agricultural employees and agricultural employers, so as to avoid disruptive labor disputes in agriculture; to the Committee on Education and Labor.

By Mr. WALDIE:

H.R. 8101. A bill to authorize the Secretary of Transportation and the Secretary of Defense to detail certain personnel and equipment to the Fish and Wildlife Service; to the Committee on Merchant Marine and Fisheries.

By Mr. WIDNALL:

H.R. 8102. A bill to amend the U.S. Housing Act of 1937 to improve the financial condition of low-rent housing projects by establishing a more realistic formula for the determination of rentals, and for other purposes; to the Committee on Banking and Currency.

By Mr. WILLIAMS (for himself, Mr. ASPIN, Mr. CHAPPELL, Mr. CRONIN, Mr. FISHER, Mrs. GRASSO, Mr. HARRINGTON, Mr. MATSUNAGA, Mr. PREYER, Mr. WINN, and Mr. YATRON):

H.R. 8103. A bill to establish the American Revolution Bicentennial Administration and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Illinois:

H.R. 8104. A bill to amend title II of the Social Security Act so as to remove the limitation on the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 8105. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance or benefits under the veterans' pension and compensation programs and certain other Federal and federally assisted programs) will not have the amount of such aid, assistance, or benefits reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 8106. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio:

H.R. 8107. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths; to the Committee on Education and Labor.

By Mr. FLYNT:

H.R. 8108. A bill to deal with the current energy crisis and the serious shortages of petroleum products facing the Nation and to authorize construction of the trans-Alaska pipeline; to the Committee on Interior and Insular Affairs.

By Mr. GRAY:

H.R. 8109. A bill to provide for loans for the establishment and/or construction of municipal, low-cost, nonprofit clinics for the spaying and neutering of dogs and cats, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY (for himself, Mr. ARENDS, Mr. RAILSBACK, and Mr. MADIGAN):

H.J. Res. 570. Joint resolution to authorize the President to proclaim the week beginning August 19, 1973, as "National Soybean Week"; to the Committee on the Judiciary.

By Mr. BADILLO:

H.J. Res. 571. Joint resolution authorizing the President to declare the third calendar week in September of each year as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

By Mr. HARSHA:

H.J. Res. 572. Joint resolution requesting the President of the United States to declare the week beginning August 5, 1973, National Junior Classical League Week; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.J. Res. 573. Joint resolution authorizing the President to proclaim the week beginning on the second Monday in November each year as "Youth Appreciation Week"; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 574. Joint resolution to establish a nonpartisan commission on political campaign reform; to the Committee on House Administration.

By Mr. ZWACH:

H.J. Res. 575. Joint resolution to establish a nonpartisan commission on political campaign reform; to the Committee on House Administration.

By Mr. GUNTER:

H. Con. Res. 222. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself and Mr. FUQUA):

H. Con. Res. 223. Concurrent resolution requesting the President to proclaim the 7-day period of July 16 through 22 of each year as "U.S. Space Week"; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials, were presented and referred as follows:

222. By the SPEAKER: A memorial of the Legislature of the State of Utah, relative to the railroad retirement system; to the Committee on Interstate and Foreign Commerce.

223. Also, memorial of the Senate of the State of Oklahoma, relative to the election of James D. Fellers as president-elect nominee of the American Bar Association; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

8110. A bill for the relief of Anthony M. Daleo; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

8111. A bill for the relief of Santokh Singh; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

222. The SPEAKER presented a petition of the board of trustees of the Metropolitan Sanitary District of Greater Chicago, Ill., relative to the sale of household detergents containing phosphates; to the Committee on Interstate and Foreign Commerce.